



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT ELECTRONIC VERSION

1994 SESSION

HON. SYBIL I. McLAUGHLIN, MBE, JP
SPEAKER

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GOVERNMENT MEMBERS

Hon. James Montgomery Ryan, 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. William McKeeva Bush, JP

Elected Member responsible for Community Development, Sports, Youth Affairs and Culture

Hon. Thomas Carroll Jefferson, OBE, JP

Elected Member responsible for Tourism Environment and Planning

Hon. Anthony Samuel Eden, JP

Elected Member responsible for Health, Drug Abuse Prevention and Rehabilitation

Hon. Truman Murray Boddin, OBE, JP

Elected Member responsible for Education and Aviation

Hon. John Bonwell McLean, JP

Elected Member responsible for Agriculture, Communications and Works

ELECTED MEMBERS

Mr. John Dwight Jefferson, Jr.

Third Elected Member for the First Electoral District of West Bay

Mr. Dustan 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 Boddin

First Elected Member for the Fourth Electoral District of Boddin Town

Mr. George Haig Boddin, MBE, JP

Third Elected Member for the Fourth Electoral District of Boddin Town

Mrs. Edna Marie Moyle, JP, Deputy Speaker

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.; *CIMI*, Cayman Islands Marine Institute; *(C)*, Committee; *CUC*, Caribbean Utilities Co. Ltd.; *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; *SO*, Standing Order.

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First Meeting

26 February through 10 March 1994

Second Meeting

1 through 16 June 1994

Third Meeting

12 through 30 September 1994

Fourth Meeting

4 November through 16 December 1994

**EDITED
SATURDAY
26 FEBRUARY 1994
9.30 AM**

The Speaker: I will ask the Minister to say the Prayers.

PRAYERS

Rev. Godfrey Meghoo: 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, Ministers of Executive Council and Ministers of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who 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. I will ask the Clerk to read the Proclamation summoning the Legislative Assembly.

PROCLAMATION NO. 3 OF 1994

Clerk: Proclamation No. 3 of 1994. By His Excellency Michael Edward John Gore, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

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

“NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, Michael Edward John Gore, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that a Session of the Legislative Assembly of the Cayman Islands shall be held in the Legislative Assembly Building in George Town, Island of Grand Cayman, at 9:30 a.m., on Saturday the 26th day of February, One Thousand Nine Hundred and Ninety-four.

“Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman, this 21st day of February in the Forty-first year of the Reign of Her Majesty Queen Elizabeth II. God Save the Queen.”

The Speaker: The Assembly is in Session.

Honourable Members, I have to inform you that Her Majesty the Queen is desirous of addressing the Legislative Assembly. Accordingly, I will suspend proceedings and the House will resume immediately after the Investiture Ceremony. Proceedings are accordingly suspended.

PROCEEDINGS SUSPENDED AT 9.34 AM

PROCESSION

*Serjeant-at-Arms
The Speaker
Her Majesty The Queen
and*

*His Royal Highness the Duke of Edinburgh
His Excellency the Governor and Mrs. Gore
Sir Robert Fellowes and Countess of Airlie*

The Serjeant-at-Arms: Her Majesty The Queen.

(All stand)

**SPEECH FROM THE THRONE
DELIVERED BY
HER MAJESTY QUEEN ELIZABETH II**

Her Majesty Queen Elizabeth II: Pray be seated.

Prince Philip and I are delighted to make this return visit to these beautiful Islands. I am especially pleased to be present today to open the Legislative Assembly and to deliver my speech in person.

The Privy Council recently approved an amended Constitution, updating the 1972 Constitution, to take account of developments on the Islands. Next week you

will elect a fifth Member of the Executive Council, thereby easing the burden on other Ministers, which has been increasing with the remarkable developments which have taken place in recent years, notably since our last visit in 1983.

The Financial Sector remains the key to a successful future for these Islands. My Government is determined to maintain a financial services industry of high quality and integrity, through strict adherence to prudent policies, augmented by the introduction of the new Mutual Funds Legislation.

This year the public and private sectors will launch a major promotional programme to increase the awareness overseas of the high quality financial services, and company and shipping registration, offered by these Islands. Of particular note is the planned hosting of the Red Ensign Shipping Register's Annual Conference in April, for the first time in the Islands' history.

Cayman Airways Limited saw its fleet of aircraft reduced in 1993 as the company streamlined its operations. In so doing it considerably eased its debt burden, and can concentrate this year on improving its cost effectiveness and its service to customers. My Government will strive to maintain Cayman Airways' share of the air traffic market through the Bermuda Two negotiations.

The tourism sector registered a significant increase in air passenger arrivals on the Islands in 1993, thereby providing much needed stimulation of the economy. Plans are now in place to put more emphasis on advertising for the lucrative European market. In this context my Government will lay particular emphasis on the need to protect the natural environment and wildlife of the Islands. I much look forward to opening the National Botanic Park tomorrow.

A long range strategic plan for the education system will be embarked upon, with the full participation of administrators, teachers, parents, students and the community.

The promotion of health in the country will receive high priority this year, and my Government propose to put in place a National Health Insurance Scheme by the end of the year. Phase One of the upgrading of George Town Hospital will be carried out this year and new health care centres are planned for the districts of West Bay and Bodden Town.

This year, celebrated as the International Year of the Family, my Government will continue to place much emphasis on programmes which enhance the family unit, and address the needs of children and young people who require special attention and support in the face of many stresses.

A local residential drug rehabilitation centre will soon open, and it is hoped that this facility will prove an alternative to sending drug offenders overseas for treatment.

The development of sporting facilities for the young remains an important objective, and in this respect I look forward to opening Phase One of the West Bay Sports Complex this afternoon. A national sports stadium is also planned, and work will start on it later in the year.

An increase in civil work has necessitated a move to new offices by the Legal Department. The move will be completed this year.

In 1994, the Cayman Islands Law School will see its students graduate for the first time under the Honours Degree Programme of the University of Liverpool.

The Royal Cayman Islands Police continues to function efficiently and effectively. The reduction in burglaries in 1993 indicates that increased patrols and other preventative measures have been successful. The Crime Stoppers programme continues to be a major factor in solving crimes.

The Prison Service operates at a high standard. Rehabilitation programmes will continue under its newly appointed director.

Agriculture will continue to facilitate and direct the expansion of crop and livestock production in the Islands. New livestock slaughtering facilities will be built in Lower Valley, and further upgrading of the Farmers' Market in George Town will be carried out.

The Public Works Department will continue its programme of maintaining public buildings and roads. The construction of a new road from the West Bay peninsula to Owen Roberts Airport will alleviate the traffic congestion on West Bay Road.

The implementation of the twenty year Postal Development Plan will continue this year. Construction will begin on the new mail processing centre to be located near the airport, and the Central Post Office will be re-developed as a modern retail outlet.

The Sister Islands of Cayman Brac and Little Cayman continue to rely on Grand Cayman for economic assistance. Capital projects will be carried out on both Islands this year.

Madam Speaker and Members of this Honourable House, Prince Philip and I were touched by the welcome we received this morning and we look forward to our visits to the Island today and tomorrow. I pray that Almighty God will continue to bless the Government and people of these Islands.

**DEPARTURE OF HER MAJESTY
QUEEN ELIZABETH II
and
HIS ROYAL HIGHNESS PRINCE PHILIP**

*Serjeant-at-Arms
The Speaker
Her Majesty the Queen
and*

*His Royal Highness the Duke of Edinburgh
His Excellency the Governor and Mrs. Gore
Sir Robert Fellowes and Countess of Airlie*

PROCEEDINGS RESUMED AT 11.04 AM

The Speaker: Please be seated. The Honourable Minister for Tourism, Environment and Planning.

**MOTION TO DEFER THE DEBATE
ON THE THRONE SPEECH
DELIVERED BY
HER MAJESTY QUEEN ELIZABETH II**

Hon. Thomas C. Jefferson: Madam Speaker, I beg to move that the Speech from the Throne, delivered by Her Majesty the Queen, be taken as read, and that consideration thereof be set down for Wednesday the 2nd of March, 1994.

The Speaker: The question is that the Speech delivered from the Throne, by Her Majesty the Queen, be taken as read, and that consideration thereof be set down for Wednesday the 2nd of March, 1994. If there is no debate, I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE SPEECH FROM THE THRONE DELIVERED BY HER MAJESTY QUEEN ELIZABETH II TAKEN AS READ AND CONSIDERATION THEREOF BE SET DOWN FOR WEDNESDAY, 2ND MARCH, 1994.

ADJOURNMENT

The Speaker: I will now ask for the motion for the adjournment. The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I beg to move the adjournment of this Honourable House until 10 o'clock Wednesday morning the 2nd of March, 1994.

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

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock Wednesday morning the 2nd of March.

AT 11.05 AM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 2ND MARCH, 1994.

**EDITED
WEDNESDAY
2 MARCH 1994
10.04 AM**

The Speaker: I will ask the First Elected Member for Cayman Brac and Little Cayman to say prayers.

PRAYERS

Capt. Mabry S. Kirkconnell: Let us Pray.

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

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

The affirmation of allegiance to Mr. James Montgomery Ryan, MBE., JP, to be the Temporary First Official Member. This will be administered by the Clerk.

Mr. Ryan, will you come forward?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

Mr. James Montgomery Ryan, MBE, JP

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: Mr. Ryan, will you take your seat? I have pleasure in welcoming you.

**ELECTION OF FIFTH MINISTER TO
EXECUTIVE COUNCIL**

The Speaker: The next item is the election of Fifth Minister of Executive Council.

Nominations will be called for as provided by section 5 of the Constitution. The procedure for this, as Members know, is laid down in Standing Order 5 of the Standing Orders of the Cayman Islands Legislature.

The Chair proposes, subject to there being no objections from Members, to appoint the Temporary First Official Member and Third Official Member as scrutineers for the election, following balloting.

I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

**AGREED: THE HONOURABLE TEMPORARY FIRST
AND THIRD OFFICIAL MEMBERS APPOINTED
SCRUTINEERS FOR THE ELECTION.**

The Speaker: Nominations for the Fifth Minister to Executive Council will be by voice and to be valid there must be a seconder. Names of members so being nominated will be used, rather than districts. After each nomination and seconding I will ask the Member so nominated if he or she is willing to accept the nomination.

We shall now proceed, and I will call for a nomination.

NOMINATIONS

Hon. W. McKeeva Bush: Madam Speaker, it is my privilege to nominate the Second Elected Member for Bodden Town, Mr. Anthony Eden.

The Speaker: Secunder?

Hon. Thomas C. Jefferson: Madam Speaker, I beg to second.

The Speaker: Mr. Eden, are you willing to accept the nomination?

Mr. Anthony S. Eden: Yes, Madam Speaker.

The Speaker: Thank you.

The nomination is duly moved and seconded and has been accepted by the Member.

Mr. Gilbert McLean.

Mr. Gilbert A. McLean: Madam Speaker, I have great pleasure in moving the nomination of the First Elected Member for Bodden Town, Mr. Roy Bodden.

Madam Speaker, in moving this nomination, I note the fact that this is an historic moment in this Legislature. I know that history will mark today, that for the first time in the history of this Legislature there will be a Fifth Member, who is now styled Minister of Executive Council.

It is something that may have been done prior to today when four Members were chosen in November 1992, but that did not occur. So, today it has been found necessary to fill this vacancy. I believe that at the end of the day whomever is chosen will not necessarily leave the Government Executive, nor the Legislative Assembly, nor perhaps the country, absolutely satisfied...

Hon. Truman M. Bodden : Madam Speaker...

The Speaker: Are you rising on a Point of Order Honourable Minister for Aviation?

POINT OF ORDER

Hon. Truman M. Bodden: Yes, Madam Speaker. Has that motion been seconded in accordance with Standing Order 5?

The Speaker: It has not been seconded, but I think the Member has every right in moving a motion to speak to it, even before it is seconded. There is no problem with that. Thank you.

Hon. Truman M. Bodden: Without it being seconded?

The Speaker: Yes, there is no problem about that.

Would you proceed, Second Elected Member for Cayman Brac and Little Cayman?

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

As I was about to say, I believe that the end result today will not necessarily leave the country absolutely happy and that whomever may be chosen, there may be those who would prefer to see someone else so chosen.

I note, Madam Speaker, that in the Constitution recently approved by Her Majesty's Government, that the principle of collective responsibility is not therein legislated in that it is possible to remove a single Member from the Executive Council through a vote of no confidence, whereas, if collective responsibility were legislated, it would be the case that the whole Government would stand subjected to such a vote of no confidence and would cease to exist if such passed.

Adversely, the Member who then is chosen today does not necessarily have to be affiliated with any present majority group, presently in the Executive or forming the majority of the House. A single Member, any Elected Member, as is provided for in section 5, may be nominated by another Elected Member.

I believe it is absolutely essential in choosing a Member to fill the fifth seat as a Minister, that the person merits such nomination and election, in that the person should possess certain educational qualities, certain experience, and certain broader view of understanding the implications of filling a ministerial seat in the Cayman Islands—what it means, what is expected of them.

The Member I have nominated possesses qualifications in all these areas. He is experienced in the House, having served one term, he is well-known, well-regarded as an educator in these Islands, has the experience of administration, in the field of education particularly, and I think is generally approved by public view and thought in these Islands.

He was nominated prior to this in 1992 and then he graciously stepped aside to allow others to ascend to that lofty position on the Executive Council. I well recall that the very Government of the day clearly indicated that he would, indeed, be considered again when the fifth seat came into existence. Today, Madam Speaker, this Member of the Legislative Assembly has the opportunity of being so chosen.

I further believe that we have reached a position in this country where the people elected as Ministers, who go abroad must be in a position to deal with the international community, who can stand upright and speak without being coached or speaking from notes prepared for them...

POINT OF ORDER

Hon. Truman M. Bodden : Madam Speaker, I am rising on a Point of Order.

The Speaker: Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: I would like to refer you to Standing Order 24(10), (11) and (12) and, if I may just read that, it says: "**24 (10) The question upon a motion or an amendment shall not be proposed by the Presiding Officer unless such motion or amendment has been seconded; if it is not so seconded, no re-**

cord of proceedings upon the motion or amendment shall be entered in the minutes of proceedings but

(a) a motion or amendment moved by a member of the Government shall not require seconding; and (b) in committee a seconder shall not be required.

"(11) If a Member does not move a motion or amendment which stands in his name...." Well, that goes on to deal with a question of members. Standing Order 24(12):

"24 (12) On a motion made and when necessary seconded, the Presiding Officer shall propose a question to the House, and after debate, if any, shall then put the question for the decision of the House."

I will submit that, as has been usual, that a motion that requires a seconder in accordance with these must be seconded before the Member speaks, failing which, if there is no seconder, there can be no records of proceedings entered into the minutes of the House, therefore it means that he has no right to speak.

Indeed, Madam Speaker, in the past, when a motion is put, there must be a seconder and you then state that the motion is there and invite the Member to speak. This is the point that I would just like to take at this stage.

The Speaker: Thank you, Honourable Member. I understand what you have said. But you will bear in mind that there are going to be further nominations. There have been two nominations and I am following the procedure of the House of Commons on the election of the Speaker and other officers, when those proposing a person had every right to make a presentation of the reasons for putting forward a name. This is why this debate has been allowed. Any other Member wishing to do so can also debate the question.

Would the Second Elected Member for Cayman Brac and Little Cayman please continue? The debate will not be unnecessarily long.

Mr. Gilbert A. McLean: Madam Speaker, the Member whom I have nominated, Mr. Roy Bodden, of the district of Bodden Town, possesses the quality of being able to represent this county in foreign forums, and is widely read to understand the wider implications when he may be called upon to do so.

Madam Speaker, taking into account that we would wish to have the best among ourselves, full well realising that any Member in this Legislature, free of any affiliation with party or majority groupings, may be nominated and elected for the fifth seat on Executive Council, I therefore have the greatest pleasure in recommending Mr. Roy Bodden as a candidate for such a seat.

Thank you, Madam Speaker.

The Speaker: Mr. Kurt Tibbetts.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I would like to second that nomination and I crave your indulgence to speak.

The Speaker: Please proceed.

Mr. D. Kurt Tibbetts: Thank you. I would just like to say Madam Speaker, that on the 25th of November, 1992, after the General Elections took place and the elections for Executive Council were to take place, I examined, to the best of my ability, all of the individuals who were nominated and at that point in time, I found it fit to support Mr. Roy Bodden for a seat in Council.

Fortunately, or unfortunately, I have not had to weigh other factors which certain Members who are here today have had to weigh. I have been known to be a lone wolf at times. That is not something to be proud of, that is just something that happens.

With all of those things in mind, and considering the situation that exists presently, it is my view on a personal level, that Mr. Bodden is still the leading candidate for the fifth seat on Executive Council. I would just like to put on the record that I am confident that the democratic process will prevail, and if it is the wish of the majority of the Elected Members in this Honourable House that another individual be elected the Fifth Minister of Executive Council, then the ballots will prove the issue.

At the end of the day, when it is all over, I will still be the representative that I am from the District of George Town, and I will still do, to the best of my ability, what I think is best for this country. I hold no brief for any individual, and when it is all over I am sure we will move on.

However, I say again, that I feel Mr. Roy Bodden, of the 11 Members on the Backbench, is the most qualified candidate.

Thank you.

The Speaker: Mr. Roy Bodden, will you accept the nomination?

Mr. Roy Bodden: Madam Speaker, in rising to accept this nomination, it seems reasonable and sensible that I say something regarding my own position, and I crave the Chair's indulgence in so doing.

It is unfortunate that political expediency, political opportunism, and political incest has led us to this point. Whatever the outcome, let me say that I will continue to be the representative that I have always been since my election to this Honourable House, that I will work with whomever is successful in this election to become Minister, and I certainly will support them where their efforts are in the best interest of constituency and country. But, as I have always done, I will reserve the right to speak out when I think events and directions are against the country and conscience. I shall always attempt to maintain the principle of honour and reciprocity as I have tried to do, and in so saying, would like to thank the two Members who moved and seconded me for this election and

to assure them that I shall continue to live up to the high expectations they have of me.

Madam Speaker, if I have committed one sin, with regard to the relationship with my former colleagues, I suppose it has been that I am one who has never been comfortable sitting around in that grey area made comfortable by men with timid souls and feeble minds. I have always spoken out where events and circumstances were against my conscience and I do not need to go into any elaborate detail of the relationship that did not exist long.

I assure this House that I will continue, whether I am successful or not, to work in the best interest of country and constituency, and to be gracious enough to congratulate the victor, and to wish him well.

If it is my colleague, as I suspect, because he has the support of the National Team, then he can be reassured that as far as I am concerned we shall continue to have an amicable relationship and I will continue to fulfill my obligations in helping him represent our country and constituency.

Thank you.

Hon. W. McKeeva Bush: Madam Speaker.

The Speaker: Honourable Minister, are you rising to debate?

Hon. W. McKeeva Bush: Yes, Ma'am.

The Speaker: Please do so.

Hon. W. McKeeva Bush: Madam Speaker, indeed, today is a great day for the Cayman Islands, an important day for the Government. It is very important for me, as all will realise, that the Ministry of Health and Human Services encompassed, as the Second Elected Member for Cayman Brac and Little Cayman once said, "all services". Therefore the fifth Minister will have a share of the Ministry of Health and Human Services. And I can tell these Cayman Islands, that that needed to have been done. It is a large Ministry and one of greatest importance to these Islands, in that we have health and drug rehabilitation and education, and we have community development. That particular Ministry is one that calls for much development.

I am happy today that I could propose the Second Elected Member for Bodden Town because I believe that he holds two of the greatest attributes required in a public official—three. One, he is willing to work, he is not afraid of work. He does not talk very much, but he represents his people and is willing to work. Two, his trustworthiness. When Members of this House can stand here and say that a Member coming into Executive Council under our system, where we have representative Government under collective responsibility, does not have to be affiliated with any group, Madam Speaker, it is sadly misleading the country. I believe they know better. No

Government can operate without collective responsibility, and we are a part of the Westminster System and that is what our Constitution calls for. The Members of Executive Council have to be able to work together for the good of the country. We have to be able to trust one another, and while we do not see eye-to-eye on everything, we have to come to a decision and vote under collective responsibility. By the very nature of the other Member who has been proposed, this could not happen.

Yes, it is true to say that the Government of the day promised the seat to the First Elected Member for Bodden Town. But he could not wait, he went on the platform and said that he was going to work under the leadership of the Second Elected Member for Cayman Brac and Little Cayman. It is only a fool that would poke a fox in the hen house. I have no intention of doing that. I have supported the First Elected Member for Bodden Town. Ever since I have been involved in politics, he has been involved, and the Cayman Islands know that. But I, at this point in time, cannot trust him because he has proven that he is just that, he will not work and he cannot be trusted.

Therefore, I will be doing as my conscience dictates and I ask this Honourable House, those of us that have the power to vote, to cast it for the Second Elected Member of Bodden Town, who has shown to the Cayman Islands that he not only is a team player, but he can be trusted. If he says he is going to work with you, he is going to work with you, not that he agrees with everything that we do. Perhaps, with his coming into Executive Council we may not agree with everything that he wants to do. But, by God, we need to be able to trust one another.

I am sorry that I cannot cast my vote for the First Elected Member for Bodden Town, as that was my honourable intention on the day that we told him just after the elections that we would support him. But he went out and said that he could not support the Government so how can we support him? How can he work with us?

Madam Speaker, it is not true to say that he graciously accepted to stand back, he came into the House at the time of nomination and he accepted nomination from somebody who was, I believe, not even part of the group. So that is not graciously accepting to stand aside.

You know, Madam Speaker, I might not have the education that some of my other colleagues have. Thank God, I am honest and I stand by my word. Whether they want to say that is gracious, as far as I am concerned, sometimes this House does not call for graciousness, it calls for other things. At this time it calls for common sense all of us should vote for common sense.

Thank you very much, Madam Speaker.

The Speaker: Mr. Haig Bodden, the Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, we received lectures this morning from the Second Elected Member

for Cayman Brac and Little Cayman, and the Fourth Elected Member for George Town on the qualifications for a Member of Executive Council or the attributes which they think such a Member should hold.

Thank goodness, this is just their opinion because the Constitution as it stands lays down only two criteria for Members of Executive Council. One, the Members of Executive Council must be Elected Members of this House, and two, the Members of Executive Council must be elected by a majority of the Elected Members.

There is no doubt in my mind that Mr. Roy Bodden holds all the attributes which were pointed out and, in my opinion, the other nominee would also qualify. But all this falls away because we are not asked to decide who will be an Executive Council Member on the strength of these qualifications. We are asked to abide by the Constitution and elect from amongst ourselves an Elected Member whom the majority of Members feel will work as a complete unit in the Executive Council, and this is all the Constitution requires, this is all the country needs.

If a person is smart enough, or good enough, or qualified enough to become an Elected Member of the House, that Member should be given a chance, if his colleagues feel he is worthy of it, to be nominated and accepted into the Executive Council, if the chance arises.

Thank you.

The Speaker: Are there further nominations from the floor?

If there are no further nominations, the names which will be voted on are: Mr. Anthony Eden, moved by the Honourable McKeeva Bush, seconded by the Honourable Thomas Jefferson; Mr. Roy Bodden, moved by Mr. Gilbert McLean, seconded by Mr. Kurt Tibbetts.

At this time I will suspend proceedings for 10 minutes in order that the Clerks may prepare the ballot paper. Proceedings are accordingly suspended.

PROCEEDINGS SUSPENDED AT 10.38 AM

PROCEEDINGS RESUMED AT 10.55 AM

The Speaker: Please be seated.

I will ask the First and Third Official Members to take their places at the Clerk's table. While they are doing so, I will ask the Serjeant-at-Arms to take the ballot box around so that every Member may see that it is empty.

The scrutineers will also look at the ballot papers to see that they are in order before they are distributed to Members. The Serjeant-at-Arms will then give each Member a paper, and Members may then vote for the Member of their choice. After they have voted, would they fold their papers?

Only Elected Members of the House will be voting for a Member from amongst them to be the Fifth Minister.

When all Members have voted the Serjeant-at-Arms will collect the ballots in the ballot box and the scrutineers will then commence to do the counting.

If Members are finished, will the Serjeant-at-Arms please collect the ballots in the ballot box?
[pause]

The Speaker: On this occasion when the scrutineers would have seen what each ballot contains, I will ask the Honourable Temporary First Official Member to say aloud who has received which vote.

In the meantime, and at the result of the balloting, I would ask members of the general public to be very quiet.

I will ask the Honourable Temporary First Official Member to read each vote as it is received.

BALLOT RESULTS

Hon. James M. Ryan: Mr. Anthony Eden: 12 votes; Mr. Roy Bodden: 3 votes.

The Speaker: The result of the balloting, Mr. Anthony Eden—12 votes. Mr. Roy Bodden—3 votes. I therefore declare that Mr. Anthony Eden has been duly elected as the Fifth Minister of Executive Council for the remainder of the life of this Legislative Assembly, and the Ministry is the Ministry of Health, Drug Abuse, Prevention and Rehabilitation.

I congratulate you, Mr. Eden, and will you now take your place on the Executive Council as the Fifth Member of Executive Council.

[Pause as the Honourable Anthony Eden took his place on the Government Bench]

ELECTION OF AN ELECTED MEMBER TO BE DEPUTY SPEAKER

The Speaker: We will now proceed to the election of an Elected Member to be Deputy Speaker as provided in the recent amendment to the Constitution.

The election will be, as I have said before, from the Elected Members and not from Ministers. The same procedure will obtain as that for the election of a Fifth Minister to Executive Council.

May I seek the concurrence, again, of the House of having the First and Third Official Members to be the scrutineers? I shall put the question. Those in favour, please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The Honourable Temporary First and Third Official Members appointed scrutineers for the election.

AGREED: THE HONOURABLE TEMPORARY FIRST AND THIRD OFFICIAL MEMBERS APPOINTED SCRUTINEERS FOR THE ELECTION.

The Speaker: We will now proceed with nominations for a Member to be a Deputy Speaker.

NOMINATIONS

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, it gives me great pleasure in nominating Mr. G. Haig Bodden, to be the Deputy Speaker of this Honourable House.

The Speaker: Thank you. Secunder please.
The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Madam Speaker, I beg to second the nomination.

The Speaker: Mr. G. Haig Bodden, you have been duly moved and seconded to be the Deputy Speaker of the House. Do you accept the nomination?

Mr. G. Haig Bodden: Madam Speaker, I will accept the nomination.

The Speaker: Is there a further nomination?
If there is no further nomination, I declare that Mr. G. Haig Bodden has been duly elected as the Deputy Speaker of this Honourable House, and I extend my congratulations to him. I am pleased that in the event that I may not be feeling well someone is ready to step into my shoes.

At this time I will suspend proceedings for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.06 AM

PROCEEDINGS RESUMED AT 11.28 AM

The Speaker: Please be seated.
The next item on today's Order Paper is Questions to Honourable Members/Ministers.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS.

The Speaker: Question No. 1, the First Elected Member for Bodden Town to ask the Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. Thomas C. Jefferson: Madam Speaker, if I may, on a Point of Order.

The Speaker: Honourable Minister for Tourism, Environment and Planning.

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

Hon. Thomas C. Jefferson: On a point of trying to be doubly cautious, I propose that we suspend under Standing Order 83, Standing Order 23(7) & (8) to allow the questions to be taken.

The Speaker: Thank you. The question is that Standing Order 23(7) & (8) be suspended in order to allow questions to be taken after 11.00 a.m. I shall put the question.

Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTIONS UPON THE ORDER PAPER TO BE TAKEN AFTER 11.00 A.M.

The Speaker: Question No. 1, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 1

No. 1: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to state: (a) Whether the contract extended to the Cayman Islands Marine Institute was submitted to Public Tender; (b) What are the terms and conditions as well as the sums involved in the contract between the Cayman Islands Government and the Cayman Islands Marine Institute; and (c) What is the relationship between Associated Marine Institutes, Inc. and the Cayman Islands Marine Institute?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

DEFERMENT OF QUESTIONS 1, 2 AND 3

Hon. W. McKeeva Bush: Madam Speaker, under Standing Order 23(5), I beg to defer questions 1, 2, and 3 until a future date in this meeting.

The Speaker: The Honourable Minister has requested that questions 1, 2, and 3, standing in the name of the First Elected Member for Bodden Town be deferred until a later period in the sitting of this House.

I shall put the question...

Mr. Gilbert A. McLean: Madam Speaker, could we ask the Honourable Minister why? Is it a case that the information is not available or what?

The Speaker: I am afraid that there is no leeway for the Honourable Minister to say that. If he wishes to do so. . .

Hon. W. McKeeva Bush: It is just, Madam Speaker, that the departments have not had time to put the answer together.

The Speaker: Good, that is acceptable. I shall put the question that the Minister be allowed to defer the answering of these questions. Those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Questions 1, 2, and 3 are deferred.

AGREED: QUESTIONS 1, 2, AND 3 DEFERRED.

The Speaker: Question No. 4, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 4

No. 4: Mr. Gilbert A. McLean asked the Honourable Minister for Tourism, Environment and Planning, how many dredging permits are presently valid and if royalties are payable to Government?

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, there is one dredging permit which is presently valid. All dredging licences stipulate royalties.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say which licence is presently valid?

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the licence that is presently valid is the licence issued to the Shores Development.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if Government has in the past received any royalties from persons who have held licences, and if all, in fact, have complied with paying royalties?

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I do not have with me this morning the details of the specifics that The Second Elected Member for Cayman Brac and Little Cayman has asked for. But if he so wishes, I can undertake to provide it in writing.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I am pleased to accept if the Honourable Minister would so produce the information.

The Speaker: Thank you.

The next question is No. 5, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 5

No. 5: Mr. Gilbert A. McLean asked the Honourable Minister for Tourism, Environment and Planning, what are the total number of Tourism Offices for the Cayman Islands, giving the location, the number of staff and the names of the persons in charge?

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the Department of Tourism maintains fully staffed offices in Grand Cayman, Miami, New York, Houston, Chicago, Los Angeles and London, England. Additionally, we have retained, on a contractual basis, representative offices in Toronto, Canada; Tokyo, Japan; Frankfurt, Germany; Luxembourg and Milan, Italy.

A detailed breakdown of locations, staff and persons in charge is as follows:

LOCATION	STAFF COMPLEMENT	PERSON IN CHARGE
North American HQ	9	Mr. W. Hendricks
Miami (Regional Office)	5	Mr. P. Shields

Chicago	4	Miss B. Reimers
New York	4.	Mrs C. Moore
Houston	5	Mrs. M. Fair
Los Angeles	5	Ms. C. Leong
London, England	5	Miss. C. Leech

In the United States, regional sales representatives are also employed as follows:

Dallas	1	Miss J. Mitchell
Atlanta	1	Mrs. J. Christopher
Baltimore	1	Mrs. L. Randal
Boston	1	Mrs. J. Akerman
Tampa	1	Miss C. Bertoluzzi

That gives a total of 42 persons. Just to round out the question, the persons in charge of the representative offices are as follows:

Canada	Mr. E. Smith
Italy	Mr. M. Martinengo
Frankfurt	Mr. W. Stohrer
London	Miss C. Leech
Japan	Mr. Y. Yotsumoto
Luxembourg	Mr. A. Dean

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if the North American Headquarters is in Miami? It is shown separately here.

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the answer to the Second Elected Member for Cayman Brac and Little Cayman is, the North American Headquarters is located in the same office as the Regional Office, and that is in Miami. We thought it appropriate to break it down in order to give further details to the Member asking the question.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. I noted in the Honourable Minister's reply that there are regional sales representatives in various sections or parts of North America. Do these fall under the management of any particular offices or are these persons who are contracted directly from the Department of Tourism in Grand Cayman?

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, they fall under one of the regional sales offices. For example, Miss J. Mitchell, who is in Dallas, reports to Mrs. M. Fair in Houston, where the regional office is. The same is true for Atlanta, reporting to the regional sales manager in Miami. In Baltimore, the regional sales representative is reporting to the regional office in New York, which is manned by a Mr. C. Moore. The regional sales representative in Boston is also reporting to the regional sales manager located in New York, and Tampa is reporting to the regional office in Miami.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if these representatives are paid a basic salary, or is there a percentage from the persons whom they direct to the Cayman Islands as visitors? Just how is the financial arrangement worked out for their compensation?

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, they are paid a salary.

The Speaker: The next question is No. 6, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 6 (Deferred)

No. 6 : Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation whether the recent extension work on the terminal building at Owen Roberts Airport was put out to public tender and if so, when was this done?

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Boddin: Madam Speaker, I ask that this question be deferred please, since it has not been completed at this stage.

The Speaker: Thank you. The question is that the answer to this question be deferred. I shall put the question. Those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Question No. 6 is deferred.

AGREED: QUESTION NO. 6 DEFERRED.

The Speaker: On the Order paper there were questions 7, 8, and 9 by the Second Elected Member for Bodden Town who has now taken his seat as the Minister for Health, etcetera. I will ask him to withdraw these questions.

QUESTIONS 7, 8, AND 9 WITHDRAWN

Hon. Anthony S. Eden: Thank you, Madam Speaker. I beg to have these... (inaudible, microphone not turned on)

The Speaker: Thank you. The question is that the questions be withdrawn. I shall put the question. Those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. Questions 7, 8 and 9 have been withdrawn.

AGREED: QUESTIONS 7, 8, AND 9 WITHDRAWN.

The Speaker: We move now to item 6, Debate on the Throne Speech delivered by Her Majesty Queen Elizabeth II, on Saturday, 26th February, 1994.

The Third Elected Member for West Bay.

**DEBATE ON THE THRONE SPEECH
DELIVERED BY HER MAJESTY
QUEEN ELIZABETH II,
ON SATURDAY, 26 FEBRUARY, 1994**

Mr. John D. Jefferson, Jr.: Thank you, Madam Speaker. Let me be the first to offer my congratulations to Her Majesty Queen Elizabeth II, on the delivery of Her Throne Speech in person on her very recent visit to Grand Cayman. As a legislator I count it as a real honour to have had Her Majesty grace us with Her presence on this very auspicious occasion.

Madam Speaker, it was evident to all that Her Majesty and the Duke of Edinburgh were warmly received by the people of these Islands and I firmly believe that the Royal Couple thoroughly enjoyed Their visit to these Islands.

In Her speech, Her Majesty outlined Government's planned areas of emphasis for 1994, and I would like to briefly now address some of these areas raised in the Throne Speech.

The first area that was mentioned was the new Constitution and I am pleased to see that the new amendment to the 1972 Constitution, as put forward by

the National Team and its Government, has been approved by the Privy Council. This morning we had the honour of electing Mr. Anthony Eden as the fifth Minister to sit on Executive Council. I have every confidence that Mr. Eden will do a good job and I feel that the people of the District of Bodden Town can feel justly proud to have a representative of the calibre of Mr. Eden to sit in Executive Council from their district.

Mr. Eden, you have my heartfelt congratulations on your election, and may God bless you in your new position.

Madam Speaker, the next area that I would like to touch on is the financial sector. It is my opinion that the Cayman Islands can be justly proud of the reputation and the calibre of services that are offered by our financial community.

Madam Speaker, the financial community also continues to offer employment to a large number of our people. What is encouraging is that the number of qualified Caymanians continues to grow and as a Government, we must continue to ensure that our qualified Caymanians find employment in their respective chosen fields. Also, Madam Speaker, to encourage the financial sector to accelerate the pace of training of our Caymanians employed in that area to qualify them as bankers, accountants and in the other professions which are in such high demand in these Islands.

Madam Speaker, it is our responsibility as leaders to ensure that Caymanians do share fairly in the financial success we enjoy in these Islands. To ensure that this happens, with respect to the financial community, I feel that it is important that the labour needs and opportunities of the community are closely monitored by Government and, where possible, Caymanians have the opportunity of taking some of the positions which become available.

The financial community has done much in the area of training, in the area of providing scholarships to young Caymanians who are ambitious enough to pursue a qualification in various fields, and I want to say thanks to them for doing that. But, I would also encourage them to make more scholarships available for this purpose because I believe it is in everyone's best interest to give many of our people an opportunity to earn a qualification in this country.

Cayman Airways: I am pleased with the financial turnaround of our national airline that has been brought about by our Government. The airline has now been put in a financial position where it has a fighting chance to survive. In my opinion, despite the views of others, I believe that there will always be a role and a need for Cayman Airways, as far as the servicing of the Cayman Islands is concerned. This was very evident, not as far as the national airline was concerned, but during the recent visit of Her Majesty the Queen, our local radio station did an excellent job covering that visit. The other radio station continued programming as normal. So, your national services do have a role to play.

I want to offer my congratulations to the Minister of Aviation for the fantastic job he has done with respect to the financial survival of our airline. I have not seen the accounts as yet for 1994, I think they are due sometime after June 30th, but I am optimistic that this year the national airline will even show a small profit.

Tourism: The year 1993 has been a record year for tourist air arrivals to the Cayman Islands. And I must also offer my congratulations to the Minister for Tourism for the outstanding job he has done with tourism, by just saying to him, "Continue to do what you are doing, because it has worked."

Tourism affects every sector of our economy. It is important that we emphasise to our people the importance of continuing to do those things which have made us different as a people and which also allows us to continue to attract visitors to our shores. Characteristics such as friendliness, honesty and respect for each other and for our visitors to this country.

Health Services: I am pleased that our Government plans to move ahead this year with the National Health Insurance Scheme. In my opinion this is badly needed. But what is important is that the scheme must be affordable, must offer the right coverage, and must also be supported by the local insurance industry. I am also pleased to hear that Phase I of the upgrading of the George Town Hospital will also be carried out this year, and that new health care centres are planned for the district of West Bay and Bodden Town. Madam Speaker, it is important to provide our people with a high quality of health care services, and our Government, I am proud to say, is prepared to do just that.

Madam Speaker, this year one of the political ambitions of mine will be realised with the opening of the locally established drug rehabilitation centre. This was an issue that I campaigned for from 1988. I realised that it made more sense for us to have a local centre where our young men, young women and others who are unfortunate enough to become addicted to drugs, could be treated for that illness.

The former Minister for Health, in the 1988 to 1992 Government, had a different view. His attitude was to provide the services overseas, which was very costly, and the reality of it was that only the favoured few had an opportunity to take advantage of those services. But here, we have a local facility and everyone who needs attention and treatment will have it available to them.

Madam Speaker, if we are to continue to move forward as a people, every effort must be made to rid this country of the scourge of drug abuse. We must help our people who are drug addicts to get back on their feet and once again be in a position to be productive citizens of our community. Otherwise, as Caymanians, we run the risk of becoming an endangered species. It is my firm opinion that the problem of drug abuse can be whipped in this country and we must pool our efforts and resources to ensure that this is done.

The development of sporting facilities: I am pleased that the emphasis of our Government has been sports for all, and much is being done by this Government to provide proper sporting facilities for the youth of this country.

Madam Speaker, on Saturday last week we had the honour of having Her Majesty Queen Elizabeth II open our new Ed Bush Sports Complex in West Bay. Let me say that that was a very proud moment for the representatives and the people of the district of West Bay, and also, a proud moment for the people of this country to be able to boast of a sporting complex of that calibre. Now our football players have a facility that can be used, not only for local competition but it puts them in a position where they can now be proud to host international games and tournaments.

I must offer my congratulations to my colleague, the Minister of Sports, Youth Affairs and Culture, on a job well done.

Madam Speaker, I am pleased to hear of the continued success of the Cayman Islands Law School in training young Caymanians as Lawyers, and I am also pleased to hear that students may now graduate for the first time under the Honours Degree Programme from the University of Liverpool.

I want to say thanks to those legislators who had the foresight of establishing our Law School because it has provided an opportunity for many young Caymanians to acquire the qualifications as a lawyer, who would normally not have that privilege because it is established right here in these Islands. Madam Speaker, what I am proud of is that graduates from that school are recognised very highly in the legal community.

Madam Speaker, with regards to the Royal Cayman Islands Police Force, I want to say that I was very pleased to hear of the promotions recently of some young Caymanians to senior positions. It is my belief and conviction that the more Caymanians we have of this calibre just promoted, rising in the ranks of the force, the more attractive the service will become to other young Caymanians choosing a career opportunity in this area.

As far as the Police Force is concerned, I would just like to see better coverage in regards to the outer districts. This is an issue that has been raised by all Members who live in the outer districts, such as North Side, West Bay, East End and Bodden Town. I believe it is very important to decentralise the services, that is, put police in the districts where we have criminal activities other than George Town.

I recall as a legislator, Madam Speaker, calling the Police Station in my district on a number of occasions to report a criminal activity or to request assistance of one sort or the other, was told by the officer answering the telephone, "Well at the present time I am the only one here, the other policemen are out on patrol." Now, I believe that it is important and whatever is necessary for us to ensure that it is done, that our outer districts have a

24 hour coverage as far as the police presence is concerned.

Madam Speaker, I recall on another occasion getting a call saying that some lady in my district had just collapsed in her yard—the lady actually died. But it took the police such a long time to arrive, and when they did the excuse was, "the district of West Bay Police Station did not have a vehicle available to them." Now, with a force that boasts of a budget, I think in the region of \$9 million, this is totally unacceptable. As representatives we are concerned with regard to criminal activities, and one way of minimising this activity is to ensure that we have an adequate presence as far as the police is concerned.

The other thing that I would also like to see in my district is police on foot patrol walking around the district, meeting the people and just walking around so people can see that they are there. Most times I only see the police when they go by in an air-conditioned car driving at 40 or 50 miles per hour. So I believe that the Police Force needs to be better deployed in order to ensure that these Islands get the kind of police coverage that they deserve.

The Prison system: As a Legislator I continue to be concerned with the reports I have heard concerning the existence of drug trafficking and drug consumption in our Prison. According to the statistics available, a large majority of the prisoners at Northward Prison are there for some drug-related conviction. But it does not make sense for us to convict someone of drug trafficking or drug abuse and stick him in Northward Prison if he has access to these substances there as well. So something has to be done in this area.

As a Legislator, I am also concerned with the increase in the incidents of serious crime in this country. Just a few months ago, I think it was, to have heard that two of our visitors were held up at gun point and robbed by someone in these Islands, and also, to hear of another bank robbery which took place in the middle of the day around 10 o'clock or 11 o'clock in the morning, is totally unacceptable as far as I am concerned. We must do whatever is necessary to send a very strong and loud message to the criminal element—that we will not stand by and continue to accept this type of activity in this country.

I feel that as a Government we must get tough on the criminals and we must see to it that they are severely punished if they take it upon themselves to carry out crimes in this country. What is alarming and what concerns me, is that a large percentage of our prisoners are repeat offenders. Madam Speaker, this tells me that Northward Prison is not acting as the deterrent it should be.

Madam Speaker, because of this, as a Government and as a Legislature, we must look at other ways and means to punish the criminals for their activity in this country. I recall, before we had Northward Prison, when anyone was convicted of a crime and if his term ex-

ceeded six months he was required to serve the prison term in Jamaica. I do not recall many repeat offenders. I remember on probably one or two occasions being at the airport when those prisoners were being escorted off by plane to Jamaica to serve their terms.

I have been told that there is nothing to prevent us from doing that, that is, sending the hardened criminals or people who commit serious crimes to serve their prison term in Jamaica, provided that we get the acceptance from the Jamaican Government. And I do not believe that that will be too difficult because as a country we would be prepared to pay them for housing those prisoners.

Madam Speaker, I am one of those legislators who does not support the idea that you have to get the consent of the prisoner to determine where he spends his prison term. Did you have his consent when you locked him up? I believe those kind of rules and philosophies have to be changed in this country if we have a fighting chance to survive.

I am prepared to say to our Government, and hopefully the message will get down to the Courts where people are convicted of serious crimes, such as, drug trafficking (I am not talking about the little boy on the street peddling one or two ganja-cigarettes, I am talking about big ones we have in this country and people who take it upon themselves to take another person's life, or someone who commits a crime with the use of a firearm), I am prepared as a legislator to support having those prisoners being sent someplace like Jamaica, to serve their term.

Madam Speaker, I heard a very amusing story sometime ago where, at Northward Prison, it was supertime or dinnertime and the prisoners all formed a line. When they found out what they were going to have for dinner (I think it was stew) they went on strike because that was not good enough for them. They said that they wanted steak. Let me tell you, Madam Speaker, I have not visited the prisons in Jamaica, but steak, stew, that is a luxury meal, Madam Speaker. I believe that prison has to serve as a deterrent to crime in this country. Otherwise, we will go the same route as so many of our Caribbean neighbours.

So, Madam Speaker, they referred to me in the last sitting as "hangman John" because I brought the Motion calling for the reestablishment of capital punishment. But I believe as a legislator you have to be responsible enough to take some very unpopular decisions that are in the best interest of the country and your people.

I spend quite a bit of time visiting inmates at Northward Prison, and there are many of them in there whom I know from my district. But I believe that this Government is doing a little more as far as utilising prisoners for very positive services. I think it was the Governor's residence: his gates were all made by inmates of the Prison. Also, I am aware that some work was done for the National Trust, with regard to painting and other services in that area. There is no reason why there cannot

be established in Northward Prison a proper work programme where prisoners are required to keep our beaches clean, our streets clean as far as litter and the rest of it. They would be glad to do it because it gives them an opportunity to be on the outside and to enjoy some fresh air and scenery.

Many of the inmates at Northward Prison are very skilled craftsmen, they are painters, masons, carpenters, and some of the other areas, Madam Speaker, there is no reason why they could not also be used for maintaining public buildings, be it painting them or repairing them. I am aware that in the state of North Carolina the Governor's mansion is staffed with inmates—that is, you have inmates there who serve as cooks, butlers, gardeners, and all of the other areas of service required.

Madam Speaker, it gives these inmates an opportunity to display some of the skills that they have and also to be taught a skill. I understand that some of the inmates who serve, for example, as chefs to the Governor, upon being released are quickly taken up and provided employment by some of the major hotels in that area. So there is no reason why better services could not be utilised by our inmates to provide some of these services. Madam Speaker, these are badly needed services because our Government pays a lot of money for maintaining roads, maintaining beaches, and maintaining public buildings in this country.

Sometime ago, I brought a motion that was accepted by the previous Government, calling for the establishment of a proper academic programme in the Prison where inmates who have an academic deficiency or a certain level of education have the opportunity to further their education. Many of those prisoners, as a result, have been able to pass the GED (General Education Diploma) examination which means that they come out of prison as High School graduates. And this is good! I believe that more emphasis has to be placed in this area and also to see that those inmates, for example, who do not have a trade or a skill, have an opportunity to learn some trade while they are in prison—be it mechanics, carpentry, masonry, plumbing or any of the other services that are in such high demand in this country.

How the programme should work is that when these inmates come to the end of their prison term there should be some prison coordinator that goes up and attempts to find a position for that inmate upon being released, as far as a job is concerned.

One of the problems that we have is that when inmates come out of prison, because we live in a very small community where everybody knows everybody and potential employers are aware that they have just been released from prison, some of them have a very difficult time, Madam Speaker, finding jobs to support themselves and put themselves in a position where they can also support themselves legally. As a result, many of them go right back to prison because they fall right

back in the trap that got them in prison in the first place.

I have not looked at the recent statistics, but I would daresay that a large percentage of our inmate population is made up of foreign nationals, foreign prisoners, people who have visited these Islands, committed a crime and gone to prison. Now, Madam Speaker, I feel that every effort should be made to see to it that once foreign prisoners are convicted and sentenced by our courts, that arrangements should be made for those prisoners to serve the term in their respective countries. Again, I understand the argument that is going to be put forward is that you cannot do it without the agreement of the prisoner. Madam Speaker, who is in charge, the prisoner or the Government?

Madam Speaker, it is unfortunate that we are caught up in so many international conventions or agreements, or whatever you want to call them. For example, one of the most powerful international bodies is Amnesty International, and it appears that they tell you when a prisoner can go to the bathroom. This is ridiculous!

I am not saying that there is not an issue of human rights and abuse of human rights, and I believe, in all honesty, that regardless of whether you are a prisoner or a free person that there are certain rights and dignities that the human being is entitled to. But I believe that we are going overboard in trying to protect the criminal element in a lot of instances.

It is my firm conviction that if you have a country, and you have an elected Government in place to run that country, then they should do it to the best of their ability. Madam Speaker, if it means that we have to go against certain conventions in order to see to it that this country survives, then so be it.

Madam Speaker, overall I feel that the Throne Speech was very positive. It outlined some very ambitious plans as far as our present Government is concerned. Despite all the criticisms that we have heard—and we have only been in office some 15 or 18 months—I believe that this Government has done a fantastic job in turning around this country. Unfortunately, the position we find ourselves in is that for so long, under the past administration, things were allowed to slide and deteriorate and that all of a sudden some people, that is, those who do not know any better, expect miracles. We are not miracle workers, but I am pleased to say that I am proud of the accomplishments that have been made by the present Government.

All I would urge is that the people continue to support this Legislative Assembly and our Government. I can assure them that we will continue to endeavour to provide the services which are so badly needed in this country.

Thank you, Madam Speaker.

The Speaker: At this time proceedings will be suspended until 2.00 p.m.

PROCEEDINGS SUSPENDED AT 12.29 PM**PROCEEDINGS RESUMED 2.02 PM**

The Speaker: Please be seated.

Continuation of the debate on the Speech from the Throne. [pause] May I ask the Honourable Members to continue with the business of the House, which is the debate on the Speech delivered by Her Majesty the Queen? [pause]

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, we, the people of the Cayman Islands, and particularly those on Grand Cayman, were privileged and honoured to have the Royal Couple visit us on the 26th and 27th of February, and to have the Speech from the Throne delivered by Her Majesty in person. The Speech gave an indication of the hopes, aspirations and achievements of the Government. It also, Madam Speaker, leaves us with much food for thought and, quite significantly, not a few questions which beg answers.

Regarding the Constitution we now have in place, with the election of the fifth Member of Executive Council, the complement of Ministers as per the amendment to the Constitution submitted by the National Team Government and accepted by the Privy Council. However, Madam Speaker, conspicuous from the amendment is a Bill of Rights. I am concerned that there does not now seem to be an interest to proceed with the matter of incorporating a Bill of Rights into our Constitution. Let me say again, most modern documents of this nature are prefaced by a specific Bill of Rights.

Madam Speaker, if one were to follow the news, it is becoming increasingly clear that we in these Islands, need such a written document, if for no more than as a reminder to ourselves that we should be respectful and mindful of certain things.

I consider myself eminently equipped to sound this alarm because on two occasions I fought, without success, to have a Bill of Rights incorporated in our Constitution. Just when it seemed that it was going to be incorporated—it so happened that it was contained in a document with other elements which were deemed to be more important—it consequently got relegated to a "not important" status. I note that although we agreed to a Select Committee, we did not choose a Chairman of that Select Committee.

The Financial Sector: I am convinced that Cayman's future lies in its ability to project itself as an international financial centre of scrupulously clean reputation, of meticulous preparation and of an availability and determination to offer the best service in this field—the best service in the world. To this extent I wish to suggest that it is time for the Cayman Islands to take a different view and to embark on a more sophisticated and higher

plane, and to prepare itself for the competition it is going to get from any "Johnny-come-lately" in this field, and to use as our models of further development the countries of Andorra, Liechtenstein and Monaco.

Madam Speaker, simple logic explains it. These states, like us, are small by comparison to the other states—small in terms of physical size, and small in terms of population. Yet, these three states which I have proposed that we should study with a view to improving, adding to our international financial centre status and repertoire, have each in their own right been unquestionably successful.

Monaco, is an example that strikes me. Its streets are scrupulously clean, its population well educated, well fed and content. Its reputation as an international financial centre is beyond question. It is so sophisticated, and so organised, that in the recent past there was an incident where a lady was robbed on one of the main streets of Monaco, robbed of a valuable ring which she was wearing. She was held up at knife-point. The Commissioner of Police, as we would call him, head of the Gendarmerie, felt such a sense of obligation that that had happened under his command, tendered his resignation because he saw that as a failure of himself and his department to offer protection to decent citizens. Would that the people we have in our jurisdiction be so honourable, or so moved!

But there are developments in these countries which we, in the Cayman Islands, could benefit from in ways other than that, because the European Community is putting a lot of pressure on these financial centres and it is my information that they are in the process of reviewing and making some changes by way of exploring the possibilities of limited taxation in some areas and on some financial transitions.

I think that there is much we can learn. There is much benefit to us in the Cayman Islands to keep abreast of these developments because finance is international and usually it moves from centre to centre with a snowballing effect. It is also my contention that people with big money and large investments like to spread their investments rather than keeping them all in one place.

Then too, Madam Speaker, purely as a matter of our own internal development, I think that the time has now come for some joint venture projects in the Cayman Islands between the Government and certain elements of the private sector. Indeed, it may well be possible that exploration has already been made in some of these areas.

A good example is in the area of housing, where the Government, to ensure that affordable housing is available to those people needing help, could enter into a joint venture project with the private sector. Similarly, in some countries the government likes to encourage small and medium sized businesses. They make provision for loans to be disbursed to entrepreneurs and businesses who would like to get into these ventures but

who would otherwise not be able to afford to borrow money at the commercial interest rate. So a deal is struck where provision is made for monies to be borrowed to finance certain businesses at favourable interest rates—soft loans, as they are called.

It is almost a nation-wide contention among Caymanians that the Government needs to be watchful, indeed, the Financial Secretary gave us a commitment that they were going to look into the matter and I believe he went as far as appointing some Committee to study this—the business of insurance and insurance rates. As one moves about the community, one hears of the difficulties that people experience, particularly as regards property insurance and, to a lesser extent, motor vehicle insurance. So I see the role of Government in this case as being one of trying to temper or blunt, without necessarily imposing strict and stringent controls. If insurance rates, particularly property insurance rates, become prohibitively expensive, that, in its turn is going to have a stunting effect on the development of new housing which, in its turn is going to tax an expanding population base and, indeed, make some people's dream of owning their own shelter remote, if not well nigh impossible. It is a proven fact that the most stable societies are those whose population is made up of a large number of business owners. So it is among other things, a challenge for the Government to try to find some way of alleviating what is rapidly becoming an onerous expense while at the same time making it worthwhile for those investors in the insurance business to realise returns on their investments.

My area of expertise does not lie in finance, but it may well be worthwhile for the Government to explore the possibility in this field again for some kind of joint venture project which would serve to ease Caymanians of some of the steep rates of which they complain they have to pay now, and which seem, in many instances, unjustified by virtue of the fact that, while we may be in the danger zone, we have not been hit either by a hurricane or an earthquake in the recent past that would justify our having to pay exorbitant rises every year.

Madam Speaker, in the Speech from the Throne, it was read that Cayman Airways saw its fleet of aircraft reduced in 1993 and the company and its operations have been streamlined. Indeed, on the surface of things the company seems to be doing well. The country reacted not unfavourably to the adjustments which had to be made even though some of those adjustments meant that Caymanian people who had tenure at Cayman Airways were displaced. Credit should go to those people. Although I understand that some incentive, some compensation was offered, it is always difficult when people are tenured in positions, for them to give up those positions, even under the most ideal circumstance, let alone if they were just given the option. So let me at once recognise the apparent willingness of those people to make a sacrifice in the long term interest of the company and the country.

I hope that Cayman Airways will continue to grow stronger, although I read in the paper recently about some concerns, particularly a concern emanating from the grant of a licence by a company in Texas called 'Adventure Tours' to operate a charter out of Houston which, as I understand it, is a source of boon for the Cayman Islands as far as summer tourism is concerned. I hope that if that project matures it does not detrimentally affect the existence of Cayman Airways and, indeed, it seems that the only way of ensuring that Cayman Airways will survive is for Cayman Airways itself, without relying on external forces, to make the necessary adjustment to be as competitive as it needs to be so that it may, in the short term, at least, beat off the competition, so to speak.

Now that the Airline has been streamlined, I would hope that we are able to maintain those Caymanian pilots who, in all candour, served—sometimes under difficult circumstances—diligently, efficiently and well. Certainly I expect that as the Airline strengthens itself and grows that these officers and staff members will be given every opportunity open to them so that we will not have to revert to a situation where they are pitted, to their great disadvantage, against elements brought in from the outside.

Madam Speaker, I would hope that the Bermuda II negotiations would be favourable, but I realise that we are but a small pawn in these kinds of international negotiations and being still a dependency of Great Britain, the matter will be negotiated between Great Britain and the United States' carriers and, indeed, we can consider ourselves lucky if we are consulted and if our advice and position is taken. That is the situation in which we find ourselves and, while I am concerned, I am not so forlorn that we may be able to come out of it with some iota of encouragement and moral support. I have every confidence now that Cayman Airways stands a reasonable chance of doing well.

While I am on the subject I cannot resist the urge to give them a little plug to say that since I have committed myself to being faithful, whenever I fly I am a faithful patron. I cannot complain about the service that I receive when I fly, although, Madam Speaker, I am an infrequent flyer compared to some people. But I am still proud to fly the Airline and, up until the last time I flew, I came away satisfied that the service was efficient and it gives me great pride to stand here to say that I shall endeavour to support them. While I realise that we have an uphill struggle, I wish them well and, like Joshua said, "As for me and my household..." whenever we travel, they can count on our support. It would be unpatriotic at this time if I took a different position.

The Tourism sector. There was a time when I thought that we would not have to worry about competition as far as development of our tourism goes. But I have changed my mind, and, I think, with good reason. I was reading a few weeks ago, about the development of tourism in the Caribbean. I was struck to learn that tour-

ism in the Caribbean really did not take off until after the United States embargo on Cuba. At this time, there is a growing debate and, indeed, the move for the United States to relinquish this embargo on Cuba is growing daily.

In August of 1992 I had the opportunity to travel to Cuba in an official capacity as the Leader of the Cayman Islands Under-16 Football Squad that went to play in the Caribbean and Central American competition, and I spent 10 days in the second largest city. What I saw, as far as infrastructure was concerned, left me with knowledge that, at that time, Cayman had the advantage. And I believe we still have. However, all of the elements are in place for Cuba to take off again as a major tourist resort. All that is left to be done is for the United States to lift its embargo.

The forces of the capitalist system are at work, and if that is going to be done, I would say before the year 2000, when that embargo is lifted, tourism, not only in the Cayman Islands (although I am only concerned with tourism in the Cayman Islands), is going to be affected, perhaps detrimentally. Even as I speak, hotels are being built in Cuba and joint ventures are being encouraged between the Cuban Government and various other countries—Spain, for example, Italy, even some tourist elements in Jamaica are going into joint ventures. We are going to revert back to the situation as it was in the pre-1959 years where Americans, in droves, went there for no other reason other than it was a novelty. So we in the Cayman Islands must begin to diversify our product.

We do not have to worry about them as far as international finance is concerned. That is why I say we should polish, expand and improve our status as an international financial centre because we will have to fall most heavily upon this element of our development when Cuba opens up as a competing tourist resort. We are going to be affected, and we are going to have to put ourselves in the position where, for 10 years at least, we are able to still remain attractive to tourists while, at the same time, we move ahead with development as an international financial centre. I believe that we are on the right track.

Certainly we are increasingly aware of ecotourism, which is a growing worldwide phenomenon. One of Her Majesty's official duties was the opening of the Botanic Gardens. The development of St. James' Castle in my own constituency will help. We have other things. We must seek to improve upon these and it is the role and the duty of the Government to encourage and to work with the various elements, be they private, or be they statutory boards set up by the Government to develop these areas so that when the crunch time comes, we are in a position where we can at least survive as a resort of some desirability.

While I am going to deal with this in a subsequent section, I want also to mention it now because it is, if for no other reason, peripherally important to tourism. We must take care that we contain the crime situation in our

country because I think, perhaps, the greatest threat we have right now to the destruction of our reputation as a safe society is the possibility that crime may spiral to such an extent that it becomes threatening to the tourism sector. Certainly, if the events of the past few weeks are any indication in a country where we have an armed bank robbery in the middle of the morning, I would say that we are now waltzing on glass where that kind of thing is concerned.

I go no further than to refer to the relationship between the United States State Department and Jamaica some time ago, when the crime wave in Jamaica was so high that the United States State Department issued warning bulletins to United States' citizens, telling them if they travel to Jamaica as tourists they were to exercise great care and caution. Well, the Jamaican government raised such a furore that the United States State Department changed its tactics because the Jamaican government accused them of 'smear' tactics and promoting paranoia. Now what is done, is that the State Department does not, of itself, issue the bulletins but rather causes the bulletins and reminders to be issued through the various travel agencies and tour companies so that what has happened is that the mode and method of warning has changed, but the effects have not been lessened.

All it takes for that to happen is what happened in the case of Jamaica where some American tourists were robbed at gunpoint and one was killed. That is all. So, we have a problem which we need to come to grips with as far as the development of our tourism is concerned, that is, we need to exercise greater control and we need to alleviate what is apparently a spiralling crime wave.

I believe that we can continue to be a prosperous tourist resort if we are flexible and if we pay attention to competition. I believe that there are new markets to explore and, given our political stability, tolerance of outsiders, and our reasonably well off society, we can be a contender for many years if we are careful.

I certainly have reservations, however, about exploring new markets such as Spain, because I do not believe that Spain has much to offer the Cayman Islands by way of growth in tourism. Spain itself is one of the poorest countries in Europe. Secondly, Spain is also a tourist resort—Spain itself is in the market of being a tourist resort. I think our future in tourism lies in places like Germany, particularly that section of Germany that was known, prior to the end of the cold war, as West Germany and, certainly, Madam Speaker, although they are far away, with the development of air travel and communications the East, particularly Japan, is still among the most affluent countries in the world.

I read in a travel magazine some months ago that the Japanese people are becoming increasingly interested in scuba diving and take junkets as far down as this side of the world, especially in Mexican resorts such as Cancun. I would support any efforts in moving in that direction and concentrating on these kinds of upscale

and lucrative markets, rather than worrying about countries like Spain which have limited, if any, appeal.

For years I have been saying that as far as education goes, we have been measuring our progress on a faulty report card. Nobody has taken me seriously. But, Madam Speaker, I was taught that the true analysis of success does not lie only in how many people graduate at every graduation, nor does it lie in how many people receive scholarships at the beginning of every school year, but lies as much in the fact that all of the young people can be constructively involved and can benefit from the economic development of the society.

In this area we have failed dismally. We have failed because in our Prison we have a spiralling population of young people who left school with no marketable skills. Therefore, they were unable to benefit from the development of the Cayman Islands. We are still faced with a disenchanted and alienated youth. It should be no consolation that this is not only a Caymanian phenomenon, but indeed, is worldwide. However, that does not exonerate us. I do not know where the failure lies because I have not had the opportunity to do a thorough assessment. But I know there is a failure somewhere, because just yesterday at 11.00 in the morning, at the back of the compound at which I work, I heard one of the guard dogs making a big fuss. When I proceeded to move from that section of the compound, closer to where the dog was positioned, I saw two youngsters whom I took to be teenagers, trying to scale the cyclone fence and they were in the process of throwing their bags over when the dog put them up. I do not know whether it was bravado, or lack of sense, but it seemed that those two youngsters were insistent on taking on that dog. When I shouted at them and they saw me walking towards them, they took their bags and proceeded to run to another section of the fence and run towards the front. I could not get closer than 20 yards to them because there was a fence between them and me and they disappeared and I did not see them again. I only said to myself how this is 11.00 in the morning (because I specifically took note of the time), and these youngsters are running away from school. Something is wrong. What is wrong? Is it that the youngsters are bad, and by inference cannot be helped? Is it that school is not interesting? What is it? We have to find that out because I would hazard a guess that these youngsters were not older than 14 years old.

When I drew [this to] the attention of some of the workers, they told me that is indeed not a remote happening. We have to find out how we can interest these youngsters. We have to find out how we can impart in them skills that will build their self-esteem, skills that will give them the appeal that is necessary for employers to take them on. I do not envy the school and the school authorities, because now the school has to take on an added role, that is, the school has to be a parent, or parents, also. That compounds the situation.

But it does not end there, because, as a professional, it strikes me that part of the problem has to be with the kind of changes that we wish to put in place so rapidly from year to year. I have always said, from years ago, that one of the failures of the system is a failure to attract a greater level of students to vocational and technical areas where they can realise very quickly that the skills which they develop can be marketable and can be productive and, at the same time, give them a sense of self-esteem necessary to make them fit into the developing society that the Cayman Islands is.

I spoke some weeks ago with a constituent of mine who operates a small venture in woodcarving. I will never forget the meeting. I met him right at the Post Office in Bodden Town. He came to me lamenting the fact that he was trying to get the museum to stock some of the items which he makes from indigenous wood, only to be told that they were not interested because they could not be sure that his supply could be guaranteed—even after he assured them that he had a significant amount and variety of items at that time. What was striking however, was that the young man told me that while he was being turned away, they were making a deal with some foreign people to import some items made from plastic and whatever else.

It begins like that, Madam Speaker, but unfortunately, it does not end like that. So the young man came away discouraged and frustrated because here he is with a skill which he was able to develop and build upon but yet could not find a market for his work because we prefer, instead, to buy some things made outside of Cayman.

So it is that our education system has to improve upon its ability to turn out youngsters with marketable skills. While it is good for people to aspire to go to college and university, the very size of our society suggests that we can reasonably expect to accommodate a limited number of such people, and one of the failings that we have is that being the tourist resort that we are, there is a lack of locally made products that would appeal to tourists. Even the woodwork that I see in some of the stores is imported from other countries. So this is an avenue of our education system that we should strive to improve.

I want to say too, as regards education, that one of the things as an educator I have to be concerned about is that there is not such a wide disparity between what happens in the public sector and what happens in the private sector at various levels. We do not want to get into a system where the private sector is obviously superior to the public sector. So one of the roles of the Government is to ensure that its system of education is as good as, if not better than, what is offered in the private sector. By so ensuring, the private sector can voluntarily join the system which the Government has implemented and instituted and that would be a good yardstick, and a means of comparison and of monitoring the develop-

ment of the Government system to see how it measures up against the private sector at various levels.

As far as post-secondary education is concerned, I am still puzzled at the fact that the International College of the Cayman Islands does not appear to be, shall I say, the beneficiary of any overt Government attention and encouragement. I believe that the strength of the system in the Cayman Islands is such that we have at that level the benefit of the British system in the Community College and the American System in the International College of the Cayman Islands. I have said in this Honourable House before that it is my view that both are complementary and inter-dependent and that we should encourage them to so develop, so that I would hope, the Government would see it fit to offer some incentives so that they could develop inter-dependently and that they could share some common resources, even to the point of, in some disciplines, sharing the student pool. I believe that there is great merit in that and I believe it would be advantageous to so do. I feel certain that any Government that pioneers such a development will earn the respect, not only of the students, and of the Principals of those institutions and also of the Caymanian populace at large because it is expensive to duplicate resources, particularly in such a small community. So the essence of learning, in any case, is largely based in shared experiences.

I have said before that the future of education lies in the exploration of computer assisted instruction. Perhaps if there is a weakness in our system on what is being embarked on currently, in terms of the strategic planning and implementation, it is the fact that there is no obvious link between this and computer assisted instruction.

I was reading an issue of "International Business Week" magazine of a week ago, and the feature article was an article entitled "The Learning Revolution". That article was based upon the fact that computers and the dissemination of information, particularly information as it relates to learning and the school setting, is so changing the face of education that schools as we now know them will be obsolete in 10 years. People are talking about networking, distance learning. Indeed, libraries, as we now know them with thousands and millions of books, are not going to be the wave of the future. One will simply plug into a computer, hit the keyboard and be immediately accessed to the information you are seeking, whether its ultimate source was the *Encyclopaedia Britannica*, or *Encyclopedia Americana*, I am saying that that is the wave of the future and that is the wave that we, in Cayman, should be looking to explore. I would hope that the Minister may see fit to spread some of his manpower and resources in this area.

I was just researching a school system in Missouri, in the United States, where they spent \$2 billion equipping a high school, which is an experiment, and the base of that is that the classrooms are fully computerised so that the students do not have to go into a special com-

puter room. They are taught their reading by computers, their mathematics, their social studies, everything. It immediately lessens the need for the traditional classroom as we know it. Individual students are better able to progress at their own pace with the aid of computer-assisted instruction. Not the least point of which is that whenever those students leave school, they have acquired the skills of being able to use a keyboard and it can be transported across from a typewriter to a computer to find information for themselves and to progress at their individual rates.

So these are some of the strengths and certainly, closer to home, at the University of the West Indies, they have the distance learning project, albeit at the adult level. In the United States where the field is more fertile they have it from primary school level right up to high school. Indeed, Madam Speaker, some computer companies which specialise in educational computers sell the units for as little as a couple of hundred dollars. There are many, many good programmes.

So I believe, as far as our educational programme is concerned, that this is an area which we should begin to be moving forward with and exploring, with a view to gradually improving our school system and making the traditional classroom more likeable and more user-friendly by enhancing it with these kinds of modern learning instruments.

The promotion of health in any country has to be high on the list of priorities and developments for the people. I note that we were just handed the report of the sole enquirer into the Hospital Project. We still need a hospital and a health system and infrastructure. I stand here full well believing that we are going to get one. What I regret is that it is going to be so time consuming, so expensive and so divisive, that it is going to rend the country and, it is not an exaggeration to say, it might even sunder it.

It is always easier in afterthought and in hindsight. The notion of providing adequate health care for the citizens of a country is one that is shared by many leaders. Indeed, it is one of the challenges with which the President of the United States, Bill Clinton, is faced. There has been, and there will always be, acrimony as to whether health care is best and most effectively provided by Government agencies or whether it is best provided by private sector and regulated by Government. As far as I am concerned, I do not believe that there is necessarily a hard and fast rule. I believe that situations and circumstance should dictate the method. Certainly in a country like Cayman, where the size and the inability of the population to afford certain elements of health care, I think that the Government should play a prominent role, if not being the provider, because that is one way of ensuring, really, that no one is left out. So, we have lost much time and there is a need to make up some ground rather rapidly.

I note with some gratitude that in the Throne Speech there was the announced intention to put a

health centre in Bodden Town. We discussed this cursorily with the Member at that time. I feel even more enthusiasm and a greater sense of fulfillment now that my colleague has assumed the responsibilities of the Health Ministry, because for many years we recognised that there was a need to upgrade our clinic in Bodden Town. I feel glad in saying that it could be done by no better person than a Bodden Towner—one who has talked and walked with the people and who is, indeed, familiar with the situation. I would also like to take this opportunity to publicly congratulate him, and to wish him well and to assure him that, certainly, he has my prayers and support for what I am sure will be a challenge for him.

The United Nations has declared this year to be the International Year of the Family. All Members of this Honourable House realise the precariousness, the vulnerability of the Caymanian family. I remember when I was studying Sociology, I read several of the works of the famous German Sociologist, Max Weber. I recall in one of his works he had a telling observation which was that the cloak of material prosperity may well become an iron cage.

At the time I first encountered that observation I knew what he meant, but because I was not in a position to see the result of that material prosperity, I somehow could not grasp the seriousness of what he was saying until recently. I realised that Max Weber could well have been speaking or writing about Caymanian society because we are now beginning to pay the price for wearing that cloak of material prosperity. So we have broken families—families where the single parent (often the mother) has to work two jobs just to make ends meet. A society in which manhood has taken on a totally new context from what it was in old Cayman, where fathers never shied away from their obligations and responsibilities, and where the level of machismo in this society dictated that a father exercise his parental responsibility, and did, for his children.

Now, however, the rules have changed. Largely because of wealth and television, we have a society where manhood and its significance is changed. Not by straw issues like washing dishes after dinner, or even sitting rocking the son, or telling him a story for an hour while mother does something else, but by the mere desire to be dominant, to be forceful, to be important, where the notion of loyalty and fidelity takes on a different context because it is unpopular to be faithful, and it is difficult to be loyal in some societies where peer pressure dictates that, while women must be chaste and faithful, men are free to roam. As a result of this we have an inordinate breakdown, high divorce rates, rebellion among children, juvenile delinquency, lack of attention problems at school. We need to work at this. Not only do we need to work as a Parliament and as legislators, we need to work as parents, as guardians and as protectors of this society.

I am convinced that it cannot be done by any one element. There must be a great and almost moral awak-

ening and a moral rearmament, so that the church, the school, the state, the individual—all of us—join hands, merge forces to stem this tide. It makes little sense, for those of us who are responsible—irrespective of our political position in this House, whether we be on this side arguing from the point I am arguing, or whether we be the Government—to work to build a society where it is going to be torn down by people who do not understand, who have been left behind, who have not experienced love, who have not experienced affection and who have no respect for themselves and, certainly, no respect for anyone else, whose only notion of catching up is by using a gun to blow somebody away, or to stick up some bank in broad daylight.

So all of us have a responsibility not only towards our own immediate families, but to the wider society as a whole. We are busy people, but we need to find the time to help. So we need to set aside some time to counsel, to volunteer, to guide. Maybe, if we feel charitable, be a big brother or big sister. We do not have to go far. In my community there are many cases. Just a little advice, soft words spoken, just a reassurance that we are familiar with somebody's struggle and to encourage them not to cave in, not to go down to peer pressure.

I marvel, Madam Speaker, at the lateness and the laxity that I see, the lack of control, young people on the street at all hours of the night. I do not necessarily subscribe to the notion of a curfew, that might create greater problems than it solves. I think there is a need for a re-education for a re-awakening of the responsibilities of parents and a kindling of new respect lines and a need to develop a sense of self-esteem and self-importance in these youngsters by making available to them new avenues and areas in which they can achieve success, whether it be in sports, the field of arts and crafts, or in the field of music.

You know, I like to follow up what is happening in Jamaica because, while they have a host of problems, they have to be commended for trying. They have trade training centres, they have centres where people who dropped out of school, for whatever reason, can go and learn crafts, dressmaking, sewing. We need to get into things like this for some of our students. They should not be written off at Northward. Certainly I do not subscribe to them being written off for some offences. Even when they have committed one or two strikes, we should see if we can salvage them, because after all, we are few in number and we cannot afford to even lose one. It is an uphill struggle and I do not expect, nor am I advocating that the Government do it alone. Certainly I am willing to do my share as I have been doing, volunteering time. But I notice that only the good, or the half-decent gets help. Nobody tries to help the real goner.

Madam Speaker, I was touched a few weeks ago. I had two young men come to my office just from prison. You know, I am not often moved to tears, but it moved me because one of these young men told me that he had been trying to get a job, wanted to do well and no-

body was willing to give him a chance because he had been to prison. I could hardly contain myself because here is someone professing that he wanted to do well, did not wish to go back to jail, yet he could not get a job, not even raking leaves in somebody's yard. That is tough, it really is tough.

Sometimes it takes more than a prayer to help people. A prayer is good, but it takes effort. I am still in touch with the young man, he is still searching for a job. Thank heavens he has not re-committed himself and I hope and pray every day that he can remain strong. But that is difficult, and for once in a long time, I felt a sense of helplessness, hopelessness and frustration on my own part because I was not in a position to help. He did not come to me asking for \$25. He never asked me for any money, he just asked me to help him find a job—call up somebody, beg for a chance. That is what struck me because he realised that the \$25 (that he knew if he had wanted it, I would have willingly given) would not help him in the long term. You know what? My respect for that young man grew and I am hoping and praying that he can continue because I know, I have been trying, and I am still going to try some more. Unfortunately, I am not in a position now where I have too many favours to call in that I could get him a job. But I feel confident that if he stays straight he will get one.

These are the kinds of problems that our families and our young people face. Sometimes the saying is true, "He who feels it, knows it". I would not have realised that if that young man had not come to my office. I would not have realised that the situation was so tragic, was so hopeless that I could feel so helpless. Imagine, me, a big Member of Parliament, and I was struck by the fact that he did not come asking me for \$25 or \$50, he asked me to help him get a job. He told me he was frustrated. He could not understand how he wanted to do well and no one took him on.

We have much work to do and in this declared International Year of the Family, we should get together, put our shoulders to the wheel and see after it. These are cases that we do not see in the halls of Social Service, that you are not likely to see at the Cayman Islands Marine Institute. These are cases that are, nevertheless, on the street that need our help. So I repeat, I do not see the panacea in having a legislated curfew, or in having a stint at Northward Prison. I see the solution in our society in realising that these are the kinds of problems with which we are confronted and then casting aside differences, be they political, be they economic, be they spiritual, and working seriously towards solving them so that we can salvage our young people.

Drugs have been a scourge in many places for many years. They are now a scourge in Cayman, particularly Crack cocaine. Even in the constituency of Bodden Town we have our problem. Sometimes I wish that it could be easier. Sometimes I wish the peer pressure would not be so great. In a little soccer programme that I have been running, it becomes [more] difficult each year

to contain the guys, to keep them in. It seems when they reach a certain age, they feel that they can take off, that they do not need the advice of the older people, they no longer need to listen to the leaders. Now it has reached the point that for every good one [we keep], we lose one. I lament the fact that people with so many raw physical talents can have such a disregard for themselves and what they could achieve, and waste their lives.

As I grew up, particularly when I lived abroad, I always was an astute observer. Certainly, it is compulsory for anyone who studies the discipline of sociology to cultivate a knowledge of the streets and street behaviour. So, while not claiming to be an expert, I am a pretty good judge, and sometimes I have to wonder what level of conspiracy and collusion exists because there is no way that some people can get away with some things were they not protected, as they say in some other circles. It is a tough struggle and it must be a tough struggle for teachers and social workers and parents. Sometimes I ask myself why am I doing this—because I am giving my time and my effort, and I do not have to do this because it seems like I am not getting any place. But I cannot give up—if for the mere fact that I consider it my moral obligation to continue. But the young people need help. They need a lot of help. Thank heavens that many of them are interested in basketball and football. So, as far as our little programme in Bodden Town goes, we are able to continue amid the difficulties.

I look forward to the announced development of improved sports centres and I hope that we soon get the primary school field lighted in Bodden Town. I understand that we are on the verge of getting a new play field in the vicinity of the civic centre where at present there is a lighted hard court where some youngsters play basketball. I believe that one of the easiest avenues for young people to experience a sense of achievement and self-esteem and self-importance, is in the field of sports. If we are organised, we can build upon that.

Soccer has always been a popular sport in Cayman and now basketball is growing by leaps and bounds. Certainly, the Minister who is in charge, is a proclaimed supporter of these kinds of programmes and I look forward to his providing for our youngsters opportunities for their further development. I would recommend that we try to reach a stage where we can have sports at a district level, leading to sports at a national level. I believe that was his announced intention to have a district sports council. Perhaps he himself should consider giving some of his time moving around, getting it organised, spending an evening in Bodden Town. All he would have to do is tell me and I would get the youngsters out and he can give them a pep talk, because I have no doubt that he could be a source of influence. Certainly, I believe that when the youngsters understand that their efforts have the support of the Minister, then that is a good beginning.

I am here to say that I will certainly do my part, if called upon. And I would encourage him to so co-opt my

services in any way that they can be used and, certainly, I can put him on notice that from time to time he can expect requests from me as far as facilities and help for sports projects in Bodden Town. So if we all work together, perhaps we can reverse the tide and the trend.

It is necessary to be successful in these ventures because we have to decide whether our prison system is going to be a penal system (meaning, whether its sole function is going to be punitive), or whether it is going to be rehabilitative, or whether it is going to be a combination of both. I think that the Prison system should offer both elements. I firmly believe a part of every sentence, should be punitive—should involve the deprivation, however limited, of certain rights and freedoms from any individual who knowingly breaks the rules of the society. But I also believe, that to be successful, the greater part of that sentence must be rehabilitative. In order to be effective, part of that sentence must offer some opportunity and scope for the person serving the sentence to acquire new skills, to acquire a sense of self-esteem.

The Chinese, I understand, use the euphemism called re-education, where the sanctions include a self criticism of the individual and before that individual is set free, he or she must be prepared to sit down before a panel and criticise himself or herself to the point where the panel is convinced that not only have they learned a lesson, but they understand the workings of the individual so that they are not likely to go out and lightly commit themselves again.

Maybe it is worth our while to try something like this because the rate of recidivism in our prison system is alarming, which means that either the system is too easy or that nothing of value is imparted upon the charges so that when they come out they are no better off than when they went in. Hence, they revert to recidivism.

The Royal Cayman Islands Police is not without its problems, and I hasten to add that there are many good officers and I believe that basically the corps of the force is sound. However, I will not let the opportunity pass without saying that I have always contended that the major problem must lie with the leadership, if for no other reason than that the manager of the store must be in the store. The manager of the store cannot be across town and be an effective manager. He cannot be two blocks away and be an effective manager. Also, the manager of the store must be a leader, to be seen as one who is willing, and able, to lead under all circumstances, be they favourable or unfavourable. One who has the ability to inspire and uplift his charges. I am not sure that situation exists.

I was told that one of the qualities of a good leader has to be superior powers of discernment. A good leader must be able to see not only the obvious, but the not so obvious. I think that the time has come to take a different approach towards policing in the Cayman Islands, and I welcome the move towards the establishment of neighbourhood watches. It is a move that I myself have been greatly involved with in my constituency of Bodden

Town. Community policing seems to be a move to add to the effectiveness of the police force.

I make the observation that we need to change in the Cayman Islands too. I think in so doing we can learn many lessons. One of the things that I noticed when I was in Japan in 1984, is that they have a system of policing where in between the precincts they have little mini stations that they call Kabookas, with a sergeant and three constables and a motorbike. Almost inconspicuous. One would be walking up on a block and just off the sidewalk would be this cubicle just large enough to hold a desk and a couple of chairs, equipped with radios and phones to the precinct, and a bike, manned by a sergeant and three constables—often a lady and two men being the complement.

In addition to being a deterrent, these Kabookas are also a source of information for tourists who wish to find their way, or help for the elderly or strangers asking directions. I believe the time has come for us to consider the establishment of something like this in between George Town and West Bay, somewhere along the Seven Mile Beach Road, which is heavily populated, particularly out of one of the shopping centres. Certainly it would be in addition to an exercise in police public relations. It would be a deterrent and it would lend a discouraging presence to anyone who operated with ill intentions along that area, not to mention the fact that anything happening within that two or three mile radius, the police would at least be able to have a quick presence.

I also believe that the leader of our police force must be a younger, more energetic young man, willing to work long and hard, sometimes under adverse circumstances. I take note that we are getting 37 new constables. I would hope that the drug squad, which I believe plays a pivotal role, could receive their complement of officers since it seems to me that they bear the brunt of the work by virtue of the fact that drug control and drug interdiction is one of the major areas that our police are involved in.

There is also the problem that young Caymanians are discouraged from joining the police force. From time to time Members ask questions as to why the complement of Caymanian officers cannot be improved, and we are given all kinds of excuses. Recently I met three young people, two of whom came to my office and told me of problems that they experienced even after passing the exam that the police set—one young lady, and two young men. I am still in communication with one of the young men and he recently brought me two letters—one which he had written to the Commissioner, and the reply he received from the person whom the Commissioner had referred the letter to. I am puzzled and I am not satisfied that the Commissioner and his recruiting staff are forthright with these young Caymanians. It is a brief I hold against them.

I have come to realise that for every bad Caymanian young person, there is at least one good one. I am puzzled and mystified as to why seemingly good Cay-

manian young people, with dedication, ability and a desire to go into this type of public service are spurned, discouraged and turned away. It does not enhance my respect for the people who are in charge of our police force.

I would hope that there can be a more genuine spirit of acceptance and forthrightness and candour in dealing with these kinds of applications because something is radically wrong. Why is it that the Fire Service has a waiting list as long as the list for visas at the United States Embassy in Kingston, and we cannot get enough young Caymanians into the Royal Cayman Islands Police Force when they are similar organisations? Is it because the one is headed by a Caymanian and the other is not? They involve the same kind of commitment, same kind of discipline, it is a similarly uniformed organisation, they similarly work on shifts, they similarly face life-threatening circumstances and can be called upon any hour of the night to put their lives on the line. Why is it, when the Fire Service announces they are recruiting, the chief wishes he could take all of the applicants who are suitable, and the Police Force goes begging? Even when people as these young people that I have mentioned go to the precinct in George Town and beg to be accepted.

Madam Speaker, I regard myself as a good judge of character and I cannot believe that young people of this calibre of are turned away and discouraged from joining the Royal Cayman Islands Police Force. It is a sad indictment and sometimes I wish that our Parliament had the power that the United States Congress and Senate have so that we could subpoena those members here and put them before a sub-committee and grill them and get to the bottom of this situation.

The Speaker: Honourable Member, would you take a suspension at this time?

Mr. Roy Boddén: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 10 minutes.

PROCEEDINGS SUSPENDED AT 3.56 PM

PROCEEDINGS RESUMED AT 4.11 PM

The Speaker: Please be seated.

The First Elected Member for Boddén Town, continuing.

Mr. Roy Boddén: Thank you, Madam Speaker.

When we took the adjournment, I was embarking on the observation that there is a need for greater encouragement and more candour if we are to build the morale of the Police Force.

Madam Speaker, it is my understanding that within the Force there are elements who are discouraged be-

cause officers who have, for some time, passed promotion exams have not been able to realise their aspirations to become promoted.

I do not know what kind of Force we are trying to create, whether it is strictly a Colonial Police Force, or whether we should strive to create an effective Force. To my mind, it is best for us to develop a Force which has a mixture—some officers with experience in other jurisdictions, but which allows and enables Caymanian officers to move forward in greater numbers. I am aware that recently three Caymanian officers were promoted. But what about the others, some of who have passed the exams and have not been promoted who continue to labour under frustrating circumstances?

The oversight must lie with the Commissioner and it is his responsibility to see that the morale is always high and that the people under his charge work under the best circumstances. We hold him to this, because we, in this Honourable House, are always understanding and quick to give him support when he needs support. But certainly, as a Member, I am not convinced that he is creating an organisation that is able and equipped to deal with the problems we have in a changing and growing Cayman.

By inference, much the same could be said about the Prison system where there is a need for a change of direction. I will not rehash the events of the recent past, only to say that the Prison system too is one of those systems which exists, it seems, to frustrate Caymanians from seeking employment in the system. I have, many times, asked questions concerning the complement of officers. I see people (it is no exaggeration) from many parts of the world, and a minority of Caymanians. We are told that Caymanians are not suitable. They are not recruited, and those that are successful in being recruited are soon frustrated and leave. It is as if some conspiracy [exists]. Yet a great number of the prisoners are Caymanian. I do not believe for one moment that Caymanians are incapable of mastering the techniques to be good custodians and good wardens in the Prison. Something is wrong, and that is why I take the opportunity to say that I welcome the Government's announced inspection.

The complaints which come to me as a representative of the people are not complaints that bolster my confidence in the administration of the Prison. During my tenure as Chairman of the Public Accounts Committee I raised many questions about many practices (and I especially note points raised in the last Public Accounts Committee, which was tabled under the Chairmanship of the Third Elected Member for West Bay), concerning some of the practices, particularly as it regards overtime. It is frustrating, annoying and, as a representative, I am most displeased with the fact that Caymanian people are spurned in their application to enter the Prison service while it seems a cadre of outsiders are taken in, to the point where I wonder, sometimes, just how much the rules have been stretched and bent to make them eligi-

ble. It is a situation which I, as a legislator, am not prepared to tolerate. I say it is no wonder that the rate of recidivism is as high as it is. It is no wonder that the institution as an agent of rehabilitation has failed dismally and continues to fail. Sometimes I wonder if the roles, in some cases, should not be reversed, and that some of the officers should not be in prison.

Madam Speaker, this situation of the reputed availability of contraband substances, including drugs, at that institution is one which cannot but call into question the role of many people and the effectiveness of the administration. I have people who tell me that it is easier on the inside than it is on the outside—because on the inside they do not have to evade the police! We are talking about big smoke-ups at Christmas! I cannot, as a legislator, stand in these hallowed halls and feel good about that. I have no faith in the administration. It is no wonder that we are frustrated with the high rate of recidivism. I say that our Caymanian people must be given a greater chance to run the system now because the other people have been failing and have failed too long.

I have to say this, many of the people who spent time there come and tell me that it was better when we had an all English staff. I asked them why and they proceeded to elaborate—the whole relationship, the lack of understanding, the laxness, it seems that the system is run much like Boss Hog ran the town in the Dukes of Hazard. I hope that we can get to the bottom of that soon because there is not much time to lose.

Regarding Agriculture, there is an increased awareness in the land and its importance as a source of food in these Islands. While many contend that Agriculture will never rise to be an economically viable product, beginning with the last Government there has been an increased awareness and an encouragement of agriculture. I notice that the trend pretty much continues and I have an observation or two which I would like to offer.

I think one of the problems hampering the development of agriculture, particularly on the scale of small farmers, is that we need to explore to see if we can find greater sources of capital which we can make available to the farmers and the potential farmers at soft interest rates. Agriculture is one of those callings where much is left to the elements of nature and to risks. Sometimes a farmer goes to work and plants a whole field. Drought, or bad weather, abundance of rain or a storm comes and wipes everything out. If the monies were borrowed at commercial interest rates, and the farmer's resources were so exhausted that he did not have a back-up supply, then the farmer is at great risk of losing, not only his investment, but some personal loss as well, if he had his venture tied to his personal property. In cases where these kinds of ventures have been most successful, it has been the practice that certain funds have been available as soft loans.

Everywhere one travels in Cayman, particularly if one moves from George Town heading east, one sees that there is a sense of increasing awareness now, a

sense of pride, people planting things—some people just as hobbies, but a greater number as commercial ventures. Certainly in the district of Bodden Town, where I live, there is a substantial development owned by a farmer, and I understand in North Side and East End, which it has always been—Bodden Town, North Side and East End—have always been, traditionally, the breadbasket of Cayman.

It is my understanding from older folks that in days gone by it was even more prolific than it is now, to the point where at one stage, believe it or not, we exported to Jamaica and sometimes to Honduras. So I would encourage these kinds of efforts and would only say to the Minister that he should continue his efforts and his dialogue, keep in close contact and his efforts can best come to fruition by exploring to see if we can find a source of finance that we can let out to farmers at preferential rates of interest so that they can have time and there can be some allowances when they have set backs due to drought, flood or hurricane.

Cattle rearing is, perhaps, in a way of speaking, a little easier than crop husbandry because cattle rearing is fairly cut-and-dried in that one only has to ensure that the breeding stock is kept up to a high calibre, and the risk is not so great for destruction by the elements, as crop husbandry is more exposed and more dependent on the elements of nature which, of course, are beyond our abilities to control. So, in crop husbandry, even more so than in cattle husbandry, there is a need. Perhaps the ideal situation is a situation I see already existing, and has existed for ages, is that most of the ventures are mixed ventures, where the people have cattle and/or goats and some crops. I think this is the ideal.

I also note with interest that many of the farmers are getting into some diversification by virtue of the fact that they are bringing in things like goats. Goats are naturally suited for Cayman, I think by virtue of the fact that they can graze on land which is not much use for anything else. Also not insignificant is the fact that by virtue of our culture and geographical location, we find ourselves in a market where mutton is in high demand, so that with the right mix and the right breed, a farmer who goes into goat rearing can realise a profit or a return on his investment within a short time.

One of the problems, as I understand it, that has always plagued the development of agriculture is the availability of good water. Speaking from experience in the area in which I live, and the farm, constant pumping of the wells, even though they are artesian wells, makes a change in the salinity of the water very precarious. So, a certain amount of trial and error has to be done before one can arrive at the best type of crops. But the produce I see coming to the Farmers Market, certainly the citrus, seems to be doing very well, and seasonal crops, such as pumpkin and watermelon, do extremely well, particularly watermelon, at certain times of the year. It would seem that we are on the right track.

I must make an observation that I believe some attention should be paid to, if the system is to improve significantly, and that is that the Farmers Market, as I understand it, exists as a co-op. The weakness in the system is that the farmers have to wait a little while before they get paid for the produce delivered to the market. I think that farming works best in those situations where immediately when the farmer delivers, he or she is paid, because that allows them to go and reinvest. This is particularly true where someone is just starting up, where they may have to, at the beginning, be much more labour intensive than they would need to be at a latter stage and have to hire outside labour. So we should work towards the kind of system at the Farmers Market, and I am cognisant of the competition that we have from the supermarkets and the other outlets, but we should work towards the situation where even to begin with on a limited basis, the farmer is compensated immediately when the crops are delivered.

In some cases where farmers use items like fertilisers, plant helpers, etcetera, a system is derived where the cost of the produce delivered is offset by the farmers taking fertiliser, etcetera. I do not know how applicable that would be in our situation because I do not know the volume of these kinds of things that are being used. Certainly, anything that is being done to give the farmer a more immediate cash flow upon the delivery of his/her goods to the Market would certainly improve the situation. I must say that I favour the development of the Farmers Market as their co-op. But at the same time I also encourage the flexibility to sell, particularly to the large supermarkets. Not only does this give exposure to what is available locally, but it also gives a sense of achievement and a sense of pride to the person who walks into Foster's or Kirk Supermarket knowing that his goods are being made available there.

Recently I had occasion to hear quite a few visitors express pleasant surprise at the fact that there are available in the Cayman Islands crops that are locally grown, particularly the fact that the crops are fresh. For the most part the quality can be guaranteed. I think this is something to encourage.

I want to throw something out to—

MOMENT OF INTERRUPTION—4.30
Standing Order 10(2)

The Speaker: Honourable Member, please excuse me, it is now 4.30. Will you be finished shortly, or ...

Mr. Roy Bodden: No, Madam Speaker.

The Speaker: May we ask for the adjournment at this time, please? The Honourable Minister of Tourism, Environment and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

The Speaker: The question is that the House do adjourn until 10 o'clock tomorrow morning. If there is no debate, I shall put the question. Those in favour, please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock Thursday morning the 3rd of March.

AT 4.34 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 3 MARCH 1994.

**EDITED
THURSDAY
3 MARCH 1994
10.00 AM**

The Speaker: I will ask the Honourable Temporary First Official Member responsible for Internal and External Affairs to say prayers.

PRAYERS

Hon. James M. Ryan: 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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

Before commencement of the business for this morning, I would like to draw Members' attention to the fact that the quorum of the House is eight Members. I would ask Members if they would ensure, before going out of the Chamber, that there are eight Members remaining. I understand that there may be certain circumstances that require Members to go out either on business or other matters, but the business of the House must go on. If the Serjeant-at-Arms goes around trying to make up a quorum he is doing so on the instruction of the Chair or the Clerk to make sure that there is always a quorum in the House. Thank you very much.

We will now proceed to Questions to Honourable

Members. Question No. 10, is standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 10

No: 10: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications and Works when the trench work done by Petroservicios Limited in Bodden Town be brought up to Public Works Department's standards.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

The Water Authority trenches in Bodden Town will be brought up to the standard specified by the Public Works Department by 15 April 1994.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say by whom this work will be done?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, this will be done by Petroservicios and whomever they choose to subcontract. However it will be monitored and it has to be up to the standard of the Public Works Department.

The Speaker: The next question is No. 11, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 11

No. 11: Mr. Roy Bodden asked the Honourable Temporary First Official Member what is the limit on the number of taxis allowed by the Government to be in operation in these Islands?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The agreed limit by Government on the number of taxis allowed to be in operation in these Islands is 250.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say what is the number of taxis operating currently?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

It is not possible to say the actual number of taxis operating because situations arise from time to time where the number of licences issued do not equate the number of taxis actually operating.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, if the Honourable Member can answer, what is the control system to ensure that the number of licences do not exceed a certain limit; and what controls are in place to ensure that licences are suspended for taxis that are off the road for significant periods of time?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The licensing of taxis is controlled by the Police Department. We understand there are instances where valid licences are in effect, but for one reason or another holders of these licences are not necessarily operating. A licence, of course, would expire in due course and it would have to be renewed. This is why I said earlier that the number of licences do not equate with the number of taxi operators operating.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, can the Honourable Member say how the Government arrived at this figure of 250 as the limit?

The Speaker: Honourable Temporary First Official Member, I think you answered that previously.

Hon. James M. Ryan: Yes, Madam Speaker, I thought I did.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. It is a follow up to the last question asked. I think the Member asked "how." I would like to ask the Honourable Member if he could say what is the rationale for

arriving at 250 taxis as being the ideal number for the Island. How do the police arrive at that?

The Speaker: Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The rationale for arriving at it is difficult to explain. The number has been 250. I do not know the circumstances surrounding the rationale. If the Honourable Member wishes, I could enquire into it.

Mr. Gilbert A. McLean: Madam Speaker, I would appreciate that. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

I wonder if the Honourable Member could say if there have been any changes in policy in regard to renewal of taxi licences since January 1994?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

No, I am not in a position to say if there are any changes in policy.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Honourable Member say if it is a fact that a large number of taxi operators in the Cayman Islands are non-Caymanian, or is that purely a question of propaganda and opinion?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I do not have the information by nationality, so I am not in a position to say whether this is correct or not.

If I could come back to the earlier question that the Member asked in regard to the rationale: It is my understanding that the new Traffic Law, which actually has not come into effect yet, will give the figure. However, as Honourable Members know, that has not yet been brought into operation.

The Speaker: The next question is No. 12, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 12

No. 12: Mr. Roy Bodden asked the Honourable Temporary First Official Member how the new visitors' extension policy at the Immigration Department differs from

the policy it replaced?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The new guidelines for visitors' extensions which were introduced at the beginning of the year, differ to the following extent: 1) Visitors applying for an extension of stay must now complete a form and pay a \$10 administrative fee; 2) the applicant must appear personally, unless incapacitated and, therefore, with good cause is unable to appear; and 3) an extension, if approved, has to be authorised by an officer of or above the rank of Assistant Chief Immigration Officer, or the Chief Immigration Officer if the visitor does not attend personally.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Although the Honourable Member did not mention this in his answer, I wonder if he could say whether the time frame for extensions has been varied?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

I do not know if it is correct to say that the time frame has been varied. What has been done is that perhaps the policy is being enforced a little more rigidly now. If a visitor arrives on an excursion ticket and the limit is for "X" numbers of days, that time is being adhered to more carefully than perhaps in the past.

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 what officer in the district of Cayman Brac and Little Cayman would be authorised, as there is no one of that rank assigned in Cayman Brac?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The Honourable Member is certainly on the ball this morning. That is, indeed, a very good question. The Island of Cayman Brac does not have an Assistant Chief Immigration Officer. It is my understanding that it has been put into effect there and I would expect that either the District Commissioner, who would be representing the Chief Immigration Officer, would have to deal with it, or else by telephone from Grand Cayman.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Member could say who is authorised to grant extensions if these people appear in person?

The Speaker: Honourable Member, I think that answer was given in number 3.

Mrs. Edna M. Moyle: Number 3 says, if they are not able to attend personally.

The Speaker: It is the Chief Immigration Officer who would give that if the visitor does not attend personally.

Mrs. Edna M. Moyle: But, I am asking, if the visitor attends personally, who grants the extension?

The Speaker: Well I think that is clear too. It would either be the Assistant Chief Immigration Officer, an officer above that rank and if that officer is absent I would assume it would be the Chief Immigration Officer. I think that would be the understanding.

If the Honourable Temporary First Official Member wishes to clarify it further, please do so.

Hon. James M. Ryan: Thank you, Madam Speaker.

Just to clarify, if someone goes in for an extension it has to be dealt with by an officer at the level of Assistant Chief Immigration Officer or above. So no one below the level of Chief Immigration Officer would authorise an extension.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Are there any nationalities, persons, or categories exempt from this extension policy? If so what are they?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. To my knowledge no nationality or persons are exempt from this.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In the case of a Caymanian husband whose wife is not a Caymanian and where his wife would need to get the normal immigration extension—six months, three months as the case may be—would that spouse also have to fill out a form and pay the \$10 fee, as in the ordinary case of affairs? If so, is that not a bit unreasonable? Would the Honourable Member give an undertaking to look at that if that is the case?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Perhaps there may be cases of this where a spouse is led to believe that he or she would have to do this. In fact, I might say that a case was referred to me and I passed it directly to the Chief Immigration Officer. The spouse did not in fact have to go through that procedure as if the spouse had no Caymanian connection. It was just that in that particular case the person thought so.

To answer the question, there are exceptions to any rule or guideline.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Bearing in mind the answers to the various supplementaries that have been asked, I wonder if the Honourable Member is in a position to say what the case would be for someone who is here on a work permit having had a child born in the Cayman Islands. Would the Immigration Department have problems with extensions in regard to that infant?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I would prefer not to attempt to answer that question. If the Member wishes I will supply the answer in writing.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Yes, Madam Speaker. I would be very happy, because I have that in front of me now and I do not know how to deal with it.

The Speaker: The next question is No. 13, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

Before the Member rises to ask the question, it will be noted that this is on the Order Paper directed to the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation. The Honourable Minister has just taken over the Ministry and the subsequent holder (the Honourable Minister for Community Development, Sports, Youth Affairs and Culture) will answer the question.

QUESTION NO. 13

No. 13: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the present

organisational structure of the Medical and Health Services Department?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The present organisational structure of the Health Services Department is as follows: The Director of Health Services is the Officer responsible for coordinating and directing the department's activities. This officer reports directly to the Permanent Secretary for Health. There are five senior officers who have responsibilities for ancillary and support services, nursing services, physician services, financial services and public health services.

In addition, there is a Medical Officer in charge of the Faith Hospital who reports to the Director of Health Services via the Medical Director.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Would the Director of Health Services equate to Chief Medical Officer?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: No, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister then explain who fits the position of Director of Health Services? Is it a manager, a person who is not a doctor? Is it a doctor? What is the present situation?

The Speaker: The Honourable Minister for Communication Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, as everyone knows, Mr. Mervyn Conolly is the Director of the Health Services Department.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I do not know if everyone knew who the Director of the Health Services was, but it has been answered.

I would like, then, to ask whether the ancillary and support services, nursing services, physician services, financial services and so on, are headed by managers, non-doctors or non-medical people. What is the situation there?

The Speaker: The Honourable Minister for Community Development.

Hon. W. McKeeva Bush: Madam Speaker, to answer the question, Mr. Mervyn Conolly is the Director of the Health Services. We all know that he is not a doctor. Mrs. Eloise Reid is the Chief Nursing Officer responsible for nursing services. It is very obvious what she does. Dr. Shakar is the Medical Director responsible for physician services and it should also be obvious to the Member what he does and who he is. Dr. Kumar is the Medical Officer for Health responsible for the public health services and, likewise, the Member should understand that he is a doctor. And the financial services are under the responsibility of a chartered public accountant.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if there is a chief doctor among the doctors, as that whole explanation of the structure is absolutely confusing as far as I am concerned. Could he say if there is a chief doctor among the doctors there, or does the Director of Health Services—who is not a doctor—also play the role of a doctor?

The Speaker: The Honourable Minister for Community Development.

Hon. W. McKeeva Bush: Madam Speaker, I am sorry if the Member cannot understand, but that is not my fault.

I have said already that the Medical Director is Dr. Shakar responsible for physician services. I do not know what else he wants, but that is all I can tell him.

The Speaker: The next question is No. 14, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 14 (Deferred)

No. 14: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation how many full-time and part-time doctors are employed at the George Town and Cayman Brac Hospitals giving a breakdown by specialisation, nationality and length of service?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, we are still waiting on that answer. It is quite a lengthy document, but the Member could ask the following question.

The Speaker: We will proceed to the following question, No. 15, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 15

No. 15: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation will the Honourable Minister say when a decision will be made to select a Hospital in Florida to offer tertiary health care to which persons will be referred by the Cayman Islands Government?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The Health Services Departmental Tendering Committee has submitted a report and recommendations to the Central Tenders Committee for the provision of overseas medical services. The Central Tenders Committee is scheduled to meet on Friday, 11th March, 1994, to discuss the recommendations.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say if there is any such facility in Florida which now serves tertiary service as offered by the Cleveland Clinic since the contract with them has been broken or severed?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, my understanding is that the Cleveland Clinic is continuing to service the Cayman Islands in the capacity it has been doing for several years until a decision is made by the Central Tenders Committee.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, would the Honourable Minister say that Government has not advised the Cleveland Clinic that the contract between them for that service has ended?

The Speaker: The Honourable Minister for Community Development.

Hon. W. McKeeva Bush: Madam Speaker, it is quite obvious that Government cannot take that step until the Central Tenders Committee has finished its process. I think the House understands the procedure of the Central Tenders Committee and its purpose.

QUESTION NO. 14 DEFERRED

The Speaker: It appears that the answer to question No. 14 has not yet arrived. I would ask that it be put down on

tomorrow's Order Paper. Question No. 14 will therefore be answered at the Sitting tomorrow.

That concludes Question Time for this morning. We proceed to Government Business. I would ask for the suspension of Standing Order 14(2) since today is Private Members' Motion day, and this will be moved by the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Thomas C. Jefferson: Madam Speaker, it is the recommendation of the Business Committee that in accordance with the provision of Standing Order 83, I move the suspension of Standing Order 14(2) to enable Government Business to take precedence over Other Business until the conclusion of the debate on the Throne Speech.

The Speaker: The question is that Standing Order 14(2) be suspended in order that the House may proceed with the continuation of the Debate on the Throne Speech by Her Majesty Queen Elizabeth II. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(2) SUSPENDED TO ENABLE GOVERNMENT BUSINESS TO TAKE PRECEDENCE OVER OTHER BUSINESS UNTIL THE CONCLUSION OF THE DEBATE ON THE THRONE SPEECH.

The Speaker: The Standing Order is accordingly suspended and there is the continuation of the Debate. The First Elected Member for Bodden Town continuing.

DEBATE ON THE THRONE SPEECH DELIVERED BY HER MAJESTY QUEEN ELIZABETH II ON SATURDAY, 26 FEBRUARY 1994

(Continuation of debate thereon)

Mr. Roy Bodden: Thank you, Madam Speaker.

At the adjournment yesterday, I was on the verge of offering some comments on the Public Works Department.

The Public Works Department continues to play a pivotal importance in the maintenance and development of Government's physical infrastructure in these Islands and, therefore, it is necessary for it to be able to function at the highest possible level of efficiency. This is a great challenge. From time to time, the Public Works Department is singled out for some very hard doses of opprobrium and disgust. I believe that one of the reasons why the public perception is sometimes that the Public Works

Department could do better is the fact that there seems to be a great deal of dissatisfaction with the performance in some areas.

Some months ago, I noticed that a young Caymanian architect working with the Public Works Department had resigned from the Government Service and went into private practice. It is difficult in many cases to retain young people, but it is even more difficult in those cases where young people with ability and qualifications feel frustrated because they think they should be upwardly mobile.

While we have to depend upon foreign expertise in many areas, it is incumbent upon us to be able to strike so delicate a balance when we have qualified Caymanians returning who prove themselves in their respective posts. We must operate under the understanding that if anyone is going to be displaced it will have to be the foreign national. And we would hope that that can be done with the least possible disruption or bad blood. But, certainly, that is the pretext under which foreign nationals in any country must operate because the obligation of a country has, firstly, to be to its citizens.

One of the complaints that I have heard is that there are some people at the Public Works Department who are standing in the way of qualified Caymanians to the point that some of these people have been frustrated and have left the service. There are others who have not yet left. I do not necessarily subscribe to the notion that once a person is qualified he has to remain in a position for 30 years before he can get the necessary experience to move on. I mean, that seems to be unfair. I am wondering if in certain departments of Government the deck is not stacked to the disfavour of Caymanians.

While I am speaking about the Public Works Department in this instance, I do not think that the situation is unique to them. Perhaps what the Government needs to do is to take a closer examination to ensure that where qualified and capable Caymanians are concerned they are not stymied because someone is interested in maintaining the status quo—especially when that status quo means keeping a foreign national who has been on contract for several years.

It is a situation which needs addressing. Otherwise we are forever going to have to play catch-up and we are constantly going to be faced with the problem dealing with young, qualified, Caymanians who are frustrated because they thought that they should have been given greater opportunities to develop their skills and for upward mobility in the Government service. Certainly, in the Public Works Department there is a particular vulnerability in this area.

The Department of Vehicle Services offers a good service. But I have received some complaints, particularly from the police officers that man the precinct in my constituency regarding the standard of service for their vehicles. Quite often these vehicles have to be off the road. It is not solely the fault of the Department of Vehicles. Perhaps the major fault is that the vehicles are old. The older the vehicle gets, quite obviously, the more maintenance it is likely to need.

There was a case recently where a young officer from the precinct of Bodden Town went to pick up a vehicle. He got into some trouble because the Director of the Department reported to his boss that he had taken the vehicle without permission. What is also unfortunate about it is that the officer, upon retrieving the vehicle, was driving back to his station in Bodden Town.

I think that there is a need for improvement in the system of communication, as well as a need for improvement in the service of this Department. The incident was entirely unnecessary, and the young officer, whom I know very well—he is diligent, conscientious and a Caymanian I might add—could have gotten into serious trouble. It could have cost him his police career. The upshot of all of that was that the vehicle eventually burnt up in front of the Police Station.

This, Madam Speaker, underscores the need for improvement in the services that are being rendered. What would have happened if the vehicle had burnt up when the officer was escorting someone to prison, or to court, or to the Police Station to be charged, and the person in his possession got injured or died as a result? So, there is a need for improvement in this area. And I might say that I will be watching, and I shall be in touch with the people to see that the system improves, particularly the public relations between the police who are patrons and customers of the Department of Vehicles.

I do not know of an easier way to express this, Madam Speaker, but I am alarmed at what is an apparent outgrowth of prejudice in this country. I noted with interest that at our recent Parliamentary Prayer Breakfast the Reverend Christopher Bailey went into some detail speaking about prejudice in its myriad forms. I am led to believe that this upsurge of prejudice may have its roots in a misguided sense of nationalism. But I want to say that there is a difference between nationalism and national pride—indeed, Madam Speaker, a significant difference.

I argue that nationalism, as it was known in the 19th century, and as it is known even in the early 20th Century, is fast becoming an irrelevant, if not an absurd notion, because the world is shrinking. I am sure that Marshall McLuhan, who termed the world a "global village" some decades ago, had understood how communication and travel would shrink the world he would have realised how prophetic he was. So physical borders, nationalities, colour, ethnic origins . . . all of these are becoming less relevant and less important than the notion of banding together to survive; not only to survive, but to make the best of the opportunities that we have.

That is why, for all its faults I admire the great United States of America. Their motto is "E Pluribus Unum." And their great symbol, the Statue of Liberty says, "Give me your tired, your poor, Your huddled masses, . . ." and they took them in, and they still continue to take them in. Sometimes I have reservations because I believe they, too, show prejudice in some instances. However, we in the Cayman Islands have to be very careful how we express this. It is a good starting point to mention this in Parliament to the Legislators who

make policies and take these kinds of important decisions.

We in the Cayman Islands were not always this fortunate. Madam Speaker, I and many others here had to go abroad for our education because at the time when we were ready, Cayman had no such facilities. As I move about in my constituency of Bodden Town, I hear reports. And I do not know if it is more real than perceived, but I am concerned.

Madam Speaker, I was talking to a pastor a few days ago and he told me about an incident that greatly disturbed me. He had posted the banns of a couple—a Caymanian and a non-Caymanian—on his church door. He received a call from the Immigration Office saying that he was not to proceed with the wedding ceremony because they thought it was a marriage of convenience. However, the pastor informed me that he had had two counselling sessions with the couple and he was satisfied that they were aware of their responsibilities and commitment.

On the morning of the wedding, a car pulled up into the rectory of the Church, with three Immigration Officers. The pastor asked, "Can I help you?" to which they replied, "Yes. We understand that a marriage is supposed to take place and we believe it to be a marriage of convenience and we have come to stop it."

Madam Speaker, are we in Nazi Germany? Are we in totalitarian Russia? Are we in communist China? Or, are we in the Cayman Islands—supposedly a free and democratic society? I am alarmed, Madam Speaker! I wonder what those officers would have done if they had proceeded up the aisle of the Church. Would they have physically accosted those people? I think that we have taken leave of our senses, if this is what we are going to do. Have we come to this? Even in South Africa people are breaking down these barriers.

You know what, Madam Speaker, if we do not pull up the reins we are going to get into trouble. We are not even a sovereign nation. We are going to get embarrassed and isolated because that kind of incident is spreading. Madam Speaker, it has already gone to Jamaica.

The onus is upon us as Legislators. It is all well and good to promote national pride. I have been doing that, and there have been many others in here doing that—respect and love for country. But we also have to promote respect and love for other people. Are we who claim to be good Christian Caymanians in a good Christian society promoting racism? Let me ask who in Cayman, that is Caymanian, is racially pure? Let me see him or her.

I am frightened because these things are like Frankenstein—once they are created they eat up their creators. If we want a divisive society, we can continue to promote that kind of prejudice—be it based on colour, be it based on ethnic origin, or be it based on religion. We will soon not have any society to boast about.

Madam Speaker, yesterday during their contribution, I heard one Member say that Jamaica would be glad to take prisoners from Cayman—we would pay

them and they need the money. Madam Speaker, that is a rather reckless statement. I would not encourage people to say that because Jamaica has its own problems. We cannot transport prisoners like that. I am left to wonder if it is not these kinds of statements that make us believe that we are superior and that others are inferior.

We have Caymanian prisoners who have committed offences in Cayman and we have to deal with them here; and we should deal with them. If we think that the Jamaican Government would not be insulted . . . let them get wind of that kind of statement.

I think that we, in this country, have much work to do, Madam Speaker. I would like to see us develop a sense of national pride and respect for one another. But be careful how we cultivate sentiments of nationalism. It was those kinds of sentiments that created Nazi Germany and eventually brought it to its knees. It was those kinds of sentiments that created Imperial Japan and brought it to its knees, and we do not want any more than to witness what is happening in the former Yugoslavia now as a result of prejudice grown out of hand.

Madam Speaker, in the 6th Century B.C. Confucius, who was a private teacher, had as his charge young men and grown persons who were interested in three things: right conduct, good government, and learning. It so happened that in the state where they were, there was a revolution. So it was necessary for Confucius and his disciples to flee from that state and go to another. While they were travelling up the Thai Mountain, they met a woman who was weeping. Confucius asked her, "Lady, why are you weeping?"

She answered, "Oh, Confucius, I am weeping because there is a man-eating tiger in this place. First he ate my husband, then he ate my father, and now my son."

So Confucius asked the woman, "Well, if this is such a dangerous place and you have to confront a man-eating tiger, why do you not leave from here?"

Her answer was, "Here there is good government, I do not want to leave."

One of Confucius' disciples asked him to define good government, and he said; "Good government obtains when those who are near are made happy, and those who are far off are attracted. Three elements make up good government. Firstly, people should be fed; secondly, they should have confidence in their leaders; and thirdly, they should have weapons." And, he said, that of these three, one must last sacrifice the confidence in the leadership. Madam Speaker, leadership that is confident does not have to fear because they are doing what is right.

I listened yesterday to what was said prior to the election. I have always viewed my role as a representative of my constituency and my country. And in carrying out that role I try to be pragmatic, reasonable, and fair. But my pragmatism has its limits and I refuse to sacrifice my principles to obtain a result. I will never do that! And so my duty is to put forward a position that is clear in my conscience, that is fair to my people; and I have no apologies to anyone who does not like that. As far as

being un-trustworthy is concerned, my constituents will be the ultimate judges.

Certainly, on the last two occasions there were no signs of anything of that nature. Many of them called me last evening because they were concerned. But I have a standard to maintain and a code by which I live, and I will not easily depart from them, Madam Speaker, if for no other reason than I do not want to make your job any tougher. I only want to say that if there is any Member, loud-mouthed or otherwise, who knows of any reason why I should not sit in this Assembly let him come forward and say it. Failing that, let him stick to the rules of the Westminster system of debate.

I shall continue to do my job in the best light as I see it, being a good representative for the people of Bodden Town, and I will be the first to support the Government when their policies warrant my support. But, Madam Speaker, the converse is also true: I will be the first to speak out against any policy that I think is against conscience, country and constituency—the three C's.

I wish that I were in the position to help some people benefit, particularly now that we are called Ministers. I think that there is a need to brush ourselves up on the protocols of that office and to always be careful, polite and respectful of other people; to refrain from using the privileges in parliament to destroy people, particularly those who do not have access to the same avenue to defend themselves.

So, Madam Speaker, I believe that I have laid my position clearly on the table. I hope with God's help to continue to be a good representative and to be a constructive Member of Parliament. I take pride in my association with certain Members, close and lasting association. What makes this Member so different from many others is that I cherish friendship, and political expediency or anything else will not let me sever lasting friendships as it will not let me abnegate nor take leave of my conscience.

I thank you, Madam Speaker.

[3 minute 20 second pause]

The Speaker: Honourable Members, debate will continue on the Throne Speech delivered by Her Majesty Queen Elizabeth II. (Pause)

If no one wishes to continue the debate, I would ask the Honourable Minister for Agriculture, Communications and Works if he would like to move the Motion that Her Majesty the Queen's speech be taken as read, and that will conclude the debate.

MOTION THAT HER MAJESTY'S SPEECH BE TAKEN AS READ, AND THAT THE DEBATE BE BROUGHT TO AN END

Hon. John B. McLean: Madam Speaker, I move that Her Majesty's speech be taken as read, and that the debate be brought to an end. I would further add that the reply I presented on the day of Her Majesty's visit form a part of the minutes of this House of Assembly.

“Your Majesty,

“The people of the Cayman Islands are most grateful to you for including us on this tour of the Caribbean.

“We reaffirm our loyalty to the United Kingdom and your Government which was borne out by the election in November, 1992. Once again we reiterate our satisfaction with being your Crown Colony. Under this status of Government we have enjoyed peace and the people of these Islands have prospered. Such prosperity we attribute to your able reign and guidance as our Queen.

“Although many miles separate us we pray to God that Your Majesty will sometime in the future bestow upon us the privilege of another visit.

“It is our hope that the good Lord will continue to bless, guide, guard and protect you, as you continue to perform the duties which you have so ably carried out during the 42 years of your reign.

“We, your people, the people of the Cayman Islands, solemnly pray that your visit to these Islands will be enjoyable, that your tour will be a rewarding one and that the guiding hand of the good Lord will return you safely to your homeland.

“Your Majesty, the people of the Cayman Islands would be most honoured if you would accept this gift, a sculpture of the symbol of our national heritage, carved from indigenous Caymanite Stone, as a token of our respect, appreciation and love for you.

“May God Bless you and the Royal Family.”

The Speaker: The question is that the speech delivered by Her Majesty Queen Elizabeth II, be taken as read and in view of the reluctance of other Members to continue that the debate be brought to a conclusion.

I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE SPEECH DELIVERED BY HER MAJESTY, QUEEN ELIZABETH II, ON SATURDAY, 26TH FEBRUARY, 1994, TAKEN AS READ; AND FURTHER, THAT THE REPLY BY THE HONOURABLE MINISTER FOR AGRICULTURE TO HER MAJESTY AT THE CONCLUSION OF THE INVESTITURE BE INCLUDED IN THE RECORDS OF THE HOUSE.

The Speaker: The House will accordingly be suspended for fifteen minutes.

PROCEEDINGS SUSPENDED AT 11.11 AM

PROCEEDINGS RESUMED AT 11.50 AM

The Speaker: Please be seated.

Proceedings are resumed. Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994

Clerk: The Parliamentary Pensions (Amendment) Bill, 1994.

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

SECOND READING

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994

Clerk: The Parliamentary Pensions (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, I move the Second Reading of a bill entitled, A Bill for a Law to Amend the Parliamentary Pensions Law, 1994.

The Object of the Bill is to amend the Parliamentary Pensions Law, 1984, to authorise the payment of a pension under that Law to former Elected Members of the Legislative Assembly who served as members for any period between the 1st October 1959, and the 22nd August 1972.

The existing Law provides for the payment of pensions to Elected Members who served for any length of time on or before the 1st October 1959. This Bill would give the same entitlement to Elected Members who served between the 1st October 1959, and the 22nd August 1972.

The amount and entitlement to pensions, widow's pensions and children's pensions payable to and in respect of the services of former Elected Members affected by this Bill will be the same as that of former Elected Members who served on or before the 1st October 1959.

Madam Speaker, I have also requested the legal draftsman to look carefully as to whether the definition of a “Member” under this Law should not also be amended, and I am sure I will hear from him this afternoon.

The proposal here endeavours to bring some amount of equity where in 1985, I think it was, Government amended the Parliamentary Pensions Law to give a flat pension to Justices of the Peace and Vestrymen

who served prior to October 1959, a sum of about \$4,800. Some of these people who served may not have served for more than a year; some may have served for longer periods.

When we looked at the number of people who served between 1959 and 1972, we found that there were four. I am not going to name them today, but I indicate the number to give an assurance to all Members of the Legislative Assembly that the approval of this amendment will not be a significant drain on the Treasury of this country. I believe that those people who served as Elected and Nominated Members should be treated in the same way as we treated the Vestrymen and the Justices of the Peace in the 1985 amendment.

I believe that some of the former Members who served this Legislature between 1959 and 1972 made a significant contribution to these Islands. It was in that period of time that the Companies Law was passed in this House. It was in that same period of time that the banking legislation was passed in this House. Among other things, it was in that period of time that Cable and Wireless came to this country and established the service that we have today, which is second to none. It was in that period of time that the Caribbean Utilities Company Limited came to this country and took over the electricity production. And, God knows that without those two utilities Cayman would not be where it is today.

So these Honourable Members who served between 1959 and 1972, in all fairness to them and to their wives, should be accorded the same generosity as that when we amended the 1984 Pensions Law in 1985, to accord a flat pension for Justices of the Peace and Vestrymen.

Madam Speaker, I will take my flak if I have to take it, but I believe that what we are doing today is morally right and I recommend this amendment to Members of the House. I indicated to them that the legal draftsman will tell us before we get to Committee stage whether we need an amendment to the definition of "Member," which is an Elected Member of this Legislative Assembly. So, there may be a need to amend that as well.

The Speaker: The question is that a Bill entitled the Parliamentary Pensions (Amendment) Bill, 1994, 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.

Contrary to what the Honourable Minister might be thinking precisely at this moment, I do not rise to give him any flak. I simply wish to make a comment or two with regard to this Bill.

The most important thing that I think we need to consider at Committee stage or wherever it is appropriate is whether these four individuals and their spouses, who would be immediately affected on the passage of this Bill, should be receiving the pension according to the way other Legislators have been, or will be receiving in the future. Should they be receiving this pension retroactively? I am not necessarily here to say how it

should be done, but I think we need to give consideration to that aspect before the final passage of this Bill.

I would also like to just say that it seems to me that it is only fair, given the circumstances that surround these four individuals, that they too should be included in whatever pensions are realised by past Legislators. So, without dragging on, I simply wished to voice my support for this Bill.

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 a Bill for a Law to amend the Parliamentary Pensions Law, 1984.

When I was elected to this honourable House, I came in at a very low salary with no pension provision envisaged. We did it to dedicate our services to the country. As the Honourable Mover has said, the period that we are talking about today, 1959 to 1972, was a very historical period. Much happened. We came under the 1972 Constitution, which we have just recently found so good and which simply needed to be upgraded and amended in 1994. That speaks very highly of the calibre of representative that we had at that stage.

As the Honourable Mover has said, I strongly support that Nominated Members were full Members of this House and served without remuneration, or for a very small sum, without figuring that they would every get any type of pension. However, since the country has developed at such a rapid pace and became financially able in 1984 to vote a Parliamentary Pension and a different wage structure for its Legislators, I feel that those who helped to lay the foundation are justly entitled to benefit from this pension as well.

So, with these few words, Madam Speaker, I give this Bill my full support and look forward that the Nominated Members' amendment will be included.

Thank you, Madam Speaker.

The Speaker: If there is no further debate, I will ask the Honourable Minister responsible for Tourism, Environment and Planning if he would like to reply.

Hon. Thomas C. Jefferson: Madam Speaker, my reply would only be my gracious thanks to Honourable Members for their support.

The Speaker: The question is that a Bill entitled the Parliamentary Pensions (Amendment) Bill, 1994, be given a Second Reading. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE PARLIAMENTARY PENSIONS

(AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider the Parliamentary Pensions (Amendment) Bill, 1994.

HOUSE IN COMMITTEE—12.04 PM**COMMITTEE ON BILL**

The Chairman: Please be seated.

The House is in Committee. The Clerk will read the clauses of the Bill.

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994

Clerk: Clause 1—Short title.
Clause 2—Amendment to the Parliamentary Pensions Law, 1994.

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

Honourable Second Official Member, do you wish to answer the question that was brought up by the Honourable Minister for Tourism, Environment and Planning?

Hon. Richard H. Coles: Thank you, Madam Chairman. I had it brought to my attention that Members would like to include in this amendment not just Elected Members of the Assembly, but also Nominated Members. I do not believe that the amendment as presently drafted would so include Nominated Members. I think it will require further amendment.

I spoke with the legal draftsman when we took the break earlier this morning, and I have explained to him what I think needs to be done. But I think that in order to achieve that amendment we shall need to consider this, probably after lunch.

The Chairman: Accordingly, you would propose that after lunch a further amendment would be brought to the House?

Hon. Richard H. Coles: Yes, I would, Madam Chairman.

The Chairman: Well, accordingly, proceedings in Committee will resume after lunch. When we resume the House will suspend proceedings at that time.

The Chairman: Proceedings are suspended until 1:15 p.m.

PROCEEDINGS SUSPENDED AT 12.06 PM**PROCEEDINGS RESUMED AT 1.21 PM**

The Speaker: The House will go into Committee to consider the Parliamentary Pensions (Amendment) Bill, 1994.

HOUSE IN COMMITTEE—1.21 PM

The Chairman: Please be seated.

The House is in Committee. The Clauses to the Bill were already called and the Second Official Member will now proceed.

Hon. Richard H. Coles: Thank you, Madam Chairman.

During the time when the House was suspended I hoped we would have managed to deal with the amendment and, perhaps, if I could propose an amendment to...

The Chairman: Excuse me, have copies been circulated?

Hon. Richard H. Coles: No, they have not, Madam Chairman. If we are to deal with it in Committee now, then I would have to read out the proposed amendments. Some are merely consequential renumbering, but there is one substantial amendment in Clause 2.

There would be an amendment...

The Chairman: Honourable Official Member, I think it would be better if we waited for a second or two to get copies available, as it would be impossible for me to call them out. I have nothing in front of me. Neither does the Clerk.

Would you ask the Serjeant-at-Arms if he would have copies quickly made for everybody please?

Hon. Richard H. Coles: That would be fine, Madam Chairman.

Hon. Thomas C. Jefferson: Madam Chairman.

The Chairman: Yes, Honourable Minister.

Hon. Thomas C. Jefferson: I would suggest, since there is no great rush to do this, that we take it tomorrow morning and that would give enough time for all the Members to see this amendment. I am a little leery to put it through in this way.

The Chairman: If that is the motion?

Hon. Thomas C. Jefferson: That is the motion, Madam Chairman.

The Chairman: I would put the motion, therefore, that proceedings in Committee on a Bill entitled the Parliamentary Pensions (Amendment) Bill, 1994, be deferred until tomorrow, when copies have been made available to Members.

I shall put that question.

**AGREED: COMMITTEE STAGE ON THE PARLIAM-
ENTARY PENSIONS (AMENDMENT) BILL, 1994,
DEFERRED UNTIL FRIDAY, 4 MARCH 1994.**

The Chairman: That is approved, and the House will resume. When the House resumes, Honourable Minister, you would then explain what proceedings have taken place and what progress has been made in the Committee.

HOUSE RESUMED AT 1:25 PM

The Speaker: Please be seated.

Honourable Minister for Tourism, will you report progress in Committee?

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to report that the Second Official Member, the Honourable Attorney General, and the legal draftsman have provided for us an amendment to the Parliamentary Pensions (Amendment) Bill 1994, presently before the House which will give and ensure that pension benefits would accrue to Nominated Members as well as Elected Members. In due regard to all Members we believe that it is fair and proper that the amendment be distributed to all Honourable Members this evening, and that it be considered tomorrow morning. I think that should be adequate time for all Members to see exactly what the proposed amendment seeks to accomplish.

The Speaker: Thank you, Honourable Minister.

With that, proceedings in the House are concluded for today. I will now ask for the adjournment.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, may I also say my grateful thanks to the legal draftsman and the Honourable Second Official Member, the Attorney General, for their professional and expeditious treatment of our request before I 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. If there is no debate, I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The ayes have it. The House is accordingly adjourned until 10 o'clock Friday morning the 4th of March.

**AT 1.27 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 4 MARCH 1994.**

**EDITED
FRIDAY
4 MARCH, 1994
10.05 AM**

The Speaker: I will ask the Third Elected Member for George Town to say prayers.

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, Official Members and Ministers 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: Housing Development Corporation Report for the year ended 30th June 1993. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

**PRESENTATION OF
PAPERS AND REPORTS**

**HOUSING DEVELOPMENT CORPORATION REPORT
FOR THE YEAR ENDED 30TH JUNE, 1993**

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay on the Table of this honourable House the Housing De-

velopment Corporation Report for the year ending 30th June 1993, to which I will make a further statement later on during the course of this Meeting.

The Speaker: So ordered.

We continue with Questions to Honourable Members/Ministers. Question No. 16, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MINISTERS/MEMBERS**

QUESTION NO. 16

No. 16: Mr. Roy Bodden asked the Honourable Temporary First Official Member what sanction exists for dealing with prisoners who breach the regulations while at Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker. Sanctions for dealing with prisoners who breach the regulations while at Northward Prison are found in Regulation 39(1)(a) through (h) of the Prison Rules, 1981.

“39. (1) Where an offence against discipline has been proved, any one or more of the following disciplinary awards may be made by an officer nominated by the Director --

- (a) caution;
- (b) forfeiture of any privilege for a period not exceeding twenty-eight days;
- (c) exclusion from associated work for a period not exceeding fourteen days;
- (d) stoppage of earnings for a period not exceeding twenty-eight days;
- (e) cellular confinement for a period not exceeding three days, subject to the approval of the CMO;
- (f) forfeiture of remission, or in the case of a prisoner not then sentenced, of prospective remission, for a period not exceeding twenty-eight days;
- (g) forfeiture for any period, in the case of a prisoner entitled thereto under the Law or these Rules, of --
 - (i) the right to be supplied with meals from outside prison; and
 - (ii) the right to have articles in his possession;
 - (iii) in addition to any of the above awards, payment by the prisoner towards the repair or replacement of anything he has damaged or destroyed.”

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Would the Honourable Member say if any of the listed sanctions were applied against the two prisoners who barricaded themselves at Northward Prison in the recent incident there?

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

The matter has been turned over to the Police and they are investigating the matter. I am not in a position to say whether any prison sanctions are being used in this instance.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Member then say, in light of his reply, whether there is a possibility that these two prisoners have not had any sanctions applied against them pending the completion of the Police investigation?

The Speaker: Honourable Member, I think that he has already answered that—there have been none. And this would be consequent on the result of the investigation by the Police.

Mr. Gilbert A. McLean: Madam Speaker, I understood that he did not necessarily know if there were any sanctions applied against them.

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

As I said earlier, I am not in a position to say if any of these sanctions were, in fact, applied or not.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I would like to ask the Honourable Member who decides what level of sanction is to be applied in a particular occasion.

The Speaker: Honourable Member, I think the answer for that is in the attachment, which says it may be made by an officer nominated by the Director.

If there are no further supplementaries, the next question is No. 17, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 17

NO. 17: Mr. Roy Bodden asked the Honourable Temporary First Official Member what course of action is taken when prison authorities become aware of agitation, unrest, or conspiracy among the prison population.

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

The course of action taken when prison authorities become aware of agitation, unrest, or conspiracy among the prison population is to get the facts, monitor and deal with the situation in accordance with emergency procedures, which are now being upgraded and re-written.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if this procedure was followed during the recent incident when the two prisoners barricaded themselves in their cells?

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

Yes, Madam Speaker, it is my understanding that this course of action was followed, as I mentioned in the substantive answer. But the emergency procedures are now being upgraded and re-written, and will be substantially improved over what the emergency procedures were at the time of the incident.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say at what point under these circumstances the prison authorities would alert the person responsible for the Prison, namely, that person who holds responsibility for Internal and External Affairs?

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

I think if I could refer to them as the former emergency procedures . . . they were a bit unclear and that is why they are now being upgraded. I have been informed that the draft is about ready and I am accordingly not able to say at what point, under the old regulations, the Member responsible for the Prison should have been informed.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Member saying that the revision or the upgrading of these protocols or procedures emanated from the recent tragic incident at Northward Prison?

The Speaker: The Honourable Temporary First Official Member Responsible for Internal and External Affairs.

Hon. James. M. Ryan: Thank you, Madam Speaker.

I believe it is true to say in part that that is the case. When an incident happens it is necessary to take a look at procedures in place and improve on them if possible. I think that we should bear in mind that the officer in charge of the Prison had just recently taken over and I think there were two factors there to be considered.

The Speaker: The next question is No. 18, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 18

No. 18: Mr. Roy Bodden asked the Honourable Temporary First Official Member what conditions necessitate requests for police assistance in dealing with situations at Northward Prison.

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

The Prison Director may request police assistance as he sees fit, and to be deployed as he sees fit. If the Director cannot cope with a riotous situation, he shall hand over the prison to the Commissioner of Police.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Member saying that the matter is purely at the discretion of the Prison Director, or are we to understand that there are clear-cut, written guidelines and procedures to be followed?

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker.

I believe I will have to answer that by saying both. The guidelines state this. Hence, the Director would deal accordingly.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say, in the case where the police are called in to the prison on a matter and the prison situation is not handed over to the Commissioner, if police directives supersede

what action can be taken by the Prison Director in applying sanctions on prisoners?

The Speaker: I do not think I can allow that because it envisages a hypothetical situation. I think it would be very difficult for the Temporary First Official Member to know what the Police Regulations would contain at this time. If he is able to provide something in writing to the Member at a later time, if he would do so I would allow that.

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Yes, Madam Speaker, I will endeavour to make a reply to that in writing.

The Speaker: Thank you.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Do the abnormal occurrences at Northward Prison, for example, persons barricading themselves in their cells and these kinds of abnormal behaviours, warrant the Prison Director to routinely inform the police department that their assistance might be requested?

The Speaker: The Honourable Temporary First Official Member.

Hon. James. M. Ryan: Thank you, Madam Speaker. I think that is a matter at the discretion of the Prison Director.

The Speaker: The next question is No. 19, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 19

No. 19: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture if all the staff necessary for the Drug Rehabilitation Centre are presently employed by Government, and if not, have such staff been identified for recruitment or training?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, additional staff are presently being recruited to work within this programme.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, can the Honourable Minister give this House an indication of how many persons this staffing would require and an estimate of the costs in terms of the salaries that may be paid?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the substantive question did not ask anything about cost and therefore I do not have that information at hand. It could be provided in writing.

The Speaker: Thank you.
The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister give the House any information as to the areas of speciality or expertise of this additional staff?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the staff would have to be certified addiction counsellors or licensed family therapists.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, would the Honourable Minister say how that staff are being recruited for the drug rehabilitation centre, in that no salary ranges have been applied to such advertisement which, I understand (it certainly used to be the case), is one of the requirements when Government is advertising for staff? Or will this be outside the ambit of Government salary scales?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, as we all know, Ministers do not do advertisements for staff. We do not do hiring for staff and if Members of the House will recall, all salaries were placed in the 1994 Estimates.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, as everyone in the House knows, the Minister answers for the actions of his Ministry and Department. If the salaries are set out, there must be someone in the Department of Social Services who chose the particular salaries for the particular jobs. The question still remains, how does he, or anyone in his department, know what the costs will be?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the Member claims to have knowledge of administrative affairs in Government. He should well know that the Chief Secretary is the person responsible for the hiring of staff. I do not have that information and if he wanted that, that should have been the substantive question.

The Speaker: The next question is No. 20, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 20

No. 20: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture when will the furniture for the Drug Rehabilitation Centre be tendered?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, furniture will be tendered in accordance with regulations and in due course when the site is ready to accommodate same.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister give any indication as to any items that this furniture might entail?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, it will be furniture.

The Speaker: The next question is No. 21, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 21

No. 21: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture if the construction of the Drug Rehabilitation Centre has been tendered as yet?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the Drug Rehabilitation Centre is not being built because there is

already a building which is being renovated. This work will be carried out by the Public Works Department by way of direct labour, although a number of sub-trades will be tendered.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if the sub-trades will be tendered through the Public Works Department internal tendering process, or will it be external?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, all of us who know Government business know that the regulations have to be followed in connection with tendering and that is what will happen.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister speak to what regulations he refers to in this case, and could he say if indeed any work has started on this centre, or when will it be started, so that it can be completed in July as is the claim?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, to answer the part concerning the completion of the renovations, that is public knowledge. We have already said that the completion date is July. That is all I can tell him. The Public Works Department has assured us completion is July.

The second part of the question dealing with what regulations I am talking about, the public and the Member should well know that the tendering process is done through the Financial and Stores Regulations that sets up the Central Tenders Committee.

The Speaker: That completes Question Time for this morning. The House will proceed to Committee for further consideration of the Parliamentary Pensions (Amendment) Bill, 1994.

GOVERNMENT BUSINESS

BILLS

COMMITTEE ON BILL

PARLIAMENTARY PENSIONS (AMENDMENT) BILL,

1994

The Chairman: Please be seated.

The House is in Committee to consider amendments to the Parliamentary Pensions (Amendment) Bill, 1994. Members have been circulated with copies of the proposed amendments, and I will now ask the Honourable Second Official Member to carry these through.

AMENDMENT TO CLAUSE 2

Hon. Richard H. Coles: Thank you, Madam Chairman.

The Committee stage amendments, which have been moved by the Honourable Minister for Tourism, relate to an addition to the amendment to include "Nominated Members" of the Legislative Assembly as well as "Elected Members." That has been achieved by amending the definition of the word "Member" in the principal Law so that between the relevant period, which is the 1st October 1959, and the 22nd August 1972, the word "Member" shall include not only Elected Members, but also Nominated Members; but, for any other period the word shall still be restricted to Elected Member.

There have been consequential amendments to the Memorandum of Objects and Reasons to include Nominated Members.

The Chairman: The question before Honourable Members is an amendment to Clause 2 of the present amending Bill by the insertion of a new sub-paragraph (a) to read: "**(a) by repealing the definition of Member in section 2 of the principal Law and substituting the following definition: 'Member' means: (a) in respect of the period between the 1st day of October, 1959, and the 22nd day of August, 1972, an Elected or Nominated Member of the Legislative Assembly; and (b) in respect of any other period, an Elected Member of the Legislative Assembly.**"

Amendments were made to the Memorandum of Objects and Reasons, which are just for clarification and not part of the Bill.

If Members have had time to study this, I shall put the question that Clause 2 of the proposed amending Bill be further amended as set out in the paper. The matter is open for debate.

If there is no debate, I shall put the question that Clause 2 be amended as proposed. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: The question is that Clauses 1 and 2, with Clause 2 as amended, do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 AND CLAUSE 2 AS AMENDED PASSED.

Clerk: A Bill for a Law to Amend the Parliamentary Pensions Law, 1994.

The Chairman: The question is that the Title 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.

AYES.

The Chairman: The Ayes have it.

AGREED. TITLE PASSED.

The Chairman: The Bill has accordingly been dealt with in Committee. The question now is that the Bill be reported to the House. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994, BE REPORTED TO THE HOUSE.

The Chairman: The House will resume.

HOUSE RESUMED AT 10:33 AM

The Speaker: Please be seated.

The Honourable Minister for Tourism, Environment and Planning.

REPORT ON BILL

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994,

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to report that a Bill entitled the Parliamentary Pensions (Amendment) Bill, 1994, was considered by a Committee of the whole House and passed with an amendment. That amendment is to change the definition of Member, and it reads:

“‘Member’ means (a) in respect of the period between the 1st day of October, 1959, and the 22nd day of August, 1972, an elected or nominated member of the Legislative Assembly; and (b) in respect of any other period, an elected member of the Legislative Assembly.”

The Speaker: The Bill is accordingly set down for Third Reading.

THIRD READING

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994,

Clerk: The Parliamentary Pensions (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I beg to move that a Bill entitled the Parliamentary Pensions (Amendment) Bill, 1994, be given a Third Reading and Passed.

The Speaker: The question is that a Bill entitled The Parliamentary Pensions (Amendment) Bill, 1994, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a third reading and passed.

AGREED: THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL, 1994, GIVEN A THIRD READING AND PASSED.

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

GOVERNMENT MOTION NO. 2/94

REAPPOINTMENT OF SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY TO REVIEW THE PENAL CODE

Hon. Richard H. Coles: Thank you, Madam Speaker.

I beg to move Government Motion No. 2/94, Reappointment of Select Committee of the Legislative Assembly to review the Penal Code, which reads as follows:

“WHEREAS the effect of prorogation is at once to terminate all the current business of Parliament;

“AND WHEREAS the Select Committee, established in 1993 to review the Penal Code, tabled in the Legislative Assembly an Interim Report prior to the prorogation of the 1993 Session;

“BE IT THEREFORE RESOLVED THAT the Select Committee established to review the Penal Code be re-appointed for the 1994 Session of the Legislature;

“AND BE IT FURTHER RESOLVED THAT any Minutes of Meetings, verbatim transcriptions, Interim

Reports, Bills, and any other papers or evidence taken by the Select Committee during the 1993 Session of the Legislature, be referred to it."

Madam Speaker, perhaps I can just add to this that the Select Committee, which I Chair, has met eight times during the 1993 Session and it is intended to have at least one further meeting to hear from persons invited to appear before the Select Committee. Thereafter, the meetings will be to deal with the real work of the Committee, which is to get down to any changes that are necessary to the Penal Code. I certainly anticipate and hope that the work of the Select Committee and its final report will be available during the 1994 Session of this Honourable House.

The Speaker: Thank you.

Government Motion No. 2/94, Re-appointment of Select Committee of the Legislative Assembly to Review the Penal Code, is open for debate. If there is no debate, I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: GOVERNMENT MOTION NO. 2/94, RE-APPOINTMENT OF SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY TO REVIEW THE PENAL CODE PASSED.

The Speaker: Proceeding to Other Business, Private Member's Motion No. 1/94, Support for Government's Announced Inspection of Northward Prison.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/94

SUPPORT FOR GOVERNMENT'S ANNOUNCED INSPECTION OF NORTHWARD PRISON

The Speaker: The First Elected Member of Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 1/94, Support for Government's Announced Inspection of Northward Prison, which reads as follows:

"WHEREAS the *Caymanian Compass* of Monday, January 31st, 1994, carried the headline 'Prison inspection ordered';

"AND WHEREAS this article described Government's intention to carry out a full inspection of Northward Prison in March;

"AND WHEREAS many Members of the Legisla-

tive Assembly have on various occasions expressed their concerns over the administration of Northward Prison;

"AND WHEREAS two inmates barricaded themselves into their cell at Northward Prison on Friday, January 2nd, 1994, (*Caymanian Compass*, Tuesday, 11th January, 1994);

"AND WHEREAS this incident resulted in the tragic death of a prison employee as reported in the *Caymanian Compass* of Wednesday, January 12th, 1994;

"AND WHEREAS the *Caymanian Compass* of Friday, February 11th, 1994, carried an article on page 8 entitled, 'Defendant Fails to appear: Legal Department to make inquiries';

"AND WHEREAS this article describes the inability of the prison authorities to properly deal with a prisoner in their system;

"AND WHEREAS it is expedient and democratic that Government's intention to hold an inspection of Northward Prison be discussed and debated in the Legislative Assembly;

"BE IT THEREFORE RESOLVED THAT this Honourable House take note of the said intention to inspect Northward Prison;

"AND BE IT THEREFORE FURTHER RESOLVED THAT this Honourable House record its support of the Government's stated intention to inspect Northward Prison."

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: The Honourable Member may speak to the Motion.

Mr. Roy Bodden: Thank you, Madam Speaker.

It should come as no surprise that we have seen fit to move this Motion in order that we may record in the *Hansards* of this House our support for the Government's stated intention to carry out a review of Northward Prison. Certainly, since my arrival in this Honourable House, I have taken an active interest in the affairs of Northward Prison, predicated in part because the Prison lies in my constituency. But also because from time to time I come in contact with many people who are touched by Northward Prison—both former inmates of the prison and also staff members who work there.

During my tenure as Chairman of the Public Accounts Committee, the Committee had at every session of their meetings some serious concerns regarding matters at Northward Prison. Sometimes we were frustrated in our attempt to recommend improvements to some of the practices and procedures. However, the Public Accounts Committee Reports from 1988 to 1992 will bear out the efforts made by the Committee in recording its

concern over some of these practices, and also in making what we considered sensible and timely recommendations to remedy the more damaging and glaring of these practices.

Then, too, Madam Speaker, the questions asked in this Honourable House will show that Members (not exclusively myself but other Members) have borne a keen interest in events at Northward Prison. Many times our efforts have been met with a characteristic obstinacy on the part of the Government, perhaps motivated by prison administrators who resent the prying eyes of Legislators. It is indeed unfortunate that all of the efforts made by Honourable Members of this House, and by interested parties outside of this House, were not heeded until events degenerated into a tragic incident earlier this year.

Madam Speaker, I remain to be convinced that the prison authorities have learned the lesson they should have learned from that incident, because it is my understanding that the administration is still characterised by obstinacy, arrogance, and a downright disrespect and disregard for Legislators and anyone who tries to penetrate the veil of secrecy under which they administer the prison.

It is also my understanding that this Honourable Member has been singled out for expressions of resentment and opprobrium to the point where I received a message from one of the staff members. Madam Speaker, I did not see fit to reply at that point because I did not wish in any way to involve the messenger in something which may have spiralled beyond his control. I only say this: Everybody knows where I live. And anyone who is stupid enough to believe that I only studied sociology, can try whatever he wants to try; he might get a pleasant surprise. Madam Speaker, I have made it my duty to speak out, to pry, to peer, and to investigate. In so doing, I have cultivated the respect of many people. It is no secret.

Just about two weeks ago, I received a visit at my office from a prisoner. I am in the process now of arranging for an affidavit to be sworn. Unfortunately I will not get it in time for this debate, but it was my intention to lay it on the Table of this House, because that affidavit coming from someone would be the final chapter in a number of damning incidents that would sink the administration of Northward Prison.

I do not hide, nor do I apologise for my interest and my concern; nor for my crusade to see that Northward Prison is run as a Prison should be run. If I anger anyone, be it prison administrators, prisoners or otherwise, who feel so threatened that they wish to take me on personally, then I would say to them, as a law abiding citizen, let them try. I am prepared to let the law take its course.

I will not stand or sit idly by, as a responsible Legislator and citizen of this country, with the knowledge that I have of some of the things that are happening at that Prison and hope that it will go away. I know that it is not going away—it will only get worse.

So, Madam Speaker, in my introduction, let me say

that I support the Government's announced intention, and I am relieved to see that there is such a move. I am living with the hope and the expectation that as a result of that we can get matters at Northward Prison running the way they should be run. It has never been my desire, or my intention to personally castigate anyone to lead any inquisition. I, Madam Speaker, only wish to be the catalyst to set right in motion.

In closing this opening presentation, I am reminded of an observation written by the eminent parliamentarian and historian Edmond Burke, who said, "**The only thing necessary for the triumph of evil is for good men to do nothing.**" Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 1/94, which has been duly moved and seconded. It is now open for debate.

The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

I rise to speak on behalf of Government to Private Member's Motion No. 1/94, supporting Government's announced inspection of Northward Prison.

Shortly after the unfortunate incident at Northward Prison on the 7th of January, 1994, the Chief Secretary announced a departmental inspection of the Prison's operations. Following the completion of that, His Excellency the Governor announced a full inspection by Judge Stephen Tumin. Judge Tumin is a highly respected person on matters of prison operations and is, perhaps, one of the best, if not the best in the United Kingdom for carrying out such inspections.

Judge Tumin will arrive in Grand Cayman on March 31st. He will be spending Easter here and he will then carry out the inspection during the week of the 5th of April.

Madam Speaker, perhaps I may digress just a bit on this to comment on one matter in the Motion, the section referring to the 11th February, 1994, issue of the *Caymanian Compass*—the article on page 8, entitled "Defendant Fails to Appear—Legal Department to Make Enquiries." The Motion goes on to say, "**AND WHEREAS this article describes the inability of the Prison authorities to properly deal with a prisoner in their system . . .**" I would like to clarify that by saying that the defendant was not produced by the Prison to appear in Court because the defendant was not, at that time, an inmate at Northward Prison. He had already been discharged from Prison and the Prison had no control over him. It was, therefore, not their fault that he was not produced at Court.

Be that as it may, I believe that the country as a whole, and certainly this Honourable House, is relieved to hear that His Excellency has ordered the investigation of Northward Prison. I have every confidence that Judge Tumin will carry out a very full and fair investigation. I believe that this House can rest assured that he will call a spade a spade.

Madam Speaker, I would like to thank the Honourable Mover and Seconder of the Motion for their keen

interest in the matter and for taking the time to move this Motion offering their support. Accordingly, on behalf of Government, I wish to accept the Motion.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, as the Sec-
order of this Motion, I believe in its intention and, where the Government acts in what is clearly a responsible manner, it should receive the support of those persons in the Legislature and the members of the public.

This matter deals with Northward Prison. Prisons, on a whole, are hardly a place where one thinks of pleasantries. They are places where citizens of any community, society, or country are locked away when they have breached the laws of that country or have committed acts against the people.

Northward Prison is relatively new. It came about, to the best of my knowledge and belief because we were in breach of International Convention by sending citizens or residents of the Cayman Islands to other countries to serve penal servitude.

In fact, I was a very young man (in my teens as I recall) when on one occasion in the Town Hall there was a meeting. I do not recall who held it, but it had to do with officials. Mr. Carl Rattray pointed out then that the Cayman Islands were technically and legally in breach of the Convention on the matter of where prisoners served penal servitude. Of course, many, many years after that, something was done about it in establishing Northward Prison.

Madam Speaker, human decency, common sense, and International Convention say that when a person offends against his community he must serve the punishment in the community or the country in which he has offended. Therefore, I would not even want to think about taking citizens of the Cayman Islands, our people, our residents ...

POINT OF ORDER (Relevance)

Hon. W. McKeeva Bush: Madam Speaker, on a point of relevance.

The Speaker: Honourable Minister for Community Development, Youth Affairs and Culture, please proceed. Are you speaking on a Point of Order?

Hon. W. McKeeva Bush: On a Point of Order, and the matter of relevance. The Resolution before us states that the House should take note of the intention to inspect Northward Prison and that the House records the support of the Government's stated intention to inspect Northward Prison. It does not say anything about any proposition of sending any prisoners to any foreign jurisdiction. Therefore, I do not see the relevance before the House.

The Speaker: Thank you, Honourable Minister. The point of order is a valid one. I was just giving the Member a chance to explain a little further and I would have ruled that it was out of order.

Please proceed, and confine your remarks, Second Elected Member for Cayman Brac and Little Cayman, to the contents of Private Member's Motion No. 1/94. Thank you.

Mr. Gilbert A. McLean: Madam Speaker, I was attempting to show that the Cayman Islands have a prison because a prison is necessary, and that the prison should be an ongoing institution in this country to deal with matters where citizens of the Cayman Islands are incarcerated. It, being the case that Northward Prison exists for such purpose, must continue to do so without any change of policy to that.

It is possible that in the review that is to be made by Judge Tumin, consideration of alternatives may come into play in terms of size, in terms of place, or whatever, if it is going to be a full review. It might even be the case that it is recommended to build a prison in West Bay—just so long as it is in the Cayman Islands. So, Madam Speaker, the question of the institution and where it is does have relevance.

Since Northward Prison has been in existence, there have always been questions about how well it is being run. It started out being run almost completely by British Prison Officers who were contracted by the Government of the Cayman Islands. It had its problems then, as it has its problems now.

I think it was the understanding of Legislators at that time, and indeed the public, that these officers who originally set up the management of Northward Prison (and I think some of them are experts in this field) and who also guided the drafting of the Imprisonment Law, were to train and to give us a modern system for incarcerating prisoners. The management changed and various Caymanians moved into positions of higher management within the system, as well as many persons being recruited from within the Caribbean region and Central America. There has been ongoing concern and expressions of criticism about the type of management.

It had been pointed out prior to this, by the Prison Inspector who will be coming to the Cayman Islands, Judge Tumin, that the Prison in the Cayman Islands is unique in that every type of person who is required to go to prison—from men who may not be paying maintenance for their children, to murderers, to any type of person whatsoever—are all incarcerated in the same prison system. Nothing to date, to the best of my knowledge, has been done to change that particular position. I would imagine that when the good Judge comes he will make some note of that.

It is possible, perhaps, that recommendations would be made to change that position, that we should expend money to make it possible that prisoners of a different type are housed or imprisoned in a different area or type of prison. So these are considerations I believe would be taken into account.

Why the question of a Prison, and Northward Prison, and prisoners is so important to the Cayman Islands is that the same Judge noted that the Cayman Islands has the largest prison population in the world compared to its population. Most are there with some connection to drug offences—from teenagers being found with some type of drug present through tests to show that they had a drug in their body, to dealers in drugs, to people who have committed murder in relation to drugs.

I would hope that the physical facility of Northward Prison would be seriously examined in terms of the type of accommodation. I would hope that there would be some recommendation that stainless steel toilets and basins, and so on, be put into the cells instead of ceramic ones which can be smashed and broken.

I would hope that the actual space per prisoner would be examined. Are there too many prisoners in a cell? Could there be more to a cell? Could more be housed in a particular block? Or is what is happening unlawful and/or unhygienic as the case may be? These are certainly things that I hope will be taken into account in this particular inspection in terms of the physical facility.

I also trust that some consideration will be given to the real purpose or mission of Northward Prison, whether it is the place that is going to continue to attempt to do everything that presently is to be done, including the retention of prisoners who have not yet had their cases heard before the Court in all the various areas of offences; whether the facility to teach some sort of life skills by which prisoners may earn a living is to be improved; or whether the extent to which this is being done now is sufficient and no further effort will be made in that direction.

I trust that a determination is going to be clearly made whether that is purely the place of penal servitude, or whether it is going to cater to a lesser or greater degree of rehabilitation. Right now I do not believe that is very clear. I am told that some workshops amount to nothing more than a stand under a mango tree. I am told some attempts are being made with automotive repair, and so on, but with very limited tools and facility to do so.

I understand that many of the prisoners in Northward Prison are our unemployed and are perhaps some of those people whom the Minister for Social Services speaks about—the unemployable. Is it necessary that they should learn some skill to be employed, or is all of that being taken care of elsewhere? If they go to prison, can they come out to have these skills taught to them elsewhere?

Madam Speaker, in recent months a school of thought emanated from the Courts of Law, that our great penchant for putting everybody in prison may not be the best course of action. Just a short while ago we heard the Attorney General speak about a motion to reinstate a Committee on the Penal Code. It would seem that things are generally falling in place for some sensible discussion with regard to imprisonment of the citizens of this

country.

To the management of the Prison, Madam Speaker, I trust that the inspection will find someone therein responsible and accountable for what happens on a day-to-day basis—be it the Director, or whoever else on his staff, or for that matter, in the Ministry, that is responsible for it. I trust that the clear lines of responsibility and authority will be set down in writing so there will no longer be any doubt in the mind of any Director of the Prison, or any officer in management, when there is a problem inside the prison, as to how that person should apprise the Minister responsible to answer in this Parliament for the tragic incident that occurred there some weeks ago. This clearly shows that there is an extremely great need for communication clearly set down as to how it should function, so that the management in the Prison should know when they should report to their superior officers and what they should report to them.

The most recent incident clearly shows that that position is not clear.

It is my understanding that in incidents of prisoners barricading themselves in any prison, it is a serious breach of prison security and a loss of security over the prison. In this particular incident, I am aware that the Chief Secretary—who is responsible—was unaware for three or four days that there was an ongoing situation of prisoners having breached the security by barricading themselves in. I would trust that Judge Tumin will set down regulations or guidelines, or whatever they are called, which clearly tell the officers and management how they should act and with what extent of force so that the prisoners in Northward Prison will be handled and managed in the proper fashion.

In any instance, in any prison where a Director may say that prisoners are barricaded into one of management's cells and are being fed by sympathisers to their cause and that that is not something of concern, there is indeed a real problem. That has been reported in our press, and I personally heard those very similar remarks made by the Prison Director to the Chief Secretary on the day that the Chief Secretary became aware of what was happening in Northward Prison.

On the question of security at Northward Prison, I understand from various persons that it is virtually impossible to stop illicit drugs from going into a prison compound. However, I stand here believing that the extent to which I hear illicit drugs are available in Northward Prison is beyond any level of acceptability in any prison anywhere in the world. Something is obviously wrong with the security system.

I have been told by prisoners who have been there for drug offences (some I have known from the time they were infants) how easy it is to get drugs in the prison. And they jokingly talk about it. They actually laugh about it and they jive me and ask, "What are you sending us there for?" They can get more drugs there than they can on the outside! And in there nothing happens to them.

I assure this House that there are many, many instances where prisoners have told me that ganja and

cocaine in its various forms are available. I understand you can buy a shot of whiskey in there. I trust that this inspection will look carefully into the reasons why that can be happening in Northward Prison. Are visitors getting those drugs through to the prisoners? Are prison staff getting it in there? Is it being thrown over the fence? Is it being dropped from the sky? Is it being tunnelled under the Prison? Something is really wrong.

I personally believe that the Prison is not serving the purpose it is supposed to serve—to punish the people who use or consume drugs—if they can go in there and get the very same substance they are supposedly being punished for. I can easily take the point of view, as expressed by various officers of the court, that imprisoning the average addict or drug user does not make a whole lot of sense. I can easily believe that.

The other question, Madam Speaker, is the security. There has to be some system of checks. When persons, be they prisoners or be they Prison officers, are found in the illicit use and trade of drugs at that prison, they face the shame of public opinion. It is not good to have a system that takes an addict or a drug abuser to court and puts their name in the paper and sentences them for it, and then find that some member of staff, some worker in the Prison who also does that, is quietly let go or dismissed from his job.

One of the problems in this country at this time is the question of fairness to all. The public on a whole is reacting because there is so much unfairness in this society. Some people get the full sanction of the law and others do not. I say if citizens of the country can go to prison for drugs, and it is something that is condemned and unacceptable, then someone has to be held responsible for the alleged illicit drug trade which goes on in Northward Prison. That should be one of the key areas for inspection.

The matter of religious ministry that goes on there, I think serves the good purpose of getting the assessment of some of those persons who minister at the Prison, to solicit some ideas from them as to what they gather or glean from prisoners as they have contact with them. Do they have some idea of how Christian principles can best be gotten across to inmates there that might prevail on their minds so that they may change their attitudes? I would suspect that those persons do have some ideas. How much of that is taken into account, or solicited by the Governmental authorities who handle the prison, I do not know; but I would suspect not enough.

I am also told that there are persons who tend to the day-to-day health care within the Prison—a public health nurse, or a Prison nurse attendant, or whatever the case may be. How well is that developed? How well is that serving? What are the ideas of those persons about how it could be improved? I am told that at certain times prisoners very cleverly know how to claim to be feeling ill, simply to get out and to get some freedom.

Again, I have been told (and I do not state this as a fact because no facts have been given) that there are instances when three, four, or five prisoners may be taken to the hospital. Their friends have knowledge that

they are going on a particular day and through that means they get drugs to them. Those friends go into the bathroom at the hospital in the outpatient area and place the drugs in a certain place. Then the prisoner goes in the bathroom and gets the drugs.

I have also been told that friends of prisoners know when prisoners will be on their work details and where they will be. They put drugs along the road in particular areas where their friends can get them, simply because they believe it will cheer them up to be able to get a little smoke or a little snort. I have been told that.

I think these are areas that should be addressed by an inspection. Is there a need to have more guards or wardens with the prisoners when they go out in a certain number? Is there some correct ratio? These are things to be considered.

Madam Speaker, I believe this exercise is so great that the Members I have seen giggling and smirking since I have been talking should be holding their heads and pondering the seriousness of it. For if the number of persons in this community who go to prison keeps growing, by the year 2000 all of our population from 25 down to 15 or 16 may have prison records.

It has perhaps reached the point when one needs to decide where the Northward Prison stands, its mission in respect of all of the people who live in this Islands. Does it need more cells? Does it need specialised areas? If it needs workshops, then those workshops should be provided. Just as there is no hesitation in coming to this House to get \$100,000 to buy a car for the Governor's use, the Government should come to this House and say we need \$100,000, \$200,000, \$300,000 for a workshop.

Or is it just the usual thing—what catches the headlines and what gets across to the public—'*we are doing so and so, and such and such*' for purely political effect?

The Speaker: Honourable Member, have you reached a convenient time where we might suspend?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED 11.36 AM

PROCEEDINGS RESUMED AT 11.57 AM

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 calling attention to certain areas that I believe the inspection should include.

These areas the inspection should include means of discovering whether prison property is being inappropriately used by these inmates, money, crops, eggs? I have heard various stories about what happens in re-

gard to those items from various persons. I do not know whether I would be allowed to, but I would like the opportunity when the Inspector comes to this Island, to speak with him on a one-to-one basis to express to him certain concerns I will not make any mention of in here, as it would be inappropriate. Certainly I would pass on to him for his information, and he might choose to look into some of these matters

The question of prisons and imprisonment is perhaps the most unique type of situation in which human beings interact. The only thing prisoners can truthfully claim is the loss of their freedom. I would hope that some effort will be made to examine, as far as can be determined, the interpersonal relationship between management, officers, and prisoners in a general way.

I trust that this inspection will inquire into whether all of these officers are properly informed as to how to deal with prisoners, to what extent they can allow familiarity, if any. And, if it is found that officers of whatever nationality are insufficiently informed of these things, that something be done to arrange for some training—whether it be a one day, two day, one hour seminar or training in this type of thing over a period of time.

I have heard stories that allege improper relationships—staff member with staff member, staff member with inmate. I do not make any accusation because I do not know how true it is, but I have heard of many. I certainly believe it is an area that needs inspection and examination. I am not sure how much training of prison officers takes place, but I think that generally the world trend is that a prison officer is not necessarily someone who beats an inmate's head in with a baton. They have to have a practical understanding of psychology. I trust that there will be some serious examination in this area.

Prisoners by the hundreds are fed three meals a day in prison. How adequate are the facilities there? How well is the food managed, prepared, stored and accounted for? I think these are areas that need to be examined. I have also heard tales that supposedly all the food items which are allegedly going into the feeding of prison population do not really do so.

As I listened to the reply from the Honourable Member responsible for Prisons, the Honourable Temporary First Official Member, I got the distinct impression at question time that the inspection of, and the direct detail as to what is required of an officer in a particular situation is very grey. Thus, because of that, the whole condition is now being reviewed.

I would suggest to this Honourable House that it would be a good thing if inspections of staff and the prison were done regularly during the course of the year. No one should know that an inspection is going to be called except, I would say, the Chief Secretary or his administrative nominee. That way, I believe the management could be kept on their toes as they need to be because one cannot lose sight of the fact that if we talk about a closed community, it has to be inside of a prison. Many horror stories, worldwide, are told about that particular environmental condition.

Madam Speaker, security and the use of force to

enforce discipline within the prison has to be given, I believe, serious consideration. I am told that batons and shields are kept locked up in a particular area and things such as tear gas do not even exist on the compound at Northward Prison. I think that an examination of that condition, if that is the case, should be carried out.

Whilst I have spoken to someone who told me that the matter of enforcement and the use of tear gas, and so on, is the business of the Police, and that Prison Wardens or Officers have no business with that, I do not necessarily share that point of view. The reason why I do not share that point of view is that if there is a deliberate effort by prisoners to riot, for example, and if there are only six, eight, 10, even 15 Prison Wardens there with batons, and during whatever times prisoners are out—lunchtime, playtime—how could they possibly resist the 50 or 100 men coming down on them at one time? Their lives are in jeopardy.

I believe that within the system of containment there, some provision has to be made for some select few to have access to an area with sufficient equipment to quell such a condition. If there is only one policeman in the Bodden Town Police Station—and he sometimes is not there—and the majority in George Town who have to be called with the equipment to go to Northward Prison to put down a riot, I do not know how it strikes other people, but to me it is rather frightening. There could be a lot of dead people in that time. So I believe that ought to be looked at.

I make this very clear, for I have had relatives and friends who have been in the prison, that when one goes through those gates, one is not going to a picnic. One goes to prison where other people tell him what to do from day to day and minute to minute. The inmates have to understand that their protectors and their keepers are authorised to use such force, as necessary, to contain them. That is the way the game is played. I am not sure if that is presently the case.

I have every sympathy, understanding and consideration of inmates having their basic rights and privileges kept in tact and being treated in a proper manner. There are ways of doing that. But they must understand that, really and truly, the freedoms that they had outside of those gates they do not have inside there; that nobody is sitting down joking about it; and that it is serious business. It has to be serious business. So I hope that this is an area in which there will be some examination.

Madam Speaker, in most organisations there is a chain of command—except in the Executive Council of the Cayman Islands as it has no leader, no head. However, there would be a normal chain of command in most organisations on earth. I have heard of incidents (again, I am not sure how true they are) where the formal organisation is overcome by the informal organisation and rather than commands going down in the correct fashion, they are circumvented. And some of the people who get into the chain along the way are not even officers, as such, but administrative and office personnel. Again, I will not swear to these things, but I simply state them as they have been told to me and for

whatever use such information can be to other Members of this House.

There are also claims of personal use of prison property and of personal services being done within the Prison. All of this needs to be examined. It is not the people involved with these alleged things who tell me that this that and the other is happening, or who ask me why we are not doing anything about it (as if I could do more than I am doing right now). Rather it is the prisoners and people from within the prison population who tell me these things.

Many of the Caymanian staff I know from far back. One or two I went to school with in the early years. In conversation, I get the impression that there is not a very clear cut system of promotion. There are feelings among the staff at Northward Prison that particular persons should achieve particular ranks as they have certain qualifications, years of experience and so on, but that they are being superseded by non-nationals who come in who, they claim, are not as qualified or experienced as they are.

I am quite familiar with the "them and us syndrome" in this country, which is real. However, I believe that it is necessary in Northward Prison, just as it is necessary in the Civil Service, that there should be such a clear-cut organisational structure that the newspapers, or any media, or any man on the street, would know that there are ten persons in a particular grade who would be natural candidates to succeed "X" or "Y" position. I think that should be in the Civil Service and I think that should be in the Prison. I really do not know that it is that way because of the amount of speculation, generally, that there is when it comes to promotion. I believe that needs to be looked at clearly.

If something could be done where officers in particular grades or ranks must achieve some sort of proficiency test within that system, I believe that could cut out a lot of the complaints that I have heard over a long period of time.

Security has to be the watchword. Again, if what I have heard in instances of how tools or different implements are used, and even keys I would say (if those things are so), that generally the population at Northward tends to be teenagers and kids who are really not violent. They may be drug heads, but generally they are not violent, because there would be opportunities for breaching security.

The last item that I wish to mention is the use of the houses built several years ago on the general compound which, it was my understanding, were for the use of officers in higher command. I hear stories of these houses not being used as accommodation in every instance for such persons, but rather as general accommodation for friends and family (extended family, that is), and supposedly many instances of improper use.

Madam Speaker, I am sure that those in this House who know much better than I, and who are generally inclined to criticise what I say, will say that most of what I have said here is irrelevant. But what I say is that in a prison situation the things that affect people, and the

interacting and interpersonal relationships between people, is what decides how well a prison functions. If there are disciplined staff, if there are no-nonsense persons there running the prison who go by the books, all prisoners then know what to expect. If there are breaches of that, then there is a problem, particularly in a situation where all types of prisoners are housed. Just from its physical appearance and layout it seems to need improvement. One can easily see where many difficulties and problems could lurk. Surely, when it comes to furniture (I guess, for a prison, toilets and basins may be termed furniture) having ceramic furniture really does not seem to be very smart at all. What it would take to replace them, and how much, I do not know.

I am glad to know that after a deafening silence following the death at Northward Prison, with no response from Government as to what was happening and would be happening—except that someone came to the Island (and in one hour did a report). After I and the First Elected Member for Bodden Town held a meeting about it, the Government decided that they would have an inspection of the Prison. I certainly support that and I hope it will be full and complete and as comprehensive as is alleged by the Government. I would believe that my good friend and colleague who is presently in charge of the subject here in this House, would pass on to the Inspector when he arrives that I would like to be a witness and pass on to him a few things which of necessity I will not say in my debate.

Madam Speaker, this Motion and the action of the Government to have a complete review and inspection of the Northward Prison, I do support most fully.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I have listened to the two promoters of the resolution and, in my opinion, they should have asked for a general debate on the prison, rather than to say that they are in support of what Government is already doing.

Nevertheless, it is Government that has called for this investigation. It was not anything prompted by the two Members who pushed us into this and, therefore, the resolution, as far as I am concerned, is neither here nor there, except for the sake of discussion.

Madam Speaker, what the Governor has announced is a comprehensive review of the Prison system—all areas of it. That is what is going to happen.

There was a general discussion on what a prison should be. A long list of what the Second Elected Member for Cayman Brac and Little Cayman wants was trotted out. We are on all fours with them concerning several things. The whole matter has given us many headaches although the prison is one of those matters under the Constitution for which no Elected Member has responsibility.

We have made our concerns known to the Governor and, Madam Speaker, that is why we are going to get a comprehensive investigation. When the report was

brought to Government, we as Elected Members told His Excellency the Governor that we were not satisfied with the report as it stood and that we wanted a full comprehensive report done by an independent body. The Governor has agreed!

Now, before I move on I should say that the Second Elected Member for Cayman Brac and Little Cayman cannot take any credit for having this investigation done, neither he nor his colleague. We can only hope that when that person comes to do the investigation, Members will have a chance to make their wishes or their observations known to him.

In regard to what the prison should be, more space and the building of separate facilities, I do not know who in this House is an authority on what a prison facility should be. It sounds to me as though we have many authorities here—people who know all about everything. Let me say that this Member will not be supporting any more funds for the building of facilities at Northward Prison.

The drift of the contribution of the Second Elected Member for Cayman Brac and Little Cayman (one side of it) was that we need this glorified home environment with them being locked up. In my opinion, a prison is a prison and as long as I have any authority to vote funds, that is what it is going to remain and that is what I want to see it turned more into. For far too long in this country, for far too long, and upon the wishes of do-gooders and people who belong to organisations such as Amnesty International, we have been soft on crime. For too long the criminal has been looked upon as that poor soul that cannot do any better.

We know that people get into situations in life. We have to wonder sometimes why a good person who we grew up with and went to school with, who had good chances and a good family, goes on the scrap heap of life. Talking does not do any good. People talk, preachers pray, family members cry, people try to educate in their own way—still, they go astray.

But, Madam Speaker, as far as Northward Prison is concerned, my advice to His Excellency the Governor is that it has to be a place where nobody wants to go rather than a place where they can get all the good meals they want—better than you and I—where they have all the freedoms. They can get free false teeth, free medical; yes, if they are sick we have to tend to them. I do not even know if a good doctor can tell me I feel bad; so, if somebody went to a Prison Officer and said “I feel bad,” the only way they could know would be to take him to a doctor. I do not think a doctor could tell me, “No, McKeeva, you do not feel bad, you know.”

Anyway, as I said, I will leave all those matters to those professionals who know so much about everything.

Northward Prison, Honourable Members, must from here on in be a prison. It must not be a home environment. It must not be a school. I am prepared, as one of the Ministers of Executive Council, to vote money to think up programmes and to put them in place, but those things cannot be done overnight. I am prepared to do all

that. But I am not going to invest the few funds of this country into Northward Prison to make it a glowing institution for the sake of Amnesty International. Why I am calling on Amnesty International here today is because I know that the Second Elected Member for Cayman Brac and Little Cayman has had connections with Amnesty International.

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

**POINT OF ORDER
(Relevance)**

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I do not know where the question of Amnesty International comes in on the discussion of an inspection of Northward Prison. I do not know what he is talking about regarding myself and Amnesty International. If he can show that, I would like him to table it before this House and this world.

I have a great regard for Amnesty International.

The Speaker: Honourable Minister, would you refrain from connecting the Member with Amnesty International, unless you can prove that he has connections with that body? Thank you.

Hon. W. McKeeva Bush: Madam Speaker, is the Member denying that he has had connections with them—that he has written them on matters in connection with it?

The Speaker: Honourable Minister, I have made a ruling, would you continue with your debate, please?

Hon. W. McKeeva Bush: Madam Speaker, the question is whether he has connections with Amnesty International. I am not saying that that is a bad thing if that is what he wants to do, but is he denying it?

I will move on, Madam Speaker, but I think that if you search the *Hansards* in regard to the debate on Capital—

The Speaker: Honourable Minister, would you please proceed with your debate? Please.

Hon. W. McKeeva Bush: I am, Madam Speaker, I am.

The Speaker: Go on with that, please.

Hon. W. McKeeva Bush: Madam Speaker, I knew that this is what I would get.

Anyway, just let me get my papers together. However, if the *Hansards* are checked on the debate on Capital Punishment, we would see who had connections with Amnesty International. Nevertheless, they can belong to any organisation.

What is wrong with the world today, is that too

many of those organisations are interfering with internal affairs that should be the sole responsibility of a country.

I can hear the First Elected Member for Bodden Town saying that I cannot stop them. As long as I have the authority as a Minister here, I am not going to vote any funds to make them happy.

POINT OF ORDER (Relevance)

Mr. Gilbert A. McLean: Madam Speaker, I would like to draw the Chair's attention to the Standing Order on relevance, and Amnesty International versus Northward Prison.

The Speaker: Honourable Minister, would you continue with the debate on Private Member's Motion 1/94? Thank you.

Hon. W. McKeever Bush: Madam Speaker, I will continue and I am going to be very brief because I think I have put Government's position across.

The debate by the Second Elected Member for Cayman Brac and Little Cayman—who seems to be an authority on prisons—was very wide. I have made notes and that is what I am speaking on. However, I just want to say that in the opinion of Ministers of Executive Council, and I believe a majority of the Members of this House, criminals are going to be treated as criminals. I repeat that the building of more space at Northward cannot help. Of course, on the one hand it was asked for and in another breath something else was said.

Anyway, the fact is that Government has ordered an investigation. Let me just say for all to understand that I am not here defending what has gone on in the Prison. The records will show that the First Elected Member for Bodden Town said that I am responsible for what happened at Northward Prison. I am responsible? Is that what he is saying?

The Speaker: Honourable Minister, please continue, do not—

Hon. W. McKeever Bush: Just let me say to this Honourable House, that if anybody is responsible it is those Members who pushed the affair to where it got as far as it did. When the investigation is complete, records will show who the prisoners were saying was coming to help them.

The other thing that I hope that Elected Members of this Honourable House will do is to keep away from Northward Prison. Let the prisoners who are there talk to their lawyers and their families who have occasion to visit them. I have always been one who tried to stay away from the prison. I have gone there on prison services through the church and on another occasions, but I have made up my mind that when they go to prison they must understand that they are prisoners and that they have lost their right from society.

The country, in my opinion, has become too soft

over the years listening to these *yah-yah* stories from these do-gooders in regard to how well we should treat them. We have treated them too good in the past and this Minister is not going to vote any more funds.

Thank you, Madam Speaker.

The Speaker: At this time, proceedings will be suspended until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12.38 PM

PROCEEDINGS RESUMED AT 2.17 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 1/94. The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, I rise to support Private Member's Motion No. 1/94. It strikes me that even when we all seem to want to agree, we cannot.

The two areas that I would like to touch on in the whereas sections of the Motion are the two which read: **“AND WHEREAS this article describes the inability of the prison authorities to properly deal with a prisoner in their system; AND WHEREAS it is expedient and democratic that Government's intention to hold an inspection of Northward Prison be discussed and debated in the Legislative Assembly. . .”**

Madam Speaker, my understanding of the 'Whereas' sections in this Motion is that this was an opportunity because of the importance of the issue for Members in this Honourable House to air their views in the hope that salient points would reach the correct ears and at least be passed on to the gentleman who is supposed to be doing the inspection.

I listened earlier to the Second Elected Member for Cayman Brac and Little Cayman and he will make what I have to say somewhat shorter, because he delved into areas that I intended to touch on.

Madam Speaker, the main cry from me this afternoon with regard to the Northward Prison is training. Based on some recent happenings at the prison and on discussions with various individuals, it is very apparent to me that training—or the lack thereof—is an area that is vital in making any significant improvements at Northward Prison. The training that I am talking about covers both the staff at the prison and the inmates.

The Second Elected Member for Cayman Brac and Little Cayman made a point that in the case of any insurgence or possible riot at the prison there is not sufficient manpower or equipment to deal with it. Madam Speaker, I would just like to expand a little bit on that point because it seems to me that as times have changed, on the one hand when it comes to criminal activity in these Islands, the various authorities seemingly have a hard time coming to grips with those changes.

There is another point I would also like to make. It seems to me that whenever anything goes wrong we

have this wonderful knack of pointing fingers at people when in many instances the finger needs to be pointed at the system much more so than at the individual involved. I say that because if when something goes wrong—as things have gone wrong—our aim is to always find someone that we can lay a hand on and say that that person caused the end result, it is all well and good after that exercise is completed. However, the truth is, if we leave it there it does not for one minute say that it will not happen again if we do not address the inadequacies of the system.

It is my belief (and here I am speaking specifically about the Prison and I take nothing away from the individuals who operate the Prison) that many of these individuals who hold certain responsible positions have not been trained properly in those positions. It is only when something goes wrong that this shows up, which means we take reactive measures and we never allow ourselves to get to the point of being pro-active. If we think back, we will always find that when anything went wrong we did something about it. However, it is very rare that we can look back and say, *'Well we did something and as a result of that we prevented so and so from happening.'*

I speak in a slightly generic fashion, Madam Speaker, so that it will not appear as though we are pointing fingers at individuals. To be more specific would be improper. However, I contend that in this review or inspection of the Prison system much attention needs to be paid to the type of training that has been afforded in the past to the wardens and the officers, and the type of training that they need immediately to bring them to the level they should be.

There are many individuals who have made careers out of being prison officers and for that I can only praise them. However, I am very confident that many of these individuals have not had proper training. In fact, I remember years ago being a prison officer involved several weeks of training before actually going on the job. It then involved a couple of months of on-the-job training and after that was completed there were several weeks of review and upgrading of these individuals to ensure that they were at certain levels before they were physically given any responsibilities at the Prison.

Those days were quite different from now. In those days the chances of things happening as they do now were much less, simply because of the nature of the beast that we were dealing with in those days. Nowadays, I understand in a few short weeks everything is over. Officers are on the job and move on into their various shifts. That, in itself, speaks of inadequacies.

Madam Speaker, if we have to correct things as we go along by reacting, it must cost us more in the long run than if we did what should have been done from the beginning. Whatever that training costs, it cannot be any more. It can bring much better results than having to react when things go wrong.

Regard the inmates, I have heard some of the previous speakers take issue with others. I have heard mention of Amnesty International. I have heard all kinds

of things. I agree totally with the point that a prison should be a prison. If the system that we operate is one where at the end of the day there is some semblance of hope in our minds that it will be conducive to less repeat offenders then, while a prison is a prison, there are certain areas that we must address.

If we are not concerned about repeat offenders if certain things are not done, if we use tactics to deter persons from wanting to go there, and if we run the risk of knowing the way society is nowadays, then we should come right out and say that and employ that system and not address anything else. However, it is my understanding that the system we have in place is intended to deter criminal activity by people not wishing to be in the prison, but at the same time, there is some movement toward rehabilitation. If that is the case, then that also needs to be addressed.

Madam Speaker, this is not a situation where any of us in this Honourable House should be hell-bent on deciding who gets glory. There is no glory in a prison system as far as I am concerned, and there can be no glory in whatever happens about it. It is something we all wish did not have to exist, but it is here. Necessity is the mother of invention.

So with those few thoughts, Madam Speaker, I would ask the individuals involved who have direct access and authority in these matters, to address the points that have been brought out today when the inspection is being done. I would also ask, if it is considered a reasonable request, that any and all Members of this Legislative Assembly who wish to partake in any discussion with the people conducting the inspection, be allowed to do so either in unison or on an individual basis—it matters not to me.

Madam Speaker, I would like to take this opportunity to let the Third Elected Member for West Bay know that I take directions from one person in this House—namely, you. I was elected here and I take direction from no one else. Thank you.

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.

Mr. Roy Boddén: Thank you, Madam Speaker.

The Motion was clear enough to be understood, and I note with appreciation that the Honourable Temporary First Official Member replying on behalf of the Government, understood what the Motion was calling for and made Government's position explicitly clear, which, by the way Madam Speaker, was not in any way different from what the Motion was calling for, namely, that support be recorded. I was therefore puzzled when a second Member rose to speak—seemingly on Government's behalf—taking a radical departure from the position taken by the Honourable Temporary First Official Member.

I heard that Minister on one or two occasions make reference to some report. I want to say to that Honourable Minister that if he wants to read or table a report in

this House, he should bring the report of his association with the convicted drug dealers and money launderers—the Caballero brothers—in which he was a lackey director of their company here in the Cayman Islands—

**POINT OF ORDER
(Slander)**

Hon. W. McKeeva Bush: On a Point of Order, Madam Speaker. I take objection to this, and I hope you are going to rule on it.

The Speaker: Honourable First Elected Member for Bodden Town, I take a dim view of such departures. Please withdraw those remarks and continue with your debate. Thank you.

Mr. Roy Bodden: Madam Speaker, I bow to the wishes of the Chair. But I would like that Honourable Minister to understand that this First Elected Member for Bodden Town is prepared to deal with him at whatever level his ignorance leads him to deal with me.

Hon. W. McKeeva Bush: Madam Speaker, is the Member withdrawing, or is that remark still on the—

The Speaker: The Member has bowed to the ruling of the Chair. He has withdrawn the remarks otherwise I would have taken note of that. Please proceed with the winding up remarks on Private Member's Motion No. 1/94.

Thank you.

Mr. Roy Bodden: Thank you, Madam Speaker.

I shall continue with my usual graciousness and respect toward the Chair.

Madam Speaker, I think that the country as a whole will be relieved at the Government's announced intention to hold this review. The Government, in its wisdom, has seen fit to make that timely announcement.

There are those of us who have been concerned about matters at the Northward Prison for many years, and I go no further than the circumstances leading up to the recent tragic incident. Madam Speaker, it was a shock and a surprise to learn that prior to a visit by my colleague, the Second Elected Member for Cayman Brac and Little Cayman, and I to the Chief Secretary's Office, the Chief Secretary was not aware that a problem had existed at Northward Prison where two prisoners had barricaded themselves in their cell for some three days.

Madam Speaker, it was in our presence that the Chief Secretary called the Prison, put on the microphone and proceeded to ask the Acting Director if indeed there was a problem at Northward Prison within the parameters of what the Second Elected Member for Cayman Brac and Little Cayman and I had informed him existed. The reply was something to the effect of, Yes, there was a case where two prisoners had barricaded themselves in their cell. But the Acting Director thought the matter so

slight that he did not wish to disturb the Chief Secretary with the news and proceeded to assure him that steps would be taken to bring the matter to an apt and speedy conclusion.

The Chief Secretary went further. He called the Deputy Commissioner and asked him—

Hon. Richard H. Coles: Madam Speaker, I rise on a Point of Order.

The Speaker: The Honourable Attorney General, the Second Official Member, Point of Order.

**POINT OF ORDER
(Sub judice)**

Hon. Richard H. Coles: I am a little concerned that the Honourable Member is getting a little specific about this particular incident at Northward Prison. I have listened closely to the debate that has taken place, and I have seen that Members have been very general in their comments. But this matter is under Police investigation at the moment. I think that I would be asking you, Madam Speaker, to rule that this matter is sub judice, and perhaps the Honourable Member could confine himself to more generalities.

The Speaker: Thank you.

First Elected Member for Bodden Town, in view of the comments from the Honourable Second Official Member, would you discontinue the specifics of the case, as you are about to do, and continue in general terms of debate in your closing remarks?

Thank you.

Mr. Roy Bodden: Thank you, Madam Speaker.

I will condense my comments by saying that it is clear that one of the things which needs examining is the communication breakdown and the recognition of a clear and distinct line of hierarchy, and chain of command at the Prison.

Madam Speaker, on many occasions I have asked questions specifically relating to practices at Northward Prison—which can be deemed, at best, questionable and ill advised. There was a question raised about the ordering and subsequent disappearance of some floor model television sets. There was also the question of the diet of prisoners, where this Honourable House was told that prisoners have the privilege of boneless steak—a luxury, Madam Speaker, many of us on the outside would like to partake of more often.

But perhaps the gravest indictment has to do with the relationship between the authorities at Northward Prison and a company run by a former prisoner, and I asked questions about that also.

I would like now to cite two sections of the Prisons Law (Law 14 of 1975) Prison Rules, 1981; and the Prisons (Discipline for Prison Officers) Regulations, 1984.

The Prisons Law (Law 14 of 1975) Prison Rules, 1981, section 50 (1) states: “**50 (1) No officer shall**

take part in any business or financial transaction with or on behalf of a prisoner or a relative of a prisoner, without the permission of the Director."

The Prisons Law (Law 14 of 1975) Prisons (Discipline for Prison Officers) Regulations, 1984, section 2 states: "2. **An officer to whom these Regulations applies commits an offence against discipline if he is guilty of—...**" [and I will turn now to section 2 (i):] "**carries out any pecuniary or business transaction with or on behalf of any prisoner or ex-prisoner. . .**"

Now, Madam Speaker, I would like to lay on the Table of this Honourable House a document in which the administration of the Prison dealt with a company—the principal of which was an ex-prisoner—called "Keys on Wheels."

Madam Speaker, the ex-prisoner, as I understand, was a gentleman convicted of official corruption. I wonder what that is? What charge can be made? I would hope, Madam Speaker, that when the Honourable Judge comes to inspect the Prison he will delve into these matters.

Madam Speaker, there is also the question of the purchasing and inventory practices at Northward Prison. It is my contention that the system lacks sufficient checks and balances so as to ensure that it is not exploited. This, too, is another area in which I hope the Inspector can delve.

As recently as the tabling of the last Public Accounts Committee Report, and as recently as the last Finance Committee Meeting, there was the question of the inordinate sums of money paid to officers for overtime duties at the Prison. This, too, is another area that I hope can be explored.

Madam Speaker, the events which led to the tragedy at Northward Prison did not just happen. I now wish to lay on the Table of this Honourable House a series of documents detailing charges of disrespect, assault, and harassment of civilian staff by certain members of the Prison staff. And also a document detailing explicitly the charge of prisoners working outside the Prison without the relevant authority being given. A question that I might add was raised before by this Member.

The system as it exists needs a thorough overhaul. I support and look forward to the Government's announced inspection. We in this Honourable House and in these Cayman Islands will have to decide whether Northward Prison is going to be a prison in which those of us with sense and some knowledge of our commitments and obligations to society realise that the prisoners, when they go there, must suffer serious sanctions and deprivation; or whether it is going to be run on a laissez-faire basis—lax, seemingly without any rules and regulations—or with the rules and regulations solely and purely for the convenience of some.

For the record, I want to say loud and clear that I am not soft on crime. I have always believed that people who break the rules, taboos, and mores of society must be punished, and punished severely. Those people who are soft on crime must be those who have brought Motions here to get their family and friends released from

prison on compassionate or other grounds. That, Madam Speaker, was certainly not this Member, nor was it the Second Elected Member for Cayman Brac and Little Cayman (the Seconder of this Motion) nor was it the Fourth Elected Member for George Town.

Madam Speaker, I look forward to this investigation. I commend the Government for the steps taken and offer them my continued support.

Thank you.

The Speaker: The question is, that Private Member's Motion No. 1/94—Support for Government's Announced Inspection of Northward Prison be approved. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

**AGREED: PRIVATE MEMBER'S MOTION NO. 1/94—
SUPPORT FOR GOVERNMENT ANNOUNCED INSPECTION OF NORTHWARD PRISON PASSED**

The Speaker: We proceed now to Private Member's Motion No. 2/94. The Third Elected Member for West Bay.

**PRIVATE MEMBER'S MOTION NO. 2/94
(Withdrawn)**

ESTABLISHMENT OF A TRANSPORTATION LICENSING BOARD

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. Madam Speaker, it has been agreed that Private Member's Motion No. 2/94, entitled Establishment of a Transportation Licensing Board, moved by myself and seconded by the Fourth Elected Member for West Bay, be withdrawn. It has been brought to my attention by the Honourable Minister responsible for Agriculture, Communications and Works that the provisions called for in this Motion are covered under the Traffic Law, 1991.

Madam Speaker, specifically, section 41 of that law reads "Public Transportation Board," and under that there is a provision for the establishment of the Board that will be solely responsible for the licensing and discipline of persons employed in the transportation area. So I would just urge the Honourable Minister (and I am aware that he has been trying to get the regulations which must accompany this Law completed by the Attorney-General's office) so that these provisions can be brought in, because, Madam Speaker—

The Speaker: Excuse me Honourable Member. You asked if you could give an explanation as to the reason for the withdrawal of the Motion. You have now given that reason and there is no room for you to debate anything further. Thank you.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

The Speaker: Is there a seconder for the withdrawal of the Motion? The Honourable Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: (inaudible)

The Speaker: The question is that Private Member's Motion No. 2/94 be withdrawn. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: PRIVATE MEMBER'S MOTION NO. 2/94, ESTABLISHMENT OF A TRANSPORTATION LICENSING BOARD WITHDRAWN.

The Speaker: We proceed next to Private Member's Motion No. 3/94, entitled Prayers in Public Schools. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 3/94

PRAYERS IN PUBLIC SCHOOLS

Mr. John D. Jefferson, Jr.: I beg to move Private Member's Motion No. 3/94, entitled Prayers in Public Schools, which reads as follows:

"WHEREAS the Cayman Islands have been founded on strong Christian principles which are now being threatened;

"AND WHEREAS at present in certain schools prayer is no longer a required part of the students' daily curriculum;

"AND WHEREAS it is considered essential that the principles of right and wrong, decency and respect for God and our fellowmen be enforced;

"NOW BE IT THEREFORE RESOLVED THAT this Honourable House considers recommending to the Ministry of Education that a policy be established requiring the reinstatement of prayers in all public schools in the Cayman Islands."

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker. I wish to second the Motion.

The Speaker: The question is Private Member's Motion No. 3/94—Prayers in Public Schools. The Motion is now open for debate.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

Prayer in our public schools has long been a tradition in these Islands. I had the opportunity and privilege of being educated through the public school system in these Islands. I recall my first day at school when at the beginning of the day the Principal, or whoever was in charge, read a scripture and give a little exhortation. We said our prayers and then we went to class. Not only that, but when we took the break for lunch, we would also say Grace; and upon returning from lunch, I think, we said Grace again to start our class. At the end of the day, when school was over, one of the last activities was a closing prayer.

Madam Speaker, this went hand in hand with discipline—it taught one right and wrong. It also taught one the importance of being honest, the importance of respecting God and one's fellowman, and it had a profound impact on the students who attended school during that period of time. When I was in what is now named the John Gray High School, the student population was much less than it is today. But even at the High School, we went through the same ritual on a daily basis. At the beginning of the day we came together as a student body for general assembly. Mr. Gray, our Principal, would read the scripture, give an exhortation, say a prayer and then the students went to their classes.

I realise that that might not be practical on a daily basis now because of the size of the student body at the John Gray High School, and maybe even at the George Hicks High School. But there is no reason why, on a class basis, that this practice cannot be continued.

I did my research, Madam Speaker. I called the different public schools, that is, the Primary Schools, and also the two High Schools, to determine exactly what the practices were. I learned that at the Primary Schools this practice is still rigorously enforced and continues. I think at most schools at the primary level, they still come together as a general body about twice a week. But on a daily basis at the class level, students are still obligated to participate in daily religious or Christian devotion.

What was somewhat surprising in a very positive way, is that even at the George Hicks High School, where in the past we have heard of so many incidents of problems existing, it appears that on a daily basis, even though the student body does not come together every-day as a whole, prayers are still being said at the classroom level.

But, I also called the John Gray High School. I was told that there is a policy in place that religious devotion is supposed to be carried out on a daily basis by the teacher/tutor of the classroom, or whomever is in charge of the group of students on that particular day. The problem is that they have not been consistent in seeing to it that it is being done at this level.

I thought about the situation. In my mind, the reason for this is because we have not been very careful in regard to our recruitment process. It appears that when we look for teachers we look almost specifically at their qualifications rather than questioning them in regard to

their religious beliefs, their moral convictions, and other areas that are so important. We are placing our children in the hands of these individuals to mould them for life-time careers.

I also heard horror stories to the effect that there was one teacher at the John Gray High School . . . and the only conclusion I have come to is that he must have been an atheist, because on at least one occasion he saw a student walking down the hall with his Bible in his hand. He took the Bible from the student and threw it in the garbage. I must add that it was a foreign teacher not a Caymanian teacher. Now that, to me, is totally unacceptable.

I believe, Madam Speaker, that the disciplinary problems we have had in the schools in the past have been caused to a great extent by those in charge not adhering to the traditions that we have made a part of our society for so long—traditions such as daily devotions in our schools. The other problem that our schools are faced with is that there is such a variety of students from all geographic backgrounds and cultures whom we are accepting at our schools.

It is the same thing with teachers. It appears that we allow anybody to be a part of our system rather than saying here are our requirements, if you want to be a part of our system, this is what is expected of you, and then we must see to it that this takes place. That has not been the case and as a result we have a situation now which has reached a crisis level.

Madam Speaker, I am aware that section 27 of the Education Law, 1983, reads: “**Non-denominational religious worship and instruction shall be given in every government school.**” The only thing that I would like to say to that is that it does not say how often. Maybe the present Minister can take note of this and see to it that as a policy this religious worship or devotional period is done on a daily basis.

I believe that this situation has to be addressed. My proposal for addressing this would be as follows: I recommend that greater care and scrutiny in recruitment of teachers be exercised, and before a decision for a contract that it be understood exactly where they stand with regard to their religious convictions or belief.

Madam Speaker, I am not sure that everybody is going to agree with this, but I would recommend that recruitment of teachers be done more from within the region of the Caribbean because, as a general rule, West Indians are a very religious group of people. I believe that research would show that the problems we have had in the schools with regard to inconsistency of the daily devotion is the non-involvement our West Indian teachers and rather the involvement of teachers from other jurisdictions.

I would also recommend that closer monitoring be done on a daily basis to see to it that teachers/tutors are carrying out daily devotions with their students.

Madam Speaker, the only thing that is positive about this situation is that I am aware that the present Minister for Education, the Honourable Truman Boddan, has a very keen interest in education and has taken a

hands-on approach to this subject. By that, I mean that he gets out there and visits the schools. He sits down and talks to the teachers and the students to determine what they need and what is going on. He has a very conservative religious background, like me.

I am confident that since this issue has been highlighted, he will address it and correct this very serious inconsistency with respect to the lack of daily religious devotions in our public schools which is so essential to the spiritual welfare of our students and in turn the welfare of this country.

Madam Speaker, I recommend this Motion to Honourable Members. Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Thank you, Madam Speaker.

The Government is happy to support this Motion. However, I would like to explain (and I think the Mover has gone a long way in saying) that it is really more the monitoring of prayers in schools rather than the question of reinstatement of prayers.

Many years ago, when we passed the 1983 Education Law, section 27 provided that non-denominational religious worship and instruction shall be given in every Government school, and that is very clear. I agree that the question of closer monitoring, perhaps in some of the schools is something that could always improve the situation. At present, as I understand, all Government Primary Schools conduct prayers on a daily basis. General religious assemblies are held on Mondays and Fridays, and these are occasions when visiting Ministers of Religion address the students and members of the staff.

Class religious assemblies are held on Tuesdays, Wednesdays and Thursdays, at the beginning of the morning sessions. These assemblies are arranged and conducted by the class teachers. Religious education is taught as a curricula subject at least twice weekly in all classes. That was all relating to the primary schools.

In the secondary schools, class devotions are held during tutorials on a daily basis and are conducted by tutors. The Year assemblies are held twice weekly and full school assemblies are held at the beginning and the end of each term. Once again, Ministers of Religion are usually invited as guest speakers.

So, that is not only in the Law, but it is also the written policy at the school, that the tutor groups should start the day with prayer. It is also a part of the accepted policy by the policy committee, which was attended by the Heads of Year, the Senior Heads of Department, and the five Senior Management staff at the John Gray High School.

Also, the School Handbook provides written guidance to tutors on the point. So, I believe that as far as making provision for it goes, and I realise that the Honourable Member who moved it is not getting at this aspect, but I just wanted to make clear that the policy in place was a policy that I instituted many years ago. It probably was in there prior to 1976, I would have

thought as well. I am sure it was in there, but it is one that is now in as firm a policy and as firm in the law as we can go.

As the Member mentioned, I feel sure that perhaps there are times when there needs to be further enforcement of this, or perhaps a teacher or a tutor may be a bit lax on this. I will give the undertaking to follow up on this. I will also ask that when the planning exercise is going on, if the planning team feels that it is necessary to further look at it, that this could be taken into one of the action teams and further dealt with. In fact, I am fairly sure that it will be dealt with because we will have Ministers of Religion, amongst other people, on those committees.

In relation to the teaching of religious education, I do not think necessarily that where the teacher comes from is the turning point as to whether religious education is taught, or whether daily worship or prayers are enforced. Actually, the Honourable Member moving the Motion mentioned that perhaps more of the regional input of teachers might be better. I would just like to remind this Honourable House that the GCSE in religious knowledge has a much more Christian content in it and a lot less of the non-Christian religions, and this is the reason why they have chosen to follow the GCSE rather than getting into religions that are non-Christian. And within this community the vast number of people are obviously Christians.

Many of the teachers from within ... and I am not saying that this has any effect on the teachers. But I think that where they came from they were probably taught religious education when they were in school, and it is really a matter of the upbringing. So, we try to have teachers from different parts of the world—the Caribbean, the United Kingdom, Canada, the United States—so that there is some variety and some spread of teachers within the schools. I would hope that the vast majority of teachers, no matter where they are from, would look at this as a very important aspect of school life. I know that within the private schools definitely, there is also a very high content of religious knowledge, worship and teaching of religion within it.

The Motion is a good Motion. I would merely say that in accepting it, I would be accepting that one may need to monitor more closely that aspect of it, but it does go on and the policy is very clearly there, and the Law is there for all public schools. I know that it does go on, as I said earlier, in the Private Schools.

So I am happy to accept this Motion on that basis, and I would give an undertaking that the concerns of this Honourable House will be passed on to the schools that the Honourable Mover has mentioned.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.26 PM

PROCEEDINGS RESUMED AT 3.45 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 3/94. The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker. I am a firm believer in prayer. I was raised with it in my home, and in all my school days we had prayers every day. I am sure that that is why the children of those days had better behaviour as they grew up than the children of these modern days.

Prayers should be something that we have at all times—especially in schools for the youth. If you notice, ever since the Bible and prayer has been moved out of school the behaviour of the youth has been sliding. With that, I am very glad to know that we are continuing here with it and whatever can be done to improve it, I hope it will be done.

I firmly support this Motion. 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 of reply.

Mr. John D. Jefferson, Jr.: I would just like to say thanks to my fellow colleagues who spoke in support of the Motion, and also to those who gave their silent support. I look forward to the policy of prayers, daily devotions, in public schools being more closely monitored.

Thank you, Madam Speaker.

The Speaker: I shall put the question on Private Member's Motion No. 3/94, Prayer in Public Schools. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The Motion has been duly passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 3/94 PASSED.

The Speaker: At this time the Honourable Minister for Community Development, Sports, Youth Affairs and Culture will make a personal explanation.

PERSONAL EXPLANATION

REGARDING REMARKS MADE BY THE FIRST ELECTED MEMBER FOR BODDEN TOWN

Hon. W. McKeeva Bush: Madam Speaker, thank you very much.

I rise to make an explanation to this Honourable House in regard to remarks made by the First Elected Member for Bodden Town, remarks that are already public knowledge.

Some years ago, a former Member of this House, in

an attempt to smear my name, tried to associate my name with persons with who I had never met. Nor had I anything to do with a company in which I had briefly (just a couple of months) been a director. I was asked by a very reputable law firm to be that director.

When that company was called into question, the law firm advised me to withdraw my name. This was done and I, myself, made this matter public. I voluntarily informed the Cayman Islands Police immediately of the situation.

I am happy that each time an attempt is made by politicians, or other detractors, to smear me I only grow stronger because the people can trust me.

I would hope, Madam Speaker, that when any Member has an allegation against me or any Minister of Government, they would put it on the Table of this House, and not hide behind the Standing Orders where they have the last say. That shows their dishonesty.

Perhaps, Madam Speaker, that particular Member, who is always so gracious, would explain to this House the many times his name has been called into question with drugs in this country.

The Speaker: The next item is Private Member's Motion No. 4/94, standing in the name of the Fourth Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 4/94
(Withdrawn)

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker. Madam Speaker, I wish to withdraw the Motion.

The Speaker: Is there a seconder for the withdrawal of the Motion?

Mr. John D. Jefferson, Jr: I second that motion.

The Speaker: The question is that Private Member's Motion No. 4/94 be withdrawn. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The motion is accordingly withdrawn.

AGREED: PRIVATE MEMBER'S MOTION NO. 4/94 WITHDRAWN.

The Speaker: The next item is Private Member's Motion 5/94, standing in the name of the Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 5/94

REVIEW OF THE PENAL SYSTEM IN THE CAYMAN ISLANDS
(Withdrawn)

Mr. John D. Jefferson, Jr: Madam Speaker, I beg to withdraw Private Member's Motion No. 5/94, entitled A Review of the Penal System in the Cayman Islands, because it has been determined that what I am seeking in this Motion can easily be achieved under the review of the Penal Code.

The Speaker: Is there a seconder?
The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Yes, Madam Speaker, I wish to second it.

The Speaker: The question is that Private Member's Motion No. 5/94 be withdrawn. The Motion has been duly moved and seconded. If there is no debate, I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The motion is accordingly withdrawn.

AGREED: PRIVATE MEMBER'S MOTION NO. 5/94 WITHDRAWN.

The Speaker: Private Member's Motion No. 6/94, Weights and Measures Law. The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I beg your pardon...

The Speaker: I am sorry, this was incorrectly stated on the Order Paper. It is to be moved by the Second Elected Member for Cayman Brac and Little Cayman. I do apologise for that.

The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 6/94

WEIGHTS AND MEASURES LAW
(Withdrawn)

Mr. Gilbert A. McLean: Madam Speaker, I seek leave of the House to withdraw the Motion entitled Weights and Measures Law. When it was prepared, I was unaware of certain information in relation to this subject and the Motion, as it was originally submitted, would not be correct. It would require amendments that I have not been able to make nor circulate in time. Therefore, I would like to withdraw the Motion, which I could bring at another time.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I wish to second the

motion.

The Speaker: The question is that Private Member's Motion 6/94 be withdrawn. It has been moved and seconded, if there is no debate I shall put the question.

Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Private Member's Motion 6/94 has been withdrawn.

AGREED: PRIVATE MEMBER'S MOTION NO. 6/94 WITHDRAWN.

The Speaker: Private Member's Motion No. 7/94, Fair Competition Law. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Roy Bodden: I am sorry, Madam Speaker, there seems to be a mix up.

The Speaker: I am sorry, I am reading the Order Paper which was apparently incorrectly stated. I do apologise.

This is to be moved by the First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 7/94

FAIR COMPETITION LAW

Mr. Roy Bodden: Madam Speaker, I wish to move Private Member's Motion No. 7/94, standing in my name, entitled, Fair Competition Law. It reads as follows:

"WHEREAS Caymanians in some businesses have been complaining about unfair competition from non-Caymanians;

"AND WHEREAS there is growing concern among many Caymanians providing tourist related services that unfair competition from non-Caymanian elements is detrimental to Caymanians;

"AND WHEREAS some Legislative Assembly Members received at least one written complaint dated 6th March, 1992 dealing with 'unethical business practices' by one non-Caymanian;

"AND WHEREAS there is a need for some form of legislation which protects consumers from misleading advertising and other un-competitive practices;

"AND WHEREAS such an act will promote active vigilance among consumers;

"AND WHEREAS a Fair Competition Law will encourage businesses to exercise more care and responsibility in how they promote and sell their goods and services;

"BE IT NOW THEREFORE RESOLVED THAT Government explore the possibility of establishing a Fair Competition Law;

"AND BE IT NOW FURTHER RESOLVED THAT

the Government consider setting up a Fair Trade Commission to complement such a Fair Competition Law."

Mr. D. Kurt Tibbetts: Madam Speaker, in the absence of the Second Elected Member for Cayman Brac and Little Cayman, I would like to second that Motion.

The Speaker: The Motion 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.

The Motion is duly and adequately explained by the various clauses. It is a recognised fact in most developed countries, and certainly in many developing countries, that such instruments as a Fair Competition Law and a Fair Trading Commission serve not only to regulate fair and ethical practices, but also to encourage and to protect those persons on both sides of the business, that is, the merchant as well as the consumer.

Here in the Cayman Islands, we have been brought shockingly face-to-face with some needs and desires to come to a more organised and sensible system in dealing with businesses, particularly which have to do with providing goods and services in tourist related areas.

In my research, I was able to obtain the Fair Competition Acts and Laws of three countries from Commonwealth jurisdictions, namely, Canada, Australia, and Jamaica. While in many respects these instruments are perhaps a little more elaborate and far reaching than we in the Cayman Islands would require at this time, they are no doubt good sources of guidance and good models for us to use if we are serious in the development of such an instrument, or in the development of such a commission in these Islands.

I believe that many Honourable Members will realise the necessity and importance of having this kind of instrument and protection and I would ask that Honourable Members see fit to support this request.

Thank you.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna Thompson-Murphy: Thank you, Madam Speaker.

This month will see 30 years of existence for the Chamber of Commerce. During the last two years the Chamber of Commerce has established a Better Business Bureau. This was established in order to prevent unfair practices, false advertising, complaints, and other problems of business practices. This has been in existence for less than two years, and I feel that we should give the Better Business Bureau an opportunity to continue hearing complaints, trying to settle these complaints without having to go into legislation. I believe that when this was being established the previous Government said that they would support the Better Business Council. Our present Government is certainly supporting

it.

I do not see the need for this Motion because I believe that fair competition exists now. If a customer has a problem with a certain business, I feel that they should work it out. If they are not satisfied, then they should go to the Chamber of Commerce. There are over 500 members in the Chamber. In addition to that, the Better Business Council also has members. I think that this could be worked out without legislation. Therefore, Madam Speaker, I cannot support this Motion.

Thank you.

[1 minute 8 second pause]

The Speaker: If no other Member wishes to debate the Motion, I will ask the Mover if he would like to—

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I certainly support this Motion—while I observe the Elected Government Members sit on the other side and giggle. I suppose the situation has changed, whereby Government responds to whether they accept or reject a Motion.

Madam Speaker, all progressive Motions brought to this House do not go very far with the Government of the day. We boast that we have so much business in this country—all types, particularly in the financial industry—and we are aware that businesses in this country on a daily basis practice the business of trading. It is a question of whether that trading is fair and competitive.

There are many instances of complaints among businesses about competition from which they suffer, such as from the briefcase merchants, as they are termed, who come to these Islands. There are instances when they come here without work permits and go from door to door soliciting business for certain goods and commodities for which they take orders. Persons or businesses on the Islands do not benefit from those purchases, and it has been cited in many instances that such is unfair competition.

On the question of advertising, it was established during a Session of this House that there is clearly unfair advertisement on board cruise ships. There have been various instances of it. In one case, it was cited that the Governor of the day was given a tape, which had advertising on it. The peculiar thing about that was that there were certain allegations with regard to the Monarch receiving a gift designed and prepared by a certain business here on this Island. We know that under the Standing Orders of the Legislative Assembly it is even forbidden to use the Monarch's name in attempting to make any point. That is but one instance of unfair advertising to the detriment of others.

There was also one instance where a foreign employee of the proprietor of what was once a very large business trading in certain goods and services, set about gaining the franchises (whilst allegedly doing the business of his employer) for the various products which

he was selling on behalf of his employer. When the employer discovered what was happening, he had to buy the goods from the person he had employed for so many years, as he was the sole representative.

That particular person left the employment of this local employer and actually went into business with another Caymanian, now selling his own goods through this company. It was obviously permitted by our Trade and Business Licensing Board for how else did he get a work permit and how else did the company get such a licence?

As it ended up, it is my understanding that the very same individual buried the next Caymanian in the process of this type of dealing, and I am told that he still extends his hands into the Cayman Islands through other business places here. He advertises his offices here in the Cayman Islands in various businesses.

Madam Speaker, the business of ensuring that businesses fairly compete with one another can hardly be left to the businesses themselves to enforce. I have in my possession a copy of a letter sent to the Mover of this Motion from the Chamber of Commerce. It is in regard to what the Chamber of Commerce has done in this direction (as referred to by the speaker immediately before me) that can hardly be sufficient in terms of enforcing a particular way of doing business. The Chamber of Commerce itself must fall within the ambit of some particular law in its functioning here. Worldwide, regulatory activity is vested in the Government through laws and regulations.

In a Fair Competition Law, many things are covered. In our neighbouring Island of Jamaica, which is close to us and under similar British Jurisdiction, they have a law as recent as 1993 covering a multitude of areas where the public, business people and consumers, are encouraged in familiarising themselves with the Fair Competition Law.

For example, misleading advertising and practice, or oral representation, is forbidden under the law. People are not allowed to make any false price claims. They can be called to prove what the prices are. It covers the sale of harmful or defective products and services, without making adequate disclosure. To the best of my knowledge we have no such thing in these Islands and for us to be such an intense, consumer-oriented society, it would very much be in order.

A Fair Competition Law would also see to it that businesses selling certain products that should be passing on warranties as given by manufacturers, must stay by those warranties. I would not for one minute say that in this country that is the case as far as all businesses go. Some do, others do not. If there was a Fair Competition Law then, indeed, such a clause would undoubtedly be a part of it.

It places the authority for enforcement of such areas in the hands of a Commissioner or a Commission. It provides that a business that is aggrieved, or feels that it is in a position where it is receiving unfair competition, may go to the Commission to be heard and it also allows the individual to seek redress when they feel they have a

case to answer. Any proper fair competition act would prohibit both price fixing too low, where the person places the prices so low simply to undercut another business. It would also cover price fixing in terms of fixing prices that are way above those which are realistic, proper, and legal. It would, of course apply similarly where services are concerned.

Madam Speaker, this Motion is asking for legislation that would clearly set down parameters in which businesses in the Cayman Islands can, and should, be carried on. There are various pieces of legislation that are available in the Commonwealth on this, and most of the progressive jurisdictions have a fair competition law.

Where a business carries on activity, where competition is not allowed in the normal fashion, or action is taken to hinder competition in a fair way, consumer and country pay the price. One unfair act creates another and on and on it goes.

I do not know how much one sees accurate bargain or sale prices and, indeed, whether the prices are lower than the ones before, or, indeed, if the claims made—both in the percentage and the value of the goods—truly reflect accurately the price being offered. One could not advertise a particular product at a low price to attract and get a big rush of customers knowing full well that there are not sufficient goods to be sold at that price—simply to lure customers and then to raise the prices.

I am not saying that these things do occur in these Islands now. But these are some of the things that do occur in the world in terms of the sale of goods and services. So by clearly legislating what would be acceptable for businesses in these Islands, a Fair Competition Law would guard against these things. It would also see to it that there could be no bid rigging.

I would just like to quote from the Fair Competition Act, 1993, of Jamaica, where it speaks of bid rigging. It reads: **“36 (1) Subject to subsection (2), it is unlawful for two or more persons to enter into an agreement whereby - (a) one or more of them agree or undertake not to submit a bid in response to a call or request for bids or tenders; or (b) as bidders or tenderers they submit, in response to a call or request, bids or tenders that are arrived at by agreement between or among themselves.”**

Section 36(2) reads: **“36 (2) This section shall not apply in respect of any agreement that is entered into or a submission that is arrived at only by companies each of which is in respect of one of the others, an affiliate.”**

So, a Fair Competition Act clearly sets down guidelines, laws, legislation that clearly guides businesses in the conducting of their affairs.

Madam Speaker, there are many other areas where it is possible for the market to be restricted in a certain manner to force prices to raise, what is also termed “dumping,” to drive down prices to send someone out of business. There is tide selling where businesses buy from suppliers and have to sell those products at the prices dictated by the suppliers. This brings gain to the supplier because otherwise one is not able to trade.

There are so many other various things which occur in business—and have occurred over years, generations, and so on—so that businesses and responsible governments realise that there is a need for legislation. Regrettably, that is not the case where this Government is concerned.

We have two monopolies in this country. Our electricity and telephone companies. Without doubt, they have dominant positions in this country, which, through their actions or in-actions touch the lives of every individual and certainly every business. While they have their franchise or license—and they generally, in my opinion, operate within the realm of straightforward business dealings—who knows if there are not instances where (not necessarily deliberate) some things are done that if examined by a Fair Trade Commission could be found not to be in the best interest of the consumer, and therefore not of the public.

So, there are so many areas that are covered by a Fair Competition Law. This Government could wisely accept such a proposal to examine it and indeed come up with something that is acceptable for the Cayman Islands.

Madam Speaker, I would have said nothing really had it not been that I hoped that someone somewhere would grasp a little of what I have been able to find out about fair trading legislation. It could be recognised that such a thing is desirable, and that it is found in most progressive societies; that it could be understood that we do not have in this country such legislation or such protection and so on. Really, as a people we are at the mercy of what businesses may or may not do in these Islands.

As the Elected Members of Government continue in merriment and mirth, perhaps they will find a means of explaining to the public in due course the need for or against such legislation.

Madam Speaker, I support this Motion which is before the House.

MOMENT OF INTERRUPTION—4.30 Standing Order 10(2)

The Speaker: It is now 4:30 and I doubt that we will conclude. I will ask for the Motion for the adjournment by the Honourable Minister for Tourism, Environment and Planning.

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 adjourn until 10 o'clock Monday Morning. If there is no debate, I shall put the question. Those in favour please say Aye...Those against, No.

AYES

The Speaker: The ayes have it. The House is accordingly adjourned until 10 o'clock Monday morning, the 7th of March.

**AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM MONDAY, 7 MARCH 1994.**

**EDITED
MONDAY
7 MARCH 1994
10.11 AM**

The Speaker: I will ask the Honourable Second Official Member to say prayers.

PRAYERS

Hon. Richard H. Coles: 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, Official Members and Ministers 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.

I have granted the Honourable Minister for Community Development, Sports, Youth Affairs and Culture permission to make a statement.

**STATEMENT BY
HONOURABLE MINISTER**

**MOMENTOUS VICTORY OF THE CAYMAN ISLANDS
FOOTBALL TEAM**

Hon. W. McKeever Bush: Madam Speaker, I thank you, as well as the Members of this Honourable House, for allowing me space on the Order Paper to speak on a previously unscheduled subject: The momentous victory

of the Cayman Islands Football Team last night, thus qualifying Cayman to participate in the final round of the Shell Caribbean Cup for only the second time ever. This was also the first time that our senior National Team defeated their Jamaican counterparts.

As everyone knows, Phase I of the Ed Bush Sports Centre was declared open by Her Majesty the Queen on 26th February. In a happy coincidence, just four days later kick-off took place there in our zone of the Shell Caribbean Cup as we hosted the British Virgin Islands, St. Maarten, and Jamaica.

As the week went on, some of the high scores recorded did not reflect the high calibre of play shown on all sides. It became apparent, however, that we were headed for a showdown with our old rivals, the Jamaica National Team, as only one team could qualify from this group. That final and decisive game of the tournament took place last night.

It has often been remarked at Cayman-Jamaica clashes that it seems from the supporters that there are more Jamaicans than Caymanians living here; and even if their numbers at a game are smaller, their support for their team is more evident. I am happy to report that this was certainly not the case last night. Caymanians were out in force to support our National Team, and they certainly made themselves heard. I am even happier to report that this could well be called a tremendous exhibition of civic pride, as, in spite of the obviously high emotions, last night's game and the tournament in general, went off without incident.

In this vein, I am proud to be able to report that not only did Cayman win the tournament, but they also won the fair play award for lowest number of bookings of players. This is the standard of discipline that our young people are capable of achieving.

I should say, Madam Speaker, it is obvious that the money on the coach was well spent by Government and the Cayman Islands Football Association, who co-sponsored the coach.

The achievements of the National Football Team are achievements for Cayman. As such, they illustrate one of the primary reasons why sports have great significance for my Ministry, and why this Government has committed itself to the development of sports programmes and sports facilities. The victory of our team has provided a lift in the mood of the people and has spurred feelings of pride to a degree perhaps only fully comprehensible to those present for the games, but which has also spilled over to some degree into the society generally.

To the visiting teams, we say thanks for the keen competition. We shall no doubt meet again. As they say

in football "the ball is round." For now, however, we look forward to the finals in Trinidad and Tobago in April, and hope that the community and the corporate sponsors will continue to support our team as generously as they have done so far. With such support, they are bound to do well.

I would like to take this opportunity to say a big thank you to Shell, the main sponsor of this competition, as well as the local corporate and individual sponsors. I must also acknowledge employers, both Government and the private sector, who allowed our team members time off to prepare for and participate in this tournament so far. I am sure that the players' family support and that of many friends also provided a big boost to them.

The game officials must be commended for their overall high standard of officiating. The Cayman Islands Football Association Executive, its many voluntary assistants, and its coaching and management groups for the team, must also be highly commended for their extremely hard work and attention to detail.

All of these efforts would, however, be to little avail were it not for the consistent effort of the team—their spirit of fair play and, most importantly, their high standard of football over the past week. May God continue to bless all concerned and especially the players for whom I wish continued health and strength and sharpness of insight, that they may continue to play well and do the whole country proud once more in April in Trinidad.

Madam Speaker, little David put a stone in his little sling and it went around and the giant fell. This year marks 40 years of football in my district—1954 to 1994. Sports, I believe is on the rebound and we as a Government are going to do all that is in our power to continue the advancement.

Thank you very much, Madam Speaker.

The Speaker: Presentation of Papers and Report. The Report of the Doctor Hortor Memorial Hospital Commission of Inquiry by Sir Peter Allen. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

PRESENTATION OF PAPERS AND REPORTS

THE REPORT OF THE DOCTOR HORTOR MEMORIAL HOSPITAL COMMISSION OF INQUIRY BY SIR PETER ALLEN

Hon. W. McKeever Bush: Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Dr. Hortor Memorial Hospital Commission of Inquiry, by Sir Peter Allen.

The Speaker: So ordered.

Hon. W. McKeever Bush: Madam Speaker, before I speak to the Report, I have often commented on attitudes of reporters and the responsibility of the news media in this country to acknowledge and understand the principles of Parliament. They should well understand that when a Report has been promised to the nation by His Excellency the Governor, the Government and His Excellency will keep their word and that Report will be laid on the Table. When it is laid on the Table it is a public document.

I take a dim view of the media's abhorrence of the principles of Parliament, making public a report that sat on a Member's desk in this House, well knowing that it is to be tabled early during in the meeting.

It is not only when a Member of this House gets hot under the collar and clashes with another Member that it is an abhorrence of Parliamentary decency, but these actions—which I term dirty espionage—are continuing in the Government in regard to reports which are being made public before they reach the Speaker's desk. I take a grim view and I am going to urge this Parliament to put sanctions in our Standing Orders for such actions. The press must understand and uphold their responsibilities to principles of Parliament.

The Speaker: Honourable Minister, before you proceed with your presentation of the Report, I just wish to say that the Chair has observed the publication of portions of this report prior to its being laid on the Table, and the matter will be taken up with the publishers of the newspaper.

Please continue.

Hon. W. McKeever Bush: Madam Speaker, I am pleased to lay on the Table of this Honourable House the Report of the Commission of Inquiry.

Honourable Members will note that the Commissioner seems to have gone far afield of his terms of reference as prescribed to him by His Excellency the Governor in his appointment of 18th February, 1993.

It is also obvious and strange that the Commissioner chose to comment at length upon some matters after examination, whilst on other very important matters—which were crucial to his terms of reference—did not seem to attract the same level of scrutiny and comment. Nevertheless, his report did confirm this Government's initial concerns about the events and circumstances relating to the awarding and signing of the contract of this project.

Lest anyone, including the previous Member, feel any false sense of security, I wish to make it absolutely clear that this report highlights a number of grave inconsistencies which most definitely caused a breach in public trust and a breach of standard Government practices.

Madam Speaker and Honourable Members, before going into these inconsistencies, I would first like to reiterate the Government's, and the National Team's, initial concerns on existing convictions on the proposed Dr.

Hortor Memorial Hospital. The House will know, however, that the inquiry was completed without the benefit of any aid of the Chief Executive Officer who had promised to be the Government's chief witness, but who suddenly died the same week he was to give Government much evidence, and records only he had possession of, and of which he would not surrender without his presence. Strange indeed.

This, of course, weakened Government's position. Of course, Madam Speaker, with no Dr. Martin Smith there was no real evidence.

Initial Concerns With The Project: There was doubt in the minds of Government and the people about the efficiency of the split-site model as proposed by the previous Government. This concern was also shared by many in the medical profession and the public at large. We were not convinced that the figure of \$16.5 million was totally reliable, as it was not representative of all the costs of the project, such as the access road as well as possible contract variations for unforeseen developments during later stages of the project.

This was confirmed by the Chief Engineer of the Public Works Department, and is contained on page 15 of the Report. There was significant concern about the economic justification for this project, both from the standpoint of the capital, that is, the loan funding costs for the construction, as well as the annual recurrent expenditure required to operate this modern facility. This concern arose from the fact that much of the forecasting, that is, the utilisation figures and cash flow projections, were kept secret from public and independent scrutiny. These were mentioned by the Commissioner on page 8 of his Report.

From a costing perspective, there was concern about the staffing numbers used for the new Hospital, as well as the inadequacy of the information on building and equipment maintenance and other operating costs, as carried on pages 15 and 17 of the Report.

From a revenue forecasting perspective, the Report also confirms our initial concerns in a number of important areas. For example, the number of beds to be utilised was based on an inflated and unrealistic population prediction for these Islands. In determining the health care requirements, the Hospital consultants (International Health Care Corporation) forecasted a population of 38,000 by the year 2000, whereas the Chief Statistician had projected 31,000 for the year 2000—a significant variance indeed.

Further, the Hospital consultants did not recognise the impact which competition would have had on their projections.

As reported on page 17 of his report, the Commissioner listed some of the very sensible criticisms which the economic unit of Government had made on the project—unrealistic population growth; exaggerated demand or utilisation of the facilities and services; significant increase to our national debt and the level of infla-

tion; and possibly insufficient revenue being generated for the Hospital to pay for itself.

Important Inconsistencies and/or Irregularities: I now move to the core of my contribution dealing with the actions, events and circumstances which resulted in breaches of Government practices, as well as a breach in the trust of the Caymanian public.

Tendering Process: It is a well known fact that the tenders from the contractors for this project were not handled through the Central Tenders Committee, but were handled by the Health Services Authority Board and/or its subcommittee. While there are arguments concerning the technical nature of the works and the technical advice and/or analysis needed, this could have been provided to the Central Tenders Committee just as it was provided to the Health Services Authority at that time.

Due to a technicality, the previous Executive Council ruled that even though the Government was to be guaranteeing the loan, the tenders for the project did not have to go through the Central Tenders Committee. Despite these technicalities, it would have been prudent and proper for the tenders to be handled in accordance with the Financial and Stores Regulations, especially in view of the size and scope of the project, the amount of the Government guarantee and the uncertainty regarding the project. The absence of following these generally accepted procedures resulted in a breach of Government practices as well as public trust.

Payment For Five Full-page Print Advertisements for the New Hospital: There still seems to be some uncertainty as to who paid for these five meaningless advertisements and why they were initiated. The previous Member indicated in this House by way of an answer to a question put to him, that he paid for the advertisements himself. However, in his and Mr. Hurlstone's (the contractor) testimony before the Commissioner, there was some selective memory and it now seems that both shared in the cost for the advertisements, even though the bills say the contractor paid all the costs. This type of cooperation between the Chairman of the Health Services Authority and a principal of one of the firms bidding for the contract—whom he has admitted was his close political ally and a close personal friend—will obviously cause the reasonable man to draw inferences which can erode public trust.

Mobilisation Payment of \$1 Million to Hurlstone Construction Limited: Madam Speaker, the report confirms that Hurlstone Construction Ltd requested this payment after their tender, whereas two other companies requested it in writing at the time of submitting their tender. Hurlstone Construction was paid the \$1 million mobilisation fee on the 11th of August, 1992, despite the fact that they did not start working on the site until at least two months later. At the same time, no contract had been signed and there were still many disputes and unresolved details. Hurlstone Construction Ltd had use of these funds for a long period. Government was paying

interest on this money. Government's interest was not protected and this practice was contrary to standard Government procedures.

Delays in Securing Performance Bond: The section of the Commissioner's Report on the Performance Bond (contained on pages 54 to 59) is certainly revealing. For various reasons the Contractor, Hurlstone Construction Ltd, was having repeated delays in obtaining a performance bond for this contract. As an interim measure (or at least that was what they said), they proposed to pledge some of the principal shares in Anderson Holdings. This was eventually accepted by the Health Services Authority Board, which indicated that they had no choice at this late stage. But, nevertheless, it was without the advice of the Health Services Authority's lawyers or the Legal Department of the Government.

In fact, commenting on the arrangement the legal draftsman "**expressed concern in court that the shares represented a beneficial interest in the holding company rather than a direct interest in the development company which holds the real assets; nor did they provide a lien over the realty (a building in GT [George Town]) which thus was not encumbered in favour of the HSA [Health Services Authority].**" (page 58, paragraph 2 of the Commissioner's Report)

Madam Speaker, why the rush to be so creative in trying to push this project through without ensuring that Government's interests were well protected? Was this all for political expedience? Ego? Or were there other motives? These are the types of inconsistencies which the Commissioner should have taken more time with and pried into, rather than going far afield with minor issues.

Lack of Legal Advice: As pointed out on page 58 of the Commissioner's Report, much ground had been covered with regard to the tender, the letter of intent and contract negotiations, without the advice of the Health Services Authority's attorneys (Charles Adams, Ritchie and Duckworth), or the Legal Department of Government, until problems arose with the purported resignation of the Chief Executive Officer of the Health Services Authority—the late Dr. Martin-Smith.

The present Governor, upon learning that the contract had not been signed earlier and that the documents were not reviewed by the Legal Department, directed that this be done before the signing. Therefore, both the Legal Department and the Health Services Authority lawyers got involved in reviewing the contract documents in the 11th hour when it was hardly possible to make any meaningful changes in light of the previous Member's unrealistic timetable for the project.

The section of the Report on legal advice (pages 72 to 75) shows little regard for the legal resources available to the Health Services Authority, underscores the rushed nature of the Health Services Authority and the previous Member's dealings, and highlights the results of their collective ill-advised actions. Had it not been for

the Governor's intervention, the entire matter would not have received any legal advice at all.

Planning Problems: Pages 59 to 65 highlight the concern of the Planning Department and the Building Control Unit with this project and sheds some light on the debate between bureaucrats and the project architects on major structural issues. Despite the genuine concern by the Planning officials, the previous Member intervened. The bureaucrats were pushed into submission and obtained a letter of confirmation on the 30th of October—the day of the groundbreaking ceremony.

Madam Speaker—all of this in the name of pushing through a project which was already rushed, and for which there was much public concern.

Removal of Termination Clause 14.4: Pages 67 and 68 reflect the manoeuvring which had now become commonplace with this project. Despite expert advice from attorneys, project managers, etcetera, indicating that it was not necessary to remove this clause, it was removed by the insistence of the Member, the Health Services Authority's Board and the contractor. Again, another cause for concern.

Madam Speaker, it should now be clear, even to the unbeliever, that there were serious breaches in the events and circumstances surrounding the tendering and awarding of the contract for this project. These breaches are serious enough to cause a breach in standard Government practices and public trust.

Honourable Members, anyone who takes the time to read this report will conclude that not everything is all above board, as the *Caymanian Compass* headline of today seems to suggest. I trust that Members and the public will take time to carefully review this important report.

Madam Speaker, under Standing Order 9(i) I now move that the House do take note of the Report, and that the Report do lie on the Table.

The Speaker: Honourable Minister, you drew attention to Standing Order 9(i)? I am afraid that deals with Special Meetings.

Hon. W. McKeever Bush: Sorry, Madam Speaker, Standing Order 24(9)(i).

The Speaker: Well, the Chair had already ordered that the Report lie on the Table and there is no necessity then for anything else to be moved, Honourable Minister.

We will now proceed to Questions to Honourable Members/Ministers. Question No. 22 is standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MINISTERS /MEMBERS

QUESTION NO. 22

No. 22: Mr. Roy Bodden asked the Honourable Temporary First Official Member under what circumstances are riot and crowd control gear issued to Prison Officers at Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Riot and crowd control gear is only issued to staff at Northward Prison for defensive and protective purposes.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say what kind of training and how often these members undergo this training for these types of events?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The training has been done once per month.

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 state what kind of equipment is available on occasions like these.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that the riot gear consists of batons, helmets, shields, and bullet-proof vests.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if any of this riot and crowd control training is done jointly with the police, or is it exclusively for the unit at the Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that it is done exclusively by the prison staff.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I wonder if the Honourable Member could tell us who conducts the training sessions, which are done annually and what are the qualifications deemed necessary.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I wonder if the Honourable Member could clarify that. I mentioned earlier that the training was done monthly. Is he speaking of some other kind of training?

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I am sorry if I misunderstood, Madam Speaker. What I am trying to find out is whether those persons who conduct this training—and, if it is done monthly, then maybe I misunderstood—are qualified persons from within the prison staff, or if it is something like picking up a football and just playing.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The trainers are actually trained by a team from Quebec. They are members of the prison staff, but they are trained.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I notice from the list of protective gear and items issued to these officers that conspicuous by its absence was a gas mask. I wonder if this was an omission due to error, or if there are no gas masks in the equipment issued.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that the inventory of equipment does not include gas masks.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. May I ask what the reason or rationale is for this exclusion?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The answer is that no gas is used, therefore gas masks are not considered necessary.

The Speaker: The next question is No. 23, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 23

No. 23: Mr. Roy Bodden asked the Honourable Temporary First Official Member by what ranks is Northward Prison administered on weekends and public holidays?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Northward Prison is administered on weekends and public holidays by a shift Commander who is a Lead Officer in charge of a division of junior rank officers. A Principal Officer is on call. The Principal Officer Security, the Deputy Director, and the Director are available by phone and beeper.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Beyond what the Honourable Member has outlined, is there a system in place where the Director or Deputy Director makes spot checks during weekends and public holidays?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that, yes, random checks are made on weekends and public holidays.

The Speaker: The next question is No. 24, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 24

No. 24: Mr. Roy Bodden asked the Honourable Temporary First Official Member whether the members of the maintenance department at Northward Prison are offered the same training as regular prison officers.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, the members of the maintenance department are offered the same training as regular prison officers.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say since when has this practice been instituted?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that although maintenance staff are often recruited at separate times from regular prison officers, they are given training—sometimes individually or in small groups. But they do get training and have been getting training for some time.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if the maintenance staff at Northward Prison fall in the same category as the regular prison officers by virtue of the fact that they receive the same type of training?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that once you are employed by the Prison, even if not in the capacity of a prison officer, even maintenance staff are considered under the rules prison officers.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I wonder if the Member would be in a position to describe what type of training is involved.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I am afraid I cannot give the specifics as to the type of training, but I am told that a basic prison officer's training course is done. Some specialised training is also done as well.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Member say if there have been any applications by

members of the maintenance department to be transferred into the regular Prison Officer Corps? And how are these applications processed and dealt with?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. That question sounds a little way out, but since I have the Acting Prison Director present, he tells me that these applications are considered along with any other applications that they receive.

The Speaker: The next question is No. 25, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 25

No. 25: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation if anyone is being held responsible for the losses of Cayman Airways Limited accruing from the Guinness Peat Lease, including legal costs, etcetera, and, if not, why not?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker. This matter may be relevant to a civil case filed in the Grand Court [captioned] *Kel Thompson vs. Cayman Airways Limited*, and is therefore sub judice.

The Speaker: It is now 11 o'clock, if we wish to complete the remaining questions it is necessary for a suspension of Standing Orders.

The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

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

Hon. Thomas C. Jefferson: In accordance with Standing Order 83, I move the suspension of Standing Order 23(7) and (8) to allow the other questions to be taken this morning.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to allow the remaining questions on today's Order Paper. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The Standing Order is accordingly suspended.

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

The Speaker: The next question is No. 26, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 26

No. 26: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what has happened to the executive committee which existed in Cayman Airways Limited during the recent past?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker. This executive committee became defunct and last met in mid 1991.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if that committee has been replaced by other persons who are doing the same type of activity in the company Cayman Airways Limited?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker. The answer is, no.

The Speaker: The next question is No. 27, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 27

No. 27: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what is the length of the lease agreement between Cayman Airways Limited and International Leasing Finance Corporation for the 737-200 aircraft?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker. Presumably, the question refers to the termination dates of the aircraft leases. CNN terminates 28th February, 1995; CYB terminates 31st May, 1995.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say if there are any break clauses in this agreement, and, if it is initiated by Cayman Airways Limited or by the company, are there any penalties?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, without looking at the details of those leases I would not be able to answer that.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Honourable Minister—like no one in this House—has spoken time and again about contracts that cannot be broken. Is he saying that there is no break clause in these leases? He must know that because I would assume that he had dealings in writing them.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, while I accept that I have a reasonably good memory, unless I look at those leases I cannot tell the Honourable Member whether there are termination clauses. But what I would undertake, Madam Speaker, is to look at them and give him the answer at a later stage if he so wished, in writing or whatever.

The Speaker: Thank you, Honourable Minister.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I would certainly be happy to see the answer in writing as I imagine other Members of the House would. I would like to ask if it is possible for Cayman Airways Limited to lease aircraft from any other company other than International Leasing Finance Corporation, or is the company now in a locked position with International Leasing Finance Corporation?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, unless there is a termination clause, or unless there is an agreement by the lessor (which is International Leasing Finance Corporation), then the contract would remain until it terminated. Once again it depends on this clause.

And it is unfortunate, if the Member wanted to ask that, that he did not do so specifically, in which case I could have looked it up.

The Speaker: That concludes Question Time for this morning. The next item is Government Business, Bills; the suspension of Standing Order 46(1) to be moved by the Honourable Minister for Tourism.

In the absence of the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business, would one of the Honourable Ministers move the Suspension of Standing Order 46(1)?

The Honourable Minister for Education and Aviation.

SUSPENSION OF STANDING ORDER 46(1)

Hon. Truman M. Bodden: Madam Speaker, I move the suspension of Standing Order 46(1).

The Speaker: The question is that Standing Order 46(1) be suspended in order to deal with Bills which have not been in the hands of Members for the specified time. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it—

The Second Elected Member for Cayman Brac and Little Cayman?

Mr. Gilbert A. McLean: Madam Speaker, I was wondering if it were possible to speak on the matter of the suspension of Standing Orders?

The Speaker: The question has already been put. I am sorry about that, Honourable Member.

AGREED. STANDING ORDER 46(1) SUSPENDED.

GOVERNMENT BUSINESS BILLS FIRST READINGS

THE COMPANIES (AMENDMENT) BILL, 1994

Clerk: The Companies (Amendment) Bill, 1994.

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

THE SUPPLEMENTARY APPROPRIATION (1992) BILL, 1994

Clerk: The Supplementary Appropriation (1992) Bill, 1994.

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

THE IMMIGRATION (AMENDMENT) BILL, 1994.

Clerk: The Immigration (Amendment) Bill, 1994.

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

SECOND READINGS

THE COMPANIES (AMENDMENT) BILL, 1994

Clerk: The Companies (Amendment) Bill, 1994.

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 Amend the Companies Law (Revised).

Madam Speaker, Her Majesty the Queen, in her Throne Speech delivered recently to this honourable House, stated that the financial sector remains the key to a successful future of these Islands. She went on further to say that her Government is determined to maintain a financial services industry of high quality and integrity through strict adherence to prudent policies.

We are very pleased that Her Majesty has acknowledged the importance of our financial sector. This honourable House, and the people of these Islands, can always be sure that this sector will continue to receive the due care and attention required to keep the Cayman Islands in the forefront of the world's financial communities as a premiere financial jurisdiction. This will involve the ongoing review and amendment of laws and policies, as these become necessary in a changing financial environment.

To this end, there is a growing concern that the Cayman Islands is increasingly gaining a reputation of being a costly financial centre. With the growing number of locations offering offshore services, the level of competition has increased substantially in recent years. In an attempt to reposition the Cayman Islands as a pre-emptive financial centre, a review of the Government's company fee structure was carried out by the Private Sector Consultative Committee, with Mr. Michael Austin spearheading the review.

The process involved wide consultation with domestic and international financial industries. A Washington, D. C., law firm, Sidley & Austin, carried out a survey in an attempt to gather information on the perception of the Cayman Islands as compared to other offshore alternatives. There was a consensus by those interviewed that the Cayman Islands was perceived as extremely costly.

From the findings of this review, it is evident that there is a need for a reduction in Government fees and a matched reduction in private sector fees to remain competitive as a financial centre. A firm commitment has been expressed by a wide cross-section of the financial industry to also cut their fees.

The major elements of recommendations contained in Mr. Austin's report are, firstly, that we should retain the existing corporate vehicles of exempt companies, ordinary companies and non-resident companies. Second, that Government incorporation and annual fees on all companies be reduced. Third, that the incorporation and annual fees be set at the same level. And, fourth, that a lower fee of \$410 be charged both for incorporation and annual fees for exempt companies that have share capital of under \$42,000.

Madam Speaker, I should mention that the first of the recommendations, whereby we should retain the existing corporate vehicles of exempt companies, in particular, there was a suggestion that the Government may consider the introduction of what is now popularly known as the International Business Company (IBC). The general view was taken that this would not be to the advantage of the Cayman Islands because at this time the Cayman Islands' exempt company is highly regarded and looked upon. It has come to our attention that to dilute this could be to our detriment.

We have been made to understand that an IBC is not accepted for registration on some of the exchanges such as Hong Kong and probably elsewhere in the world's financial communities. Therefore, we wanted to retain the exempt company as a premier company for which it has become renowned.

Madam Speaker, we go on further to say that the report prepared by Mr. Austin recommends that registration and annual fees for non-resident companies be reduced from \$500 to \$350 for companies with no share capital, or a share capital not exceeding \$42,000. This \$42,000 Cayman Islands' figure is not arbitrary. It is the equivalent of US \$50,000.

For non-resident companies with a share capital of more than \$42,000, it is recommended that a registration and an annual fee of \$492 be required. Consequently, non-resident companies pay a fixed registration fee of \$500 together with an additional fee of 1/20th of 1 percent of the amount by which authorised share capital exceeds \$800,000, subject to a maximum registration fee of \$1,300. The current annual fee ranges from \$350 to \$750. That represents a significant reduction right across the board.

The report recommends that registration and annual fees for exempt companies with no share capital, or a share capital not exceeding \$42,000, be reduced from \$850 to \$410. For exempt companies with a share capital of more than \$42,000, but not exceeding \$1.7 million, a registration and annual fee of \$574 is recommended. For exempt companies with a share capital exceeding

\$1.7 million, a registration and annual fee of \$1,435 is recommended.

Currently exempt companies pay a fixed fee of \$850, together with an additional fee of 1/20th of 1 percent of the value of any authorised share capital in excess of \$750,000, subject to a maximum fee of \$1,900. The current annual fee ranges from \$575 to \$1,400.

The report further recommends that all other companies, namely, all ordinary resident companies, be required to pay a registration fee of \$205. However, in consultation with Honourable Ministers subsequent to the report and the Bill being brought to the House, it has been agreed that as a stimulus to the local economy, instead of an increase of \$5 over the \$200 that was previously charged, there should be a reduction of 25 percent, thus reducing the fee to \$150 per annum. Therefore, the annual fee will be \$150 if the share capital is less than \$42,000, and \$250 if the share capital is greater than \$42,000.

Currently, the registration fee for these companies is fixed at a fee of \$200 together with an additional fee of 1/20th of 1 percent of the amount by which the authorised share capital exceeds \$300,000. The annual fee for these companies currently ranges between \$200 and \$725.

Therefore, Madam Speaker, it can be seen that this is a significant effort by the Government to reduce the local incorporation and annual fee as a stimulus to businesses within our local community and, hopefully, this should be quite satisfying to the local public.

I should further point out that the reduction in the Local Companies Fee was spearheaded by the Honourable Elected Member for North Side. She had significant input into this, to which the Government acquiesced.

Madam Speaker, I should point out that the year 1993 was quite a robust year for registration activities on our local registry. We did exceedingly well. To underscore this I will read the preface of Mr. Austin's Report: **"The accompanying report presents the results of a comprehensive review of the Company Fee structure and has been carried out at the request of the Cayman Islands Government/Private Sector Consultative Committee . . ."**

Sorry, Madam Speaker, I started with the wrong section. "The Current Position," and I quote: **"In the year ended December 31, 1993, the Cayman Islands experienced a record number of new company incorporations, up 14% from the previous year. The total number of companies on the Register at the end of 1993 was 27,428 (Schedule 1). Government revenue generated from company registration in 1993 was in excess of CI\$14 million—a successful year by any standard. Indications are that our new registrations in January and February 1994 continue at record pace."**

It goes on further to say: **"Projected at levels of growth based on recent averages, the number of companies on the Register by the end of 1995**

should exceed 31,000 (Schedules 2 and 3) producing a Government revenue in excess of CI\$16.5 million."

This suggests, Madam Speaker, that if nothing at all is done, and we continue to experience the growth rate that we are now experiencing, we could have a significant increase by the end of 1995. However, the report further goes on to make some startling revelations.

We are living in a world community where information is immediate and accessible to the investing public without much difficulty. We have seen that there has been a continuing increase in the number of companies that are going elsewhere, particularly in one jurisdiction that registered 5,000 companies in November 1993. In that year, our registration on an average did not exceed, I would say, 10 percent of that figure.

There are also management companies in the Cayman Islands that are forming companies in the British Virgin Islands at the request of clients. There is one local company with a branch in the British Virgin Islands that said that for every 14.9 companies that are registered in the British Virgin Islands, only one company is registered in the Cayman Islands. It further goes on to say that the sum that is paid out to the British Virgin Islands amounts to \$4,500, in comparison to \$1,000 that is payable to our Government.

What is also very interesting is that we have found that there are quite a number of publications that are now developing information on the various international financial centres. I will just quote some of the figures. This is from a report by Mr. Robert Drysdale, of International Companies Services Limited at Sovereign House, St. Johns, Isle of Man. These are the figures that are given for the annual formation of companies.

Belize	£150
U.K.	£150
Ireland	£195
Gibraltar	£250
Jersey	£450
Guernsey	£500
Vanuatu	£500
Hong Kong	\$350
Turks	\$450
Bahamas	\$600
British Virgin Islands	\$750
Antigua	\$750
Panama	\$750
Cayman Islands	\$2200

Again, this is from a publication entitled, "The World's Leading Offshore Company Specialists." It goes on, again:

UK Ltd.	£95
UK PLC	£185
Bahamas	\$500

Belize	\$500
British Virgin Islands	\$500
Cayman	\$1,750
Cyprus	£850
Delaware	\$295
Gibraltar	£250

So we can see that, although there seems to be some variation in the figures given for the various jurisdictions based on the different publications, the Cayman Islands is now singled out as one of the most expensive of the jurisdictions.

The question is, Why would the investing public continue to choose the Cayman Islands? We know the stability of the governmental structure that we have here and the level of professionalism available. Mr. Austin's report also points out that it is unlikely that such professionalism can be found in any of the other jurisdictions. However, the level of activity taking place in other jurisdictions would suggest that with the amount of revenue that is flowing into those jurisdictions, in time it is natural that the level of expertise available in the Cayman Islands will also be developed in those territories.

We have an edge. We have worked very hard in putting our legislation in place. We pioneered the Mutual Funds Legislation that we have on our books, and we have seen that this piece of legislation has been copied and introduced elsewhere. It is unfortunate that legislation such as we have developed cannot be patented to give us the benefit, or where we could obtain some royalty from it. We cannot control this. What we will have to do, in line with what has been said by Her Majesty, is to see that the offshore financial centre continues to be regarded as an essential industry within these Islands. I go on further to say that it will be given the attention that is due.

It is in this regard that every effort is now being made to reposition the Cayman Islands as a pre-emptive international financial centre where the international investing community can continue to look to the Cayman Islands for the high quality of services that we are providing. We have seen that it is not a question that we are experiencing a decline in revenue, although it should be pointed out that this may be likely in the short run with the measures that are now being introduced. However, it seems to me that it is much better for this to be done and for us to reposition ourselves.

This, combined with a very good marketing policy which will be followed (because the Government has voted a sum of \$.5 million in the budget for 1994 to achieve this) should reposition the Cayman Islands. So with the likely reduction in revenue that will come about, just taking the nominal reduction in the annual fees and registration fees, if we were not to experience any growth as such in 1995 (which is unlikely), we are hoping that the loss that would have occurred will be com-

pensated for by a heightened promotional activity. It is likely that we will be in an equal or better position.

If we do not do anything at this stage, not only will we continue to see a decline in the business that is coming to the Cayman Islands, it is likely that some of what we have here may begin to take flight elsewhere, and we would not want to see this.

I should point out that since the middle of 1993, quite a lot of initiatives have been taken by the Government in terms of repositioning the Cayman Islands. These have not been mentioned, but where it was taking previously as long as four days, the registration of a company can now be done in less than a day. The normal turn-around from the time that the documentation is submitted to the final signing by the Registrar General is now, on an average, taking less than two days. We are hoping to continue this.

We have also gone ahead and introduced significant enhancements to the computer system we have in place and we are hoping eventually to introduce an on-line system to achieve the reservation of names, name checks, and to carry through certain basic activities which were previously time consuming. So all of these enhancements are entrain.

I will quote the concluding recommendations from Mr. Austin's report. I should mention that the arduous task that has been carried out by Mr. Austin has been done free of charge. I understand that his wife also assisted very much with the typing. In his research, he visited practically every trust company and some of the legal firms. He spoke with many people and he drew very heavily on the report as supplied by Sidley & Austin.

Less than a month ago a Mr. Joe Thompkins visited the Islands (this was probably coincidental but very useful, that he came at that time because Sidley & Austin is a firm that the Government uses in Washington, D. C.) in order to examine legal matters that occur overseas and for which the Government needed to obtain advice on. This is normally done through the Chambers of the Honourable Attorney General. So he, coming here at this time, I think, was a God sent messenger who collaborated the findings of Mr. Austin up to that time.

The conclusions and recommendations: **“Taking into account the many factors discussed in this report, it is considered imperative that the reputation of Cayman as being too expensive a jurisdiction in which to conduct offshore business be addressed head-on.**

“Many of the views held in the offshore marketplace are not just based on perception but are based on reality—Cayman is expensive. If, say, our company fees are compared with fees charged in the BVI or Bahamas. The fact is that not only is Cayman losing current business to low cost jurisdictions, but its existing offshore company business is in danger of future erosion if steps are not taken soon to address the issue of cost.

“Cayman must position itself in the offshore marketplace at a level where it becomes competitive thereby significantly increasing its future business share of company incorporations.”

To this end recommendations are as follows:

- Retain the existing corporate vehicles (exempted company, ordinary company, non-resident company).
- Reduce Government incorporation fees (Schedule 5) for all companies incorporated after the appropriate amending legislation is enacted, which could be as soon as the first quarter of 1994.
- Reduce Government annual fees (Schedule 5) for all companies, commencing in 1995. Incorporation and annual fees to be at the same level.
- Encourage private sector participation in an overall ‘cost reduction drive’ relating to company incorporation and maintenance charges.
- Utilise the fee and cost reductions as a marketing tool for the Cayman Islands with the object of significantly increasing future company incorporations.
- Inform the business public that the fee reductions follow in the wake of Cayman's most successful year (1993).

Madam Speaker, as I read out earlier from the figures, we had a very robust year in 1993. The average since 1989 has been a growth of approximately 5 percent to 6 percent. Overall, in 1993 we saw an increase of 14 percent. It is this 14 percent margin and great increases that we want to retain into the future and also to stimulate. That is why these recommendations for a review of the companies fee are now being brought to this Honourable House.

Accordingly, Madam Speaker, I commend this Bill to this House.

The Speaker: The question is that a Bill entitled the Companies (Amendment) Bill, 1994, be given a Second Reading. Before the debate commences, proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.34 AM

PROCEEDINGS RESUMED AT 11.55 AM

The Speaker: Please be seated.

Debate on the Second Reading of the Companies (Amendment) Bill, 1994. The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I listened very carefully to the Honourable Financial Secretary as he introduced this Bill, and I rise to give my support. I have long thought along the same lines, and I have spoken in this forum about fee structures before.

It is important to note that there may be some people who rightly have fears regarding loss of revenue for Government. I hold the view that based upon circumstances which surround us, that is, the competition that we face, it is important when things are running fairly smoothly, that we do what I term the ‘Chinaman Act’ in order to remain competitive and not only hold but increase our market shares with the company formation business.

As the Honourable Member pointed out, the Registrar General's Office is now much better equipped to deal with companies and their formation. As he quoted his statistics for 1993, which showed a rise of 14% in this area, I think that it is very prudent for Government to be looking to not get caught again with its pants down.

I only wonder, simply because of lack of knowledge, whether all and sundry in the corporate sector in the Cayman Islands are fully apprised of the situation and whether or not these savings from Government fees will be passed on accordingly to our potential clients. I suspect that this will be done. I just want to take this opportunity to encourage all of those in the corporate sector to fall in line with Government's train of thought. I think that it will have a very positive net end result.

I believe that the sector we are discussing has all of the necessary credentials and expertise to continue to offer services to these people at a level that is equal to any other territory. If I might add, without seemingly speaking too highly of them, I believe that the services that are offered in the Cayman Islands are over and above most other territories. So, we do not have a problem in that area. We simply have to get the people to us first.

It is only natural, when people are examining prices and looking around, that if we are not in the ballpark we are going to get left at some point in time. I would expect that the Honourable Member, in his winding up, might give a few more details. I am sure that he saved some of the best for last. I would be totally satisfied if I knew that the corporate sector was in sync with Government's thought process in regard to this.

I am happy to support this Bill and I would encourage Government and the corporate sector to examine any other areas where we can take these innovative steps to continue to progress in this area.

Thank you.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the proposal to reduce the registration and the annual fees payable by registered companies in the Cayman Island has long been mooted.

There are various schools of thought. One is that the fees should remain as they are because they are reflective of the services given by the professionals involved in this field and the environment in which these

companies operate. The other is that we are way above the fees charged by other places that offer similar financial services.

I have no contention with the move by the Government and the Financial Secretary to reduce the fees as is herein proposed. I imagine that the statistics quoted by the Financial Secretary, as well as other statistics available within Government, show that this reduction can take place without any severe damage to the revenue of the country. My only concern is the effect that it will have on the revenue. If the fees are to be reduced then it means that to offset what we may have collected this year or last year as the case may be, we will need an increase to make up that particular revenue item.

Again, as I read generally the financial centre in many quarters is not necessarily considered the entity that is something of the future. There are many predictions as to what will happen as the world grows closer together, Europe, the United States, their trade bloc and so on. It is all a question of money and finances and how it flows internationally around the world.

I get the impression from various articles that I read that these various economic trading blocs will want money to stay within those borders or areas. So, it is a calculated position, I daresay, that we might move from where we are presently to meet a challenge posed to us by other Islands in the Caribbean alone.

I understand that in one Island there is some computerised system that virtually gives access to people who wish to register companies in that particular Island and it does not necessarily mean there has to be a hands-on condition within the Government and I do not know how much. It is, I understand, the British Virgin Islands. I am wondering if any thought has been given to adopting something similar or improved in that regard. If we are going to change the fees and so on, we should certainly look at changing the efficiency, as I understand part of the success of the British Virgin Islands is how quickly someone can get a company registered.

Of course, I would imagine that in order to do such a thing there would need to be certain safeguards put in place and the Government here, I am sure, would look at such a thing if it chose to move in that particular direction.

I believe the Cayman Islands have often received unfair criticism because of the fact that it is a financial centre and it offers certain services to the money world. We are some of the closest neighbours to the United States particularly, that has a completely different economic system based on taxes, whereas we have none. They tend to be a bit critical from time to time of our financial centre here. So, in any move that we make I would simply encourage those responsible to be ever vigilant to keep our quality. Sacrifice nothing whatsoever for quantity, so that we are always in a position where we can rebut any unfair criticism levelled in our direction.

While we are reducing the fees for company registration, I wonder if the Government has given any indica-

tion to the law and accounting firms, the banks, or whoever manages companies. I understand that there are a variety of organisations that manage companies here in this Island. Perhaps it is only fair and reasonable that they look at reducing their fees, which, I have been told in many instances, are extremely high.

It would seem defeatist if the Government reduced its fees and these other entities which offer services in this area would not do so themselves. Government would hardly be the one who could best afford it, so I would certainly encourage the Financial Secretary to look in that direction and have some discourse in respect of the reduction of fees in those instances.

As mentioned by the previous speaker, I think there is also a necessity for us to get all the publicity that we possibly can so that persons who like to deal with the Cayman Islands would be aware that we have entered a competitive position by having lower registration fees. I would again encourage the Financial Secretary to tap whatever sources, through whatever media to get that word across internationally.

Madam Speaker, I support this amendment to the Companies Law.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I rise to offer my support to the proposed amendments to the Companies Law in respect of the reduction in company fees. This is in keeping with the position established by the present Government, which is very aggressively looking at all the areas for which it is responsible to see whether or not improvements can be made.

I think that for too long Government sat on its laurels and felt that because it had such a good reputation as a stable government and environment, people would want to do business with it. It is amazing what little the outside world knows about the Cayman Islands compared to the Caribbean as a whole. It has to be a very sophisticated investor or businessperson that would register a company in the Cayman Islands—even though it would cost them three times that which it would elsewhere—just because of the reputation of the place.

I believe that we can no longer afford the luxury of sitting back and allowing that kind of thinking to exist. The fact remains that we have a new competitor—the British Virgin Islands—that probably incorporates as many companies in one month as we do on an annual basis. We would only be burying our heads in the sand if we did not recognise this fact and react to it in a very positive manner.

Government is taking a very aggressive approach to this matter. I did some quick calculations. For a non-resident company it looks like the fees are being reduced by some 30 percent. For an exempt company, which is probably the most popular company used here by foreign investors, the reduction is in the region of about 52 percent.

I, for one, do not share the concern that a reduction in fees will automatically result in a loss of revenue. I think we will experience the opposite because people would all of a sudden be in a position to look very objectively at comparing what the Cayman Islands offers by way of fees, quality of services and environment, to other jurisdictions with which we compete for those services.

I am also pleased to see that we are not only looking at the foreign investor, as far as giving them a break in fees and trying to attract them to do business with us here in the Cayman Islands. But steps are also being taken to reduce the local company fees, that is, the fee that Caymanians pay when they incorporate a company here.

For example, I remember about a year or so ago the local company fee was \$100 and it was moved, I think by the previous Government, up 100 percent to where it stands now at \$200. What this amendment proposes is to reduce the registration and annual fee to \$150 per annum. I think that this is significant. It proves to our people that we are always conscious that they also have needs. I believe that this is a very positive move that will result in various positive benefits as far as the Cayman Islands is concerned.

I offer my congratulations to Government, through the Financial Secretary, for this measure.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I support this Bill. I think it is very important that the Honourable Financial Secretary take the steps that he has taken now, in conjunction with the private sector, to look at areas of the finance community structure and Government's relation to it, to maximise the benefits that we can get from it.

We are now in a very competitive world as far as providing services goes. We do have very high quality service within the Cayman Islands and it is a service which provides its benefits, sometimes not in the mass formation of companies, but in the high quality of banking, insurance, company management and mutual funds, trusts and partnership fees that come into Government.

In doing this, I think that he has quite rightly pointed out that it is important that that quality of service remain if we are to ensure that we keep our competitive position in the offshore business. We have undoubtedly been the leaders in this, especially in the area of banking, for many years now. This has come about and remained because of the vigilance of the Financial Secretary and his Supervisor of Financial Services to ensure that these Islands' reputation and high quality remain.

I fully support this and I believe that while the benefits might not be seen in the very short term, in the medium and long term they will be there. The decision is a

right one for the Financial Secretary to have put forward and for this Honourable House to accept.

Thank you.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: I, too, rise to support this Bill brought forward by the Honourable Financial Secretary. It shows the dedication of this Government and the forward-looking way in which we are approaching different areas to make things better for the Cayman Islands.

I feel that this approach, which is typically based on an American approach, will in pay off in the long term with the volume of companies and show a dramatic increase in revenue.

I would also like to pay tribute to the Elected Member for North Side for her continued, active and diligent manner in bringing to the notice of the Financial Secretary the importance of also helping the Cayman company. As we know, charity begins at home.

I am once again glad to support this Bill and I know it will be of great benefit down the line for this country.

Thank you.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, may I mention as a person who has served in the Government for several years and perhaps a decade as Financial Secretary, that I am pleased to see this amending piece of legislation before this House?. I sincerely believe that the Cayman Islands' offshore financial centre operations and attractiveness for the future has to be something which this Government looks at and takes decisions about for the long term benefit of the people of this country.

We have heard on many occasions that Cayman is expensive. We have heard it from investors. We have heard it from tourists who visit our Islands. We have heard it from members of the financial community. I am glad to know that this Government, although the critics badmouth the National Team, has had the boldness and cohesiveness to take steps (and I would categorise them as bold steps) for the future development of the Cayman Islands.

[Some Members—Applause—Hear, hear!]

Hon. Thomas C. Jefferson: It was not many years ago, Madam Speaker, that the *Euromoney Magazine*, published in the United Kingdom, did a survey of the financial centres in the Caribbean. It was of no surprise to me to know that the Cayman Islands was the premier financial destination in this hemisphere at that time. What did surprise me a bit, because I never focused on it, was an article that looked at the world banking centres. It listed

them. I am talking off the top of my head, but I am sure what I will say is accurate if not close to being accurate.

The first country in the world as far as having deposits on the books' of banks was the United Kingdom. I believe the second was the United States, the third was Japan, and the fourth was France. Even if I have them switched around, the top four were those countries. Hong Kong was number five.

The comparison they used was a particular year, I think it was 1987. And the position of deposits on the books of the banks in Cayman in 1987 (or it might have been 1988) was not available as a true comparison to all the other figures, especially the one with Hong Kong. When we compared the two, we found that the fifth position as the world banking centre was not really Hong Kong, but it was the Cayman Islands.

I make mention of that to underscore one particular point: The company, as a vehicle in the operation of the financial centre of the Cayman Islands, is the cornerstone of all its activity. So, if we begin to lose our market share in the number of companies that are registered in the Cayman Islands, we can see pretty accurately the damage that can possibly be done to the other areas of our operation.

While there may be some risk in reducing the registration and annual fees, it is something we have to do in order to ensure that the Cayman Islands remain attractive as a centre in the world's financial operations.

I am going to cast my vote for reducing the fees. There is, in my mind, a bigger risk. That risk is doing nothing about the present position. If we look around at our competitors, we can find every reason in the world if we wanted to why the Cayman Islands will never be affected in the long term and leave the fees the way they are. We can say that certain countries in the eastern Caribbean will never be able to compete with the Cayman Islands in terms of the professional infrastructure which operates in the Cayman Islands and which, at least one Member on the other side of the floor has said, is equal to any financial services provided in any country of the world. And with that statement, I agree wholeheartedly.

When one has competitors which are registering and gaining momentum in the registration process, attracting financial vehicles to their country, we can visualise the tremendous revenue that is being earned in this area of that country's operation. It does not take too long for the country to decide to issue any concession that needs to be issued to attract the professionals to come in. When that happens, in my view the Cayman Islands will really have a competitor—if we do nothing and remain with the fees as they are.

The Financial Secretary is to be congratulated by all of us for his efforts in bringing about this agreement, an agreement which I believe it is right to say the majority of persons operating in the financial community are willing to reduce their fees as well. I believe that unless we have a reduction on both sides—the public sector

and the private sector—we have nothing to promote in New York.

The Financial Secretary has also indicated that within the 1994 budget there is \$.5 million for promotion of the financial services to the outside world. I am sure that he can speak on this in more detail. And I believe that may be the wish of Honourable Members. I think it is right for me to leave that for him to say.

As I understand this amendment before the House, the reduction (which is going to take place in 1994 on the 1st of April) will be in the registration fees. The reduction in the annual fees will not take place, as I understand, until January 1995. So, I think if we structure it in this way, the reduction in the amount of revenue earned by company registration will not be seriously affected over two or three years.

In my humble view, if we register 4,000 companies a year at the present fee and reduce those fees to even two-thirds of what they are today, I cannot see that we would get less companies. I can only see that we would receive more companies per registration process, thereby offsetting by volume the reduction in the fees that are presently being charged. However, more importantly, in the long term it will cause the Cayman Islands to be competitive and to maintain—if not improve . . . I think I should put it the other way around—to improve their market share so that in years to come, the amount of revenue being earned through this process will be significantly enhanced.

When a person is on top of the pile, everyone tries to pull the rug from under his feet. One has to take that as being so and do something about it. That is exactly why the amending bill is presently before the House—doing something about staying at the top of the offshore financial industry, to ensure that the people who work in this area and the contributions that come to this country as a result of the operations of the financial industry are improved and that greater benefits flow to our people now and in the future. I think that is the wish and obligation of the Members of this Honourable House, to try to ensure, and, by God, I think this amending Bill is speaking to that obligation.

I do not have a worry about the volume of business that may come, or whether the registration process will be in a position to deal with it. I remember hearing this morning from the Honourable Financial Secretary that there has been considerable enhancement of the computer programme in the Registrar's office, where the private sector has access to it. But, I think he should speak a little bit more on this so that it is clear not only to the Honourable Members of this House, but it is also clear to every member of our society.

The system that is in place is that the banks, the trust companies, the accountants, and the lawyers are usually the first people who are contacted by an investor. Their system is one of screening to ensure they know the customer with whom they are dealing. That system is going to remain in place for everybody's bene-

fit, including theirs. I believe that Honourable Members will be able to look back on this day and see it as a step with which they agreed that will pay handsome benefits to the Cayman Islands as a whole.

I have great pleasure in supporting this Bill.

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: I rise to give my support to a Bill to Amend the Companies Law (Revised), and I want to congratulate the Honourable Financial Secretary, the mover of this amendment. I think it is a timely and very important amendment, which, as previous speakers have very eloquently explained, will certainly be beneficial for this country.

I note that it is not only a move on the part of Government, but also a combined effort of the private financial sector. I hope this will go beyond the financial community and send a message to all involved in the tourist industry that we need to encourage our visitors, our clients coming to the Cayman Islands. This could be a very momentous day in our history, a day when the Cayman Islands could certainly make a turnaround.

Instead of hearing of increasing fees, we are trying to reduce the cost and make it more attractive. We have the expertise in place in most areas, and certainly, we need additional business.

So, I feel that Government and the Financial Secretary in particular deserve much appreciation by the people of these Islands for leading this amendment here today. I look forward to it being the beginning of the entire country taking a look at giving more value for the dollar in order that we can become the cherished destination that we should rightly be.

With these words, I give my full support to this amendment. Thank you, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna Thompson Murphy: Thank you, Madam Speaker. I rise to support the Companies Amendment Bill. This comes as no surprise to members of the public as the Honourable Financial Secretary mentioned this in his Budget Address some time last year.

I believe that the success of our financial industry here has been the twinning of the private and public sector in that they have worked hand-in-hand. I believe that, again, they have worked together with this and it will be very successful.

I believe other members have touched on the increase in volume because the cost of registering companies will be reduced, and this will enhance our tourism, increase it as a matter of fact. The foreign investor, especially from North America, will find that travel here is a lot closer. We will increase our tourism in this way with reduced cost of registering the companies. They will be

able to come and register them because of the closeness to their home.

For a long time, we have maintained that Government must operate like a business in cutting out the red tape and being very efficient. With this bill, I believe that this is a very good example of this taking place. Competition is good. It makes us pull our socks up and take a look at what we need to review and improve on. I believe that with this Bill we are saying to the people of these Islands, as well as to the outside world, that we can do it with reducing the cost of registration and that there is still service to be given for the reduction in the fees.

Therefore, I support this amendment.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Activities and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I will be very brief. Although members from all sides have spoken, I do not think that this is an occasion that should go down without saying something.

There have been things said in the public such as whether or not enough thought has been given to the matter at hand. From all that has been said by both the Minister of Education, the Minister of Tourism, the Financial Secretary and other Members as well, no one needs to be concerned about the thought process of this exercise. My colleague, the Minister for Health, has made his contribution and his thoughts known as well.

This Bill has had the kind of investigatory process indicative, in my opinion, of a knowledgeable but cautious Financial Secretary with the good assistance of the Executive Council and the financial industry. The National Team Government catches hell from its critics, but no one can say that this matter at hand is not a move in the right direction. It shows that we are thinking about the long-term future of this country.

There have been many instances in the past where the previous government put the country in jeopardy—Cayman Airways being a very relevant one—and damaged us to the extent that millions of dollars were in the red. We have found since taking over as a Government, that the financial industry has grown. It means that confidence of the outside world has increased, perhaps even been restored in the country, and confidence put in the National Team Government.

So, while it can be said that the Bill has been well covered, it is good for all of us to make our thoughts known and to add our confidence publicly to the Financial Secretary who is doing a good job.

Thank you, Madam Speaker.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I too rise to offer my support on the Bill before us which is another step in the right direction by the National Team Government.

The reduction in the company fees in this country, in my humble opinion, is a must for us to survive in the race in this area. Our competitors are reducing their fees and they are increasing the number of companies formed. The Cayman Islands, in my opinion, must follow suit in order to increase its volume.

I have the confidence in the Honourable Financial Secretary. However, I must stress that we must not give up quality for quantity. We must continue to keep our high standards in the formation of companies in the Cayman Islands.

In coming here this morning to discuss this Bill, I had two concerns. One was, Is the answer in Government reducing its costs without the people involved in this type of business reducing their cost? The Honourable Financial Secretary has led me to understand this has been discussed with the private sector, which has given an undertaking to reduce its costs in incorporating companies in the Cayman Islands. I have every confidence that the Honourable Financial Secretary will promote this and meet with these people to ensure that this is carried out.

My other concern is that the only companies for which fees are being increased are local companies, even though only by \$5. I discussed this with the Honourable Financial Secretary and Government's Executive Council because I felt that we are reducing fees to bring people in from overseas, but we cannot forget our own people who find it hard at times to pay that \$200 to incorporate a company. I would like to thank the Honourable Financial Secretary and the Executive Council for looking into this and decreasing it to \$150.

I would like to compliment the Registrar of Companies Department for its improvement in the registering of companies in the Cayman Islands. At one time, it took hours to get a name approved. I have been in company management for almost 20 years and no one can call the Registrar of Companies and get a name cleared whilst you remain on the telephone right there and then. With this Law coming into effect and with the numbers of companies wanting to come to the 'gem of the Caribbean,' the Honourable Financial Secretary will see that the Registrar of Companies Department is constantly upgraded to assist and accommodate those numbers.

I have every trust that when these fees are reduced the volume will increase, revenue will increase, and the Financial Secretary will be on top of it at all times.

Madam Speaker, I do not hesitate to support the Bill before us.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the Bill before the House not only reduces the fees on companies, but also simplifies the process of paying the fees. This is important to those who work in this business. There are now fewer categories of fees and the annual fees pay-

able are the same as the registration fees. Of course, the other benefit (as mentioned by the Honourable Minister for Tourism) is that this Bill is a part of the Government's commitment to the people of the Cayman Islands to reserve the pre-eminence of the financial services.

We can rest assured that the benefits offered to the public by the Cayman Islands will still remain. For example, we speak English here. More than one half of the business transactions are now conducted in English. We are in a good locality. We are only one hour away from our biggest market—the United States. We can reach Europe and the United Kingdom in less than a day. Travel is made easy when one comes to the Cayman Islands. With the amount of flights we have, it is possible to arrive or leave at almost any hour of the day.

We have, apart from the airline services, the best communications in any part of the Caribbean—the telephone services and fax services are equal to none.

As has been mentioned, we have here not only the expertise in the financial services but in all the fiduciary services—banking, trust work, a high level of civil servants, accountants, people specialising in company management. These are all pluses, which cannot be bought by money, cannot be bought by a cheap registration fee as charged in some other localities.

According to the Financial Secretary, we have removed much of the red tape that encumbered the process of registration. It is now possible to register a company in one day or less. As mentioned by the Honourable Minister for Tourism, the reduction in the annual fees will not come into effect until 1st January 1995. So this year's revenue will not be affected by that. For the new registration, this will only affect those companies registered after the 1st April, 1994.

We have an example from our past. In 1977, this country, this Government, saw fit to reduce the taxes on motor vehicles from 33.3 percent to 27.5 percent. This resulted in an influx of new motor vehicles and a massive increase to Government's revenue.

This gesture today shows that the Government is in a position to reduce taxes. Some people may think we are crazy. But I think it is a novelty because it is not often that a Government reduces taxes. I believe that this Bill will enhance our position and encourage people in the financial world to do more business with us. They have received a good service in the past and if they can receive that same good service, which is promised to them for a smaller fee, I believe they will be happy to accept it.

I support the Bill fully.

The Speaker: Proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.58 PM

PROCEEDINGS RESUMED AT 2.21 PM

The Speaker: Please be seated.

Debate continues on the Second Reading of the Companies (Amendment) Bill, 1994. If there is no debate I will ask the Honourable Third Official Member if he would exercise his right to reply.

Hon. George A. McCarthy: Thank you, Madam Speaker.

I would like to commence by thanking all Honourable Members for their overwhelming support of the Bill. The common theme which ran through Members' comments was whether there were any commitments by the financial industry to reduce their corporate fees in tandem with the Government's fees. I would like to say that the moving of this amending Bill today is as a result of that undertaking being given by all major segments of our financial industry.

Madam Speaker, some of these firms have already commenced their reduction in fees, with one of our leading legal firms having already reduced its fees by two-thirds which meant a reduction from \$1,500 to \$500. It should also be pointed out that there will be market forces at work. For those firms that would not want to make any changes in their annual fees or their corporate fees, it will mean that the business will move to where it is more economically prudent for savings to be achieved. But overall, there has been a wide and across-the-board commitment by the financial industry.

There was also wide consultation with the financial community. The Private Sector Consultative Committee is comprised of the various representatives of the various segments of our financial industry. For example, the president of the Local Insurers Association, the president of the International Insurance Association, the president of the Cayman Islands Law Society, the president of the Caymanian Bar Association, the president of the Accounting Association, and also the permanent members who are there. These are persons who represent quite a wide cross-section of activities within the community.

We held several meetings on this amending legislation before taking it to the Legislative Assembly, and the views from the group have been communicated to the Government. Basically, what we have today is a culmination of the recommendations and the consultations that have taken place. Consultations have also been held with the local management firms, and as recent as less than a fortnight ago consultations or discussions were going on with the representatives of these firms in order to apprise them of Government's initiatives.

The main concern of these firms is that with the anticipated influx of business they are hoping that the Government will commit the necessary resources required in order to make sure that there is no decline in the quality of services that are presently being rendered. As I mentioned earlier, this will not be so because initiatives have already been taken to enhance our computerised system in anticipation of this.

Further, in enhancing of our Company's Registry, Government has been apprised of innovations in other territories such as those mentioned by the Second Elected Member for Cayman Brac and Little Cayman. Fortunately for us, our central registry review with the financial industry's vigilance were combined to ensure that the quality of business coming onto our Register has always been, and will continue to be, of the highest level. While we have commenced and will continue to upgrade our computer assisted processes as mentioned earlier, professionalism will be the hallmark of the services provided to the local and international community.

We have heard, Madam Speaker, that in some jurisdictions (as the Second Elected Member for Cayman Brac and Little Cayman pointed out) investors need not make a presence in order to have a company formed or registered. We have also heard—and this has come to the Government's attention from its research—that in one of the other major jurisdictions there is a 24-hour facility. All of these, Madam Speaker, have been taken on board and all these desires and needs of the international community have been factored into the enhancements that are now taking place within our Central Registry System.

While the Government would want to move ahead in the most expeditious manner, the private sector has also been asking our financial industry to have its input. Both the Government and the financial industry want to ensure that any enhancements made are conducive to the high quality of business presently being generated within the Cayman Islands. Within the next 18 months, I would say much earlier than that, Madam Speaker, we will have all of the desirable features.

I should say that what we are aiming for is not a matter of matching the quality of services that we are providing here with elsewhere. We are going for the optimum as to what is desirable to continue to maintain the most efficient financial industry and the services that are being provided by the Government.

Madam Speaker, during the course of last week, invitations were sent out to members of the Consultative Committee to put forward their views in anticipation of this Bill being approved by this Honourable House, to commence our marketing strategies and how this can best be achieved. What is entrain now are efforts to commence immediately with the assistance of the financial industry to develop relevant information covering the full spectrum of our financial industry and its various services. This information will be used as source material for placing articles in news publications of major newspapers overseas as was done recently in the *Financial Times*. This, Madam Speaker, gave a very good comprehensive and widespread coverage to the tourism and financial sectors of these Islands.

We are also hoping to prepare a comprehensive magazine on the Cayman Islands covering, as mentioned earlier, the full gambit of our financial services to be circulated to the international financial community

prior to the promotional tour that is being planned to be held in New York as a first stop later on this year. We were hoping to have this conference some time around June. However, it has been pointed out by the Honourable Minister for Tourism, Environment and Planning, based on his experience in holding a similar conference in New York in 1990, that the best time to target this is when most of the executives are back at work, and this would be around early September.

In this area we have already commenced talks with Sidley & Austin, who assisted my predecessor in organising the conference that was held in 1990, and we are drawing on the resources that they can make available to us. They have sent us copies of the materials that were used and published in 1990, and have indicated their willingness to commence getting in touch with the major international firms that would want to be presented at this conference to apprise them of what we are doing by way of the reduction in companies fees, the Mutual Funds legislation, the scaling up of activities in the Cayman Islands, and to also put forward their thoughts to the Government between now and that time as to how best to achieve the highest level of effectiveness in regard to this promotional activity. This will be seen as a drive by the Cayman Islands Government so that the Cayman Islands Government will be in the forefront.

In this regard (and depending on how successful we are in the planning of this conference in New York, and how well we think we will be able to carry it off) we may consider another leg immediately following that conference in Europe, particularly in the United Kingdom. We are on the cutting edge, so to speak, of technology with our product and our services, and we want to maintain our position of not following fashion, but leading.

Madam Speaker, the Cayman Islands is a success story and will continue to remain so. The amending legislation now being proposed is intended to continue the reinforcement of our success story. As noted by the Third Elected Member for Bodden Town, the reduction in registration fees will commence in April 1994, while the reduction in annual fees will not commence until January 1995. This is in order to maintain a lead-time between now and then, for us to advertise and promote all of the innovations that would be produced through to the end of the year, inclusive of the reduction in fees.

By that time it is anticipated that we should have the volume of business coming on to our Register to compensate for the decline in revenue that would otherwise be experienced as a result of the reduction in fees.

Overall, we can expect that what we are doing today will achieve major successes for these Islands. We have introduced the Mutual Funds legislation, and we have seen from the applications for Mutual Funds Administrators' licences that that has taken off. We have also taken off and are doing exceedingly well, and the Government has evidence of this from the several applications that are coming forward to Executive Council

weekly for such licences to be granted. Following this, Madam Speaker, will be the registration of the Funds themselves, or the flow of revenue that will be coming in as a result of that.

Madam Speaker, what we have here today has taken us to the stage that we have reached. I would say that the Government has been going at a very great, but cautious, speed in this regard, in terms of revamping our financial industry. Government is not necessarily reacting to the events that are taking place around us, but being pre-emptive and pro-active making sure that we maintain our number one lead position.

Now, the question may be raised as to why all of these innovations are now being pursued. Is it because we are losing business? This, Madam Speaker, would not be the correct way of interpreting the initiative. I think the correct way of interpreting this would be to give credit to the alertness of Government's concern of market forces—the things that are taking place, or the requirements of the international financial community—and recognising those needs and putting ourselves in a position to cater to them.

Madam Speaker, once more, I would like to say thank you to Honourable Members for the endorsement of this Bill.

The Speaker: The question is that a Bill entitled the Companies (Amendment) Bill, 1994, be given a Second Reading. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE COMPANIES (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

The Speaker: Second Readings, continuing.

SECOND READINGS.

THE SUPPLEMENTARY APPROPRIATION (1992) BILL, 1994

Clerk: The Supplementary Appropriation (1992) Bill, 1994.

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 Supplementary Appropriation (1992) Bill, 1994.

Madam Speaker, section 9 of the Public Finance and Audit Law provides that if at the close of accounts for any Financial Year it is found that Expenditure car-

ried to any Head is in excess of the sum appropriated for that Head by an Appropriation Law, the excess shall be included in a Supplementary Appropriation Bill which shall be introduced to the Legislative Assembly as soon as practicable after the close of the Financial Year to which that excess expenditure relates.

Madam Speaker, it is in accordance with that provision that this Bill is being introduced to confirm excess expenditures against various Heads of estimates amounting to \$16,416,854 for the year ended 31st December, 1992. In accordance with Standing Order 68, the excess expenditures were approved at various Meetings of the Finance Committee during the course of the year under Standing Order 67(2). This however, excluded a marginal sum of \$96,670 broken down as follows:

Head 15—Internal and External Affairs Administration	\$31,703.00
Head 36—Postal Department	\$64,967.00

Madam Speaker, a breakdown of the sum of \$16,416,854 is as set out in the Schedule to the Bill is as follows:

His Excellency the Governor	\$. 28,963.00
Finance & Development	861,372.00
Customs	280,998.00
Insurance	35,917.00
Registrar General	6,474.00
Treasury	21,833.00
Judicial	3,849.00
Administration—Internal & External Affairs	179,497.00
Immigration	658,304.00.00
Administration—Health & Human Services	9,429,690.00
Social Services	12,187.00
Postal	119,967.00
Capital Acquisition	446,792.00
Capital Development:	
Head 51, 52 and 53	4,331,011.00
Total	\$16,416,854.00

Madam Speaker, as I said earlier, this sum, with the exception of \$96,670, was approved during the course of 1992 at various meetings of the Finance Committee in accordance with the relevant Standing Orders.

Accordingly, I commend this Bill to this Honourable House.

The Speaker: The question is that a Bill entitled the Supplementary Appropriation (1992) Bill, 1994, be given a Second Reading. The Motion is open for debate.

If there is no debate, I will ask the Honourable Third Official Member if he has any additional remarks that he would like to add to this Bill?

Hon. George A. McCarthy : Thank you, Madam Speaker.. At this stage I do not wish to make any additional remarks. Thank you.

The Speaker: I shall put the question that a Bill entitled the Supplementary Appropriation (1992) Bill, 1994, be given a Second Reading. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it.

AGREED. THE SUPPLEMENTARY APPROPRIATION (1992) BILL, 1994, GIVEN A SECOND READING.

The Speaker: Second Readings continuing.

THE IMMIGRATION (AMENDMENT) BILL, 1994

Clerk: The Immigration (Amendment) Bill, 1994.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan:. Madam Speaker, I beg to move the Second Reading of a Bill entitled, A Bill to Amend the Immigration Law.

The Memorandum of Objects and Reasons reads as follows: **“This Bill amends the Immigration Law requirement that all travellers leaving or disembarking in the Islands complete and hand to an Immigration Officer an embarkation or disembarkation card. The amendments will permit Regulations to be made, exempting categories of persons from the requirement to complete embarkation and disembarkation cards. It is proposed the Regulations should exempt Caymanians passport holders from these requirements.”**

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

The Speaker: The question is that a Bill entitled the Immigration (Amendment) Bill, 1994, 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, in trying to determine what position I should take on this particular amendment to the Immigration Law, I looked at section 47(1) of the Immigration Law, which is the section that the proposed amendment would change. I would like to read the three brief subsections dealing with the disem-

barkation and embarkation cards, it reads: **“47 (1) Whoever disembarking or leaving the Islands fails to complete and hand to an Immigration Officer immediately on arrival or departure a disembarkation card or embarkation card, as the case may be, in the prescribed form is guilty of an offence.**

“(2) It is the duty of the Chief Immigration Officer to cause records to be kept and maintained of the entry of all persons into these Islands and of the departure of all persons from the Islands.

“(3) Without prejudice to anything in the Evidence Law, 1978, any such record shall be received in evidence in any court or in any tribunal whatsoever in the Islands as evidence, prima facie, of any entry or particular entered therein.”

Madam Speaker, this House has been subjected to various short amending bills of this nature in recent times. It was a short amending bill that took the power from the Customs Law and placed it into the hands of the Elected Members of the Executive Council to decide what should be prohibited from coming into the Islands. In that simple short amending bill, the first act by the Government was to use that retroactively to prohibit goods that were already in the Islands.

Now as I read section 47, and I believe as any person reads section 47 it would very clearly seem that the drafters of the Law wanted to have legal means by which we would know who came into these Islands. So, there would be a legal record of who left these Islands.

Why in 1994, with the world turning upside down in various ways, and many people today with intentions of anything but good, would we not want to know about every person who comes into and goes out of the Cayman Islands, including Caymanians? Regrettably, it has been proven by the court, and otherwise, that many of my own people move in and out of these Islands for reasons that are sometimes not legal. Why would we want to lose track of those people or not be able to prove that those people entered or left the Islands at any particular time?

I recall that there was a major case between the Cayman Islands and the United States Government regarding a certain citizen of these Islands, and it was the immigration records that proved beyond a shadow of doubt the whereabouts of the individual at the time. Why would we want to lose that particular position? is my question.

This Law also proposes to weaken the Law, which now has in place a clear system of identification, of movement of people in and out of the Islands, and place in the hands of the Executive Council once again the authority of exempting categories of persons. What categories of persons does the Government want to exempt? Why do they not state it? If the category of persons are Caymanian passport holders then amend the Law to say that the Immigration Officer can let people in who hold Caymanian passports without the Immigration Card. Be specific, for this is not specific.

I believe it can only be for a reason that is questionable and sinister the way it is written. Who falls into the ‘category of persons’? Who would fall into that? Would we find people who are in the protective witness services and so on in other countries coming in here being exempted without any note or record that they were in the Islands or when they left? Who would be in this category of persons?

Madam Speaker, from the point of view of management statistics, the reason we know or can tell how many people come to these Islands from England, the United States, Canada, from Jamaica, or whatever country is because there are records which are filed into a computer (to the best of my knowledge) and we have record of it. We know the number of movements in any given year and are able to identify the persons. Are we going to hinder those valuable statistics from being kept? It is not of any use to be able to say that 50,000 Caymanians went back and forth in any given year? Is that of no value? And is it of no value to know overall who travelled in and out of these Islands?

Madam Speaker, I am one who believes that democracy can best be maintained by having laws which specifically state what they are supposed to do. I am absolutely opposed to what I see happening in this country at this time, where laws are being amended to put the power of major decision-making—which should be in laws that can only be changed by bringing amending legislation to this Legislative Assembly—into the hands of Elected Members of Executive Council, which factually could be altered on a day to day basis.

Madam Speaker, there was no explanation for this other than the Memorandum of Objects and Reasons. Certainly, I believe that the reasons given here cannot be good reasons. ‘Categories of persons’ can mean any persons. If the intention is for Caymanian passport holders to be exempted, then it should state that in the Law. This bill to amend the Protection Law, in my opinion cannot be a good one.

The Government of the day seems to regularly be fooling around with immigration, always immigration—who can get Caymanian status, who cannot; who can get Permanent Residency and what changes they have to make to that. I have heard many complaints about changes which were never promulgated, about persons entering this country having to have \$200 per day for each day that they are to stay in this country. I have been reliably told that persons who did not know of this requirement arrived at the Airport and were sent back to their countries of origin. Now this, without explanation?

The requirement of \$200 per day for people entering here I do not criticise as being something wrong. Any country can put in force any requirement. The United States recently did, but that was all over the news of what the latest requirements were. They do not place the civil servants, namely, the Immigration Officers, into that kind of confrontation at the point of entry—unless they are people who cannot think. What good can that

bring the country? So I see this in a similar light, and it certainly will not pass with my vote.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddin: Thank you, Madam Speaker.

Madam Speaker, this amendment is very clear. It is specifically stated in the Memorandum of Objects and Reasons that the amendments will permit regulations to be made exempting categories of persons from the requirement to complete the embarkation and disembarkation cards. It is proposed that the Regulation should exempt Caymanian passport holders from these requirements. That is very clear.

Madam Speaker, if this had been in place for some time and had been abused (as all laws can be abused), then it might be a different thing. The Second Elected Member for Cayman Brac and Little Cayman, in his role as Opposition, really is trying to stir up a storm in a teacup. I will go on to show that what has been done here has been done in a Law that he passed somewhat earlier in his career when he was floating in between Opposition and a pure Backbencher at the time.

In the section 26 of the Immigration Law (Law 13 of 1992), one will find exactly the same provisions. They are set out at section 26(1)(e) where it says: **“This part shall have no application to—(e) such other class or classes of persons as may from time to time be prescribed.”** “Prescribed” means prescribed by Executive Council. I would like to point out here that this does not put it in the hands of the Elected Members, it puts it in the hands of the full Executive Council.

It is misleading to stand up and say that the Law gives the power of exemption only to Elected Members. The Executive Council, as the Member well knows, is comprised of the Elected Members, the Official Members, and His Excellency the Governor. So to express Executive Council in any other form is misleading, and it is misleading under this Law because the Governor is the Governor in Council.

Madam Speaker, even further than that, there is a whole part of the Law here, not just a little section of it, the whole part relating to Gainful Occupation Licences, Work Permits, etcetera. It even goes further than that in section 26(1)(b) to state: **“This part shall have no application to—(b) such persons as may from time to time be declared by the Governor to be exempt for any purpose either unconditionally or subject to such conditions as may be prescribed.”**

Once again, this goes even further, because to prescribe you do not need to have classes of persons. It can be a person. Perhaps, to go even further than that in the present Law (to show that this is not an unusual clause but follows a trend of this Law) in section 13(d) says: **“A person shall, for purposes of this Law, possess Caymanian status if such person has any of**

the following qualifications—(d) if the Governor, in his opinion finding special reason for so doing, grants such status to him.” There is nothing unusual in Immigration Laws to give the powers to exempt classes of persons or a person.

All through the present Law this is the whole trend. So to now try to say that the whole trend of the Immigration Law itself must be radically changed because of some misconception that the Second Elected Member for Cayman Brac and Little Cayman has is in my opinion unfounded. It is dangerous for the public to accept an argument such as he has put forward in this instance.

Madam Speaker, many Caymanians have asked, Why do we have to fill out an Immigration Card, or a pink slip, when we leave and enter the country? People going into the United States do not fill out those forms. People going into the United Kingdom do not fill out those forms—because they are nationals of the country. This is the whole idea behind the situation here. It is one thing to keep check of the immigration in and out, relating to non-nationals of a country, but when it come to nationals of a country, in most countries now they do not fill these forms out. It is really a nuisance to have to fill this out.

When I am going out and when I come back in as a Caymanian, why should I have to fill these forms out? What is done with them? This is another aspect of the problem. They are put into a computer where time, money, and effort could be better spent putting in foreigners coming into the country. We do not need to produce a lot of information that has no relevance to anything within the country.

Madam Speaker, the immigration problems in this country, such as they may be, are not going to be affected by having people who are Caymanians not fill out pink slips (as they are referred to) when they go in and out of the country. They still have to fill out the customs form. As you know, for sometime now the Immigration Department has stopped stamping passports of Caymanians when they leave if they request that it not be stamped, and there is no evidence of entry either. This has been done a long time.

But this is the difference with nationals of a country. You can go into most other foreign countries without even a passport, but on the basis of a Birth Certificate or perhaps a type of voter's registration or some type of acceptable identification. Indeed, for people coming into the Cayman Islands as visitors from other countries, provided they are not going to work, they do not need a passport. For example, people from the United States can come in with other accepted documents of identify.

I do not quite understand why the Second Elected Member for Cayman Brac and Little Cayman would like to leave this problem on his fellow Caymanians. I do not understand why it is deemed unusual because all through the Law the Executive Council has the power to exempt classes of persons, or a person from different sections. As I have said, Madam Speaker, this is a Law

that was passed on 13th July, 1992, and spent a very long time, some three years, in a Select Committee.

The only other mention that I would like to make is that it is somewhat unfortunate, I think, when a destructive rather than a constructive approach is taken to what seems to be something very much to the advantage of Caymanians here, and to avoid their filling in a form that has no intrinsic value in relation to anything else at this stage under the Immigration Law.

I would submit that this is one amendment that is on all fours with other sections of the Law. I think to have done it otherwise would have been to go a more unusual way. Secondly, it is in the interest of Caymanians that the Immigration Form not be filled out and used.

I also endorse the past practice where instead of stamping a passport every time a Cayman national leaves, it is not stamped if they so request. After a while, say 10 years down the line, the passport expires and people face other problems in trying to transfer visas or whatever. So this, Madam Speaker, is a Bill that I am happy to support. I think people here want it, and I believe that it will be good for the country and good for Caymanians.

Thank you.

The Speaker: If there is no further debate... The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: . . Thank you, Madam Speaker.

Madam Speaker, even if it does not appear so at times, I come here with an open mind. I listened carefully to the Temporary First Official Member as he presented this Bill. I listened to the opinions of the Second Elected Member for Cayman Brac and Little Cayman, and, truthfully, I listened even more intently to the Minister for Education and Aviation as he dealt with Government's position on this Bill.

I know that the Good Book says, "Judge not lest ye be judged." So, I will not judge. However, having listened to all concerned, I still do not fully understand the entire purpose of this Bill. I understand what has been said, but to me, if that is all that is concerned then, first of all (and I am sure that the Temporary First Official Member will deal with this if somebody else from the Government bench does not jump up to do so) I wonder what the problem would be if the whole purpose of this exercise was to exempt Caymanians from filling out the so-called entry declaration card, why not just have an amendment to the Law, end of story?

Secondly, Madam Speaker, if people who hold Caymanian passports think and feel that it is a nuisance then, in my opinion, what we have to go back and look at is what has been the entire purpose of the exercise of Caymanians filling out these forms in the past. Has it just been a nuisance that was put in place to be a nuisance? Has it served a purpose for the sake of records, or are those records by no means necessary to have?

I understand that the computer system which takes in all of the information of foreign nationals going to and fro within the Cayman Islands, does that in any case. I am sure the numbers that travel and have to fill out the forms by far surpass Caymanians who travel. I personally do not see the big deal with the strain on the system if it is being done in any case. I ask these questions so that I may fully understand if there is any depth to the Bill.

It somehow strikes me, and even if I am not in a position to put my finger exactly on it, that there must be valid reasons to keep these records. I am not satisfied with anything that I have heard as to why the records are a waste of time.

So that I am not misunderstood, let me say that if it is made clear to me exactly why this Bill is being presented to this Honourable House in this way, then I do not have a problem with it. However, I have to say that at this point in time I do not see, for lack of a better word, the almighty sense of incorporating this in such a way that regulations have to be passed in order to exempt Caymanians, or Caymanian passport holders, from the requirement which is the whole purpose of this Bill.

Let me say one more thing, Madam Speaker: I see the point that the Minister for Education and Aviation made in regard to section 26 of the Immigration Law, that is, making comparisons with exemptions of such persons. However, section 26 to me clearly talks about Gainful Occupation Licences. While I took his point about exemptions, I personally do not see the great parallel with exemptions of people from Gainful Occupation Licences to people coming in and out of the country not filling out their immigration cards.

Madam Speaker, let me not continue to repeat myself, but finally let me say that having read the Bill and having listened to what I would term opposing sides for and against it, it has not disclosed me that this is exactly the best way to deal with this matter. I see other simpler ways in which to achieve the same thing. Maybe I can be proven wrong.

Thank you.

The Speaker: The Honourable Minister for Community Development, Youth Affairs, Sports and Culture.

Hon. W. McKeeva Bush: . . Madam Speaker, I only rise because of certain issues that have been brought into this debate. The Second Elected Member for Cayman Brac and Little Cayman likes to throw around statements without foundation, as if he has a handle on all that is good for this country.

I think my colleague, the Minister for Education and Aviation, has very clearly put forward the purpose of the Bill and what the Bill does. I think it is crystal clear, and anybody who does not admit that, really only wants something to bicker about.

Madam Speaker, the Second Elected Member for Cayman Brac and Little Cayman mentioned the \$200

per day for persons coming in here. The truth is, Madam Speaker, that with the amount of burglaries and other crimes existing in this country at this time of our development, we have had too many people running around this country without making contributions—people who do not hold a work permits who come in and live in shacks, sometimes five to ten persons in one little room with no means of an income.

Madam Speaker, until the Executive Council put those regulations in place, where one has to apply in person for an extension to be able to overstay one's time, there had been at times approximately 1,100 extensions given in a week. In our effort to keep out the undesirable persons we have cut this to approximately 40 per week. The truth is that there are and were too many undesirable persons running around this country without any attachment. They come and go as they please. They do as they please. We as an Executive Council were given a mandate to turn this country around from its path of destruction.

Somehow, the Second Elected Member for Cayman Brac and Little Cayman, who seems to know everything about everything, does not want this Executive Council to attack the problems that the people are concerned about.

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order?

**POINT OF ORDER
(Imputation of unavowed motive)**

Mr. Gilbert A. McLean: Erskine May, page 381, "The imputation of false or unavowed motives." Madam Speaker, he is arriving at a conclusion and giving me a motive that I do not want the conditions of the country to be corrected.

The Speaker: Honourable Minister, will you please continue with your debate and please avoid any implications of anything that is not genuine in your debate. Please continue.

Hon. W. McKeeva Bush: Madam Speaker, I will bow to your ruling, but I still do not know what the Member is complaining about—except that I said that he has complained about every effort that we have tried to make from the complaints that we have had—

The Speaker: Honourable Minister, I understand that. Would you continue, please? I do not need an explanation.

Hon. W. McKeeva Bush: Well, I think the matter needs to be much clearer than that, because I really do not un-

derstand what he is complaining about. I have said that he has opposed us and that is the truth.

I have seen, Madam Speaker, attempt after attempt by that Member trying to discredit the Executive Council knowing full well that matters which come before the House are for the full consideration of all Members of Executive Council. One such as Immigration is not even an elected responsibility.

Madam Speaker, the truth is that we have taken actions on many issues, including this immigration matter which, for years, has been the cause of complaint upon complaint from the Caymanian people, business people and the ordinary man on the street—matters of immigration, the run-away immigration, matters of persons here who seem to have no attachment, people who just walk up and down doing as they please.

Mention was made of the Customs Bill. Madam Speaker and Honourable Members, how many times in the past did we not hear about persons in the heavy equipment business complaining about companies from overseas doing business here bringing in their own heavy equipment? At one time there was a public demonstration on this Island by the heavy equipment operators. And as soon as Government took steps to try and arrest that problem, we heard this big noise about being able to put a handle and get a grip on what is imported into these Islands.

The truth about it is—they might not like it but it is the truth—they have no positive contribution to make other than to criticise the National Team Government for the attempts it has made.

This attempt, the Bill before the House, as far as I am concerned, I cannot see what the problem is with it. As I have said, I would not take up the time of the House to go through it because the Minister for Education and Aviation has done a good job in making the parameters of it crystal clear.

Thank you, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, there are a few points of concern which I would like to raise concerning the Bill before the House.

The first observation is that I, too, would feel more comfortable, if this is simply a gesture to relieve Caymanians from certain inconveniences, if the Law had been amended rather than it being left to these regulations, which I see can be far reaching and open ended.

The Second point is that some Ministers speaking on behalf of the Government said that it is not in the hands of the Elected Member of Executive Council, but rather the whole Executive Council. If my understanding of the operation of that body is accurate, then the majority of the Members of that body are Elected Members.. So, by inference, they can influence the decision, or steer the course of the decisions made on the Council.

I think, Madam Speaker, that there is a glaring weakness and inconsistency in this Bill because it allows for exemption of individuals. What proof, what satisfaction do I have that as the system exists, it is not open to influence or exploitation? I think that there is a need to be careful how we implement these kinds of things. For while I agree that the inconvenience of having Caymanians register their entry and exit every time is something to avoid, I am not satisfied that this method is the most ideal to alleviate that inconvenience and inconsistency.

Thank you.

The Speaker: If there is no further debate, I would ask the Honourable Temporary First Official Member to reply.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I would first like to thank Honourable Members for their contributions. Secondly, I thought that the Memorandum of Objects and Reasons was clear and I did not elaborate on it. Perhaps I should have elaborated a bit more. However, two Honourable Ministers have spoken at some length and have made elaborate comments.

Madam Speaker, I believe it is timely that Caymanians be treated as first class in their own country. If I might cite a personal incident, Madam Speaker, my two children were born in the United States of America and whenever we travel as a family to Miami they, travelling with their American passports, simply go through the line for Americans—present their passports and go through. My wife and I have to join a line and wait 45 minutes before we can be processed.

I believe that when Caymanians leave this country, or when they return, they should enjoy the right of coming through a line for Caymanians—and there is a line for Caymanians. I believe that when they get up to the Immigration counter and produce their passports, the Immigration Officer should simply examine it and the person should then be able to move through. Non-Caymanians will stand in a line with their entry declaration cards and other documents and will wait their turn.

I simply feel that it is timely for this amendment to be made. Comments have been made regarding the way this has been done. It is my understanding that the amendment has been treated the way that it has, simply for simplicity. There is no sinister motive behind this. It is clearly a method to permit Caymanian passport holders to enjoy the exemption to complete entry declaration cards when they leave or return to the country. I honestly do not think a big issue needs to be made over this.

Madam Speaker, I daresay the matter could have been treated by an amendment to the Law instead of it being dealt with by a regulation. However, as I have said, it was considered simply for a matter of simplicity and it is not intended to give any wrong impression or to give any impression that there is something not right

about it. I think the intention is right, and I think it is going to benefit all Caymanians.

I have travelled many times from the United Kingdom across the Atlantic and on to Cayman, sometimes travelling for 18 or 20 hours. I really do not feel like standing in line for half an hour or 45 minutes before finally getting through. I believe that Caymanians on a whole will appreciate this amendment and appreciate this opportunity to enjoy something that I consider would be first class in their own country.

Madam Speaker, I again commend this Bill.

The Speaker: The question is that a Bill entitled the Immigration (Amendment) Bill, 1994, be given a Second Reading. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES [AND ONE AUDIBLE NO]

The Speaker: The ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE IMMIGRATION (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

The Speaker: The House will go into Committee to consider two Bills: The Companies (Amendment) Bill, 1994, and The Immigration (Amendment) Bill, 1994. Under Standing Order 68, the Supplementary Appropriation Bill is not committed to Committee.

COMMITTEE ON BILLS

The Chairman: Please be seated.

The House is in Committee to deal with the Companies (Amendment) Bill, 1994. The Clerk will read the Clauses of the Bill.

THE COMPANIES (AMENDMENT) BILL, 1994.

Clerk: Clause 1—Short title and commencement.
Clause 2—Company registration fees.
Clause 3—Annual fees.

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.

The Third Official Member for Finance and Development?

PROPOSED AMENDMENTS TO CLAUSES 2 (AMENDMENTS TO CLAUSES 2. AND 3)

Hon. George A. McCarthy: Madam Speaker, in keeping with the suggestions this morning that an amendment be made to the annual fees for Local Resident Companies, I would like to propose an amendment to

the company registration fees, clause 2(c)(i), that the fee of "\$205" appearing in the last line be amended to read "\$150", and, in order to keep the annual fees in line with the registration fees, I would like to propose an amendment to clause 3(1)(b)(i) by amending the fee of "\$205" to read "\$150."

The Chairman: The question is that the figure "\$205" in the last line of clause 2(c)(i) be deleted, with the figure "\$150" being substituted therefore; and that in section 3(1)(b)(i) the figure "\$205" be deleted and the figure of "\$150" be substituted therefore. The question is open for debate.

If there is no debate I shall put the question that the proposed amendments to clauses 2 and 3 be approved. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman:. The Ayes have it.

AGREED. AMENDMENTS TO CLAUSES 2 AND 3 PASSED.

The Chairman: The question therefore is that clauses 2 and 3 as amended do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED. CLAUSES 2 AND 3 AS AMENDED PASSED.

Clerk: A Bill to Amend the Companies Law (Revised).

The Chairman: The question is that the Title 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.

AYES.

The Chairman:. The Ayes have it.

AGREED: THE TITLE PASSED.

THE IMMIGRATION (AMENDMENT) BILL, 1994.

The Chairman: The next Bill is The Immigration (Amendment) Bill, 1994. The Clerk will read the clauses.

Clerk: Clause 1—Short title.
Clause 2—Amendment to the Immigration Law (Law 13 of 1992).

The Chairman: The question is that clauses 1 and 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.

AYES.

The Chairman:. The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

Clerk: A Bill to Amend the Immigration Law.

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.

AYES.

The Chairman:. The Ayes have it.

AGREED: THE TITLE PASSED.

The Chairman: That concludes proceedings in Committee on The Companies (Amendment) Bill, 1994, and The Immigration (Amendment) Bill, 1994.

The question is that the House do resume and that the Bills be reported. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman:. The Ayes have it.

AGREED: REPORT TO BE MADE ON THE COMPANIES (AMENDMENT) BILL, 1994, AND THE IMMIGRATION (AMENDMENT) BILL, 1994.

The Chairman: The ayes have it.

HOUSE RESUMED

The Speaker: Proceedings are resumed.
Reports. The Companies (Amendment) Bill, 1994.
The Honourable Third Official Member.

REPORTS ON BILLS

THE COMPANIES (AMENDMENT) BILL, 1994.

Hon. George A. McCarthy: Madam Speaker, I beg to report that a Bill, entitled A Bill to Amend the Companies Law (Revised), was considered by a Committee of the whole House and passed with two amendments.

The Speaker: The Bill is accordingly set down for Third Reading.

The Speaker: The Immigration (Amendment) Bill, 1994. The Honourable Temporary First Official Member.

THE IMMIGRATION (AMENDMENT) BILL, 1994.

Hon. James M. Ryan: Madam Speaker, I have to report that a Bill, entitled A Bill to Amend the Immigration Law, was considered clause by clause by a Committee of the whole House and passed without amendments.

The Speaker: The Bill is accordingly set down for a Third Reading.

THE SUPPLEMENTARY APPROPRIATION (1992) BILL, 1994.

The Speaker: The Supplementary Appropriation (1992) Bill, 1994, is accordingly set down for Third Reading. Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.01 PM

The Speaker: Please be seated. Motions. Suspension of Standing Order 24(5). The Honourable Minister for Tourism, Environment and Planning.

SUSPENSION OF STANDING ORDER 24(5)

Hon. Thomas C. Jefferson: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 24(5).

The Speaker: The question is that Standing Order 24(5) be suspended in order that Government Motions which have not been in the hands of Members within the specified time, may be dealt with. If there is no debate, I shall put the question. Those in favour please say Aye...Those against No.

AYES [AND ONE NO]

The Speaker: The ayes have it.
AGREED: STANDING ORDER 24(5) SUSPENDED TO ALLOW GOVERNMENT MOTION NO. 3/94 TO BE MOVED WITHOUT DUE NOTICE.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 3/94

CINEMATOGRAPHIC AUTHORITY

The Speaker: Government Motion No. 3/94. The Honourable Temporary First Official Member.

Hon. James M. Ryan: . Thank you, Madam Speaker. Madam Speaker, I beg to move Government Motion No. 3/94, entitled Cinematographic Authority. It reads as follows:

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

“BE IT RESOLVED THAT the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 1st January, 1994: Mr. D. Kurt Tibbetts, MLA; Mrs. Berna L. Thompson Murphy, MBE, MLA; Mr. D. Dalmain Ebanks, MLA.”

Thank you, Madam Speaker.

APOLOGY

The Speaker: Before I put the question, I should have apologised this morning for Mr. Dalmain. Ebanks, who sent an apology for his absence.

The question is Government Motion No. 3/94, Cinematographic Authority. The matter is open for debate. If there is no debate, I shall put the question that Government Motion No. 3/94 be passed.

AYES.

The Speaker: The Motion has accordingly been passed.

AGREED: GOVERNMENT MOTION NO. 3/94—CINEMATOGRAPHIC AUTHORITY PASSED.

The Speaker: Government Motion No. 4/94,. The Development and Planning Law (Revised) Regulations. The Honourable Minister for Tourism, Environment and Planning.

GOVERNMENT MOTION NO. 4/94

THE DEVELOPMENT AND PLANNING LAW (REVISED) REGULATIONS

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to move Government Motion No. 4/94, entitled the Development and Planning Law (Revised), Development and Planning (Amendment) Regulations, 1994, 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 the said Law unless a draft thereof has been laid before the Legislative Assembly and a resolution

approving the draft has been passed by the said Assembly;

“AND WHEREAS pursuant to the said section 35(3) a draft of the Development and Planning (Amendment) Regulations, 1994, has been laid before the Legislative Assembly;

“BE IT RESOLVED by the Legislative Assembly that the Development and Planning (Amendment) Regulations, 1994, be approved.”

Madam Speaker, the objective of the Draft Regulation before the House is to create more flexibility within the zoning of Beach Resort/Residential.

In the early days of the Planning Regulations, the objective was to have the Beach Resort/Residential zone as a transition zone between the Hotel/Tourism zone and the Low Density/Residential zone. However, in 1977, amendments to these regulations of 1972 caused the regulations for Low Density/Residential Zoning to be equally applied to Beach Resort/Residential. Regulation 8(7) of the Development and Planning Regulations, 1977, speaks to that matter.

The Draft Regulation (ref. clause 2, new proposed regulation 13(2)) which is presently before the House seeks to permit the following development in the Beach Resort/Residential Zone—**“(a) detached and semi-detached houses; (b) duplexes; (c) beach resorts; and (d) in locations considered by the Authority to be suitable, guest houses, apartments, cottages, colonies and tourist related development.”**

The new proposed regulation 13(3) provides: **“(a) The maximum density for houses or duplexes is four detached or semi-detached houses, or four three bedroom duplexes per acre.”** This is a change from the present three detached houses or two, three-bedroom duplexes per acre. The maximum density for guesthouses is presently 16 per acre. The new proposed regulation 13(3)(b) seeks to change that to 30 bedrooms per acre.

The maximum density for apartments is presently 15 per acre. The new proposed regulation 13(3)(c) seeks to allow 20 per acre, with a maximum of 30 bedrooms compared to the present 24; **“(d) The maximum density for beach resorts is 30 bedrooms per acre;”** and under (e) **“The maximum number of cottages is eight per acre.”**

The new proposed regulation 13(4) states: **“All development shall meet the following minimum requirements prior to approval by the Authority:**

(a) Lot sizes -

- (i) The minimum lot size for detached and semi-detached houses is 10,000 square feet and 8,000 square feet respectively;**
- (ii) The minimum lot size for duplexes is 10,000 square feet;**
- (iii) The minimum lot size for apartments, cottage colonies, beach resorts, guesthouses or tourist related development is one half of an acre.**

(b) Setbacks -

- (i) Setbacks shall be at least 75 feet from the low water mark to any building or structure other than ancillary structures, except that the Authority may determine a setback to be no less than 50 feet from high water mark having regard to the elevation of the property and its environs, the geology of the property, the storm/belt ridge, the existence of a protective reef adjacent to the proposed development, the location of adjacent development, any other material consideration which the Authority considers will affect the proposal.**
- (ii) Side setbacks shall be half the height of the buildings as measured at the eaves adjacent to the setback, with a minimum of 15 feet.**
- (iii) Rear setbacks shall be 20 feet minimum from the road edge, or lot boundary as the case may be, except for buildings over one storey for which the rear setbacks shall be 25 feet minimum; and**
- (iv) setbacks to ancillary structures may be determined by the Authority at its discretion.”**

The new proposed regulation 13(5) states: **“Where an application for planning permission is made for development in a Beach Resort/Residential Zone the Authority shall ensure that the development would provide:**

- (a) A high standard of accommodation, amenity and open space; and**
- (b) Outdoor facilities, including swimming pools, gardens and sun decks/patios/terraces with a substantial amount of landscaping; and incorporates sufficient screening to provide privacy from adjacent properties.”**

The new proposed regulation 13(6) states: **“Where planning permission is granted for a development in a Beach Resort/Residential Zone which has a frontage of 200 feet or more, the Authority shall ensure that a public right of way to the sea is set aside and dedicated; such a right of way shall be a minimum of six feet wide for every 200 feet of frontage or part thereof, and may be within an area set aside for setbacks.”**

Madam Speaker, slowly we are coming to grips with the Planning Regulations and the Law in an attempt to firstly reduce bureaucracy—which was the amendment put forward to the Law in September last year to cause certain applications to go directly before the Chairman of the Central Planning Authority, and the Director of Planning and which applications are normally

approved on a seven day basis. This Draft Regulation presently before the House seeks to give flexibility in the development of a Beach Resort/Residential Zone which is to the benefit of the developers as well as to the benefit of the Cayman Islands on a whole.

There are at the moment two developments that I am aware of which would immediately come into play. Certainly, one of them would almost immediately begin. And we need these regulations to be in place to afford some amount of the flexibility and some discretion on the part of the Central Planning Authority. I believe these regulations, Madam Speaker, are in the best interest of this country and our people, and I recommend it to Honourable Members.

The Speaker: The question before the House is Government Motion No. 4/94, the Development and Planning Law (Revised), Development and Planning (Amendment) Regulations, 1994. The matter is open for debate.

The First Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Madam Speaker, I rise to give my support to Government Motion No. 4/94, the Development and Planning Law (Revised), Development and Planning (Amendment) Regulations, 1994. I would like to congratulate the Honourable Minister for Tourism, Environment and Planning for bringing the Motion to this Honourable House with the amendment to the Regulations of the Development and Planning Law. I think it is very much needed.

The Beach Resort/Residential Zone was in a zone that has almost been kept from development because of restrictions that were placed on it. I think it will certainly cause that property to be more useful to its owners and, in turn a revenue earner for this country.

Madam Speaker, in addition to amendments that we have passed in recent times to the Development and Planning Law, and what we are dealing with here today, there are others that are very important. I feel confident that the Honourable Minister will be bringing those to us in a timely fashion.

I think it is appropriate that I pay tribute to the Director of the Planning Department for his efforts to improve this. He is a hard working young man—a Caymanian—and I had the opportunity of working with him for several years. I know that his desire is to get the Development and Planning Law to where it can be beneficial to the owners of the properties and, at the same time, to develop it to where it will be the best for the Cayman Islands as a whole.

One thing in particular that I would like to call to the attention of the Honourable Minister is the setback now allocated for swimming right-of-way—which is a six foot minimum. This has on many occasions become part of gardens or hallways down the middle of buildings and

inaccessible to the public. I would strongly recommend that where possible, if there is 400 feet that the right-of-way be 12 feet so as to allow it to be kept properly, and also to create a certain amount of parking. This is creating a very serious problem along the West Bay Road. The accesses to the beaches are almost useless if one cannot find a place to park an automobile. The days of our walking seem to have left us.

So, Madam Speaker, with these few remarks I again want to congratulate the Honourable Minister for his forward planning and I give this Motion my full support.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

These Draft Development and Planning (Amendment) Regulations, 1994, which have been brought before us are very timely. I had occasion to sit on the Central Planning Authority for several years, and I have had much trouble with situations that now seem to be addressed. I think that in general the regulations will make life for all concerned and those directly affected (meaning the property owners) much easier with regard to development. I have a few observations, nonetheless, and I would just like to point these out. Maybe someone might see fit to share the view.

Since the previous speaker mentioned the six-foot right-of-way, I will quickly address that. The proposed regulations regarding that setback read: **“Where planning permission is granted for a development in a Beach Resort/Residential Zone which has a frontage of 200 feet or more, the Authority shall ensure that a public right-of-way to the sea is set aside and dedicated; such a right-of-way shall be a minimum of six feet wide for every 200 feet of frontage or part thereof, and may be within an area set aside for setbacks.”**

The First Elected Member for Cayman Brac and Little Cayman drew a few illustrations to describe the drawback of the wording in this section, and I would just like to add a few more. On occasion I have known developers to use this six foot right-of-way as a part of a general area for emergency vehicles to have access to the property, and on a few occasions I have known this to be an afterthought to accommodate other encumbrances after structures were already erected. I contend that the way in which this right-of-way should be done is for it to be at either boundary of the property, whichever is more advantageous, bearing in mind the size of the adjacent property.

For example, if there are two adjacent properties in excess of 200 feet frontage, it means that if the six foot right-of-way per 200 feet were put on the boundaries that butt and bind those two properties, there could be a right-of-way that you could probably drive through, or something of that nature. I think that common sense

should prevail when deciding on where that right-of-way should be.

I have a problem where it says it "may be within an area set aside for setbacks," because there are many instances which would almost prove that six feet is inaccessible to the public. So, I ask that that be considered. Also, and maybe this is just for clarification—maybe last night's football game still has me up on cloud nine—new proposed clause 4(a)(iii) states: "**Rear setbacks shall be 20 feet minimum from the road edge or lot boundary as the case may be, except for buildings over one storey for which the rear setbacks shall be 25 feet minimum,**" and I am trying to picture what is being termed as rear setbacks. I do not know whether we are looking at the front of the building to be for instance on the seaside, or whether we are looking at the building to be facing the road. I am not clear on this. I am not passing an opinion here. It is simply not clear to me. I would just like the Honourable Minister to clarify that when he speaks again on the proposed regulations.

The section above it, sub-paragraph (ii) states: "**Side setbacks shall be half the height of the buildings as measured at the eaves adjacent to the setback, with a minimum of 15 feet.**" I am also not 100 percent sure what the maximum height of these buildings is. I think the maximum height might have a bearing on the way the side setbacks are calculated. It might not. But I am not 100 percent sure of what that height is. So, would the Honourable Minister will clarify that.

Finally, Madam Speaker, the minimum lot size for detached and semi-detached houses is 10,000 square feet and 8,000 square feet, respectively. I may not be envisaging these types of developments properly, but my immediate thought is whether these lot sizes are not a bit small. Maybe the Honourable Minister could address that in detail to clarify.

I only bring these points to get a better understanding and to put a slightly different view forward in regard to some of the wording. I do support these Draft Regulations in general, and I look forward to them being put into effect.

Thank you.

The Speaker: If there is no further debate, I will ask the Honourable Minister for Tourism, Environment and Planning if he would reply.

Hon. Thomas C. Jefferson: . . Madam Speaker, I realise the hour is getting on, so I will be brief with my comments.

First, I wish to thank Honourable Members for their support of the Draft Regulations and to say to the First Elected Member for Cayman Brac and Little Cayman and the Fourth Elected Member for George Town that I am in complete agreement in respect of six foot public paths along the Seven Mile Beach or anywhere else. It seems to me that if there are two pieces of property, as described by the Fourth Elected Member for George

Town, which butt and bind each other, then it would make sense to ensure that the six feet are on that same side, thus providing a 12 foot access to the sea.

I am not quite sure what the Honourable Member is asking in regard to rear setbacks. In reading the regulations (and I did not speak specifically with the Director of Planning on this particular item), we have to assume that it is a one storey building. As in one case it goes on to say "except for buildings over one storey," when it talks about the rear setbacks, and the side setbacks. However, I will undertake to speak to the Honourable Member personally on the matter, and to feed him back information that, hopefully, will satisfy him.

The Speaker: I shall put the question that Government Motion No. 4/94, the Development and Planning Law (Revised) Draft Development and Planning (Amendment) Regulations, 1994, be passed. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The ayes have it. Government Motion No. 4/94 has been passed.

AGREED: GOVERNMENT MOTION NO. 4/94, DEVELOPMENT AND PLANNING LAW (REVISED) DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1994, PASSED.

The Speaker: I will now ask for the Motion for the Adjournment by the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock, Wednesday morning.

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

AYES.

The Speaker: The ayes have it. The House is accordingly adjourned until Wednesday morning the 9th of March at 10 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 9 MARCH 1994.

**EDITED
WEDNESDAY
9 MARCH 1994
10.05 AM**

The Speaker: I will ask the Elected 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, the Official Members and Ministers 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 SPEAKER

STUDENTS FROM THE CAYMAN ISLANDS MARINE INSTITUTE

The Speaker: It is my pleasure to welcome students from the Cayman Islands Marine Institute who are present in the Gallery to observe proceedings.

APOLOGY

The Speaker: An apology has been received from the Second Elected Member for George Town who might possibly be late in his attendance this morning.

Presentation of Papers and of Reports. The 1993 Report of the Advisory Council on the Misuse of Drugs. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture

PRESENTATION OF PAPERS AND REPORTS

THE 1993 REPORT OF THE ADVISORY COUNCIL ON THE MISUSE OF DRUGS

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay on the Table of this Honourable House the 1993 Report of the Advisory Council on the Misuse of Drugs.

The Speaker: So ordered.

The Honourable Minister will make a brief statement.

Hon. W. McKeeva Bush: Madam Speaker, this report was publicised through what I call the espionage that takes place in this country—the media. That, as I said, was carried in a report by *The New Caymanian* and was made public before this morning. I will be making further statements on this matter.

The Speaker: Thank you.

The Government Minute on the Public Accounts Committee Report on the Auditor General's Report on the Audited Accounts of the Cayman Islands Government for the year ended 31 December 1992. The Honourable Third Official Member responsible for Finance and Development.

GOVERNMENT MINUTE ON THE PUBLIC ACCOUNTS COMMITTEE REPORT ON THE AUDITOR GENERAL'S REPORT ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31 DECEMBER 1992

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this Honourable House the Government Minute on the Public Accounts Committee Report on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31 December 1992.

Thank you, Madam Speaker.

The Speaker: So ordered.

We proceed to Questions to Honourable Members/Ministers. Question No. 28 is standing the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 28

No. 28: Mr. Roy Bodden asked the Honourable Temporary First Official Member what ranks are responsible for planning strategies to deal with any abnormal situation (for example, hostage taking, barricading in cells) occurring at Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The ranks responsible for planning strategies to deal with any **abnormal** situation occurring at Northward prison are the Director, Deputy Director, Principal Officers, the Lead Officer on duty at the time, or any other Lead Officers may be called and from the junior rank or civilian staff if they have a desired skill.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Are the ranks limited exclusively to the staff at Northward Prison or is there any inclusion of outside sources of a similar nature to prison service?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that if it is found necessary outside sources will be tapped.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if there is a situation where planning is regularly scheduled, or it is a situation where planning only goes into process once a situation has arisen?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The Prison has a set of emergency orders and these are followed in that respect.

The Speaker: The next question is No. 29, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 29

No. 29: Mr. Roy Bodden asked the Honourable Temporary First Official Member under what circumstances searches of prisoners' cells are carried out at Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Some of the circumstances under which prisoners' cells are searched at Northward Prison are: (i) on the information received of contraband or other illegal activities; and (ii) suspicion of contraband or other illegal activities.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member explain the procedure when a cell block is being searched?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I am informed that it is unusual to search a single cell block. Instead, sections of blocks are searched at a particular time.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Can the Honourable Member say if there are any routine inspection of cells, let us say on a weekly or biweekly basis?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, there are routine searches carried out, I understand every Sunday morning.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. In the event of a cell or a group of cells being searched, can the Member say what would be the complement of Prison Officers in the search party, and what is the ratio of Prison Officers to prisoners in a particular cell or cells being searched?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. There are two prisoners to a cell and three persons in a search team, so the ratio would be 3:2 in favour of the Prison Officers.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker. Can the Honourable Member say whether a record of these searches is kept?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, a record of these searches is kept.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, can the Member say if, when searches are being carried out, all of the blocks are searched on that particular day, or is it only certain blocks? Clever prisoners might be able to hide some contraband in another block if they knew that would not be searched on a particular day.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. There are only certain sections searched on a particular day. It is apparently not possible to search the entire prison on one particular occasion.

The Speaker: The next question is No. 30, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 30

No. 30: Mr. Roy Bodden asked the Honourable Temporary First Official Member how many incidences of drugs being found at Northward Prison were there in 1993?

The Speaker: The Honourable Temporary First Official Member for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker. There were 20 incidences of drugs being found at Northward Prison in 1993.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say how this compares to incidences of drugs found in the prison in 1992?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The comparison of those figures is not readily available.

The Speaker: Honourable Temporary First Official Member, will you undertake to supply these figures to the Member?

Hon. James M. Ryan: Yes, Madam Speaker, I will.

The Speaker: That normally would have been a follow up on the substantive question. Thank you.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker can the Honourable Member say if in these 20 instances persons were punished in whatever form, and was it possible for the prison authorities to get information as to where these drugs may have come from, to improve the security of the prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

In instances where drugs are found, the matter is reported to the police. The police will then deal with it, no doubt through the Courts as far as punishment is concerned. The police also deal with the follow-up on this, as far as the second part of the question is concerned, in an effort to determine where the drugs may have come from.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, for clarification, could the Honourable Member inform the House whether there is any particular direction or responsibility with the Prison for its own internal security to investigate these matters? How does the role of the police actually

enter into the prison system, whereby it is easier for them to determine this than the prison authorities?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The police would be the authority and would have the necessary power to interrogate and to follow through on matters with the Court as far as attempting to have punishment carried out. The prison authorities are really not the body to do the investigation.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say what is the normal occurrence when drugs have been discovered in the cell of a prisoner, adjacent to that cell or anywhere on the prison compound?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. When drugs are found in a cell or near a cell (certainly, in a cell), the prisoner or prisoners suspected would be isolated. The drugs would be seized, the police would be called, and the prisoner, or prisoners, would be brought to George Town to be interrogated.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Would that interrogation lead to the taking of a urine specimen, or some other way of ascertaining if there were any traces of drugs in the prisoner's system?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. It is my understanding that yes, usually this is done. But I would expect that this would be decided by the police.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman. This will be the last supplementary on this question.

Mr. Gilbert A. McLean: In light of the Honourable Member's reply prior to the last one, it would seem that there may be a weakness in terms of the authority given to the prison in solving matters such as the discovery of contraband. Would the Honourable Member perhaps undertake to bring this to the attention of the Commissioner who will be doing the study there, and to have

him look after this aspect of it and see if there is not something lacking in the prison itself?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, I will give an undertaking that the matter of perhaps a lack of authority could be missing and certainly, it would be a matter for the investigating officer to determine.

The Speaker: The next question is No. 31, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 31

No. 31: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture which government agency, authority, individual or department is responsible for the licensing of counsellors in the Cayman Islands?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The Health Practitioners' Board is charged with the registration and discipline of Health Practitioners practising in the Cayman Islands. The schedule to the Health Practitioners' Law includes 'Psychology' as a health profession. Thus, psychologists who are also counsellors, would also be covered under the Health Practitioners' Law, 1974.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, can the Honourable Minister say, in the event of a person not being so termed or qualified as a psychologist, yet practising as a counsellor, if such a person would be licensed by the Health Practitioner's Board?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: He is correct, Madam Speaker. They would not be licensed under the Health Practitioner's Board.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if there are not persons in the country who are in various positions of counselling who indeed would need to be licensed by some authority? Or is it the case that such counsellors do not require a counselling licence to practice in the Islands?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Maybe, Madam Speaker, the Member could enlighten the House as to who he is referring to?

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I am rather adverse to the calling of names in the Legislature unless actually forced to. However, I am thinking of marriage counsellor, or counsellors in any level or environment in which such person would presume to be in a position to advise other persons in the society—other than being psychologists.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: There are proposals for revision of the Health Practitioner's Law, and in order to enable the registration of counsellors, consideration is being given for the inclusion of counsellors in the category of allied health profession. Those persons who perhaps just call themselves counsellors will be caught under that aspect of the Law.

The Speaker: The next question is No. 32, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 32

No. 32: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture when the new section will be added to the old Hospital in George Town?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: In December 1993, a directive was provided to the Public Works Department to proceed with development of a Master Plan of Facilities at the present site. The review will be carried out with the Health Services Department Facilities Review Committee. In addition, the Planning Department and its advising Departments (Fire, Environment, etcetera), will work closely with the Review Team. The Master Plan is

to cover the 10-year period from 1994 to 2004, and will project the physical needs of the George Town Hospital.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister confirm, then, that at this time no time has been scheduled for this addition to be done at the Hospital?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the Member would be correct because we are just proceeding on the Master Facilities plan. However, the Government has said that it hopes to have some facilities completed by the end of the year.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In using resource documentation, will the Committee the Honourable Minister has referred to make use of a previous plan done and submitted to Government at great expense by International Health Care Corporation?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the Member asking that question opposed that plan. I opposed it, but the Committee has said that it will look at all materials produced in the past several years in connection with the George Town Hospital.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister give any indication as to the statistical data that may now be available, pointing to the demand for Health Services which would necessitate the addition to the George Town Hospital?

The Speaker: Honourable Member, I think that falls quite a distance away from the original question and unless the Honourable Minister has figures to that effect, he may be able to supply them at a later date.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I bow to your decision on the matter. I would like to ask if there is any indication of

what might come first. What might be aimed at as a first reality as an addition to the Hospital by the end of the year?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, that particular question was asked, I believe during the last meeting, and I do not have the information right at hand. That would be contained in *Hansards*.

The Speaker: The next question is No. 33, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 33

No. 33: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture how will the amount of C\$790,000.00 that was voted in the 1994 Budget be allocated for Cayman Islands Marine Institute, giving a breakdown thereof?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: The payment scheduled for the 12 month period will be in equal monthly installments, paid at the first of each month. All expenses of the programme will be met by the Cayman Islands Marine Institute from the contract sum.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I would like clarification. Is the Minister telling the House that \$790,000 would be divided equally into 12 parts and paid to an entity called Cayman Islands Marine Institute, which would then allocate these monies for whatever services being given?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, that is what the substantive answer said.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, can the Minister say then, if the Government has details as to where these 12 sums of money will go, and to pay for what?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, very much, Madam Speaker. Maybe the Member could repeat that supplementary question. Would he please?

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, what I am asking the Honourable Minister is if the Government has details as to what these 12 sums of money will go to pay for in the provision of these services, and what are these details?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Yes, Madam Speaker, the Government does have a contract with that institution and that contract provides full details of the services provided.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister tell the House what some of these details are? Will it be food, clothing, electricity, payment of salaries for the people who are involved there, or what is the situation to which this money is being applied? It is a large sum of money and no doubt will increase.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, all of us have known the amount for quite some time. To answer his last supplementary, all expenses of the programme will be met by the Institute. That would cover all those things he talked about, and more. The substantive answer says "All expenses."

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman. This will be the last supplementary.

Mr. Gilbert A. McLean: Thank you, Madam Speaker, I am sorry to hear that. I would like to ask if the Cayman Islands Marine Institute is a local company or organisation formed similarly to the company formed by International Health Care Corporation years ago, when the Hospital was being done? Is this a local version of American Marine Institute in Tampa, formed here in the Cayman Islands specifically for the purpose of this contract?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, surely the Member must be joking. He should well understand that this Government is not doing, has not done, and will not be doing any business with Health Care Corporation.

The Speaker: That concludes Question Time for this morning. We proceed to Government Business, Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE COMPANIES (AMENDMENT) BILL, 1994

Clerk: The Companies (Amendment) Bill, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I beg to move that a Bill entitled the Companies (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Companies (Amendment) Bill, 1994, be given a Third Reading and passed. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE COMPANIES (AMENDMENT) BILL, 1994, GIVEN A THIRD READING AND PASSED.

THE SUPPLEMENTARY APPROPRIATION (1992) BILL, 1994

Clerk: The Supplementary Appropriation (1992) Bill, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I beg to move that a Bill entitled the Supplementary Appropriation (1992) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Supplementary Appropriation (1992) Bill, 1994, be given

a Third Reading and passed. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES AND NOES.

The Speaker: The ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE SUPPLEMENTARY APPROPRIATION (1992) BILL, 1994, GIVEN A THIRD READING AND PASSED.

THE IMMIGRATION (AMENDMENT) BILL, 1994

Clerk: The Immigration (Amendment) Bill, 1994.

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Madam Speaker, I beg to move that a Bill entitled A Bill to Amend the Immigration Law, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled The Immigration (Amendment) Bill, 1994, be given a Third Reading and passed. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE IMMIGRATION (AMENDMENT) BILL, 1994, GIVEN A THIRD READING AND PASSED.

The Speaker: Government Motions. Government Motion No. 5/94, the Development and Planning Law (Revised) (Amendment to the Development Plan, 1977). I understand that the Honourable Minister of Community Development, Sports, Youth Affairs and Culture will move this Motion.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 5/94

DEVELOPMENT AND PLANNING LAW (REVISED) (AMENDMENT TO THE DEVELOPMENT PLAN, 1977)

Hon. W. McKeeva Bush: Madam Speaker, in the absence of the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business, I will move this Motion.

“BE IT RESOLVED by the Legislative Assembly, pursuant to the powers conferred on it by section 8 of the Development and Planning Law (Revised),

that the Development Plan 1977 (being the plan referred to in subsection (5) of section 6 of the Law) be this day altered by the amendment of the map incorporated with and forming part of the plan as follows:-

“Block 65A parcels 23, 25, 27 and 28 on the Northeast coast, to be rezoned from Agriculture/Residential to Beach Resort/Residential, as shown on the attached map.”

Madam Speaker, this Motion is a companion to Government Motion No. 4/94, which was dealt with earlier in the week. That Motion created more flexibility in terms of the number of beds, set-backs and so on, which a zone allowed.

The Motion before the House has been through the process of the Central Planning Authority with the required advertising period. Members will note that Exhibit A, attached to the Motion, explains very clearly what the Government is doing. The matter itself is dealt with in the Motion before us, which is that we are rezoning from Agriculture/Residential to Beach Resort/Residential. The District Development Committee made recommendations in line with the procedure before the House for the re-zoning of that area.

Plans are afoot for development in that area and this is in keeping with Government's policy of encouraging development in the eastern districts, rather than just concentrating on the Seven Mile Beach area. This is also one more sensible effort by Government to assure investors that Government is serious about good development and will accommodate such development whenever possible. We ask the House to agree accordingly.

The Speaker: The question before the House is Government Motion No. 5/94, and the matter is open for debate. The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I have no problem in supporting this recommendation from Government, but I simply rise to make a query in regard to Exhibit A, reference number (1) "Scenic Coastline (1977)." I wonder if there are building restrictions in areas zoned "Scenic Coastline"?

In regard to reference number (2) it is being sought that the four parcels, which are the four parcels at hand, be rezoned from Agriculture/Residential to Beach/Resort Residential. I am just wondering whether we need to deal with that matter to ensure that all is taken care of, because if the property is rezoned to Beach Resort/Residential, and the area is still scenic coastline, there may be problems when plans are brought forward for construction on those four parcels.

However, I do support the concept.

The Speaker: If there is no further debate I would ask the Honourable Minister for Community Development, Sports, Youth Affairs and Culture if he would like to reply.

Hon. W. McKeeva Bush: Madam Speaker, just to thank Members for their support.

The Speaker: The question is that Government Motion No. 5/94 be passed. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The Motion has duly been passed.

AGREED: GOVERNMENT MOTION NO. 5/94 PASSED.

The Speaker: Proceeding to Other Business. Private Member's Motion No. 7/94—Fair Competition Law, continuation of the debate thereon. The Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 7/94

FAIR COMPETITION LAW

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Private Member's Motion No. 7/94, Fair Competition Law, is one which in my estimation is very valid in these times. My first statement is that I would ask the Government bench to take a very serious look at the Motion and not allow it to be one that is dealt with as if it did not exist.

In the Whereas section of this Motion, I find the key areas to be: **“AND WHEREAS there is a need for some form of legislation which protects consumers from misleading advertising and other anti-competitive practices;**

“AND WHEREAS such an act will promote active vigilance among consumers;

“AND WHEREAS a Fair Competition Law will encourage businesses to exercise more care and responsibility in how they promote and sell their goods and services.”

The resolve section simply states, **“BE IT NOW THEREFORE RESOLVED THAT Government explore the possibility of establishing a Fair Competition Law;**

“AND BE IT NOW FURTHER RESOLVED THAT the Government consider setting up a Fair Trading Commission to complement such a Fair Competition Law.”

In the two resolve sections, I want to point out two key words before I get into the meat of my contribution. The first is the word "explore" in the first resolve section, "that Government *explore* the possibility of establishing" The second is "consider". . . "that the Government *consider* setting up a Fair Trading Commission...." While this may seem foreign to many of us, the fact of the matter is that during the process of growth and economic development in our Islands, we have reached the stage where we are being exposed to many types of business practices to which we need not have given any consideration to in years gone by.

Inevitably in my opinion, it is because of this exposure that we will have problems for which there is no present legislation that one can call on to deal with them when it comes to businesses, business practices, and competition on a whole.

An excerpt which basically outlines this concept is: **"This Act is founded on the conviction that allowing full play to competition in the market will result in the widest range of benefits for all concerned. For consumers these should include quality products and services, an increased range of choices and the best possible prices. The Act, if accepted as a Motion and dealt with in legislation, could prohibit advertisers from making claims that are false or misleading about the nature, character or performance of any product. These would include warranties, statements of guarantees which are not based on adequate and proper tests."**

I just read that in trying to illustrate the problems I see ensuing as we go along, and as businesses continue to thrive and the economy continues to expand. More than ever, therefore, and as a result of a Fair Competition Law, consumers would be in a position not only to protect their interests, but to bring about a more viable and productive marketplace.

A quick excerpt from the Fair Competition Act 1993, which is now legislation in Jamaica, the interpretation section says: **"AN ACT to Provide for the maintenance and encouragement of competition in the conduct of trade, business and in the supply of services with a view to providing consumers with competitive prices and product choices"** In essence, this Fair Competition Law is not one that either the provider of the goods and services or the consumer should have any fear about. It is simply one which would be used as an umbrella to cover both the provider and the receiver of goods and services and that fair play exists on both parts.

There is another similar Act from Western Australia. I will draw quick references with a view to simply outline some of the parameters under which such a law in these Islands could operate to the benefit of all concerned.

In the Interpretation section of the Fair Trading Act of 1987, for Western Australia, the Act is described as one to **"regulate the supply, advertising and description of goods and services and in certain respects**

the disposal of interest in land and to make provision with respect to certain unfair or undesirable trade practices as to the conditions and warranties to be applicable in consumer transactions and as to the establishment of codes of practice as between certain classes of suppliers and consumers and for any other related purposes."

That interpretation goes a little bit further than the first one, and it seems that there is great relevance in the Whereas section of this Motion as compared to the interpretation of such an Act which exists in Western Australia.

This Act addresses topics such as harassment and coercion, just to name a few here, Madam Speaker. It deals with regulations; codes of practice; warnings and notices to the public, which I daresay are lacking tremendously in these Islands. It deals with the recall of defective goods. In speaking about the recall of defective goods, I have known of instances here, albeit not on a regular basis, where it is public knowledge that goods on shelves are recalls or are way behind time. In my opinion, it is not a question of blaming someone for it, it is simply that at this point in time there is no one ultimately responsible for it.

In matters such as these (goods on the supermarket shelves, vehicles or appliances), whilst we do not have to deal with problems on a daily basis, it is my opinion that legislation put in place to take care of these matters must be better for all concerned, rather than to have individuals face these problems and not have a clue as to where to turn to in order to correct them. We can no longer live by the code that we, being the people we are, will live up to our responsibilities and take care of whatever goes amiss or awry.

We are no longer in the merchant scene when things came few and far between. We find more and more popping up on a daily basis. So, using those few illustrations, Madam Speaker, I submit that legislation is the only correct way to deal with these situations.

I heard the Third Elected Member for George Town highlight the existence of the Better Business Bureau, or the Better Business Committee, or something (I think we all understand what it is) which operates within the Chamber of Commerce. While someone else might take a different view, I quite appreciate the Chamber of Commerce having the vision, so to speak, to attempt to operate in such a fashion and try to curb these problems which might crop up from time to time.

However, it is my view that the Chamber and its Better Business Bureau, or Committee, can do as much as they try to do, but they would never ever be able to accomplish as much as they should without the existing legislation. So, contrary to what others may feel, it is my opinion that that Committee could operate in a much more efficient fashion if legislation were in place. They would not have to write their own laws at that point in time and neither would they have to be their own judge on what is right and wrong. It would be in black and

white at a national level. That is my opinion, Madam Speaker.

I am not for a second saying that what they are doing is not a noble and just cause, that is not the point that I make. I simply say that legislation in tandem with their efforts would achieve much more. That is my view.

So, having brought these few illustrations, I personally give my support to this Motion and reiterate to the Government bench that the resolve sections are asking for Government to *explore* the possibility of establishing a Fair Competition Law and for them to *consider* setting up a Fair Trading Commission.

The Motion is worded in such a way that Government will have ample opportunity to make sure that enough research is done so that if such a law and such a commission became a reality it would be done in such a way that it would be beneficial to all. Members here have access to other existing Laws and Acts and I am sure that everyone would be happy to pass on whatever literature is available so that Government may examine the situation. It is my view that Government would be doing a noble act for the business community and consumers in these Islands if they were to consider this Motion with a view to accepting it for what I term a better Cayman Islands.

I thank you, Madam Speaker.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

This Motion will create far more problems than it is going to prove good. I know that in other countries, with other systems of government, these laws exist and there are anti-trust laws which are in some ways similar to this. However, when we look at the situation as it now is, we realise that sometimes, or many times I would say, it is better for Government not to get too much further into the bureaucracy and the controlling of the fair trade areas of these Islands.

At present, under the Trade and Business Licensing Law and the Local Companies (Control) Law, there is a considerable amount of power and legislation that deals with fronting and can deal with practices which may be against those laws. When problems do arise—and we had it for example with the taxi and the bus business recently—I believe that it is better to try to sort those out as they arise. To try to put in place a Fair Trading Commission now is in my view going to cut right across the democratic and the freedom of competitiveness, especially between Caymanians, at present.

Under the present laws Caymanians have the right to enter into any trade, with a few exceptions where there are specific laws for qualifications such as, for example, lawyers, or a plumber or electrician, where you need a licence. So, in some areas, a certain standard of competency is needed.

I believe to get into a situation where there is a commission that has to look at every allegation of unfair trading is going to be setting up another piece of bureaucracy. As the Members who are promoting this (the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman), have often said, they keep objecting to more power going into Government appointed bodies, or whatever. I think that if we get to a stage where we are going to introduce rules in relation to trying to deal with what a code of ethics within each business should do, we are legislating into an area that is fraught with many, many problems.

If you just look, for example, at the problems under the Labour Law now, which deals with some of this, you will see the mammoth task that would face this commission. The less Government gets involved in private sector business, the better off the country is. This is why I have always felt that as much as the private sector can deal with, we should allow them to do. With all due respect, in most instances they do a much better job than Government can do because there is a lot less bureaucracy and they are subject to different pressures than politicians and Legislative Assembly Members are.

At present, we have the Chamber of Commerce, through its Better Business Bureau that it operates, and the principle there is a sound one, I believe. This type of problem is not something that you can just legislate for and it works. It has to be developed over a period of time, taken in stages, and it normally arises out of a well organised, private body that deals effectively with the unethical business problems as they arise.

In fact, one of the most difficult things is to legislate ethics or morals. In fact, it is perhaps the one area that democracies have never come to grips with by dealing with it through legislation. Normally businesses and professions are left to provide their own rule of ethics and their own fair trading rules.

Once we begin to try to legislate what is fair and what is unfair, we are in a position where someone loses. It is an adversarial position. It is one where we should be very careful to what extent we go, because what is fair for one person may be deemed to be unfair by another person. So, we are bringing in a subjective test with a law that will have objective principles. I think this is very important because we are now trying to impose standards as to what is fair and what is unfair, what is ethical and what is unethical, as certain people feel. It is in that area that I see this would be a can of worms.

I am all for seeing the Government support certain private aspects, such as the Chamber of Commerce's Better Business Council, and to have that developed and looked at over a period before any thought is given to attempting to put in rigid legislation—rules that have, of necessity, to remain flexible and grow with the community and even to grow with the economy as it is at the time. If the economy is up and booming, what is fair

trade then and what is unfair trade, would differ considerably if we are in a recession.

I think Members of this Honourable House realise how difficult it is to deal with fronting, for example. One of the things is that every Government has legislated and amended legislation and done everything in the world, but in the final analysis it is just is not simple to legislate rigidly for ethics and for what is fair and what is unfair.

I believe that we should be extremely careful to not confuse what is unethical with what may be illegal. We had examples given of what I would refer to as the travelling salesman. There are very clear laws—Trade and Business Licensing Law, Immigration Law, and the Local Companies (Control) Law—which deal with this. If we have people coming into this country without the necessary Trade and Business Licence, or a work permit, and doing business, that is illegal; but that is different from trying to enforce by law what is unethical or what is unfair.

The Immigration Board—and I point this out because we are cutting across a principle here of democracy and we have to be very careful how we do it—regulates the extent to a person, such as a travelling salesman, can have a permit. As to whether they feel that there are people here who can ably deal with this as Caymanians, or whether they should issue a permit, and that in my view is already over legislated. I believe we have nearly over legislated the fronting situation and I do not believe that we should attempt to regulate, to any further extent, the position relating to trade.

The Immigration Law clearly deals with the competition between non-Caymanians and Caymanians. So, that is properly legislated. A large part of what is in here is already provided for under the law. For example, the first recital says that some businesses are complaining about unfair competition from non-Caymanians. There is legislation for that. It goes on to say that there is growing concern about unfair competition from non-Caymanian elements that is detrimental to the Caymanian. There is legislation for that.

I am not too certain about what this written complaint is. It would perhaps have been better if that had been annexed because this has been a year or two ago. But we cannot act on the basis of one letter dated 6 March 1992, and legislate for people generally. There are always going to be people in society who complain. The minority of complainers are here, and we live with them, and many of them are good people. But, I do not believe that legislation this important should be dealt with that way.

Perhaps the one area where something may need to be done (and perhaps this is not as fully covered under the Immigration Law as it could possibly be) is where we have non-Caymanians doing misleading advertising and that sort of thing. That is an area that has been of some concern. But if it is a non-Caymanian then the Immigration Law should be able to deal with it when that

person's work permit comes up. This type of advertising would be looked at. Under the provisions of that Law they look at most things that relate to their doing business in the Islands.

A lot of the areas where I have heard complaints about this advertising is that it may be done on the high seas, over which we have no jurisdiction. This is a problem, for example, with cruise ships. How that is approached and dealt with effectively when it is outside the jurisdiction is not a simple one either, because we cannot really legislate extraterritorially.

I believe the promotion of vigilance among consumers is something that the different bodies themselves, along with the consumers, can well look at from the private sector's point of view.

No matter what we do, the solution to this particular problem is not simple. It is not one that is going to go away even after legislation is put through, if it even reaches that stage, which I do not think we should reach. It is one that has to be subject to the checks and balances in a normal democratic and free trade community—free trade between Caymanians. I keep stressing this because not only are you going to see this trade commission having to look at foreigners and Caymanians, which overlaps the Immigration Law anyhow, but sooner or later . . . we know how legislation is. It is going to be extended into dealing with free trade between Caymanians. Then we are really going to get into an area of difficulty to which I do not think we should even dare venture into.

I believe that everyone must make a decent living, and everyone must live and they should be given a fair opportunity. However, it is very hard to legislate that because the legislation that we are attempting to put through will be an objective one, and many times the problem is subjective and peculiar to that specific person in his or her specific trade.

Finally, I believe that the present immigration laws are sufficiently effective as legislation to deal with the problems that are there. Perhaps there needs to be some tightening up in certain areas. What I do know is that this House has strengthened the provisions for the calling of information and requiring details of transactions to be given to avoid fronting. I believe that the Immigration Board has been able to deal with a lot of funny instances.

I would rather leave any area of the question of ethical practices because that is about the only area where I see there is no legislation. I would like to make that clear. There is now detailed legislation, the last of which was looked at for three years by a Select Committee of this Honourable House. We heard from just about everybody in the world who had any interest in being heard. It was looked at in depth and a total Immigration Law, amended Trade and Business Local Companies (Control) Law was put out and that deals with the question of competition and the many other principles that are involved—not just competition amongst non-

Caymanians and Caymanians. But it does not provide for anything other than free competition between Caymanians. That is a principle that before there is any attempt to change we would really be getting into an area that I would not support.

So, the only area where I really see this Motion may be attempting to seek a law, would be in relation to things like misleading advertising or certain things which are unethical within the profession or the business. Like I said, just about all professions have to regulate themselves. Society itself cannot regulate. For example, in the legal profession we have our own ethical rules. I believe that if Government ever tried to intervene and legislate those—firstly, they could not be enforced, and secondly, they could not get the cooperation that would be necessary to go with it. I think that should be left to the private sector to deal with.

The question of the advertising (of which I believe the complaint that I received a few years ago was in relation to the cruise ships), is one that is not very simple to deal with; and one that is perhaps nearly impossible to legislate for because it is outside of the jurisdiction of our Courts.

So, I would say that we should leave the private sector to deal with private sector business. We should remain with the Immigration Law and other laws relating to it that we now have and assist the different associations, whatever they may be—whether they be retail traders, or the Hotel Association, or whatever—to try to deal and regulate their own ethics within their own trades and professions and not have to introduce any further bureaucracy into these Islands by creating any type of commission or passing any laws that would attempt to deal with something which I do not think can be properly legislated in relation to.

I do not support the Motion at all. I believe there is already sufficient legislation. I think we just need the will and the enforcement to deal with the one or two complaints that have been mentioned in this.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.34 AM

PROCEEDINGS RESUMED AT 11.55 AM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 7/94. (Pause) If there is no further debate I shall ask the Mover of the Motion if he would like to exercise his right to reply. The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, the Minister replying on behalf of the Government demonstrated a shallow ignorance of the Motion and what it is seeking, and of a Fair Competi-

tion Act and Fair Trading Commission that is uncharacteristic for someone of his tenure in this Parliament.

In none of its clauses does the Motion seek to regulate or establish any moral or ethical code, nor, for that matter, does a Fair Competition Act or a Fair Trading Commission—certainly not those I used as models. That Minister, Madam Speaker, succeeded in dragging in all sorts of irrelevancies and in dragging the Motion in all forms of unwarranted debate and direction.

Madam Speaker, I shall attempt to deal with some of his criticism. Thereafter, I shall revert to debating the essence of the Motion and the reasons why I think that we in the Cayman Islands need a Fair Competition Act and need to consider the establishment of a Fair Trading Commission at this time.

The Minister spoke about a need to stay away from stiff legislation. I believe his words were “we have to be extremely careful about stiff legislation.” I would like to ask that Minister if it is out of this kind of caution and extreme care he is advocating, that he did not see fit to introduce legislation guaranteeing a Bill of Rights in this Country?

The Minister also spoke about how he was worried about encumbering bureaucracies. Well, if that Minister was so worried about encumbering bureaucracies, I wonder why he and his cabinet colleagues chose to change the Customs Law and the Traffic Law to give them almost inordinate powers of decision into what can be imported into this Island in certain categories.

The Minister also spoke about his concern that these types of practices should be regulated by the private sector and private entities. Madam Speaker, anyone with a modicum of intelligence, and anyone who is abreast of current affairs realises that in the United States of America—that bastion of capitalism and democracy, which has not only Chapters of a Chamber of Commerce but representatives of all those Chapters forming a single Chamber of Commerce—there are regulations by the Federal Government.

I have to wonder if that Minister speaking on behalf of Government is ignorant of the Federal Communications Commission—the FCC. Is that Member ignorant of the Securities and Exchange Commission (SEC) which regulates bankers and banking practices in the United States? And is that Member ignorant of the Federal Deposit Insurance Commission (FDIC) in the United State? Madam Speaker, I could go on and on.

The reason these checks and balances are put in place is not that the Federal Government is relying wholly and solely on these various aspects of the private sector to police and regulate themselves. Rather, the Federal Government is seeking to ensure that it regulates and retains control because it realises that there are sectors in the society that would not be otherwise protected.

So, Madam Speaker, it is folly to argue that the Better Business Bureau set up by the Chamber of Commerce (and I tip my hat to the organisation and to the

functioning of their Better Business Bureau) is going to operate to the benefit of everyone. For, by its own admission and inception, the Chamber of Commerce is a special interest group. I wonder what happens in the case where a complaint is made by someone who is not a member against someone, or an organisation, which is a member. Whose side is the Chamber of Commerce obligated to take in that instance?

We need look no further than next door in Jamaica. They have a Chamber of Commerce, yet Jamaica has a Fair Competition Act. Indeed, it is one of these Acts that we used as a model. I want to establish early that the Chamber of Commerce itself is interested in this kind of legislation, for in the process of preparing this, my colleague and I were in communication with them. Indeed, they invited us to explain and elaborate on where we see this kind of legislation going.

It is unfortunate that through prior commitments (and also by virtue of the fact that the Motion was, at that time before the House) we were unable to keep our appointment with them. But, certainly, we shall be willing, if their interest is still in having us appear before their Executive Committee, to go and explain the functions of a Fair Trading Commission and of what we see a Fair Competition Act doing.

So, it is folly to speak about this Motion seeking to legislate morals or ethics. An example of some of the things that are dealt with in a Fair Competition Act there is false representations, bait advertising, referral selling, pyramid selling, recall of defective goods, prerequisites for making a recall order. And, from the Fair Trade Practices Act, 1974, of Australia, exclusive dealing; resale price maintenance; actions in respect of unsuitable goods; actions in respect of false descriptions; action in respect of goods of unmerchantable quality; meaning of goods having defect; liability for defective goods causing injuries or loss to the person. These are the kinds of things we are talking about. There is no need for any Government Minister to try to mislead and drag irrelevancies into the argument.

I contend, Madam Speaker, that if the Immigration Law and the Companies (Control) Law, to which that Minister referred, were so effective, why is it that we have daily complaints by Caymanians about fronting? Why is it we still have daily complaints by Caymanians about unfair competition from foreign business persons? And why is it that the Executive Council just had to take the extraordinary step of amending the Customs Law and the Traffic Law to protect Caymanians from non-Caymanian competitive elements? The arguments led by that Minister are, at best, spurious.

Madam Speaker, one of the problems with the Government is that It is unfamiliar with this whole notion since It had to borrow one of the copies of the Law or Act that we had. I did not expect them to come here and say that they were unprepared. However, the intelligent person can glean that from the argument laid down by the person speaking on behalf of the Government. Might

I add, it is of no surprise to me coming from that Minister!

Madam Speaker, a Fair Competition Act, at its most basic and simplistic form seeks to protect not only the merchant, the trader, or the person providing goods and services, but also seeks to protect the consumer. Contrary to what the Minister speaking on behalf of Government said, it does not always have to be an adversarial relationship. As I understand, the Act and the Commission in Jamaica is predicated upon the fact that consumers will be educated, that the users of services will be educated as much as the providers of these goods and services.

Anyone in his right mind must understand that it is impossible for the Immigration Law, or for the Local Companies (Control) Law, to contain legislation which is so wide-sweeping and so far-reaching as to cover acts having to deal with the purchase and supply of goods and services. That would be legislation that would be so wide and so far-reaching that it would have to be so watered-down as to be ineffective.

Now, I see a Fair Competition Act and a Fair Trading Commission as complementary to the Immigration Law, and as complementary to the Local Companies (Control) Law by virtue of the fact that it introduces new elements and new aspects not now covered in these Laws, but relevant by virtue of certain facts and factors.

In the Jamaican Act, we deal with such things as price fixing, conspiracy, bid rigging, misleading advertising. I have cross-checked some of these aspects and categories against what is contained in the Canadian Competition Act, as they call it, and against what is contained in the Fair Trade Practices Act, 1974, of Australia. I checked it against what is contained in the Fair Trade Act, 1987, of Western Australia. There are many areas of similarity and overlap.

I am saying that when I made the comparison, there was no such coverage in our Local Companies (Control) Law or in our Immigration Law. I have carefully documented a few blatant cases where I received complaints from Caymanians about unfair competition, about insider trading and about misleading advertising against Caymanians by non-Caymanian elements.

A clear case in point . . . and I hope the Minister—wherever he is—is listening. I received a complaint a few days ago from a Caymanian in the heavy equipment business complaining about a foreign company that was granted a conditional licence to operate in these Islands—the licence being conditioned upon that company doing one job, a major undertaking for one of the large development companies along the Seven Mile Beach Road. The Caymanian complained to me that this particular company was now engaged in doing small jobs normally not covered in the licence.

When I assured the complainant that I would investigate the matter, having called the Immigration Department, I was told that that was not the first complaint re-

ceived about that company doing that kind of work, but the licence had been varied to allow them to do so.

I would like to ask that Minister, who varied the licence. Was it his Executive Council? It is no wonder that Caymanians are complaining. That is a clear case of unfair competition. This company is a large multinational corporation and here it is taking bread away from a small Caymanian enterprise. And then the Government dare stand up here and tell us there is no need for a Fair Competition Act or a Fair Trading Commission?

Another case in point: I received a dossier this morning from a well-known and well-respected young Caymanian lady, in the magazine business—

Hon. W. McKeever Bush: On a Point of Order, Madam Speaker.

The Speaker: May I hear the Point of Order, Honourable Minister?

POINT OF ORDER

Hon. W. McKeever Bush: Madam Speaker, the Member has accused the Executive Council of amending some licence and I think that the Member should either clarify, or further on in the meeting we get a chance to clarify—

The Speaker: Honourable Minister, if I understood what the Honourable Member said, he just wondered if this had been done by Executive Council. I do not think you could assume or determine that to be an accusation. It was just a question that was raised, and I cannot accept that as a Point of Order. I think the records will show that.

Would you please continue First Elected Member for Bodden Town?

Mr. Roy Bodden: Thank you, Madam Speaker.

As I was saying, Madam Speaker, just this morning I received a dossier from a well-respected, and well-known young Caymanian lady in the publishing business documenting the case of how someone who had a contract and, indeed, was in the employ of companies of publications which she owned . . . the party, after having secured her client list and other vital information was given a licence to go into the same kind of business.

If that is not unfair competition, and if that is not insider trading; if that is not unconscionable conduct, then, please, somebody tell this Member. And the Government dares to stand up here and tell this House that nothing needs to be done because Caymanians are ultimately protected now?

Madam Speaker, with all due respect, as for the matter of complaining to the Immigration Board in these kinds of cases, you might as well throw the complaint in a crab hole—you will get a better response. I have pre-

sent in my file two letters that I wrote on behalf of my constituent in the furniture business complaining about unfair competition from outsiders. To this day, I have never received a response. Nor have my constituents. Shame on that Government Minister who dared to have the audacity to get up here and say there is no need for a Fair Competition Act because the all-being and all-knowing 'National Saviours' have put matters into place to handle these kinds of situations.

Madam Speaker, I want to make it crystal clear to Caymanian people that they need specific legislation dealing with these kinds of practices. You know what conclusion I have come to Madam Speaker? There are too many conflicts of interests in here to have certain types of legislation drafted and enacted. What we need is more sincerity and more discernment, and less conflict of interests.

What about those people who draft straw-man agreements and who cover fronting agreements? I wonder about those people. It is no wonder that the people continue to cry out. It is no wonder that when this kind of legislation is brought before this House, the Government, in their usual and practised way, introduces all kinds of irrelevancies, misleading and inconsistent paradigms into the debate.

It is clear as day, that there is a need in this country, at this time, for this kind of legislation. We are not the first and only country adopting this. As I have said, countries as diverse as the United States and Jamaica. At last count there were (and this is not by any means exhaustive) 20 Commonwealth countries which have this kind of specific protective legislation.

Madam Speaker, I expected that the Government's response would be as it was. However, as far as I, the Mover, am concerned—and I believe in this, I speak for the persons on this side who spoke in favour of the Motion—I am satisfied that we have done our best to bring to the attention of the Government the glaring need in this country. I firmly believe that if it is not done this time, it will fall in the category that the Bill of Rights has fallen into, and it will be implemented by a sensible government at some subsequent stage.

However, the Caymanian people and this Honourable House can rest assured that the matter will not die with this effort. We will continue to bring it forward until some government, at some time, takes note and is determined, brave enough, candid enough, and interested enough to fill the gap.

Thank you.

The Speaker: The question is Private Member's Motion No. 7/94. 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: May we have a division, Madam Speaker?

The Speaker: You certainly may.
Madam Clerk.

Clerk:

**DIVISION NO. 1/94
Private Member's Motion No. 7/94**

AYES: 5

Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 10

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeeva Bush
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson
Mrs. Berna L. Murphy
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

ABSENT

Hon. Thomas C. Jefferson
Hon. John B. McLean
Dr. Stephenson A. Tomlinson

The Speaker: The result of the division is five Ayes, ten Noes. Private Member's Motion No. 7/94 has not been passed.

PRIVATE MEMBER'S MOTION NO. 7/94 NEGATIVED BY MAJORITY.

The Speaker: This concludes business for today.

I believe the Honourable Minister for Community Development, Sports, Youth Affairs and Culture would like to speak on something which the Government wishes to bring forward.

STATEMENT BY HONOURABLE MINISTER

BILL TO AMEND THE JUVENILES LAW

Hon. W. McKeeva Bush: Madam Speaker, tomorrow morning, I will bring a Bill to amend the Juveniles Law. That Bill will be circulated to Members today. I have already made Members aware of the urgent nature of the matter and I will bring the Bill tomorrow after giving them some time to examine the Bill.

The Speaker: Honourable Minister, I would have assumed that copies would have been available before the House adjourned.

Hon. W. McKeeva Bush: Madam Speaker, I have just said that they will have the copy available before long.

The Speaker: Well, how much longer is long? I do not have a copy, and if we adjourn now, I assume—

Hon. W. McKeeva Bush: (interrupting) Well, Madam Speaker—

The Speaker: Just one minute. If we adjourn now I assume that Members will not be remaining in the building to receive copies.

Hon. W. McKeeva Bush: I just said, Madam Speaker, that Members would be getting a copy before long. Therefore, Madam Speaker, you would also get a copy, which is natural. The House would get a copy.

The Speaker: Well, with the understanding that Members will receive copies before the day is past, I will ask for a Motion for the adjournment of the meeting until tomorrow morning at 10 o'clock.

Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

ADJOURNMENT

Hon. W. McKeeva Bush: Madam Speaker, I accordingly 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. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The House is accordingly adjourned until 10 o'clock tomorrow morning.

**AT 12.27 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 10 MARCH, 1994.**

**EDITED
THURSDAY
10 MARCH, 1994
10.05 AM**

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, Official Members and Ministers 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.

APOLOGY

The Speaker: Yesterday, the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business, was absent. It was just this morning that I received official notification. So, let the records show that an apology has been extended for absence yesterday. I am glad to see that he has taken his place this morning.

Questions to Honourable Members/Ministers. The First Elected Member for Bodden Town, Question No. 34.

**QUESTIONS TO HONOURABLE
MINISTERS/MEMBERS**

QUESTION NO. 34

No. 34: Mr. Roy Bodden asked the Honourable Temporary First Official Member what arrangements exist for the purchase of uniforms for prisoners and prison officers at the Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The arrangements for the purchase of uniforms for the prisoners and Prison Officers at Northward Prison are done by the storekeeper who keeps records of purchases and issues.

He makes a requisition to his Principal Officer for the quantity of uniform items needed. The requisition is then agreed by the storekeeper and his Principal Officer and taken to the Director or, in his absence, the Deputy, for authorisation of purchase. The Higher Executive Officer then prepares the order which is usually dispatched (by facsimile) to the supplier as approved by the Director.

Uniforms for staff and prisoners are purchased yearly from the same suppliers. Sometimes items urgently required are purchased locally.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say from what country these uniforms are imported?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Most of the items are imported from the United States. I believe a few items are also imported from the United Kingdom.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Member in a position to tell the House how much money is spent per annum on the importation of these uniforms?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Madam Speaker, for 1993, Officers' uniforms cost slightly under \$40,000, and prisoners' clothing cost a little over \$26,000.

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 whether any thoughts have been given, or examinations made into the matter of having the prisoners make the uniforms for both the Prison Officers and themselves, as is the custom of most other prisons?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

I am not in a position to say whether or not any thought has been given to this matter.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will the Honourable Member give the House an undertaking that some investigation can be carried out into the feasibility and practicability of this venture, as it would provide some work and some skill training for prisoners?

The Speaker: The Honourable Temporary Official Member.

Hon. James M. Ryan: Yes, Madam Speaker. I will give an undertaking that the matter will be looked into, to determine whether it is practical and feasible to have this done.

The Speaker: The next question is, Question No. 35 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 35

No. 35: Mr. Roy Bodden asked the Honourable Temporary First Official Member what procedures exist to ensure that the purchasing system at Northward Prison is not abused?

The Speaker: The Honourable Temporary Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

All items purchased by the Prison must first be requisitioned and authorised by the Principal Officer in charge of the Department requesting the item. Requisitions state the place of purchase as well as the cost of each item.

Once authorised, the requisition is then taken to the Higher Executive Officer who checks it and verifies the vote from which it will be paid. The Higher Executive Officer can authorise payments in amounts of C1\$200.00 or under. Any items over C1\$200.00 must be authorised by the Director or the Deputy Director. Goods received are checked against invoices. Payments are made by the process of submission of payment vouchers and relevant original invoices to the Treasury Department.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I wonder if the Honourable Member is in a position to actually say how many people, whether it is one person, namely, a messenger or a courier, or various persons, who can take these vouchers or requisition forms to do the purchasing?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I am not certain if more than one person can carry out the actual purchases.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Regarding items which are kept in the stores' facility, is the Honourable Member in a position to say how often a check or an inventory of these stores is undertaken and by whom are such checks and inventories undertaken?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

There is a register, and items kept in stores are registered with the Storekeeper. I am not sure of the frequency of inventory taking of the stores.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

Madam Speaker, I wonder if the Honourable Member can say if the Department is subject to internal audit and scrutiny similar to other Government Departments?

The Speaker: The Honourable Temporary First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Yes, the Department would be subjected to internal audit and scrutiny as is any other Government Department.

The Speaker: The next Question is No. 36, standing in the name of the First Elected Member for Bodden Town.

**QUESTION NO. 36
(Withdrawn)**

No. 36: Mr. Roy Bodden asked the Honourable Temporary First Official Member what were circumstances under which the Government was first informed of the situation at Northward Prison which ended in the tragedy?

Mr. Roy Bodden: Madam Speaker, I wish the Chair's permission to withdraw this question. I noticed the other day when in my debate I mentioned a similar incident and the Honourable Second Official Member got up on a Point of Order and said that the matter may be sub judice. So, out of deference and consideration I would demur if it meets the wishes of the Chair and the House.

The Speaker: Would Honourable Members wish to approve that the question be withdrawn due to the circumstances given? But I think that it would be left for the Member to whom the question is asked to say whether he wishes to reply to it or not. So I call upon the Honourable Temporary First Official Member to respond.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, as the Second Official Member mentioned a few days ago, the matter is sub judice and perhaps supplementaries may lead to matters that would best be left unsaid at this point in time. I would suggest that since the Honourable Member has requested a withdrawal of the question that this be the best course of action.

The Speaker: The question, therefore, is that, as requested by the First Official Member for Bodden Town, Question No. 36 be withdrawn. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The question is withdrawn.

AGREED: QUESTION NO. 36 WITHDRAWN.

The Speaker: Question No. 37 is standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 37

No. 37: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what, exactly, does the programme of the Cayman Marine Institute consist of, and how was the sum of CI\$315,896.00, which was approved by the Finance Committee on December 15th, 1993, allocated?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, an outline of the Cayman Islands Marine Institute programme was provided in a previous statement to this Honourable House, and it is, therefore, already a matter of public record.

The sum of \$315,896 approved by the Finance Committee on 15th December, 1993, was allocated to cover the usual start up costs for such a programme; hiring of personnel, acquisition of equipment and supplies, utility hook-ups, and so on.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Does the Honourable Minister have a breakdown of any amounts, whatsoever, as to how this large sum of money was applied?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Yes, Madam Speaker, we do, but, of course, we would not have it with us this morning. That is contained in the budget for the Institute.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I wonder if the Honourable Minister can inform the House as to the enrolment in this programme at the present time and, also, if he could give the House an indication of what is an anticipated or expected maximum enrolment in the programme?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I believe this information was already made public, but the maximum is 25 for the day programme and six residential. At present there are six in place and four to go shortly.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, would the Honourable Minister tell the House, in light of the fact that the substantive question asked how the \$315,896 was allocated, why he does not have some information with regard to details of how it is allocated, and is there any effort being made not to give details on this particular undertaking by Government?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, of course, Members will certainly think what they want to think and spread the kind of propaganda that they want to spread. However, as I understand this question asked, "What exactly does the programme of the Cayman Marine Institute consist of?" And we answered that.

The next part was, "how was the sum of \$315,896, which was approved by Finance Committee allocated?" The answer gave an indication of the sort of matters that it covered.

If the Member wanted more details he should have said, "in detail." However, I think this has given a good indication of the start-up part of the programme.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, in the substantive answer given by the Honourable Minister, his answer said: "An outline of the Cayman Islands Marine Institute programme provided in a previous statement." What I would like to ask the Minister is what the substantive question asked, "What exactly does the programme ...consist of ...," and is it the case that there is really no programme, syllabus, guidelines or timetable as to what the Institute does?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the Member knows that the Institute has a well-recognised programme, and would have that sort of information. If the Member wanted that sort of information why did he not ask for it in a substantive question instead of making the sort of accusation that is coming across? If he wants that kind of information it can be given.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. I wonder if the Honourable Minister could say whether or not, at the present time, there are juveniles in Approved Schools overseas, and what is the cost of that programme?

The Speaker: Honourable Member, that is not a part of the original question, which dealt with the Cayman Marine Institute, the programme and the financial implica-

tion thereof and I cannot allow that. If you wish to ask another question concerning the Cayman Marine Institute and the finances thereof, you may, sir.

Mr. John D. Jefferson, Jr: Madam Speaker, the only reason why I asked that question is because the Second Elected Member for Cayman Brac and Little Cayman raised the issue of cost—

The Speaker: Well excuse me, sir, that question cannot be allowed irrespective of cost or anything else. We are considering the Cayman Islands Marine Institute.

If there are no further questions, then the next question is No. 38 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 38

No. 38: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what management improvements have been effected by reverting the Health Authority to a Government Department?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the answer.

Health Services Authority Board:- During 1993, for the first time, the Senior Management Committee was invited to be in attendance at all meetings of the Board. This gesture was well received and helped to improve the confidence and relationship between the Board and Senior Management Committee. This was a more direct and workable arrangement than the previous top-heavy system of sub-committees operating under the Board. It has also flowed quite easily into the present management arrangement in which the Acting Director of the Health Services Department (HSD), consults regularly with the Senior Management Committee on the operation of the Department. No longer is there a Board to add another layer between Management and the Ministry.

Organizational Chart/Job Descriptions:- The Organizational Chart was reviewed in great detail with the aim of reducing the matrix and consolidating where possible. This exercise was carried out in conjunction with a review of Job Descriptions for each post in the Department, and a revision of the Health Services Management Policy Standards and Procedure.

Review of 1993:- In-service training to keep staff abreast of these changes, is ongoing. In keeping with Government's directive to downsize the number of established posts, a total of 18 posts were eliminated at the Health Services.

Equipment:- With the decision to stop construction of the Dr. Hortor Memorial Hospital, the Health Services Authority (HSA), with the support of the Portfolio, decided to review the various requests for new equipment which had been put 'on hold' during 1992. Over

\$500,000 worth of equipment was purchased in 1993 including a Suction Unit, Pneumatic Drill, Ohmeda Excell 110 Anaesthesia System, TEC Vaporizer, Double Canister Absorber, Electric Anaesthesia Ventilator, AMSCO Sterilizer, Pulse Oximeter, Ultra Sound Imaging System, Autoclave, Dialysis Machine and Laproscopic equipment.

Master facilities plan:- In December, 1993, the directive was provided to proceed with the Master Plan of Facilities at the present site. The Health Services' senior staff held several meetings throughout the year to review short and long-term needs of the facilities and services. The recommendations were submitted to the Portfolio and to the Public Works Department. The 10-year Plan for the country's health facilities is well on its way.

Health Practitioners' Board (HPB):- During 1993, the Government, through the Health Practitioners' Board, received requests for approval to operate health care facilities and approval to provide certain treatment modalities which had not been fully approved in North America and the United Kingdom. Amendments had to be made to the Health Practitioners' Law to address these new issues and to ensure that high standards of safe health care is delivered in the Cayman Islands. The Health Practitioners' Law is to be reviewed in the very near future.

The Pharmacy Law is also under review, which will provide a much more practical law for the Cayman Islands.

Other achievements:- The completion of the Faith Hospital extension in September 1993 marked a significant improvement in the health care delivery system for Cayman Brac.

The Lions' Eye Clinic is now equipped with over \$200,000 worth of equipment, and is providing ophthalmic services to our community. There are plans to expand the service, including the visits of specialists from the Bascom Palmer Eye Centre in Miami.

The provision of overseas Tertiary Level Medical Services was put out to tender with the aim of determining what other arrangements were possible, while maintaining high quality health care. It is anticipated that Government will realise significant savings from this exercise.

I should add, Madam Speaker, before completing the answer, that I have just received word that the Central Tender's Committee has completed its deliberations and has chosen the Baptist Memorial Hospital in Miami, with several other hospitals along with them, to give service to the Cayman Islands.

To conclude the answer, in 1993 we improved the collection of revenue by some 25 per cent over 1992. In addition, the department was able to reduce inefficiencies and streamline expenditure, resulting in a year-end return to Government Treasury of approximately \$500,000.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, would the Honourable Minister say if the long list of activities and occurrences could not have been achieved under the Health Services Authority and, indeed, if these were accomplished only because of, and since, the Health Services Authority reverted to a Department of Government?

The Speaker: Honourable Member, that is a question which is soliciting an expression of opinion, and I will not allow that.

Hon. W. McKeeva Bush: I would have been very happy to answer it, Madam Speaker.

The Speaker: A further supplementary, please. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Honourable Minister has said that a job description exercise of each post in the Department has been done. Is this, in fact, actually the case that all posts now in the Health Services Department, nurses, ancillary staff, and all the rest, have job descriptions?

The Speaker: The Honourable Minister for Community Development.

Hon. W. McKeeva Bush: That is correct, Madam Speaker.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

I wonder if the Honourable Minister could say, as a result of the decision for the Health Authority to come back in as a Government Department, if any posts were eliminated and, if the answer is in the affirmative, what were those posts and estimated savings?

The Speaker: Honourable Member, part of the question was answered on page 2, a total of 18 posts.

The Honourable Minister for Community Development can now explain what posts these were to the Member.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

The answer to that supplementary would be that the Human Resources Department (that was the Personnel section of the Health Services Authority), House-keeping, Dietary, Maintenance and Security, with no negative effect on services. No medical staff were cut. As for savings, we will have to supply that to the Member in writing.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, can the Honourable Minister say what type of in-service training is going on, what type of courses, and with what frequency are these being carried out?

The Speaker: The Honourable Minister for Community Development.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. Yes, there are still, and there will always be, in-service training in areas such as medicine, management and nursing.

The Speaker: The next question is No. 39, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 39

No. 39: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what was the criteria used for selection of the Hospitals which could qualify to provide tertiary health care to patients referred to them by Government?

The Speaker: The Honourable Minister for Community Development.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. The criteria listed as follows were utilised in the process of pre-qualifying hospitals as potential providers of tertiary health care services:

1. Membership in the American Hospital Association (AHA).
2. Current licence and permit including certification from Joint Commission and Accreditation of Health Care Organizations (JCAHO).
3. Availability of data and statistics to show that the Organization was able to provide a high quality of tertiary level health care, including number of beds by speciality, number of annual admissions by speciality, average length of patient stay by procedure, number of physicians and registered nurses by speciality.
4. Availability of full tertiary level services in the areas of Trauma, Orthopaedics, Paediatrics, Obstetrics, Coronary Care, Oncology and Transplantation.
5. Availability of main medical facilities including In-patient hospitalization, Intensive Care Units, Operating Rooms, Radiological (CT, MRI etc.) services, Laboratory services, Physical Therapy Rehabilitation services, Chemical Abuse and Psychiatric services.

6. Availability of appropriate medical ground transportation, on arrival at Airport and upon patient discharge.

7. Availability of appropriate staff who will be available 24 hours a day, seven days per week, to coordinate the required services.

8. Availability of transportation and accommodation for at least two (2) relatives for the duration of the patient's hospitalization.

9. Availability of group purchasing services and continuing medical educational facilities.

10. Availability of services at the same location.

11. Accessibility to the services.

12. Availability of any other services necessary for the comfort and well-being of patients and any accompanying individuals.

These criteria were developed with reference to the document "Guide to Selection and Use of Consultants".

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister confirm that the Cleveland Clinic, which has been used as the tertiary care referral institution, does not meet these requirements?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, may I say to the House, in answering that question, that 61 health care organisations in the South Florida area were invited to submit expressions of interest in providing diagnostic emergency and non-emergency treatment at the tertiary level for the Cayman Islands Government. We had 19 responses. Government decided to seek competitive tenders because they were of the view that the services could be acquired at less cost than what we were paying Cleveland Clinic.

For instance, at the Cleveland Clinic, a triple bypass surgery would cost in the region of \$43,000, whereas in other places one could get it done for US\$16,000. Cleveland Clinic did not rate high enough in the pre-qualification exercise to be invited to submit a bid.

Madam Speaker, I would like to say to the House that the Central Tender's Committee and the Health Care Management Personnel were the persons who put all this together and who did all the pre-qualifications and carried out the work of the tendering process.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Minister told the House a few minutes ago that the award of the tendering had gone to Baptist Memorial Hospital and other hospitals along with it. Is it the case that the tendering for tertiary care in the United States, or overseas, for the Cayman Islands' Government is now being handled by a conglomerate of hospitals, or is it one that has been selected out of this list here?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I think that in answering that supplementary the House should be aware that regardless of which institution provides tertiary level care to this country, certain care has to be taken in certain areas. For instance, child care would be done at Miami Children's Hospital, and burnt patients would be treated at Jackson Memorial Hospital.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Member say if there is any one hospital that the Government would be dealing directly with and whether that hospital, in turn, would seek those services; or will there be a multiple number of services available at various hospitals that the Government here must make arrangements with? If that is the case would it not be excessively more expensive, time consuming, and a strain on management?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I did not catch the last part, but as to the first part of the supplementary, the Baptist Memorial Hospital would be the coordinating hospital. Maybe he could repeat the latter part of his supplementary.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I have heard the answer from the Honourable Minister that Baptist Hospital would be the coordinator for arrangements with other hospitals. Will that not mean that it will be excessively more expensive for Government to have such an arrangement in place whereby this hospital will be acting as an agent on behalf of others, and that a number of hospitals, would in itself, be more expensive?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, to answer that supplementary, what does the Member believe was happening under the Cleveland Clinic, except that the Cleveland Clinic is in Fort Lauderdale? We (the patients in the Cayman Islands) had no provision of transportation. Jackson Memorial is situated right in Miami, and so is Baptist Hospital, and they are making provisions within the cost limits of the contract to pick up people or provide transportation. Those people who believe that they know so much about health care should well understand the arrangement that the country had through the Cleveland Clinic. It was an unreasonable arrangement for sick people.

The Speaker: The last supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say if Baptist Hospital, as is given number 7 of the substantive answer, has staff available 24 hours per day, 7 days per week to coordinate the services on behalf of the Cayman Islands, and is there any particular or additional cost for that? Where can the guide to the selection and the use of consultants be found?

The Speaker: Honourable Member, the question has been answered in 7. The Minister can add to the other supplementary which you have included, but this is quite clear, so he need not refer to that.

Hon. W. McKeeva Bush: Madam Speaker, I was willing to answer that to tell the Member that they do have staff – nice looking ones at that! As to the next part of the question, the guide to selection and use of consultants is a guide provided by the Finance Department which this Government adheres to—after the mess left behind by consultants with the previous government.

The Speaker: That concludes Question Time.

SUSPENSION OF STANDING ORDER 46 (1)

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, in accordance with Standing Order 83, I beg to move the suspension of Standing Order 46(1).

The Speaker: Would you please give the reason for your request to suspend Standing Orders, Honourable Minister?

Hon. W. McKeeva Bush: The reason, Madam Speaker, is to take an amendment to the Juveniles Law.

The Speaker: Thank you. The question is that Standing Order 46(1) be suspended in order that an amendment to the Juveniles Law, 1990, be taken. I shall put the

question if there is no debate. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. Standing Order 46(1) has accordingly been suspended.

AGREED: STANDING ORDER 46(1) SUSPENDED.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE JUVENILES (AMENDMENT) BILL, 1994

The Clerk: The Juveniles (Amendment) Bill, 1994.

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

SECOND READING

THE JUVENILES (AMENDMENT) BILL, 1994

The Clerk: The Juveniles (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Community Development, Sport, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I crave the indulgence of the House to move the Second Reading of the Juveniles (Amendment) Bill, 1994.

Madam Speaker, let me express much gratitude to all Members of this Honourable House who so willingly agreed to review and deliberate on these amendments to the 1990 Juveniles Law which is now before the House.

This Bill amends the Juveniles Law, 1990, to provide a wider range of powers to a court sentencing juveniles. These amendments are necessary to allow efficient use of the various resources now available to us and to also provide an ability to work with young persons who are beyond control, an aspect that was removed from the Law when the 1990 revision took place.

To get a proper perspective on this matter it is important that Honourable Members realise that any work done on the Juveniles Law in 1990 was really an updating of a piece of legislation that originated before the time of the separation of these Islands from the Judiciary of Jamaica.

At that time in 1990, when changes were made to the 1975 Juveniles Law, a decision was taken to remove the section which dealt with young persons who are beyond control. This, then, left only Fit Person Orders for those in need of care and protection with Approved School Orders only for young persons convicted of

criminal offences. No attention was paid in that revision to the matter of orders for youth who were in need of rehabilitation of one sort or another.

Of real concern at this time also is the matter of the cut-off age for Approved School Orders which severely hampers young persons who may be placed on orders on or about their 16th birthday. These amendments before the House today largely seek to resolve the immediate ability of the Juvenile Court to be able to make placements at the Cayman Islands Marine Institute by way of a Juvenile Rehabilitation Order; to allow the Court to deal appropriately with young persons deemed to be beyond control, and to extend the age beyond 17 to that of 19 years for all such orders.

These amendments to the 1990 Law do not replace the more pressing need for a comprehensive review of the existing legislation. I would hasten to inform the House that at present work is being carried out to effectively look at the best approaches and to bring before this Honourable House appropriate legislation which looks at civil and criminal matters in relation to juveniles as two distinct entities.

It is my intention to complete this Law review process sometime this year, hopefully before the September Sitting, and hopefully no later than the September Sitting. This proposed amendment to the Juveniles Law, 1990, primarily addresses practical issues that were not acknowledged at the time of the enactment of the 1990 Law. The amendment proposes to establish a new order, the Juvenile Rehabilitation Order, that is to be used by the Juvenile Court when sentencing young people to attend Juvenile Rehabilitation facilities such as the Marine Institute here in Cayman.

It would also be used to access those resources for juveniles who have not committed criminal offences, but whose actions prove them to be beyond parental control and in need of a rehabilitation programme.

Social Workers and others working with these young people have been frustrated by the absence of such a resource as they currently have no authority by law to enforce attendance at the Marine Institute, or anywhere else for that matter, for these troubled and sometimes troublesome young people.

A singular major problem found in the application of the 1990 Juveniles Law is that, at present, Approved School Orders expire at age 17, whether or not the young person has successfully completed his programme and can be said to be rehabilitated. These amendments would allow for a reasonable period of work to be done with the young person, followed by a period of intense supervision. Currently, the establishments used as approved schools are reluctant to take young people over the age of 16 years as they do not feel that they have a chance of completing meaningful work in such a short period of time.; hence the proposed amendments to allow approved school orders to run up to age 19 in certain cases.

Madam Speaker, difficulties have been found in securing the admittance of certain young people to the United States, despite their being subject to Approved

School Orders. Certain convictions preclude entry to the United States and leave the Courts and responsible officers in a quandary as to how to respond to these kinds of situations. Following these amendments then, the Attorney General's Chambers will be required to certify that any necessary immigration requirements have been met before an Approved School Order can be effected.

These amendments, Honourable Members, will also allow the Juvenile Court, rather than by His Excellency the Governor in Council, to vary, suspend, discharge or review orders, as deemed appropriate. This change gives the Juvenile Court the ability to respond to changing circumstances and to see these treatment plans through to their conclusion.

Therefore, I appreciate Members' indulgence and their support of these proposed amendments which will allow the Juvenile Court and the Department of Social Services to respond appropriately to the needs of our young people at this time.

Thank you.

The Speaker: The question before the House is the Second Reading of the Juveniles (Amendment) Bill, 1994. This is open for debate.

The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I welcome the amendment to the Juveniles Law and the steps which have been taken to set up the Marine Institute which will be the first facility here for juvenile rehabilitation.

The Francis Bodden Girls' Home and the Boneventure House have both done a good service in helping some juveniles. The new amendment, as the Honourable Minister has mentioned, brings back into the Law certain classes of juveniles who can be dealt with by the Courts—classes that have been removed in the 1990 law. However, I feel that the Social Workers and the Courts must realise that there is a type of juvenile who is nothing but a hardened criminal. It was David Fyle who said, "It is dangerous to confuse children with angels".

I feel that juveniles who commit crimes involving excessive force, the use of guns and other weapons of destruction, should be treated for these adult crimes as adult criminals. I am hoping that the further amendments, or review, which will come to the Juveniles Law, will take this into account. It is all right to try to rehabilitate a child from its very first offence, but we must realise that when we get into repeat offenders and recidivists who go back to the same institution, that there are some, maybe a small minority, who cannot be helped by conventional methods. These people should be punished.

There are many reasons for juvenile delinquency, amongst them the physical and biological reasons, the home environment, the neglect of parents and the influence of bad companions. I believe that in many instances parents neglect their children. Some even do it under the pretence of love. But it is a mistake to believe that you love a child when you refuse to correct that child when it is wrong. If you refuse to punish that child

when he has done wrong, you do not love the child. This needs to be brought home to parents. Of course there are many parents who try very hard and who are not successful in helping the child.

I notice this amendment has come down very hard on what is an increasing offence amongst teenagers, that is, the attempted use of a motor vehicle—probably stealing the vehicle or driving it without the consent of the owner—driving it without a licence. This makes provision for the court to deprive the juvenile of a licence for up to seven years, it also makes provision for the confiscation of property used in connection with this offence. It is my contention, as I have said earlier, that the Law must also look at other offences which are, perhaps, more heinous, more of a felony than the use of an automobile. While I congratulate the Minister on the amendments that have been brought forward, I look ahead to another review.

Also, while on this subject of juveniles, the attitude of the courts, the police and teachers, will either help or destroy the programme which the Government is trying to initiate. There will need to be full cooperation from both sides. The amendment extends, in one instance, the age at which a juvenile can be punished to 19 years. The Minister explained that this has become necessary, as it is felt that if a juvenile is admitted at a late age, say at 16, very little could be accomplished before that child reaches the age of 17 – which is the final age of determination of a juvenile. The amendment gives the court more flexibility with the type of orders that can be made and the different orders that can be handed out to the different classes of juveniles. It also takes into account that these orders, in the case of rehabilitation, are not so much for punishment of the offender, but for the benefit of the juvenile and society as a whole.

This is a very commendable Bill. My only regret is that it has come at such short notice that I did not have time to give it the full treatment that I would have liked. I understand fully well that it was very necessary to have this as the institution is on line. The reasons for having the facility of suspending Standing Orders is so that the Government can function when it is necessary and do a more effective job.

I find no fault with the Bill and I am happy to say that I support it.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I rise to speak briefly on this Bill, and I am going to offer the Minister my support at this time. However, there are a few important points which I would like to make.

It is unfortunate, but I realise that these things sometimes happen, that we have had such short notice that I am unable to give the full treatment as I would normally have. Nevertheless, I have been able to go over the Bill and I would like to suggest to the Honourable Minister that perhaps some consideration should

be given to the fact that it may be timely, from a purely managerial perspective, to set in process some form of documentation centre whereby we can categorise these juveniles, who commit offences. They could be categorised into at least two types: namely, those who commit serious offences, such as I have read in today's paper—rape, firearms offences, crimes against the person involving grievous bodily harm—as against those who commit crimes against property—childish pranks, and some such occurrences and events of this nature.

I believe that from a rehabilitative and treatment point of view, it would make little sense to place hardened juvenile criminals—those who commit serious assault, be they physical assault, be they sexual, and who commit firearms offences—with juveniles who are mainly brought into rehabilitation because they have committed childish pranks, or because they have removed something without the owner's permission, or because they have entered a property. It would be, perhaps, a weakness in the system if we put these two categories of juveniles together to try to rehabilitate them.

I do not know to what extent this is being done now. Certainly, I believe that it is not covered in this amendment, and I cannot remember, since we did the Juveniles Law, if adequate facilities were made in this Law to cover this. I believe that it should be a practice for categorisation and for management and for effective rehabilitation that every juvenile who commits a serious offence: for example, an assault upon a person, wounding—be it felonious or otherwise, a firearms offence, sexual assault, et cetera. I believe that those persons should be given some form of psychiatric assessment or a battery of such assessment. If the juvenile is sociopathic, or if the juvenile has a tendency for psychopathic or serious pathological behaviour, the rehabilitation exercise will be futile if we do not know. Indeed, some types of antisocial behaviour may recommend that some of these juveniles be placed in situations where they may need to take additional means, be it drugs or ongoing counselling in addition to the regular rehabilitation offered at the Cayman Islands Marine Institute and other such institutions.

So, I would like the Minister to take note of these requests and, in his reply, if he could tell the Honourable House what his plans are in regard to this kind of categorisation and how he would propose to deal with these kinds of things. I have a reservation about enforcing any kind of treatment and rehabilitation. However, I realise that it may not be possible to do it any other way. I would only say to the Minister that he may well have to adopt a carrot-and-stick approach, particularly if he wishes to take the treatment up to the age of 19 which, of course, as we all know, is well past the age of responsibility here by one year. So he needs to pay some special attention to this.

Perhaps one should consider counselling to the point where the charges are made to understand that while the treatment is taken beyond the age of responsibility, it is entirely for their rehabilitation and to enable

them to fit into society as productive, responsible persons. Rather than the approach that it is the directive of the Court, or it is in the Law, so they must abide by what the Law says. It should be a situation where it is partly, if not wholly, voluntary or acceptable by the charges.

One other matter that I have, Madam Speaker—and I believe this could better be dealt with at the Committee Stage, but I am going to mention it for what it is worth now: I notice that the drafting in the amendment is, what is now termed, "sexist". In some instances it refers to a juvenile, and in other instances it refers to "him". I just merely wish to make the point, for whatever it is worth, that it could be a "her" also. So for uniformity and clarity we should stick with "a juvenile" or "the juvenile", rather than "a juvenile" or "the juveniles" sometimes, and other times "him".

Events in the community at this time in the Cayman Islands certainly would lead to the conclusion that something needs to be done if we are to curb this problem of juvenile crime and juvenile delinquency in our society. While this amendment may not be the "be all" and the "end all", in all fairness, I am going to give it a chance to succeed and, as usual, I will be monitoring it.

I wish the Minister, in his reply would inform the House of his disposition regarding the suggestions and observations which I made earlier.

[Pause]

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.23 AM

PROCEEDINGS RESUMED AT 11.49 AM

The Speaker: Please be seated.

Continuation of the debate on the Second Reading of the Juveniles (Amendment) Bill, 1994. (Pause)

If there is no further debate, I would ask the Honourable Minister for Community Development, Sports, Youth Affairs and Culture if he would reply.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, the problem with young people (juveniles) is something that plagues the world today. Every nation is struggling to come to grips with ways of dealing with young persons in trouble, whether it is civil or criminal. These troubles sometimes cost the country in more ways than dollars and cents. As a Government, I would like to promise this Honourable House that we are going to do everything we can. We are leaving no stones unturned to effect, in a positive manner, programmes that deal with our young people.

Madam Speaker, when we look at the cost of young people—and we know that we had several questions about the cost of the Marine Institute—the sum of \$790,000 is just for one youth programme of approximately 31 young persons at an average cost of \$2,123.00 per month, per young person. But Cayman is

doing well, regardless of what others might say. I think that in the last year we have come a long way. as the Virginia Slim advertisement says: "You have come a long way, Baby!" If Members of the House believe otherwise, they can examine the present day cost for youth in facilities overseas.

To give the House some background on cost, there are four facilities which are approved for use. Three are being used at this time and the cost could range from anywhere as high as \$6,588.00 per month, per child, with an average of all three facilities at \$4,235.00. So this cost is clearly more expensive than the existing contract to care for an even greater number of our young people locally where parents can, and should help with their children. Members and the people can figure out for themselves this matter of cost overseas—a high of \$6,500 and an average of \$4,200.00 compared to \$2,100.00.

Yes, we have come a long way and we are going further because I am going to break the back of our youth problem in this country. All I am asking the House to do is to assist—jump on the bandwagon and ride along with us. We are going to break the back of the problems and issues that face the young people in this country. I am not saying, that we are going to get it all done at one time, that cannot be done, but we are travelling now on a good road—still rocky, and we have a good bulldozer that will clear the rocks.

The central reason for bringing these amendments at this time is to allow the Juveniles Court to respond immediately to the various issues which face the Court in relation to young persons who fall into two categories; those who commit criminal offences and those who are deemed to be beyond control. That is all the amendments to the Law are doing at this time.

The resources at present, I agree, do not cover the entire spectrum of the needs our young people are faced with. However, I believe that the opening of the Marine Institute and the bringing of these amendments are attempts to decrease the gap in services and arrangements for young persons.

Clearly, the next step is to respond to a programme of secure treatment care, locally, which (and Members ought to bear in mind) would eliminate the problems we now faced with immigration issues and the high cost of sending some young people to the United States. I want to repeat that, Madam Speaker: The next step is to respond to a programme of secured treatment care done locally which would eliminate the problems now faced with immigration issues and costs in sending some young people to the United States.

In dealing with cost, if we are going to take care of our youth problems we are going to have to spend money. There was a big debate here the other day concerning the Prison about how much we need to improve on things that are needed there. Well, what do you think is going to happen with young persons when we start to put our programmes in place? I have always believed that we must effect our own treatment so that our people can grow with these institutions and later on, over the

years, be capable of handling these institutions rather than having to import outside expertise to deal with our youth problem. It is going to take time to do all of this and it will cost money.

The proposals from the Department of Social Services contained in the comprehensive draft instructions, on youth problems—the new law that I have talked about several times in the House—cover many of the issues raised time and time again by The First and Third Elected Members for Bodden Town. These instructions philosophically put the question of adherence to the view that children have rights and parents have obligations.

So this approach seeks to place firmly the position that problems for young persons should first be dealt with by parents. And we come back to that: it is the parents. Our people are going to have to understand this even if it costs me my seat, so be it. But parents under my administration are going to understand that they have a responsibility to their children—their own children.

In fact, Madam Speaker, I have made a national call that we should not only be responsible for our own children but we should, again, take up the old Caymanian habit of being responsible for somebody else's child. When I say that, I mean that if you see somebody's child doing something wrong, let the parent know, or perhaps, take it upon yourself to chastise that child by letting him know that he is doing wrong. In the old days that did not hurt us.

We are going to have to put aside the political cloak and all the nice talk if we are going to get things better in this country, and we are going to have to stand side by side as politicians, as representatives of the people, and say, "Ladies and Gentlemen, you are the sole person ultimately responsible for your child. There is no getting around it". If parents are unable to do this, then legislation which looks at civil and criminal matters separately, would seek to ensure appropriate responses are in place. This is what we are doing in the review.

I agree with the debate by the First Elected Member for Bodden Town that there needs to be a differentiation between juveniles who commit serious crimes as against those who are just troublesome. We go one step further to take in those whose crimes have been committed against young children who are, and have been, abused in one manner—sexually or otherwise. This is precisely what we are doing in the review, that is, to ensure proper process for civil/criminal matters. As I have said, we have two pieces of legislation – one dealing with civil matters and the other dealing with criminal matters.

Madam Speaker, we have begun our meeting on the review and I have already taken care of my stand on punishment for juveniles who commit serious crimes, as well as the matter of the responsibility of the parents. This piece of legislation today covers, for instance, all offences that are committed by a juvenile. A court may confiscate any property the juvenile used in connection with the commission of the offence. I agree with the

Third Elected Member for Bodden Town that we need to look at punishment, and that is what will happen in the review.

Madam Speaker, I would like to thank the House again for allowing this Bill to come through to this stage, and we hope that the review will be finished in time for the Revised Law to be brought back, hopefully, by September. I want to thank Members for their support, Madam Speaker.

The Speaker: The question is that a Bill entitled the Juveniles (Amendment) Bill, 1994, be given a Second Reading. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE JUVENILES (AMENDMENT) BILLS, 1994 GIVEN A SECOND READING.

The Speaker: The House will go into Committee to consider the Juveniles (Amendment) Bill, 1994.

HOUSE IN COMMITTEE—12.06 PM

COMMITTEE ON BILL

THE JUVENILES (AMENDMENT) BILL, 1994

The Chairman: Please be seated.

The House is in Committee to consider the Juveniles (Amendment) Bill, 1994.

The Clerk will read the clauses.

The Clerk: Clause 1—Short title and Interpretation.

The Chairman: The question is that Clause 1 do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED.

AMENDMENT TO CLAUSE 2(3)(c)

The Clerk: Clause 2—Amendment of the principal Law—Court Orders.

The Chairman: The question is that Clause 2 do stand part of the Bill. There is an amendment. Would the Honourable Minister wish to speak to the amendment to Clause 2? The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Chairman, this amendment in Clause 2, subsection (3), paragraph (c), is to alter the word "shall" to "may". The reason there, is that the order would not in all instances deal with the conditions that the person be within the rehabilitation school, and they would like to make it discretionary in the court rather than mandatory.

It is (c) at the bottom of page 4, for the benefit of Members.

The Chairman: The question is that Clause 2(3) sub paragraph (c) be amended by substituting the word "may" for the word "shall". The question is open for debate. If there is no debate I shall put the question that the amendment be made.

Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The ayes have it.

AGREED: AMENDMENT TO CLAUSE 2(3)(c) PASSED.

The Chairman: The question is that Clause 2, as amended, do stand part of the Bill.

I shall put the question.

Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The ayes have it.

AGREED. CLAUSE 2 AS AMENDED PASSED.

The Clerk: Clause 3—Approved school order.
Clause 4—Part VIA—Juveniles rehabilitation orders.
Clause 5—Amendment of section 57.
Clause 6—Amendment of schedule 1.
Clause 7—Schedule 3.

The Chairman: The question is that Clauses 3 through 7 do form part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The ayes have it.

AGREED: CLAUSES 3 THROUGH 7 PASSED.

The Clerk: A Bill for a Law to Amend the Juveniles Law, 1990.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye... Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled the Juveniles (Amendment) Bill, 1994. The question is that the House do resume and the Report be made thereon. I shall put the question. Those in favour please say Aye... Those against, No.

AYES.

The Chairman: The ayes have it.

AGREED: THE BILL TO BE REPORTED TO THE HOUSE.

HOUSE RESUMED—12.11 PM

The Speaker: Please be seated.

The House is resumed. Report. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

REPORT ON BILL

THE JUVENILES (AMENDMENT) BILL, 1994

Hon. W. McKeeva Bush: Madam Speaker, I have to report that a Bill entitled the Juveniles (Amendment) Bill, 1994, was considered by a Committee of the whole House and passed with the following amendments: in Clause 2(3) sub paragraph (c) the word "shall" was deleted and the word "may" inserted therefor.

The Speaker: Suspension of Standing Order 47, Bills to be read three times. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

SUSPENSION OF STANDING ORDER 47

Hon. W. McKeeva Bush: Madam Speaker, under Standing Order 83 I beg to move the suspension of Standing Order 47 to take the Bill through its latter stage.

The Speaker: The question is that Standing Order 47 be suspended in order that the Juveniles (Amendment) Bill, 1994, be taken through its final stages at this Meeting. I shall put the question. Those in favour please say Aye... Those against, No.

AYES.

The Speaker: The ayes have it. Standing Order 47 has accordingly been suspended.

AGREED: STANDING ORDER 47 SUSPENDED.

THIRD READING

THE JUVENILES (AMENDMENT) BILL, 1994

The Clerk: The Juveniles (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I move that a Bill entitled the Juveniles (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Juveniles (Amendment) Bill, 1994 be given a Third Reading and passed. I shall put the question. Those in favour please say Aye... Those against, No.

AYES.

The Speaker: The ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE JUVENILES (AMENDMENT) BILL, 1994 GIVEN A THIRD READING AND PASSED.

The Speaker: That concludes the Business of the House for this Meeting. Before I call for the adjournment, I would like to thank Honourable Members for their diligence to the Business of the House. I thank the Clerks also for their work and the Serjeant-at-Arms for his attention, and wish Members everything that is good until the next Meeting.

I will ask the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business, to move the adjournment of the House.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I believe it is appropriate also that on behalf of the Members of this Honourable House we express our appreciation to you for the way in which you have conducted the affairs of the House, and to the Clerk and her staff for the able way in which they have dealt with us, both in terms of papers and other requests which we have made, as well as the delicious refreshments which have been served during our sojourn here.

May I place on record our grateful thanks to Her Majesty the Queen and His Royal Highness the Duke for visiting the Cayman Islands and bringing us closer to the Mother country. I think the visit was one of sheer excellence and I am sure it is a time that all residents of

the Cayman Islands will remember with cherished memories.

With that, Madam Speaker, I move the adjournment of this Honourable House until the 1st of June, 1994.

The Speaker: The question is that the House do now adjourn until the 1st of June, 1994. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The ayes have it. The House is accordingly adjourned until the 1st of June, 1994.

AT 12.14 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 1 JUNE 1994.

**EDITED
WEDNESDAY
1 JUNE, 1994
10.02 AM**

The Speaker: Prayers by the Fourth Elected Member for George Town.

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, Official Members and Ministers 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. The Assembly is in Session.

Questions to Honourable Ministers/Members. Question No. 40 is standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MINISTERS/MEMBERS**

QUESTION NO. 40

No. 40: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what stage has the investigation into the missing funds at Northward Prison reached at this time?

The Speaker: The Honourable Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The Legal Department has advised that a number of charges have been laid and a preliminary inquiry has commenced in the Summary Court.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what exactly is the amount of these funds?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: No, Madam Speaker, I cannot.

The Speaker: The next question is No. 41, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 41

No. 41: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what companies or individuals are supplying or have supplied or purchased materials, etcetera, in the United States for the authorities at Northward Prison?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The Prison has purchased supplies or materials currently and in the past from the following companies or individuals:

Martins Uniforms	Econo-Chem
Pride of Florida	International Environmental Products
Kilgore Seed Company	American Correctional Association
Spectrum Chemicals	Herald and Banner Press
Momar	Applied Research
Keys on Wheels	Superior Surgical
Bob Barker Co	Oak Park Heights
Kane Vantage Wall	Ideals Publishing
Poultry Health Services	Glenco-MacMillan
Gavco	CR Crafts
Cadet Manufacturing	Carolee Creations
Uni-Chem Corporation	Eastern Craft Supplies

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Member in a position to say if any investigation is done into the background of these companies to ascertain the ethical and proper standing of these companies?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, only if the circumstances suggest that such an investigation would be appropriate.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Then I wonder if the Honourable Member could explain the reason for the authority's dealing with one of these companies, "Keys on Wheels," when it was in contravention of the Prisons Law?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I am unaware of the circumstances to which the Honourable Member is making reference, therefore I am unable to answer the supplementary.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Member saying that he is unaware that the principal of this company was a former prisoner at Her Majesty's Prison, Northward?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: That is correct, Madam Speaker, that is exactly what I am saying.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Member then saying that he is unaware that certain documents were laid on the Table of this House purporting that that was the case?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: That is correct, Madam Speaker. I seem to recall certain documents being laid on the table, but I am not certain that I was present in the House at the time; neither am I familiar with the background of the particular matter.

The Speaker: The next question is No. 42, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 42

No. 42: Mr. Roy Bodden asked the Honourable Third Official Member to state: (1) how much money was saved in 1993 by amalgamating several departments; and (2) what were these departments in which money was saved.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: (1) According to the unaudited 1993 figures, the savings of annual salaries and wages resulting from the down-sizing and amalgamations are so interlinked that the savings quoted are related to both exercises. The estimated net saving for 1993, after deducting severance and gratuity payments, was \$1,331,637. The savings achieved in rental and janitorial costs for 1993 by moving the Legal Department from the British American Tower to the Tower Building is \$13,800. Moving departments out of the Harbour Centre and the subsequent relocation is still ongoing and further savings are anticipated in 1994.

(2) It is estimated that the following departments will realise the following net savings for 1993:

Environment	\$ 66,123
Agriculture	\$ 18,900
Education	380,704
Lands/Survey	14,345
Personnel	243,066
Immigration	1,529
Department Vehicle	7,930
Public Service Commission	5,986
Finance	105,096
Customs	47,179
Broadcasting	31,414
Fire	14,307
Legislative	24,480
Judicial	111,888
Prison	84,408
Treasury	39,108
Economic/Statistics	25,784
Marine	41,570
Social Services	67,817
Total Saving	\$1,331,637.00

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: In one section of his answer the Honourable Member stated that "moving departments out of the Harbour Centre and the subsequent relocation is still ongoing." I wonder if the Honourable Member is in a position to state when these moves will be completed, and he will be able to arrive at a definitive figure of savings?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the three departments that remain in outside premises are the Financial Services Supervision Department, the Department of Tourism and the Agricultural and Industrial Development Board. The original expenditure for rental of premises in the Harbour Centre, for example, was \$332,640. The moving of departments out, such as the Audit Department and others, has so far yielded a savings of \$168,120.

As soon as the refurbishing of the Tower Building can be carried out to a satisfactory level in order to maintain or project the image that is required to house the front line departments, such as the Tourism Department and Financial Supervision Department, we are hoping that the Government will take a decision to get those departments out of the Harbour Centre along with the Agriculture and Industrial Development Board.

The present lease at the Harbour Centre will expire in January 1995, so in the interim the Government will be required to investigate the possibility of relocating these departments to existing Government buildings.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, will the Honourable Member say if these savings are reflected in the 1994 Budget, and what will happen to these savings? Will they be spent on other items or will it be a true savings at the end of the year?

The Speaker: The Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the limit for 1994 expenditures has already been set in accordance with the budgetary guidelines. Because the unaudited figures at this time suggest that the surplus at the end of the year which was initially estimated to be \$0.3 million will turn out to be \$2.3 million, a meeting of Finance Committee will be held later on during this meeting.

The Government is proposing to give a 5 percent salary award to the Civil Service. This will consume approximately \$1.5 million of that. However, the Government will still be better off by a further \$.5 million in excess of the \$.3 million, or \$300,000, that was estimated at the time the Budget was presented to this House. I do not think that the money will be used up unnecessarily.

The Speaker: The next question is No. 43, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 43

No. 43: Mr. Gilbert A. McLean asked the Honourable

Minister for Tourism, Development and Planning, Leader of Government Business when was the last complete test done on water being provided by the Water Authority in Cayman Brac?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Samples for the last complete test on water provided by the Water Authority in Cayman Brac were collected on 17 February, 1994, sent by courier to Grand Cayman on that day and completed by 23 February, 1994.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say if any tests have been done since that time and what span of time was there prior to the February testing?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, there is a combination of the Water Authority being responsible for the quality of the water and the Department of the Environment being responsible for the testing of water, but the answer to the Second Elected Member for Cayman Brac and Little Cayman is that a complete analysis is scheduled to be carried out every six months.

In addition to the twice yearly detailed analyses, routine monitoring of the Cayman Brac water supply includes daily analysis for total dissolved solids (TDS), pH, chlorine level and zinc content; weekly biological analysis for faecal and total chloroforms; quarterly analysis for chlorine bicarbonate, alkalinity and hardness. The samples are sent by courier to Grand Cayman and tested the same day in the Water Authority.

All tests to date show that the Cayman Brac water supply is of excellent quality. All parameters are well below the guideline values suggested by the World Health Organisation.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if in the last test any high degree of rust content was found such as those that would cause discoloration of tanks and/or cisterns, or any higher than usual salt content although within the accepted limits?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the salt content was high, but it was still below the World Health

Organisation required number. No rust was found.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if there are any plans afoot or consideration being given to reducing the level of salinity in the water which would make it softer? I have personally heard some complaints about the taste of it.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, sorry for taking so long, but I had to refer to technical advice. The answer is yes. There will be as the Member put it "moves afoot" to reduce the salt content in order to bring it lower than it is presently, although at present it is still below the level of the World Health Organisation. We hope to also bring certain guidelines within the Department and perhaps even legislation to cause this to happen.

The Speaker: The next question is No. 44, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 44

No. 44: Mr. Gilbert A. McLean the Honourable Minister for Tourism, Development and Planning, Leader of Government Business if any tests have been done recently on the ground water in Cayman Brac, particularly within a half mile radius of the electrical power plant.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Yes, ground water samples were taken from existing wells within a 2,000 foot radius of the Cayman Brac Power Station on 29 October, 1993. These were tested for organic compounds and heavy metals by a laboratory in the United States of America on 2 and 3 November, 1993.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say what the findings were, and did they show any signs of having petroleum contamination of any kind?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, all organic and heavy metals tested were below the method

detection limit, or the guideline values of the World Health Organisation. The result suggests that the ground water is not contaminated by organic compound or heavy metals which are commonly associated with power plant operations.

Biological analysis showed that two of the samples had positive faecal and chloroform bacteria count, which indicated pollution from warm-blooded animals. The hydro-geological investigation appears to suggest that the alleged contaminants may have entered the individual wells because of inadequate well head protection. This situation is particularly critical if the well is close to the main road and obviously below the road level.

The alleged contaminants, which at the time of the testing were not found to be present, may come from vehicle exhaust or spills deposited on the road surface which were removed and carried to the wells by surface run-off during heavy rains. This conclusion is in agreement with the irregular occurrence of the alleged smell and that the alleged smell was most evident after heavy rains.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: When the Minister refers to testing for organic content, would he include what we call lube oil and diesel?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The answer is yes, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Having tested the water in some of the wells in this area, would it be safe for persons within this parameter to use the water from the wells for any purposes at all? If so, has there been any advice given to the people living in that area?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: My understanding is that households in the area were advised of the quality of the water in the wells and no suggestion was given that that water should be used for potable reasons.

The Speaker: The next question is No. 45, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 45

No. 45: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Reha-

bilitation if a national health insurance scheme will be instituted to replace the previous scheme which was abandoned by Government.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I will preface my answer by saying that the previous scheme was suspended, instead of abandoned.

It is the intention of the Ministry of Health, Drug Abuse Prevention and Rehabilitation to recommend to the Government that a national health insurance scheme be instituted. Escalating costs of health care, particularly tertiary health care requiring referral to overseas providers, is a matter for serious concern both to the Government and citizens of the Cayman Islands.

The Ministry has given this matter the highest priority in its projected plans and, accordingly, has already initiated discussions at several levels. The previous Minister also had meetings and some discussions with the insurance people and these discussions are now being correlated.

The Ministry is not ready to make an announcement at this time of when it will be brought. Hopefully, it will be by the end of the year.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister give an indication as to what extent the discussions have gone—are there any working papers, any drafts of a possible scheme, or anything that will be coming to Members of the Legislative Assembly or the public any time soon?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, not at this time. We are still meeting with people, getting some basic background information, gathering figures to make a decision as to what route to take.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In light of the ever rising medical costs, tertiary and otherwise, is there any chance that there will be a scheme in place by the end of this year?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, it is my intention to do my utmost to see that this is brought to the floor of this House. I have seen the amount of money that is being

spent by this Government and it cannot continue if we are to survive financially. We must take the necessary steps to have this brought as quickly as possible, and I will assure the honourable member that I will do my utmost to work at this.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the Honourable Minister said that the previous scheme had been suspended. Suspended is a milder word than abandoned, but I would like to ask if the previous scheme had gone into operation to where people had been paying premiums and collecting benefits?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I am not quite sure about this, but I think there was a date when it was due to come into effect, and that date had not been set to the best of my knowledge.

The Speaker: The next question is No. 46, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 46

No. 46: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs what is Government's present policy regarding the processing of applications for permanent residence.

The Speaker: The Temporary Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, in accordance with the provision of Standing Order 23(5), I have to beg leave of the House to defer answering question number 46 to another sitting. The answer is not presently with me.

DEFERMENT OF QUESTION NO. 46 STANDING ORDER 23(5)

The Speaker: The question is that the answer to question No. 46 be deferred to another Sitting. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Question No. 46 is deferred until another sitting.

AGREED: QUESTION NO. 46 DEFERRED TO ANOTHER SITTING.

The Speaker: The next question is No. 47, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 47

No. 47: Mr. D. Kurt Tibbetts asked the Honourable Minister for Tourism, Development and Planning, Leader of Government Business to give an update on what action has been taken on Private Member's Motion No. 12/93, passed by the Legislative Assembly on the 3 December, 1993, concerning a review of Marine Zoning.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The Northern portion of the new Replenishment Zone as proposed in Private Member's Motion No. 12/93 fell within a Cable and Wireless restricted cable area where anchoring and fishing are prohibited. In order to resolve this conflict the Ministry first had to work with the Port Authority, the Department of Environment and Cable & Wireless.

Following successful resolution of the issue in February 1994, the Department of Environment requested the Lands and Survey Department to provide assistance with:

(i) providing the geographical coordinates for the boundaries of the new Replenishment Zone extending from the Treasure Island Resort southward to the old Pageant Beach Hotel; and (ii) amending the illustrative plan for the Grand Cayman Marine Parks (i.e., the Fourth Schedule to the Marine Conservation (Marine Parks) Regulations 1986). This information is necessary in order for Regulations to be enacted to formally Gazette the new zone.

On 25 May, the Lands and Survey Department confirmed that the field survey work had been completed and they are now in the process of generating the geographical coordinates. Once this is done the illustrative plan can be amended. The work has been placed in the Lands and Survey work programme and is scheduled for completion in six weeks' time.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Minister could say (having said in part of his answer that the Lands and Survey Work Programme is scheduled for completion in six weeks' time) if that is on schedule, or, if that happens on schedule, when will the Motion that was passed become a reality?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I could

be funny and say in six weeks' time, but I do not think that that is the answer that the Member is asking for. I would say shortly after the information is provided to the Ministry.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Assuming my ignorance, Madam Speaker, would the Honourable Minister be in a position to outline to me exactly what the procedure is to complete this exercise?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: I do not count the Member as ignorant, Madam Speaker. The procedure would be, as I understand it, that once the coordinates have been given to the Ministry there needs to be a paper to Executive Council for regulations to be made, or for amendments to schedule 4 to be made. Once that happens (and that can be done within two weeks, possibly one week) then it needs to be Gazetted before it really comes into effect.

The Speaker: The next question is No. 48, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 48

No. 48: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture Following the recent announcement that the Cayman Islands will be hosting the 1995 Carifta Games and the 1995 Shell Cup Finals, will the Minister outline what plans are being formulated for the upgrading of sporting facilities in George Town.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: The National Team Government is committed to the promise made in its Manifesto to develop facilities throughout the Cayman Islands by improving the district facilities and where these are non-existent to establish them.

Since the Cayman Islands has committed to hosting two major regional sporting events in April and July 1995, namely, the Carifta (Track and Field) Games and the Shell Caribbean Cup Finals, we are moving forward by upgrading the George Town Sports Complex to supplement the West Bay Sports Complex for hosting these Games.

In February 1994, the first phase of the proposed development was completed at the Ed Bush Football Complex in West Bay. This facility now comprises a permanent seating facility for approximately 1,300 persons,

including VIP seating. In addition, there are two team changing rooms, an officials' changing room, toilet and shower facilities, a small conference room and a concession stand. This complex also includes an international size football field that was used for the Shell Cup elimination matches in February, as well as a practice pitch.

The George Town Sports Complex will continue to be developed in phases. The priority for the next phase will be preparation for these games and will include: provision of another 100 meter running strip on the west side of the track; re-surfacing of the entire track; expansion of the existing football field; the building of grandstands on both the western and eastern sides of the track; re-paving, where necessary, of the existing hard courts; proper drainage; landscaping and paving of the carpark.

The grandstands are to have a seating capacity of 3,000 with at least 1,000 seats covered. They will also provide a variety of standard offerings and amenities including: concession areas; toilets; a VIP area; media facilities; a general purpose office; a conference room and a first aid/rehabilitation facility. These will complement those in West Bay and together will meet the requirements of these Games.

My Ministry and the Sports Office continue to work closely with the Public Works Department, building upon the experience gained from the Ed Bush Football Complex Project.

Work on this phase of the George Town Sports Complex must be completed by April 1995.

The Speaker: The next question is No. 49, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 49

No. 49: Mr. D. Dalmain Ebanks asked the Honourable First Official Member responsible for Internal and External Affairs when will the coastal surveillance boat be put in operation and will its crew be Caymanian.

The Speaker: The Honourable Temporary First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The new patrol vessel, a 48 foot launch, is currently under construction by Sea Ark Marine Inc., and is expected to be operational mid to late July, subject to inspections at various stages of its construction proving satisfactory.

The Commissioner of Police and Collector of Customs are liaising on crew selection.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Could the Honourable Member say whether there are any plans for obtaining another

boat?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Not at the present time, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Honourable Member stated in part of his answer that the Commissioner of Police was liaising regarding crewing of the vessel. The question was asked, will its crew be Caymanian? Can the Honourable Member expand on how this liaison will be completed and if it is leaning in the way that the question has been asked?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, insofar as it is possible the crew will be Caymanian. Where it is not possible non-Caymanians may have to be part of the crew.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Member be in a position to say if the possibility exists for training of Caymanians who may not be qualified at this time to fill any of these positions?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, the departments, particularly the Police Department are very aggressively seeking to fill vacancies with qualified Caymanians. Training will be provided, as is now the case, and intensified efforts are going to be placed in the area of strengthening the Marine Division. Some external assistance has been offered in order to undertake a certain amount of training for Caymanians as well.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Honourable Member in a position to say, since this vessel is not presently ready, if there are any positions which may not be filled by Caymanians where training could be started now so that it would lessen the necessity of having to get non-Caymanians?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, there is a certain amount of training ongoing within the Marine section at the moment. Training has to be tailored to the practical usefulness of the vessels that are going to be

crewed. Therefore crewing, or training, for this particular vessel cannot commence in earnest until the vessel itself is available. However, such training as can be undertaken has commenced.

The Speaker: The next question is No. 50, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 50

No. 50: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture when will the facilities for indoor sports be commenced and where will they be located.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, it is Government's intention to provide facilities for indoor sports subsequent to Phase I of the National Sports Complex. It is envisaged that an indoor facility for basketball, netball, volleyball, boxing, badminton and martial arts will be provided in later phases. These facilities could be utilised for training on a controlled basis as well as for competition as needed.

Provisions of indoor sports facilities in regional and/or district facilities will be in accordance with available resources as public funds allow, but also depending on the support of the private sector in funding these projects, or in providing similar facilities themselves.

The Ministry's Sports Facilities Plan envisages that the second order of priority for provision of indoor facilities would be the Regional Facilities at West Bay, George Town, Frank Sound, and Cayman Brac.

Aside from catering for competitive activities, indoor facilities are seen to include weight training and physical rehabilitation facilities as appropriate. Indoor facilities will be located at the George Town and eastern district complexes in Phase II and Phase III, respectively.

The Speaker: The next question is No. 51, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 51

No. 51: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to outline plans for the provision of similar sporting facilities in other districts as those in West Bay.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the plan presented by this Ministry, and accepted by the Gov-

ernment, is to work to provide three tiers of facilities. One tier will consist of a national complex; the second, of a series of regional complexes to serve population centres in West Bay, George Town, Frank Sound and Cayman Brac. The third tier will consist of facilities in individual districts, which will be devised and implemented as the population grows, as demand of users increases, and as facilities can be afforded. These amenities will be on a smaller scale and may be distributed in different areas of a district.

The West Bay Sports Complex is to be developed as a regional facility. The Ed Bush Football Complex is the first phase of this. The facilities, which will be similar in scope, are to be located in George Town, Frank Sound, and Cayman Brac.

The facilities at the George Town Sports Complex will mirror closely what is now available in West Bay. The grandstand for George Town will, however, have seating capacity for 3,000, compared to approximately 1,300 plus in West Bay.

The eastern district (regional) facility in Frank Sound will be provided with an international size football field in Phase I. Phase II will include the construction of a grandstand with a seating capacity of 1,500. Both will have changing rooms for players and officials, showers and toilets, a small conference room and first-aid, rehabilitation, weight training facilities (the latter will also be added to West Bay). All Regional Facilities will have these amenities and will also have indoor competitive facilities, running, walking and cycling tracks, as well as teaching pools and public parks.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, a certain amount of money has been provided in the 1994 Budget for a smaller amount of work at the sports fields in Bodden Town and Breakers. The year is about half gone, I would like to ask the Honourable Minister what are the chances of getting this work started and completed? This goes in keeping with the question about providing facilities in the rest of the Island.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The Bodden Town playing field, or the rehabilitation of the field at the Primary School, is continuing to be developed. It is to the extent where it will soon have its lighting commissioned. In fact, I believe that event will take place on the 6th at around 6.30 p.m.

Work is ongoing on the construction of the East End playing field and there are minor improvements to be made to the North Side playing field. That is as far as I can take it at the moment, but work is being done on

the Bodden Town Primary School playing field.

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: As a follow up to that supplementary, I wonder if the Honourable Minister could say, in considering the regional facilities he spoke of for Cayman Brac, if the purchase of the present teaching pool would be considered?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Certainly, Government has been in discussion through efforts made by the First Elected Member for Cayman Brac and Little Cayman in regard to that pool. I trust that shortly we would come to some conclusion on that pool. I should also say to the House, regarding the Breaker's field, the Public Works Department is still doing some planning on that field.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: This supplementary may seem to be a bit premature, but nevertheless I will make the attempt. I wonder if the Honourable Minister is in a position to give any comments regarding what type of mechanism will be in place as to method of operation.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, perhaps the Member could clarify what he means by method of operation?

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: What type of management is going to be put in place for the facility with regard to personnel and how people will be able to use it?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, presently there are no rules, as such, for management except that Government is responsible for public facilities. These rules will be developed and in the process Sports Office staff will be enhanced. But Government is calling on the private sector, sporting organisations in general, to assist us in the management of facilities. Government can spend money to build, but there will be a lot of maintenance in future years. That is what we will be asking the

public to assist us with.

The Speaker: That concludes Question Time for this morning. The next item is Government Business, Motions.

Government Motion No. 1/94—Amendment to the Development Plan 1977. The Honourable Minister for Tourism, Environment and Planning.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 1/94

THE DEVELOPMENT PLANNING LAW (REVISED) (AMENDMENT TO THE DEVELOPMENT PLAN 1977)

Hon. Thomas C. Jefferson: Madam Speaker, I beg to move Government Motion No. 1/94 entitled, The Development Planning Law (Revised) (Amendment to the Development Plan 1977). The Motion reads:

“BE IT RESOLVED by the Legislative Assembly, pursuant to the powers conferred on it by section 8 of the Development and Planning Law (Revised), that the Development Plan 1977 (being the plan referred to in subsection (5) of section 6 of the Law) be this day altered by the amendment of the map incorporated with and forming part of the Plan as follows:

“1. Block 33E Parcel 83 (coastal portion) at Cayman Kai, to be rezoned from Public Open Space to Low Density residential, as shown on the attached map, marked A; and

“2. A 7,000 square foot portion of Block 33M Parcel 39, at Cayman Kai, adjacent to the western boundary of 33M 37 and immediately to the North of the existing Public Open Space Section 33M 39) Residential to Public Open Space, as shown on the attached map, marked B.”

Madam Speaker, the proposal is really to rectify a matter that went wrong in the past where a parcel of land was sold to a gentleman who built a house on a portion of it. When he made a move to extend his house towards the sea, he was told by the Planning Department that it could not be done because the portion between his house and the sea was Public Open Space. The developers have moved to assist him to correct the difficulty by offering another parcel of land equivalent to the present parcel adjacent to the gentleman's property in the Cayman Kai area, and adjacent to an already public open space which is identified on the map attached to the Motion in Registration; Rum Point—Block 33E and 33M.

I recommend the Motion to Honourable Members.

The Speaker: Government Motion No. 1/94 is accordingly open for debate.

The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I rise to support Government Motion No. 1/94 entitled the Development and Planning Law (Revised) (Amendment to the Development Plan 1977). As the Honourable Minister moving the Motion has explained, somewhere along the way there was some confusion when a section of this lot referred to was declared Public Open Space.

I have met with the developers of the Cayman Kai area and they assured me that they were not aware of the situation when they sold the lot. They subsequently applied to the Planning Department to build a house for the person purchasing that lot and they were not told that half of the lot towards the sea, without any public access to it, was public open space. They have generously offered to give to the people as public open space the half of another lot that was in the same situation.

I have dealt with these developers on a personal basis and as businessmen, and have found them to be persons of their word. I have also discussed the possibility of another piece of property somewhere in that area on the clearer waterside of the Cayman Kai area. I have been assured that if certain things do not take place they will be more than happy to put this piece of property as public open space for the people of the district.

I would like to clarify, while standing on the floor of this House, a rumour that is existing in my district that I am returning the Kaibo Beach area to the developers of Cayman Kai. I would like to make it very clear to the listening public that this was never thought of either by the developers or myself.

Madam Speaker, I support the Motion.

The Speaker: If there is no further debate, would the Honourable Minister wish to reply?

Hon. Thomas C. Jefferson: Madam Speaker, I think it is always courteous to say thanks for your support.

The Speaker: The question is that Government Motion No. 1/94 be approved. I shall put the question. Those in favour please say Aye, those against, No.

AYES.

The Speaker: The Ayes have it. The Motion is duly passed.

AGREED: GOVERNMENT MOTION NO. 1/94 PASSED.

The Speaker: At this time proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.11 AM

PROCEEDINGS RESUMED AT 11.32 AM

The Speaker: Please be seated.
Other Business, Private Members' Motions, Private

Member's Motion No. 8/94 entitled Compulsory Photograph Identification Cards in the Cayman Islands.

The Second Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/94

COMPULSORY PHOTOGRAPH IDENTIFICATION CARDS IN THE CAYMAN ISLANDS

Dr. Stephenson A. Tomlinson: Madam Speaker, it gives me great pleasure to move Private Member's Motion No. 8/94 dealing with compulsory photograph identification cards. I believe each of us here can remember the time when the Cayman Islands was a place where we all felt very, very safe. It was quiet, and it was a place of tranquillity.

This Motion deals with compulsory photo identification cards. In the recitals it says:

"WHEREAS at a recent meeting of the Anti-Crime Committee, which was formed by the Mover of this Motion and other concerned citizens of the Cayman Islands, it was generally aired that many of the crimes now committed are by juveniles who lack parental control;

"AND WHEREAS it has been noted that many young people who are below the legal age limit are found in and around bars consuming alcohol;

"AND WHEREAS it is known that young people below the legal age limit appear to be of the legal age and above;

"AND WHEREAS there are problems with undesirable persons, young and old, gaining access, through the back entrances and under the fences, to the Government Schools, some of whom peddle drugs and some even impersonate individuals to gain access;

"AND WHEREAS there is no Voters Registration Card system in the Cayman Islands;

"AND WHEREAS some school children are seduced by nefarious intruding adults to engage in sexual activities;

"BE IT THEREFORE RESOLVED THAT Government consider implementing the introduction of a compulsory photo identification system whereby everyone resident in the Cayman Islands who presently have no means of identification shall be required to have a photo identification card."

Thank you.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I beg to second Private Member's Motion No.

8/94.

The Speaker: Private Member's Motion No. 8/94 having been duly moved and seconded is now open for debate.
The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: I started by saying that I believe every Member of this Legislative Assembly can remember the time when the Cayman Islands was a very quiet and very tranquil place. We know that much has changed here in the Cayman Islands, including incidences of crimes. We are still known worldwide as a place with a relatively low crime rate. I believe that it is very important that we do all that is within our powers to ensure that crime does not increase in these lovely islands. I believe that what is needed in the Cayman Islands is an all out combat against crime. We need to wage a war against crime if we are going to make the impact needed to lower the crime rate here in the Cayman Islands.

I have been involved in the formation of an Anti-Crime Committee and I appreciate the effort of every member of that committee. The Committee has held three meetings so far, one each in March, April and May. I am happy to say that each member is extremely enthusiastic and hard working because they realise that perhaps one of the most threatening things to the Cayman Islands at the moment is crime. If we allow crime to increase in our Islands, whether committed by juveniles or adults, it will destroy us eventually. It will negatively impact on our morals of course, and it will affect our economy.

The Anti-Crime Committee has formed a steering committee comprised of leading citizens in this community with each person representing an organisation that is already involved in the combating of crime. We have the United Council of Churches represented, all the service organisations, the Police, and we have the Social Services Department represented on this steering committee. We are about to form a central coordinating organisation known as "ACTION," and we have already decided what our functions are going to be. This is a citizens' initiative to fight crime.

We all realise that the Government alone cannot solve the problem of crime here in the Cayman Islands. We have to assist the Government, including the Police, as much as we can. We feel it is important for us to form an organisation that will be responsible for coordinating crime information; an organisation that will ensure that there is no duplication of efforts and waste of human resources in this very important battle against crime. It will know exactly what the Rotary Club is doing, what is going on in the Police Force, what the Churches are doing and will assist the Police where necessary or the Churches as they try to reach out to families with problems. We see ourselves organising things such as a civilian patrols, etcetera, looking after ourselves in our respective districts.

It was at one of these meetings that a member suggested that juveniles are responsible for a significant

proportion of the crimes committed here in the Cayman Islands. One of the problems is that many of these juveniles get into trouble because of having access to bars, to places of entertainment and when they are asked if they are of the legal age limit, often they say they are. Sometimes they cannot be contradicted because many of them do appear to be over the legal age limit.

Once they gain access to bars they often get high on alcohol and sometimes other drugs, then they are liable to do anything. It is not uncommon here in the Cayman Islands, especially in the George Town area, to see very young people on the streets after midnight unaccompanied.

I feel that this Motion will serve many purposes, but I would like to stress from the very beginning that I am trying to target those juveniles who are getting into trouble because of the various habits that they have adopted. For instance, the Police can easily ask youths for identification when they get into trouble and they cannot fool the Police. The owners of bars can ask for identification, and the onus and the responsibility should then fall on the proprietors if they do not ask for identification. We know that there is already a legal age limit here in Cayman under which juveniles should not be sold alcohol. I see where this will only enforce that legal requirement and will be more effective.

We also know that at present there is no voters registration card system here in the Cayman Islands and up until now most of the people who are officiating during election times know the various voters. But I think that the way in which we are growing that this, too, will be helpful. If we do not plan to put a voters registration card system in place this could also serve the purpose.

As mentioned in the fourth Resolve of the Motion, many times there are people who should not be on the premises of Government Schools. This has been brought to my attention by Security Guards, Teachers, and some students who are very interested in making sure that their school environment stays safe. They complained that sometimes there are people on the grounds who gain access by a number of ways.

Some are children who should not be there who go in and cause trouble. Some are adults who claim or pretend that they are there for legitimate reasons, but are troublemakers. If everybody has an identification card at least it could be confirmed that they are the person they purport to be, then the proper action can be taken.

I want to state from the beginning that I do not believe it is necessary for everyone in the Cayman Islands to have the photo identification card. I am suggesting if they already, for instance, have a driver's licence or a valid passport because that can act as their identification. Someone suggested that perhaps I should have put in the resolve "have no means of photo identification," and I certainly would go along with that.

It is very important, I think, for a photograph to be on the identification card. I do not believe that it will be necessary for us to go the further step of having the thumbprint on the card. But to start with, a photograph identification card would be sufficient.

One of the problems that one could envisage right away is false photograph identification. I understand that even in Grand Cayman at the moment people can sometimes get false identification cards, and I am pretty sure that when this is implemented we will make sure that this cannot happen. The card that the person is given would be an authentic card.

I would be very interested to see where this Motion goes and how it is finally put into legislation with all the regulations, etcetera. One might say that there are many other things that we could do instead of putting into effect a photograph identification system in the fight against crime. But every little bit helps. I know, for instance, that Government implemented a number of initiatives against crime last year. We know that the Chamber of Commerce has been busy with their Crime Stoppers, and the various other organisations have all been playing a part in trying to combat crime. I believe that each of us realises the seriousness of crime and we will do all that we can to make sure that we wage this war against crime that is becoming ever more necessary. We realise that criminals have an underground intelligence and we have to combat that intelligence—we have to be smarter than they are and we have to be one step ahead.

Like I have said, it gives me pleasure in introducing this Motion and I look forward to the debate. Thank you.

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, it gives me great pleasure to say that the Government is happy to accept Private Member's Motion No. 8/94, to consider implementing the introduction of a compulsory photograph identification system whereby everyone resident in the Islands with no means of identification would be required to have one.

The Mover and the Seconder of the Motion are to be commended for the laudable objectives of this Motion. The House will be aware that under the provisions contained in the Elections Law, and based upon recommendations arising out of the last Supervisor of Elections Report, that certain recommendations are still to be looked at, vis a vis Voter's Registration Cards. However, this initiative, which we have been told is largely a citizens' initiative, is to be encouraged because crime affects everyone and every effort, be it ever so humble, has to be applauded once it is an effort in the correct direction.

Presently, under the Liquor Licensing Law, managers of licensed establishments are obligated to make their best effort to ensure that persons who are being served alcohol are persons who are old enough to legally purchase it. That is easier said than done when someone is approaching the age when one could be 18, or one could be 17. I can put myself into the position of the managers of such premises using judgment fairly and still, with the best will in the world, occasionally getting it wrong.

There are also many other occasions where time is of the essence, pressure is on the person dispensing to dispense quickly and at times if one is to stop and check identification one would be losing a fair amount of business. There are also public occasions when street dances are held and very large public events take place where bars stretch for yards along roadsides. I have attended one or two of these functions where people are standing three or four deep in an effort to purchase a drink. Where that kind of pressure is on it is very difficult—if not impossible—to expect persons, some of whom are working in a voluntary capacity, to stop and check everyone for photograph identification.

The requirement of this Motion is for the Government to consider ways and means of implementing such a scheme, not so much to make it inconvenient for the public, but to make it inconvenient for those who would seek to do what is not correct. Providing that the photograph identification mechanism is enforced in that manner where the emphasis is placed on targeting those persons who are at risk and not those who are innocent, then it seems to me that the objective will have been well met.

I am pleased to note that the Motion does not go as far as to exclude some acceptable forms of existing identification, such as passports and drivers licences, because where there are acceptable photograph identification documents one should not be compelled to duplicate it. It is also important to ensure that whatever mechanism is put in place is enforceable and not easily violated.

The Mover mentioned that all too often fake, counterfeit, or inauthentic documentation could be substituted. Naturally, any sensible photograph identification system will have to have some level of security protection in order for it not to be readily tampered with or easily falsified. Of course, we know that there are very many clever people who turn their energies to wrongful projects, and there are many examples existing where security features have to be improved in order to try and avoid tampering. So that, in itself, is an area that is going to require careful and ongoing scrutiny because once it is made by a system someone will find a way to try and get around it.

Madam Speaker, at the end of the day the obligation rests with all reasonable and law abiding residents of these Islands to use their conscience to do what they know is right and to cooperate with all appointed law enforcement agencies in such a manner as to uphold the law and to bring those persons to account who choose to violate the law. It has always been said that we are all free under the law, we all have responsibilities under the Law. This is a good example of an initiative that must be emulated. It is a citizens' initiative. It is one that does not seek to make it too onerous to implement and if it is implemented, and administered with the spirit with which it has been presented, it will have the desirable improved effect.

The Government is pleased to accept this Motion, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, with the permission of the Chair I would like to draw the attention of the House to Private Member's Motion No. 7/89 entitled, National Identification. This Motion read:

"WHEREAS the population of the Cayman Islands is increasing rapidly;

"AND WHEREAS an increasing number of people from outside these Islands are legally taking up gainful occupation or residence in these Islands;

"AND WHEREAS the increase of crime, especially drug related crime, is a matter of increasing concern;

"BE IT THEREFORE RESOLVED THAT Government investigate instituting a system of personal identification for all persons resident in the Cayman Islands, which would assist the law enforcement agencies." (1989 Official Hansard Report—Vol. I, page 516)

This Motion was passed on the 25th day of May, 1989. It seems to me that there may be some duplication and some overlap between this Motion and what is currently being called for.

I believe that the system of a National Identification by photograph is an almost universal system, a modern system. I believe it is a system which we in this country should adopt, hence I was the Mover of such a Motion in 1989.

As I recall the Honourable First Official Member at that time [Hon. Thomas Jefferson], explained in his contribution that it was the opinion of the Commissioner of Police that the matter was unnecessary and somewhat impractical to implement at that time. I suppose that may be the reason for the Motion being accepted but to this date, nothing has been done on the matter. Nevertheless, I would like to commend the Mover and Seconder of this Motion and to also say that the effort is in the right direction.

Madam Speaker, many people see the necessity of having some form of identification as called for in this Motion, and as was recommended in 1989. A recent case in point: While I was preparing for the Session of the Assembly in the recent past, I had occasion to go to the Post Office to register a letter. While I was there a young man turned up to claim a registered letter. The clerk, very correctly and professionally, asked for proof of identification. The young man in question could not produce any and the clerk very politely refused to give him the letter he had come to claim.

Madam Speaker that is but one case which establishes the need for identification on a national scale in this country. I would go so far as to suggest that when such an identification comes about, each person having that identification should be encouraged to carry it on his persons at all time, otherwise it will make little sense to have it. I would like to see the kind of system entrenched that if a policeman has reason to ask someone for identification, that that person need only to go into his wallet

or pocket and produce that identification. It will eliminate some of the cases we sometimes read about of people trying to give the police false names and false addresses.

Some years ago I had the opportunity of going to Japan for six weeks on a training course. One of the things that struck me about their society was that it is mandatory for every Japanese citizen to carry identification with them at all times. Certainly every foreign person, other than tourists coming into the country, is also issued with a photograph identification. It was mandatory that they carry their identification with them at all times—that official identification, not other forms of identification, not the passport, which I was made to understand at that time is not an identification document but is merely a travel document.

We sometimes think of the passport as a document for identification. It is dangerous to take one's passport as an identification document, particularly the Caymanian passport, which is desirable and in popular demand by thieves and people who are up to illegal and illicit businesses.

Madam Speaker, I would suggest that when this scheme is implemented the authorities encourage the holders to carry this identification at all times. I note too, that we already have a semblance of this in place, namely, work permit holders. They are issued with these forms of identification. We already have the beginning of this scheme in place. While it is bringing a certain expense on the Government, I believe that an investigation could be made where the people would pay for the IDs themselves. Certainly, I see no reason why the Government should go to this expense—and I am assuming here, Madam Speaker, that it would not be an enormous expense. It could be a consideration of the Government to have the holders of these identifications pay for the IDs themselves. I am assuming that it will cost in the region of \$10 to \$15.

The point was also made that these could serve as a form of voter's registration document. I advocate that we go the ultimate step of having the thumbprint embossed on the ID as well. If we do that, it will mean that we have a comprehensive system of identification and whenever we move to electronic voters registration we would not have to bother about seeking a thumbprint again. Having done that, we could satisfy ourselves that we have in place a comprehensive system of identification and would not need to have to recall or add anything in the future.

It is a modern system. It is a sensible system. It is a system that will enable the authorities to maintain proper social control, and I encourage the Government. I am heartened by the fact that the Member speaking on behalf of Government has indicated Government's willingness. I only hope that it is not placed on the back burner and that we can get some reasonable speed into the exercise, because this has been long overdue.

The Speaker: The Second Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. You mean the Third Elected Member for George Town.

The Speaker: I am sorry, the Third.

Mrs. Berna L. Thompson Murphy: That is all right.

All Honourable Members of this House are aware of the rapid growth, development, and changes that have taken place in Cayman over the past several decades. Gone are the days when we all knew each other, knew each other's children and knew all the youths in particular, in the Cayman Islands. Extended families no longer exist, where we have grandparents, or an aunt or uncle living with the family in helping to raise our youth. With these extended families came good teachings and moral upbringing for our youth. With this being more or less diminished, we have problems. Because of this we saw the need to bring this Motion in that our youth in particular are not easily identified and most of them appear to be older than their actual age.

I would like to share an incident that I experienced with my own son. As the Honourable First Official Member mentioned, when our youth go to bars they are not always questioned for some sort of identification. I took my nephew to lunch. He is the same age as my son, and they happen to be 16 years old. I asked him to perform a little deed for me, and he ordered a beer. He happens to be about six foot one inch, and my nephew is about five foot six inches. Even though he is a month older than my son, he was asked to produce some sort of identification.

I explained to the server that we really did not want the beer, I was just testing to see what she was going to say and do. My son, who is actually younger than my nephew—but appears older than he actually is—did not take the beer.

I continued to talk to the waitress and she said that she is not always able to question people for their identification because most of the youth do not have a means of photo identification and they are actually younger than they appear. Because of this, and the problems that we have learned from the youth themselves, of being approached at school by individuals to engage in illegal activities, I think it is very important that this be implemented and it could easily be done.

Many of our youth do not have passports. I do not walk around with my passport, and most other people do not carry passports with them because of the fact that they are cumbersome and there is the possibility of it being stolen, or being lost. Therefore, I think it is very important that this compulsory photo ID be implemented.

The previous speaker spoke about having to produce photo identification for registered letters and also for cashing cheques at the bank. Many times I have seen a teller ask to see a photo ID. It is now also asked for upon collection of packages and also for courier items. Not only will it help our youth, it will also help in the workplace and I strongly recommend this to the other Members of this House and ask for their support.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: I support this Motion and I would like to commend the Mover and the Seconder for bringing it.

It is very important that persons, especially young persons, have a proper identification. An example was given by the Third Elected Member for George Town, who stated an instance where a young person appeared to be older than he really was. I also think that it would be good because many of them are not old enough to have a driver's licence. In fact, there are people who do not have a driver's licence so they do not have that identification.

This would really assist in bars, clubs, wherever age is important. I believe that laws relating to drinking or selling of liquor to persons who are under age should be strictly enforced. Many times it is difficult where you have a teenager who appears to be much older than they really are.

Hopefully we will get the voter's registration card system in due course, hopefully for the next election. This is a subject that is really for the Honourable Chief Secretary and is dealt with by the Official Members, but I think that would also be good.

The worry that I think all of us have is where teenagers are exposed to drugs, alcohol, cigarettes, or whatever, and we have to do whatever we can to prevent it. The driver's licence is primarily one of a licence under the Motor Vehicles Law, but it is secondarily an identification document, as is a Passport, which is primarily a travel document. There are people who do not have these and it is important that we look at this and try to come up with something that is not going to be onerous on members of the public but, on the other hand, will fill this gap that exist.

I always find it very interesting when the Opposition jumps on the bandwagon and tries to take credit for something from several years ago. It sometimes reminds me that when one jumps the fence, one has to remember what was on the other side of the fence and to constantly remind oneself that there are other Members who can come up with these ideas and effectively get them through the House.

So, I commend the Mover and the Seconder for bringing this, and I fully support it. I will do everything possible to assist in getting the photo identification system in such a way that it does not create any hardship, but is an assistance to ensure that there is further protection to young people and anyone who does not have this type of card.

Thank you.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

As I rise to speak, I am reminded how time changes things and, indeed, how the two sides of this Chamber change people. The last speaker spoke of Oppositions jumping on the bandwagon and trying to get credit for things that happened in the past. My mind was pricked to recall what that particular Minister (who was then a Member) said when that Motion of 1989 was debated. Looking at the transcript, and reading from the transcript, I quote that Member as saying: **"Having said that, sir, what I am totally against is that it be made mandatory that people in the Cayman Islands have to carry a national identification."** (1989 *Official Hansard Report* Vol. I page 522)

The Motion before us deals with a mandatory identification for all people in the Cayman Islands. It goes to show how much the society really does change, and how peoples' views change. My good friend—who was Opposition with me in 1989 when we spoke on this, who is now the Third Elected Member for West Bay—had this to say: **"Numbered societies gives me some concern. Being a Bible man myself, the first thought that came to my mind was the prophecy in Revelation which specifically spells out that in the last days when the anti-Christ takes over you will be required to assume some type of identification for a number of reasons."** (Mr. John Jefferson Jr.—1989 *Official Hansard Report*, Vol. I, page 517)

Now, Madam Speaker, I trust that we have not reached that time, but it goes to show the changing views of people based upon where they sit.

I think that this Motion again brings forward a matter that needs attention. When the Motion, similar to the one before us, was brought it virtually cited the very same reasons for it. Certainly, in the area of crime, these conditions have worsened and increased. I would see this identification for persons in the Cayman Islands as being of particular use to the Police Force, or law enforcement agencies.

Often the Police, in the course of performing their duties, stop people who might be suspects and require their name. The person will normally give them his name, but that in turn does not have to be his real name. But to give no name at all could cause them to be detained. With an identification, be it a young person, a middle-aged person, or an older person, they could immediately identify themselves to the Police—name, date of birth, I would imagine would be primary on it, and such other information as might be considered valuable.

I also believe that there is a serious problem in this country with determining legal age. This has been cited by some of the other speakers, in terms of young people entering liquor licensed premises. It could certainly serve in those instances.

Also, there is the question crime, which is on the upswing. The juvenile age is between 8 and 17, as I recall. I think the Police or such probationary people that may be working with young people, could easily identify whether that person has reached the legal age of 18 or whether they were persons under 17 years of age in instances where there may be breaches of the law.

Crime seems to be increasing in all areas, and among the areas is that of forgery. I think the legal people call it 'uttering,' where people write cheques, or try to forge another person's signature to get money. Many supermarkets will not cash cheques now unless the persons are known to the proprietors or unless they have some form of suitable identification. Indeed, supermarkets themselves, in tightening up their management, have issued cheque-cashing identification. So, we are in modern times when we must move to deal with situations as they can most effectively be dealt with.

The Post Office has also been having some problems with people receiving mail be it registered or otherwise. I am aware that the Post Offices in these Islands are very strict now, demanding identification before persons can receive mail or whatever might be at the Post Office that they are claiming.

Of course, the people who are in this country on work permits have a distinct advantage, one might say, over those who are Caymanians or who have Caymanian status and so on, because they possess identification cards with their photo on it. It makes life rather simple for them to identify themselves to anybody. I would think that as Caymanians we would want no less for ourselves.

I do not view getting an identification card as some punishment being inflicted; rather I view it as something that would be useful to have. One thing that I believe the Government will need to take into account when looking at this is at what point would a person be eligible to receive an identification card. Here, I believe at some point in school age, perhaps at the age when a person becomes recognised as a juvenile under the law at age 8, one might consider issuing it at that point because of the question of juvenile delinquency. While the child may not be the most responsible person in the world, it would certainly be something that parents or guardians could keep safely for them and give them at such time as they may be away from home or otherwise.

There has also been talk about curfews in recent times. If we are to believe the figures published by the Chamber of Commerce, it seems a high percentage of people believe that some curfew should be in place for people below the age of responsibility. I think it is necessary myself to prescribe some particular hours in the night or in the early morning where persons who are not adults should not be on the streets or in public places unless they are properly accompanied. So, from a point of view of enforcing any type of curfew requirement—

The Speaker: Honourable Member, I am afraid that that is not a part of Private Member's Motion No. 8/94, and I think you should keep within the confines of the Motion. A curfew is not a part of the identification that is being proposed.

Mr. Gilbert A. McLean: Madam Speaker, I take your ruling. Basically, all I was attempting to say is if that were brought in, that card would serve as an identification of such persons.

The point has been made on voting and I think that recommendations have been made by other speakers. But perhaps, rather than the Election Officers going to the immense effort they must every four years to make sure that persons are registered and properly identified, it would be much easier. Perhaps citizens would be encouraged to register, because they could be easily identified without birth certificates.

Altogether, this Motion gives an opportunity for this country to take a progressive step forward in dealing with many of the various situations which have been identified, or stated here in the recitals of the Motion, and which other speakers have spoken about. It is clear that we are not talking about any voluntary situation as was in the first instance. What we are talking about is mandatory identification, and I can but remark again that time does change, and so do the views of people.

I do support this Motion for the resolve that it seeks.

The Speaker: If there is no further debate, I would ask the Mover of the Motion if he would like to exercise his right to reply.

Dr. Stephenson Tomlinson: Madam Speaker, I wish to thank all those who supported the Motion during the debate, and I would like to make a few points as I sum up.

Obviously, motions very similar to this one have been brought before the House. We heard the First Elected Member for Bodden Town mention that he had made a similar attempt back in 1989. I believe back in 1987 there was Motion No. 7/87 brought by the present Minister for Community Development, Sports and Youth Affairs, which was also similar—Mandatory Personal Identification. But I believe those two Members can feel a sense of gratification as they at least see identification being given to the immigrants in the country. At least something was done in that regard.

We know that times have changed and it is very important that we change with the times. Crime is on the upswing. Situations are more serious now than they were back in 1987 and 1989. Therefore, it is an even more pressing matter now, I believe, to have some form of photo identification.

I also noticed in the debate of the Second Elected Member for Cayman Brac and Little Cayman, there was a previous Member of the Legislative Assembly who was very much against making it compulsory that persons carry these identification cards. I would like to point out that this Motion does not make it mandatory. I am not suggesting that it be made mandatory that they carry the identification card. However, in my firm opinion, that is the only way that it is going to be practical. I will leave it for those who are going to work out the details to decide on all of these points.

We realise that many details have to be worked out. For example, who pays for the card? What is the minimum age requirement? Should the private sector be allowed to produce the cards and a Government stamp be required to authenticate the cards? All of these things

have to be worked out.

Then there is the question of some adolescents being allowed into places of entertainment to dance. I see absolutely no reason why they should not be allowed into some places of entertainment to dance, but they should not be allowed to purchase alcohol. All of these various things have to be worked out when the legal minds get behind this issue.

Again, I would like to thank each one who supported the Motion. Despite all of Government's work and the pressures, I look forward to this being implemented as soon as possible. Thank you.

The Speaker: The question is that Private Member's Motion No. 8/94 be approved. I shall put the question. Those in favour please say Aye...Those against, No.

AYES .

The Speaker: The Ayes have it. The Motion has been passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 8/94 PASSED.

The Speaker: Private Member's Motion No. 9/94. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 9/94

ESTABLISHMENT OF A SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW, INTER ALIA, A GOVERNMENT BLANKET GUARANTEE FOR LOWER INCOME HOUSING

Mr. Gilbert A. McLean: Madam Speaker, I beg to move Private Member's Motion No. 9/94, Establishment of a Select Committee of the whole House to Review, Inter Alia, a Government Blanket Guarantee for Lower Income Housing, which reads as follows:

"WHEREAS on Monday, 19th July, 1993, the Standing Finance Committee approved, by a majority, a blanket guarantee of between 10 percent and 35 percent to First Home Banking, the Bank of Butterfield, First Cayman Bank and a private company, Cayman Affordable Housing, for the purpose of these organisations providing mortgage financing to lower income Caymanians;

"AND WHEREAS this type of guarantee is the first of its kind ever undertaken by Government;

"AND WHEREAS the sum representative of a 35 percent guarantee is large and the results considerably speculative over which Government has no control;

"AND WHEREAS the details of this venture are minuscule and continue to be in comparison to the statement regarding the size of the envisaged project;

“AND WHEREAS the Legislative Assembly in Session has not to date been informed in comprehensive written legal form of exactly how the liability on public funds is to be applied and what safeguards of the people's money are provided;

“AND WHEREAS the Government guarantee for the purpose stated will allow expenditure to be incurred which will financially affect the lives of citizens of the Cayman Islands;

“AND WHEREAS the guarantee in its present form includes only three banking institutions and one private company on the Island, with no indication that any other such similar organisations would be included or were approached to participate in the proposed venture;

“AND WHEREAS no definite requirements or standards for the project, nor legal protection for the individuals who might become borrowers, have been published by Government;

“AND WHEREAS subsequent to a press conference held by the Honourable Minister for Community Development, Sports, Youth Affairs and Culture on Wednesday, 4th May, 1994, it has been revealed that certain official information stated in Finance Committee and the Legislative Assembly seriously conflicts with official information most recently stated;

“BE IT NOW THEREFORE RESOLVED THAT Government take no further action to commit public funds or incur public liability with any entity in relation to any low income housing scheme until the discrepancies in the present situation have been reviewed by the Office of the Auditor General and a report made to the Legislative Assembly;

“AND BE IT NOW FURTHER RESOLVED THAT the matter of a blanket guarantee by Government aforementioned be referred to a Select Committee of the whole House for consideration and examination, and for it to formulate certain standards, requirements and guidelines for a lower income housing scheme for which Government will provide a blanket guarantee and which will invite all financial institutions and housing construction entities, which meet specified qualifications, to participate in and bid for such business on a competitive basis;

“AND BE IT NOW FURTHER RESOLVED THAT in considering the matter, the Select Committee seek input from relevant financial and legal entities as well as members of the public.”

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I beg to second Private Member's Motion No. 9/94.

The Speaker: Private Member's Motion No. 9/94, having been duly moved and seconded, is now open for debate. Perhaps it would be an opportunity to take the luncheon suspension at this time, as it is now quarter to

one. Proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.18 PM

The Speaker: Please be seated.

Debate on Private Member's Motion No. 9/94. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I think I should say from the very beginning of my debate that I consider this Motion to be one of the most serious things that I have done in the Legislative Assembly since I have been privileged to be here. This is because of the serious financial implications with Government's involvement under a blanket guarantee scheme, and the fact that up until this moment in time there is no clear indication whatsoever available in writing or in contract form that has been made available to Members of this Legislative Assembly or the public, that the facts and details that are necessary for this to work properly are in place. Also, I think it is serious because what I term official falsehood has been told to this Legislative Assembly in this particular matter.

The matter of providing housing for lower income citizens of this country is, I believe, an idea shared by all Members of the Legislative Assembly to whatever lesser or greater degree. Around the world, countries strive to provide housing for their citizens, particularly those who need it most and who have the least to pay for it. There is always the problem of how we provide this housing. There have been numerous schemes tried around the world by different countries, different governments, and none are perfect. Some work to some extent, others create more problems than they correct.

This particular scheme came into being in Finance Committee last July, when the Member (now Minister) responsible brought a request to this House for the Finance Committee to approve a guarantee of between 10 percent to 35 percent to cover lower income housing, chiefly and mainly to an entity called Cayman Affordable Housing.

I am not singular in my concerns about the matters involved with this particular action of Government, for the Motion which I moved today is almost identical to the one that was moved last year by the Fourth Elected Member for George Town, except for a variation in one of the resolves which asked that if Government had any intention, or was in the process of committing public funds it should cease doing such a thing until this matter could be examined by the Auditor General. To the best of my knowledge he is the Officer who is supposed to investigate questions involving Government money, how it is or is not handled and whether it is being done in a proper manner or not.

When the Motion came to Finance Committee, first of all Members then present, the country as a whole and the media, believed that there was a scheme in place

and that the Government had arrived at a position with an entity called Cayman Affordable Housing, as a company (as the Motion was in the Finance Committee), First Home Banking, First Cayman Bank and the Bank of Butterfield, to provide a considerable sum of money over a maximum period of five years.

The company, Cayman Affordable Housing, allegedly had provided and had available \$17 million for lower income housing. We now know that that is not the case and that if the company, if there was one, had that amount of money it is certainly not available to build houses for lower income Caymanians.

This Motion said that Caymanians would be given 100 percent financing for their homes, either to build or to purchase, and the maximum level available to persons was set at a ceiling of \$80,000. Assistance with stamp duty and transfer fees would be considered in special circumstances so as to make it possible for 100 percent financing.

The peculiar thing about it was that for something so different and so unique (and happening for the first time), there was virtually no documentation available—nothing that could show that there was an entity called Cayman Affordable Housing that had made an offer to Government which had been accepted. There was no written documentation that the three banks named on that occasion had made any offer or had any contractual agreement with Government.

The Finance Committee—all of the Members of this Legislative Assembly except the Official Members—was simply required to believe all that was said was so. Some of us, namely the Fourth Elected Member for George Town and I, questioned certain things at the time of the presentation because it was not clear and it was necessary for it to be clear. I believe that any Legislator who wanted to act responsibly would have asked similar questions for details. I did. Others did.

It is worthy to note that the Member—a Backbench Member of Government, and now the Minister for Health—asked the first question after the Member for Housing presented the request. The question was, and I quote from the Minutes of the Finance Committee: **“I wonder if the Honourable Member is in a position to tell us a little about the Cayman Affordable Housing, otherwise known as ‘the Company,’ if he is in a position to do that.”** (*Mr. Anthony S. Eden: Finance Committee Meeting—19th July, 1993*)

The simple reply from the Minister putting forward the request was: **“This is a company headed by Mr. Heber Arch.”** (*Hon. W. McKeeva Bush—Finance Committee 19th July, 1993*)

Now, was that sufficient to know about the Company? I do not believe so. It was not sufficient then, and it is not sufficient now.

Another Member of the National Team group, when he spoke about the matter said, and I quote: **“Once again, we are fulfilling one of our campaign promises. I remember quite vividly saying that this was one area we would certainly be working on to provide appropriate housing for people.”** (*Dr. Stephen*

son A. Tomlinson—Finance Committee 19th July, 1993)

The greater the attempt to find out the facts and the details of this very grand proposal, the least was factually available or presented as documented fact.

This matter goes further than simply its dealings here in this Legislative Assembly. Before a matter comes to the Finance Committee it is supposed to follow a process. Unless that process has drastically changed (it would be of no great surprise to me if I heard it had changed) if any Ministry or Portfolio decides that a certain amount of money is needed for whatever reason, the Permanent Secretary confers with the Minister and finds out if it is his wish that this matter be put forward and go on to the Executive Council. The Minister responsible would take it to the Executive Council and the Executive Council would give its approval that it be brought before the Finance Committee.

What I wonder about, in terms of the Government administration at this time, is how much is required of anyone, any Ministry, any Permanent Secretary, any Minister, to show in support of something that he wishes to do before the Executive Council approves it. The Financial Secretary, to the best of my knowledge and belief, has to be satisfied and has to see the documentation before such requests were put forward. I wonder if they were made available to the Financial Secretary and indeed if he has in his possession such documentation. If that is the case, [it should] be made available to Members of this Legislative Assembly who all form part of the Finance Committee.

At this juncture I wonder if any thought was given to the legal ramifications of this. Was there in anyone's possession legal documentation—letters, contracts, whatever—that First Cayman Bank, Bank of Butterfield and First Home Bank were indeed entering into this situation with Government? Or is it possible for any Minister to come into the Finance Committee of this House and name any bank as being a part of something that Minister is putting forward? Was any legal advice sought from the Legal Department, from the Attorney General or otherwise? These are all significant and integral parts of this whole process, and one that I will show the significance of more vividly a little later on. I think that most people would accept that that would be standard procedure.

Right now in the United States there is a group of persons who say that things must be done or said in a particular way because that is “politically correct.” Of course, the American Civil Liberties Union is saying that such stereotyping or rigid condition goes against the whole situation of speech and all the rest of it. But this matter of finding ways and means of providing housing for lower income people in this country is something that is exceptionally politically nice to be involved with.

If one reads the Minutes of the Finance Committee meeting, one will clearly see how many went overboard to state their commitment, their belief in this, and all the rest of it. Members went to the point of saying that they knew Cayman Affordable Housing did a lot of business in Cayman. I now wonder how that could be possible

when the media—namely the *Caymanian Compass*—found out and has let the public know that there is no such entity existing in this country.

I asked a question on it. The Minister of Education felt it necessary to say that I was trying to stop this great creation and that I should have followed the way of my fellow elected member from the district of Cayman Brac and Little Cayman. It was all politically charged—and it remains that way.

The Minister of Education, however made a very insightful statement when he said, and I quote: **“I can tell you, Mr. Chairman, you cannot just walk into a bank and say, ‘Look, I want 90 percent, or I want 80 percent financing,’ in many instances, unless you can show quite a substantial income.”** (*Hon. Truman M. Bodden—Finance Committee 19th July 1993*)

That is a fact. And that point, I submit to this Honourable House, has not been developed, has not been clarified, and thus cannot be in existence—where Caymanian people, whose hopes have been raised so very high, have the financing available to them to acquire a house or to be in a position to pay a mortgage which they can afford.

When the vote was taken a division was called. There were nine people who voted Aye. There were two abstentions (the Fourth Elected Member for George Town and me). Mr. Truman M. Bodden, Mr. John D. Jefferson, Jr., Mr. Roy Bodden, and Mr. Haig Bodden were absent. So, the Finance Committee was not absolutely complete.

When the motion to discuss this matter came to the House some months ago, it was repeated and presented again to this House and to the people of this country (because it was broadcast on the radio) that a company called Cayman Affordable Housing had available \$17 million to build houses for Caymanians. The story was that Cayman Affordable Housing had \$17 million, the Bank of Butterfield would provide \$3 million over three years, First Cayman Bank would provide \$.25 million over three years and First Home Bank would provide \$1 million over three years for a total of \$3 million. The maximum lending would be \$80,000 and the Member presenting this information went on to say that there were certain criteria—the applicant must be Caymanian, including holders of Caymanian status; the applicant must be the prospective owner or occupier of the property; and the applicant must have no more than \$50,000 nor less than \$18,000 per year combined household income.

Those matters were presented as fact. Still no documentation on this scheme was made available to Members showing any agreement between Government and these banking institutions or Cayman Affordable Housing. It became clear, as it does even now, that this whole scheme was geared to one entity—Cayman Affordable Housing. Although the Member and some of his colleagues would say otherwise—that it was open to any construction company—there is no proof whatsoever that that is the case even now.

In the latest information available there is only one

entity and that entity is not, as was falsely said, Cayman Affordable Housing. That entity, by metamorphoses or otherwise, is the Frank Hall Homes (Cayman) Limited. So, there is but one entity to gain, whatever that gain may be, by this country offering a blanket guarantee for between 10 percent to 35 percent.

There were various attempts made to show that we (the Fourth Elected Member for George Town and I) were attempting to stop progress because we dared question this. We dared ask for more information and we were attempting to prevent the poor people of this country from getting houses they so badly needed—as if two votes against 13 would have any more significance than being on the paper. Anyone knows that two against 13 is the minority and therefore could not carry any vote. But again, it was politically correct.

The Motion that was put before the House was debated and there was much said by some Members of the National Team Party who used this to show that they had made great strides in achieving something for the country which no one else had even come near to doing.

Now everyone knows that this is not true and it is just a pie in the sky. Some of those persons have come to me and told me of instances where they have paid monies in excess of \$2,000 for a house through the Frank Hall scheme but have arrived at no point up until this time.

This Motion asks Government to set parameters, requirements and standards, and to give all entities the opportunity to competitively bid. It was not done then, I doubt that it will be done any time in the very near future.

This matter may have drifted on and have been lost in the usual way that the things go in the Cayman Islands—as the old folks used to talk about, a nine-day wonder. But what really brought this situation to the forefront was when the Minister for Housing called a press conference in the George Town Town Hall, ready to let the sparks fly, and announced that it was now ready to go. There were certain changes because the maximum (being \$80,000) had grown to \$125,000, and to be eligible for the scheme the ceiling which was \$50,000, had now grown to \$60,000.

In the debate the Minister for Housing said that the Housing Development Corporation would play an integral role in this. They would examine each application and, I quote: **“The lenders would nominate the clients to Government whose appointed agency, the Housing Development Corporation, will examine each application and confirm to Government whether the case merits the application of a Government guarantee.”** (*Hon. McKeever Bush—1993 Official Hansard Report, Vol. II, page 633*)

To me, there were merits that made sense, because the Housing Development Corporation has been in existence now for 13 years. It is the only entity in Government that has the experience with banking and lending and which, I think, has performed extremely well over those years. So, it would be natural that Government would use the expertise of the Housing Development Corporation. However, the Housing Development

Corporation did not come into play on Wednesday 4th of May. No mention was made of that whatsoever.

The world suddenly learned that it would be dealing with Cayman Affordable Housing. Another bank also entered the picture—the one, it was said in the debate prior, that was reluctant to lend money in some instances, the Canadian Imperial Bank of Commerce. That would now also be an entity working hand-in-hand with Cayman Affordable Housing.

One got the impression that Cayman Affordable Housing was a company that, indeed, was a local company. Mr. Heber Arch, being named as heading it, is well known. I think there was a bit of sell in that idea, but at this point in time that has soured immensely.

Cayman Affordable Housing, according to the report of Monday 9th May, does not exist as a legal entity. It was always a company called Frank Hall Homes (Cayman), Limited being given the exclusive opportunity, over all the other development companies in this country, to be granted Government's guarantee of from 10 percent to 35 percent of the people's money.

I do not know Mr. Frank Hall. I have no cause to know him other than because the Government of my country is involved in a situation that involves his company. The people's money is at risk. Why is it exclusively Mr. Frank Hall, who must have access to this privileged position?

It is not true that this company has \$17 million available to it to spend. That was clarified when he said, and I quote from the newspaper: “**The \$17 million over a five year period’ referred to by Mr. Bush, meant that they were prepared to do up to \$17 million of construction within the Government guarantee scheme over the next five years.**” (Quote by Mr. Frank Hall—*Caymanian Compass* 9th May, 1994)

They might be interested in doing \$20 million over the next five years. Here I would ask: Why? Why was Budget Homes, or Mr. Antonio Hawkins, who to the best of my knowledge was one of the first persons in Cayman who was involved with CDB (Caribbean Development Bank) monies back in the 80s and, to some extent with the blessing of the cooperation from Government, in Budget Homes . . . would he not be interested in doing \$17, or \$20 million worth of business under a Government guarantee such as Frank Hall Homes? He is a developer, one of the first known to us. He pioneered it and took the risks. What about Mr. Kent Rankine? He is a Caymanian developer who has developed a large housing area behind Halfway Pond and various other areas. Would he not be interested? What was the magic with Frank Hall Homes (Cayman) Ltd.—which was called by the *nom de plume* Cayman Affordable Housing?

What we also learned was that the only thing that Cayman Affordable Housing (I should not use that term, I mean Frank Hall Homes) wanted to do, and was doing, and did not hesitate to say—they had housing units for sale in Silver Oaks, opposite Tropical Gardens, two places in Newlands, and one to begin West Bay—was to sell their units. Plain, straightforward business transactions. I have no difficulty with that whatsoever.

What I have a problem with is that Government, through the Minister for Housing, deliberately came to this Legislative Assembly and the Finance Committee and misled this House and the Finance Committee talking about Cayman Affordable Housing when they were talking about Frank Hall Homes (Cayman) Ltd.

The Speaker: Honourable Member, I do not like the word “deliberately.” I think it is very mischievous and I would ask you to withdraw that term. I do not believe that any Member would deliberately come to this Assembly and confuse us or tell us something that was not true. Would you please withdraw that remark?

Mr. Gilbert A. McLean: Madam Speaker, I bow to your request. I withdraw that statement.

The Member came to the Legislative Assembly on behalf of the Government and said that they were doing business with Cayman Affordable Homes Ltd., and it has since been discovered that that does not exist—according to the media, and Government's making no attempt to prove otherwise.

Hon. W. McKeever Bush: Madam Speaker, on a Point of Order. Standing Order 35, suborder (4). In spite of your ruling, the Member is constantly referring to this thing as being misleading or “official falsehood,” as he has termed it. There is a company called Frank Hall Homes, trading as Cayman Affordable Homes Limited.

The Speaker: Honourable Minister, would you do that in your address, please? That is not a Point of Order.

The Second Elected Member for Cayman Brac and Little Cayman, please continue.

Mr. Gilbert A. McLean: Madam Speaker, Government is supposed to act in a manner that keeps its credibility intact. If it was the case that Cayman Affordable Homes Ltd., did exist, it should have been put forward to this Legislative Assembly and to the Finance Committee that it was Frank Hall (Cayman) Homes Ltd. The whole truth, all of the details about Silver Oaks and the subdivision in Newlands and West Bay, should have been made known to this country.

When the situation was exposed as it was on Monday 9 May, many people were baffled and wondered about it. Again, what was said there by the contractor himself contradicted what the Minister was telling the country and the Members of the Legislative Assembly.

Mr. Arch, whose name was mentioned from the time of the Finance Committee, said, “**...under the Government guarantee scheme, they hoped the customer would make a nominal down payment [of] between \$2,000 and \$4,000.**” (*Caymanian Compass*—9th May, 1994) Of course, the story being put forward by the Minister on behalf of Government was that it was 100 percent covered by a Government guarantee.

It had its effect. A lady who had been to Frank Hall Homes (Cayman) Ltd., came to me and gave me a copy of a financing application. I have that copy here today. Attached to this were drawings of a two bedroom house to which was attached the financial scheme as it was

supposed to be. She has a large family, she has a number of children working, and to her great disbelief, she found out that for a small house, as contained in this financial schedule, the monthly mortgage would be \$1,174.19. That was a small house.

For the medium house, the monthly mortgage would be \$1,217.72. Madam Speaker, that type of mortgage is certainly not for the lower income bracket of people.

This lady is paying something like \$800 per month in rent and she, comparable to many like her, believed what she had heard—that what they are paying in rent could be converted to a mortgage payment, which would make sense. Instead of paying it out in rent, which is dead money, it would go towards buying a home.

So, the public has been misled in this respect. Two other persons have contacted me to say that they had paid some \$2,000 into this deal here. They are now told that they have to go to the bank. Which bank? They do not know. They came to me to find out. I could not tell them because I do not know. I do not believe anybody knows. I certainly do not believe that Government knows. Is it the Housing Development Corporation Bank? Is it CIBC? Is it one of the other three banks that we have heard about? This situation is absolutely confusing and ridiculous.

Madam Speaker, the people who need houses are those who are least able to afford them. When a person is paying \$1,200 per month just for his mortgage, it means that fuel for his car, food for the family, the telephone bill, the electric bill, a little for entertainment, and all the other day-to-day living expenses is not included in that. That is purely for mortgage.

This scheme is no different than what is in place in just about every bank in this country that gives a home mortgage, because the people who can qualify for home mortgages are the people who would have the ability to pay that type of mortgage. We must remember that we are talking about a 20-year period. The banks usually loan for 10, 15, or 7 years, as the case may be—if it was any less, it would be shockingly higher.

In an attempt to come up with some figures, some details that made sense, something concrete to try and rationalise what was being said or what could be done, I went to the Compendium of Statistics, which is the Government's statistics on a number of things. I found under table 404: Unemployment and Earnings by Occupation that in 1992 the labour force survey showed there were 15,220 people working in the Cayman Islands. Of course, a large percentage of that would be people on work permits—at least 50 percent. The average monthly salaries in Cayman Islands dollars earned by those 15,220 people was \$1,476.

The highest income brackets, which include senior officials and managers, of which there were 1,275, was \$3,400. So, if we were to look at a mortgage, even with those 1,200 people, and they had a mortgage of \$1,200, we would be looking at almost 50% of their average salary.

Professionals, Technicians and Associate Profes-

sionals, which in 1992 was the largest group, numbered 3,620. Their average salary was \$2,150. When we look at another group, which is quite large, and comprised a significant number of Caymanians—Service Shops and Sales—their average monthly salary was \$1,040. So how could it be truthful to say that this scheme being put forward by the Government is for lower income housing for people who are in the lower income brackets?

The Labourers and Unskilled Category, of which there were 2,330, made an average of \$724 per month. I wonder if the Government took the time to look at its statistics to see how sadly far afield they were in even suggesting that such would be for lower income housing.

Why would the Government, having a statutory body called the Housing Development Corporation—which was created specifically for the purpose of dealing with mortgages—not extend its blanket guarantee to that entity that is doing such a good job helping so many lower income Caymanians? Why is the Government reluctant to extend this guarantee to other developers in this country who would no doubt be more than interested, particularly with construction down, to build houses for lower income Caymanians?

I have a brochure from the Housing Development Corporation. I can think of at least three occasions when I asked the Minister for Housing if he had something that sets down this scheme of his. One must conclude that he does not, or if he does, he will not make it available. But, the Housing Development Corporation does.

The brochure is in a question and answer format. The first question is, **“What is the Housing Development Corporation?”** The answer is, **“The Housing Development Corporation (HDC) is a statutory organisation set up in 1981 by the Government of the Cayman Islands to provide mortgage loans to assist borrowers in the low to middle income group in owning their own homes.”** Does charity not begin at home?

If the Government wanted to revolutionise the situation for housing for low to middle income people in this country, should they not have started where it would be necessary to make the guarantee available because they have all the expertise in house? Why Frank Hall Homes (Cayman) Ltd.? They do not have any \$17 million to spend. They will spend however much is required if a bank will finance them based on Government's giving a blanket guarantee for the number of applicants who might want a house and who could qualify.

It is interesting, in the question that asks, **“Who is eligible?”** the answer is, **“Born Caymanians and those granted status are eligible to apply for HDC loans if their combined family income is less than \$40,000 per year, and provided that the income of no individual member exceeds \$30,000. Single applicant with annual income of less than \$30,000 may also be considered.”**

The ceiling that we first heard put before the House by the Minister was \$50,000, now that has escalated to \$60,000. I wonder which would be representative of lower income earners in this country—a \$60,000 or a

\$30,000 ceiling? The answer is very clear indeed.

The HDC works on certain banking principles and there is a question in the brochure that asks, "**What is the borrower's minimum contribution towards the cost of a home?**" The answer, "**Borrowers are expected to contribute a minimum of 10 percent towards the total cost of a home, that is house and land. This means that the HDC will finance up to 90 percent of the cost of the house, up to a maximum of \$60,000.**"

We are hearing now that the Government will guarantee 100 percent—no payment by anyone. The houses can go to a maximum of \$125,000. Is that for lower income earners? The HDC does not seem to think so. They put the ceiling at \$60,000. There are some beautiful smaller homes built in this country with that amount of money. Why Frank Hall (Cayman) Homes, Ltd.? What is the magic?

Madam Speaker, using the statistics from the Compendium of Statistics on Employment and Earnings by Occupation, I asked someone whose business is developing (and they are quite able in the field of mortgaging, etcetera) to work up a computer model as to what the housing would realistically cost. I asked the person to use the figures in the 1989 census. I got them to add a 5 percent increase over the five-year period to arrive at the average salary of a senior official at this time. That came to \$3,833.95. This was done to each category in the statistics. The professionals, which would be the next category, was \$2,844.01; the clerical and executive was \$1,582.59, on average up through 1994.

Then, using a combined salary as Mr. Heber Arch of Frank Hall says they used as their formula—three times the amount of the biggest earner and one time the amount of the smaller—I combined the salary of the senior official, which would be \$36,048, with one time the salary of the clerical, which was \$14,880, which came to a grand total of \$50,928. That would make the person, over a 20 year period (at 9.75% on the average going rate today) eligible for a mortgage of only \$123,024, and the mortgage payment would be \$1,166. If there was a combined salary of \$38,280, which would make that person eligible for \$89,880 maximum mortgage over 20 years, they would pay \$852.53.

Using these tables and combining these salaries and tripling them in the one instance and adding one time more on the lower earner, the lowest amount that could be accommodated would be \$34,752, and that person would pay \$329.62. I submit that the majority of people in this country fall between the \$852.53 and \$329.63. The majority falls within that category because immediately above that we are talking top executive. And this is over a 20-year period.

So, where does one get off saying that the Government is undertaking a lower income housing scheme where the people are being told, *'Look, you can be offered one of the homes, or apartments in Silver Oaks or Newlands, but you are looking at \$1,174.19, or \$1,217.72'*? Who can afford that? The lower income bracket? Not a chance! So, the disappointment grows.

The Government, once again, has been reactive rather than proactive and the people who really need and who really want cannot be helped under this scheme between the Government and Frank Hall Homes (Cayman) Ltd.

One does not know how far the Government has gone to commit the funds of this country. One does not know if there has been any commitment or if it has been properly and legally done. One can guess and speculate.

What is sure is that whatever is in the works, and whatever has happened to date under this absolutely uncertain, changing day-by-day situation, should not go any further until it can be properly examined by the proper Government authority. Once again, it is necessary for all those elected by the people of this country to sit down and collectively look at what the Government has or has not done. Take advice from the people who know about these things, such as the HDC, which is in-house expertise and arrive at a proper, practical and sensible situation.

I stand here and say again that the Cayman Islands Government should not enter any exclusive situation with Frank Hall Homes (Cayman) Ltd. to the exclusion of the other developers and contractors in this country, or any banks or financial institutions in this country that wish to participate in providing financing and housing in the Cayman Islands.

The questions about this grow daily and the number of people who are disappointed and confused grows daily. Therefore, this Motion calls for full participation of the peoples' representatives—all of them—to work out clear terms, requirements, and standards, not leaving it to individuals. Set the standards and let those who will, come. Those who qualify may.

Make this money available to whomsoever may qualify, and not exclusively, as has been the case up to now, to one entity which is trying to sell its homes—which they have a right to do, and which they openly and honestly say they are attempting to do. That is the call today on this Government in this particular scheme.

I therefore recommend this to all Members of this House.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.34 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 9/94. The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I oppose this Motion.

In the Manifesto the National Team stated, and I quote: "**We believe that all Caymanians should have**

a fair opportunity for adequate and affordable housing to enhance our standard of living (e.g., piped potable water and flush toilets). We will support all reasonable efforts by the Housing Development Corporation on its own or in conjunction with the private sector, to arrange necessary financing (for middle and low income persons) for home improvement as well as property acquisition.”

Madam Speaker, we have carried this out. We find that as we are getting nearer to seeing fruition to what I regard one of the most important aspects of the private sector of this country, we are finding opposition to it, confusion and obstacles being put in its way.

What this scheme is all about is lending money to persons in the middle and lower income brackets—which they cannot get at present—for a period of 20 years, to put young couples and young persons in their own homes.

Madam Speaker, one of the most accepted principles of stability in any country, including countries that are not necessarily capitalist countries, is having homeowners. A person who has a home is not going to do anything to destroy the country because he will destroy his home. A man's home is sacrosanct and from the legal point of view, it is often referred to as his castle. This scheme of lending is one which is going to help many, many Caymanians and it will hurt the Opposition, which is one of the reasons why there is so much objection to this mortgage lending scheme.

Madam Speaker, it is a myth that only one private company is going to be lending money to the public. It is a myth that homes will only come from whatever Cayman Affordable Housing or whatever company is holding it and trading as Frank Hall Homes. The Motion that there is now a move to stop is going to help people in Cayman Brac, I want to make that clear: Many, many people in Cayman Brac and Little Cayman are going to be assisted by this scheme. It is not as if it is just a Grand Cayman scheme.

The first recital of the Motion, states: **“WHEREAS on Monday, 19th July, 1993, the Standing Finance Committee approved, by a majority, a blanket guarantee of between 10 percent and 35 percent”** and this is what makes the whole argument that the Member has put forward as to exclusivity null and void **“to First Home Banking, the Bank of Butterfield, First Cayman Bank and a private company, Cayman Affordable Housing . . .”**

Madam Speaker, anybody reading this immediately realises that it is not exclusive to Cayman Affordable Housing. There are already three banks, and he knows that there is a fourth bank. Any bank that has money to lend can lend it. But when this went out, as I understand it, these four banks came forward.

If it was as simple as a young couple borrowing \$100,000 or \$80,000 for a home and they could all get it, then I could see where their argument may have some credibility. But a young couple cannot go to commercial banks in this country when they are without a sufficient down payment or deposit of 20 percent to 30 percent. It

is normally a one third rule that is applied—you put one-third down in land or money, then you can borrow the rest. But many of the banks are commercial banks, they borrow short and they lend short. In other words, saving deposits or current accounts are money short, so they cannot lend large sums for 20 years.

We are just lucky that we have found banks or companies that will risk lending this type of money. If it were not a risk, you would be able to get it very easily out there now over a period of 20 years. In other words, we are now getting long-term money, which has to be the way that money is lent when dealing with purchasing a home.

The first section of the Honourable Member's Motion destroys his argument. This is not exclusive to one bank. There are four banks involved. And I am sure if other banks come up with money they want to go ahead and lend out, then why not?

The other thing I would like to point out is that this Motion refers to “Cayman Affordable Housing.” The Second Elected Member for Cayman Brac and Little Cayman has been talking about Cayman Affordable Housing, Limited. Now he has to decide which way he is going to go. Because his own Motion does not support what he is referring to as a limited liability company because “limited” is not in his Motion.

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

POINT OF ORDER

The Speaker: May I hear the Point of Order?

Mr. Gilbert A. McLean: Yes, Madam Speaker. I would refer the Chair to the fact that in the Minutes of the Finance Committee it says that **“separate undertakings have been given by Cayman Affordable Housing (the Company), First Home Banking, First Cayman Bank and the Bank of Butterfield (the Banks)”** and I quoted from the newspaper which...

The Speaker: Honourable Member, that is not a Point of Order. You can clear this up in your winding up debate please. You are now entering into a debate. Thank you.

Would you continue Honourable Member for Education and Aviation?

Hon. Truman M. Bodden: Thank you, Madam Speaker. What I am saying is that the first part of the Motion clearly refers to Cayman Affordable Housing,—on many occasions the Member talked about “Cayman Affordable Housing, Limited.” I would just like to point out, once again, what I see as an error, the same as this first paragraph which shows that there is no exclusivity in relation to who wants to lend the money.

Madam Speaker, the second Whereas clause says: **“AND WHEREAS this type of guarantee is the first of its kind ever undertaken by Government . . .”** Gov-

ernment has given guarantees prior to this for many, many things, including schemes for the lending of money on mortgages. In 1988, for example, under Note 10 on page 46 of the Report of the Accountant General and Accounts of the Government for the Year Ending 31st December, 1988: **"4. Guarantee for Loans of \$5 million for Housing Development Corporation."** This is nothing that has not happened in the past. But I will tell you where the difference is: That was money that was 100 percent lent and 100 percent guaranteed by Government.

I will show where in the next recital there is a further error. This money is 35 percent maximum of the upper part of the loan. In other words, Government is not as much at risk now as when it lent money through the Housing Development Corporation. It is more than 65 percent better off because we are only guaranteeing the upper layer of the loans. So, say the loan is \$100,000—once the first 35 percent of that (\$35,000) is paid, Government's guarantee ceases. Then the bank or the lender, whoever it may be, has the balance of the liability. That has to be a much better position than guaranteeing the whole loan.

So, what we have here is a combination of Government lending some assistance on a limited basis to private banking institutions (and all of the lending will be from private banking institutions, as I understand it), and Commercial Banks as they are stated here—First Home Banking, Bank of Butterfield, and First Cayman Bank. We are now being told that this is the first time we have given guarantees.

Madam Speaker, if you look at the Report of the Accountant General, for example, in that year alone there was a guarantee of \$2.5 million for Caribbean Utilities Company; \$14 million for Cayman Airways 727s; \$350,000 to the Port Authority [page 46]. So Government has been guaranteeing loans, including loans where the money is lent for housing, in the past.

We are at a stage where the Government itself does not have the amount of mortgage money to lend that this country needs. Government should not, in fact, have to be in any large scale lending business as the Second Elected Member for Cayman Brac and Little Cayman is trying to make out. Those guarantees extend to Cayman Brac Power and Light. There are many that have benefited in the Sister Islands.

The next recital says, **"AND WHEREAS the sum representative of a 35 percent guarantee is large and the results considerably speculative over which Government has no control. . ."** Now the \$5 million guarantee for the Housing Development Corporation was much larger, it was 100 percent. The results are no different from the results that could now be, except Government is better off. This time we know, at least I know as a person involved with banks that lend money, that normally people pay money in the beginning, that is why we put the guarantee on the upper layer. So Government is much better off because when the defaults occur (normally much further down the line), the property gets run-down and that sort of thing.

I come back to show that the way the Motion has started out, in itself, does not support some of the arguments that the Second Elected Member for Cayman Brac and Little Cayman is putting forward. He has stated that, **"the details of the venture are minuscule and continue to be in comparison to the statement regarding the size of the envisaged project."** Well this is a lot of words, once again, merely set up to be destructive.

I would like to see either Member opposing this venture go out there to 100 or 150 young people who are applying for these loans . . . and loans can be given whether they have land or not, in other words, a person can have their house built on their land or, I would think, even if a foundation is up and they want to borrow some money, they can go ahead and borrow it. I would like to see them stand there and tell them that they are coming here to try to bog this venture down in a Select Committee for another two years in an effort to try to, perhaps, increase their votes at the next election by saying the Government has not carried out what it had stated in its Manifesto.

Madam Speaker, there are several safeguards on the public's funds with the guarantee, and that is what the next recital says. I quote: **"AND WHEREAS the Legislative Assembly in Session has not to date been informed in comprehensive written legal form of exactly how the liability on public funds is to be applied and what safeguards of the people's money are provided."**

With the amount of confusion that the Mover of this Motion has created, at least in my mind, and probably the public's at this stage, I do not think comprehensive and obviously complicated written legal opinion is really going to help the situation at this stage. But the thing about this is that these are loans that are being lent under usual borrowing arrangements and borrowing guidelines with some amendments to them. This is a loan that is being done by a bank that has a considerable risk also in the lending of the money. It is not as it was with the Housing Development Corporation when Government stood the only risk.

There will be far better guidelines in my view, relating to the lending, to ensure that people are in a position to pay it back. Let us make that very clear. The loans are being lent on the basis that people will be in a position to pay them back. It is not as if money is being handed out with no hope of getting it back.

The fifth recital was perhaps meant to be negative, and I quote, **"AND WHEREAS the Government guarantee for the purpose stated will allow expenditure to be incurred which will financially affect the lives of citizens of the Cayman Islands."** Of course it will. The people who are borrowing the money will be much better off. They will be safe in their homes and we will have a much happier society.

By the way, Madam Speaker, if the Second Elected Member for Cayman Brac and Little Cayman believes that, notwithstanding when the Housing Development Corporation was set up, there was a lot of hope for that

to fill this gap. But if that Honourable Member asks around he will see that it has not adequately filled this gap and there are a lot of people out there who need to borrow these funds to get a home for themselves and their children.

As I understand the situation the recital that states that, and I quote: **“AND WHEREAS no definite requirements or standards for the project, nor legal protection for the individuals who might become borrowers, have been published by Government. . .”** Obviously, Madam Speaker, one of the requirements will be that they have planning. So that is one standard which the banks will have to ensure that they look at the credit risk that is involved with each homeowner.

The loans will be guaranteed as to the upper layer only, as I mentioned before. That is one of the requirements. We have to remember that the banks have 65 percent of the risk, Government has the other 35 percent. Therefore, the banks are going to look out for themselves and ensure that they protect the people in that they do not let them borrow sums from the beginning that they are not capable of paying back.

Now, let me say this, Madam Speaker, not everyone in the Cayman Islands will qualify for loan. Let us not be in any way misled by that. There are people whose income may be so low that they may not be able to repay some of the smaller loans. And those are instances where, in due course (and it is a much smaller amount of people than people in the bracket that we are now talking about, it is a much smaller percentage of it), they will have to be catered for in another way. So this is really aimed at a very large section of people in Grand Cayman, many of them young couples (with maybe one child) who cannot get a loan, and Government is going to assist them in getting it.

But I do not think that the approach that has been put out by the Mover of this Motion—that many people are going to be a bad risk to Government—is the case. I think that many of these people are very hard working but they need some help to get beyond having to put up that first one-third deposit or down-payment so that they can get the loan put in place. The banks will scrutinise, naturally, what the loan is going to purchase or build. So I think that you will find that they are not going to lend \$80,000, for example, and find out that the home that is going to be purchased is only worth \$50,000, because that is a loss to them. That is not only Government that is at a risk, that is not the way banks operates.

I think you have to assume that these are reputable clearing banks in the business of lending money and they are going to do things properly. You cannot assume that they are going to allow anything which otherwise they would not normally do. If you go to borrow money now for anything the bank is going to make sure that you are getting value for the money because it is their security—it is their money that is buying the property or building the house. So they would have to be stupid (and I know they are not) not to ensure that what is being done is sufficient and all the necessary protections are built in there.

The banks will ensure, for example, that the property, when purchased or built on, would be unencumbered, would have no lien or mortgages on it, and they would also ensure that the registered owner has an absolute title to it. So everything that would normally be done with a banking loan, I think would be done in this case to protect the purchaser which would also protect the bank. I have just been reminded that there would also be insurance on the property. It would be insured against fire, perils, hurricane, etcetera.

I believe, subject to looking at this closer, that there is also life insurance to the extent of the loan. And that is many times standard so that if a purchaser dies there is a fund that would pay off the loan. So it is a standard banking transaction with all of the built-in checks and balances that are necessary. Also, the guarantee would normally have that, as a last resort, pursuit would be against the borrower—there is a public auction or a sale of the property in the event of default.

This transaction is a complicated one, and obviously has been made to appear even more complicated by this lengthy Motion and the lengthy opening by the Mover. Let me say there will have to be adjustments to different areas of it, like any other transaction. There may be some things that need to be amended or tightened down by the banks, but this will have to be look at I am sure.

So it is not as if we can just come here and say here is an eternity of details, it will never change. Minor areas of it may have to be changed or they may have to look at a borrower in certain circumstances from a subjective, rather than an objective, one. There may be an instance where they may feel that perhaps a guarantee of 20 percent may be all that is needed because the person may have a nice piece of land that can be thrown in to lessen the amount of the loan, but would increase the value of the security. There may be an instance where somebody is a bit financially stretched and they may have to say to them, *‘Look, you are buying a piece of land and we will lend you 3.5 percent of the 7.5 percent,’* whatever.

What I would also like to point out is if you have a guarantee by Government that is, say, 35 percent and someone is buying a home or a piece a land, Government immediately gets back 7.5 percent. Also, Government gets back one percent on the mortgage. So the guarantee is immediately reduced by 8.5 percent. A guarantee of 20 percent, in effect, is 12.5 percent. These are advantages that have to be looked at carefully. I hope that when the Mover of this Motion searches deep down, and he has sympathetic feelings for the people out there who would like to get these loans.

There is an area that I would like to move on to—

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30 will you be finished shortly?

Hon. Truman M. Boddin: No, Madam Speaker. I was

going to go on to the provision for bad debts, etcetera.

The Speaker: Thank you. May I ask for a Motion for the adjournment of the House? The Honourable Member for Communications and Works.

ADJOURNMENT

Hon. John B. McLean: Madam Speaker, I move the adjournment of this Honourable House until tomorrow morning at 10 o'clock.

The Speaker: The question is that the House do now adjourn until tomorrow morning at 10 o'clock.

Those in favour please say Aye...Those against, No.

AYES.

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

AT 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 2 JUNE 1994.

**EDITED
THURSDAY
2 JUNE, 1994
10.09 AM**

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

PRAYERS

Hon. J. Lemuel Hurlston: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers 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 Honourable Members/Ministers. The First Elected Member for Bodden Town, question No. 52.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 52

No. 52. Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development what are the recommendations of the Legal Department regarding the non-payment of Customs duty by Cayman Cement Distributors Ltd.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Legal Department has recommended that for Customs valuation purposes the Customs Department should levy the standard freight charges applicable to container loads of dry cargo from Costa Rica to Grand Cayman.

The basic ocean freight rates (excluding handling and other charges) are now as follows: \$850 for a 20 foot container, and \$1,125 for a 40 foot container. The Managing Director of Cayman Cement Distributors Ltd. has been notified of this change which became effective on 1st March, 1994.

The Legal Department has further advised that the matter concerning freight rates requires further investigation and recommends that the situation be carefully monitored to ensure that tariffs provided by shipping companies are strictly observed.

Madam Speaker, because of the ongoing review of this matter, I would like to crave the indulgence of this Honourable House and, in particular the Honourable Member responsible for this question, not to ask me to disclose any further information on this subject at this time.

The Speaker: The next question is No. 53, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 53

No. 53. Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation if he would make a statement on "Strategic Planning" along the following lines: (i) Government's reasons for adopting this concept; (ii) its improvement of the present school system; (iii) its implications for the continuation of the Five Year Education Plan; and (iv) its affect on the development of the National Curriculum.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Government adopted the concept of Strategic Planning using the model developed by Cambridge Management Group because it allows the concentration of all efforts, resources, and energies towards a goal, as defined by the Mission of the Government School System, expressed through its objectives and carried out through accepted strategies which are developed into action plans.

The strategic Plan which has been embarked on and its attendant action plans will improve the present school system because a wide cross-section of educa-

tors and community members will be working to reach consensus on the kind of education system we want for our children, how this can be achieved, what resources are necessary to reach our goals, and who is responsible to see that the specific results necessary for our strategies to be implemented have been achieved.

The 1990 Education Review and the Draft 1991 Five Year Development Plan for Education as well as the report on the First National Education Conference are part of the data considered by the Education Planning Team in formulating the Mission objectives and strategies for the Government School System, and these documents will also be considered by the action teams in formulating the specific actions necessary for the strategies to be implemented.

It is Government's policy that a national curriculum for the school system will be developed. In March 1994, the Education Planning Team also selected the Development of a National Curriculum as one of its nine recommended strategies. There is a forty-member action team meeting at present to discuss how this strategy should be implemented.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden town.

Mr. Roy Bodden: Can the Honourable Minister say at what point in the Strategic Planning process will the development of the National Curriculum take place?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I would just like to repeat the last part of the answer to the above question. The Education Planning team, in March 1994, selected the Development of a National Curriculum as one of its nine recommended strategies. There is a forty member action team meeting at present to discuss how this strategy should be implemented.

When that discussion is completed in the latter part of this year, possibly by August or September, then we will look at the question of implementation.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say who comprises this Education Planning Team, are they teachers or educators or what?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, roughly speaking it is about a 50/50 split between the professionals, that is, practising teachers (not just teachers with Teacher's Certificates) and persons from the private

sector such as, people drawn from the tourism industry, the building industry, the banking industry, the financial offshore section. It is a cross-section that should represent all of the strata and cross section of Cayman's society.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say if this group of people is going to write this curriculum or will they simply gather the information and the writing of it will be in-house, or what is the situation?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: No, Madam Speaker. This is a planning period. The Action Teams will come up with a plan. The writing of the curriculum will be on the implementation side that the Honourable First Elected Member for Bodden Town referred to and it will come after the planning. Once the plan is in place we move on to implementation.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what the procedure will be in the instance where the findings of the Strategic Development Team differs from what the Five Year Education Plan calls for?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, that is an expression of opinion that I would rather not opine on at this stage.

The Speaker: The next question is No. 54, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 54

No. 54: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation what was the cost to Government of bringing in the facilitator (Dr. Cook) to hold the awareness sessions for the "Strategic Planning" exercise.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The cost to Government for bringing in Dr. Bill Cook to facilitate three Awareness Sessions for the Strategic Planning Exercise, January 12th through to the 14th, 1993, was \$1,503.12.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Is this an ongoing expense or does it mean that the facilitator probably will not have to return until later on in the exercise?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I guess the cheapness of this exercise probably surprised the Member. Dr. Cook will not come back until about October of this year.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Certainly, any kind of advice that is only worth \$1,000 does not surprise me. I wonder about the quality of the advice. I would like to ask the Honourable Minister who, in the absence of Dr. Cook, is responsible for the guidance of the exercise?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, we have five internal facilitators.

I would like to point out, however, that I am a Fellow of the British Institute of Management, and I understand management. That is one of the reasons why we do not have to spend very large sums of money importing people from abroad to advise this Government the way they did in the past.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say if the implementation of the Strategic Planning Exercise is a patented exercise, and if the use of it here in the Cayman Islands is costing the Cayman Islands Government, and if it is involved with this Dr. Cook?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, whether it is patented or not I do not have the slightest clue. All I can say is that it is a very good, basic planning system. It is one that is participatory in its approach, that is, it allows the people who are involved, such as those in the private sector and the professional teachers to partake in the exercise. It is one, which in my view is very good, in that these policies are going to be coming from a group of some 300 people, which is a full cross-section of the society.

The principles are very sound and we are not paying anything to develop these principles, they have been used in other places. Anyone who understands management realises that participatory management is a sound principle.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: As a follow up, because I did not get the reply to the supplementary that I was trying to elicit. To use the term Strategic Planning and to set up that process or procedure, did it require approval by anybody such as Dr. Cook, or any other organisation, for the use of that particular terminology, process or whatever, in Cayman?

The Speaker: I am not going to allow any further questions on the planning exercise because the questions before us concern cost, and these questions should have been asked in question No. 53.

May we now move on to question No. 55, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman?

QUESTION NO. 55

No. 55. Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if monthly charges have been instituted on taxis operating from the Gerrard Smith Airport.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker. I think the Honourable Member was really referring to the Gerrard Smith International Airport. We would not like the Brac residents to think that they do not have an international Airport. The answer is yes. Monthly charges at the rate of \$30 per month have been instituted by the Civil Aviation Authority since February 1 1994.

The application of charges has been authorised for many years now, coincident with those at the Owen Roberts International Airport but were postponed because of the relatively low volume of traffic.

Traffic has increased by over 100 percent since 1980 while the number of cabs have remained the same.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Member say if the \$30 charged in Cayman Brac is the same amount that is charged in Grand Cayman, noting that if the number of cabs in the Brac (which is a grand total of three) re-

mained the same, if applying the same \$30 there was considered just by the Aviation Authority?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, it is the same as in Grand Cayman and I will not express any opinion to what he has requested.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In many Laws in the Cayman Islands there is a prorated charge for the costs or fees in Cayman Brac. Would the Honourable Minister give any consideration, as Minister and as Chairman of the Civil Aviation Authority, to prorating the charges in Cayman Brac?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I am happy to refer any relevant matter back to the Civil Aviation Authority. In this instance, if the Member wishes, I will refer it there.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, may I ask the Honourable Minister if he will undertake a complete review not only of the charges, but also the manner in which the small amount of traffic is parcelled out since there have been so many complaints from Cayman Brac over the last nine years concerning this matter.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker, I am very happy to do that and I think the Member has a point and we should look at this. I would also like to say that the Civil Aviation Authority meets from time to time with the taxis and tour buses [operators] and reviews the ongoing relationship relating to the picking up of passengers at the Airport. It is an area that is very controversial and I think, constant review is needed and we do attempt to do so as far as possible.

The Speaker: The next question is No. 56 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 56

No. 56. Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if Government, through the Treasury or otherwise, offers any

accounting assistance to Cayman Airways Limited.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: There is no formal structure through which the Government involves itself in the financial accounting process within Cayman Airways. However, as part of the re-capitalisation of the Airline, the Treasury seconded a qualified accountant to the National Carrier. In addition, the Financial Reports of Cayman Airways are submitted to the Airline Board for scrutiny on a monthly basis. These monthly Financial Reports are also copied to the Minister for Education and Aviation and also to the Honourable Financial Secretary.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say whether the Government is paying this qualified accountant, who has been seconded to Cayman Airways, or is Cayman Airways paying the individual, and if he has any special qualifications in the business of airline accounts and financing?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, he is paid by Cayman Airways. He is a qualified accountant and that is all I can really say.

The Speaker: The next question is No. 57, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 57

No. 57. Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if Government paid for air transportation for Dr. Pat Tillotson, guest speaker at the Teachers' Seminar held in the latter part of 1993.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Government did pay the transportation costs for Dr. Pat Tillotson, the Keynote Speaker at the National Education Conference in November. However, because of the circumstances which made it necessary for Dr. Tillotson to be flown to the Cayman Islands by private jet on the morning of November 16th, her employer, Dr. Bill Cook of Cambridge Management Group, waived Dr. Tillotson's speaking fee of \$3,000. The cost of the jet was US\$3,955.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Just for the sake of clarity, is the Minister saying that the guest speaker was flown in by jet for \$3,955 for that opening occasion?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, what I am saying is that her coming by jet did not cost us any more, because her fee for speaking was waived. We paid no more money, notwithstanding the problems she had in getting here.

I would like to point out, Madam Speaker, that I was highly commended by one of the Opposition Members in relation to the seminar.

[Members' laughter]

Hon. Truman M. Bodden: I seem to have touched a sore spot—it was a very successful seminar that did not cost us, in my view, any more than it would have cost if she had flown in by a normal flight.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if the cost of Dr. Tillotson arriving on a regular commercial flight would have been less than being flown in by private jet, even if the \$3,000 speaker's fee was charged?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the cost of paying her fee and bringing her in by the commercial flight plus hotel bills (if she had come the following day), could possibly have been more than we paid in this instance. Yes, it cost more to bring her by jet than it did to bring her in by commercial airline. But because we did not pay for hotel accommodation, and because she waived a fee of \$3,000, I think we probably came out better financially than we would have had she come the next day.

Once again, Madam Speaker, this is a very small amount of money compared to the large amounts spent in the past for specialists.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister tell the House whether with this arrangement with the private jet she was then flown in and flown out the same

day and did not occupy any hotel or stay around after her speech?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: No, Madam Speaker, she went back out on the normal airline flight, it was not by private jet.

The Speaker: The next question is No. 58, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 58

No. 58. Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Tourism, Environment and Planning if the Government presently has in place a mechanism by which water sold to the public is tested on a regular basis.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Yes, the Department of Environment conducts Island-wide surveillance of all piped water supplies. An average of 30 samples are collected weekly from restaurants, schools, day-care centres and public buildings. Additionally, samples are taken from various points along the pipelines, and reservoirs of both suppliers are checked regularly.

All samples are analysed for bacteria and basic chemical contaminants.

The Speaker: The next question is 59, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 59

No. 59. Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture whether Government has considered implementing a uniform rate structure for the suppliers of potable water to the public.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Government considers it to be a reasonable goal to have a uniform rate structure. However, reaching this goal is complicated by the fact that there are no local water quality standards regulated, therefore, the production costs for each supplier is different, with those suppliers producing to a higher standard experiencing higher costs.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Minister, having just said that there are no standards, would give an undertaking to develop these standards, bearing in mind that the rates for the West Bay Road area are the highest rates, and they were the first on the Island to be supplied. The rates for the George Town area and Bodden Town areas (supplied by the Water Authority) are the second highest, and the very last area to receive water supply, West Bay, is the lowest rate.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the rates for West Bay Road and West Bay are determined by a licence which was all cut and dried by the former administration. When the Honourable Member says "no quality," I think he needs to put in the words that I used—"no local standard,"—because water quality is presently regulated to the World Health Organisation's Standards, which have an upper limit of 500 parts per million of total dissolved solids.

The Cayman Water Company operates near this limit and their water is an acceptable potable quality according to the World Health Organisation, although at times we find that the water quality is poor. However, the Water Authority produces water at less than 200 parts per million and, therefore, this is better quality water and costs more to produce.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: A two tier supplementary, Madam Speaker. Is the Honourable Minister saying that the licences to distribute water on the West Bay Road and in the West Bay area encompass these individuals making their own rate structure, since it was cut and dry by the last administration? Secondly, is it really not amazing that the Water Authority produces a much better quality of water compared to the other private company, and that other private company is operating in such an inefficient manner that they have to charge higher rates?

The Speaker: Honourable Member, I think the last part of the supplementary calls for an opinion, and I will not allow that. Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, in regard to the first part, yes it is a fact that the licence controls the price. What happens is that if they want to move forward or upward with their price/cost charged to the consumer, they must apply to Executive Council. The Executive Council has not yet allowed any increase.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: A final supplementary, Madam Speaker. I wonder if the Honourable Minister could give an undertaking to examine this situation with a view, wherever possible down the line, to having these rates organised in such a way that they are uniform? Simply because, notwithstanding what the Honourable Minister has explained, it does cast the wrong impression to the consumer that certain people in certain areas have to pay more and it is basically the same water that they are drinking.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I agree that the cost is high. But the licence, which as I said determines the cost, has a set price in it for 25 years, which was put in place by the former administration.

This Government can only refuse an increase and, in that regard, Cayman Water Company did receive a CPI increase in 1991, and 1992. The Water Authority rates have not increased since 1991, and we have not allowed them to increase since we took Office. We have not allowed the Cayman Water Company thus far to increase their rates either. So, as far as I am concerned, that is good stewardship on the part of this Administration.

The Speaker: The next question is No. 60, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 60

No. 60. Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what security is in place at the Water Authority's reservoir at Red Gate.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The Authority has a duty operator on 24-hour call who regularly checks the Red Gate site in the evenings and over the weekends. In addition, all buildings and access points to the reservoirs are secured with locks. Streetlights and special floodlights have been installed to illuminate the compound after dark.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Following up on the answer the Honourable Minister just gave, the fact that the reservoirs are open directly to public access in some areas, might this not be considered dangerous? And should some kind of security not be in place at all times while operations are not going on, on the regular day-to-day basis?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I suppose that is reasonable to ask. However, he cannot complain about cost on one hand and then come and tell me that I must put more costs in place. If you improve the infrastructure what will happen then is rates will increase.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I well understand the Honourable Minister's dilemma. But I still wonder if the Minister does not consider safety over and above the increase that he is talking about?

The Speaker: That concludes Question Time for this morning. The next Item is Other Business, Private Member's Motion No. 9/94. The Honourable Minister for Education and Aviation continuing the debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/94

ESTABLISHMENT OF A SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW, INTER ALIA, A GOVERNMENT BLANKET GUARANTEE FOR LOWER INCOME HOUSING

(Continuation of the debate thereon)

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The Private Member's Motion, which is geared at stopping the lending of mortgage money to people who would like to have their own homes for their families, is one which in my view cannot be supported by Government. I believe that the public wants this mortgage money to be lent.

The last section of the operative part is very clear: **"THAT Government take no further action to commit public funds or incur public liabilities with any entity in relation to any low cost housing scheme until the discrepancies in the present situation have been reviewed by the Office of the Auditor General and a report made to the Legislative Assembly."**

That, in effect, means that there will be no housing

scheme, because by the time this matter gets into the Auditor's Report for next year and is dealt with, and by the time the Select Committee, which is very slow and usually very detailed, especially where the power to call for, as it states here, "input from relevant financial, legal entities and members of the public" rolls on, we are looking at several years. In the meantime there are young families out there who are suffering because of the Opposition's approach to stop what has to be one of the best things that has happened to young persons who are now renting and/or without homes.

Madam Speaker, the Government will make a provision for any liability under this guarantee as does a bank for bad and doubtful debts. This is not unusual. There will be some failures but it puts Government under practically no liability, as compared to actually lending the full 100 percent from Government's funds, or through the Housing Development Corporation guaranteed by Government.

We know the public is dissatisfied with the Housing Development Corporation because they were not able to get sufficient funds from them. Whether that reason could have included the fact that they did not have sufficient funds is, in my view, only the more justification why we should wherever possible let the private sector do private sector work rather than get Government involved in the process of lending funds to persons who can receive these loans from the private sector. The Housing Development Corporation is a Government body and the funds lent, as I showed yesterday, \$500 million was guaranteed by Government.

The other aspect of it is where these four large reputable clearing banks will lend money to the public and we can get a substantial part to people who need homes under this scheme. That has got to be the best way to go. Anyone who does not understand that it is better to do a 35 percent guarantee of the upper layer of a loan rather than to directly lend that full amount of money is being blinded by their own opposition for the sake of opposition.

Madam Speaker, the scheme here will help many, many people. There are people out there with land suitable for a house to be built on. The scheme covers that. If there is a foundation or money is needed to substantially complete a house, money can be provided for that. But the criteria that will be laid down is that these persons will not be encouraged to borrow beyond their means. Which is what the Opposition seems to be trying to say—that because the scheme does not cover everyone, then it should be stopped and nobody should get any help. That is like the dog in the manger where he is not prepared to have the milk but does not want anyone else to get it. So it remains out there.

People will hurt, and hurt badly. The people that will hurt are mainly the young couples in this country. Not necessarily young couples, young people, because it can be lent to single people who would become much more financially stable, more satisfied, and be much better citizens able to be in their own home with the help of the Government.

I cannot over stress that, from the Government's point of view, once the first payment is made on the mortgage, Government's guarantee begins to reduce. For example as soon as 35 percent of the principal is repaid Government's guarantee ceases. Then the bank has the full liability for the loan. But at that stage they are fully secured. If, for example, the financing is 100 percent where the person could not make a deposit but they have a good job—which many young people do, they may not have savings but they are good stable citizens—then 100 percent would be lent. On a \$100,000 loan, after the first \$10,000 is paid Government's guarantee is only \$25,000. When they pay \$35,000 Government's guarantee falls away.

As I pointed out yesterday, this Motion is so erroneous in so many of the Whereas clauses. I can see why the Opposition Mover of this Motion had to be confused. What is put out here is, in my view, going to further confuse the public and perhaps may even attempt to confuse Members of the House.

This scheme is a simple one. It is going to allow persons who can afford to repay a loan to get a house within the means their income can support. It is not going to encourage them to live beyond their means. That, therefore, means that it will not cover everyone out there. There are people out there that the Government will have to look at in a different way but it is a much smaller group of people. So it is better to get the larger group granted loans now, than to stop everything and hurt the majority of people out there in an effort to gain votes and to bog this venture down in a Select Committee of the whole House with a full hearing mechanism as has been set up in the Motion.

The thing that I do not understand is that if the Opposition with this Motion is saying stop this, where is their alternative to help the people who are going to benefit under this scheme? They say that it is exclusive to one company. That is nonsense! The Motion itself has set out that there are four large reputable Commercial Banks involved and they will deal with whomever they wish to deal with.

The position as I see it, is that the Opposition has put forward nothing. In fact, no Government in the past, including the time when I was in Government, has been able to get funding for persons in the middle and upper-lower income bracket (depending upon how that is defined) from institutions who would lend that money for a period of 20 years as a long-term loan at a reasonable rate of interest, who would do so up to the extent of 100 percent in certain instances. This has been the ideal of every Government and I commend the Honourable Minister who has put this forward.

To be very frank, it is something that I did not expect to see achieved to this extent, because some \$20 million I understand will be committed for this scheme. The normal commercial bank borrows short and therefore cannot lend long. There must be a matching of funds. If people put in their deposits for one year, they cannot lend the money out for 20 years except on a very limited basis. We are indeed very lucky to have the

banks that are participating in this venture to this extent.

Several of them have substantial funds abroad where they will be able to draw long-term funds, perhaps from savings and loans that they have over there. But the important aspect of this is that this has never been put together except on a very limited basis. All banks, and there are some mortgage companies now, will lend funds but we are looking at small amounts of money that they had to commit in total.

This is the first time that we have seen a substantial commitment to ease the housing problems that this country is seeing and to make safe and secure the youth of this country both in Cayman Brac as well as Grand Cayman. I want to point that out, this is very much a scheme for Cayman Brac, despite the fact that there may be attempts to make it out to be otherwise. The people of Cayman Brac and Little Cayman will be hurt if this scheme is stopped, and they will be hurt badly.

Madam Speaker, many people are out there paying rent who could be in their own homes making payments in much better circumstances than they are at present. It is like the stupidity of spending your life renting a house, or a car, and never owning it. That does not make for stable citizens—the family is kicked from pillar to post in and out of rental facilities, and this, in my view, will be one of the most stabilising situation that this country has seen.

My challenge to the Opposition Members (I guess it will be three persons) is this: When you stop this scheme, what do you have as a better alternative? The Members who are opposing this better think very hard because if this is foiled up at this stage there are going to be a lot of very unhappy voters out there and many of them in the younger generation that we are in here trying to say we must help.

My plea to the Members is be reasonable. Forget politics. Forget about hurting the youth of this country. Try to help the Government put forward positive measures such as this that will stabilise the country and put people in homes, making them the most stable persons any society can have. It will stop the misery of persons who are paying rent, many times as high as they would pay under this mortgage scheme, because the funds are just not available without the Government's guarantee.

If they have no alternative, then they should not be destructive for the sake of politics and hurt the youths and people of this country who would like to have a home.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden : Madam Speaker, the Motion before the Legislative Assembly contains fears which are non-existent. Fears are lurking in the Motion which do not exist in the scheme. For example, the greatest fear in the Motion is that there will be no requirements or standards for the scheme. If this were true, this would be a genuine reason for concern. Fortunately, this is not so.

There are standards by which these loans will be

governed. The standards will be set by the banks or other lending institutions. These standards will be the same standards that have been applied to mortgages for more than 100 years—tested and proven over the years.

The way that I understand this scheme is that the Government will guarantee a certain portion of the mortgage if the bank has agreed to lend the money. The bank would have checked on the credit worthiness of the client—his financial ability to repay. The banks or the lending institutions would have made certain that insurance is in place in case the home is destroyed before the mortgage is complete, and perhaps even that life insurance is in place in case the borrower should die during the 20 year period of the loan.

These standards will be stringent because we know the policy of the banks operating in these islands. They do not like to lend money to local people. They prefer to lend money to those who step off the plane, as I have said many times before, wearing a necktie and carrying a cardboard briefcase. These are their preferred customers. I understand that they have recently added the criterion of being a crook. But they do lend some money to local people as a last resort so that they can say, "So-and-so has a loan from us." Although I do not know the figures, I believe it is only one in 10, or maybe even less, local young people who qualify for loans that actually receive loans from the banks. So, under this scheme, it is my belief that even where the banks pre-qualify people for loans, not all of them will receive the mortgages.

The second largest fear which—I like to use the word "lurks"—lurks in this Motion is that there is no legal protection for the individual. This has to be nonsense. There is legal protection for the individual once the mortgage deed is signed. The mortgage document protects not only the lender, but the borrower. For example, the lender is forced under the mortgage, to lend the money because the borrower is holding a contract, a legal contract, upon which he can sue. So, the lender is forced to lend the money, there are clauses in the document under which the lender cannot call for the money as he likes, providing the borrower keeps up his side of the bargain. The lender is protected in that the borrower must make his payments on time, must keep up his insurance, and so on. But there is in that document, contrary to what the Motion says, legal protection for the borrower.

So, despite the fact that the Government itself may not have published (and I do not know that they have not published it) legal protection for the individual, the individual would be protected by his individual mortgage contract.

I believe this Motion has given the scheme a black eye. Even if the Motion is defeated, the scheme will suffer. I say this primarily because 11 years ago, when the Housing Authority Law was passed, there were two former members of the House (one from West Bay and one from George Town) who voted against the Housing Authority Law for very flimsy excuses. They managed to convey to the public that this Housing Authority was such an evil monster. They succeeded in giving the

Housing Authority a black eye.

I am convinced that the better approach to this matter would have been for Members to have gone to the Honourable Minister and pointed out to him the weaknesses in this scheme. Try to help him find remedies for them and at the same time try to sell the project on the merits of what it would do for those in need.

I do not believe that the Select Committee, which is proposed in the Motion, is the proper route to go. It is true that I believe all the Private Member's Motions here, or the majority of them, are asking for matters to be referred to Select Committees. But, those matters, and those other Motions (and I am not anticipating them) do not have the urgency that this particular housing Motion has.

This housing scheme is something that should not be delayed, if possible. It should be dealt with as quickly as possible. The very fact that a few banks, and I say a few because there are many banks here, are willing to participate, Government should move forward to take advantage of their generosity before some of the other banks try to influence them otherwise.

Anyone reading this Motion and listening to some of the debate would have second thoughts before entering into this scheme. This is the reason why I say this Motion will succeed in giving the scheme a black eye.

There is concern that the Minister has changed, or has indicated that some of the original proposals would be enhanced or upgraded. Why should anyone be afraid of that? This is a new scheme and it is being evolved, it is a process that is being tried, and if it is necessary to change any of the original ideas, I do not see anything evil in that. I agree with some of the changes. For example, a person cannot build a fairly good-sized three-bedroom house for less than \$100,000. It just cannot be done with the cost of labour and the cost of materials here today. So it is only reasonable to expect that the Minister will, from time to time, have to change some of the original proposals. In fact, I would not be surprised if he comes with additional changes.

Yesterday the Minister for Education mentioned Government's involvement with the Housing Authority and how Government had put \$5 million into it, but there are other schemes as well. For example, every year for many years now, we have set aside money in the Budget for civil servants to borrow for housing—either to build houses or to improve their existing houses. It is my understanding that the civil servants have taken advantage of it and it has worked well. Also, under the Social Services there is a small vote where poor people can get money for toilet facilities and other necessary improvements to their homes. So Government has been actively involved in housing over the last 11 years, starting with the Housing Authority and the Civil Service Scheme and the Social Services Improvements.

But, what Government can do under those schemes is limited by the constraints of the Budget. Here is a project where Government can do more by a contingent liability than it can actually do by finding the cash. According to the scheme, the Government will

guarantee anything from 10 percent to 35 percent of the mortgage. It is very important (although this has been mentioned before) that we emphasise that the Government's guarantee is the first 10 percent or the first 35 percent, whatever percentage there is in between. In other words, the Government is better off than the banks if there is default on the loan.

What would happen if a person borrowed \$100,000 and the Government had guaranteed 15 percent? It means that once 15 percent of the liability guaranteed by the Government has been repaid, the Government would be off the hook and the banks would then have to worry about the other 85 percent.

We know from experience that very few people get into trouble with repayments in the early months or the early years of a loan. People go out, get mortgages and loans when things are rosy, when it looks as if things are going well for them and it looks like they will be able to comfortably repay the money. Of course, it sometimes happens that certain contingencies catch up with them. They run into bad luck. One of the spouses, whose income had been available, becomes sick or maybe leaves the matrimonial home. There may be unexpected expenses with children (there is no end to the things that can happen), and the person who started out in a pretty sound financial position well able to pay a mortgage, may find himself a few months or years down the line in very strained circumstances.

This happens all the time. I believe that under the scheme there will be times when there will be bad debts, there will be occasions when the Government will be called upon to put its money where we are now putting our mouths. There will be times when the Government will have to fork up a part of the guarantee that it has made.

But, do not forget that we are dealing with a mortgage where there is always something to salvage. The person has built a home and, five or six years down the line, they find themselves unable to continue the payment, the home is there. The mortgage document said that the Government or the bank could foreclose on that home and recover their money.

Although we do have a small percentage of foreclosures here, I am a firm believer, and I know that Caymanians take pride in owning their homes. I still have faith that the majority of them believe in owning a home, particularly during the first few years when it is beautiful and shiny and clean, they will go all out to find the money to keep that home.

So, where is the risk that we are so concerned about? Everybody knows the story of real estate in the Cayman Islands. How many properties, how much land has depreciated here over the last 30 years? In all probability, at the end of the 20-year period, when the mortgage has been exhausted, the property as it stands will probably be worth much more than the person paid for it. Of course, there are instances where the property might be worth less.

The Mover expressed concern over a certain company and the Minister who introduced the scheme has

been taken to task for dealing with, or talking about, Cayman Affordable Homes. In the article to which the Mover referred, Mr. Heber Arch seemed to have cleared up this matter once and for all. And I would like to quote the entire paragraph from the *Caymanian Compass* of 9 May 1994, so that there may be a full understanding of what is meant by Cayman Affordable Homes.

“In the same interview, Mr. Heber Arch said that Cayman Affordable Homes Ltd., the company mentioned by Mr. Bush, does not exist as a legal entity. ‘The agreement will be with Frank Hall Homes (Cayman) Ltd,’ he said. He explained the apparent mistake by saying that Frank Hall Homes would trade under the name Cayman Affordable Homes for the purpose of the scheme.”

I want to make two comments on that. One is that the Minister has indicated that the agreement will not be with Frank Hall Homes as mentioned in this, and will, rather, be with the individual banks. The other matter is that Cayman Affordable Homes is the trade name applied to this particular project by Frank Hall Homes. In other words, if they do any business at all under this scheme, it would be done under that name to keep it, I would imagine, separate from their other business. But in his opening, the Minister did a pretty good job in clearing up any fears that may be lurking in the Motion about that.

The Mover of the Motion seemed to have made a lot of the fact that the Finance Committee was not complete at the time that they dealt with the guarantee. That is true, because I was absent, my colleague from Bodden Town, Mr. Roy Bodden, was absent, and two other members were absent. But, for business purposes, the Finance Committee was complete. Once a quorum was present (and the quorum was nine and there were 11 Members present) the Finance Committee was complete. They had a full quorum.

There is also this fact: No business is void simply because a Member is absent. If you have your quorum (and your Finance Committee is properly constituted when it has a quorum) all the business done is legitimate. I cannot think of many meetings where every Member has been present for every item of business. It is never intended that it should be, that is why we have a quorum—so that the House and the Finance Committee can function despite the fact that a particular Member, or Members, may be absent.

The Mover did make one valid point when he said that the scheme is not a low-income scheme. If you are going to get this kind of mortgage, you would not be able to repay if you found yourself in the very bottom of the scale and perhaps even higher up you may not be able to comfortably meet the payments which would be required. But I cannot really subscribe to the fact that low income is a misnomer. The person needs help and if the person were wealthy, the person would not need help for this type of mortgage.

What this scheme is doing is removing the biggest stumbling block to mortgages in this country. What prevents a young couple, say in their early 20s, from getting

a mortgage is the fact that they cannot come up with the down payment—the \$30,000 or \$40,000. The banks know they cannot raise that and they ask them to find if they want the bank to lend them the rest of the money.

So, if I did not congratulate the Honourable Minister on any other part of this wonderful scheme that he is putting forward, I would certainly congratulate him on removing the stumbling block of that initial down payment.

Many times I have seen friends of mine, and other people not so well known, with land running out of their ears, with collateral so vast that it runs into the millions, unable to get a loan from the bank. Why? Because they do not have cash. In business, cash is king. Credit may be the queen, but cash is king. If you do not have it, you need not go looking to the banks. If you have it, then you can go and get \$9 million to go and buy a hotel or whatever else you need. But, if you do not have a certain amount of cash, you cannot do business.

While my friend, the Minister for Housing, and I may not have a degree in economics or banking, or any other fiduciary institution, we do understand the practicality of getting a mortgage and doing business. That means that you must have cash. The old people used to talk about “cash on the barrelhead.” You have to put it up or you cannot do business.

So, this scheme has much to commend it. If I wanted to find fault with it, I could talk until tomorrow because no scheme is perfect. Also, if I wanted to praise it I could talk until tomorrow too. But, be that as it may, I believe the Government has started out on the right foot.

It is true that the Housing Authority fills a different need. I believe that once this scheme goes into operation we will find that other banks will be anxious to participate in it and, as far as I am concerned, I would welcome their help.

I think it is time that I take a look at the Motion. The last resolve in the Motion asks that: **“the Select Committee seek input from relevant financial and legal entities as well as members of the public.”**

Now, if we want to kill this scheme, put it into a Select Committee. This House has been dealing with the Penal Code for more than a year. I remember the Select Committee that dealt with the Immigration Law. They were dealing with that for almost four years and hardly finished it in that time. I do not see any need for a Select Committee to tell us what everybody in the Cayman Islands knows—banks will not easily lend money to local people who are just coming up in the world. I am talking about young people (25 to 30) that have fairly decent jobs, who could well afford to pay \$500 to \$1,000 per month for a mortgage if the bank would give them one year's relief. With a little innovation like that, a lot of people could get their homes. But these things are never considered and a hard line is drawn.

But now, where the banks are willing to cooperate with the Government it may be possible for the individual to benefit and I feel that the Legislative Assembly, with all due respect to its Select Committees, should not retard the progress of this scheme. Perhaps if it goes to a

Select Committee we may come up with a super scheme. Maybe five years down the line, the next Government will discard the project altogether.

One of the resolutions says, and I quote: **“AND BE IT NOW FURTHER RESOLVED that the matter of a blanket guarantee by Government aforementioned be referred to a Select Committee of the whole House for consideration and examination, and for it to formulate certain standards, requirements and guidelines for a lower income housing scheme for which Government will provide a blanket guarantee and which will invite all financial institutions and housing construction entities, which meet specified qualification, to participate in and bid for such business on a competitive basis . . .”**

That resolution is well put together, but it has one flaw. I am asking what standards for mortgages—because this is what we are dealing with—can be formulated by a Select Committee of this House to equal the standards known to the banks or the trust companies for generations? So, how are we going to improve the mechanics of this process by putting it into a Select Committee?

I notice the Movers were careful not to say that they do not agree with the idea or with the concept. They seem to find fault only with the procedure.

The first resolution, which I have left until last to deal with, is really the worst of all because it asks that: **“Government take no further action to commit public funds or incur public liability with any entity in relation to any low income housing scheme until the discrepancies in the present situation have been reviewed by the Office of the Auditor General and a report made to the Legislative Assembly.”**

I know that the Minister for Education dealt at great length with this, and I do not intend to repeat what he said or go into much detail, but that is a killer clause. That would put an end to this scheme, because after the Select Committee has completed its sitting, and after the matter has been reviewed by the office of the Auditor General, and after the report to the Legislative Assembly, I wonder where we would be time-wise. Would it be 1996? Or 1998? What guarantees are there that this review by Members of the Assembly (because they will make up the Select Committee, although they may call witnesses) will produce anything that can in any way make it easier or safer or better for any person out there to procure a mortgage?

The Speaker: Honourable Member, if you will not be finished in a few minutes, may we take the suspension at this time?

Mr. G. Haig Bodden: I will be glad to finish my speech at this time, Madam Speaker.

The Speaker: Please do.

Mr. G. Haig Bodden: I would like to say that I feel this scheme has been needed for a long time and I would

like to congratulate the Minister for Housing who put it forward, because I believe the Housing Scheme is a worthy one. I cannot support the Motion that is before the House.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED 11.45 AM

PROCEEDINGS RESUMED AT 12.11 PM

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

Mr. Roy Bodden: Thank you, Madam Speaker.

It is an established fact that all Members in this Honourable House, including those of us whom the Government associates with opposing much of what they bring, would like to see a scheme of affordable housing realised in this country. That hope has been stated at one time or another by each and every Member of this Honourable House.

It is my understanding that the primary reason this Motion is before the House at this time is to bring to the Government's attention the fact that there are two many inconsistencies. There is too much in the proposal that needs to be further ironed out.

There can be no more convincing evidence of that than the fact that certainly in my case since Monday, four young persons came up to me expressing confusion, including two young persons who claimed they had paid a deposit of \$2,500, and were at a loss as to what to do next. They had gone to persons representing Frank Hall Homes Limited and were spun around in circles. They went to the bank only to be told that they should not have paid a deposit as yet because there were still things to be ironed out.

Madam Speaker, such is the level of confusion and mystification that surrounds this proposal. So the Motion, contrary to what the Minister for Education and Aviation in his inimitable and mesmerising style was trying to say, is not designed to stop any Caymanian from benefiting but is designed to protect those deserving persons who would patronise the scheme, and also to protect the Government.

Madam Speaker, let me avail myself of this opportunity to say that it is the job of those of us who set ourselves up as monitors, whether we want to be called "Opposition" or "Backbenchers" or whatever, to ensure that when the Government comes with policies, particularly policies which are going to affect our constituents, that they are sound and clearly thought out. Let me say that our job is to be the buffer between the Government and the people.

In this case we are saying that this scheme, for all of its good intentions, is not sufficiently clear or thought-out so as to provide the benefit that the Minister and the Government is purporting that it is going to provide. Madam Speaker, if nothing is done, it is going to wind up

in a mess that is going to need a Hercules to clear up.

The Minister for Education and Aviation remarked that the public was dissatisfied with the Housing Development Corporation. That is true. But he did not say why the public was dissatisfied with the Housing Development Corporation. There were many frustrations and, to my mind, there were many improvements that could have been made to the functioning of the Housing Development Corporation had the Government been interested. It seems to me that it was the design of the Government to strangle the Housing Development Corporation in order to promote this new scheme.

The Minister also remarked that Government would make provision for liabilities in the case of bad loans—and there will be, no matter how good the scheme. But what the Government has not said to this point is what those provisions are. Are we now going to have a system that when the people believe they have a glimmer of hope in achieving a house or an apartment, when they run into difficulties they lose that glimmer of hope and the property is foreclosed and the dream vanishes? I cautioned, as I cautioned previously, the worst thing that can happen is for the Government to allow itself to be placed in a position where it has to displace people—where the Government has to throw people out of houses and apartments.

Hence, Madam Speaker, I am not comfortable with the proposal as it is. I say, for all those people who claim to have membership in the British Institute of Management and in all those other highfalutin institutes, the concept was not sufficiently clear. I would certainly expect someone who professes to have such immaculate qualifications in banking, and so many years' experience, to have drawn on what I understand to be the principles of commercial lending institutions and apply those to this system. I find the suggestion that the Opposition does not want to see young Caymanians in their own homes, ludicrous.

Regarding the threat that there are a lot of young people who stand to benefit from this scheme and many votes could be lost to the Opposition, the truth has to be spoken whether it cost votes or not. I believe this Motion was based on the principle that there are persons here who are convinced that this scheme, if allowed to go ahead, is going to be more detrimental than it would be beneficial.

Madam Speaker, one need look no further for proof of that than in the positions taken from the inception—from the announcement at the Finance Committee, to the press conference, and up until this present point. What started out as an announcement by the Minister that clients will be provided with 100 percent financing with a maximum level of \$80,000 (including Stamp Duty and transfer fees being dealt with in exceptional circumstances), has now moved to the point where the upper layer is now \$125,000—a clear 56 percent higher than what was mentioned at the beginning. That, in itself, tells me that there is no precise plan by the Government as to how this thing will function.

There is another significant point, one which I think

bears emphasis. Sometimes we hear of Frank Hall Homes (Cayman) Limited, as being the provider of the mortgages. Other times we hear that Cayman Affordable Homes Limited, is trading under that name. While I am not a lawyer, if you are giving guarantees and if you are lending mortgages it seems to me that you cannot be Roy Bodden and John Bodden. You must either be Roy Bodden or John Bodden. So it cannot be that in one instance it is Frank Hall Homes (Cayman) Limited, and in the other instance it is Cayman Affordable Homes. Which is it? This is adding to the confusion.

I have learned from prospective clients that they have gone to these people purporting to offer these mortgage schemes and in their application stated that they already had a lot of land, only to be told that they must go and sell their land and come and buy an apartment at Silver Oaks, or buy a house in Newlands. So, Madam Speaker, we need to get this business cleared up. Is Frank Hall Homes (Cayman) Limited, or Cayman Affordable Homes, or whatever name it is trading under, in the business of first divesting itself of apartments and houses currently on line before helping those persons who currently have land? That, Madam Speaker, is the situation as I have been reliably informed.

I am saying if this is the case then if our people are not being misled, they are being sent around in circles and being made fools of and we have to hold the Minister responsible and accountable. The principals need to elaborate, explain and express it once and for all. Is it the aim of this entity to divest itself of these properties before going on to help those people who already have their land? Madam Speaker, if that is the case, then I have to ask, was this scheme concocted because this entity had houses and apartments which they could not otherwise divest themselves of? Is that the reason why this scheme was not put out for tender so that other people who, as I have heard the Mover of the Motion say, were and are engaged in providing this type of housing? Why were these people not invited to tender?

On the way home every day, Madam Speaker, in the middle of what is called the Spotts Road, I see a sign by a developer announcing 100 percent mortgage financing. Why were these kinds of people not encouraged to tender?

Madam Speaker, this whole business reminds me of one of Aesop's Fables that goes: "A mountain was in labour. All the world stood agog. At long last it produced a mouse." I hope, Madam Speaker, this is not the case.

I heard the Minister for Education and Aviation emphasising and re-emphasising in his chiding of the Mover of the Motion, the Second Elected Member for Cayman Brac, that Cayman Brac is going to benefit. Well, if Cayman Brac is going to benefit when will the development start in the Brac? I did not hear of any plans to start one of these schemes in the Brac. Certainly, Cayman Bracers will benefit by buying apartments and houses here. But I got the distinct impression from the Minister of Education that there were plans to put up one of these developments in Cayman Brac. I look forward to hearing of the development in Cayman Brac.

Madam Speaker, at the press conference held in May, when the whole question of interest rates arose, the Minister was asked why the interest rates were not fixed and what was going to happen when interest rates rise, as we know they invariably do. The Minister gave a reply, something to the effect that the banks would not dare raise the interest rate. I wonder if the Minister has read page 2 of today's *Caymanian Compass*.

Madam Speaker, I believe that the Minister meant well in his attempt to provide housing to fill a need. But I believe that he is misguided and I have to wonder if he is not being used. I am asking the Honourable Minister to bear the time, while I can appreciate his enthusiasm and his need and urgency to be seen as meaning well and doing well, I ask him to please, in the interest of the country and the very persons whom he is purporting to help, take the time to do what this Motion asks so that we can get this scheme off on a proper and sound footing. What is there to be lost if we have to spend one year in a Select Committee? It is better to spend that year in a Select Committee and have all the parameters clearly ironed out so that there is no misunderstanding so that everyone—borrower and lender—is protected.

I would think that is a far better proposition than for us to be rushing head long into this thing and trying to solve the problems as we encounter them.

To the charge that the Opposition is trying to get political mileage by holding the scheme up, saying the plan did not go through . . . the Government should realise that if the plan goes through and it is not well thought out and many people lose their investment, they stand to lose more than any Opposition could by trying to sensibly suggest that the matter be deliberated before a Select Committee.

Madam Speaker, if all was Kosher, why were there no representatives from the banks they claimed are involved at that press conference? I have to say that I was rather surprised to see the Minister call a press conference to announce a big earth-shattering national housing scheme and the only resource person up there was the Minister who could not answer any of the questions that were asked.

Madam Speaker, if we had an unkind press, that Minister would be running for cover. That told me that there were some missing links to the puzzle. Those were not questions asked by Members of the Legislative Assembly. Those were questions asked by prospective borrowers that came away frustrated, confused, disappointed and let down.

Madam Speaker, history is the best teacher and while the role of Government in guaranteeing this money is commendable and to be touted, I have to draw from an experience in this country previously that had to do with Government and its relation with the people. Once upon a time, Madam Speaker, Government owned the Utility Company. It is interesting to note that one of the reasons why Government had to divest itself of the utility company was because people would not pay their utility bills. They said, this belongs to the Government, we are the Government so why should we pay the bill.

I wonder if any consideration has been given that the same situation might obtain in this case with the guarantee? The suggestion that any commercial banks would let the Government get an advantage over them by holding the top end of the guarantee and getting their money first, leaving the bank in a lurch, that is whistling in the dark. As sharp as the Government may be these banks are sharper and you can bet your bottom dollar they are not going into any agreement with Government, or any other entity, where they are seriously going to be disadvantaged. That is the reason why I believe to this point we only have mention of participating banks but nothing more concrete; no paper showing what the agreement is; no statement outlining what the agreement is. This is the reason why I believe that, conspicuous by their absence on the afternoon of the press conference, no bankers were there.

Madam Speaker, I suspect that if there are no obvious proper guidelines available, this system is going to operate on political patronage. That is dangerous. It is ill advised and will bring this country to no good. I do not care what is said by the Government. As a responsible person, I am prepared to support this Motion, because this Motion protects both ends of the deal—the investor and the Government, the top end and the people at the other end. It is the Government's responsibility to this country to see that this plan is properly developed before bringing it to the House.

I wonder what is going to happen, in spite of all the statistics and experiences that we have about people not running into trouble with their mortgages in the first few years, I wonder what would be the Government's position when they get a number of persons unable to meet their commitments. What will be their position when they cannot get their money? Are they going to write it off and let the people continue to occupy the premises? Will they throw them out with cold and callous disregard? The Government is not insulated in the way it should be in this scheme.

It strikes me that the developer is reaping an almost unfair advantage by not having to put up much, or any, risk. What is perhaps the greatest shortcoming is that this system which purports to be a low cost housing scheme is far from that and many people are disappointed because they cannot qualify, they cannot now meet the required payments.

If the Government is unable or incapable of putting together a system to deal with the middle income people, then how much greater is their failure when it comes to providing for those in the lower echelon. I say that the Minister should heed the Resolution in the Motion at hand. He should take this scheme back to the drawing board, he should harness the knowledge of the people who have experience in this kind of development. He should seize the opportunity to work in tandem with all Members of the Legislative Assembly and should throw political expediency out the window and come to the country with a plan that is not only saleable, but that is workable.

Madam Speaker, true to my stance, I am going to

vote with the Motion in full cognisance that the people whom I represent are sensible enough to know that it is my responsibility, primarily, to buffer them against schemes like this, against hair-brained schemes that are not thought out, that will cost the country and the constituency and that are designed primarily to reap political expediency and political mileage. I shall vote against it and, Madam Speaker, the fears and threats of the Government do not move Roy Bodden, because the result of the last election showed that they needed me. I did not need them.

The Speaker: Proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.17 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 9/94. [Pause] In view of the reluctance of Members to continue the debate I shall call on the Mover of the Motion... The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, thank you very much for your indulgence in this waiting game.

I have listened to what the Members supporting this resolution had to say. I must say that they certainly went to work with some vigour. It is a pity it was not positive. At times I had to wonder what they wanted and what were they talking about because, save for your guidance, Members (particularly the Mover) were bordering on serious contempt.

Before I get into the meat of the Motion and my reply to it, I want to deal with a few statements that were made. The Mover of the Motion started off his debate by attacking what he claimed was official falsehood, saying that there was no written documentation on the companies or proposed banks.

Madam Speaker, let me deal with, what I will be kind and call, the mischievousness on their part. Certainly, those institutions gave us documentation and we have that documentation. When the time is right, if, within the laws of this country that documentation can be made more public, I will do so. But for now, they will have to accept that they are dealing with a Government who is dealing with at least four other legal entities in this country—at least five, because there are four banks, and the company, Frank Hall Homes, who has used the trade name of Cayman Affordable Housing.

As I said, they gave us documentation before the matter could be taken to Executive Council, much less Finance Committee, because that is the process of Government. A matter is put to the Ministry, the Ministry deals with it, it takes it to Executive Council, and where there is spending concerned Executive Council must take it to Finance Committee.

The Mover asked the question whether the Finan-

cial Secretary or the Honourable Attorney General knew. Of course they knew—from day one. It is sad that their state of mind has taken them to such depths to believe that people who have been entrusted to lead the country at this level were coming to Finance Committee with a matter that was so vital, as they claim it is, for this country, without the involvement of the Attorney General or the Financial Secretary.

Of course they knew about it. The matter was taken to Executive Council as the procedure of Government requires. The matter could not, and I emphasise this, could not be taken to Finance Committee without going to Executive Council. It had to have the acknowledgement of the Honourable Financial Secretary and the Attorney General.

As to the name Frank Hall Homes, other Members have done a good job in clarifying that issue. But I said in the press conference that Cayman Affordable Homes was a trading name for Frank Hall Homes. All of us quite well understand that it is legal to use a trade name.

Now, Madam Speaker, they refer to the publication of the so-called interview mentioned by the Mover, and the truth is that my Permanent Secretary and I took the time to call the reporter and invite him to our office and explained to him what the relevant sections of the draft agreement said in regard to Frank Hall Homes, Cayman Affordable Homes.

It is nothing but downright dirty politics for those Members to come and try to put forward the position that all of this was happening without the knowledge of senior officials.

In their effort to belittle this Member, they have gone to that depth, in fact, to belittle Finance Committee because the matter was dealt with by Finance Committee. It is a pity that they, who claim they know so much, did not put all their expertise to good use when they had the opportunity to do so. Then, perhaps, this country would have been better off. But their actions here only highlight the bitter campaign of hate and spite they have been on since this Government took over.

Reference was made by the First Elected Member for Bodden Town regarding the press conference. In his usual style he belittled what I had to say at the press conference and he went on to say that I could not answer any of the questions that were put to me. He went on to further say that if we had an unkind press in the country I would have to run for cover.

I was there. What I was not prepared for were the kind of political questions that were asked by the Opposition in that conference. My Permanent Secretary was there and I had to refer to him many times, and most of the time for some of the other questions that were posed. But, in his usual style, he made little of what I was saying in the conference.

Madam Speaker, I do not have a copy of the press conference, or a copy of the report of the press conference with me, but I do not recall the newspapers paying so much credence to what they had to say. If what they had to say was so credible, why did the newspaper not carry it? Instead, the newspaper gave a pretty fair and

accurate report of the press conference and, in turn, carried an editorial—a very positive editorial—about the press conference. We never heard anything about that. Oh no!

The First Elected Member for Bodden Town—who seems to have a dictionary under his tongue—likes to get up and play Dr. Einstein. Oh, if we could only tell what we believe some of them are worth, then all liabilities could be taken away from this country.

I am happy that the newspaper carried a fair report of my press conference.

[Inaudible interjection]

Hon. W. McKeever Bush: You hush! You will have your time, Mr. Mover of the Motion. You will have your time to answer. But when you are called upon to answer, you too—

The Speaker: Honourable Minister—

Hon. W. McKeever Bush: —will be found—

The Speaker: Honourable Minister—

Hon. W. McKeever Bush: —wanting in the balance.

The Speaker: Please address the Chair.

Hon. W. McKeever Bush: Yes, Madam Speaker, but...

The Speaker: No buts, please.

Hon. W. McKeever Bush: No, no. I am only saying that they are the people who like to talk about other people interfering with them. They will have their chance.

I do not claim to be an Einstein. I do not claim to have a university education. How I got here was on the peoples' belief in my honesty. That is what I got here on, and the peoples' belief that what I do is in their best interest and having the backbone to get it done—to dare to stand out when others preferred to hide their light under a bushel.

They do not have to talk about hair-brain schemes. There were many hair-brain schemes in this country that they supported that have come to naught. I do not think that providing housing for the people that we are sent here to represent can be called a hair-brained scheme. No matter if that man is from Jamaica, from New York or the Cayman Islands, if that entity is legal and has the wherewithal to offer this country, then we can deal with them. I do not let politics, likes, or dislikes, hide my light under any kind of bushel.

Madam Speaker, that same Member for Bodden Town said that the scheme was concocted so that houses or apartments owned by Frank Hall Homes could be sold. I will get into more details later on, but if a person needs a home or an apartment and they qualify, what is wrong with dealing with that entity? They will have to make their arrangements with the bank. The

bank is going to see that it is a sound proposition.

Now, he made this statement that Government had set upon a design to strangle the Housing Development Corporation. I am wondering what is so fabulous about that now when in 1981, or 1980, the Member criticised the administration at the time for not doing anything about it when they brought the Law in 1981. He was part and parcel with the group (maybe I was at the time too) [*Members' Laughter*] criticising the Housing Development Corporation. But I have not shifted my position about what they could or could not do. That is the difference.

If they want something to laugh about, let them laugh about that.

The position I held then, I hold today—that the Housing Development Corporation has not been equipped to deal with housing in this country the way it is needed because the Government cannot afford to put the millions of dollars into the Housing Development Corporation.

That was my problem then, and it is today. What is theirs? Politics? I know their politics, Madam Speaker. They cannot bore holes too small that I cannot see through it.

Upon looking at the tenure of their whole debate, not only in this resolution, but in the other one in September that they raised, they are hell-bent on destroying, or derailing the scheme. That is what they want. They do not want to help the poor persons who cannot help themselves. If that was so, those that are in housing today would have been prepared a long time ago, when they were selling houses for larger sums than is being proposed today. They would have done something about it. But they are not looking to help the little man on the street. They are looking at their pockets and how much can be made from it.

The truth is that I have nothing against any of the three persons that were named by them, that is, Mr. Hawkins, Mr. Rankine, or Mr. Hugo Zeiderent, who was named by virtue of his company by the First Elected Member for Bodden Town. But none of those gentlemen have approached this Government to do anything about housing.

We have constantly said (and I do not know why they cannot get it through their heads) that this scheme is wide open for Tom, Dick and Harry, once they are credible people, once they qualify through the bank. We will look at them and deal with them accordingly. This is what we have constantly said. But they choose, in their efforts to castigate the Government, to say otherwise.

They do not want the scheme to go through. They do not want to see the type of people that we are trying to assist, whether it is middle or lower income groups, to get housing in this country. The tenure of their debate says so, and I will go back to the debate of the First Elected Member for Bodden Town, who said, last September, and I quote:

“Permit me to digress for a moment, Madam Speaker. Banks, by their very nature, are conservative in these kinds of approaches. You know why

they are conservative? Because they wish to protect not only their interests, but the interests of all parties because, as I understand it, no lending institution wishes the bad publicity of having to foreclose or having to take clients and customers to court. That is why they take almost a hard-line conservative approach.” (1993 *Official Hansard Report*, Vol. II, page 658)

He criticised me for not being able to say in my press conference that I had a firm fixed interest rate. He claimed that I did not know that the interest rates had risen recently. He would like to believe that sort of thing. But I am just as much aware of what goes on in this country, perhaps more than he is. The good thing about it is that in some of the things I am able to do something about it. What has he done so far?

He went on to erroneously quote me by saying that I said that the banks would not dare foreclose, or raise their interest rates to the point where people had to foreclose. That is correct. What I said was that they were not going to raise it so high as to damage their clients to whom they had loaned funds. That is what I said at the press conference. He must have believed that too, when he made that statement there last year. Now he talks about what they are going to do, like it is a foregone conclusion that all the people are not going to pay their loans.

Let me get to the point: The whole tenure of their approach to this scheme is to derail it, to hold it up as long as possible for whatever reasons they have. They use politics, and I will come to that in a few minutes.

I want to continue to quote the First Elected Member for Bodden Town to prove my point that they are on a mission to destroy the scheme and, to use the words of the Third Elected Member for Bodden Town, to give it a black eye, to make it look bad to the people so that they will get discouraged. That is what their effort is.

He said: **“Another important point I wish to underscore is that lending institutions like to talk about the borrower's equity and interest in the project. That is why they stipulate that the borrower must participate to the extent of putting something into the project. Not only is this economically sound, it is psychologically sound. Here is why. If someone goes to the bank to borrow \$80,000 to build a house, but they have to come up with \$20,000 and they get into a problem, if they are logical and clear thinking, as most Caymanians are, they are going to say, ‘Hey, I am going to have to make some sacrifices here, I only had \$20,000. If the bank takes this house or this property, my little \$20,000 will have gone down the drain. You know Bobo, I can't make that happen.’ So they are going to work that much harder to meet their obligations. It is my argument that in a situation where the borrower has not a vested interest, the same kind of philosophy does not obtain. ‘I don't care if they take the house, I ain't got nothing in it. If I have to go out and pay rent, I will go out and pay rent. I will try to get myself in a position where I can try again.’ So, Madam Speaker, I am wondering and**

I am asking, will the borrower be required to invest their own toil and sweat in this project?" (IBID)

What does that say to this Honourable House, Madam Speaker? It says that that Honourable Member and his colleagues do not want a scheme where the person does not have to put up a single penny. But that is the problem today. People have not saved. They do not have the down payment. This is where Government must come in to protect our country.

What is wrong with that? What is fundamentally wrong with a Government that says it is going to help the small man if he cannot find his down payment; that it will guarantee it, that it has faith in its people; that it believes the people are honest; that it will do the right thing and assist them? What is wrong with that, ladies and gentlemen? What is wrong with that, Madam Speaker?

They do not want the scheme to happen. They do not want the scheme to succeed. To top it all off, they are bitterly complaining and making all kinds of remarks, all kinds of assumptions without any facts, that someone was asked to pay \$2,000, or \$2,500.

Tell me what do they want? What is it they want? On the one hand they say that the person must put in something and then when the person is asked whether he can put something up, they say that that is bad, the company is doing something wrong. How can it be wrong? If the person has \$1,000, let him put it into it. That is what we have said from the beginning. What we have said is, if a person can make a down payment they should do so. The scheme provides this. That is as it should be.

Again, they are complaining about the liability. Well, would this not make the liability that much less? What is it they want? They believe that because they can write a Motion so they can have the last say and tear McKeeva to bits, that is it. Far from it, Madam Speaker, far from it.

They do not have any plans for this country. Let the country hear what their plans are for making things better for the people, other than what this Government is trying to do now and has accomplished since being elected. What have they done for housing? What has the First Elected Member for Bodden Town done for housing? What has the Second Elected Member for Cayman Brac and Little Cayman done for housing? What has his Secunder, the Fourth Elected Member for George Town, done for housing? Have they put a scheme forward where the little man could help himself, or the Government could help the little man? They have not.

No, I agree. The Member says that I have not done anything. But I am trying to do it. The difference is that they had a chance because they went into the business, and they did not do it. I am trying. This Government is trying to help the people.

The First Elected Member for Bodden Town says that this whole scheme is dictated by politics, designed to reap political mileage. Madam Speaker, that is how they see it. I cannot help if they see through a dark glass.

All I am trying to accomplish, and it will take some

time to iron out the ends, is to assist our people in getting a shelter for themselves. That is all I am trying to do.

They went on a tangent asking why the Government is reluctant to admit other developers into the scheme. I ask them, where are these people? We have constantly said come forward. We have said this. Why have the people whom they have mentioned not done exactly that? Certainly, we did not tell anyone that Affordable Homes had an exclusive contract. We have not told anyone that. We have said that we are willing to guarantee mortgages if people can qualify for their homes. But we also said that other persons could come forward.

Their point about not doing the scheme through the Housing Development Corporation (which they claim is for political reasons), on the one hand the Members complain about the liability of the scheme, this great liability to the country. Yet, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman say, "Why do you not go through the Housing Development Corporation?" The answer is very simple and very clear for one and all to see, and for those that can understand.

If, under the present scheme (according to them), 35 percent is too much of a liability, do they not understand that if we had to put \$15 million through the Housing Development Corporation that it would be a liability of \$15 million, whereas it could only go up to 35 percent under the present scheme?

Why do we not sit down with the Housing Development Corporation? The Housing Development Corporation is under my Ministry and we have done that. The Chairman of the Housing Development Corporation has been in on the discussions concerning the scheme.

They talk about liability. They do not want to point out that the Government is going to get direct revenue from the sale of land. Do they not understand that? Do they not understand that the Government is going to get direct stamp duty from the sale of land and from mortgages? Do they not understand that the country is going to get direct revenue on the importation of building materials through this scheme?

Of course, Madam Speaker, you do not hear the know-it-alls on that side talk about the positiveness of the scheme. We do not hear that there will be sale of more local material such as blocks and other building materials, such as the various kinds of aggregate, crushed rock, sand and so on. Oh no, we do not hear that. Why? This is all positive. But we cannot get positiveness from the Opposition because they are all negative. You cannot get positives out of negatives no matter how hard you try.

They talk about confusion. The confusion exists with them because they are not in this seat to run the country the way that they want it to run. I keep saying the Opposition must put, if they have anything credible, alternatives on the table whenever they criticise Government proposals.

I hear the Second Elected Member for Cayman Brac and Little Cayman muttering over there about the

Opposition taking over. I do not have the knowledge of the Lord Almighty, but I trust Him. I trust Him to keep all of them out of Executive Council, or God help us all.

Yes, Madam Speaker, they carry on saying that there are no facts on this scheme. They claim there are no facts, yet they throw out all sorts of wild, unfounded allegations. They say that one of the developers that would be in the scheme Cayman Affordable Homes, does not have any money. That was the categorical statement made by the Second Elected Member for Cayman Brac and Little Cayman. They want facts, they say. Where are their facts? Where is their proof that Cayman Affordable Homes does not have money? Where are their facts?

The truth is that Government has been guaranteed by the bankers or Cayman Affordable Homes, or Frank Hall Homes, that funds are available. If they want to find out how much and whether it is a fact that they have the money, let them go to Ansbacher House, because that is where we got our proof from. As I said earlier on, one of these days in the not-too-far-distant future, those that are blind will see. The Opposition is certainly blind, and if they are not blind, they are making a serious pretence that they are.

Despite the debate in the Finance Committee and in this House, despite media publicity such as articles and editorials and the press conference, which provided anyone who wanted to attend ample opportunity to ask questions, we still find ourselves in this Honourable House, again debating Government's tireless efforts to provide decent housing for middle and lower income Caymanians.

As agreed by this Government and the National Team, and mentioned previously in this House, the most stable residents in a community are its homeowners. An important tool in assessing a community's character and condition is through its housing stock. This Government sees the need to address the housing conditions in the community and we see it as an essential element to this country's social and economic development. As our population grows it is inevitable that the demand for housing will increase. Homes for the middle to lower income families are very important as it gives all of our citizens a feeling of belonging in the community with a stake in the economic growth of the country.

I looked at the recitals of this Motion and there are several points that I wish to address. These are: the guarantee scheme is unprecedented; the 35 percent guarantee is too high, and is speculative; the details on how the Government's liability is to be applied and what safeguards have to be in place; that there appears (according to them) to be exclusivity provided to the three banks and the developer; conflicting information in the Finance Committee submission of 19th July, 1993, and the press conference of 4th May this year; information on the requirements of the scheme and legal protection for the borrowers; and need for an independent review of the arrangements of the scheme.

While this particular guarantee scheme for housing is a first of its kind, Members are aware that Govern-

ments in the past have guaranteed less important projects in this country. We feel that the provision of housing for this sector of our populous is so important that it should not be further delayed, and if Government's guarantee is a catalyst towards eliminating some of the unacceptable housing problems in this country, then all Members of this Honourable House must not fail in their duty in this important initiative.

Instead of the Opposition being the prophets of doom and gloom, they should do their part to bring this scheme to the successful fruition which it deserves and, in so doing, try to balance their desire for information with their demands for all the "i"s to be dotted and "t"s crossed—when they want it and how they want it.

They claim that the guarantee is too high and speculative. The Finance Committee held on the 19th of July last year, granted approval for Government to issue individual guarantees to those four institutions named—First Home, Bank of Butterfield, First Cayman and Cayman Affordable Housing, a trading name for Frank Hall Homes. The fact is that Finance Committee created a mechanism for Government to use in applying guarantees to qualified persons or families on an individual basis. Perhaps this fundamental misunderstanding may be the root of the erroneous perception that Government has no control, as expressed by the Mover.

The Mover, and the public at large, are aware that the banks who would be lending these funds would be expected and committed under agreement to exercise their normal due diligence in vetting applications from persons who are desirous of participating in this scheme. Not only for our good, or the good of the borrower, but for the good of their clients. For it is their clients' money, so they have to exercise due diligence. Commercial banks will not wish, nor do I desire as Minister, to remove the initial credit decision away from the banks. Further control will be exercised by Government in that the prospective borrower has to meet certain criteria in order to be eligible for the guarantee from Government.

The criteria, which has been publicly stated before, follows: Borrowers must be Caymanian, or a Caymanian with a non-Caymanian spouse; Combined annual income at the time of application does not exceed \$60,000 per annum (this was initially envisaged to be \$50,000, but has been adjusted upwards, on which I will later make some comments); Payments on the mortgage must not exceed 33% of the family's or applicant's gross income; and Overall debt servicing ratio, including the mortgage and all other debt obligations, must not exceed 40% of the family's or the applicant's gross income.

A sensible and conservative debt service ratio and one that does not indicate speculation to most reasonable people. It does not indicate speculation, but it is sound banking financial principles. Of course, the Opposition is not reasonable.

Another criterion is that only the primary job income will be considered, except in unusual circumstances. The bank will take a first charge in the property and Government a second charge in respect to its guaran-

tee. The property will be required to have and maintain an approved fire and all-perils insurance to cover replacement and the primary borrower will be required to assign a life insurance policy in an amount sufficient to cover the outstanding balance of the mortgage at all times. In exercising due diligence, the banks will need to receive satisfactory written credit references as well as employment and income verification letters.

Obviously, upon receiving an application from any of the banks in this scheme for a guarantee, a small committee of Government will individually assess each case and respond to the bank within five days of receiving an accurate and complete application for a guarantee.

Against this background it becomes very evident that the use of language by the Opposition, such as "the results are considerably speculative", in the recitals of the Motion, can, with justification, be called inflammatory and politically misleading.

The process and procedure just outlined also responds to the expression "safeguards of the people's money," and the other expression "expenditure...which will financially affect the lives of the citizens of the Cayman Islands," used by the Mover in the recitals of the Motion, and by the First Elected Member for Bodden Town.

The Mover also wrongly says that there is no definite requirement or standard for the project. They know better than that. Why are they being so negative? Because, contrary to this assertion, Government has publicly stated that any construction to take place under the scheme must be done by an approved contractor or developer to the standards required by the Central Planning Authority and other agencies which have to deal with building, such as quantity surveyors and so on.

All reasonable Members of this House see that there are very sensible safeguards for the operation of this scheme and the application of Government's guarantee. These are not onerous to the borrower, as it also allows the borrower to do a self-analysis of his financial situation and his aspirations for a home before committing to his mortgage.

The guarantee at its lowest level (10%), or at its ceiling (35%), provides flexibility for Government to help qualified borrowers. Contrary to the view expressed some time ago by the First Elected Member for Bodden Town, this is not meant to be (will not be and cannot be) a free ride for anyone. This scheme is meant to help citizens of this country who for various reasons are not able to accumulate sufficient funds to make a down payment for a mortgage for their home, or meet the closing costs when purchasing a home. It is, therefore, not too much for Government to guarantee a maximum of 35 percent for what I believe is a noble socio-economic objective.

As pointed out, all prudent safeguards are in place. So, the speculative suggestion made by the Second Elected Member for Cayman Brac and Little Cayman and his seconder and their colleague, the First Elected Member for Bodden Town, equates to naught.

Details of Government's guarantee. As reflected in

the minutes of the Finance Committee of the 19th of July, 1993, and the debate on Private Member's Motion No. 4/93 on 4th September, 1993, Government's guarantee of between 10 percent and 35 percent of the upper layer of the loan will cease. It will stop after the first payment which aggregates the sum guaranteed of the sum loan in lieu of prospective clients providing their own down payment. In other words, an increment of the monthly payment will have a factor that goes towards amortising the guarantee. In this way, Government's liability would be adjusted with the decreasing amount of the mortgages, rather than the original amount.

As payments are made on the loan, Government's guarantee will decrease. To protect its guarantee, Government will take a second charge on the borrower's property. The banking institution, who will have the first charge, will not be allowed to modify or vary its first charge without the consent of the Government.

Another precaution is that the banking institution will provide the Government with regular, at least quarterly, reports on the status of any delinquent loan account and, of course, annually on all loan accounts in this scheme.

Executive Council has also indicated that a reserve account will be established to cushion the impact of any payment by Government in the event of a default loan.

Over the five-year period, it will be necessary to budget a sum of approximately \$400,000—\$500,000 annually in order to accumulate the desired reserve. But this is good management, nothing is wrong with this. But this will be a matter to be brought to Finance Committee later in this meeting.

Now to deal with the perceived exclusivity that they ranted and raved on so much in their debate. It was publicly stated, very early in the day, that Government was having dealings with these three institutions and the development company referred to. This initial list was mentioned because no other participants had come forward despite being encouraged to.

It has also been publicly stated that the Government would encourage and promote for as wide a participation as possible by building contractors and/or developers providing that they are reputable, with a good track record and would add to the credibility of the scheme. Throughout every district of this country, including Cayman Brac, this is what we said from the very onset. Government does not intend to enter into any exclusive agreement with any developer, contractor or financial institution.

The three banks, First Home, Bank of Butterfield, and First Cayman, and the development company referred to, Cayman Affordable Homes, are very keen to become involved and Government is appreciative and grateful for their interest and concern. But Government has not yet signed an agreement with Cayman Affordable Homes, or any of the banks mentioned. Some details of the scheme are still being finalised with the financial institutions. But no agreements have been signed as yet.

In fact, interest is so keen among the public to get a

home, that now other developers of suitably priced land or subdivisions are being approached by the public. We expect that they will come forward in due course to participate in the scheme.

Additionally, Canadian Imperial Bank of Commerce has recently come forward and pledged up to \$3 million per year for five years. This will be dealt with later on in Finance Committee, which is to be held sometime during this meeting.

Basically, the conditions for developers, landowners or contractors to participate in this scheme must include: ownership by a majority of Caymanians; possession of a valid business licence; reputable good track record; suitably priced land for this type of scheme which meets the standard of the Central Planning Authority.

For instance, if they are going to develop a piece of swampland, that has to be settled down properly before I am going to agree to enter or promote any developer's name to the banks or otherwise. They must be prepared to produce or provide the bridge financing for each home to be constructed until it is taken possession of by the owner, that is, the developers will build the houses with their own funds, or with loan funds secured by a contract to sell to the home owner. Upon completion and acquisition of a Certificate of Occupancy, the homeowner would make the lump sum, or final payment, to the developer or contractor and take possession of the home.

The benefit of this arrangement is that the homeowner will be getting a finished product at a fixed contract price. The contractor's stake would be to honour his contract and avoid over-runs. Provisions are also made to allow for individuals who wish to build their own homes under the scheme.

Yet, the Opposition continues to say otherwise. Why? Simply because they do not want the scheme to succeed. They do not want the person out there, who might have a little difficulty in understanding, know that they are able to qualify, or are able to get a home under this scheme. Individuals who might have a piece of land, or who might have a piece of land and a foundation, or a piece of land and a house up to the belting, for instance, are the scenarios that are possible within the scheme.

So, there is no exclusive arrangement with any development company or contractor. Any approved contractor or developer in any district within these islands may be eligible to participate in this scheme. We have been saying this from the beginning.

As for requirements for participation by financial institutions, they should have a Class A licence and be prepared to afford the competitive terms, which the scheme requires. The Opposition has taken the position that the scheme is already cut and dry. As already stated, no agreements have yet been signed.

What I said publicly was that an agreement in principle had been reached, and anyone familiar with this kind of negotiation would understand that in dealing with such a complex matter it is usual to reach agreement on the broad frame work of the matter. This is what is referred to as agreement in principle. However, I should say that there are very few details left to be agreed to

with the banks and Government should soon be in a position to execute the agreement.

In wrapping up this section, let me point out that although there has been much talk about low cost housing monies by various institutions in Cayman—banks, insurance companies, building societies and the Housing Development Corporation itself—there has not been anywhere near the ground swell of activity which is imperative to satisfy the needs which exist. It is therefore incumbent upon Government to jump-start this effort, and this we are going to do, while allowing freedom of choice and maximum participation within prudent and stringent guidelines for all who are a part of the scheme.

The Speaker: Would this be a convenient time for you to take a pause?

Hon. W. McKeever Bush: Thank you very much, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.40 PM

PROCEEDINGS RESUMED AT 3.56 PM

The Speaker: Please be seated.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, continuing.

Hon. W. McKeever Bush: Madam Speaker, I want to move on to touch on what they termed conflicting information of Finance Committee, versus the press conference.

Madam Speaker and Honourable Members, there have been two instances in the evolution of the scheme where two fundamental parameters had to be modified. As noted at the press conference, one had to do with the extension of the upper level of the proposed mortgage loans—from \$80,000 up to a maximum of \$125,000. The increase was proposed when it was realised that in order to provide a house with land, bank, and Government fees, etcetera, \$80,000 would not be sufficient to allow the borrower enough flexibility.

This also allows recent college graduates or young couples who may be earning a decent salary but who do not have the cash to make a down payment, to also have the guarantee afforded by the scheme. This increase will also go into Finance Committee later on in this meeting.

The next modification that will be going to Finance Committee is increasing the upper level of the combined household income. A maximum sum of \$50,000 had been mentioned in the discussions at the Finance Committee on the 19th July, 1993. This modification also benefits the same group of Caymanians who may be earning a decent combined salary, but due to various circumstances are unable to accumulate the necessary

required down payment. Without extending the combined income level, these individuals would not be able to participate in the scheme.

Government is aware that these go beyond the terms of the Finance Committee's approval. Accordingly, the Financial Secretary will be asked to ratify these two proposed alterations to the terms of its 19th July, 1993, authorisations in the June Meeting of the Finance Committee.

The Opposition made a big hullabaloo about this being raised. I do not see the problem with it. It is intended to, and will help more people. I do not know what the Mover of the Motion is grumbling about, but I believe that all of this will only do the scheme better and allow the people a better change of getting a home.

Madam Speaker, now to look at participation procedures and legal protection of borrowers. As previously mentioned in my reply, each individual applicant or household will be required to meet specific criteria. Once a prospective homeowner has agreed on the location of his house, the size and cost of construction and other costs, he will approach one of the banks participating in the scheme in order to apply for the financing of the home after being presented with a Certificate of Occupancy by the developer or the contractor, whichever. Simultaneously, the developer or the contractor will obtain construction or bridge financing from his banker on the strength of the sale of contract with the prospective homeowner.

Madam Speaker, since Government's guarantee is only in respect to the commitment of the homeowner, Government would assess each application before approving the guarantee.

Regarding management of the scheme, it is proposed that the lenders would assess prospective borrowers and recommend eligible cases to have the Government guarantee applied. It is further proposed that a Committee of two, being nominees of the Honourable Financial Secretary and the Permanent Secretary for Community Development, Sports, Youth Affairs and Culture (the Ministry responsible for Housing), would view these cases and ascertain whether they meet all relevant criteria. The form of guarantee would then be completed subject to registration of the necessary second charge against the property.

Madam Speaker, the First Elected Member for Bodden Town, went on about not having the Housing Development Corporation involved. According to the Permanent Secretary, the person who is to be appointed, along with someone from the Financial Secretary's Portfolio, will be someone from the Housing Development Corporation. But this is as we have said time and time again. That is what the Housing Development Corporation will do. That is the part they will play. They will look at the applications. I have said that, time and time again in answers to questions in the press conference and, in fact, to a question from the same Honourable Member, the First Elected Member for Bodden Town, when he asked me "What part will the Housing Development Corporation play?" I told him that. Yet he comes into the House

with a halo saying otherwise.

Why, Madam Speaker, do they not want the scheme to succeed? That is simply it. The more bad things that they can say about it, the more they might convince somebody that it is a bad thing and they should not get involved.

But the people are going to fool them, because there are virtually hundreds of people who are going to join in this scheme. They are not worrying about who is going to get the political mileage, and I am not concerned with that...I hear somebody over there grunting...but, nevertheless, Madam Speaker, it is the truth. That is what they are concerned with.

This is really what irks me in this whole situation, Madam Speaker. They are concerned about politics. So what if somebody gets some political mileage out of it? Somebody gets a shelter for their children and themselves. What is wrong with that? That is what is supposed to happen. That is what Government is. That is Government by the people and for the people!

Madam Speaker, I thought that the Opposition would support us. But, nevertheless, they shall not have their way. Government is doing the right thing that is why Government is having its way.

The good Members of this House are by no means—let me say this quickly, Madam Speaker—extension cords. They tear things apart and look at details, but they are practical and sensible enough to know when something is good. Just because they are not ranting and raving and on the television every minute does not mean the Honourable Members who support the Government are not involved. They are very much involved, and they care about what is going on and do voice their opinions.

Madam Speaker, let me say at this point that while borrowers in the scheme are not immune from the fluctuation of interest rates, the spread of 3 percent above prime rate is fixed for the duration of the loan. I heard the First Elected Member from Bodden Town, like he had parted the Red Sea, exclaimed about this new increase in interest rates. Well, I will say now what I have said in the past: I have confidence that the banks are not going to increase rates (he even said that sometime back) to the extent that the people to whom they lend \$30,000, paying \$300 per month will have their payment doubled to \$600. They could not. Why? It is simple: because then the whole scheme would fall in their lap.

It is their money, clients from throughout the Cayman Islands, or worldwide have placed money in their banks and it is that money that is being loaned out. How do you think that they are going to throw down interest rates to the point that it becomes unbearable. Madam Speaker, why do these people not get realistic? Why do they not get realistic?

They also went on this spell about the protection of the borrower. But the Mover should be aware—all three of them should be aware—that all borrowers who are committed to a mortgage loan are protected by section 72 of the Registered Land Law, which affords a considerable degree of protection to the borrower through de-

tailed stages towards foreclosure to the extent that this is one of the things that is being extensively discussed. But we have held out that that remains. That is the Law. They cannot go and foreclose on somebody immediately. It takes months, if not years, for that to happen when it comes to mortgages.

I do not know where those who set themselves up as experts in this House get their information, but they talk about everything as if it is a foregone conclusion. All they have to do is say it, and it is correct. They better go back to school. It is very obvious, as I have said, that the lending institutions will be required to adhere to the procedures in the event of default in payments by any borrower.

Madam Speaker, I do not know if any Member has said so to you, but we have an Executive Council Meeting shortly. I am wondering if we could take a break at this time.

The Speaker: I was not aware of that, Honourable Member. But if that is the case, is there a Motion to move the adjournment of the House at this time?

The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I 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.

I shall put the question. Those in favour please say aye, those against no.

AYES AND ONE AUDIBLE NO

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

AT 4.16 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 3 JUNE 1994.

**EDITED
FRIDAY
3 JUNE, 1994
10.02 AM**

The Speaker: I will ask the Fourth Elected Member for Gorge Town to say prayers.

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, Official Members and Ministers 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 Honourable Members. Question No. 61 is standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 61

No. 61. Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development what Government aims to achieve by the recent amendment to the Customs Law and Regulations

prohibiting the importation of certain goods except with permission from Executive Council.

The Speaker: The Honourable Member for Finance and Development.

Hon. George A. McCarthy: Honourable Members will recall that at the time this amendment was brought to this Honourable House there were mounting concerns among Caymanian-owned and operated tourism transport businesses and heavy equipment operators over the importation of large buses, water taxis and heavy equipment by alleged fronting operations.

This amendment was considered at that time to be the most practical and expeditious means of averting confrontation amongst the various parties and also to provide some degree of protection to Caymanian-owned and operated tourist transport businesses and heavy equipment operators. The Government also intends to bring replacement legislation that is presently being developed.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Member say if changes are expected any time within this year, or new legislation, to the present state of determining the question of buses and the like that this provision affected?

The Speaker: The Third Official Member.

Hon. George A. McCarthy: Madam Speaker, as I mentioned earlier, amending legislation is under review and the public has already been circulated with a draft of the amending legislation. They have submitted their concerns and they are now being considered. It is likely that the concerns as expressed could influence the draft legislation and what will be brought to this Honourable House.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Member say if every time someone wants a bus with over nine seats they have to make a formal application? Does that go each time to the Executive Council to be determined, or has Executive Council approved one of its members to review some particular application form and make a de-

termination?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the Executive Council has vested delegated authority in the Honourable Minister for Communication, Works and Agriculture to review the applications that are submitted for the importation of buses, water taxis and heavy equipment.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is the information that is submitted to the Minister on a particular form that has been developed, and does the Minister have the approval to grant this, or does he review this and then it goes on further to Executive Council?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, there are no specific forms that have been developed. A letter is normally submitted setting out the intent or request by the prospective importer. Once it has been deemed reasonable and within the context of the amended legislation the Honourable Minister is authorised, on behalf of Executive Council, to assent to the request.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Member could say if, for heavy equipment, it then goes to the Department of Agriculture so that they are informed that a person has a licence to import heavy equipment?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the Honourable Minister normally consults with the representatives of the Heavy Equipment Association, and I would imagine that in the case of Agricultural Equipment that would be the only instance he would consult with the Agriculture Department.

On a whole he normally consults with the Association to make sure that what is being proposed to be imported is not presently on the Island.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member confirm that what appears to be one of the chief questions in these applications, that of fronting, if a determination is made as to whether applicants are in that position or not at the time?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I do not imagine that that could be established at the point of the application being made.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say how those applications from persons who are not members of the Agricultural Society, or the Heavy Equipment Operators, are dealt with and how we can be assured that they are given the same or similar treatment as members of these two organisations?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, at best we will have to rely on the objectivity and the judgment of the Honourable Minister that has been vested with the delegated authority of dealing with the requests from the prospective importers to allow for equipment to be brought into the Islands.

As I mentioned earlier, it is not a question that these prospective importers should be, or necessarily have to be members of the Heavy Equipment Association. Only that what equipment proposed to be imported does not exist on the Island and would not create a conflict with Heavy Equipment Operators if such were to be brought in.

The Speaker: The next question is No. 62, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 62

No. 62: Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development whether any travel agency is engaged to book Government travel and, if so, which one.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: There is no travel agency engaged to handle the Government's travel.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if, with Government's travel being booked, there are any instances where it is done through a travel agency, and if it is not done through a travel agency, through whom is official travel booked?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, there could be the unusual and infrequent occasions where travel agencies may be used. This is only done in instances where it would not be appropriate and most cost effective to make the travel arrangements through Cayman Airways. In such instances, it is normally done with the approval of the Financial Secretary.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Does this also apply to statutory boards, such as the Authorities and so forth, or is this just for Government Departments?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Mainly for Central Government Departments.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Honourable Member would make an undertaking to make sure that the statutory boards be given a circular requesting that they book through Cayman Airways and not use a travel agency because I know that this is the practice of some statutory boards, having served on one, that they do use the travel agencies and Cayman Airways is losing the revenue.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I will give that undertaking, but all of the statutory authorities are aware of the Government's policy in a preference for the use of Cayman Airways.

The Speaker: The next question is No. 63, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 63

No. 63: Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development what are the total outstanding loans and guarantees for which the Cayman Islands Government is obligated for central Government and any authorities, with a breakdown by original amount, currency, duration and interest rates.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The total loans and guarantees outstanding of the Government and Statutory bodies as at 31st December, 1993, is as follows:

a) Central Government Public Debt	\$ 27.59 million
b) Self-financing Loans (Statutory Authorities)	26.53 million
i) Contingent Liabilities (Guarantees)	63.41 million
ii) Other Loans (without Guarantee)	1.32 million
Port Authority	0.94 million
Water Authority	
Total (unaudited)	\$ 120.0 million

The breakdown showing original amount, currency, duration, and interest rates is attached.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Member have any comparative figures readily available as to how much these amounts may have risen during the past year from what it was to the year prior?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, for the year 1992, the figures indicate a decrease of \$3.4 million.

The Speaker: The next question is No. 64, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 64

No. 64: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what are the reasons for the choice of the former Head of the Uniform Branch of the Royal Cayman Islands Police to be the head of the project team overseeing the extension of the Central Police Headquarters.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The appointment of ex-Chief Superintendent Neville J. Smith to head a project team to oversee/manage the extension of Central Police Station, the commissioning of a new Police/Customs launch and other projects was approved for the following reasons: 1. The projects are complicated and time consuming and to appoint an operational officer would have removed that officer from primary police function.

2. Mr. Smith is well qualified from his knowledge of the Force and of the various Government departments with which liaison is necessary. Mr. Smith's extension to contract, due to expire 3rd October, was granted specifically to assist the Force and minimise any diminishment of its operational efficiency.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Was any consideration given to advertising beyond the ranks of the Police Force, seeing that this seems to be a matter of management and administration rather than pure police matter?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, the decision was taken to select someone who was available, qualified and knowledgeable by experience of the task to be undertaken and Mr. Smith was available and considered qualified to undertake the work.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Are we then to understand that at the conclusion of these announced projects that there will be no further contract extension to the officer involved?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, that is my understanding, it is a specific project-based assignment and once the various projects have been completed that is the end of the assignment. I think the substantive answer gives a date by which these projects should be completed.

The Speaker: The next question is No. 65, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 65

No. 65: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs why are the applications for the recently advertised post of Commissioner of Police to be sent to the present holder of that post and not to the Secretary of the Public Service Commission or to the Chief Secretary.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The appointments of personnel to the Royal Cayman Islands Police does not come within the purview of the Public Service Commission.

Appointment of the Commissioner of Police is the responsibility of His Excellency the Governor, as it is with all Gazetted Officers. Applications in response to the recent advertisement are forwarded to the current Commissioner of Police who collates those applications, offers his professional advice on the qualities and experience of the candidates and forwards all applications, plus the aforementioned advice, to His Excellency the Governor.

Interviews are then conducted in London by the Governor, assisted by the Inspector General of Dependent Territories Police Forces and the Cayman Islands Representative in London, Mr. Thomas Russell, from

which an offer of contract is made to the candidate considered most suitable and qualified for the post.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: To what extent does the present holder of the post influence the recommendation of who may be short listed for interview?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, the responsibility of the incumbent, as stated, is merely to offer an appraisal and to summarise the professional qualifications and experience in such a manner as to enable the Governor and the panel to do its work effectively. The panel need not be influenced to any degree whatsoever. This is a professional matter.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if the holder of the present post is also a member of the interview panel?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, he is not a member of the panel.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, may I ask the Honourable First Official Member if it has been the normal practice in the past to have the applications for this particular post sent to the incumbent Commissioner?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, this is following exactly what has happened in the past.

The Speaker: The next question is No. 66, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 66

No. 66: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to provide a breakdown of the numbers of Permanent Residency granted in the last two years by the following: (i) nationality; and (ii) period of residence.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The breakdown of the numbers of permanent residency granted in the last two years is attached at Appendix I and II.

Madam Speaker I do have to apologise because in looking at the appendices I see that the information that I have been supplied with is, in fact, the data in respect of the past 16 months and not the past two years. For that, I do apologise.

For the benefit of those listening, the total number of permanent residence granted during the past 16 months, that is during the period January 1993 to April 1994, totals 183 persons of which 103 were Permanent Residency with the right to work and 80 without the right to work.

The following is a breakdown of the numbers of Permanent Residency granted in the last two years: 1(A) By Nationality: Permanent Residence with the right to work: January—December 1993

USA	6
Barbados	2
Nicaragua	8
United Kingdom	16
Jamaica	3
Honduras	3
Guyana	1
Canada	2
Cuba	5
New Zealand	1
India	2
St Vincent	1
TOTAL (1993)	78

By Period of Residence: Permanent Residence with the right to work: January—December 1993

persons granted	# of years resident
1	30 yrs.
1	26 yrs
3	24 yrs
3	23 yrs
5	22 yrs
7	21 yrs
5	20 yrs
5	19 yrs
5	18 yrs
3	17 yrs
3	16 yrs
3	15 yrs
1	14 yrs
5	13 yrs
2	12 yrs
3	11 yrs
2	10 yrs
3	9 yrs
2	8 yrs
4	7 yrs
3	6 yrs
4	5 yrs
5	4 yrs

1(B) By Nationality: Permanent Residence with the right

to work: January—April 1994

Jamaica	14
United Kingdom	2
Honduras	2
Brazil	1
USA	2
Canada	1
Nicaragua	1
Mexico	1
Barbados	1
TOTAL as at April 1994	25

By Period of Residence: Permanent Residence with the right to work: January—April 1994

Persons granted	# of years resident
1	5 yrs
1	26 yrs
2	22 yrs
4	21 yrs
2	20 yrs
2	19 yrs
2	18 yrs
5	17 yrs
2	16 yrs
1	14 yrs
1	12 yrs
1	10 yrs
1	6 yrs

2(A) By Nationality: Permanent Residence (independent means): January—December 1993

USA	27
GBR	8
Canada	13
Finland	2
Jamaica	3
Austria	1
Belgium	1
German	2
Australia	2
TOTAL 1993	59

By Period of Residence: Permanent Residence (independent means): January—December 1993

Persons	# years resident
1	17 yrs
2	11 yrs
1	10 yrs
1	9 yrs
1	6 yrs
2	5 yrs
4	4 yrs
10	3 yrs
14	2 yrs

2(B) By Nationality: Permanent residence (independent means): January—April 1994

USA	7
Canada	4
Dutch	1
Jamaica	1
Italy	1
China	2
Germany	1
Bermuda	1
Nicaragua	1
Colombia	1
United Kingdom	1
TOTAL as at April 1994	2

By Period of Residence: Permanent Residence (independent means): January—April 1994 19 person(s) resident 1 to 5 years, 1 resident 6 years; 1 resident 19 years

Total persons granted Permanent Residence (with the right to work): for period January 1993—April 1994: 103 persons.

Total persons granted Permanent Residence (independent means): for period January 1993—April 1994: 80 persons.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Are there any systems by which quotas based on country of origin are used as a criterion for the granting of some of these residencies?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: No, Madam Speaker, there is no quota of nationality applicable to these matters.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Honourable Member in a position to say whether applications from persons with permanent residency with no right to work, who now wish to have the right to work have been recorded to any significant degree?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, based on my knowledge of the matter there are few. The number of cases of persons fitting the description cited are the minority. There are few persons who, having applied for residency, subsequently seek to have that amended with the right to work. There are exceptions in that there are a category of persons who, having qualified under fairly recent directives of having lived in the country for 15 years or more, may now be seeking to make such application. But in the main, those applications, traditionally,

were in the minority.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: In the cases of permanent residency with the right to work, can the Honourable Member say if there are any sanctions or any parameters which mitigate against persons applying several times if they are not successful in the first instance, and what is the elapsed time before a second application can be considered.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, to the best of my knowledge, there is a provision in the Law, or the Directives issued under the Law, which spells out the time that should normally elapse between applications. The applicant is usually notified of this period of time in writing when the decisions are being conveyed.

The Speaker: That concludes Question Time for today. Other Business, Private Members' Motions. Private Member's Motion 9/94, continuation of the debate. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/94

ESTABLISHMENT OF A SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW, INTER ALIA, GOVERNMENT'S BLANKET GUARANTEE FOR LOWER INCOME HOUSING

(Continuation of the debate thereon)

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, I wish to continue my debate in answer to the wild allegations made thus far by the speakers of the Opposition in the Motion they have dreamt up.

Some of the remarks made by the Mover of the resolution, the Second Elected Member for Cayman Brac and Little Cayman, appear in the *Caymanian Compass* of today. On the front page, in the fifth paragraph it says, and I quote, "**Last year Mr. Bush said that the scheme would provide 100% financing for Caymanian homes, the maximum loan available being \$80,000, now the maximum loan was \$125,000.**"

That is a statement of fact, Madam Speaker. If you look at the *Caymanian Compass*, up until that point they did not put that in quotation marks. But, within the same paragraph, or continuing thereon . . . in fact there was no

full stop, it just goes on to say “**now the maximum loan was \$125,000, (comma) and people were expected to produce a \$2,000 to [\$4,000] deposit,**” in fact what they have there is a \$40,000 deposit! That has to be a typographical error.

What further compounds the problem . . . certainly, the beginning of the paragraph down to the wording “now the maximum loan was \$125,000” can be attributed to me. That is a matter of fact. But when they go on to say now people were expected to produce a \$2,000—and they say \$40,000—deposit, that cannot be attributed to this Member because I certainly did not say that. I have never said so.

Madam Speaker, for some reason, and I believe it is deliberate, the Opposition has continuously taken things out of context with the scheme. They talk about confusion, however it is evident that they are confused and refuse to even believe what we are saying. I am sorry, but I cannot force them to believe the Government. As I said earlier, in due course when all matters are to the satisfaction of the Government and the banks involved, things can be made much clearer.

This Government recognises the need for people to be able to get a home for their families. I am dealing with this matter of the deposit because it highlights the inconsistency of the Opposition who claim to be expert in everything. In recognising the need we acted prudently and sought the assistance of the private sector because the Government had no money of its own to put into the Housing Development Corporation, which was the body handling housing loans at the time (and still is) for Government.

At no time did we publicly or privately say to anybody that Government was preparing housing for everybody through the proposed scheme. That is one falsehood on their part. We said from the very beginning that the scheme would cater to people who would be able to keep up a mortgage, whether that mortgage was \$30,000, or \$125,000. We went on to say how we would deal with indigents. We would deal with them in another manner. In fact, Madam Speaker, we have all along provided indigent housing and more will be provided this year, that is, for the poor people that cannot afford a loan at all. But we have never told anyone, and it is deliberately wrong for the Opposition to portray that we were asking people to put up \$2,000 to \$4,000. What we did say was that if a person could afford a down payment, whatever it is, they should do so, whether it is \$2,000, \$5,000 or \$500, if they have it they must put it up. That is what we have been saying all along.

The inconsistency in the Opposition is that they claim the whole scheme carries too much liability for the Government. They then complain that people are being asked to put up a deposit.

If a person puts up \$5,000, \$10,000, whatever they can afford to put up, it would be that much less liability for the Government and it would mean that the person would have put something into their house. It would mean that the liability of the country would be that much less. Yet they complain about persons being asked to

put up \$2,000 to \$4,000. We did not say that, but whatever they have (let us make it plain) whatever they have to put up, they should do so.

Madam Speaker, the *Caymanian Compass* also said, and I will read what it says on page 2, paragraphs 6 and 7: “**Mr. McLean wondered why the Housing Development Corporation was not involved in the scheme. When the scheme was debated in the House Mr. Bush had said the Corporation would play an important role. But it was now apparent that the Housing Development Corporation was not involved. The world suddenly learned that it would be dealing with Cayman Affordable Homes, not the Housing Development Corporation.**”

Where are his facts, Madam Speaker, that the Housing Development Corporation is not involved? Where are their facts? Pure assumption. Pure political rhetoric to discredit the scheme.

We said from the beginning, as he quoted, that the Housing Development Corporation would be involved and I say again, it will be a very important involvement in that my Permanent Secretary of my Ministry will be appointing a person from the Housing Development Corporation to vet the application that will come from the bank to Government for Government's guarantee. If that is not an important role, I do not know what it is that the Opposition wants.

It is a most important role, as far as I am concerned, when it comes to Government, because it is based upon their recommendation that Government's guarantee will be applied. Yet, they mislead the country as if they have the facts. Pure assumption and political rhetoric. Spite. Nothing but pure unadulterated spite, to make the Government look bad. Not that they are trying to assist the scheme, every bad thing in the world that they can say about it, they have said.

Continuing in the *Caymanian Compass*, Madam Speaker, and I quote, “**Moving on to the subject of the scheme's feasibility, Mr. McLean said the scheme failed to do what it set out to do—provide housing for lower income Caymanians.**”

Madam Speaker, where are his facts?

Mr. Gilbert A. McLean: One hundred and twenty-five thousand dollars for poor people?

Hon. W. McKeever Bush: The Member now asks whether \$125,000 is for poor people. Depends on what he calls poor people. But remember this, in their arguments against it from the very outset, they said that \$80,000 was too much. Go back and see.

Madam Speaker, I can deal with their muttering. One thing about political rhetoric, it cannot stand up to facts. One thing about rumour and gossip on the street and malicious statements is that they cannot stand up to the facts. That is where they are hurting now and that is where they will continue to be hurt when the people that need housing in this country are living in good homes, whether they be \$125,000 or \$30,000, it will be what a person can afford. That is what this Government is mak-

ing sure of.

Poor people will be able to be assisted within this scheme. We have said that from the very outset, because in dealing with the banks we said that the banks agreed everybody would be involved. The person going to First Home Bank (now British American Bank) or going to the Bank of Butterfield, or going to First Cayman Bank, or now CIBC, would apply for something within their salary range, whether they wished to build a \$30,000 home, a \$68,000 home or a \$93,000 home. Simply put, Madam Speaker, a home that they can afford to pay for.

We have said this from the beginning, this is not something new. They are attempting to let the public believe that I am just saying this today, but it is in the records from day one. Our position has been that a person will build within their means.

The scheme will assist the person who has a piece of land with a house foundation. Or a piece of land with a house up to the belting point. That person, once they qualify, will be able to get a house.

The scheme will assist a person who has no land, that is where the 100% financing will come in. It will come to a person who does not have anything.

Certainly, they should have understood. If they wanted to understand, if they wanted to be genuine, the Opposition would have understood that a person who has a house started, would have had some equity and would, therefore, not need 100%. They should have understood this.

When people who want to discredit something get up and say the things that they have said, they are likely to say anything they are after. I have no control on what the Opposition says. We have said from the beginning that the scheme was open for people to become involved without all of the matters or issues that can come up in such an intricate proposition as what this Government is proposing. You cannot have all the information at your fingertips.

Why should we tie ourselves down to such a tight spot that we would have to come to Finance Committee or the House every time some little thing needs to be changed? There needed to be flexibility.

I hear the Fourth Elected Member for George Town saying we should have thought of that first. Madam Speaker, I will get to that later on, because that seems to be his sole point, that I did not have a cut and dry contract when I made my public announcement. I will get to that a little later on. They seem to be good and vexed about that. It is a pity that...well, Madam Speaker, let me not get into that.

But the Fourth Elected Member should SHUT UP!, until he has a chance to speak.

Well, do not learn from me.

So far, only four banks and one private company have come forward. They have asked me, like it is something sinister, why only Frank Hall Homes. They never mentioned the banks, you know. Why only Frank Hall Homes or Cayman Affordable Housing? Now, they named three people, Mr. Kent Rankine, Mr. Antonio

Hawkins and the First Elected Member for Bodden Town named Mr. Hugo Zeiderent, through his company.

They are asking what the magic is with Frank Hall Homes. Frank Hall Homes, through their bankers, guaranteed Government that they have the money through Ansbacher Bank. Where would the other people get the money and why would they not come forward? They (the Opposition) said that these people have the experience in housing. Oh yes they do. Oh yes they do have experience, and the country has had that experience.

Madam Speaker, I am not going to get into the belittling of anybody's development. If the First Elected Member for Bodden Town wants to deal with Hugo Zeiderent, let him deal, that is his business. If Mr. Hugo Zeiderent puts forward a scheme to the bank, when the bank submits that scheme to the Government, the Government will then make its decision.

I am not going to get up here and do what the Opposition does and criticise the developments. But the public knows about all the developers that they mentioned and what their developments have been thus far in this country.

So, when the First Elected Member for Bodden Town and his Colleagues ask why Frank Hall Homes, I ask them why Hugo Zeiderent? Government has not signed any agreement with any one of those four entities as yet. Although, as time evolves we reach agreement in principle and within the next week I am hoping that the documents will be finalised by the Legal Department and the Banks.

Those four banks offered various sums of money for housing development. First Cayman Bank—\$250,000 a year for three years; British American Bank—\$1 million per year for three years; Bank of Butterfield—\$1 million per year for three years; Frank Hall Homes, or Cayman Affordable Homes, has offered \$17 million over five years. That offering, as far as I am concerned, still stands but they will offer it through their bank. I said that we will come to Finance Committee, and I hope the Opposition listens so that when they reply they will not use wrong statements. When Finance Committee is called Frank Hall Homes will be substituted by CIBC Bank.

Now, they can say that is why it is so confusing. What do they want? Do they want the scheme to succeed? Or do they want to get up, criticise me and criticise the scheme and turn people off from it? What do they want? Are they genuine?

All the developers who want to get into the scheme will have to deal directly with the banks. Government will say who is to join the scheme—which contractor will join the scheme and which developer is to join. Government is dealing with the banks.

They went on to question the repayment of mortgages saying that mortgage payments were in the range of \$1,000—\$1,200. I believe that was the range they used. They were referring at the time to Frank Hall Homes because even though we said that the banks were open and that Government would guarantee through Frank Hall Homes, nobody approached the

banks. No other developer approached the banks, nor did they approach Government.

But the kind of information that they gave, which tried to belittle the scheme used by Cayman Affordable Homes, the public should understand that these figures include a three bedroom house for \$1,000 per month—1200 square feet—on a piece of property 100 x 125 feet. That is house and land at that price per month. It includes city water and it includes asphalt/concrete roads. A good development. The \$1,200 monthly payment (I believe it is \$1,260) is for a three-bedroom house—1350 square feet—with a lot of land 100 x 125 feet. These also include the insurance on the house, which has to be, they must have insurance. This particular cost would relate to a house with all appliances—stove, refrigerator, washer and dryer.

This sounds to be a good house for that size to me. Those homes would be there for those persons who want them and who can afford that type of home. But no one could be forced, in any way at all, to purchase one of them.

While they criticise the houses and they talk about Hugo Zeiderent and the other persons they mentioned, Mr. Kent Rankine and Mr. Antonio Hawkins, what Government is concerned about is that there is no good in building a house so cheap that within two years' time they are dropping down with no resale value. This is the sort of thing that Government is determined to keep away from.

We understood that there are projects to go anywhere in the country once the developer qualifies. The Ministry has been looking at a scheme in the district of West Bay.

Here is another scenario. A three-bedroom house—1600 square feet—will be sold for \$93,000.

Mr. Gilbert A. McLean: Made of cardboard?

Hon. W. McKeeva Bush: They say this could be made out of cardboard.

You see, Madam Speaker, what did I say just now? No matter what we try to do to please them, we cannot please them. When people believe they know it all, no matter how long I talk, I would not convince them. Yet we have checked the figures and this is a cement block house that can be done, the bank gave us the figures. Yet, he is doubting that.

You know what is wrong with the Second Elected Member for Cayman Brac and Little Cayman? Not much has been accomplished by him, and he thinks that everybody is in his bracket. Not so, Madam Speaker, not so.

They can criticise McKeeva. I am no contractor. But I guarantee the public that when this scheme is finalised the people of this country will be happy—those that wanted a home and were able to get one.

There is an old saying, Madam Speaker, the proof of the pudding... or, as they say in West Bay, the proof of the pudding is when you eat it. I am satisfied that we are on the right track.

That is a three-bedroom house, a smaller house

and I should say \$93,000 with insurance and land.

A two bedroom house, these are big bedrooms, 12 x 12 feet or there about. This, as I understand it from the banks, can be done for \$68,000 inclusive of insurance and property. These are for people who do not have property.

They cannot believe it, they say. That is the Opposition. They ask why I did not say all of that in the press conference. I know what they said in the newspapers and what they are grumbling about—crossing the “t”s and dotting the “i”s—the language used by the Fourth Elected Member for George Town.

Now, regarding this press conference, they are making a big thing about dotting the “i”s and crossing the “t”s, as the Member for George Town said, which I take to mean that we should have had a signed agreement before making any public statement about the nature of the scheme. The purpose of the press conference was to update the public, which was making continuous inquiries since last July, when Finance Committee authorised the guarantee. But this press conference also served the purpose of allowing the public the opportunity to comment on the scheme and to provide input.

Based on the genuine response the Ministry has received, as a result of the press conference, the scheme will meet the needs of people, their hopes and aspirations.

The scheme is accessible, that is, there is no stipulated down payment, although if they have a down payment they will be expected to make it. The scheme will be affordable, that is, it is designed to meet the ability of the borrower to repay the mortgage, whether that person is making the \$60,000 or the combined \$25,000, they will have to build within their means.

Furthermore, participants will have a choice of using any developer or contractor who is approved by Government. That is worth repeating.

The First Elected Member for Bodden Town, who is in hiding this morning, made the allegation of political patronage in his attempt to discredit the Ministry and the Government, that Government's approval of contractors and developers, borrowers and banks will be used for political patronage.

Madam Speaker, Government's approval of the developers, contractors and banks is a condition which Government sees as prudent to ensure good quality. If this is not good control, then I do not know what it is. But I say it is good control. And I say it is good management. But you know Madam Speaker, the good Bible says “As a man thinketh, so is he.” This is what they would do, perhaps, if they were in charge. God help us if they ever get to that point.

I have no political favours to repay, Madam Speaker, except my bound duty to the people who elected me in West Bay, and to the country at large by my representation on Executive Council, As far as our needing him at the election (I believe those were his words), he is whistling in the dark. I do not think that anybody who received the amount of votes that we did needed the First Elected Member for Bodden Town.

Certainly, he did not have to do anything for McKeeva Bush in West Bay. I do not think he had to do anything for those people in George Town who received over 2,000 votes. And I would like to crow a little bit about that, because it is not often that this little boy, as they like to say, who does not have their education can go to the public and get over 80% of the votes. Madam Speaker, I can hold my head high because it means that the people trust me. And it means that they have the confidence in me to do as I promised.

That is what we are doing, Madam Speaker. We operate on the basis of our Manifesto. I do not know who else needed him, but I did not need him to win. But, again Madam Speaker, the proof of the pudding will be in the tasting thereof, at another juncture in our life, to see who needed whom.

Madam Speaker, if a person is working as a store clerk or a restaurant employee and they can only afford to build a small Texture-111 house for \$40,000, then that is what they should borrow. That is what we have urged them to do—borrow within their means. But do not expect to live in a \$200,000 home. Do not expect to borrow \$125,000. They have to be realistic.

If a person wants a three bedroom concrete house for \$93,000, then they should be in the position to pay the required monthly repayments for that size house. If they want the two bedroom house for \$68,000, they should be in a position to pay the required monthly repayment for that size house, and I quoted that earlier, and I believe it runs around \$700 inclusive of insurance, land, and legal fees.

Madam Speaker, the scheme has enough flexibility if a person wanted to build a small Texture-111 house, they would be able to do that under the scheme, even if they do not have the land. They will get 100% financing.

I am convinced that the scheme will help our people to get homes and I do not know why the Opposition is trying so hard to discredit the issue and discredit the scheme. It is my opinion that their statements here and gossip on the outside has done nothing to help the situation. Certainly, they have not offered any sensible alternatives. All they do is give a few scenarios about who cannot afford to pay what. Talk is cheap Madam Speaker, and one thing that I give the Opposition 100% marks on is their ability to talk in flowery language. I give them 100% marks for that.

Madam Speaker, I want to touch on the aspect of the need for an independent review. In Government's opinion, the need for any intervention by the Auditor General at this time has not been demonstrated. No evidence of discrepancies has been presented, because there are none.

This scheme is being developed properly and with caution, as I have pointed out, while striking a balance between protecting, as far as possible, the interest of all parties; the lenders, that is, the banks; the borrowers; the public and its Government.

Madam Speaker, there is no need for any Select Committee, because what would a Select Committee do? To carry this scheme to a Select Committee would

only delay it much further. I am too close to giving the people of this country a house, which they could not afford before because of not having the down payment, to allow the Opposition to delay it in a Select Committee and further compound the situation. They mean no good by what they are attempting to do.

Madam Speaker, in addition to injecting a considerable amount of capital into the economy—not Government's money but that of the private financial institutions—together with the multiplier effect (and estimates have put the multiplier effect at four times for the Cayman Islands) this Government is achieving many objectives with this scheme. What the Opposition is trying to do is derail the scheme, tie it up in a Select Committee so that nothing gets done. I will not allow this to happen. People need homes and we are going to see that they get them.

I well know that there are those people who oppose this Government, and they will do anything in their attempts to destroy us. The Opposition has not offered anything credible to better the position of the people. If we follow their line of thinking the country would be worse off and the poor people who need a house will not get one. That is what the Opposition wants.

Why do they not think about the positiveness of the scheme? I know what it is to be poor, Madam Speaker. I know what it means to need good shelter. I have been down that road. I say again, if they mean well, they would not be so contradictory to themselves. One time they say the liability is too much for the country, then they say use the Housing Development Corporation.

If Government went to the Canadian Imperial Bank of Commerce (CIBC) and said we want \$15 million to borrow to put into the Housing Development Corporation. Government could get it because this Government has the credibility to get it.

Madam Speaker, the Second Elected Member for Cayman Brac made his interjection about the guarantee for the Hospital. I will leave that one alone, but suffice it to say that the country was saved when that happened. Let us recall, Honourable Members, that this same Government raised \$20 million to pay off Cayman Airways Limited, which their friends, the former Government, could not do although they passed the Law.

If this Government wants to get \$15 million from Barclays Bank, the Financial Secretary could do it, because we have the credibility and we have turned things around here in this country. But look at what it will do to the liability—the same thing that they claimed is too much—by borrowing \$15 million to put into the Housing Development Corporation. It would be a total liability of \$15 million. Then they say they have the interest of the people at heart. Not so, Madam Speaker! They are seeking to destroy and obstruct, not to assist. That is what they want—to slow things down so that we do not get anything done.

Does it make any sense, I ask, to talk about the liability as they spoke about it in the Resolution, being too large? But they say I, as Minister, must make a proposal to Government to use the Housing Development

Corporation where we would have to fund it completely. I say their kind of management is not needed. The country would sink under their leadership if we left them alone. I am determined to give them as good a fight as they are prepared to give me and as they have been giving me, because it is this Minister that has been under constant attack from them. I hear their nasty slurs, but, thank God, I can take it—it is like water on a duck's back. When I go to bed at night, I can sleep good.

But what the Opposition is saying concerning this liability makes no sense. You know, some of them should be the last ones to dare use the word "liability." When, for instance, Cayman Airways was used for all it could give, why did they not think about the liability then? What did we get for it? Peanuts! Why do we not hear anything about that kind of liability?

To sum up, I do not believe that the Motion is genuine at all. It has wild allegations with nothing of substance, except for those things that are in quotes from the Finance Committee. Everything else is allegations and pure assumptions. Therefore, I can only adduce that the Opposition does not want the scheme to succeed because they do not care about the poor people that will be assisted under this scheme.

They care about people who can get homes for \$200,000...

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

POINT OF ORDER

The Speaker: May I hear the Point of Order, Honourable Member.

Mr. Gilbert A. McLean: Madam Speaker, Erskine May, page 381, "**The imputation of false or unavowed motives.**" I think the Honourable Minister has been doing that for the past several minutes. So I ask for your ruling on it.

The Speaker: Honourable Minister, would you please avoid any allegations or imputations against another Member which cannot be proven?

Would you please continue your debate?

Hon. W. McKeeva Bush: Madam Speaker, thank you very much. I am dealing with their allegation of official falsehood. They were the first ones to make that in here, on the first page of the *Caymanian Compass*. If there is any falsehood it is their erroneous statements, Madam Speaker.

The Speaker: Honourable Minister, I dealt with that yesterday and I made a ruling about official allegations. That cannot be brought in again this time, please.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. What I would further ask you to do, when there is a ruling which shows that a Member should not have done it,

is to make the newspapers understand that that is struck out. Instead, here it is carried on the front page of the *Caymanian Compass*.

The Speaker: Honourable Minister, I have no control over the media.

Hon. W. McKeeva Bush: Madam Speaker, you have treated me kindly in this debate, and I do not want to get into any hot water with the Speaker. But we do control the House, and what is carried from it should be fair and factual.

In any event, Madam Speaker, the Opposition is the opposition. And if they cannot take the heat, they should get out of the kitchen. They make wild allegations, and the Resolution in itself is erroneous and full of assumptions. If it is not downright misleading, then it is dirty politics. That is my accusation to them. They do not want to help the poor people of this country.

I say to them, get off your campaign of hate, spite and obstruction and produce something constructive. Not for self-aggrandisement, not for supporters and friends, but for the general public, because that is what William McKeeva Bush is doing, and that is what the Government is doing.

If someone chooses to support us because they got a home, well that would be their business. But certainly, Madam Speaker, it cannot be pointed and blamed on the Government that we are using it for political patronage, by saying that they will get a house if they vote for the Government or they will get into the scheme if they vote for Government. Far be that from the truth. We are assisting the entire country regardless of where their political allegiance lies. All we say, when it comes to the lenders, is that they must be a Class A Bank. All we say when it comes to the borrowers is that they must borrow within their limits, have a job and be able to qualify. All we say about the developers, is that they must stand the test of credibility.

Madam Speaker, to sum up finally, let me quote again some of the basic conditions for the developers, land owners, or contractors to participate in the scheme:

1. The majority must be Caymanian ownership.
2. They must have possession of a valid business licence.
3. They must be reputable with a good track record.
4. They must have suitably priced land for the type of scheme which meets the standard of the Central Planning Authority.
5. They must be prepared to provide the bridge financing for each home to be constructed until it is taken possession of by the owner.

Madam Speaker, those are some of the main requirements for developers, landowners, or contractors to participate in this scheme. They must be able to qualify through one of the Banks that Government will be dealing with

When it comes to the borrowers:

1. They must be Caymanians or a Caymanian and a non-Caymanian spouse.
2. They must have a combined annual income from the time of application which does not exceed \$60,000 per annum.
3. Payments on the mortgage must be what they can afford within their income bracket; and
4. Only the primary job income will be considered, except in an unusual circumstance.

This is another plus, because most of the banks regularly only apply the primary job. We say there could be other circumstances where we need to help a poor person.

The bank will take a first charge on the property and Government will take a second charge in respect to its guarantee and the property owner will be required to have and maintain an approved fire and all perils insurance to cover replacement. The primary borrower will be required to have a life insurance policy to cover the mortgage.

In exercising due diligence, the banks will need to receive satisfactory written credit references, as well as employment and income verification letters.

Obviously upon receipt of an application for a guarantee from any of the banks in this scheme a small Committee of Government will assess each case individually and respond to the bank within five days of receiving an accurate and completed application. Providing all things are (using the words of the First Elected Member for Bodden Town) Kosher, then they should have their mortgage within two to three weeks at the most.

Madam Speaker, the people in this country who need a house can call my Ministry, the Ministry for Community Development, Youth Affairs, Sports and Culture. When all of the little loose ends are tied up I will be making a further announcement giving all of the final details. There will be a press conference for the signing of the agreement between the banks and us.

Madam Speaker, the prospective borrowers can safeguard their future themselves by building homes within their means. I have known persons to be unrealistic and try to do too much, go beyond their financial means and get into trouble. I have seen that many times and I have been called upon to assist in one way or the other. I am urging our people to build according their means.

It should be very obvious that the Government is trying to address the needs of the population in the area of housing beginning with this initiative. Such undertaking can only hope to succeed if all parties concerned are prepared to do their part—that is, the lenders, the borrowers, the developers, the contractors and the Opposition. If they are not prepared to act responsibly then no matter how much Government, or the banks, the developers or the contractors do, the scheme cannot succeed.

Through the careful assessment of the lending institutions, a very prudent debt-ratio, ongoing financial counselling, and a good working relationship amongst all parties, hundreds of Caymanians will soon be able to realise their long term dream of owning their own homes. We are confident that their enhanced pride, as a result of this ownership, will prevent the prophecy of defaults or foreclosures that was made by the First Elected Member for Bodden Town, and his colleagues, which will result in a stronger social fabric for these Islands—Grand Cayman and our Sister Islands, Cayman Brac and Little Cayman.

I do not worry about these foreclosures, because if somebody got into a little problem I believe there would be sufficient to help them. I have faith in my Caymanian people. I believe that they trust me, and I have faith in them that if they qualify for a loan and get a shelter whether it is a small one or one that is for \$125,000, they will be honourable. I have faith in my Caymanian people. The Government is doing everything we can to assist them.

Madam Speaker, I know that the Opposition will have the last say on this Motion, and I have taken much personal criticism when they have had the last say. I hope Madam Speaker, that the Opposition will be truthful. When they do that all else will follow. I have been truthful to them and to the country. If they try, in any way, to smear my name I have the prerogative of making a statement, and I will do it as I have done in the past.

Thank you very much, Madam Speaker, for your indulgence and I thank Honourable Members for theirs. I hope now that we can move forward, that they will give it time to succeed rather than to be purveyors of doom and gloom.

Thank you very much.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.49 AM

PROCEEDINGS RESUMED AT 12.09 PM

The Speaker: Please be seated.

Debate continues. [PAUSE] The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I have listened very keenly to various speakers making their contributions to the Motion that we are now debating, and I wish to take this opportunity to comment on a few points that were raised before I go into my contribution.

Madam Speaker, there are a few areas that I wish to make some comments on in the contribution made by the Minister for Education and Aviation. In part of his contribution, the Minister for Education and Aviation said, and I quote: **“That, in effect, means that there will be no housing scheme, because by the time this matter gets into the Auditor's Report for next year**

and is dealt with, and by the time the Select Committee, which is very slow and usually detailed, especially where the power to call for, as it states here 'input from relevant financial, legal entities and members of the public' rolls on, we are looking at several years. In the meantime there are young families out there who are suffering because of the Opposition's approach to stop what has to be one of the best things that has happened to the young persons who are now renting and/or without homes."

He has the right to hold any opinion. But I wish to make him know that since I have been classed as the Opposition, having seconded the Motion, I have no reason to want to bog anything down for the years that he is talking about. A Select Committee is as effective and timely as its members allow it to be. If he is used to Select Committees lasting for years, maybe I (the inexperienced fledgling that I am) am not very sure if that is the way it should be.

It is my opinion that a Select Committee on a matter such as the one we are debating today, could easily be dealt with in two or three sittings and, although everyone has other responsibilities, I do not subscribe to the position that this has to take years.

The fact is, if we had gone into a Select Committee when the original Motion was brought in September, then we would probably (and very likely) be well on our way with all the facts in front of us without anyone having to feel their way through. That is my opinion.

The Honourable Minister has also said, **"There are people out there that the Government will look at in a different way, but it is a much smaller group of people. So it is better to get a larger group granted loans than to stop everything and hurt the majority of people out there in an effort to gain votes and to bog this venture down in a Select Committee of the whole House with a full hearing mechanism as has been set up in the Motion."** Again, opinions are opinions, and I have mine.

Madam Speaker, it is my considered opinion that the larger group of people that exists out there are not the ones who will be able to be granted these loans we are talking about at present. I believe that it is the exact converse to what the Government bench is holding to be true, and that is part of what I might call my beef.

I believe that the structure which has been dribbled out to us information-wise, is not geared to middle and lower income families, but to middle and (if there is such a word) "upper-middle level" families. I have to interject here to make it very clear. I have no problem with these people getting assistance once the proper mechanisms are set up.

It has been ranted and raved that people like myself do not want to see these people get homes. And just like each individual who spoke made their case, I too, make mine. Madam Speaker, nothing could be further from the truth with this individual. It just amazes me to hear everyone who is part and parcel of being proponents of the scheme continually talk about the poor people, the poor people, and the poor people.

The Minister responsible for Housing has said that the proof will be in the eating. I accept that, and I also know that. If this thing is done the way in which it appears, from what information I can get at this point in time, if it is done in that fashion then the proof will be in the eating of what level people get these homes.

It is all concept, Madam Speaker. If what was said from the very beginning, that the Government at present is not in a position to deal with certain levels, and it was made clear that what can be done speedily will only be geared towards a certain level—which in my considered opinion is the middle and upper-middle level income families or single parents—then there would have been no question about where the whole scheme was leaning. Just like the Minister (I will not say of all services, I will say the Minister responsible for Government) told me to shut up while he was speaking. I tell him now, you had your turn, will you leave me alone?

As I was saying, Madam Speaker. If the concept was laid out from the very first time it came into the Finance Committee Meeting and it was very clear exactly who the scheme was being geared towards, there would not have been any problem. But the mass confusion that the Government bench is saying is caused by things such as this Motion, I daresay has been caused by ineffective distribution of information from day one.

If they say that because I question the scheme it means that I would like to see the youth of this country get hurt, then all and sundry can go and fly a kite, because I stand here not to get the votes that I have been told about, but because I believe that I must fulfill the responsibility that has been given to me until such time it no longer exists. I believe that is what I am doing today.

The Minister for Education and Aviation said, and I quote: **"My plea to the Members is to be reasonable, forget politics, forget about stopping and hurting the youth of this country. If they have no alternative, then they should not be destructive for the sake of politics and hurt the youth and people of this country who would like to have a home."**

Hon. W. McKeeva Bush: Hear, hear!

Mr. D. Kurt Tibbetts: I can only speak at this point in time for myself.

Madam Speaker, if this scheme was brought about in a timely fashion without a thousand ifs and without a million "don't know yet," then it is very likely I would not be standing here today with all these questions in my mind.

I must say right now that if nothing else has been achieved by what the Government terms this "wanton attempt" to bog the scheme down, then at least, finally, some information is being disseminated. At least we are beginning to understand—after they have changed about five horses—exactly which one it is that is going to the finishing line.

The very last speaker, in his contribution, talked about "this bitter campaign of hatred and spite..." I only wish sometimes that he could see in the mirror when he

gets how he gets. I can assure him that I am on no bitter campaign and I have no hatred, nor any spite. While he speaks and says, what he calls, his truth, he has that right, but so do I.

The Minister talked about this scheme, that it will take some time to iron out the ends. The only thought that came to my mind when I heard him say that was that I would think you would iron out the ends of the shirt before you put it on, because it is very difficult to iron it out after you are wearing it. We should try that some time. That may seem to be in jest, but I think that exactly epitomises what has happened. It is simply, at this point in time, a case of the cart before the horse.

When the Minister is asking "Where are the alternatives?" and asks "What do you want?" all I want is to be able to see a full picture of exactly how something is going to happen, if it is something that is going to be dealt with at a national level. Even now, in his debate, there are still bits and pieces that are trickling down and if the question that I am raising is simply to the point where it only relates to the way in which something is done, then I think that bears enough relevance for us to think twice.

What kind of message are we sending to this country as a Government when the ordinary man on the street cannot understand what the Government is doing?

Hon. W. McKeeva Bush: (interjecting) You did not tell the truth.

Mr. D. Kurt Tibbetts: I trust the Minister is not accusing me of lying.

In his last press conference regarding the Housing Scheme, the Minister had various announcements about various parts of the scheme. In his debate, he alluded that information received while being questioned at that press conference actually caused more amendments to the scheme when certain things were brought to light. But very early in his debate the Minister said that proper documentation was received (this is a sequence of events) before being passed on to Executive Council, being dealt with by the civil service arm of the Government, then passed on to Executive Council, then the resolution was brought to the Finance Committee.

But in the very last part of his debate, he is still telling us that very shortly negotiations will be completed and agreements will be drafted up. Which documentation is he talking about that was brought to Executive Council?

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order, for clarification, if the Member will give way.

The Honourable Member stated that I had nothing from anybody to show that they had funds available and that sort of thing, he even injected that nothing had gone to the Financial Secretary or the Attorney General. I said that proper documentation had to come from those entities concerned before the matter could be taken to Executive Council. Therefore, the involvement of those persons mentioned, the Attorney General and the Financial

Secretary. That is the documentation I referred to, not a legal contract by Government. But interest shown, as I have also said in the debate, from the banks and the company involved.

Thank you, very much.

The Speaker: Honourable Minister, the Member kindly gave way. Otherwise I would not have allowed that statement. Please proceed Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, the Minister has explained what he was saying. I will go on.

In his explanation less than a minute ago he said that he had some type of communication from the banks and the company involved. I am assuming that he means all of the banks and the company involved, those that were mentioned in the Resolution.

Madam Speaker, the Resolution was brought to the Finance Committee Meeting in the month of July 1993. There was a Motion brought in the September Sitting of the House to go to a Select Committee because of so many unknowns regarding the scheme. The Minister had a press conference just over a month ago in May 1994, and I know that at least one of the banks involved—I K-N-O-W at least one of the banks involved—had no communication since July 1993 regarding any commitment for any funds for this housing scheme.

Then, I am told that I do not give enough time for things to be done and that I only want to bog down the system, that I do not want people to get houses. If I know things of that nature and do not ask questions, then I am not doing what I am supposed to be doing. That is all of my so-called beef about what is happening.

The very day after the press conference there was a Government Information Service Press release dated May 5, 1994, which reads (this press release is not confidential because it is a Government Information Services press release), and I quote: "**For Immediate Release (MAY 5, 1994) New Government Housing Scheme'—The Ministry for Community Development, Sports, Youth Affairs and Culture has announced that persons interested in participating in the new Government Housing Scheme may obtain application forms from the manager of Frank Hall Homes (Cayman) Limited, Mr. Tony Conolly. Mr. Conolly will be available at his office in the United Paint Store at Paddington Place, off Eastern Avenue between 9.00 and 12 noon or at the model home of Silver Oaks between 2 p.m. and 6 p.m. The office number is...[so and so and so and]."**

But still no agreement has been signed.

Now they can call me whatever they wish. They could tell me that I am a bog and I wish to bog down everything. They cannot tell me that this is done in the right fashion. I know that I am an idiot and if I weigh a little bit more than the Minister does, then that is why I am a bigger one. I know that!

[Member's laughter]

Mr. D. Kurt Tibbetts: Madam Speaker, if truth be known—the same truth that I keep hearing about from everyone on that side—if it was done properly I would have no beef. But because there are inherent risks to all concerned, I have questions to ask. And because questions come, I hear that I want to bog it down. Instead of taking the time out to try and understand what I am asking and why I am asking, even if I am not eloquent and clear in my thought process, maybe it would be done the right way.

(sigh) Madam Speaker, it is going to be a long day, I promise.

I would like to paint a very hypothetical picture here and it will not take long. I am going to presuppose that there is a developer who has started a scheme in these Islands. Certain basic infrastructures are completed and the aim is to develop certain parcels of land so that at a juncture as it is seen fit, the developer says, *'It is time to make an announcement. Let me let the public know what I have for sale. Let me invite the public to make applications to see whether they are able to purchase what I have for sale.'*

The developer goes about, all correct. The point in this instance, Madam Speaker, casts no reflection on whether things are done above board or not. There is no question about being done above board. No question of that!

The developer then advertises and within a matter of days (again, this is all hypothetical) there are 60 applications from individuals, or families, who wish to purchase a house or an apartment as the case may be, depending on their choice and what they can afford. The response is not overwhelming, but good.

At the end of the day, there is a problem because by the time they are processed and dealt with at the level the bank requires, out of the 60 applications only four qualified. So the developer finds himself in a quandary.

There is the thought of *'How can I get this to work?'* These people are decent people, they have steady jobs, but they do not have the equity. *'I wish I knew what I could do.'* Somewhere behind every cloud there is a silver lining. *'I am sure that if I could get the people going they would be able to manage the payments. So I must find a way.'* Time passes by. We understand that Government is looking to assist the people of this country by way of housing but they, too, are searching for something that is feasible and practical.

Suddenly, the answer appears. We have the right product, we have a reasonable price and if Government is prepared to assist those people who can qualify by way of filling the void that exists because of lack of equity, then we are home. There is nothing wrong with that. But then somebody starts to wonder, *'Is it not going to look a bit lopsided? Might fingers not be pointed? Let us re-examine this situation. Let us see if we cannot find a way in which there will not be too much flak and what the intention is will appear, which is to help the people of the country.'* So we go about trying to deal with ways and means of putting a proper package together.

In the meantime Government has to organise that guarantee, otherwise it makes no sense to go any further with it. But, the wheels are turning, the minds are working and the show goes on.

One or two of us poor plebes who know nothing of this are asked to agree to a blanket guarantee for this scheme that is being put together. There are just a few of us who simply by lack of knowledge for whatever reason (I will not even suggest isolation for a second), simply ask *'Can we find out a little bit more about this scheme?'*

'No, you cannot find out anything more because there is nothing more to tell at this time. We are planning this thing.'

'Can you at least give us some insight into how it is going to work?'

'No, that information is not forthcoming because those details have not yet been ironed out.'

Madam Speaker, I venture to say that, while that is a very hypothetical situation, just as the old time people say, "If it is not so, it is not far from being so." The question is not the scheme, it is the method.

I wish to quote from the debate on Private Member's Motion No. 4/93 in the September Sitting, some short excerpts regarding statements that were made about the development of a Low Income Housing Programme. I quote: **"At this stage, the principal concept being explored is one of Central Government providing a 10 to 20 percent guarantee to back a percentage of the loan funds in these cases in place of initial equity..."** (1993 Official Hansard Report, Vol. II, September 24th, 1993)

Madam Speaker, if it seems repetitious, I beg your indulgence, and the indulgence of the House, because my point is different from any that was made before. The request in the July Sitting of the Finance Committee Meeting reads: **"Separate undertakings have been given by Cayman Affordable Housing (the Company), First Home Banking, First Cayman Bank and the Bank of Butterfield (the Banks), to provide sums of money for the purposes of mortgage financing to lower income Caymanians."** (F.C. MINUTES, July 19th, 1993)

I have to keep stopping in order to make my points. The first two words in this request are "separate undertakings." The four entities involved, in my understanding of this, have given separate undertakings. I sat in this chair as a Member of Finance Committee and got this request and the separate undertakings had not been given. All rights to the scheme but the separate undertakings had not been given.

It goes on to say: **"The Company would provide \$17 million over a five year period, and two of the three banks..."** The company, which in this instance is Cayman Affordable Housing. I am not going to start chiming in about Cayman Affordable Housing not existing, I understand all of that. What I do know is that the correction of the anomaly here has been given as Frank Hall Homes (Cayman) Limited, trading as Cayman Affordable Housing. If that is so it should be put on the

Trade and Business Licence. It is not on the Trade and Business Licence. Frank Hall Homes (Cayman) Limited has a Trade and Business Licence, so there is nothing about Cayman Affordable Housing. But even with all of that, if it is something that came up during the course of events, it is okay. I do not mind that.

The point that I continue to make—and the Minister responsible for Housing chides me for expecting the “i”s to be dotted and the “t”s to be crossed—this is a Government, this is not a small privately run business. This is not any of the businesses that any of us here may be involved with. This is the Government of this country. Do not tell me the “i”s should not be dotted and the “t”s should not be crossed. If I lose my little company, it is I. But if the Government loses something it is the country! Do not give me that.

Mr. Gilbert A. McLean: Hear, hear!

Mr. D. Kurt Tibbetts: If the “i”s need not to be dotted and the “t”s need not be crossed, why are we here?

Why are we on this side? Supposedly to be the check and balance. And why does the Government bench exist? The policy makers who are to ensure that the confidence they talk about which has been bestowed on them is kept vibrant.

The request goes on to say: **“Clients would be provided with 100 percent financing for their home, building or purchasing costs, the maximum level of which would be set at about \$80,000. Assistance with stamp duty and transfer fees would be considered in exceptional circumstances. [All right] In order to make the 100 percent financing possible, thus avoiding the need for the client to find the usual down payment, Government would provide a guarantee of between 10 and 35 percent, depending on the circumstances.”** (1993 *Official Hansard Report*, VOL. II, 24th September 1993)

In the press conference that was held in the Town Hall, the Minister, as he explained earlier today, having given it due consideration has raised the maximum level of these mortgages from \$80,000 to \$125,000. In tandem, and out of necessity surely, the ceiling for annual income has been raised from \$50,000 to \$60,000 to accommodate the increase in the mortgage. Fine!

But then, Madam Speaker, the Minister is going to stand up and tell poor little me, God willing, that will be a part of the next Finance Committee Meeting, that there is good reason for all of that so when it is time for Finance Committee to meet again he is going to take poor old Mr. F.S. to bring it through to us to get us to rubber stamp it. Is that good Government?

That is the whole point that I made here today.

They can say what they want. They can do what they want. They cannot tell me this is good Government. Bring it to the Finance Committee and call us at 12 o'clock in the night to come. Then go and announce it. Then it is right. That is my point.

[Interruption from the Gallery]

The Speaker: There should be no interruptions from the public gallery. I will ask the Serjeant-at-Arms to remove any person who makes a noise.

Mr. D. Kurt Tibbetts: Madam Speaker, I have simply used those few points and if there was a Bible and it was not wrong, I would swear on that today.

No matter how it sounds or what it seems like, this attempt is simply to show all of us why we should do certain things in the right way. There are 99 times when all will go well and the one time that something goes wrong, none of us here today knows how wrong that wrong will be. That is my point.

I wish everybody could get a house. I wish we could find ways and means to satisfy all needs. But I am practical too, and I know that with limited resources there are only certain things that will happen within certain given periods of time. That is not my beef.

The Speaker: Honourable Member, it is now one o'clock, the usual time when we take the luncheon suspension.

Proceedings will be suspended until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 12.58 PM

PROCEEDINGS RESUMED AT 2.32 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Continuing from when we took the luncheon break, and having had lunch and thought some more, I begin to wonder if there are those who might still hold the view that people like myself do not wish to see any type of national housing scheme to assist our locals in home acquisitions. Suffice it to say that when this is all over I do not believe the issue will be whether or not we should assist our people, but I believe the issue will be how best we can achieve this.

I keep hearing that some people simply wish to bog the scheme down and those who wish to do so offer no alternatives. Let me first of all draw a few comparisons to prove the distinction between the housing scheme and the low cost housing scheme which has been mentioned throughout the scheme from its inception.

The Minister who is responsible for housing has stated categorically during his contribution to this debate that the concept is one which, simply put, caters to individuals in such a way that they acquire and own what they can afford. If it were as simple as that, believe me, I would have no problems with it. To me, what that means is that the scheme is developed in such a way that each and everyone has an opportunity to put a roof over their head.

The way a bank usually operates (and I am confident that they are not going to operate in a different way

this time) is that whatever the total cost is, the onus falls on the proposed borrower to come into that lending institution to outline the costs that will be incurred to either purchase or build the home that is desired, and in so doing that individual must display to the lending institution that the monthly cost of repayment for whatever the set period of time is, that they are in a position to make those payments.

My contention is that there are many, many people in this country, and here I wish to interject, to make another quotation. During the September sitting, when Motion No. 4/93 was being debated, the Minister stated: **“Madam Speaker, each prospective borrower will be carefully screened by each lending institution as independent agents. The lenders will nominate the clients to Government whose appointed agency, the Housing Development Corporation, will examine each application and confirm to Government whether the case merits the application of a Government guarantee.”**

“If we are going to build up this country we are going to have to lift our people out of the slums that some of them are in. We are going to have to help those who cannot come up with their down payment.” (1993 *Official Hansard Report*—Vol. II, page 633)

I stand here this afternoon in total agreement with the statement insofar as it says, “If we are going to build up this country we are going to have to lift our people out of the slums...” Many of these people that were referred to during this contribution, the way the proposed scheme is set up, not only many of those people, the majority of those people the way the scheme is set up, I daresay, will not be able to qualify.

What has happened, and this is not the dream that I dreamt, this is what I have heard out of some of their own mouths, is that insofar as the scheme exists today, having announced it and having told people to go and make these applications, there is nothing in outline or in detail which allows any chance of these people getting their own homes, at any level whatsoever, because, simply put, the scheme is not geared for these people.

The point that I make with this, Madam Speaker, is they should have been made to understand that from day one. I do not think that I err in saying that the majority of these people have gathered the opinion from the onset that there is hope, this is it, it is my turn now. Madam Speaker, it will not happen.

I know and I accept that it is not an easy task for us to sit down and come up with a scheme that is safe and practical that will cater to these people. But I want every one of us here this evening to understand that, unlike what some of us might believe, there are many more of these people that really exist than we seem to think.

So, if we can find the correct way to clarify this situation, to let everyone know where they stand, I have no problem. But I suggest today, we have not done that. I think that they deserve to know where they stand.

My saying that they have not done it does not mean that I am trying to say that these people have deliber-

ately been misled. I am not saying that, and I am not trying to infer that. I am saying that for whatever reasons, the way information has come out there are many of these people that are living in hope and we are not going to have anything to offer them.

Going back to the September sitting when debate ensued on Private Member's Motion No. 4/93. During his contribution, the Minister responsible for housing said: **“The Construction Industry and other connected businesses will see a boost by this programme. The individual will be able to get a mortgage at 9 percent interest for up to 20 years, and I am hoping that we can go longer without putting up a down payment if he cannot put up that down payment, and Government will monitor the programme.”** (1993 *Official Hansard Report*—Vol. II, page 636)

I have aired the fear on more than one occasion that in schemes of this nature many of the individuals who participate, or who attempt to participate, are what I would term (for lack of a better word) borderline when it comes to eligibility. That is only natural, because if they were not borderline, they would not need a scheme of this nature. These repayment schedules, and at this juncture I have to deal with the four sets of dwellings referred to by Frank Hall Homes, Ltd., because the repayment schedules for some of these is public knowledge.

For a three-bedroom house, with a total cost of \$112,250, which includes mortgage costs, bank fees, etcetera, the monthly mortgage payment is \$1,043.38. I just picked that one out because that was the first one that came to mind—there are some that are lower—but, just to use that one, the repayment schedule is worked out at 9%. Since this repayment schedule was calculated, prime rate has gone up by 1.25% in a matter of a maximum of three months. I am not a prophet, I cannot be safe in any forecast, but historically, when there is an upward trend in interest rates, they tend to continue upwards for some time, just as when there is a downward trend, we notice the same sequence of events.

A payment of \$1,043 today, calculated at 9%, if history proves itself to be correct and three years from now interest rates are 15%, and here again I am not fabricating these figures I will not go to the set, but anyone can go and check it out. The difference in the regular monthly payment, which is \$1,043 today, and three years down the line, having been making these payments, if that interest rate goes up to 15%, the difference can be as close as \$375, so much so that you can say \$375. That puts the payment in excess of \$1,400 per month. Are we saying that these borderline people will not have a problem with these payments? I do not know who is prepared to say that, but I certainly will not. These are the inherent questions that we need to sit down and work out.

Someone will come back and say, ‘Well, you know the market forces exist at all times and you cannot dictate what rates are going to be.’ I know that. That is why I am making the point. So, the person who is only interested . . . and you cannot blame these people. Their

only interest at this time is to acquire a home and they have every right for that to be the first and foremost thought. Having gotten the home they have no leeway whatsoever and things can happen to them in a short time. These people can be in a lot of problems.

What I have just pointed out may not seem to be very important. Maybe I am old fashioned. Maybe I am too conservative at some points in time. But it is my humble belief that if we are going to be leading our people down the path of righteousness must we not at least ensure that we have thought the whole process through so that we can minimise the chances of their falling into a rut?

I raised the question before about fixed interest rates and I fully understand that the Minister for Education brought out in his contribution the point about not being able to fix interest rates at the banks because the banks are taking other peoples' money, and over long term periods there would be difficulties in fixing interest rates. I totally understand that. But I have been made to understand that \$17 million out of the total \$23-odd million dollars that will be available over this five year period will be made available through a private entity. It is my opinion that if a private entity is prepared to invest \$17 million into a housing scheme, which Government is prepared to guarantee up to 35% of that lending, then if the risk is spread by Government, as far as 35% of that total lending, Government must have some leverage with regards to the interest rates.

I am sure that one of the very reasons for this lending to occur is that the returns from such business ventures are greater than one would get if one were simply storing the money in a bank. So, if the rate were even fixed at 10% with a five year review, then I think we are doing much better off for our people. I brought that case scenario assuming what I have read and heard—that \$17 million is being made available by a private company. If that is not really the case, then my argument goes down the tubes. But if that is not the case, I care not to bring that argument. I only bring that because that is the way I have been told that a part of the scheme will work.

The other problem with the scheme that immediately comes to my mind is that if the individuals participating are in the majority of cases borderline, some of them, in fact, not being able to come up with a down payment (and that has been hit home hard throughout the debate), the whole idea is to be able to assist a lot of people who are able to make payments but because of continual commitments with rent, and such the like, cannot save a down payment. If that is the case, that means to me that many of these individuals do not have any money to offer because they have just not been able to save. I understand that, I have been there.

They get a mortgage, they get a house usually that comes with hard appliances. Madam Speaker, where are these people going to get furniture from to live in their house? If they do not have any funds to offer down payments, to me it means that they are going to have to find some other institution to engage in some other bor-

rowing to be able to acquire furniture. If they are stretched, equity wise, to the limit, then I see them having big problems getting a loan for their furniture.

Again, I simply make this point, not to bog it down, as some might think, but I make the point that if we are going through with this scheme, then we have to think of these things. I honestly believe that there are going to be many individuals who are going to fall into that category. It might well be a sensible school of thought to sit down and try to work out a package that includes everything. For if someone acquires a home and they can cook and bathe and wash their clothes, but have nothing to sleep on, I do not really see that working.

That point, again, is simply to try to be realistic with the way that this scheme will have to work—if it is going to be a realistic one for the people. I now come to the agreements that the lending institutions might come up with. I think earlier on the Minister said that they might be in the final stages of that, hopefully within the week they should have those agreements pretty well sewn up satisfactorily to both parties.

I wish to paint another very small picture. It is my humble opinion that these lending institutions are not going to put themselves into any precarious position in their offer. I think it is a fair assumption that what it is going to boil down to is simply that whatever criteria they use to engage in lending on their day-to-day basis, they will literally do just about the same, with the exception that the equity which they require normally (and it varies from institution to institution, but to take a mid-range, let us say if they required a 20% equity—I think that is fair), in the proposed home would include the land value and the home value on completion. Then the only difference that would probably occur is that they will say that they will interview the individuals. Based on Government's filling the void equity-wise with a guarantee, once they can satisfy themselves that these individuals can make the repayment schedule, then everything would be all right and we would process these individuals through. Once Government is satisfied, they will offer the guarantee and the banks will, in turn, offer the lending. I do not think that that is an unreasonable assumption.

If that is the case, it is my belief that just about every commercial bank in town that handles mortgages will not have a problem with operating in this fashion. I say that to make the point that while the Minister says that there were only the named institutions that were interested, I believe that other institutions probably did not know anything about it. So, as he stated later on in his contribution, if others want to join in so to speak, they are free to do so.

I am only saying that I believe that any agreement made with any commercial lending institution is an agreement that will basically suit one and all. I, for one, do not believe that it has to be limited to the commercial banks that have been named. Where I have a problem—I do not know if anyone else has a problem with it—and I honestly do not know what has been signed and what has not been signed, but in a proposed agreement where in section 3 the guarantor's obligation (and in this

instance the guarantor would be the Government), there is a subsection which reads: **"The guarantor shall not enter into any other scheme during the term [the term as I heard it is five years] with any other developer for the provision of guarantees for the construction or purchase of unit."**

I sincerely hope it has not been signed yet. What I just read is not for me to make any accusations, but I bring out the point again, that when there are problems of this nature, all I am saying with the greatest of respect is, let us sit and talk about it, thrash it out properly before we get caught with our pants down.

I did not shout and go on about that a while ago because I sincerely do not want people to get the wrong impression. But, when I see something of that nature, and it comes to my mind that there is some remote possibility that we might get caught in something like that, I think we should talk about it.

Madam Speaker, I truly wish not to end on a note of negativity, which is how some people think that the thought process is, but, I will quickly summarise by saying that if the Government intends to make sure that whatever they engage in, agreement-wise or contract-wise, with any private entity is done in the proper manner (as I believe they do), then whatever might be thought of me is irrelevant. I trust they have understood what I have said.

But it goes a bit further, Madam Speaker. Bad habits are acquired easily. If we do not stop and check ourselves now with procedure, we might find ourselves not noticing how things are being done and might end up not being able to cover ground that we should have covered before, after the fact.

Madam Speaker, this Motion that I have seconded on this occasion is simply a repeat attempt, in my mind, to ensure that all questions that can be raised are raised, and not just answered, but dealt with before we, at a national level, engage ourselves into any housing scheme.

For those who are not convinced of my intentions, they will have to stick with their beliefs. I still say to them, whatever you think of me, try to make sense out of what I have said. I only wish the end result to be what is best for all concerned. I certainly hope that if the thought is to really help those people who need it most in this country, there will be a reassessment as to how it is structured. If we have to divide the scheme into phases, I certainly do not have a problem with that. But, what I have not been able to accept is to hear that this is a middle to low income scheme and the hundreds of people who would not otherwise be able to be helped, that will be helped, I have really tried my best to examine what information I have been able to gather, Madam Speaker, and I do not see us achieving that as this scheme is.

Therefore, the Government will have to do as it sees fit. But, again, I hope that they might take stock of all the various positions.

Before I close, Madam Speaker, let me make a personal admission. I know that it is very difficult for me to admit, especially in a public forum, that the way I have

dealt with a certain matter was not really the right way—I really could have dealt with it in a different manner and gotten some better results. So, with that in mind, I am not asking for anything to be said. I am asking for it to be done. Thank you.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

Madam Speaker, after hearing such an incredulous attack on Government, I cannot just sit down here and warm my seat. In local parlance, I simply cannot "sit down heh."

Madam Speaker, I have listened to the seconder of the Motion and all I have heard since he started is absolutely nothing but ballyhoo. I have long detected the difference between a voice and noise. I have heard nothing, absolutely nothing, that makes me feel that it is worth taking this suggestion of taking the Housing Scheme to a Select Committee.

The Government has a well thought out agenda and I believe that the public is fast becoming aware of that. The Government has an agenda and we intend to stick to it. If we realise that the best thing to do is to fulfill our campaign promises, to do what we promised the people, then this is one thing that we should do. We have promised the people that we will provide them with housing, and housing they will get. This is what this whole scheme is about, the provision of housing for many, many people, and believe you me there is a long queue waiting.

Ever since this was announced back in July 1993, I have been swamped with callers asking when will this be ready. Now, the public hears that this is going to be referred to a Select Committee, and perhaps nothing is going to come of this for quite a considerable time, as we heard from the Minister for Education. I believe him, because I am fast learning since being elected to this House, that if you want to slow up anything, just refer it to Select Committee. I believe that the urgency of this situation is such that we cannot give in to the Opposition who basically do not understand what is going on in Government, it seems.

Now, I do not believe it is always the fault of Government, why they do not understand. I believe that they could get the facts if they really wanted to. But, unfortunately, for some reason they do not understand all the facts. Perhaps they do not have access to the facts, I do not know. But, because of ignorance they have decided to bring this Motion to the House which will only affect our people adversely.

Any good Government will remain sensitive and responsive to the wishes of their people and, moreover, to the needs of their people. That is what good Government is all about. I believe that in this instance that is exactly what we are doing. The days of roughshod Government, in my mind, are over in Cayman. I do not believe the public will allow that anymore in Cayman. I do

not believe you have seen Opposition yet in this House like you will see if this Government sours or flounders on us, because I can guarantee the public there will be real, real forcible Opposition in this House.

Madam Speaker, from an early age I learned that what binds people together and what makes groups work together is not so much common objectives and goals, but it is common values. I believe that one of the reasons why there is so much cohesion, and why it is so hard to touch the integrity of the National Team, is that so many of us share very common values.

Ours is not the kind of "crazy glue" cohesion that exists in some sectors. Ours is a comfortable camaraderie based on mutual respect and the realisation that this country depends on us and that every hand is needed on deck. What I see is a Government that has been working steadily through sometimes unfavourable circumstances, working hard, sometimes into the late hours of the night trying to make sure that sensible policies are implemented.

Moreover, I do not believe that the public can say that there has ever been a Government that believed in so much public participation as this one. The public, because they are part of the planning process, for instance in health, education, and so on, often the plan and the decision that we arrive at is what they want. The Governments will come and go, but the public is here to stay.

Madam Speaker, I believe this Motion appears here simply because of ignorance of the facts. I watched the seconder of the Motion, and in his kind of Perry Mason style, he tried to convince us and the listening public that this whole thing is something contrived. Step by step he tried to hypothesise and he tried to show us that these were perhaps the things that led up to Government's decision to become involved with Frank Hall Homes, or whoever.

The fact is, if Frank Hall Homes wants to provide housing for people in the Cayman Islands, especially at such terms over a 20 year period, is it sensible for Government not to accept it? I wish to God that other people would join forces with Frank Hall Homes and provide even more housing for people in the Cayman Islands. That is what we need, people who will put their money where their mouth is.

As I listened, the seconder also said that to his surprise one of the banks has not even been contacted since July last year. I decided that I would make a call to the Principal Secretary of the Ministry and he has confirmed that not on one occasion, but on many occasions, Government has met with all of those banks. This has been talked about and they are trying to thrash things out and get things organised so that everybody can benefit—every person looking for a home could eventually get a home.

Why should he come inside this House and try to give the impression that Government has not been doing their work correctly and has not even contacted the banks? If I really thought that Government was working in this way, I would not even want to be associated with

a Government like that. But the Government is obviously working in a systematic fashion to bring this thing to a head where people can benefit and I think it is very wrong for him to come in here and carry on the way he has.

The next thing, Madam Speaker, is that I thought he was really coming out with some profound statement when he said, "this is the point that I want to make..." and what was the point? It is such bad government for Government to take something to the public in a press conference before they get approval in Finance Committee. I never heard anything so ridiculous in all my life.

Government realises that they have a strong Backbench and a Backbench that will agree with them and push as hard as they can to get things done when it is necessary to do so, and they hear the other side of us when we do not agree.

Up until this point in time, there have been virtually no instances where the Backbench of the Government, those of us who really have supported the Government, had to come in this House and make a hullabaloo because we had no reason to do so. But, like I said before, whenever the occasion arises and it is in the interest of the public, this is not a Government or a Backbench that is solidly glued together because of any other reason than goodwill and interest of the public and we are going to protect the public's interest in every way that we can.

Government, as I said, has a very strong Backbench. They meet on a regular basis with the Backbench and discuss all of these things with the Backbench. They hear our opinions on it long before it comes to this House. I have lots of questions for them at times, even about this Housing Scheme. I have had lots of questions and I am glad to say that the information was provided and I am perfectly satisfied that if it goes ahead there are many people to benefit and that it is a good thing and that for once and for all, we will try to get something off the ground without it taking years and years and nothing comes of it.

If there is anything in this debate that I can consider as being of any benefit, it is that, perhaps, there are some people in the public that may be listening and they will perhaps be a little better informed at the end of the day.

But the Minister had a press conference and he will have even more, and attempts will be made to inform the public—I am sure not just on one occasion but on other occasions, the public will be kept informed.

Things will be developed and fine-tuned to the point that we will have brochures similar to the Housing Development Corporation. But everything cannot be done at once. And, by the way, this Housing Scheme is not the only thing that Government is working on. There are lots of things that the Government has to consider. But given a little bit more time, I believe that anybody interested in getting a home will easily have access to all of the information and the steps that they have to take in order to get the mortgage money to get that home.

We understand from what the Minister said that there is a pool of money that has been created because

of the interest of various organisations, the banks and, in this instance, Frank Hall Homes and, hopefully, more will be provided. This money is available for the people for mortgages and if they are interested in getting a mortgage and, like most of us know, there are many, many people crying out for mortgages because they do not have the down payment, they will either call the Ministry itself, or they will get in touch with the banks that are involved and they will be correctly directed.

Now, why is it that we have to bog this thing down by talking about minutia and lots of detail that we believe might go against the whole venture?

You know, Madam Speaker, the more I speak to some people, I see where there are those kinds of people who constantly find ways and means that will make a project not work, but there are other people who try to find ways to make it work and that is the difference.

What we have to do is try to find ways to make what is available to us work. We do not even have to try very hard in this instance because, as far as I can see and from what the Minister and other people who have been more intimately involved with this planning have told us, it is almost ready to go. So let us not try to hold it back. Let us get behind it and get it going in the interest of our people.

Sometimes, I am forced to wonder why there is such a negative reaction about the project. I have never met Mr. Frank Hall. I do not even know who he is. But you know I have respect for people like this, whether they come from abroad or are Caymanians who have that kind of interest. I personally could not even think of lending money out for 20 years. Even if I had it, I am not so sure that I would want to do it. So we have to give credit where credit is due. I think that Frank Hall and the banks need to be applauded by this Government rather than trying to imply that there is something going on that may not be in the best interest of everybody concerned.

I do not see where it is necessary to cast any form of doubt on this whole venture. We need to be very positive about it and ensure that it is the biggest success ever.

Madam Speaker, I remember some evenings in my home many years ago listening to the radio broadcast from this House. I would hear some things that I could not believe were coming from the Legislative Assembly. I remember things that Members of the former Government said, the positions that they took regarding housing and even regarding some other Members of this House. I found it despicable.

I remember one of those previous Members, in fact he was on Executive Council, how he tried to insinuate that a certain organisation was just out for gain, and that what the Opposition wanted to get done was only in their own self interest, all kinds of insinuations.

I could tell you a little story. You know it is common knowledge that we have a medical organisation on the Island that recently sold out almost 60% shares to this former Minister and to the notorious Bill Conti. I was told by two representatives from the South Miami Hospital how they were called into a little back room and these

two people (namely, Mr. Conti and his local associate) said to them, "You know, if you are going to get us to do any business with you, we want to know what we are going to get up front. If we are going to refer patients over to South Miami Hospital, we want to know what we are going to get up front." That was the mentality of the former Minister when he was in here, and he still has that mentality.

We do not want that type of mentality to be perpetuated here and I do not think we have any fear of that—

The Speaker: Honourable Member, that does not have any bearing on Private Member's Motion No. 9/94, dealing with Low Cost Housing. Please get back to the contents of the Motion.

Dr. Stephenson A. Tomlinson: Madam Speaker, what I would like would be to see the scheme that we are discussing expedited, not retarded. In this respect, I must say that I would like to see Bills and Motions and everything being presented to this House or being given to Members of this House long before they are given.

I want to see the Legal Department working even harder than they are doing now so that we can have the kind of time that is necessary to peruse these various things that are going to come to the House. We first heard about this in July of 1993 and now it is almost July of 1994—almost a year—and it is time that this thing gets started.

I cannot agree with a Motion that is going to do anything to retard it. If anything, I want to see the work speeded up in the interest of our people, Madam Speaker. It was said before that one of the most beautiful things about this scheme is that there is no necessity for the prospective buyer to come up with a down payment because that is the crux of the problem at present—they can get monies from the banks, but they must come up with some down payment. This is how Government is helping with the whole thing. Because of that very fact that people who at present cannot buy their homes because they do not have the down payment will be able to get it. I am sure that the public appreciates that and I am sure that the public understands more what the Government is doing than some of the Members of the Opposition.

The Minister has told us that there have been some slight alterations with regards to the various specifications—instead of there being a ceiling of \$50,000 on combined income, it is now \$60,000. Houses can, in fact, cost up to \$125,000. I have a feeling that there is a Member of the Opposition that would have liked it to be \$200,000, because it would, perhaps, suit him better.

Madam Speaker, if a person can afford to pay for a \$125,000 house, I would much prefer to see a person in a house like that than one of \$50,000. The banks are going to make sure that the people do not borrow more money than they can pay back, and I do not believe that there are going to be all these foreclosures that these men of doom are predicting.

I believe that it will start on the right foot, and that it will continue on the right foot. There will be a few hitches but I do not think that they will be insurmountable. In the end, the majority of the people will be better off.

I would like to stress again, that the Government is the kind of Government (and I believe it will continue to be the kind of Government) that makes sure that the various things are thought out in a reasonable way. It is the kind of Government that believes in getting things done. That is what I have seen so far.

I want to put my energies to do what I can to assist the Government in accomplishing such things as this Housing Scheme. This goes very deep. This is something that I spoke to many people about long before I thought about running for office here. As we campaigned, and after getting in, there were many people who come to us and told us about the problems they are having with housing.

I believe that the goal and the objective of the Opposition is the same as the Government in terms of getting the houses for the people. But, if they want the houses, let them do something to get them, not refer it to Select Committee. Have an open talk with the Government Minister and say what you think is wrong with it, or what is right with it, and the little things that perhaps need to be ironed out, just tell them about it. You do not have to come into the Legislative Assembly and waste precious time here talking about those kinds of things. There are more important things. And rather than me waste any more time here, Madam Speaker, I will shut up.

I will be supporting this Motion. It is a very badly needed scheme, long overdue. They can say anything they want about the Housing Development Corporation, that has served a purpose but it has not served the needs of everybody in this country.

This will not serve the needs of everybody either, but it is a step in the right direction. Those people who do not qualify for a loan, I believe that the Government is going to be innovative enough to come up with ways and means of assisting those poorer ones.

I am not a man of a lot of words, Madam Speaker. I believe the public and that you understand the angle I am coming from and I sincerely hope that such Motions will never be brought to the House again in the future.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.47 PM

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 9/94. The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I know we are almost to the end of the day. In order for the Opposition to have prime time in the media, I will try to end the debate today so that they can have their prime time early Monday morning.

In looking at this Motion, I am not sure what the discrepancies are that are spoken about in the first resolve. I did not hear what the discrepancies were in the present situation in the debate by the Mover and the Seconder, but I can only assume that they are questions and rumours that the public is faced with—mostly coming from them.

When the Minister for Housing had his press conference in the Town Hall back in May, the room was filled with interested people who would like to have housing. Questions were asked, but only negative questions came from the Mover and the Seconder.

I do not object to questions, Madam Speaker. If one has questions and needs some answers, there is no problem with that. But negative questions just putting down the whole scheme was what took place at this press conference.

Their argument was that the interest rate should be negotiated; it should be fixed; it should be less than 3%. I think that they fail to realise that Frank Hall, trading as Cayman Affordable Homes, is putting up his money for 20 years. Government is not going to have to spend the \$17.5 million that he is putting up. Frank Hall is putting this money up so that the Caymanian public can benefit from this. I think that we should all be thankful and grateful for this.

The Mover mentioned that we, the Backbenchers and the Government, were committing public funds for falsehood. I take offence to that, Madam Speaker. We are responsible representatives, we were elected as being responsible representatives. We are not going to commit public funds for falsehood. I do not believe that we intended to do this, and maybe he is not sure of all the questions, but, like the previous speaker mentioned, if he has questions, why not sit down with the Minister responsible for Housing and try to have some of these questions answered.

In the beginning, I too had questions and concerns. But over the past two weeks or so, I have been able to walk some of my constituents through the process. I have been to two banks. I have been to Frank Hall Homes and spoke with the manager there on two occasions on the telephone in addition to visiting him. The questions and concerns that I had, I think have been answered as well.

First of all, Government is not entering an agreement with Frank Hall Homes. The Government is entering an agreement with the banks that are involved. They call it a Blanket Guarantee. To me a blanket is something that covers one. It usually covers one up to their head. When one wraps up when they are cold, the blanket covers them. Government is only guaranteeing 35% of the loan. Therefore, it is not a complete blanket guarantee that they are referring to, it is only 35% of the loan.

The way I understand this is if Joe Ebanks, let us say, wanted to have a loan, he will go into one of the

four banks that are mentioned (sorry, it is three here, and then we are also informed about Canadian Imperial Bank of Commerce). He will go in, make an application. This, in turn, will go back to the Housing Development Corporation in order for him to obtain Government's guarantee. Now, the question was posed: Why do these funds that Frank Hall is putting up not go directly to the Housing Development Corporation instead of having to go to these banks?

I think a lot was said about the Housing Development Corporation, but it has really not filled the needs of the public because the funds were not available. I can understand why, because about two and a half years ago I was invited to a luncheon by the Housing Development Corporation at the Radisson, with about 15 other people. Needless to say, only about four or five people from the private sector showed up—with the Member responsible for Housing, people from the Housing Development Corporation and the Chairman, complete with video explanations and brochures, trying to solicit funds for the Housing Development Corporation. Of the other people from the private sector who were there, after the luncheon and the presentation, we were all reluctant to invest money into this Housing Development Corporation because of the Member in charge and knowing that it was going to be politically used.

If the Housing Development Corporation is kept out of this, with the funds, they are only going to review and make a recommendation and that is a statutory board. There is no way that politics can come into it and should not come into it if the Housing Development Corporation is handling and reviewing the applicants for Government.

I think the Mover and the Seconder have to realise that when people apply for a mortgage they probably already have a house plan that they would like to build, they will have some idea of what it is going to cost, who they would like to have build it and where they are going to build it. All of this will have been taken into consideration so that when they go to the bank these questions will be answered to the banker who, I am sure, will share these same concerns.

This is very important. The borrower will have a choice. They can build it anywhere in this Island, as well as Cayman Brac and Little Cayman, because it will be just like a regular loan. The only difference is that Government is guaranteeing the first 35% of the loan, without a down payment.

Maybe this is one of the discrepancies that the Mover and the Seconder do not understand. They can build it in an ongoing development, provided the developer meets the criteria that will be required by Government via the Housing Development Corporation. They can select the contractor provided, again, that that contractor is qualified and meets the requirements and has a Trade and Business Licence. All the requirements that are required by Planning to build a home, electrician and all the other contractors, and the applicant will have a choice of whom they would like to build their house.

This is one of the discrepancies (let us call, it since

they used this term in the first resolve) that has been expressed—that you can only use Frank Hall Homes Ltd., to build your house. This is not correct. Whomever the borrower wants to build their home, and if they are qualified and have a Trade and Business Licence, they will be able to use. They do not have to purchase a home just from Frank Hall Homes or an apartment from Silver Oaks.

They can go and purchase a home if there is a home in Logwood Estates that a borrower would like to purchase, then they apply for the mortgage, once it is approved and they have the means to pay back that mortgage, then they will be granted a mortgage and they can purchase the home. Not only from Frank Hall, or Cayman Affordable Home, whatever you want to refer to it as, but the mortgage is available to the individual form any developer once it is in there. Three other developers, all reputable developers, apparently, and they have developed some nice homes. The borrowers will be able to get homes through those same developers.

The two homes that the Minister for housing mentioned that are going to be built for \$62,000 and \$93,000, they sound like they are affordable and the people that we are trying to help with getting a home should fall within that category. So, whoever those developers are, I am sure that the Caymanian public will be able to contract and get a home from them as well.

This is the whole idea behind the housing scheme. That we are hoping to provide homes for the Caymanian public. I must say that maybe lower income housing might have been the wrong term to use there, perhaps. According to some of the public it would have been better if we had said housing mortgages, or mortgages for a housing scheme. That might have been better than low income housing. However, some of those figures that were used were figures only from Frank Hall Homes that are available in Savannah Acres and for Silver Oaks Apartments.

Naturally, Frank Hall Homes would only have figures for their projects. It is up to the bank to help the applicant in coming up with a price that they are going to pay if they do not have a contractor to give them some idea. Therefore, those figures that were presented here in this House are correct, I have taken a look at them, but they are only for Frank Hall Homes. It is not only Frank Hall Homes that will be developing and building the Homes.

One of the things that I would like to share, which a previous speaker (I believe it was the Minister of Education) mentioned about young people being able to afford a home of their own, is that not only is it going to be our young people—he mentioned a couple as well. But out of the eight to ten people that I have been able to help and talk to, about half of them are single mothers. Some of them can meet the criteria for repaying the loan, unfortunately, some of them cannot meet the criteria.

But, as the Mover said, in the lower income housing, no scheme is perfect. Therefore, this is not a perfect scheme in meeting all the needs of the Caymanian public. Out of those constituents that I have been able to

work with and answer some questions for, many of them have combined salaries. There was one with merely a \$5,000 income, which means the husband and wife, the daughter and husband, and another sister were all going to put together and purchase a home. So, a lot of our people will be able to benefit in obtaining a home with combined salaries.

I believe, like the other Honourable Members of this House, that putting this to a Select Committee is only going to push back the availability of this scheme becoming a reality. I do not know what other standards, requirements and guidelines are needed, I think everything has been explained fully. As representatives we are certainly not going to require that the public will have to pay for all of this without contingency fees being put in place as the Minister mentioned.

One last thing. What I understand with Government being the guarantor of the first 35%, in the event that there is a foreclosure—and apparently there are going to be lots of foreclosures, according to the Movers of this Motion—how Government fits into this scheme if they are the guarantors and have to be called upon to pay back the loan, Government will not allow the house to be sold for just what is outstanding.

It only makes sense, ethically and morally, that Government meets and sees that the criteria is carried out, that the house is sold for the value of the house and property in order for the borrower, if there are funds that perhaps they will be able to get some of those funds back if the house is sold for the value.

Therefore, if it does foreclose I do not see that Government will have to come up with any funds if this is the situation. The house will be sold and I am sure that there are other people who will be eager to find a house that is already built. The house will be sold for the value, then the individual, more or less, will be able to get out of the mortgage and, so what if they have to start all over again? Certain things come up, no one wants to lose their house. That is their pride and joy. But if certain events take place and they are not able to come up with their mortgage payment, that is not the end of the world if they have to sell that house and meet the loan payment.

But I believe that all of this is there into the scheme and if these are some of the concerns that the two Members have, perhaps they could then sit down with the Minister for Housing and go over some of these concerns and try to get them answered. But with all of these resolves here, I find it hard to support this Motion because this is not in the best interests of the Caymanian public.

The previous speaker mentioned that we are fulfilling our promise to see that a housing scheme is put in place. If we stop this now, we will probably be put out of office before this goes through the Select Committee. As you know, Select Committees have a way of getting bogged down and if it has to go to the Auditor General and a report coming back to the House and then we have to invite housing construction entities and financial institutions and go out on a competitive basis, Madam

Speaker, then the people in Cayman will never get houses and this would not be a realistic scheme if we sat down and waited for all of this.

Therefore, I cannot support this Motion. Thank you, Madam Speaker.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30, can I ask for the Motion for the Adjournment? The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the Adjournment of this Honourable House until 10 o'clock Monday morning.

The Speaker: Before I put the question, I have been notified by the Honourable Third Official Member of an official visit he will be making to the United Kingdom from tomorrow, the 4th, until the 11th of June. Therefore, he will be absent until the 13th. So on behalf of the House I wish him bon voyage and look forward to his return.

The question is that the House do now adjourn until Monday morning at 10 o'clock. Those in favour please say Aye. Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock Monday, 6 June 1994.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 6 JUNE, 1994.

**EDITED
MONDAY
6 JUNE, 1994
10.04 AM**

The Speaker: I will ask the Honourable Second Official Member to say prayers.

PRAYERS

Hon. Richard H. Coles: 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, Official Members and Ministers 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.

In the absence of the Third Official Member, the Oath of Affirmation will be given to Mr. Arthur Joel Walton to be the Temporary Honourable Third Official Member.

Mr. Walton will you come to the Clerk's table?

**ADMINISTRATION OF
OATHS OR AFFIRMATIONS**

(Mr. Arthur Joel Walton)

Hon. Joel Walton: I, Arthur Joel Walton, do solemnly and sincerely affirm that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II, her heirs

and successors according to law.

The Speaker: Will you take your seat, Honourable Member? We welcome you to the Legislative Assembly. Presentation of Papers and Reports. Report of the Standing Business Committee to be laid on the Table by the Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business.

**PRESENTATION OF
PAPERS AND REPORTS**

REPORT OF THE STANDING BUSINESS COMMITTEE

Hon. Thomas C. Jefferson: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee meetings held 24th of February and the 3rd of March, 1994.

The Speaker: So ordered. Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, the Committee held two meetings; one on Thursday the 24th of February, 1994, where it dealt with the Order of Business for the State Opening of this Honourable House among other questions and business set down during that meeting for the proceedings of the Legislative Assembly.

The other, on Thursday the 3rd of March, dealt similarly with the business circulated on Business Papers one and two, which included papers to be laid on the Table, questions to be answered and this Report is the report of the Standing Business Committee.

The Speaker: The Royal Cayman Islands Police Annual Report 1993. The Honourable First Official Member responsible for Internal and External Affairs.

**THE ROYAL CAYMAN ISLANDS POLICE ANNUAL
REPORT 1993**

Hon. J. Lemuel Hurlston: Madam Speaker, I beg to lay on the Table of this Honourable House the Royal Cayman Islands Police Annual Report for the year 1993.

The Speaker: So ordered.

Questions to Honourable Members/Ministers. Deferred question No. 46, standing in the name of the Fourth Elected Member for George Town.

DEFERRED QUESTION NO. 46

No. 46: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs for Government's policy regarding the processing of applications for Permanent Residence.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The Board meets to deal with applications for permanent residency from time-to-time, as and when required, at the instigation of the Chairman. There have been four such meetings within the last five months.

Condensed details of applicants are circulated by way of agendas prior to meetings. The applications are administratively processed prior to such meetings to ensure compliance with legislation and directives. The applicant's file is on hand at the meeting in order for members to review it in detail.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member can say if there is a backlog of these applications which have not been dealt with up to this point in time?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker. The Board currently has nine applications that have been deferred for various reasons. There are 41 applications awaiting hearing, and there are 98 applications still at various stages of being processed.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: The fact that this is the case, I wonder if the Government will consider dealing with these applications in a more expeditious manner?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: I am afraid that the administrative machinery to process them is working as efficiently as it presently can. However, every effort will continue to be made to try to strengthen the capabilities and the system that enables this to be done even more efficiently.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member can state if the policy directives have changed in the recent past regarding how the applications are dealt with—the policy directives being from the Government to the Immigration Board?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: No, Madam Speaker, there have been no changes in policy in recent times.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member could say if there is any review going on regarding these policy directives?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, perhaps I should clarify what I just said. In saying that there have been no new policy initiatives, I should have said that there was one modification of a policy, whereby a directive that had been issued previously, which required the Board to entertain applications for permanent residency in respect of those persons who had been resident in the Islands for 15 years or more, was modified to make the approval at the Board's absolute discretion. That is the only change that has been introduced recently.

The Speaker: The next question is No. 67, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 67

No. 67: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Internal and External Affairs whether any arrangements exist between Government and the last Prison Director, Mr. Dennis Marsden, for providing consultation on the management of Northward Prison?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: No arrangements exist between Government and the last Prison Director, Mr. Dennis Marsden, for providing consultation on the management of Northward Prison.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if he has been contacted for consultation since he has left the substantive post of Prison Director?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, he has not been consulted by my Ministry, and I am not aware of consultation by anyone else.

The Speaker: The next question is No. 68, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 68

No. 68: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Internal and External Affairs how did the Prison Advisor, Mr. Chris Gibbard, collect data for examination which comprised his Report on the Northward Prison enquiry?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Mr. Christopher Gibbard collected the data for examination which comprised his Report on the Northward Prison enquiry by reviewing all written reports; interviewing staff involved; and incident briefing of all staff involved.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say who was asked to give written reports, and how long did it take him to acquire this information to arrive at his report?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, Mr. Gibbard conducted this inquiry at Government's request at very short notice. He began by reviewing all written statements, which is a requirement under General Orders. After any major incident, every Officer involved is required to produce for the Head of the Department a written statement giving an account of the recollection of events. Mr. Gibbard therefore began by reviewing those departmental statements.

He followed up by interviewing all of the staff who were involved, and all of those who gave statements, and he concluded by having a joint staff incident briefing with all the staff involved.

The Speaker: The Second Elected Member for Cayman

Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if stemming from the recommendation of his report the follow up examination of the complete Prison system was carried out, and did he make any specific recommendations?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, although not directly connected, indeed, arising out of Government's concern for the effective management of the institution, the Government, independently of Mr. Gibbard's report, took the decision that a comprehensive inspection and review of the Prison was, perhaps, timely and due, given the circumstances.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if the written reports requested by Mr. Gibbard passed through any other persons, or were they collected by Mr. Gibbard from the persons who submitted them?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, my understanding is that the reports were given by the staff, collected by the Head of the Department and handed to Mr. Gibbard by the Head of the Department.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what provisions, if any, were taken to ensure that the reports were not altered, tampered with, or otherwise changed from their original state when handed in to the Head of the Department by the persons who submitted them?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, Mr. Gibbard would have satisfied himself in that regard during the second phase of his work, that is, during the phase where he individually interviewed every member of staff involved.

The Speaker: The next question is No. 69, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 69

No. 69: Mr. Gilbert A. McLean asked the Honourable

Minister responsible for Internal and External Affairs if there are any former Heads of Departments still employed in that salary grade following the amalgamation of departments who no longer perform such duties and, if so, what plans are contemplated to remove this anomaly?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: There were three former Heads of Departments still employed in the same salary grade following the amalgamation of Departments. One post was abolished with effect from 1st May, 1994. These grades are now personal-to-holder, and expire at the end of the existing contracts.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member give any indication as to how such officers fit in the overall structure—in terms of the hierarchy—and would he have any idea what the average time left for these Heads that he has referred to would be?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I am sorry I do not have the contract expiry dates. However, these Heads of Departments, or former Heads of Departments, have merged professionally within the enlarged and amalgamated organisations to which they belong and are continuing to discharge such technical and professional advice as their duties presently require until the end of their existing contracts.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In the light of the reply by the Honourable Member, could he say if in discharging these duties they head specialist sections within the department, or is it just the general run of work activity within the department?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, in the one case it is a highly technical Head of Department, and in the other it is a specialised professional Head of Department. Therefore, in both instances that continue to presently exist, the new Head of Department would rely on these officers to ensure the continued efficient discharge of those duties calling upon their technical and professional expertise as is required.

The Speaker: The next question is No. 70, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 70

No. 70: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what steps have been taken to reduce the risk of Prison Officers bringing contraband and drugs into Northward Prison?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The following steps are being taken: 1) Falling in routine for inspection and briefing prior to dispatch to post; 2) Random searches of all staff reporting for duty; 3) On-going training on con games inmates play for all staff; 4) Staff encouragement to speak to Senior Management if they encounter or are encountering such problems.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: I wonder if the Honourable Member can say what procedure currently exists when prison officers change shifts?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I am afraid I do not know the details of how the shifts are changed and, for various reasons of security, if I did know, I would have to be very guarded in the way in which I answered that question.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if there exists any kind of internal security system which ensures that when an Officer reports for duty that he or she carries nothing into the cell which is not a part of his or her uniform or equipment?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, I can confirm that that is indeed the objective and, hence, the reason for the random searches to ensure conformity.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member can say if there is any random drug testing done for staff of Northward Prison?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, I can confirm that there is an ongoing programme of random urine testing of all members of staff at Northward Prison and at other Government departments as well.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if the Prison is equipped with a closed circuit television system so that all areas of the Prison and all persons in the Prison can be monitored by closed circuit television from a control room?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: No, Madam Speaker, that is not the case at the moment.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if any consideration has been given to the installation of such a system and, if not, would he undertake to have the feasibility of setting up such a system investigated and report on those findings to this Honourable House at some subsequent time?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, studies have been carried out in the past on the feasibility of installing closed circuit television for security purposes. The conclusion arrived at is that the cost of installation, ongoing maintenance, and the operation of such a system is such that it is not considered appropriate in all of the cell blocs presently managed by the Prison.

On an experimental basis, a small portion of the institution has been arranged for the operation of this facility. The result of this pilot project will be considered in future reviews.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Member could say if the random search of all staff is done once a week, once a month, and how do they arrive at the random searches with the staff?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the random searches are conducted at the instruction of Supervisors, and supervisors are given guidance by the Head of the Department as to the frequency of random searches. It has to remain random, otherwise its effectiveness would be minimised.

The Speaker: The next question is No. 71 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 71

No. 71: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to explain the circumstances surrounding the incident at Northward Prison in which a juvenile in remand at the Prison received serious injury to his face.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: There were no juveniles at Northward Prison on remand. However, a young prisoner on remand did receive injury to his face. The Royal Cayman Islands Police are conducting an investigation into this matter that is presently sub judice.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if that person is currently in the hands of the authorities, or exactly what is the status of the person at this point?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: To the best of my knowledge and belief, Madam Speaker, the young person involved is presently on bail.

The Speaker: The next question is No. 72, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 72

No. 72: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs if there was an incident involving a number of newly recruited English Police Officers at the Holiday Inn on the evening of Friday 13th May, 1994?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, a complaint has been received by an individual employed by the Holiday Inn, alleging that a number of newly arrived seconded Police Officers from the United Kingdom misconducted themselves during the Comedy Club and Karaoke performances at the Holiday Inn on the evening of Friday, 13th May, 1994.

A statement has been recorded and the matter is under investigation by the Complaints and Discipline Branch of the Royal Cayman Islands Police [Force]. The officers were off duty and in civilian clothes at the time that the alleged misconduct is said to have occurred.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if the fact that the officers were off duty at the time of the report of the incident means that it will be taken that the discipline, if any, will be different than if they were on duty at the time of the incident?

The Speaker: It think that calls for an expression of opinion and I will not allow it.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if this complaint came from the House Security at the Holiday Inn or did it come from the management of the Holiday Inn, and was there any substantiation given by patrons of the establishment at the time of the incident?

The Speaker: Honourable Member, I think the last part of the supplementary is being disallowed, because the Honourable Member has said that a statement is being recorded. Therefore, I will not ask him to answer that.

If you can answer the first part of the question, please do so Honourable Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I am not aware from whom the statement of complaint was taken. I am simply reporting that a statement is forming the basis of the investigation.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if the complaints and disciplinary section of the Police Force deals with members of the Force in the same manner whether on or off duty?

The Speaker: Honourable Member, that seems to have been what the First Elected Member for Bodden Town was getting at. I disallowed that question.

That concludes Question Time for this morning. Other business, Private Member's Motion No. 9/94, continuation of the debate thereon. The Honourable Mem-

ber for Tourism, Environment and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/94

ESTABLISHMENT OF A SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW, INTER ALIA, A GOVERNMENT BLANKET GUARANTEE FOR LOWER INCOME HOUSING

(Continuation of debate thereon)

Hon. Thomas C. Jefferson: Madam Speaker, I guess I will be another one of those big guns that the *Caymanian Compass* talks about in its editorial. But I have a right to speak no matter who likes or dislikes it.

The Motion presently before the House, in my view is not necessary. And, while every Member across the floor has a right to put private members' motions to this Honourable House, there is also a responsibility to do what is in the best interest of the people of these Islands.

While the Members who moved, seconded, and supported this Motion may have good intentions, it is still very hard for me to understand it. In all of my time serving as Financial Secretary of this country I have been searching my mind to recall resolutions before the Legislative Assembly or before other Finance Committees where as one Member put it, every "i" is dotted and every "t" is crossed. It is good if that is the case, but what we are coming here for is approval to move on with that exercise.

To my mind, it is the responsibility of the Government to ensure that before such an agreement is implemented that the "i"s are dotted, and the "t"s are crossed. Madam Speaker, that is the reason why we have a Legal Department to make sure that agreements, loan agreements, or guarantee agreements, are legally sound and the Government is secured in the way in which these documents are framed.

To my mind, it is the responsibility of the Finance Department to ensure that adequate financial provisions are made within these loan agreements, or without these loan agreements, to ensure that when Government give guarantees there is some reserve system that deals with it, should it ever get called on. I believe much, if not all, of this is pretty much in place.

Madam Speaker, the original intention of this motion, which this present Motion wishes to put into a Select Committee, is to deal with the serious housing needs of the community of the Cayman Islands. It is not common today that you would hear of parents and grandparents, aunts or uncles, giving a portion of land to their son, nephew, or grandson in order to meet the banking requirement of 20 percent or 35 percent, or whatever the percentage may be so that the individual

can go into the bank and get a mortgage.

That is the reason why the guarantee is provided, agreed by this Honourable House some time ago—which this Motion seeks to put before a Select Committee and, in my mind, bog it down. I believe that there are many persons in Cayman, many young people and many older people, that are not in the old traditional position of having some family member being able to give them a portion of land in order to meet the banking requirement of the 20 percent down or whatever the percentage may be. That is why the guarantee is structured in a way that will allow them to obtain the Government guarantee of 10 percent if that is what is needed or 20 or 35 percent.

I do not think that there are too many other serious needs by the community in this country than the need for housing. It is one of the basic needs of any community. And I do not believe the Motion presently before the House causes this exercise to move forward quickly. If anything, it does the opposite.

Some people give much stick to the banking arena for not providing adequate finances for mortgages, and some of what they say is correct. But there is also a need to explain why that is so. The bank should not take, using proper banking principles, money that is on a certificate of deposit whether it is for 30 days or five years and lend that out for a mortgage for 15 or 20 years. If they do that, we are going to have a banking problem one day when that depositor comes in and decides to withdraw the funds. That is generally how banks get into trouble, Madam Speaker. We understand this, and it is the reason why the Government has moved forward to provide a guarantee to the banks for people of our community who are unable to find that first 20, 35 or 10 percent down payment.

I will say that the *Caymanian Compass* got it right, the Motion before the House is a lot of politics. I believe that in situations like this, if we wanted additional information there is Question Time in this House. If we wanted additional information there is an effective telephone system in this country. There is access to the Glass House, although maybe not through the parking area. And I do not think that any of us have said to any of the Members of this Legislative Assembly, do not come to my office because I will not talk to you. The Government has continued to try to be an open Government, sometimes we give so much information that some people have a tendency to use it against us.

I agree with this morning's *Caymanian Compass* when it says, there is no need to have everything in place before you make an announcement of that particular project. If we say we are going to be guided by the people, then I think that we need to inform them as much as we can about various matters that the Government is working on. But we need to have sufficient information to give them some general idea of what it is we are working on.

These agreements, as I understand them Madam Speaker, are going to be between this Government and the banks. I believe that is a more effective system than

involving any Statutory Body, whether it is the Housing Development Corporation or not. When you have to police a mortgage system of financing that reaches the magnitude that is suggested and approved by this Legislative Assembly, it is better done by organisations that are already established and have track records of dealing with these matters, than to try to improve some Statutory Authority to deal with it. I think it must be kept in a professional and banking operation.

I am sure that at the end of the day those who, perhaps, are against the scheme will come to learn that the position they took was not the correct position to take.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Madam Speaker, I rise to offer my contribution on Private Member's Motion No. 9/94, entitled Establishment of a Select Committee of the whole House to Review, Inter Alia, a Government Blanket Guarantee for Lower Income Housing.

The concern with respect to housing is not a new thing. Over the years there has been a genuine concern by past Government and the present Government to find a solution to the housing problem in this country for young adults, single parents, and those in our society who have a genuine desire to own a home but have been unable to do so because of their limited income.

I recall back in the 1970s that there was a low cost housing scheme started in George Town. I cannot remember who the developers were at the time, but the houses were all located in a certain area. They all looked alike, and the scheme did not do very well at all—because Caymanians are very proud and independent people, and they want the flexibility to be able to choose what their homes should look like and where they live in this country. That scheme did not do very well.

Then back in the 1980s, I recall the Government of the day establishing the Housing Development Corporation, also in an attempt to address the problem of housing. The Corporation has, from the start, found it difficult to attract funding from the banks, because the banks are also in the housing business and, therefore, were reluctant to invest money in the Housing Development Corporation—a competitor.

The Housing Development Corporation over the years has provided some mortgages and they have benefited some Caymanians, but the demand for more housing in this country, especially among our average Caymanian, is still a very strong demand. Because of the lack of funding, the Housing Development Corporation was unable to meet the demand.

I recall when the Housing Development Corporation was established, hearing comments from members of the financial community that they did not feel it was going to work, and the solution to the housing problem in this country would be addressed only if there was a partnership between Government and the banks who are in the business of lending money. Over the years some banks

have not been as helpful as they could have been, with respect to requests or applications for mortgage funding, and have probably made it very difficult indeed to find financing for this purpose.

I recall when I was looking for mortgage funding back in the early 1970s, at that time banks were only prepared to loan two-thirds of the estimated cost of the house which meant, for example, if one were looking to borrow \$60,000 from the bank for the purpose of a mortgage, the bank basically said come up with \$20,000 of that \$60,000. Madam Speaker, that eliminated a lot of potential borrowers, because not many people among us, especially among the average population, can come up with \$20,000 in cash to invest in a home.

Over the years, the banks have raised their lending limits, and the availability of funds for mortgages today has also been increased. Some banks probably loan as much as 80 percent to 85 percent of the amount needed for a mortgage. But the problem is that over the years the cost of housing has increased as well. So a house that cost \$30,000 to build in 1974, would easily cost today over \$100,000. If the banks are still only willing to loan 80 percent of that \$100,000, it still means that you have to come up with \$20,000 in cash or in property on your own.

I would daresay that it is as difficult today to find \$20,000 in cash for that purpose, as it was back in 1974—some 20 years ago. Our people are no better off even though there are more funds available for the purpose of mortgages, because the amount that the borrower is required to come up with is still a substantial amount of money.

I feel that the Honourable Minister for Housing, and this Government, must be commended for coming up with a scheme to bridge the gap by covering the required down payment in offering a Government guarantee. I would also like to point out at this stage, that our people must be prepared to borrow and build only what their income is able to support, rather than attempting to hang one's hat higher than one is able to reach.

It is impossible to walk into a bank and request a \$100,000 loan for the purpose of a mortgage if you are only making \$1,000 a month. Madam Speaker, at \$1,000 per month you are unable to support the repayments on that amount. If your income only allows you to borrow \$50,000, then you should be prepared to say, I will build a home for \$50,000. I have seen many of our people get into trouble because they want to "keep up with the Jones" rather than live within their means.

This Government housing scheme is a very simple one, and it works like this: If you are interested in borrowing money to build a home you have to call one of the banks who have agreed to participate in the programme and make an appointment with one of the Loan Officers. You go into the banks and present your request and provide them with the relevant information they need in regard to your income, your source of employment, and any other relevant information that they need in order to be able to consider your request.

Madam Speaker, if the bank at that stage is happy

to have you as a customer, they say, 'You want to borrow \$80,000? We are only prepared to loan you \$60,000.' Then the required \$20,000 that one is supposed to come up with, Government has said to the banks if you are happy with the customer we will guarantee you the repayment of that \$20,000 that you are asking him to come up with at this stage to come up with.

So, Madam Speaker, when you walk out of the bank after Government has submitted its guarantee, you walk out with a check for \$80,000. And being the responsible people that Caymanians are, once they have started their repayment programme on that loan and it is reduced below the required amount Government has guaranteed the bank then releases Government of its guarantee for that loan. Very simple, Madam Speaker.

There is a lot of interest out there among our people for this scheme. Many of them have come to me and asked when are they going to be able to go to the banks to borrow money for this purpose? So there is a lot of interest out there, Madam Speaker.

The other point that I would like to make is that this scheme is not intended to address the issue of indigent housing. If one does not have a job, and no income to support repayments on a loan, then they are wasting their time going into a bank for funding for that purpose. Those requests will be dealt with as they have been dealt with in the past; by Government through their Social Services Department, on a priority basis with the availability of funds.

Madam Speaker, this programme is a good one from the standpoint of the customer, as well as Government. From the customer's standpoint, when he goes to borrow money for mortgage purposes, he will no longer have to come up with the required down payment if he cannot afford it. Government will guarantee that portion of the loan to the banks. In effect, what that means is that he gets 100 percent financing for his home.

This is also a good deal for Government in that it provides a solution to its housing problem without Government having to fund housing itself. There is no cash involved and the banks are glad to deal with Government, especially this Government, because since taking Office in November 1992 we have worked hard and have turned the financial position of Government around. So banks are very happy and comfortable dealing with Government by way of a guarantee.

I would like to urge the Members of this House, as well as the listening audience, to be patient, give the Government and the banks an opportunity to sit down and work out the details. Once those details are worked out, then they will have available to themselves the mortgage financing that they need.

Turning to the Opposition—led by the Fourth Elected Member for George Town—I would just like to say that they can show their concern for housing and the housing needs of this country by supporting Government and urging our people to be patient. Give the programme a chance to work. If it works, and it will—in my mind the programme is on a very sound basis, so it will work—the beneficiaries will be our people who will have

the joy of owning their own homes. There is no greater thrill than being able to say, "This is my home, I own it."

In light of all that has been said in support of this scheme, in all honesty I cannot agree to tie up the programme in a Select Committee that could last for years. I am convinced that the Opposition does not want the programme to work and they know full well that if they can get us to agree to put this issue on hold while we discuss it over the next two or three years in a Select Committee, then the programme will not work. They will then be in a position to come back and accuse Government of not doing anything about addressing the critical issue of housing in this country.

Madam Speaker, I cannot support this Motion.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony Eden: Thank you, Madam Speaker.

I rise to briefly speak on this Motion, and I would like to address the third Whereas: "**AND WHEREAS the sum representative of a 35 percent guarantee is large and the results considerably speculative over which Government has no control.**"

I would like to project forward the idea of how much financial involvement this Government would be in by accepting the responsibility to repay [loans] if it was a total failure.

Let us use the figure of \$10 million that is made available in the first few years. Government's total liability would be approximately \$3.5 million over the first, say, five years. But, Madam Speaker, in talking to some of the bankers with regard to mortgage schemes in which money and funds are made available to the public, their approximate failure or write-off rate is less than 2 percent.

Using these figures, and the historic patterns of the writing off of bad debts in a banking institution (less than 2%), if this is projected over the five year period the way I see it is that Government's liability for the \$10 million (covering the total failure and being liable to cover the 35%), would be less than \$100,000 over a five year period. I think this is a chance that is worth taking for this segment of our population to have the opportunity to purchase a home.

The second Whereas that I would like to look at is: "**AND WHEREAS the guarantee in its present form includes only three banking institutions and one private company on the Island, with no indication that any other such similar organisations would be included or were approached to be participate in the proposed venture.**"

Madam Speaker, I, too, had some concerns when it first appeared that the company Cayman Affordable Homes would be involved in the scheme. But after talking with the Honourable Minister, I was given assurance that all of this paper work and the funding would be handled through the banks. This took away my biggest concern.

I firmly believe that if this is handled through the

banks, with the prudence that has been exhibited by them in the past, there will be sufficient controls out there and they will not take unnecessary chances in lending out these funds to people who would not eventually pay them back.

Therefore, just looking briefly at these two sections, I support the Honourable Minister in his attempt to bring this forward.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, each one of the issues that are being debated here has its own merit. The housing scheme, to me, is the greatest. The scheme that is put forward by the Minister responsible for it has a great effect on the people of these Islands. The effect that this scheme has is that it is offering the people who need and want their own home the chance to get one.

A home is something that everyone at some time or another has had hopes of obtaining. This scheme is offering them a chance to get one, once they can qualify for it. I feel that this scheme is one of the best things that this, or any other Government has put together for helping the people of these Islands. We should congratulate the Minister for it, and give him all the help that we can to put it into effect so that the people who are waiting and wanting to get a home can get it.

Madam Speaker, although there is Opposition—and they have their merits too—they have no plan or scheme to put forward. They do not have a chance of winning their argument. When criticising one should have an alternative to offer and they have not produced one as yet. To put up an argument without a plan does not make good sense to me.

When criticising let us be constructive and have plans to back it up with. The Opposition does not have that. What they should have done was gone to the Minister with their ideas and tried to work together with him. Maybe that would have helped obtain something much greater.

There is no plan or scheme that is perfect. We always have to be correcting something in it. That is where the Opposition could have helped, but that is not the way they see it. Madam Speaker, going before the public and airing grievances is not the way to help with anything. That only creates a bad image, and a bad image does not help anything to develop the way it should.

I feel that this scheme is a genuine one. The reason why the Opposition is fighting it so hard is really to slow it down. I hate to say this, but that is my feeling. With that, I will say, I cannot support this Motion.

Thank you, very much.

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: I rise to offer my contribution in the establishment of a Select Committee of the

whole House to Review Inter Alia a Government Blanket Guarantee for Lower Income Housing.

Providing housing for individuals within our country who have not in the past been able to secure financing for themselves under the terms of the local lending institutions is to be complimented. I would like at this time to compliment the Honourable Minister responsible for Housing for looking into this.

I remember very clearly when at the Aston Rutty Centre in Cayman Brac in 1981 we debated the institution of the Housing Development Corporation. I said then that I thought this scheme of providing housing for those who needed it was a must, but the questions that I wanted answered were: Where were the funds coming from? Where was the Government going to get the money from?

It takes a lot of money to provide housing for the needs of our country, albeit our population is not that great. But today—some 13 years later—the cost of construction is much higher. The answer could not be given then, and I said the United States of America under the able leadership of Franklin Delano Roosevelt had established the Federal Housing Administration, similar to the terms and conditions of what the Honourable Minister is proposing here today.

They did not set up a corporation that would go in and approve loans and the Government would loan the Federal Government money. They simply guaranteed the loan to the banks. The banks were able to give a better interest rate to the people who needed it and, therefore, people were able to get homes.

The facilities of our country, certainly not reaching up even to what the United States was after the Great Depression, cannot provide a full guarantee. But, having investigated the needs, it has been proven that the 35 percent is where all of our potential homeowners fall short. Whether it is 10%, 15%, 25%, 30% or 35% . . . certainly if it is more than that, they need to go into another programme.

So, looking at all of this, I feel today that we are at a crossroads in our history where we do not want to see homeless people in the Cayman Islands. We do not want to see substandard housing. We do not want to discourage our young people, not being able to live in beautiful homes. I think it is the charm and the aesthetics of our country that has helped us to develop, along with our financial industry and our tourism. It is important that we look to housing.

An aspect that I have not heard mentioned on the floor of this House during this debate is that there is nothing that helps to generate more employment within the community than housing. When money is provided for housing, all different categories of people get employment. Today we find that many of the unemployed, if they really want to get work, they will be able to get work if the people who need homes in the three islands are afforded that opportunity.

Over the weekend five different young persons came to me saying, "We need a home, do you think this will help us?" I said that it certainly can, and it will. Also,

it will probably help to keep them all employed.

So, Madam Speaker, I have not been charged with executive responsibility within this Government, but as has been said here before I have confidence in our Legal and Financial Departments and certainly in the Minister. I, today, want to say to all of us here let us endeavour to get this programme going in order to be able to look to those who are less fortunate than the group that we are trying to provide for that will need, not 35 percent, but maybe more like 90 percent [guarantee].

The United States has addressed that phase of their community by providing public housing and the rent, or the payment is determined by their ability to pay. That is how they addressed that problem. I think our Minister is looking at a scheme similar to this that will address the needs of the less fortunate.

If we can get the middle class helping to pay the labour, generating revenue in our economy, the Port Authority will be earning money on the material coming in, Government will be earning import duty on the material, the roll-over effect within our economy will help us to help those who need it more. Having said this, I cannot support the Motion as it is written, but I promise that I will support the Honourable Minister in any way that I can in helping to see that the people who need housing are provided with it at the most reasonable cost.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.25 AM

PROCEEDINGS RESUMED AT 11.48 AM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 9/94. [Pause] If there is no further debate, would the Mover of the Motion exercise his right to reply?

Mr. Gilbert A. McLean: Madam Speaker, I am pleased to reply to the debate, which I have heard much of on this particular Motion.

I believe that the intention of the Motion has been missed—either on purpose or otherwise—by the Government who would have had to give its acceptance. I notice that in today's newspaper there is an editorial comment about what has been said so far on the Motion. I also observed that just about every Member of the House has spoken on this matter. That is an indication to me that the question of low-income housing is of importance to all Members of the Legislative Assembly. I think it is of extreme interest to that part of our population who could be helped if indeed there was a scheme in place for low-income housing.

In my presentation my contention was not that this scheme was an awful one, but that it was not serving or will not serve that category of persons that it claims it will. It is also clear to me that although it has evolved and gone through stages as to who is going to be providing this housing, this scheme still limits itself to one

entity. And if I understand correctly at this stage, it has reached the point where it will be a bank, a bank that has not been mentioned before in the two instances that the matter has been discussed in this Chamber—that is, Canadian Imperial Bank of Commerce.

Although much has also been said about the fact that any contractor can be involved in it, if they are qualified, there is truly no clear indication as to what will qualify them. I will say that I have heard the Minister say that he will determine or his Ministry will determine which developer or contractor gets in on the act. There are many, many points that are still unclear and, try as the various speakers may they have not proven at all that this scheme is going to help lower income housing.

Madam Speaker, the papers noted it, and I noted it—because I have to sit here and hear shouted obliquely at me “Opposition, Opposition, Opposition.” Everything is “Opposition.” I feel it is necessary for me to state where I find myself as Opposition and how I see Opposition and what it is supposed to be to the best of my understanding and research.

The newspaper today noted that **“the Opposition is so small in this Legislative Assembly that all of the attack and haranguing that has gone on is really not necessary and is, perhaps, like using a cannon to shoot at an ant.”** Indeed, a Member who spoke this morning referred to that article where the newspaper referred to the “big guns.” However, Madam Speaker, I believe that certain information has come out of this debate in the House that heretofore was absolutely unknown and would not have come out had not this occasion arisen where this matter could be debated.

I will not for one minute say that the information was categorised and itemised where the Government and the Minister responsible could have tabled the complete outline proposal. But information did come out and the public and I think we ourselves are better informed because of it. I submit, Madam Speaker, that is one of the vital roles of Opposition in this Legislature and indeed under the Westminster System.

Madam Speaker, in March of 1993, before God, all the people, and the large House assembled—who were clearly more in sync with one grouping and direction—I stood up in this House and I made it clear that I intended to fulfil the role of being a member of the Opposition, whether it was singularly or not. The newspaper of the day carried that on the front page and it quoted me as saying, **“MLA for Cayman Brac and Little Cayman, Mr. Gilbert McLean, declared himself a Member of the Opposition. [I am quoted as saying] ‘I see that as my role,’ he said, opening the debate on both the Throne Speech and the Budget Address in the Legislative Assembly on Wednesday, 10th March.”** (*Caymanian Compass*—11 March, 1993)

I did not wait for anybody else to get up so I could figure to walk among the minefields that might be set up through the debate. I stated my position at the outset. That position I stated then, until this moment I am very happy to maintain.

I would just like to quote one other sentence from

the newspaper where it says: **“This should not be misconstrued as someone who opposes for the sake of opposition. There would be lots of things which Government would bring with which he would agree.”**

Since the House has begun, a Motion has been brought by the Government side (by one of their Backbench Members, in a private member's motion) and I supported that. However, if one listens to all of the castigation and (Madam Speaker, the Chair sustained the point of order moved because it was ongoing about Opposition) suggesting all sorts of ludicrous and unseemly things as reasons and motives for this Motion being here.

So, rather than informing me and all of the other Members of this Legislative Assembly, Government got on the defence. So, may I, Madam Speaker, in defence of the Opposition, read from an article which presents the ruling of Her Majesty's Privy Council regarding Opposition? I quote this from an article from the Caribbean Contact of February 1990: **“After years and years of harassment and torment, Antiguan newspaper editor, Mr. Leonard ‘Tim’ Hector might enjoy a period of peace. If he does, it will be due to the Privy Council.”**

“In an historic judgment handed down by the Privy Council on the 22nd of January, the five Law Lords in the case of Leonard Hector vs. the Attorney General and the Commissioner of the Police of Antigua, declared the amendment made by the V.C. Bird government to the 1972 Public Order Act to be unconstitutional.”

This, Madam Speaker, for those of us who keep any track of what is happening, know that Mr. Hector was constantly under attack for he dared to criticise the Government. I would like to read a direct quote from what the Law Lords said: **“In a free democratic society it is almost too obvious to need stating that those who hold office in Government and who are responsible for public administration must always be open to criticism. Any attempt to stifle or fetter such criticism amounts to political censorship of the most insidious and objectionable kind. At the same time, it is no less obvious that the very purpose of criticism levelled at those who have the conduct of public affairs, by their political opponents is to undermined public confidence in their stewardship and to persuade the electorate that the proponents would make a better job of it than those presently holding office.”**

“In light of these considerations, their Lordships cannot help viewing statutory provisions which criminalises statements likely to undermined public confidence in the conduct of public affairs with the utmost suspicion.” Madam Speaker, that should say something to those of us with a legal bend. Among those who were every second word talked about “the Opposition,” were those who should know of this particular situation.

If one reads Erskine May, it also speaks of that role, and may I also say that I believe the Opposition in this House at this time serves an extremely vital role. If there was no Opposition, I daresay the House might not even convene. And, if it did convene, I would posture that any amount of business would be done in a matter of one day—simply because the Government of the day claims that they have already decided what they will do—all of them prior to coming here. So it would be a matter of calling the motions, or the amendments, or whatever and everyone would say “Aye.”

So, I think the role played in this House by the Opposition is vital. I wear that name most happily, and I intend to continue to do the duty of any Opposition person who performs that duty reasonably.

The Government should understand that I am not a civil servant and, therefore, neither the Governor nor anyone else can ask me to take retirement or leave the service, or whatever, as might be done to civil servants. I serve the people. I am here at the will of the people. Unless I do a misconduct or my health fails me, I will continue.

Madam Speaker, before I go directly to the gist of the Motion, I would like to reply to some of the things said by some Members who spent their time indirectly talking about me and what I did and did not want. The Minister for Education said that the scheme that the Government proposes is about the lending of money to low and middle income brackets of people. That simply cannot be the case. That is what was stated when it came to the Finance Committee, but, indeed, that cannot be the case. If we watch or observe the progress of the amount of monies talked about, it went from a scheme making money available for people with a maximum level of \$50,000 per annum. And a low-income end of \$1,500 per month combined to where it has now moved to \$60,000 and the houses have moved upward from \$80,000 to \$125,000.

Madam Speaker, lower income people in this country cannot pay the mortgage for a \$125,000 house. Young couples, as claimed by the Minister for Education, certainly want to own their own homes, but certainly, if they own their own homes, they must be making some large amounts of money to be able to afford the mortgage.

If we take the mortgage as being what was said by the Minister for Housing, and also from the man associated with Cayman Affordable Housing, as being one-third of the salary—and the mortgages in that bracket are approximately \$1,300 at today's rates—then we are talking about people who are earning at least \$3,000 and over per month. Madam Speaker, the success of the Housing scheme which is before the House will surely not hurt me, for I am only too glad to know that the people whom I know need housing badly would have the opportunity of getting a house. These people are those who, according to the Compendium of Statistics of the Cayman Islands 1992, fall into the large majority.

The table on page 21 shows that if we add the number of persons who earn \$1,200 and below that

comes up to 10,307—people who earn from \$1,200 down, on average, according to the monthly salaries in Cayman Islands dollars. They are indeed the majority, for there are only 3,620 of those who earn \$2,250 per month average; and there are 1,275 who earn \$3,000.

I would like for the Government to tell this House and the people of this country how, if a mortgage on a house is going to cost \$1,200 each month, how is a person who is only earning \$1,200 going to afford that? It is impossible. It is quite impossible!

Madam Speaker, the success of this scheme will not hurt me, but I would hope that some scheme would be put in place that would help the people. This is one that offers limited help even if it succeeds, because it is geared towards people in the higher income brackets, and the average salary of the highest earners in this country, according to Government's statistics, is \$3,000 average.

Now the Minister for Education, who simply cannot miss an opportunity of picking at me, talks about the scheme helping Cayman Brac. There is always that ludicrous argument. Each one that sang that song never did reach the pitch to where it was explained as to how, where and when—for we have only heard about this scheme being talked about in Grand Cayman. And, at best, the locations were Newlands, Crewe Road and West Bay. That same Minister claims it is not exclusive to Cayman Affordable Housing—there are really four banks and it must really include all.

Madam Speaker, I believe what raised the most concern in this whole affair, from day one, was the fact that we were hearing about a company, “the company” called (and I read, Madam Speaker, from the Minutes of Finance Committee of 19th July, 1993), it says: **“Separate undertakings have been given by Cayman Affordable Housing (‘the Company’), First Home Banking, First Cayman Bank and the Bank of Butterfield (‘the Banks’), to provide sums of money for the purposes of mortgage financing to lower income Caymanians. The Company would provide \$17 million over a five year period, and two of the three banks named above would each provide \$1 million each year for a three year period, with First Cayman Bank providing \$250,000 per year for three years.”**

Madam Speaker, from the time a person hears about a company that is saying they have \$17 million they can put in housing in Cayman, and the banks say they only have \$1 million, any intelligent thinking person is going to say that that is really some special kind of a company. What is this company all about? Where did it come from? How did it suddenly spring out of the earth when we never heard about it before?

Also at the Finance Committee, in this same request for authorisation to issue a Government guarantee, it was stated, and I would like to quote: **“Clients would be provided with 100 percent financing for their home building or purchasing costs, the maximum level of which would be set at about \$80,000. Assistance with stamp duty and transfer fees would be considered in exceptional circumstances. In or-**

der to make the 100 percent financing possible, thus avoiding the need for the client to find the usual down payment, Government would provide a guarantee of between 10 and 35 percent, depending on the circumstances.

"Finance Committee is hereby requested to pass the following resolution." [F.C. 19th July 1993]

Madam Speaker, that is clear. The key rider in all of that was something called, Cayman Affordable Housing. But, of course, the Minister for Education tried to twist that around—that Cayman Affordable Housing was really Frank Hall Homes (Cayman) Limited, trading as Cayman Affordable Housing.

If that was true, Madam Speaker, why did it take the *Caymanian Compass* from July 1993 through a debate in this House in September 1993 to May of 1994 to say (after a press conference held by the Minister for Housing), that, in fact, Cayman Affordable Housing did not exist and the entity was really Frank Hall Homes (Cayman) Limited? There is only one reason: Because that was the first occasion that the public and Members of this Legislative Assembly, at least in this Sitting, had ever heard of an entity called Frank Hall Homes (Cayman) Limited, as being in any way connected with Cayman Affordable Housing.

Madam Speaker, some real unusual things occurred in this Meeting of the Finance Committee. For if one looks at the Minutes one will see a lot of politically correct things being said. It is the thing of the day—everybody wants to get on board this ship which says, 'We are going to solve the housing problems in the Cayman Islands forever.' Certainly, I want to get on board it too, but surely I want to know that there is a Captain, and that it is on the right course and is not going up on Collier's Reef.

Other people, beside myself, wondered about this Cayman Affordable Housing because the first question that was asked in that meeting was by the now Minister for Health, when he asked: **"I wonder if the Honourable Minister is in a position to tell us a little about Cayman Affordable Housing, otherwise known as 'the Company,' if he is in a position to do that?"**

So it is not what I say, Madam Speaker, it is what was put before this House. What could possibly be the reason, if the Minister for Housing knew then that it was Frank Hall Homes (Cayman) Limited, he was dealing with, why did he not say so? I suppose he would say that was his way of informing the public.

Madam Speaker, I listed 31 points made by the Minister for Education beating on the Opposition. Starting off from that day I would like to show something.

I quote Capt. Mabry Kirkconnell, from the F.C. Minutes [F.C. July 19th, 1993]: **"Mr. Chairman, I am glad to see a proposal such as this and I would like to ask the Honourable Member, I know Mr. Heber Arch quite well, and I know that the Cayman Affordable Housing does business here in Grand Cayman, so most likely their funds that they loan will be for houses built in Grand Cayman. I would presume that the banks would look favourably on loaning the Sis-**

ter Islands and I certainly agree with the guarantee of the down payment because that is where everyone that I have dealt with in my constituency, trying to get loans through the Housing Development Corporation, have not been able to purchase land or get sufficient money for a down payment."

Madam Speaker, that is quite remarkable. For we only heard in May 1994, that there was Cayman Affordable Housing, a trade name for Frank Hall Homes (Cayman) Limited. Allegedly, it was set up specifically to deal with this particular venture. There has been so much said about this by the Minister for Education, and the Minister for Housing, that in a while I wish to pass on to this Legislative Assembly what I have been able to discover about that.

The Minister for Education began at that point in time, at me when he said, and I quote: **"But, surely, Mr. Gilbert McLean realises that when you go to a bank that there are bank officers who set certain parameters as to the amount of salary for repayment, the extent of one's joint income, and this sort of thing. These are matters that are dealt with in that respect. It would have been so much more constructive if the approach that the First Elected Member for Cayman Brac, Captain Mabry, is taking, of really asking if some of these funds could be freed up and made available for Cayman Brac rather than trying to stop this."**

Madam Speaker, it is impossible for any one Member to stop the will of 17 Members in this House. He again fires the big gun. I quote: **"I can tell you, Mr. Chairman, you cannot just walk into a bank and say, 'Look, I want 90 percent, or I want 80 percent financing,' in many instances, unless you can show quite a substantial income. So Captain Mabry is quite right. This is going to assist and hopefully it can be spread throughout the three Islands and I take my hat off to him for at least looking out for the Sister Islands and taking that approach rather than being an obstacle like Mr. McLean has been in relation to it."**

Madam Speaker, I was not being an obstacle. I could not stop it. And here it goes on and on. What I find rather resentful is if the Minister cannot find ways of helping the Islands which I represent, I wish that he would stop attempting to play what he perceives as my attitude or what I do, against that of the First Elected Member for that district. We are two separate individuals, separately elected. But I believe we cooperate quite well. He must understand that this constant haranguing and picking at me, as he did on the occasion of his speech on this Motion, does not go anywhere.

Madam Speaker, I believe that it is necessary that I should remind him of something. This was published in *The New Caymanian* in November 1992, and these are the verbatim words spoken by the Minister on Friday, 23rd October, 1992, at a public meeting at Juliann's Restaurant, Spot Bay, Cayman Brac. I would like to quote: **"Lastly, I want to say that..., please remember that without a team behind your candidates they are not going to be able to achieve anything, they can sit on**

that **Backbench as a lone voice and cry for four years, but they are not going to get anywhere. Remember that the support of this National Team, and it is 13 of us, and God willing we are going to make the next Government because we are going to get the majority. We support Julianna all the way and we will see that what she wants for Cayman Brac and Little Cayman she will get within the means of what can be afforded.**

"We are also prepared to work with Mr. Parker Tibbetts and we are asking you to support Mr. Parker Tibbetts, but we are not with the balance of those candidates out there and do not let them kid you." (The *New Caymanian*—November 20-26, 1992)

Madam Speaker, he has delivered that position perfectly, so he should be satisfied. The people of Cayman Brac understand very well what they are getting from this present Government. Indeed, they cannot forget that gentleman because everyone there, if one engages in a political conversation with them, remembers that. If he is so worried about Cayman Brac and attempts to show that I am not fulfilling my duties, I say to him: Remember!

Madam Speaker, so much for political correctness.

There are, of course, many instances where Government guaranteed monies on behalf of Statutory Authorities; Cayman Brac Power and Light; Government has even done it for Caribbean Utilities Company which is, I suppose, the biggest corporation that exists in the Cayman Islands. It certainly has at its victim every man, woman and child in the country. Strange enough, no one wants to escape except, perhaps, to have a bit of relief in costs. So it is nothing new that Government has, indeed, guaranteed monies for Statutory Authorities, et cetera.

But this is not a statutory authority, it is, as the recital says: "...the first such guarantee of its kind." It is the first, and Members who think and who wish to be informed so that they can inform the people who elected them need to know the facts of the situation.

Madam Speaker, I believe, unlike what the Minister for Education has said, that if a complete and comprehensive legal statement came to this House setting down who one applies to, how one would know whether they qualified or not, the process by which their application will go, and who will loan them the money, a statement on how one really determines who will build their house for them—whether it is confined to Arch and Godfrey or to the houses that Frank Hall Homes (Cayman) Limited, has—it would have provided the facts of the matter for the public, for the press and for the Legislators.

But the outstanding situation is that the Government has blown off a lot of steam about this scheme—salvation to the people—and they do not have it worked out. On Friday, the Minister had to admit that there is nothing signed. The details have not been worked out. I take the point of the Minister for Tourism that, of course, there are many instances when matters are brought before Finance Committee that every single detail has not been worked out. But I certainly suggest that one, as

major as this, involving three major banks, involving a mysterious company, involving the finances of the Government through a guarantee, that should have been worked out beyond what it is at this stage. For, at this stage, from July of last year to almost July of 1994, it has not been worked out. One year. Something is strange, something is wrong.

Madam Speaker, the Minister for Education does not want to help young people or young couples with one child more than I do. One time that terminology could have applied to me. I believe everybody, most Caymanians—I think it is something of a trait—the cultural trait of Caymanians is to want to own their house. No one has to preach to me about it, for I can remember when I was a young boy, many men under 20 years of age went to sea and sent home money to their mothers, mostly (because often times the fathers would be at sea as well). The mothers took that money and started the building of a house—so much so, that when the men came home they would finish a part, then add to it. But by the age of 19 years or 20 years of age, Caymanians in those days (as seaman) owned a house. So no one has to preach to me about it. Nobody has to make any ridiculous and absurd suggestions that I do not want to see those people get houses. I want to see them get housing. I want to see as many as can get housing, not limit it to a special category which is in the higher earning brackets in this country.

Madam Speaker, as I have said, this matter has gone from Cayman Affordable Housing, from the three banks initially named, down to one now whom the Minister said is CIBC (Canadian Imperial Bank of Commerce). At this point, I think, perhaps, because if I was to reply to it I would have to reply to each instance that each Member of Government got up to speak, how they are putting this thing of Cayman Affordable Housing through a metamorphosis which first came to notice when the *Caymanian Compass* brought to light that this business of Cayman Affordable Housing really did not exist.

In their newspaper of Monday, 9th May, 1994, and I will quote a brief section. I quote: **"In the same interview, Mr. Heber Arch said that Cayman Affordable Homes Limited, the company mentioned by Mr. Bush, does not exist as a legal entity. 'The agreement will be with Frank Hall Homes (Cayman) Ltd,' he said. He explained the apparent mistake by saying that Frank Hall Homes would trade under the name Cayman Affordable Homes for the purpose of the scheme."**

Madam Speaker, although the Minister for Housing continues to accuse me, the First Elected Member for Bodden Town, and the Fourth Elected Member for George Town, of every unacceptable and unkind criticism, and one if it was true, would put us in a serious state of affairs. He often misses the point when he accuses, for on Friday, he said that the First Elected Member for Bodden Town—and I quote: "...who is in hiding this morning..." I just want to clarify the position that the Member was not in hiding. I will tell him where the Member was. The Member had gone to the corporate office

of Frank Hall Homes (Cayman) Limited, to collect a copy of their Trade and Business Licence.

I must say, Madam Speaker, that he has had full cooperation from that company in producing to him the registry of directors and shareholders and also, the copy of their business licence. It is quite remarkable, I think, that they did not hesitate to make their position straight.

Madam Speaker, I would like to read the business licence which was issued on 23rd March, 1994, and it reads: **"It is hereby certified that Frank Hall Homes (Cayman) Limited of George Town, Grand Cayman, is licensed under the above Law, to carry on the trade or business of Real Estate until the 31st December, 1994, and the fee of CI\$400.00 has been paid."**

Madam Speaker, anyone who has a Trade and Business Licence in the Cayman Islands and is not trading by his/her personal name or their company's name, and is trading with a trade name, they have to make that known at the time they submit their application. Everyone knows that the name of the person or the company is written or typed, and then there is a "T/A" which means "trading as" such and such. Now, indeed, if the stories that we have heard from the Minister for Education and the Minister for Housing, are true then it seems that they have yet to do that, or at least have it on their business licence.

Madam Speaker, I would ask the Serjeant-at-Arms to please table this copy, including their complimentary card, in the Legislative Assembly.

Let them try to explain away Cayman Affordable Housing, or let them try to get the intelligent people in this country to believe that they simply have to accept their word without any proof or evidence of it. Let them try.

The Speaker: At this time proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.17 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman, continuing.

Mr. Gilbert A. McLean: Madam Speaker, before we took the adjournment I laid on the Table a copy of the Business Licence of Frank Hall Homes (Cayman) Limited, which my colleague, the First Elected Member for Bodden Town, requested and was provided with by the corporate office.

Madam Speaker, as I think of the quickness with which the corporate office for this company responded to both requests—obviously with nothing in their business dealings to hide—I thought how good it would be if the Government could be as forthcoming with what it is doing, or planning to do. For, most surely, there is cause for doubt and suspicion as to why the Government and

the Minister for Housing and his colleagues, were reluctant to say to this country, "You know we are dealing with Frank Hall Homes (Cayman) Limited, whom we have talked to about trading as such and such", or whatever.

Obviously, this company is doing business. And I noticed that its principals did not hesitate to talk to the news media as to what their business was about, and where they were doing their development. Indeed, I do know that they have not hesitated in giving persons who have talked to me schedules of their scheme costs.

The Minister for Education did his best to make it appear that from day one the people of this country knew about that, which is absolutely not so. It was only on the 9th of May of this year (last month) that the newspaper uncovered that information.

The position taken by the Government was that there was some mysterious company with all of this money that it had suddenly decided to spend on housing because they had such great faith in the Government of the day—particularly since the Minister for Housing made great claims about the belief in the Government and why this was so.

Madam Speaker, I think that I should try to show why there were such concerns regarding this entity that does not exist. As I mentioned earlier, for one thing it was showing that it had \$17 million to spend. Whereas the banks were saying they had \$3 million. There was no more about this company to explain why, how, why would they want to do that, than what had been said in the Finance Committee.

Here, in very brief form, I would just like to follow the sequence of questions that were mostly asked in that Committee by the Fourth Elected Member for George Town, when the now Minister for Health asked his question the reply of the Minister for Housing was: **"This company is a company headed by Mr. Heber Arch."** That was it. But the Fourth Elected Member for George Town, asked a number of similar questions. I have now, perhaps, a bit more clarity as to their answers. I suggest it showed a certain sequence and condition.

Mr. D. Kurt Tibbetts said, and I quote: **"Mr. Chairman, this concept seems to be very commendable, but I would like to raise a couple of questions just for clarification."** He asked about the eligibility process, and how stringent the guidelines were going to be with regard to people who are going to be eligible for the specific funds that the company was allegedly going to lend.

He asked another question, and I quote: **"I know where they are geared but what proposals are there going to be within these institutions to say that you, Mr. Chairman, would not be eligible to build an \$80,000 with access to these funds, if I may just use you as an example?"** There was the query throughout, Madam Speaker, where no one knew what was the proposal.

The Minister for Housing asked him to state it in two parts. The Fourth Elected Member for George Town, asked again, and I quote: **"What I am trying to say is,**

will there be a system in place, for instance, whereby only individuals at a certain level of income are eligible for assistance?" The Minister answered: "Yes, to take that part first. We, in dealing with Cayman Affordable Housing, discussed an income level maximum of \$50,000 per annum and a low-end income at \$1,500 per month combined. These are combined income."

Now, the Minister for Education said that we knew about this thing of Cayman Affordable Housing being the trade name of Frank Hall Homes (Cayman) Limited, which is not so and which, indeed, the term as used in the Motion is "Cayman Affordable Housing" and that indeed is the term used by the Minister.

The Fourth Elected Member continued: "As we go along here, we have three recognised lending institutions and Cayman Affordable Housing. Will it be that these institutions will be handling the mortgages in which Cayman Affordable Housing is involving itself with and these people, or does Cayman Affordable Housing have its own entity set up to be able to function?" Still there are doubts as to what this is about and how it would function.

We are talking about going into Finance Committee and having some of the information and not all. At least there should have been this much as the questions were attempting to elicit.

The Minister for Housing, the Honourable W. McKeeva Bush, said: "In discussing with the banks and the private company, there are two separate programmes. You are talking about the private company and the banks. The private company will work their own thing but they are prepared to work with the banks if necessary."

Now at this point in time the country is being asked to believe that from day one the Government was saying that there was something called, "Cayman Affordable Housing", which would be working through the banks. Even further afield from what was originally stated—that it was the banks from the very first instance. They dare say that there is no cause for concern and confusion?

Another question that was posed in trying to get to the root of this Cayman Affordable Housing. The Fourth Elected Member for George Town continued to press. I quote: "Maybe I was not very clear. What I was trying to ask is, as recognised lending institutions, I do not have any questions to ask with regards to the methods these institutions use to process borrowers. I am asking what does Cayman Affordable Housing have in place to process mortgages on an ongoing basis and accept payments?"

What did the Minister say, Madam Speaker? I quote: "In regard to that question, Mr. Chairman, the private company has their own administrative staff but, the Member would recognise that they would be dealing with a recognised banking institution when it comes to actual money. In fact, what I have said to them and what we have agreed on is that they would deal with the three banks that have been open to

Government for these funds."

The more one reads this the more one becomes clear that nothing was in place. Names were being shunted around, but as for how any of these would function and coordinate their effort was absolutely unclear. Certainly, there was only one supposed company that the blanket guarantee was going to cover, and that was Cayman Affordable Housing.

Madam Speaker, another question was posed. I quote: "That is what I was trying to ask. So recognised lending institutions will be administering the mortgages and collecting funds as to records and such?" The Minister replied: "That is what I have said. They will have staff available. If you want a loan, you would go to them and you would talk to them about their part of it if you are applying through them. You would have a recognised bank, one of those three banks for instance, where you would actually go and make application to. For instance, they could put \$1 million in each one of those banks or they could split their \$3.4 million for the year into three and spread it around the three banks that are dealing with Government."

Still in focus and in the forefront is this entity, Cayman Affordable Housing—having the funds they would split it up and put it into banks—but one was clearly supposed to be dealing with Cayman Affordable Housing.

Madam Speaker, I would like to quote another question that was put. I quote: "All right, I will come to the crux of the matter here. I think it is important, while the concept is laudable and it is something that is needed, that from the onset that it is set up in such a way that the people who are getting involved are protected in every way by checks and balances with regards to their mortgages and stuff like that. Again, not wanting to create any waves here, but, in my opinion, it is very important that political overtones do not get involved with this kind of stuff."

The Minister for Housing replied: "Mr. Chairman, I very well understand where the Member is coming from. Let me deal with the last matter first. I do not care what people have to say politically. I think this is a good thing for the country and, naturally, I will never stop people from talking. This is a private company.

"Everyone knows Mr. Heber Arch, he is a very reputable person and there is not going to be any Member from my Portfolio or any politician involved in this. The Legal Department will set up each guarantee for each individual loan and the company itself has, as I said, administrative staff."

Madam Speaker, all that I have quoted was in an attempt to show where it all began and that it all largely evolved around an entity called Cayman Affordable Housing.

Banks were separate. The Motion said separate undertakings were given. And we must wonder logically at this stage, how separate are they? Are there such undertakings in place? Does Government have such an

undertaking in place, in writing—signed, sealed and delivered? The Minister says that Government does not. We are talking about a time period in July of last year, and it is almost July 1994.

A question was asked regarding the political condition, which there has been so much talk about by all of the Government Members, almost in totality in their debates, about what is political as far as the Motion goes and the people who support the Motion. The only mention that was made of the Housing Development Corporation by the Minister for Housing was that it would help people complete the application. But neither he, nor any politician, was going to have anything to do with it.

Madam Speaker, on Friday, the Minister for Housing said that people could apply to his Ministry if they wanted to seek about loans. Some might think that is an arm's length situation. There are many who think otherwise, including myself. The Housing Development Corporation, without any fuss, since that is set up under Law to function for loans and mortgages for lower income housing, is ideally the entity, in my opinion, that should be dealing with this situation in its entirety.

Once the legal people had drawn up contracts which would set out what Government guaranteed, how it guaranteed it and so on, it should be moved totally away from any political Ministry so that you would not have to call the Minister's Ministry or his office, for him to do whatever in regards to an application. It should be totally separate and apart.

I question what the criterion is, and what will it be in deciding which construction company will be approved to build houses. Indeed, if the banks are dealing with the matters of loaning funds now, as the Minister claims is the case, do the banks, in their everyday functioning when they loan their money, not agree with the person who is getting the loan as to whether they find the contractor acceptable or not? What are the grounds on which anyone can be assured that the construction company of their choice will be approved as an entity to do construction?

Madam Speaker, when I tried to ask a question on this point as to whether it would be handled in a manner which would be more consistent with the fulfillment of the Manifesto of the National Team—and a promise, as one Member had said it was—the reply I received was: "Ah, Mr. Chairman! What are you talking about political response? You should be glad that you are getting something, man!"

All that I was trying to get was some information, and I never got that in the way and the extent that I would have liked. Therefore, up until now, I am in no position where I could really tell anyone who enquires of me just what is required; what it is they must do to get in on this scheme of the Government.

There is one thing, Madam Speaker, that I would agree with, and I had occasion this morning before I came to the Legislature to go into a certain business place were four members of staff who all, apparently, had made attempts or approaches to find out how they would go about getting these loans. They believe, like

most of the people are led to believe, that the loans are now available—just apply. All four of those persons were telling some rather disheartening tails.

After I made a comment and another statement in the Finance Committee in response to the Minister for Education, who simply would not leave me alone, what came out from the Minister for Housing then, and only then, when he shouted; **"What more information do you want? Do you really want information? You want to be an obstructionist when you see us getting something done and you know as an Opposition you might be in deep trouble, right!"** Here is what he blurted out after that, **"I can tell the Honourable Committee, that the company [again we are going back to that company] is talking about 9 percent interest over a 20 year period, a 20 year mortgage. The banks are talking about 9 percent interest with 15, 20 years mortgages."** But the crux of it all is in what the Minister said next: **"But the whole scheme hinges on a Government guarantee and this is what we are asking this committee to do at this particular time."**

Madam Speaker, if this scheme can work, I am glad. If it can really work from the bits and pieces that I have heard—with nothing finally worked out in detail—that is still fine. But my argument was, and has been, that there needs to be details so that hopes and expectations are not raised in anyone who does not qualify, so that they will not even apply because the description of the requirement does not fit them. It is not that way now.

Madam Speaker, the people that I believe most desperately need housing are not those that are going to be able to pay the mortgage and pay the maximum ceiling of \$125,000. I would like to quote the debate of Minister for Housing when this Motion was brought last year. I quote: **"One of the major reasons for the need for housing was borne out in a recent study completed in June by the Planning Department and members of Environmental Health where it was concluded that the demand for housing stock would require an increase of 1,932 dwelling units by 1997, and a further increase of 1,943 by the year 2002. [not a long way off] According to the Housing Development Corporation, 50% of this requirement will be for middle to lower income families."** (1993 Official Hansard Report, 24th September, 1993)

Now I ask the Government and the Minister, what is this threshold for lower income, or middle income for that matter? He further said: **"This study points out that there are an estimated 300 homes in these Cayman Islands which have no toilet facilities at all. Three Hundred homes, Madam Speaker, which have no flushing toilets, no pit latrine, and which have no toilet facility at all."**

Those are the people whom I believe need some assistance with housing—instantly, immediately—and then work on up into the middle income levels. What has been done in this regard, I am not here to say. I do not know. But, surely, that should have been a major thing

to have been addressed.

Of course, I think the clincher was when the Minister said: **"I am sorry, Madam Speaker, that I have not been able to have that press conference because all of the details have not been worked out and I am not going to go further public without having all the details completed."** (1993 *Official Hansard Report* 24th September 1993) That was a press conference which he said he was going to hold prior to the debate on this, and in May 1994, all the details are still not worked out. They are his words, they are not my words, nor the words of the seconder of this Motion, they are his words. All that is being noted, on one of the recitals, is that the details are still lacking for just about one year.

Madam Speaker, the Minister for Education and the Minister for Housing spoke about the Housing Development Corporation, that it did not meet the expectations, and so on, of the people because it did not have the money to do this. It is all a question that it did not have the funds to loan, because as far as I can understand (with all the inquiry that I make), the Housing Development Corporation is managed very well, it has met the needs of many to the extent that it had the funds available. So, if the Government wanted an alternative, I would suggest one to them: Take the million dollars that they spent on travel last year and the million that they will spend this year, and put it in the Housing Development Corporation and give it opportunity to lend that money. For by the interest coming back it will generate money. I believe that any lending institution lends a certain amount of capital, but the capital generates capital and at some point the Housing Development Corporation could serve a greater good, help a wider amount of people than it has been able to because of a lack of capital.

If the Government wants, why could it not extend the guarantee to the borrower who comes to the Housing Development Corporation to borrow money? For one thing is very significant. As it stands now, to all appearances, to the best of my understanding and according to what has been written and approved, the Government is saying to people within a certain category of higher and middle income, "You can get a house, we are prepared to give a blanket guarantee to cover you up to 35 percent where you would normally be required to find it yourself."

Madam Speaker, this scheme, if it could be called that, is not changing anything for those in the lower income bracket. It is simply providing a blanket guarantee for those persons who would be earning a level of money which could service a loan of up to \$125,000 in any event.

Certainly, the bank would require equity as it does in each and every instances where they make a mortgage. And the person borrowing the money would have to find that. I have heard it stated time and again, by persons associated with banking and mortgage funds, that they know and believe and find out if an individual has any equity. If they have to put in \$10,000 or \$15,000 as the case may be, or \$5,000, they have something of

their own invested in it and they will be more attentive as to not lose what they have put into the scheme.

Madam Speaker, Government is Government. And it is the way in other Caribbean Territories as well, that the population generally looks to the Government to provide and if Government provides it Government cannot just take someone to court because it will create a politically unacceptable or unhappy situation. That is one of the reasons why Government set up statutory authorities such as the Housing Development Corporation who can certainly take a borrower to court—like the Port Authority, the Civil Aviation Authority, the Water Authority as the case may be—Government is at arm's length from it. It ultimately owns it and so on, but it functions as a business and people have to deal with it similarly as a business in the private sector.

I wonder if anyone has given thought to the fact that if persons borrow money, and have Government guarantee it, if they are going to be so mindful if times get tough, about paying the government. The Minister for Housing did not say that Government's part of it was going to be handed over to the Housing Development Corporation, as such, to bring it into their Portfolio and deal with it as Government's entity. Oh no. It has to be routed through his Ministry. One way or another it has a connection there. I wonder if thought has been given to that?

It seems like the Minister for Housing made a major discovery—that people should borrow within their means and that banks, in their way of doing business as far as they are concerned, see to it that people borrow within their means. It is very simple. If you do not qualify after they put you under an analysis, or a scrutiny or when they check off the requirements, then you simply do not get their money. Nice and simple.

But the thing that is absolutely mind boggling and which further shows that the Government is out of touch, at least the Minister of Housing, is that he said "the banks would never raise the interest rates so high that the people they had loaned money to could not pay." Madam Speaker, I do not think there was any statement made (and there were many) that is further afield from reality than that, for the banks, in raising interest, do not raise its interest with a view of how much it is going to help or hurt a borrower. When the financial conditions are such that interest rates rise, those who can rise with it, and those who cannot fall and are buried. It takes a while for the banks to go through the process of auctioning the house and so forth and so on, but that is the hard cold fact of the situation when one borrows.

Now I would definitely not believe that because there might be a loan granted by a bank in this country, because the Government had given a guarantee for one, two, 10, 15, however many houses, that it was going to stop that bank from raising its interest rates when the interest rates had to be raised. That is a joke! It is a bad joke, too. I hope that borrowers, or would-be borrowers, would never be persuaded by that illogical suggestion.

There are no fixed rates, it seems, now in this scheme, although prior, the Minister said that the com-

pany was talking about 9 percent, and the banks were talking about 9 percent. I understand that rates are now approximately 9.25% for lending, it has gone up. If one looks at the situation and listens to the news, it seems like interest rates are going up in the states and elsewhere which will affect us as a banking centre and which means, unfortunately, that our interest rates will go up. Someone just said to me that it is actually 10.25% not 9.25% now.

Madam Speaker, the situation as it now presents itself, to the best of my understanding of this scheme, and according to what the Minister for Housing had to say on Friday, he is now saying that the Government has moved right along without the approval of the Finance Committee to work towards making commitments to increase the ceiling that had first been stated. He also stated that the Finance Committee that we keep hearing about, as stated by himself and other Government Members and supporters in here, will be to get a scheme which a guarantee will now be given to Canadian Imperial Bank of Commerce. It is one of the largest banks in the country. I have no problem with that. But as one looks more and more, there is that vein of uncertainty.

We only heard that the three banks prior had given certain commitments. He says, as far as he is concerned, those commitments still stand. I wonder if, as far as the banks are concerned, it still stands.

Madam Speaker, one of the things that has been of particular concern to me is the fact that it became quite clear that this is an exclusive deal with Frank Hall Homes (Cayman) Limited (although at this point he protests otherwise), and that other entities did not come forward and make any offers. People are not foolish. Who else was going to come forward and make offers when it was clear from day one that this was a deal that was between four entities, three banks named and a company. The Member made great hay about the fact that any companies that want to participate can come forward and so on, but he also said that they would apply to him and Government would decide if they qualified or not.

As the Minister for Housing went on and on, and particularly following the comment where he alleged that the First Elected Member for Bodden Town had said he wished to see Government dealing with a developer, Mr. Hugo Zeiderent—but he did not say that. The Member said that as he drives home in the evenings, he sees a sign that states there is 100% guaranteed financing available. But the Minister for Housing must have been very familiar with that sign, because no person's name or company's name was mentioned. So, that was repeated over, and over, and over again by him, and if the First Elected Member for Bodden Town wanted to deal with him on housing, let him go ahead. Well, he could not because he does not have that power. He is not on the Government Executive.

I wondered why he was so certain of this person. So I asked around and I was told by persons whom I consider credible, that the Minister would know about this developer, Mr. Hugo Zeiderent, for he is a developer

that the Minister is having discussions with regarding land and a site for his new stadium. I do not know if he got himself and the First Elected Member for Bodden Town misplaced or displaced, but I wondered about that particular aspect of things.

Madam Speaker, I believe that the situation with this guarantee is an exclusive one and until the Government can prove otherwise—by publishing criteria for construction companies, or developers and banks, and by these entities applying to the Government and being granted approval to become part of this scheme—I will continue to believe that it is an exclusive situation.

I believe the Fourth Elected Member for George Town when he said that he had certain information that suggested just that. But I can assure the Minister for Housing that I shall pass on to as many development entities as I can, the fact that he says there is open space for those persons who want to participate, and I will implore them to help increase those calls which he says are coming into his Ministry.

I will also encourage them to apply by letter, since I guess there is no form, to become parties to this. There are many, who have asked me how can they get in on the deal. I cannot give them any answers, but I will certainly encourage them to call the Ministry of Housing to find out.

One of the main central things that the Motion is asking for is that a Select Committee would be set up which would set out requirements as Government saw it (as all the Elected Members of Government saw it), for people, or developers, or construction companies, or banks, or whomever, to take part and participate in this scheme.

Competition is a great thing to keep prices as low as possible. Even though the Chamber of Commerce, which is the government of this Government, says that fair competition is socialistic, I would like to see some fair competition in this act for the only persons that could benefit would be the people that need to benefit, and they are the borrowers.

Madam Speaker, I believe that every bank in this country that meets certain qualifications, as could be set down, should have an opportunity of participating. One bank might offer a better deal than another. One developer might offer a better deal than another. One construction company could offer a better deal than another. I am aware that there are certain smaller construction companies that do a mighty fine job on behalf of borrowers from the Housing Development Corporation and I would like to know that persons like that have an opportunity of doing business as well, and that this opportunity would be provided for them without them having to be subcontractors of Arch and Godfrey or Frank Hall Homes (Cayman) Limited. Fairness, Madam Speaker, fair competition, and invite them.

I have not seen a formal invitation go out to the developers or the construction companies, the banks in this country. I know Members of Government say that (oh yes, when they said they wanted to do this) no one came forward. It is the old thing about going to some-

one's house; you do not really go where you feel sure you are not invited. But, I am certainly going to do my best to invite some people to apply to that Ministry of Everything and make offers and see what answers they come up with. We will find out whether it is exclusive or not, or whether there are any other mysterious corporate ghosts in there.

As for the Motion, where it asks that the Government take no further action to commit public funds in this venture, it is simply a wise and prudent thing to do until the Auditor General has an opportunity to review it. The Auditor General does not have to take years to do a review, and he does not have to wait until next year to make a report. He can make a report and circulate that to every Member of this Legislative Assembly and, just as it is done in so many instances, a copy of that can be tabled when the next session of the House comes along.

As for trying to kill it in a Select Committee, as is claimed by both the Minister for Education and the Minister for Housing, they must know what they are talking about killing things in a Select Committee. Certainly, anything will die in a Select Committee if the attitude of the Government with the Housing Scheme, or anything else, is what it is towards the Penal Code when the Select Committee could not be held because enough Government Members would not show up for a quorum— indefinitely. It could die, it certainly could. Another thing which everyone needs to bear in mind, is that the ordinary Members on the floor of this House do not call Select Committee meetings, the Government calls them. And the least the Government could do with such, as one puts it, a vast majority, is turn up in sufficient number so that a meeting could be held. There are various meetings that have been cancelled where Select Committee should meet on the Penal Code, and it could not because those that are not gallivanting around the world had other things to do, apparently.

Oh yes, it could certainly die in Select Committee with the attitude of a Government like that.

At this time, Madam Speaker, the only concrete thing that we have seems to be that Government has not signed any agreements with any of these institutions or entities. As for the houses which the Minister for Housing is talking about, the four bedroom and the three bedroom houses that could be built and so on, we heard that some of those were in West Bay. But where are those plans, those huge pieces of blue paper that the Minister was holding up here on Friday? Where does the public go to get a look at them? Who do they see about them? We do not know that either. I certainly could not tell anyone, for I do not know. We hear the ever-constant theories about this four bedroom house that includes insurance and land and so on, that could be built for \$93,000.

That is his story. Maybe that is so. But, certainly, if someone is going to buy such a house, that house costs approximately \$929 per month in mortgage. That is where it all boils down to. People who want houses, who need houses, but can they afford them?

It does not seem to be so very good if, let us say,

young professional couples (as has been said by the Minister for Housing) who are making a good salary but does not have a certain amount of cash, for them not to really have to work to earn and be able to put some equity into a house. Let us say they are earning \$60,000 per year. Let us say they are accountants, certainly in their profession they will, in the natural course of events, be able to elevate themselves and improve themselves financially.

If it is so good that Government is undertaking on behalf of its people who can qualify, or who can pay up to \$1,200 and more per month in mortgage, should they not strive to have some equity, when by the mere fact that this scheme caters to that upper-middle level of earning, those below that definitely do not qualify? Madam Speaker, I think that this would be a situation that defeats the purpose that it alleges to fulfill.

What more can be said at this time, than to say that the Government has arrived at a position where it is obviously confused, it has the public confused and it is not able to allay the reasonable and pertinent questions as to what it is doing by hard evidence in any sphere whatsoever? What do Legislators say to people who ask about this scheme, as I am sure many are asked? I am asked, others are asked? Do we tell them call the Ministry for Housing, they will tell you about it there? Is that the way it is supposed to be? The Minister of Housing is a political office, why should they be expected to have the answer? If it is a matter of handling a mortgage, there is already an entity in place, if this Government chose to use it for nothing else, it could use it as handling agency. Why does it not let it do that?

Why does the Government not consider giving a helping hand to the Housing Development Corporation which specifically caters to low income housing, and has catered to it for the past 13 years? Why does it not help it with finance? If the mystic company has \$17 million that it would be lending at a certain amount, why does it not see if it would be interested in lending that money which the Government could guarantee it to the Housing Development Corporation in the same way? Why is that not done?

Madam Speaker, as for Cayman Brac and Little Cayman, the political district for which I am a representative, I do not fool myself into believing that would not be the last place to be considered. All I can say to the people of those two Islands is that if I have to continue to be a lone voice crying from the Backbench, I am going to keep crying. The only thing that I can promise the Government is that the voice is not going to get weaker, it is going to get louder and louder, crying out against any and all unfairness.

But that is a very good question: Where do Cayman Brac and Little Cayman figure in on this? I would assure any Member of Government that no one need attempt to pat me on the head and tell me not to worry, hopefully it will be extended over there. That does not cut it as far as I am concerned. Show me your scheme, show me your deal and show me how the people of Cayman Brac and Little Cayman would be able to participate.

There is one peculiar thing in the condition as it relates to Cayman Brac. There are many people who had to leave that Island because there was no employment—they could not live, they could not feed their families. Whole families have moved here. They have a first house in many instances.

Let us say their condition is such that they really do not see how they can go back for a long time. Would they be refused the opportunity of getting a mortgage because they have a first house? That is a question that the Minister and his colleagues might want to think about. Surely the declared position against the Brac is that it should not expect to get anything. And, as I noted this morning, that has been very well carried out. But I really resent any of them making these *feyah-feyah* remarks because they believe someone is going to believe the story that, "we are going to take care of Cayman Brac."

The Speaker: Honourable Member, would you define that last remark, I think it is important for the Hansard Reporters. Using English.

Mr. Gilbert A. McLean: Madam Speaker, it is a colloquialism I have heard which means puny or nothing-type of remark.

The Speaker: Are you about to finish, or...

Mr. Gilbert A. McLean: Yes.

Madam Speaker, it is a condition which really concerns me in regard to what has happened with this housing scheme, which we really do not have sufficient details about. The only way I believe that it can really be discussed by everyone is in a Select Committee. That Select Committee can be as long or as short as the Government wishes it to be.

The Auditor General can now examine what has happened so far with speed—he does not have to wait a year to make a report.

I believe there deserves to be a fair opportunity for all banks, all lending institutions, all developers, all construction companies to benefit from the proposed venture. It cannot be fair to exclude them by giving any particular and discriminate consideration to any one entity.

In closing, I believe, as the Mover of this Motion, that something has been achieved in that the House has now heard more information, if I may venture that term, about what is being done or being proposed to be done. So I believe that I have fulfilled my duty in that regard and so has the seconder and the other one supporter of this Motion.

Madam Speaker, I believe democracy has been served to some extent and my most fervent wish is that should this scheme be set up and work, some chance will be given to those persons who cannot afford to pay \$1,200 per month in mortgage money, but who could pay maybe half of that, and that those persons are catered to. If it takes re-injecting some light and some trust in the Housing Development Corporation, which I hope

does not die the death that is planned for it, then I hope that will be done.

This Motion is the only fair and reasonable way that there can be full participation in what is now going on in the Government. So, I leave it to the will of the majority as to what comes of it.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 9/94:

"BE IT NOW THEREFORE RESOLVED THAT Government take no further action to commit public funds or incur public liability with any entity in relation to any low income housing scheme until the discrepancies in the present situation have been reviewed by the Office of the Auditor General and a report made to the Legislative Assembly;

"AND BE IT NOW FURTHER RESOLVED THAT the matter of a blanket guarantee by Government aforementioned be referred to a Select Committee of the whole House for consideration and examination, and for it to formulate certain standards, requirements and guidelines for a lower income housing scheme for which Government will provide a blanket guarantee and which will invite all financial institutions and housing construction entities, which meet specified qualification, to participate in and bid for such business on a competitive basis;

"AND BE IT NOW FURTHER RESOLVED THAT in considering the matter, the Select Committee seek input from relevant financial and legal entities as well as members of the public."

I shall put the question. Those in favour, please say Aye... Those against, No.

AYES AND NOES.

The Speaker: The Noes have it.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division?

The Speaker: You certainly may.
Madam Clerk.

Clerk: **Division No. 2/94**
(Private Member's Motion No. 9/94)

NOES: 14

Hon. Lemuel Hurlston
Hon. Joel Walton
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

ABSENT:
Hon. Richard H. Coles

Clerk: Three Ayes, 14 Noes.

The Speaker: The result of the division is 3 Ayes, 14 Noes, the Motion has therefore been rejected.

NEGATIVED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 9/94.

The Speaker: Proceedings will be suspended at this time—

Hon. Truman M. Bodden: Madam Speaker, I was wondering Ma'am, if... I was going to take a point of order on the next Motion. However, I have to read an obituary at a funeral at 4 o'clock, which I had requested your permission to leave. I was wondering if I may be able to take that point of order maybe before you break if you will indulge me to that extent, or if you wish to break still.

The Speaker: I think we could take your point of order, since you have to leave, Honourable Minister.

POINT OF ORDER

Hon. Truman M. Bodden: Thank you for your indulgence, Ma'am.

The next motion that is on the agenda is the same in substance as a motion that was passed back on the 25th November, 1993, and Standing Order 24(8) has relevance to it.

Secondly, there is now a Select Committee that has been appointed by the motion that was passed on the 25th November, 1993, and if I may just read that part of it, it says: "**...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.**" (1993 Official Hansard Report Vol. II page 952)

It is exactly the same Motion that that has already been passed. What needs to really happen now is that the Honourable Minister for Agriculture, Communications and Works, who is the senior Member of the House, to call a meeting and then that meeting would appoint a chairman. It is exactly the same committee—the composition is the same, it is all the elected Members. This is the point that I wish to make.

The Speaker: Honourable Minister, I do not have the benefit of having that motion before me and, therefore, at this time I cannot make a ruling on it. If I am supplied with a copy of that motion I will make a ruling at that time, before this motion comes up.

Thank you.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The Speaker: Proceedings will accordingly be suspended.

PROCEEDING SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.05 PM

The Speaker: I have reviewed the point of order raised by the Honourable Minister for Education and Aviation, with regard to the contents of Private Member's Motion 10/94.

In Standing Order 24(8) it is provided that, "**no Motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.**" I am to say that this is a valid point of order.

It is left for the Honourable Minister for Agriculture, Communications and Works, being the longest-serving Elected Member, under Standing Order 70(7), to appoint the time for the Committee to have its first meeting and at which time it will appoint its Chairman.

I am constrained to express the hope that this will not take six months to be done, that it will be done as expeditiously as possible, Honourable Members. The Committee will meet accordingly Private Member's Motion No. 10/94 would fall away.

The Speaker: The next item...

The First Elected Member for Bodden Town.

POINT OF CLARIFICATION

Mr. Roy Bodden: Madam Speaker, on a Point of Clarification. The Resolve section of Private Member's Motion No. 10/94, asks that we consider the Fundamental Rights and Freedoms of the individual as contained in the Draft Constitution, and that the opinions of the Members of the House then be made known to the Select Committee. Is that the same as what was passed in the Motion of 1993?

The Speaker: The Motion in 1993, and again I do not have the annexures which were a part of that in front of me, recommended to Her Majesty's Government that the changes set forth in Government Motion No. 4/93, excluding Part IV (A)—and that goes on to say: being the Fundamental Rights and duties of the individual. So that is the same in substance, Honourable Member.

Mr. Roy Bodden: Thank you, Madam Speaker. I graciously accept your decision.

The Speaker: The next item is Private Member's Motion No. 11/94. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I would like to refer to Standing Orders. I just had a motion on the floor and I have been talking for an extremely long time. We are nearing the hour of 4.30 p.m., and in the past few days in the House meetings have been suspended before 4.30 p.m. I was wondering whether I could move the suspension under the appropriate Standing Orders with your approval and that of the House, if the Meeting could be adjourned at this time because my voice is rather used at this point.

Under Standing Order 83, Madam Speaker (and I seek your assistance in the appropriate Standing Order, to the time of the House), I would so move the suspension of the Standing Order that adjournment could take place.

The Speaker: I think this could be allowed, but it will have to be for the decision of the House. The House has to make the decision, if it is desired that the proceedings be adjourned. Are you moving the Motion that the proceedings be adjourned until Wednesday?

Mr. Gilbert A. McLean: Madam Speaker, I would ask that the House would adjourn at this time by suspending Standing Order 10(2).

The Speaker: The Motion by the Second Elected Member for Cayman Brac and Little Cayman, has not been seconded.

Mr. Roy Bodden: Madam Speaker, I would respectfully like to second the Motion.

ADJOURNMENT

The Speaker: The Motion is that at this time (which is 4.12 p.m.), the House do now adjourn until Wednesday morning at 10 o'clock. The Motion is before the House.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, there are a lot of Private Member's Motions before us and, as we see it, there is a lot of Government Business to do next week. We should try to get in as much time as possible. Therefore, we cannot support the Motion.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I heard the Minister who just replied on behalf of Government. I think that it shows the attitude which presently exists in this House when on two occasions in recent times, including suspending the House for the Minister to supposedly call a Meeting of Executive Council, which we had no knowledge of other than his saying so...Everyone knows that I have been talking for the past four hours. However, I would ask that you put the question on the matter, please.

The Speaker: The question before the House is that the House be adjourned until Wednesday morning at 10 o'clock. I shall put the question. Those in favour please say Aye, those against No.

AYES AND NOES

Mr. Gilbert A. McLean: Madam Speaker, could I have a division please?

The Speaker: I have not yet declared whether the Ayes or Noes have it. I will say that the Noes have it.

May we have a division, Madam Clerk?

CLERK:

DIVISION NO. 3/94 (On the Adjournment)

AYES: 9

Dr. S. A. Tomlinson
Mrs. Berna Murphy
Mr. Kurt Tibbetts
Capt. Mabry Kirkconnell
Mr. Gilbert McLean
Mr. Roy Bodden
Mr. Haig Bodden
Mrs. Edna Moyle
Mr. Dalmain Ebanks

NOES: 8

Hon. Lemuel Hurlston
Hon. Richard Coles
Hon. Joel Walton
Hon. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John McLean
Hon. Anthony Eden
Mr. John Jefferson, Jr.

ABSENT: 1

Hon. Truman M. Bodden

The Speaker: The result of the division is nine Ayes and eight Noes. The Motion has, therefore been carried. Accordingly, the House will be adjourned until Wednesday morning, 8th June, 1994, at 10 o'clock.

**AT 4.16 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 8 JUNE 1994**

**EDITED
WEDNESDAY
8 JUNE, 1994
10.06 AM**

The Speaker: I will ask the Third Elected Member for George Town to say prayers.

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, Official Members and Ministers 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 Honourable Members/Ministers. Question No. 73 is standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 73

No. 73: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state the number of Caymanians on suspension from the Royal Cayman Islands Police Force.

The Speaker: The Honourable First Official Member

responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, there are currently three Caymanian Officers suspended from duty in the Royal Cayman Islands Police. The suspensions are as a result of allegations of serious misconduct on the part of the officers against Police Regulations, 1976. One of these officers has resigned with effect from 1st June, 1994. Another was due to appear before a disciplinary hearing on the 2nd of June, 1994. Disciplinary charges are being prepared in respect of a third officer.

A further two officers who are not Caymanian and who do not have Caymanian status are on suspension pending their trials on criminal charges.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what the normal span of time is between an officer's being placed on suspension and charges either being brought or dropped against that officer?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the time varies depending upon a number of factors including factors relating to gathering of evidence, preparation of charges, providing a reasonable opportunity for disciplinary defence to be prepared. There are a number of factors which dictate the length of time that each case may require.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what provision is made regarding pay for officers that are on suspension during the period of the suspension?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the question of salary and the amount of salary, if any, to be paid to an officer during the period of suspension is at the discretion of the Commissioner of Police. That discretion is exercised dependent upon the seriousness of the charge which the officer is being called upon to answer.

Generally speaking, if the charge is sufficiently serious so that if convicted it would warrant dismissal from

the force, the suspension is without pay.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: In those cases where, upon hearing the charges, they have either been dropped or there was insufficient evidence to continue, is the officer reimbursed retroactively for the suspension?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker.

The Speaker: The next question is No. 74, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 74

No. 74: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to outline the orientation course given to the newly recruited English Officers in the Royal Cayman Islands Police Force.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the newly seconded United Kingdom Officers are given a two-week induction course commencing one week after their arrival in the Cayman Islands. The first week is spent on administrative matters, familiarisation, issuing of uniforms, finding accommodation, attestation, issuing driving licences, identity cards, etcetera.

The two-week induction course is designated to familiarise the new officers with local laws and procedures and the following subjects are covered:

- Organisation of the Royal Cayman Islands Police
- Organisation of local Government
- Judges Rules
- Force Standing Orders
- Traffic Law and Regulations
- Role of Commercial Crime Branch
- Firearms—Range Assessment
- Police Station Procedures
- Firearms Law (Revised)
- Crime reporting and recording procedures
- Collators Department and Records
- Foot and Arms Drill
- Penal Code
- Criminal Procedure Code
- Music and Dancing Law
- Gambling Law
- Police Law and Regulations
- Role of Immigration Department and Immigration Law
- Misuse of Drugs Law (Revised)
- Drugs offences—procedures
- Liquor Licensing Law
- Public Order and Offensive Weapons
- Force vehicle driver testing

- Force communications
- Role of Computer Services Department
- Complaints and Discipline Department
- Scenes of Crime Department
- Role of Social Services Department
- Marine Conservation Law
- Role of Customs Department
- Bail Law
- Juvenile Law
- Police Welfare Fund and Police Association

The course programme also includes visits to important buildings, including the Legislative Assembly Building. Handouts are also issued on the following subjects: The Election Law, The Animal Law, The Airport Regulations, The Port Authority Law, The Mental Health Law.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if, strictly speaking, the orientation ends abruptly at the end of the two week period?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I am not quite sure what the Honourable Member means by "ending abruptly." Could he clarify it please?

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker, I certainly will. It seems that the list given here is quite comprehensive and, therefore, I am left to wonder just how much can be absorbed over the two week period. Is any provision made, for example, if an officer requests further orientation or enlightenment, in cases where all of these things were not covered to a sufficient level as to familiarise the officers with them?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I thank the Honourable Member for that clarification.

The fact is that officers who complete the familiarisation and orientation course are then gradually given responsibilities under the close supervision of officers of a superior rank and of considerably more experience. It is during that period that the officer is introduced to the world of work in Cayman.

The Force is divided in such a rank structure that no one is allowed to work without the appropriate level of supervision and during that time the new recruit has the opportunity of making comparisons between what was

learned during the induction period and what is required of him during the application of that knowledge.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if familiarisation, as mentioned in his answer, means familiarisation with different areas of the district or constituency in which the officers are serving?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Most certainly, Madam Speaker. It is a prerequisite that one is familiar with the geography of any area when called upon to be a Policeman.

The Speaker: The next question is No. 75, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 75

No. 75: Mr. Roy Bodden asked the Honourable Temporary Third Official Member responsible for Finance and Development to report on Government's initiatives to attempt to alleviate the financial burden of soaring property insurance.

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel Walton: Government established a Task Force in October 1993 to investigate the Insurance market and establish the reasons for the current high property insurance rates and terms.

An interim report was submitted in February 1994. A second interim report is currently being finalised. The final report is expected once ongoing research is completed. The Government will at that time implement those recommendations considered appropriate.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member offer this House any information on how the research was conducted?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel Walton: Madam Speaker, the Committee, through its various members, assisted in the research. In addition, we are in the process of contracting a specialist firm to do a study on the possible maximum loss in the event of a major catastrophe. It is a combination of committee work and internal government work of an ex-

ternal objective research body.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if, in the course of the research, any comparative analysis is done with rates in our jurisdiction as against rates in other areas, even including rates outside of the Caribbean region?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel Walton: The research itself is ongoing. However, the first report that was produced took a look specifically at the local market and how it fits in with the international reinsurance market as a part of that study. It is my understanding that work was done to compare the rates in our national boundaries to rates in the region and how that relates to the international reinsurance market.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Member enlighten us as to what areas were chosen for members of the committee? Is it from the public sector, or were they taken from the private sector, or was it a mixture of both?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel Walton: The Membership of the Committee is actually comprised of public sector persons, also persons from the local domestic insurance market as well as persons operating in Cayman, but in the reinsurance captive market. So it is a combination of three different types of people.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member give the House some idea of when some conclusions from the ongoing study might be reached, and if that study comprises of foreign consultants who are specialists in this field of insurance who can, indeed, have an objective view on the situation?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel Walton: I gather that there are at least two questions. One is when could I give an undertaking to actually advise the House of the outcome: We expect that we could produce the outcome of that study by the September Session.

The other question is one of the reasons why we

use the combination of public domestic insurers and people operating in Cayman within the captive reinsurance market: This is to try to get a blend of different sides of the picture. We, in turn, then will be recruiting (we are actually in the process of it right now) an outside objective firm to look at the possible maximum loss in the event of a major catastrophe. So it is basically a four way combination. I think we have done our best to try to get all sides of the picture.

The Speaker: The next question is No. 76, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 76

No. 76: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if there are in place any official restrictions on Caymanians visiting Cuba or relatives of Caymanians living there visiting their relatives in the Cayman Islands?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: There are no restrictions on Caymanians visiting Cuba that I am aware of. Caymanians living in Cuba who possess British (Caymanian) passports have no travel restrictions. If they possess Cuban passports, however, they are processed the same as a Cuban visitor, requiring a visa to enter the Cayman Islands.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if persons who might be direct relatives of Caymanians are given any special consideration in terms of making life easier for them to visit a relative here in the Cayman Islands and, if so, what might that procedure be?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker perhaps if I outline the normal procedure that may help to answer the supplementary question.

The normal procedure is that a person normally resident in Cuba who wishes to visit a relative in Cayman would make an application at the British Embassy in Havana. That application would be forwarded to the Cayman Islands. The original application usually comes by Diplomatic Bag and the signal in the form of a telegram is usually sent in advance indicating the applications dispatch.

Upon receiving the application, the sponsor, or relative in the Cayman Islands, is then contacted to verify

the authenticity of the visit to confirm that arrangements are acceptable and agreeable for housing, etcetera, during the visit. Thereafter, the application is sent to the Executive Council for the issuing of the necessary visa. Once that has been done, the British Embassy in Havana is then advised of the decision and the necessary travel arrangements can then be made.

It is true to say that in looking at applications, the highest preference and priority is always given to those with the closest Caymanian connections.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member confirm if it is the case that a relative of a Caymanian (but who might be considered a Cuban by the Cuban government) who might visit these Islands and does not return within a specified term, or the time given in that visa, is it the case that they cannot be allowed entry back into Cuba and such persons would, in effect, then fall to the Cayman Islands for being taken care of?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, one of the internal requirements of persons exiting Cuba is that they must obtain from the relevant Ministry (the Ministry of the Interior) permission of the local Cuban Immigration Authorities to make an exit. If the person is exiting for a visit they are normally given an exit permit which is valid for the duration of the intended visit abroad.

If someone does not return and that visit stamp expires, there are some consequences which is a matter for the Ministry of Internal Security in Cuba to determine.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if he, or his Ministry, has any applications at this time from persons who are living in Cuba who might like to visit the Cayman Islands, relatives or otherwise?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker. I can confirm that my office generally will always have some applications for persons who wish to visit, as well as persons who wish to take up residence. My office is generally quite busy with those matters.

The Speaker: The next question is No. 77, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 77

No. 77: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is the normal process of appointing officers to the Civil Service from the level of Assistant Secretary up to Permanent Secretary?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Appointments to the Administrative Service below the level of Permanent Secretary are made by the Governor on the advice of the Public Service Commission.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if the appointment in the administrative level of Government is normally done externally or through promotion within the Civil Service?

The Speaker: The First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, in accordance with the provision of Regulation 18 of the Public Service Regulations, and sub-regulation 4, priority is normally given to the appointment of public officers who are serving officers within the Public Service before considering other persons.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if there have been any appointments in recent times into the senior assistant secretary level, or above, within the service from persons external and not working in the civil service?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, I can confirm that. But I can also confirm that that was done competitively and serving officers were also considered along with other applicants.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say in how many instances in the past has this occurred—where persons from outside of the service have been appointed directly into Government at that level?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, it is not the norm. It is, rather, the exception. But where positions have been advertised both internally and locally, all candidates serving and not serving are short listed by the Head of the Department. Interviews are conducted by a panel and the selection is based on the person who is considered most suited for the appointment.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if it has come to his official attention at any time, that there is any political move to cause appointments of persons in the administrative level of Government in the Cayman Islands Civil Service to come about, and not to allow promotion from within—thus favouring a particular type of person, or quality of person, whatever?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Not to my knowledge, Madam Speaker.

The Speaker: The next question is No. 78, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 78

No. 78: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs how Government arrived at the figure of 5% for salary increase for Civil Servants.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The proposed salary award of 5%, effective 1st June, 1994, was determined by Government based upon costs and affordability.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if any effort or action was taken to determine what would be the actual percentage which should be payable to civil servants, taking into account factors other than affordability?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the Government is aware of the increases in the consumer price index, as well as other factors that would historically be

taken into consideration affecting salaries. This particular award was exclusively based on the question of cost and affordability, nothing else.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Bearing in mind that the salaries in the civil service could possibly go back to where they were in 1989, far, far below what was realistic and justifiable, is the Government intending to make any attempt to have a study or an analysis done to determine what would really be the correct quantum, taking into account all factors?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, what I could, perhaps, explain to the House is that there is an ongoing exercise, which Government has commissioned for some time now, known as a Job Evaluation Exercise, which is designed to place an economic value on every job in the civil service based on the existing scales. It is hoped that that exercise will be completed for implementation in January of next year.

Allied to that is the Government's opportunity to consider if it wants to restructure any of its existing grades. That is a process that is currently ongoing.

The Speaker: The next question is No. 79, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 79

No. 79: Mr. D. Kurt Tibbetts asked the Honourable Minister Responsible for Health, Drug Abuse Prevention and Rehabilitation what is being done about creating a facility for mentally disabled citizens of the Cayman Islands.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: At present, one room at the George Town Hospital has been identified for in-patient use in the treatment of acute cases of mentally handicapped persons.

To further address this situation, priority will be given to offering improved healthcare to this segment of the population in plans for the revision of the hospital facilities which are currently going on. This provision is expected to include a day care centre and residential service for the chronically mentally ill.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Honourable Minister could say if any consideration is being given to those individuals who, through being mentally handicapped, are homeless?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes. At this time it is being assessed by going into the community and trying to find out what is happening. I am also made aware that the public health nurses do regularly go out into the communities where these people, who are less fortunate, and unable to come to the Hospital, are being helped by the public health nurse.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, the homeless individuals that I referred to in the previous question, with the greatest of respect, are homeless. What I am trying to accomplish by the question is to find out if anything is being done as regards finding shelter for these individuals?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This is being looked at through the Social Services Department at this time and we are willing, through the Health Services, to render any assistance that may be supplementary to what is being developed through the Social Services.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say how many of these mentally disabled persons are there throughout the Islands? What is the number?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: There are approximately 100 persons. We are looking at this in more detail and trying to go into the communities and find out exactly the numbers that are there.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: The previous Minister of Health made some announcement or representation that Government was considering using the cottages known as the Tim Thompson Cottages for some kind of shelter or homes for this type of person. Is this still a plan of the Government, or is the Government in a process of making alternate plans?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I am aware of what the First Elected Member for Bodden Town is talking about, but I think we also are looking more in detail on the facilities review at the present hospital.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Can the Honourable Minister tell us what is happening with the Rehabilitation Centre in Breakers? What is the status?

The Speaker: Honourable Member that is not part of this question. This concerns mentally disabled and the rehabilitation was for drug abuse.

Dr. Stephenson A. Tomlinson: Excuse me, Madam Speaker, but these people are mentally ill on account of drug addiction.

The Speaker: Can the Honourable Minister answer that?

Hon. Anthony S. Eden: That question is set down to come later on. I would be able to deal with it at that time.

The Speaker: Thank you.

The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: I wonder if the Honourable Minister would state whether a priority would be given also to the mentally afflicted in Cayman Brac and Little Cayman, as I know that he is aware that we do have a problem similar to Grand Cayman, although in a smaller number.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, the First Elected Member for Cayman Brac can rest assured that this Ministry will certainly include Cayman Brac in any work that is done for the mentally handicapped.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Recognising the fact that the Minister is still new in the position, and there will certainly need to be some time for assessments and such the like, would the Honourable Minister be in a position at this time to say if the old George Town Police lock up is being used on a temporary basis for housing some of these individuals?

The Speaker: The Honourable Minister for Health, Drug

Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I am not aware of that at this time, but I will certainly make an undertaking to check into it further, Honourable Member.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Having given that undertaking, would the Honourable Minister also give an undertaking to investigate if this is being done, whether properly qualified individuals could be seconded to that location when this occurs rather than policemen having to deal with it?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, I will certainly look into this.

The Speaker: The next question is No. 80, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 80

No. 80: Mr. D. Kurt Tibbetts asked the Honourable Minister Responsible for Health, Drug Abuse Prevention and Rehabilitation what steps are being taken to alleviate the shortage of hospital beds at the George Town Hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: On 1st March, 1994, an agreement was made between the Cayman Islands Government and Chalmers Gibbs Martin Joseph (Architects) in association with APEC Consultants Incorporated to provide a master facilities development plan for the existing George Town Hospital site.

The Master Facilities Development Plan is to cover the projected out-patient and in-patient health facility needs of the Cayman Islands through the year 2004. The Master Facilities Development Plan will also provide the following: 1. A survey of existing facilities to determine their structural and architectural condition; 2. An assessment of existing external services main water, electricity, air-conditioning, gases to determine their condition and code compliance.

The Master Facilities Development Plan will indicate the number of beds required by the George Town Hospital, having taken into account the perceived and expressed needs of the staff for effectively providing the necessary services to patients.

Equally important, it will assist the Government in determining whether the present site can accommodate the planned physical improvement which is expected to

include construction of new buildings and renovation of those present buildings that are still functional, while allowing room for future expansion over the next 20 to 25 years.

The contracting firm will present its final report to medical and other key persons within days, to be followed by a written report to the Ministry of Health, Drug Abuse Prevention and Rehabilitation. Following this, the Ministry will be in a position to make its recommendations to the Government for the upgrading and overall improvement of the physical plant.

In the meantime, immediate attention is being given to those areas of physical improvement that are most urgently required and, at the same time, can be accomplished without undue delay and disruption to present services.

Specifically, to address the beds: In the event that all the beds are occupied and a new patient needs to be admitted, that patient is held in casualty while arrangements are made for the discharge of another patient.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I know that the answer to the question indicates that within days the report is expected to be given, but does the Honourable Minister have any idea, from any discussions which might have ensued, as to the projected cost of these improvements?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I am not prepared to release that information at this time.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister confirm that some of the consultancies used were the same that were used on the Dr. Hortor Hospital, and what is the cost for paying these people for carrying out this study?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, they are the same people. I do not have the figure here with me, but I will undertake to get it to the Second Elected Member for Cayman Brac and Little Cayman.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, would

the Honourable Minister tell us whether there is a true shortage of beds at the George Town Hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I have been made to understand that there is a small shortage in the surgical area, but overall they seem to be able to accommodate as necessary.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Honourable Minister could tell us who determines the patient that would have to leave, what is the order and how do they go about this?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This is done through the consultation with the admitting physician and the Director of Health Services.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: A part of the answer to the original question as stated by the Minister reads “**equally important, it will assist the Government if the present site can accommodate the planned physical improvement which is expected to include construction of new buildings, etcetera.**” Can the Honourable Minister state that if the findings indicate that the present site cannot accommodate the planned physical development what might be the alternate?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, we have not made an alternate decision if we cannot go there.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Seeing that the very consultants and others have made determination already in regards to space and physical facilities, in regard to the now stopped Dr. Hortor Memorial Hospital, has any thought been given that that site might be suitable for the purpose of putting the facilities which the Minister and the Ministry envisages?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker.

The Speaker: That concludes Question Time for this morning. The next item is Statements by Ministers of the Government under Standing Order 30(1): "**A Member of the Government who intends to make a statement on a public matter for which the Government is responsible shall inform the Presiding Officer of his intention before the beginning of the Sitting at which he wishes to make the statement.**"

On the Order Paper, there are five statements listed. The first is the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

STATEMENTS BY MINISTERS OF THE GOVERNMENT

CAYMAN ISLANDS CONSTRUCTION INDUSTRY

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. Madam Speaker and Honourable Members, I deem it timely to inform you, and the listening public, that the Cayman Islands construction industry is recovering rapidly and all economic and statistical indicators are showing positive growth.

As a result of development approvals in 1993, and so far in 1994, work has commenced on a number of significant projects valued at \$32,500,000. This figure does not include the value of single family dwellings presently under construction.

Although, traditionally, the first quarter of any year has always been the slowest, the value of approvals during the first quarter of 1994 is some 33% above the same period in 1993. It should also be noted that there were no Government projects approved during the period, although Government's 1994 capital budget is \$20 million.

Significant increases were also experienced during the first quarter of 1994 in the single family residential category with the value of approvals increasing by 51%, compared to the same period in 1993, from \$6.1 million to \$9.2 million.

The most significant increase, however, was in the commercial category, which leaped in the first quarter from \$100,000 to \$5.2 million.

Madam Speaker, it is clear from these figures, and others that are available to us, that these Islands are about to enter another economically buoyant cycle which undoubtedly has been effected by the return of investor confidence in the current Government. We have achieved strong growth in tourism and the offshore financial centre. The only sector which has taken much thought and hard work to stimulate activity is the construction industry, and we are already beginning to see the fruit of our labour.

This Government would like to ensure the public that we will continue to support their best interests and, by providing equal employment for our people, all may continue, once again, to maintain the standard and qual-

ity of life to which we have, by hard work, become accustomed.

Madam Speaker and Honourable Members, this is only the beginning of the good news.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, under Standing Order 30(2), I would like to ask the Honourable Minister for clarification. How much of the \$20 million Government projects will be started this year? He mentioned in his statement that there are no planning approvals so far for the \$20 million Government projects.

The Speaker: I have given the Honourable Member permission to ask the short question, although he did not wait for permission. Honourable Minister, you may now reply.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I think the Third Elected Member for Bodden Town will be happy to know that the Government, understanding the wishes of the populace and the Members across the floor, is hoping that all of the \$20 million will be spent by the end of December 1994, and that the proper department within Government has been instructed to put to public tender the work set out in the capital programme of the Government in order to expedite and cause the total sum, or as near to the total sum as possible, to be spent by December 1994.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, may I ask a brief question, also under Standing Order 30(2), of the Honourable Minister and the statement which he just made?

The Speaker: You may, Honourable Member.

Mr. Gilbert A. McLean: Without the benefit of a copy of his statement, I recall the Minister saying that there has been a considerable amount of construction approved so far this year. Can the Minister indicate whether it is the case that this amount will happen, or is that basically a guiding figure as to approvals?

The Speaker: Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The answer to the Second Elected Member for Cayman Brac and Little Cayman is that that amount of work, or more, will happen.

The Speaker: The next Statement is by the Honourable Minister for Agriculture Communications and Works.

POSTAL SERVICES IN THE CAYMAN ISLANDS

Hon. John B. McLean: Thank you, Madam Speaker. As I promised the Members of this Honourable House, I would like to keep them informed of the Postal Services in the Cayman Islands.

Some renovations have begun at the General Post Office: the re-tiling and painting of the lobby. Plans are being finalised with the Public Works Department for the installation of 400 additional post boxes at the General Post Office, together with the addition of counter space to accommodate express mail services, receipt and mailing of parcels and fee collections. More parking will also be provided next to the Post Office.

A campaign to rent boxes at the Seven Mile Beach Post Office has been most successful with over 600 boxes being rented between September 1993 and May 1994. Outstanding rental fees have also been collected.

With the procurement of personal computers the process of renting boxes and collecting fees will be computerised, thus eliminating the outmoded exercise of record-keeping by hand. Staff development has progressed with members of staff attending customer service training courses, performance appraisals, and supervisory training and computer courses.

A concerted effort has been made in the area of public relations and public service. The public is now routinely informed on how to make the best of the Post Office. Counter service at the General Post Office and several of the sub Post Offices has been extended from 3.00 p.m. to 5.00 p.m. in order to accommodate public demand.

A Post Office Logo has been adopted to provide a business identity and will be used on, among other things, uniforms, stationery, and mail drops.

Mail drop boxes are on order and are scheduled to be delivered early this summer. They will be installed around George Town in heavily populated locations. This will not only be more convenient to customers but will divert traffic from the General Post Office. Express mail service to the United States and certain Caribbean countries is due to come on line by the end of the year.

Air Parcels are now being dispatched on a daily basis and through more cost effective routes. Daily international dispatches from the Seven Mile Beach Post Office have reduced the volume of outward mail in the main sorting area by up to 35%, freeing up space and staff hours.

SISTER ISLANDS: Plans to upgrade facilities and services in the sister islands are also in train. In Little Cayman mail runs have now been introduced on a daily basis and it is proposed to construct a purpose-built facility to house the operation and serve the developing community for years to come.

Cayman Brac is also on the agenda and direct international dispatching has already been instituted, thereby enhancing service by 24-48 hours. Physical improvements will include the replacement of old boxes, the purchase of a mail van and operational improvements throughout.

It has been proven that these improved measures will not only update services to the public, but will also improve Government's revenue.

Thank you, Madam Speaker.

The Speaker: The next Statement is another by the Honourable Minister for Tourism Environment and Planning, Leader of Government Business.

CAYMAN TURTLE FARM

Hon. Thomas C. Jefferson: Madam Speaker and Honourable Members, I am pleased to report to this Honourable House that at a meeting of the Board of Directors of the Cayman Turtle Farm 1983, Limited, held on the 10th of March, 1994, it was agreed that effective 1st August, 1994, production would be increased by 56% above the current level (760 pounds of stew meat per week), to 1,190 pounds per week. It was also further decided that this increase in stew meat will be made available to the public on a first-come, first-served basis at the premises of the Turtle Farm.

During the 1993/1994 fiscal year, which ended 31st March, 1994, the Farm processed 100,297 pounds live weight of turtle which produced 36,691 pounds of stew meat; 8,782.5 of steak; and 3,313 pounds of other edible products, that is fin, skin and minavolin.

During the current fiscal year, April 1994 to March 1995, some 2,295 turtles will be processed, weighing 141,183 pounds. The livestock herd, excluding breeding stock, will increase during the fiscal year, from 313,211 pounds live weight, to an estimated 382,518 pounds live weight.

Anticipated production for the 1995/1996 fiscal year is estimated to be some 3,800 turtles with a live weight of 237,000 pounds. This would produce at current production yield, 97,000 pounds of stew meat; 20,400 pounds of steak; and 13,750 pounds of other edible products. This level of production would be approximately 2.4 times that being produced currently.

Obviously, acts of nature, such as severe storm, or a major disease problem could have a significant detrimental effect on future production goals.

Based on 1993/1994 costs, one pound of live turtle weight, including processing, costs \$3.32. The sale of one pound of live turtle resulted in an income of \$2.82, or a loss of 50 cents per pound. Accordingly, it has become necessary to increase the price of turtle products as of 1st July 1994, as follows:

ITEM PER POUND	From:	To:
Stew beef	4.50	5.00
Steak	8.50	9.00
Edible products	2.50	2.80

With the price increase scheduled to be implemented on the 1st of July, income then rises to \$3.10 per pound reducing the loss to 20 cents per pound.

Madam Speaker, based on these production estimates, it appears that the local demand for turtle meat

will be met and the additional amount of turtle meat available for sale from the 1st of August, 1994, until 31st March, 1996—which is the projection period from which I am reading—will be sold to the public on a first-come, first-served basis, at the premises of the Turtle Farm.

The exact procedure to collect the turtle meat ordered will be publicly announced.

Thank you, Madam Speaker.

The Speaker: Another statement by the Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business.

SAFEGUARDING THE MARINE ENVIRONMENT OF THE CAYMAN ISLANDS

Hon. Thomas C. Jefferson: I am, again, pleased to report to this Honourable House that Government has embarked upon a far-reaching initiative in that of safeguarding the Marine Environment of the Cayman Islands.

Following detailed discussions between representatives of the Holland American Cruise Line and the representatives of the Department of the Environment, Holland American Line has agreed that all six of its luxury cruise ships will adhere to a new "zero discharge" policy while in the Cayman Islands' waters. The "zero discharge" policy will mean that these ships will hold on board all waste effluents and treated sewage whenever they are within 12 nautical miles of the Cayman Islands.

The ships involved are: *SS Rotterdam*, *MS Nieuw Amsterdam*, *MS Noordam*, *MS Westerdam*, *MS Statendam*, *MS Maasdam*.

The ban on discharge includes, ballast water, water generated from the ships' laundry and kitchen, "grey water" from passengers' accommodations. The only exception to the ban would arise in the event of an emergency which threatens the safety or stability of the ship.

This agreement with Holland American Lines represents an important step towards a working partnership between Government and the cruise lines, the aim of which is to preserve the reefs and the waters of the Cayman Islands which attract hundreds of thousands of visitors every year.

Madam Speaker, I would also like to add that discussions are also underway with Carnival Cruise Lines aiming at a similar voluntary agreement to protect the Marine Environment.

This Government is of the view that this new initiative will ensure that the Cayman Islands remain the leader in Marine Conservation in the Caribbean.

Thank you, Madam Speaker.

The Speaker: The next statement is by The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

RESIGNATION OF DIRECTOR OF THE WATER AUTHORITY, MR. RICHARD BESWICK

Hon. W. McKeever Bush: The Director of the Water Authority, Mr. Richard Beswick, has submitted his resignation, effective 31st May, 1994, and it has been accepted by the Board of the Authority. The resignation arose out of a number of unauthorised actions by the Director which are indicative of a lack of judgment and discretion.

A special audit by the Office of the Auditor General into certain aspects of the Water Authority's operation is ongoing. Any action to be taken by the Board in addressing problems or issues identified, will be decided on at the completion of that study, and a further statement will be made at that time.

The Speaker: Although not on the Orders of the day, I have granted leave for the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to make a personal explanation under Standing Order 31.

PERSONAL STATEMENT

RE: CAYMAN AFFORDABLE HOUSING

Hon. W. McKeever Bush: Madam Speaker, in the debate on the motion to put the housing scheme into a Select Committee, many erroneous statements and wild allegations were made—allegations that could never, ever be said to be truthful at any time.

Allegations were made that the developer, Cayman Affordable Housing, never existed, that I, inter alia, had led the Finance Committee to believe that the company Cayman Affordable Housing had the necessary funds to back up the guarantee which the Finance Committee was asked to give. The Opposition alleged, in fact, there never was any guarantee of such funds.

The country must understand that the three Opposition Members presenting and supporting the Motion misled the House and, thus, the country. The Opposition could present no facts to substantiate their allegations and only relied on hypothetical cases, even when I informed the House of the facts surrounding the issue.

I am pleased to read to this Honourable House three letters which prove that the Opposition is wrong, once again, in their attempt to discredit Government. Letters, which are attached to this statement read, and I quote this letter from Cayman Affordable Housing, Division of Frank Hall Homes (Cayman Limited) PO Box 887 GT: "**18 June 1993 The Hon. McKeever Bush; Cayman Islands Government; Grand Cayman;**

"Dear Sir: To answer your two main questions:

"1. The share holders of Frank Hall Homes (Cayman) Limited, Trading under Cayman Affordable Housing for this scheme are: Heber G. Arch (40%) John A. Collins (20%), Pelican Securities Limited (20%), Beach Realty Company Limited (20%).

"2. For the execution of an agreement Frank Hall Homes (Cayman) Limited shall provide Government with a guarantee that it is able to procure

the required funds to the satisfaction of the Government. As discussed with you, CIBC will be the local mortgage bank that we will be dealing with initially.

"Please note that the responsibility of procuring the required funds is that of Frank Hall Homes (Cayman) Limited, and we hereby give you our full assurance that this shall be done.

"Should you have any suggestions or require any additional information, please contact the writer. Yours respectfully [signed] Heber G. Arch, Director."

The second letter, Madam Speaker, comes from Cayman International Bank and Trust Company Limited, PO Box 887, Grand Cayman BWI, (809)949-8655; Telex: 4305, Fax: (809)949-5267: "International Trust Group; 7th June, 1994 ; Hon. McKeeva Bush; Minister Responsible for Community Development, Sports, Youth Affairs and Culture; Government Administration Building; George Town, Grand Cayman;

"Dear Sir: We confirm that as of 25th March, 1994, and as advised to you at that time, two trusts under our administration have committed to Frank Hall Homes, Limited to make available to them the funds to meet Frank Hall Homes, Limited's requirements under an agreement as proposed by the Cayman Islands Government to provide financing for housing subject to successful conclusion of that agreement.

"Yours faithfully [signed] John A. Furs."

Another misleading statement made by the Second Elected Member for Cayman Brac and Little Cayman was that I was dealing with Hugo Zeiderent for purchase of lands.

The following is a communication which proves that the Opposition is absolutely wrong, and I quote: "MEMORANDUM TO: Permanent Secretary Community Development, Sports, Youth Affairs and Culture; FROM: Permanent Secretary Agriculture, Communications and Works; DATE: June 7, 1994; SUBJECT: Purchase of lands, National Stadium

"On a point of clarification, I should like to note for the record that the controlling officer responsible and accountable for all land purchase schemes in the three islands is the Director of Lands and Surveys. The land purchase guidelines state that the Director of Lands and Survey shall be directly responsible for all land transactions and negotiations with participation of other officers subject to his consent and direction. The Lands Officers, who form part of the staff complement of Lands and Surveys, are qualified general practice surveyors, specialising in land acquisition, sale lease and valuation. These are officers who the Director assigns the responsibility to for all land purchase schemes.

"In the case of the National Stadium, your Ministry, as the client, has instructed the Director to negotiate the acquisition of a site within the Spotts registration section to accommodate such a sporting facility, including parking and landscaped areas.

"The lands officers have been actively pursuing the acquisition and have progressed quite satisfactorily. The property being acquired is owned by Messrs. Rex Creighton and Hugo Zeiderent.

"Although the principals involved may have contacted the Ministry of Agriculture Communication and Works, and the Ministry of Community Development, Sports, Youth Affairs and Culture, concerned about the progress of the acquisition and the terms proposed, I should stress, unequivocally and categorically, that at no time has the client Ministry been assigned the responsibility to negotiate the acquisition of this property, nor has that Ministry usurped the powers vested in the Director of Lands and Surveys. [Signed] The Permanent Secretary for Agriculture, Communication and Works."

The Fourth Elected Member for George Town alleged, among other things, that one of the banks named in the Finance Committee authorisation of 19th July, 1993, had not been involved in any discussions since that date with regard to the implementation of this scheme. In fact, the files will show, the banks themselves, my Permanent Secretary and representatives of the Legal Department can vouch for the fact that there is no truth in this allegation. All the banks named in July 1993 were involved in a number of discussions and had written correspondence with my Ministry since that date.

This should say to the Opposition that on such an important matter they should have contacted the Permanent Secretary for my Ministry and not have depended upon hearsay.

The Government takes its responsibility seriously and the Opposition needs to be factual and should not be dependent on assumption, hearsay and hypothetical cases. Thank you, Madam Speaker.

The Speaker: There is another personal explanation...

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, under Standing Order 30(2), may I ask a short question of the Honourable Minister?

The Speaker: This is giving a personal explanation under Standing Order 31. It is a personal explanation and no debate may arise thereon.

Mr. Gilbert A. McLean: I thought this was a Government statement, but this is a personal statement.

The Speaker: I very clearly said it was a personal statement under Standing Order 31.

Mr. Gilbert A. McLean: Madam Speaker, I would like at this time to give notice that I would like to reserve the right to make a personal statement myself, later on.

The Speaker: Thank you.

There is a second personal explanation under Standing Order 31 by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture. Sorry, this was just a copy of that one. Thank you for that.

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.29 AM

PROCEEDINGS RESUMED AT 11.49 AM

The Speaker: Please be seated.

Other Business, Private Members' Motions. Private Member's Motion No. 11/94. The Second Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 11/94

ESTABLISHMENT OF A SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW A REGISTER OF INTEREST FOR THE LEGISLATIVE ASSEMBLY

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 11/94, entitled Establishment of a Select Committee of the Whole House to Review a Register of Interests for the Legislative Assembly. The Motion reads:

"WHEREAS the matter of a Register of Interests for these Islands has been mooted in various circles and debated in the Legislative Assembly;

"AND WHEREAS the Select Committee appointed by the Legislative Assembly on the 12th day of September, 1989, to review a "Code of Ethics and Conduct for Legislators", fell away without reaching a conclusion;

"AND WHEREAS a Register of Interests is considered a mechanism by which a record is created showing a Legislator's personal financial and pecuniary interests against which information his or her actions, speeches or votes in the Legislature may be judged;

"AND WHEREAS there may be questions of conflicts of interest which could be resolved quickly by reference to a Register of Interests;

"AND WHEREAS it is a growing international trend that countries are requiring greater scrutiny of the relationships between the personal and official dealings of elected representatives;

"AND WHEREAS new section 53A of the Cayman Islands (Constitution) (Amendment) Order, 1993, provides that there shall be a Register of Interests for the Islands;

"BE IT NOW THEREFORE RESOLVED THAT this

Honourable House appoint a Select Committee of the whole House to consider matters relating to a Register of Interests and the drafting of enabling legislation making reference to legislation of other jurisdictions as may be considered appropriate and invite persons and organisations to make written submissions to or appear before the Select Committee;

"AND BE IT NOW FURTHER RESOLVED THAT the Select Committee, with all reasonable haste, lay its Report for the creation of a Register of Interests on the table of this Honourable House and thereafter a Law and a Register of Interests be created forthwith."

The Speaker: The first Elected Member for Bodden Town.

Mr. Roy Boddén: Thank you, Madam Speaker. I respectfully beg to second the Motion.

The Speaker: Private Member's Motion No. 11/94, having been duly moved and seconded, is now open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I believe what this Motion asks for is action—law, or legislation, which would most intimately impact on the lives and conduct of Legislators in this country. It is a matter on which I would assume every Legislator in this Legislative Assembly would have an opinion, and would certainly wish to voice it.

The Motion seeks to create a situation whereby Members of the Legislative Assembly can be monitored by the public in their personal and legislative dealings and where Members of the Legislative Assembly can monitor themselves.

This Motion ask for a condition which sets out guidelines and appropriate legislation which, ideally, should have long ago been in place. However, conditions and events in the world and conditions and events in the Cayman Islands make it extremely necessary at this time to do something about the situation.

In the amendments to the Constitution, which was written by the present Government, there is provision in section 53A for a Register of Interests for the Cayman Islands. Madam Speaker, I would like to quote this short, but important, section in its entirety. I quote: **"53A. (1) There shall be a Register of Interests for the Islands which shall be open to the public. The register shall be maintained by a Registrar who shall be appointed, and may be removed from office, by the Governor acting in his discretion.**

"(2) It shall be the duty of any person to whom this section applies to declare to the Registrar for entry in the Register of Interests such interests, assets, income and liabilities of that person, and of such other person or persons connected with him,

as may be prescribed by law.

“(3) A person shall make a declaration under subsection (2) of this section upon assuming the functions of his office and at such intervals (being no longer than twelve months) as may be prescribed by law.

“(4) This section applies to all members of the Legislative Assembly and the holders of such other offices (except that of Governor) as may be prescribed by law.

“(5) A law may make provision for giving effect to this section, including the sanctions which may be imposed for a failure to comply with subsection (2) or (3) and, notwithstanding any provision of Part III of this Constitution, the sanctions which may be imposed may include the suspension of a member of the Legislative Assembly from sitting therein for such period as may be prescribed by law.”

Madam Speaker, that new section in the Constitution states a very strong condition or state of affairs. I observe, in several instances, where it does not say “may” it says “shall.”

This Motion requests the Government to accept that a Select Committee should be set up straightaway to deal with this particular condition. The only fair way that I believe the views of all Members of the Legislative Assembly could be known on this issue would be in a Select Committee.

I would trust that the Government would not believe it possible that they, in their wisdom, should attempt to write such a Law without the full participation of all Legislators, seeing that this matter affects all Legislators individually and, indeed, other officers connected with the business of the Legislative Assembly—all persons. The only person excluded in this Constitution amendment is the Governor, and we know that in true Colonial fashion Colonial Governors are excluded from most things in the country and given almost supernatural powers.

Madam Speaker, the section that I have just read also points to some extremely detailed facts which, according to this amendment, may be included in a law. A law has not yet been written which would enable this to come into effect, but it does touch on various aspects that are part of the daily lives of those who find themselves elected as Members of the Legislative Assembly.

It is so very easy for people on the outside, in organisations such as the Chamber of Commerce, to criticise and to say what should be the conduct or the procedure as it relates to Legislators. These organisations who criticise in many instances, certainly do not put in place similar laws or stringent conditions to circumscribe their particular dealings.

At the onset, let me say that I believe there are organisations in the private sector which are as guilty, or have been as guilty, of breaching the condition one talks about—being in a position of conflict of interest—as any Legislator that has been, or may be, in this country.

In fact, Madam Speaker, the whole world, and if we reduce that down to mean this whole country, the whole

society, has an inherent right to put its elected representatives under a microscope to pry into their most personal affairs, where the Legislators, in many instances, dare not even think similar claims about some of those who would wish to know about their Legislators.

For various reasons many, who, I am sure, would criticise Legislators and claim various anomalies about what they do, would most likely threaten that Legislator if the Legislator said, ‘Well, you know, you are accusing me but I want to see your bank account and how much you owe,’ and so forth and so on. Most likely such a person in society would threaten them, ‘listen, that is my business you must want me not to vote for you next time,’ or something of the sort. So this is an extremely hairy situation.

Madam Speaker, in moving this Motion I have taken the time to look at legislation affecting various countries. In section 2 of our amendment it says that: **“...any person to whom this section applies [might be required] to declare to the Registrar for entry in the Register of Interests such interest, assets, income and liabilities of that person, ...as may be prescribed in the law.”** So it appears to me that the extent to which Legislators must bare themselves and their most intimate dealings needs to be clearly and carefully scrutinised.

One country that comes to mind, which has an extremely detailed requirement for its legislators, is the country of Jamaica—where the amount of details required of legislators in that country to declare once they have become a Member of Parliament is quite astonishing.

I would believe that while it is necessary, it is desirable, and it has been long coming, that as Legislators of this Assembly we should look carefully to what extent we put requirements into any such law.

On the other hand, the requirement that I have seen that appears to me to be more reasonable, or which strikes some sort of middle ground, is that which is in place for the Register of Interest of the British House of Commons. If we are going to follow some, any, or all of the various legislation available to us here in the Legislative Assembly for guidance on the law, I would certainly recommend that Members take careful note of what the House of Commons has in place. Their legislation, and this situation, has been updated as recently as last year.

Speaking of the form which is used in the House of Parliament in Jamaica, which requires statutory declaration of assets, liabilities and income, under their law—the Parliamentary Integrity of Members Act, 1973—I would cite but a few points which are set out in it. It requires:

1. The name of the MP (Member of Parliament), his wife, the maiden name of his wife;
2. Address;
3. Particulars of his/her children, names and date of birth;
4. Bank accounts, names and address of bankers, in whose name the account is in, the account number; and balance of the account.

In another section it requires:

1. To know cash in excess of \$200 held other than in a bank by the MP, his spouse or children;
2. Where it is held and whose name it is held in;
3. Stocks, bonds, shares and similar investments, including any such property over which a Right of Disposition resides in the MP, his spouse or his children;
4. Information on immovable property, house, land, farm buildings held by him; description in the Register, purchase price, estimated cost/market value.

Madam Speaker, this particular form, which has been enacted under the Jamaica Law, is extremely far reaching and it is, as far as I can determine, one of the most detailed.

From another Committee that was appointed in 1989, another Select Committee which was appointed on the Code of Ethic and Conduct for Legislators, the Clerk of the Committee was able to get many, many pieces of legislation. Available to this House is the legislation from Jamaica, Bermuda, Trinidad and Tobago, Barbados, Canada, United Kingdom, and the United States of America. There is a vast amount of information which is available to legislators which could guide in the recommendations for requirements to be inserted in the law.

Madam Speaker, what a Register of Interest is, as far as I am able to determine, I will speak about in a short while, but at this time I would like to express my understanding as to what it is supposed to do.

What it is supposed to do is help legislators—in all the other countries I have spoken about and in this country—avoid conditions that lead to a conflict of interest. We hear people in this country talk about conflict of interest, but I have said before, and in this House, that I believe we are one of those countries, or perhaps the only country in the world, where there is no such thing, if one looks at certain conditions which exist in these Islands.

Madam Speaker, to avoid a conflict of interests is one of the balancing acts that legislators everywhere have to deal with. They are called upon in so many instances to respond to so many situations that it is possible many times, when something is done, something is said, something might be said by another person or a member of the public, it might be a conflict of interest.

If I might just read from the Register of Members' Financial Interest which is the form used in the House of Commons, I read: **"The main purpose of the Register of Members' Interests is to provide information of any pecuniary interest or other material benefit which a member receives which might reasonably be thought by others to influence his/her actions; speeches or votes in Parliament or actions taken in his/her capacity as a Member of Parliament."**

So, very clearly set down in the very beginning in the form used by the House of Commons, is the clear definition and expression of what it is supposed to do. As I have said, Madam Speaker, it is possible and conceivable that others may think a situation is a conflict of interest when, if it was fully determined and analysed, it

might prove not to be.

Madam Speaker, I would like to refer to the meaning for the word conflict. From the *Oxford Dictionary*. It means: **"(a) to fight, struggle, a collision; clashing of opposed principles, etcetera, (d) discrepancy; [verb] struggle with, clash; be incompatible."**

The word interest means: **"(a) legal concern, title, right, pecuniary stake, (b) advantage; profit; thing in which one is concerned, (c) principle in which a party is concerned, party having a common, (d) self-ish pursuit of one's own welfare; bring personal to bear with person, (e) concern; curiosity, (f) money paid for use of money lent, or for the forbearance of debt."**

So, Madam Speaker, I think between the two definitions we can advise ourselves as to what conflict of interest may amount to—a clash or struggle, conflict between what legislators may do personally from their own financial perspective, and the clash that may exist between their duty as a Legislator which, as is stated in the House of Commons Register of Financial Interest, may affect, or be thought to affect, a legislator's actions, speeches or his votes in Parliament, or actions that he might take as a legislator.

Madam Speaker, this condition of conflicts of interest runs in practical ways. It may be cited by many in different ways, and in this society of ours which, might be described, to at least a very significant extent as "name withheld by request", there are numerous stories and accusations regarding possible conflicts of interest of Officials and otherwise.

Ways that I would see it conflicting would be, for example, if Members of the Legislative Assembly owned shipping companies—they would be put at conflict if they had to decide on what their competition would be from other shipping companies, or the business that they carry on in a competitive basis.

It could be a conflict of interest where Members of the Legislative Assembly owned Travel Agencies that booked Government's business where it might be claimed that there is a direct advantage to such a person over someone in the private sector.

There are numerous ways in which a conflict of interest condition may arise. By extension, a conflict of interest can arise for a Minister of Government/Member of the Legislative Assembly, if that Minister, for example, is the point of last resort or appeal, and that Minister is the Chairman of a Committee or a Statutory Body which would have to make a decision that would ultimately be referred back to the Minister. There is a slew of such conditions now in the Cayman Islands where Ministers are Chairmen of such Statutory Boards.

There is potential for a conflict of interest which would create a struggle as to the Minister's position as the Court of Appeals, I would so term, and his Executive position when a decision was taken on the Statutory Board. A conflict of interest can obtain where people are appointed by the Government to Statutory Boards to conduct the business of these Boards as prescribed under Law.

Let us take the example of a Board which deals with approvals, or which has an effect on the construction industry. Would there be a conflict of interest if persons on that board were people who directly benefited from the construction industry as contractors, welders, architects, quantity surveyors or whatever, to be on this board making certain determinations about business which is before them, and also being in the business themselves, to vie for the very business they have approved? Is it a conflict of interest? I think that is one that has some connotations here in the Cayman Islands.

Statutory Boards, Madam Speaker, by extension are a part of Government, be it whichever Government of the day, for the Government of the day is the Government that appoints members to these boards or recommends their appointment.

Conflict of interest and unfair advantage could stem from situations where there are Statutory Authorities that make decisions about professionals, and if professionals themselves are there competing with those who are not on the board, then how do they avoid a conflict in such a situation? For, on the one hand, they sit in judgment, and on the other they are professionals and others competing for the business which the professionals do.

If we look at a situation where labour, manpower or employment is concerned, would there be a conflict of interest in a Statutory Board that makes the determination as to employment (in our case work permits), where the members are members who have some of the greatest needs for such things, and where it can directly affect their competitors should their competitors not get the same advantage of such persons?

Madam Speaker, these are real situations and what I have cited are possible examples. There are many more. I personally believe that, in this country, not just Legislators need to come under a scrutiny regarding conflict of interest, but that it spreads throughout the private sector as well in such manners.

It does no good for the people of this country wanting to say something—and they do sometimes in the newspaper, where their names become "name withheld by request"—it is not sufficient to say, "Oh, but you know Cayman is so small, everybody knows everyone else."

Are we going to take the position, as individuals, or in our dealings, that we can do wrong because we are so small? There has to be a point of decision and a point of reckoning. I believe, in proposing this Motion, that now is the time for some clear thinking as to our position in this country where conflicts of interest can be a live, living condition—there are too many of them. It affects business, it affects Government, it affects everybody, including the consumers or the person who is getting service in many instances.

We need to have a law? Yes! That sets the ground for legislators. But we need to direct our thinking along the pathway of possible and potential areas of conflicts of interest overall in the country. One thing that I think lends greatly to the environment, which is conducive to conflicts of interest, stems from the fact that we have gone to great extent to create a situation of secrecy for

doing business, particularly in the private sector, commonly called observing confidentiality. Government, being the entity that created this condition through legislation, in effect, encumbers itself to act similarly with a degree of secrecy, or what is commonly termed confidentiality, over and beyond (far over and beyond) what it would be in five dozen other countries, due to some of our Laws for doing business in these Islands. So, it becomes more incumbent upon us in this country in that regard.

Madam Speaker, we are not whistling in the dark when we talk about setting up a Code of Ethics and Conduct for Legislators, or when we talk about Conflict of Interests. For among the papers which I have been able to consult, is one from the Ministry for External Affairs in Canada, a handbook—*Code of Conduct and Conflict of Interest Guidelines*. There is another one also from Canada, *Conflict of Interest and Post-Employment Code for the Public Service*. So in other countries of the world, many developed countries and, indeed, many Third World countries, it has been recognised that it is necessary, it is desirable and it is in the best interest of the public, to have guidelines set down by which, for example, a Legislator or a public officer may be guided. They know the guidelines, they will know if they breach them and they know the consequences.

I would just like to read two brief sentences from the Canadian Handbook, *Code of Conduct and Conflict of Interest Guidelines*. It says: "**This Code of Conduct is based on the premise that Canadians have a right to expect from all public servants, whether serving in Canada or abroad, a wholehearted and scrupulous commitment to the highest standards of personal honesty and responsibility.**"

It says also: "**Public servants are not in the same professional position as persons, whether they be employees or self-employed, in the private sector.**"

There is a difference, and I have spoken of that difference between private and public sector on various occasions. Even where on many occasions, up until the present time, the Chamber of Commerce keeps saying that Government must be run like the private sector—like private business—it cannot be and serve the objectives which it is to serve.

In Conflict of Interest and Post-Employment Code for the Public Service, under the section "Application", it reads: "**In keeping with the principles described below, each employee is responsible for taking such action as is necessary to prevent real, potential or apparent conflicts of interest.**"

In recent times it has been stated time and again, in the arena of Name Withheld by Request, not necessarily in letters, but in verbal communication, that Members of this Assembly and, indeed, some Members of Government have interests and supposedly newly acquired interests which they believe have potential conflicts of interest. The only way open to us in this Assembly, as elsewhere, is to set down the means by which a Legislator can set down his or her interests, and that means be

available as a guide or a judgment call as to what the public or a fellow legislator might say is indeed the case, and can be determined with ready, easy reference and access.

Madam Speaker, in the form I quoted from earlier, which has been produced by the House of Commons and is used by Members of Parliament there, a section covers gifts, benefits, and hospitality. I would like to read the question that is posed at this particular heading. It asks: **"Have you or your spouse received any gift of a value greater than 125 Pounds Sterling or any material advantage of a value greater than .5 per cent of the current Parliamentary salary from any company, organisation or person within the United Kingdom which in any way relates to your membership of the House?"**

Gifts, Madam Speaker—

The Speaker: Honourable Member, I think that you are talking about a Code of Ethics. This Motion really refers to Interests, Assets, Income and Liabilities of Members. Code of Ethics is another piece of legislation that some Parliaments have on their books, The Code of Ethics.

Mr. Gilbert A. McLean: Madam Speaker, I take your intervention, but I am reading from the Register of Members' Financial Interest from the House of Commons.

The Speaker: But I think that is also included in the legislation of the Code of Ethics, if I understand correctly.

Mr. Gilbert A. McLean: Madam Speaker, I think it is only what the United Kingdom has as the Select Committee on the Members' Interest and Declaration which is set down by the House of Commons in Governing itself. I do have it here, Madam Speaker.

The Speaker: I really think that while you have quoted to some extent extensively from other Parliaments, we must confine to what is down here as a Register of Interest, which would include assets, income and liabilities of Members, and not include what type of gifts they would be receiving. I do not think that comes under the purview of our discussions here.

Perhaps at this time we might take a suspension for the luncheon break.

Mr. Gilbert A. McLean: Yes, Madam Speaker, that would be fine.

The Speaker: Proceedings are suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.44 PM

PROCEEDINGS RESUMED AT 2.20 PM

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 lunch suspension, I was referring to the form which Members of the House of Commons are required to fill out to hand in to the Registrar of Interests to put in the Register of Interests in the House of Commons.

I take the intervention of the Chair in that there have been moments when I have referred to the Code of Conduct in my debate so far. I tried to project what might be contained in the law which the Constitution says would need be enacted to set up a Register of Interest, and, in so doing, it strikes me that that legislation, when it comes to be enacted by this Legislature, would have to, in my mind, include something more than simply just stating what the Register would contain.

I think, to some extent, it would have to reflect some provisions regarding the conduct of Members in supplying certain information and also in seeing to the performance of certain actions.

What the Resolution is asking for, however, is that by way of a Select Committee all Members have the opportunity of participating in the discussions and deliberations as to what such a law should contain.

Much of the information which we have relates to, and stems from, the information gathered at the time there was a Select Committee in force on a Code of Conduct.

There also seems to be a difference as to what is expected in our Constitution, in that it says that we must enact a law. Whereas, as far as I can determine, in the House of Commons the setting up of a Register of Interest really comes under the Standing Orders of the House of Commons, although one might term that a law. But it seems to be much more closely confined to the conditions that prevail in the House, and the House has more influence over it and officers of the House of Commons.

If we look at the other legislation, like, for example, the Jamaican Legislation, we see that their Act, as such, is called the Members' Integrity Act. They have a requirement within it to record certain information which, I would think, equates to a Register of Interest.

If we take a narrower look for it to mean specifically that, we could well be guided by the nine points, which are nine specific classes of pecuniary interest, or other benefits which are set down under the Register of Interest in the House of Commons, and they are clearly set out in the form which requires the information.

The section of our Constitution which states that there shall be a Register of Interest, also provides that there shall be a Registrar who shall be appointed by the Governor. In the case of the House of Commons, that person is one of the Clerks, or a senior officer in the Department of the Clerks of the House to whom the Registrar is directly responsible.

I would imagine that that would be a point that we as legislators would want to take into account for, in my opinion, the person best suited to performing this duty would be someone in this House, an officer in this House—be it the Clerk, or whomever else might be appointed—but that an external person, outside of this

Legislative Assembly would not at all necessarily be suited to be appointed as Registrar.

Again, access to the Register is prescribed in the House of Commons, and the Register, as set out in the Constitution, envisages that it would be available to the public. But, certainly, I believe (taking the attitude as has been taken in the House of Commons) that there be certain times for the public to view the Register; that it should be in writing to the Registrar of interests, and the information contained in that application should be clear; and that the Registrar should have the right to question further a member of the public as to what they wish to inquire into and about; and should also inform such persons (as is the practice in the House of Commons), that any member of the public who wishes to make a complaint would have to be held responsible for the accuracy of the allegations of their statement and there would be no question of privilege to such member of the public. Access to the Register, as far as other Members of the House goes, I imagine would be similar to that which is approved in the House of Commons, where it is open to Members during Meetings or during the normal course of events in any given week, or business of the House.

Madam Speaker, this Register of Interests was stated by the Government of the day as something which it wanted to see enacted—one of the things in its Manifesto. The opportunity is now available for something to be done for the setting up of such a register.

The Motion does not presume to say what should be in the law, but according to the Constitution there needs to be a law setting out what the Register would contain. As the Register affects every single member of this House (from the Speaker right down is my understanding), then it is something where there should be the fullest participation by all Members in arriving at the contents of this legislation.

Having made those observations, I leave the Motion now before the Members of this House, for each and every one so choosing to make their position known and, indeed, for the Government to make its position known on the Motion.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I support the Motion before the House. The Constitution makes provision for a Register of Interest, and it is only a matter of time when the Register is prepared.

The opener, in this usual fashion, covered most of the details contained in the Constitution and in the legislation of some countries. In fact, the legislation from Jamaica appears to me to be extravagant in its details and, perhaps, there is a reason for that extravagance in Jamaica. However, I do not think there is any need for us to copy that word for word.

I prefer the English version, as the Commonwealth Parliaments are modelled on the English system. It appears to me that in the United Kingdom they set up a Select Committee which made certain recommendations

for a registry and these recommendations have been adopted as rules of the Parliament which have the same force as law.

I believe that whenever we come to drafting the legislation, the Committee should invite the Legal Draftsman to all of its hearings so that he may have first-hand knowledge of the feelings of all the Members.

The Constitution itself does not require that a Member declare all of his pecuniary interests but, rather, that he declare such interests as are prescribed by the legislation. If we follow the English system, we will see that the Members do not really disclose all of their pecuniary interests, but only such interests as are relevant to their actions in Parliament.

This was made clear by the Mover of the Motion. In fact, the word "relevant" is very important and appears many times throughout Erskine May. For example, on page 384, under the section dealing with Disclosure and Registration of Personal Pecuniary Interests (about the middle of the page—the 21st Edition), it says: “...he [that is the Member] shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.”

Again, on page 385, in dealing with the scope of the interest, the second paragraph says, and I quote: “**The extent to which details of the relevant interest are disclosed is also a matter for the Member; in certain cases, if the interest is recorded in the Register of Members' Interests, ...it may be sufficient simply to draw attention to this.**”

Throughout the remainder of the chapter dealing with it, we see the same trend. For example, page 386, although the word relevant is not used, it is implied in this section dealing with classes of interest to be registered, and I quote: “**to provide information of any pecuniary interest or other material benefit which a Member of Parliament may receive which might be thought to affect his conduct as a Member of Parliament or influence his actions, speeches or vote in Parliament.**”

I could continue with other instances, but it is clear that what this register is intended to do is to record any instances of any interest a Member may have, any outside interest, which may affect his work in the Parliament.

The way I see it, if a Member of this Parliament owned shares in General Motors, which he had inherited from an uncle in the United States who had died, there is no need at all to enter this upon the register. But if the Member owned shares in CUC, which has a franchise with this Government, and where questions may often be raised, it would be compulsory, in my mind, for the Member to declare such an interest.

The Mover of the Motion mentioned nine classes of interest which are disclosed. If one looks at them, one will see that these are interests that would be relevant to any work that the Member may do in the Parliament. I will not go into them, but just to start with the first one: **"1) remunerated directorships of companies, public**

or private;” In other words, if a Member is a director of a company whose business may be to receive contracts from the Government, it would be necessary for the Member to show that relationship.

Also, it appears to be from the English system that it is necessary only that the Member indicates that he has an interest. It is not necessary to spell out the details of his salary, or his paid vacation from the company.

In our existing structure, there is already some form of disclosure. For example, in our Standing Orders, it is necessary under Standing Order 80(1) for the Member, in debate or before voting, to declare any interest he may have in any Motion or Bill before the House. Also, under the Constitution, and in keeping with the Election Law, a Member standing for election must disclose any contracts he may have with the Government, any directorships or management posts that he may hold in a company that does business with the Government.

Of course, Members who are elected to Executive Council must make a private declaration to the Governor of all their assets. This is a very detailed declaration, but it is not made public and only goes to the Governor and the Foreign and Commonwealth Office.

The declaration of interests in the United Kingdom Parliament, and perhaps in ours as well, is not confined just to debates in the House but would be confined to debates in Committee, and in the United Kingdom it is spelled out that the Member asking questions of witnesses before a Select Committee must declare any interest that the Member has in the matter before the Committee.

In the United Kingdom, there are other people besides the Members who fall under the spell of the registration system. The Mover touched lightly upon this.

One class of people mentioned on page 390 of Erskine May, is journalists, who cover the reports of the Parliament and who sit in the Gallery, those who have press passes to the Parliament. If these journalists have an interest in the matter, they can play around with the debate. I do not know if our Select Committee will want to go so far as to include the journalists, but, certainly, they too, in some instances in the far distant past, have been guilty of using their influence in reports from the House.

Those registers in the United Kingdom are not open to public inspection, that is, the journalists and people outside of the Parliament, but it would be open to the Members who probably would be able to deal with the journalists if they found that through some pecuniary interest in the matter involved, the report had been a little slanted. So, the law dealing with the interests should not be interpreted loosely.

While assets and income and liability of persons may have to be disclosed, I certainly believe that the law should prescribe in detail what should be disclosed so that the Member, or person upon whom the disclosure is made, also has some protection from unwarranted disclosure.

There have been instances in the past when some have felt that Members of past legislatures may have

had interests in certain businesses that received benefits from the Government. With a register of this kind, and with the disclosures that would be made under it, all the Members would feel more comfortable if they knew where each Member stood with regard to any outside business.

The Motion asks, in the last resolution, that it be done with all reasonable haste. I must say that I am not in total agreement with that. I remember the case of Henry Ford III, who gave his engineers the charge to build a car that would lift the Ford Company out of the dumps, and he gave them a time limit by which they should do it. Those engineers, in their haste, produced the Edsele—which was a lemon. A few years later the new President, Lee Iacocca, gave his engineers the same charge, but told them to take their time and do it properly. They produced the Mustang, which has been the wonder of the automobile world in number of sales, perhaps even topping the original Ford.

What I am trying to say is that we are embarking upon a new era of legislation and I think the Committee should work diligently, but should take all the time that is necessary so that they may produce, not a perfect law, but the best that they are able to do considering all of the circumstances that they will have to take into account.

I commend this Motion to the House and would like to congratulate the Mover and the Seconder for bringing this forward, and ask them not to put on due pressure to have this done with reasonable haste.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, in 1989 I brought Private Member's Motion 19/89, which was seconded by the First Elected Member for Bodden Town, with regard to a written Code of Ethics and Conduct of Members of this Honourable House. That resolution said: **"BE IT THEREFORE RESOLVED THAT a Select Committee of the whole House be established to examine these matters and to recommend an appropriate written code of ethics and conduct for Members of this honourable House."** [1989 *Official Hansard Report*, Vol. 2 page 755]

We see the present resolution as a mirror of the one the House accepted back in 1989.

In speaking on this resolution, I wish to make it clear from the onset that our position on this matter is to approach this in an entirely non-partisan spirit, purely from the point of view of seeking to explore those things which may contribute to the national interest on the one hand, the preservation—indeed, the extension—of public confidence in our democratic system. Having made that absolutely clear, I hope it will become increasingly clearer as I carry on my debate that this is being approached in a non-partisan way.

I would like to state quite clearly that I am not concerned myself, and I do not think this Honourable House

should be overly concerned, with any question of what other countries may or may not have done in this regard. I think in a matter of this sort each country has to judge its problems for itself and must evolve solutions to those problems—as we ourselves perceive the problems and, with God's help, find the wisdom to see our way to solving those problems and contribute to the solutions.

From 1989, until the debate on the Draft Constitution, nothing was done. The Motion was accepted in 1989, but nothing has been done. This Government saw it fit to include the provision for the Register of Interest in the Amendment to the Constitution put forward by the National Team Government. We fought an election based on the fact, stated within our Manifesto, that we would put that into the Constitution and do the necessary mechanics to have it enforced.

It is not an accident that the whole of our history has laid an attitude, as it were, towards power particularly. I think we would be naive to deny at this time that there is a waning in public confidence in the political systems of the world, as such. Those of us who compromise, so to speak, the guts of our political system should take great care about the ethics, the integrity and effectiveness of our political system.

The last thing that we should want is for our young people to become cynical about the political system in our country. I say that because, after all, the young people are the future, and we would not want them to have any wrong impression about the system we operate; so, we are here, all of us, to try to do something collectively as a parliament to cement confidence in our system, particularly the attitude of the young towards the system.

In a country that has, from the day I can remember, been bereft with rumours about what obtains in the halls of Government, I believe that in Cayman, as in any other developing country in the world, we now have an opportunity to demonstrate that our system—the democratic system that we have—can work and be viable, can succeed and survive in a country of this sort. We should strive to do the necessary things to ensure this.

This is not only important for us, it is obviously of tremendous importance to the outside world. But it should be of pre-eminent importance to us that it succeeds—it is up to us to see that it succeeds—and the extent to which it succeeds will depend upon the rate at which we tackle our different problems and the extent to which we preserve the integrity of the political system.

There are many contributory factors which, when positively present may lead to success and, which, when legally absent can lead to failure. The Member Moving the resolution mentioned several factors. To make a democratic experience succeed we, as Members, must be zealous to see that we leave no stone unturned to contribute to the success and minimise the danger of failure.

Obviously, if we are to succeed, we must be willing, at some stage, to put national interests above the partisan concerns. There must be some stage at which we are willing to come out of those things that sometimes separate us.

Obviously, there are two fundamental requirements of the integrity of the system itself, that is to say, the integrity of the machinery of Government, and the integrity by which all of us come to be part of Government. It is one of the fundamentals of a democratic system, the legislation of a peaceful operation of a system.

The other requirement is, obviously, to jealously guard that those persons who operate the system as individuals are, in fact, persons of the very highest order of integrity. The system must have integrity and the people within the system must have integrity and both must appear to operate with integrity.

If we want this integrity and we want our system to continue, we want the appearance of integrity, then it leaves me to conclude that one of the actions this House could do—which would contribute enormously to the fact of integrity and the appearance of integrity, whether we hold a level of power or not—would be to direct our minds towards the question of this declaration of assets, this Register of Interest, whether in parliament or otherwise, and to have those reviewed on an annual basis so as to ensure that they present to the world a clear picture of the personal financial operations of the people within a parliament such as we have.

The Members speaking before have made it clear that there can be no question that it would be very important to the debate that the set up of a specially selected committee for the purpose of considering ways and means of devising legislation and regulation to give effect to this purpose could only contribute to public confidence.

What then could be the possible objections which one could perceive? Immediately we could come to the objection which arises from a consideration of private versus public interest. Obviously, the factor of the invasion of privacy must, to some extent, be invoked by a suggestion of this sort. It may be that a person at first may think of weighing the question of the right of privacy versus the question of the public interest that would be involved in such a measure. He may feel the invasion of privacy involved might be so great as to outweigh the obvious advantages to the public interests. I suggest that it is necessary that we look at it in a slightly larger context.

Let me say, first of all, my position and my attitude over the 10 years of being elected to this Honourable House, I have always had the belief that he who enters politics, by that very fact, has turned his back on his private person, and has made himself a public servant.

I suggest that we who sit here with an open mind try and see what is relevant, right and proper. It may be that people who enter politics really do not regard their entry into politics as part of an act of private surrender to the public. They are not entitled then, in my opinion, to retain their private personality, at the same time as their public duty, even if those are in conflict. When I say that, Madam Speaker, I do not just mean Elected Members, I mean the Civil Servants who sit in the House, because the Constitution talks about Members of the House.

The Constitution, in fact, says in section 53A(4): "**This section applies to all members of the Legislative Assembly and the holders of such other offices (except that of Governor) as may be prescribed by law.**" So, Madam Speaker, we could well be talking about all persons within the confines of this Legislature.

As I see it, the Members of this House, by their own actions, have imposed upon themselves to declare their assets and income and all the rest of it, because to do so, I believe,

would only be confirming the nature of the acts that we perform when we enter the political life of public service to the country. The act must imply the surrender of privacy to whatever extent it may infringe upon the public interests.

So, as I said, I would never be impressed with any objection that says that, "I was elected, but that does not mean that I have to bare myself to the world." I have always felt that once you enter this Chamber, you have a duty to the public at large that we serve.

The other source of objection that could always come up is the possibility of enforcement, the difficulty of enforcement. We have to concede that there is a considerable range of devices through which a person who might be acting improperly while a public servant, by taking advantage of the public service to make money by one means or another for instance, which he really should not be making to put it crudely, however, one has to accept that we cannot refuse to do something simply because there are those kinds of persons who can find the mechanisms to hide his/her actions.

Madam Speaker, I have always believed that we cannot dwell on the evils every time we are faced with a difficulty. Even if we cannot devise a perfect system of enforcement, or whatever it is we may want, the very fact that there is an attempt that is presumed to be subject to review from time to time, to be more refined and more sophisticated techniques, the very fact that we are making an attempt makes, on the one hand, improper behaviour more difficult. Even if there is improper behaviour, at least you can retain the technique of detection and make it more and more difficult. Therefore, at the very least we can achieve, if not a perfect deterrent against improper dealings, a deterrent against the very temptation some might fear to enter into improper dealings at some time in the future.

The very knowledge that a man dealing improperly would have to declare by sworn affidavit annually that he was not engaged in such dealings might be a deterrent to he who might otherwise be tempted. It might reduce the scale of impropriety for others who might go on some joy ride. If one that was not in favour of the system was deterred, then we will have to wait to see what will happen in the future.

I do not think there is anyone so ruthless and smart as to not be deterred at all. If he is faced with the fact that he is not only guilty of wrongdoing, but guilty in the face of an accepted system of investigation and proceedings from time to time at the direction of the House, and if in this position he faces such penalties as this House might determine to impose upon him, to say nothing of the public disgrace that will be visited on him.

I am not so naive to believe that he can devise a perfect system, but I do feel that there can be a substantial deterrent if we really direct our minds to working out a set of rules, a system of investigation under the control of this House which would be designed to stop wrongdoing and detect it where one has failed to stop it.

If you had a permissive Government at any one point in time, those who are left unscrupulous in their dealings would always be faced with the fact that under the workings of our Democratic System that permissive Government—if there ever was one—would be replaced with a less permissive Government which would not oppose retroactive investigation. All of us, Madam Speaker, and all potential politicians should bear that in mind.

So I say, quite seriously, I think there are a number of grounds—even with the problems of enforcement that we might hear about—which outweigh the obvious facts that we could not have a perfect system.

What we invite this House to do is not to think that one

could establish in debates any perfect system which is implied by the intention of the Constitution, but to accept that a Committee, if established, and having available to it all the expertise, legal advice and all the other kinds of advice which it would choose to put at its disposal, could begin to devote itself to the business of considering when this could be made effective.

Madam Speaker, the Register of Interest is important, as I have said, to public confidence, because in this country we hear from time to time rumour upon rumour which has destroyed many good reputations in this country without facts. I have always said that I support and can bare myself to any situation, any kind of investigation (and I use myself as an example in this House), because at the end of the day you know what you stand for.

A number of hypothetical or possible cases were given by the Mover (and he gave many), but there are a lot of other possible cases. For instance, a case could exist where a legislator owns a business which advises the public on Immigration matters, or even worse, makes applications to the Immigration Department for Trade and Business Licences, Work Permits, application for Permanent Residency or Status and their spouse might be employed in that Department. What is even worse, the spouse is involved in the processing of the applications made by that legislator. The worst hypothetical case would be that legislator to bring any kind of resolutions to the House, to say that Government must give one of the things that his business is involved with, which would have the effect of a flood of applications to, let us say, the Immigration Department—that same legislator benefiting from the proceeds of the applications made to the Immigration Department. These are the kind of hypothetical cases that we could continue to build upon in the House, because there are all sort of scenarios regarding the work of Legislators and potential legislators

A Register of Interest would mean, for instance, that the contract I have had for years with the Civil Aviation Authority has to be open on that Register even though I have had to make it public before. And, I am one Legislator who has always believed that that is as it should be. For years, even before I entered Government, I have seen these things exist.

We have seen time and time again contracts (large contracts) with the National Airline, and those sort of things would be made public in that Register.

Madam Speaker, this is the sort of thing that I have said, if you care to stand here and look at it, because the type of country we are in, the type of system we operate under, there are dozens of scenarios that exist. What we should not do is attempt to destroy honest people when something was done honestly. That is why I feel that this Register of Interest is a good thing. That is why I felt that way in 1989, and I do not know why the Government of the day did not do something about it.

We see this exercise as nonpartisan. The Government invites the House to consider this as a combined act to do something which ensures the maximisation of integrity of its own operation, and the maximisation of the appearance to the world of that integrity.

As a consequence, I suggest to the House, that if we are to take a step, I believe we would have made a massive contribution to the preservation of the integrity of our system. We would make a massive contribution to the confidence that Caymanians generally and, in particular, young Caymanians (who might tend to feel badly towards the political system). That we all support and commit ourselves to combined actions to wipe away any sort of doubt which would threaten the successful operation of our system.

Madam Speaker, while there are already rules for Executive Council, when we enter Executive Council we are bound by rules and the Constitution, I believe that anything we do or any system we devise can only strengthen what Executive Council already has to abide by, and tighten it so as to further help those Members who might go on Executive Council in some distant future. Further, that the Caymanian public will say, 'Yes we believe that our Government, our Members of the Legislature are people of integrity and our system is working successfully.'

Accordingly, Madam Speaker, we support the resolution as we campaigned for its inclusion in the amendments to the Constitution, and as we have kept our promise by including it in the Constitution where it now exists, and where it says: "**There shall be a Register of Interest...**" there are no if's, and's or but's about it, Madam Speaker, it says: "**There shall be a Register of Interest...**"

Thank you, very much.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.31 PM

PROCEEDINGS RESUMED AT 3.48 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion 11/94. [Pause]

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

The move to put in place a mechanism for the establishment of a Register of Interest is a move which is necessary at this time, and the move which bodes well for the future of democracy and for the impression which the public has in its representatives.

The Minister replying for the Government made mention of, and I quote him, "**the public waning of confidence.**" He also mentioned the fact that we should try to avoid leaving young people with a cynicism in their leaders and in the political system.

It is true to say that throughout the world at this time there seems to be a growing cynicism and a disenchantment by people towards their representatives. Much of this cynicism and disenchantment stems from the action of those who have been entrusted with power. So it is safe to assume that we in these Cayman Islands would be affected by this and, indeed, if one reads the newspapers, and certainly I can vividly recall some outspoken columns, particularly expressed in *The New Caymanian* concerning some of these insinuations that are quite poignant and blatant.

So this move by legislators to set up for themselves some parameters is definitely a good move because all fraternities which expect to survive, and not only survive but to perpetuate themselves, set rules of operation, precedents, traditions, boundaries by which their members are expected to operate within.

I especially took note of the Minister's echoing plea for unity in this exercise and for cooperation and for a close liaison between all Members of the House. I hope that the plea was a sincere one, because on the one hand I noticed the plea was given, and on the other hand some rather pointed, hypothetical arrangements.

I say that to say that we have to be sincere. We cannot call for complete non-partisanship and complete impartiality on the one hand and, on the other, when it suits us, takes swipes and gibes. For it is incumbent upon us, those Members of us

that are sitting here are present, to do something about this because it is a matter which needs addressing.

I recall reading a book called, *Who Will Tell the People?* about the betrayal of the confidence of the American people. The author of this book, William Greider, suggested that one of the problems with the American Federal Government was that the representatives of the people have become enamoured with the trappings of office and there has been no clear evolution, even in such a sophisticated system, and there is no regular self-policing of happenings such as conflicts of interests, etcetera.

Indeed, at this very point in time, one of the most respected power brokers in Washington, one of the most senior figures in the Washington power establishment, none other than Democrat Dan Rostenkowski, the Chairman of the Ways and Means Committee, has been indicted. Not only has he been indicted, but after 20 years in Congress, if he is found guilty he will have to go to jail and may even lose his right to a pension because of conduct unbecoming, emanating out of the very things which the Motion presently on the floor of this House is designed to protect Caymanian Legislators and Parliamentarians from.

If we move further afield, how many Governments in Italy, since the last World War, have not fallen? The respected Prime Minister Giulio Andreotti is still running for his life trying to escape. In Japan, the very first Prime Minister to go to jail since the end of the World War some years ago, over what came to be called the Lockheed Scandal. So, we can use all these examples to build up, to strengthen the case of our having a register.

It is true that provisions for the register are expressed in no uncertain terms in our Constitution, and mention was made of that by the Honourable Minister in his speech. He suggested that the mere fact that that had been a platform in the National Team's Manifesto, that they had the intention of putting this into effect, as much as to say that, really, it was not entirely necessary to bring the Motion at this time. But, may I remind that Honourable Minister, and other Honourable Members of the House, that the provision for the Speaker of our Assembly lay in our Constitution for 20 years before it was enacted, so that we have a professional Speaker, as is occupied by the current person holding the Chair.

So, it is not enough to say that because a provision is in the Constitution that it is going to be acted upon post haste, for the provision in the Constitution, or any other document, merely indicates an intention. See the difference between what this Motion is calling for and the provision as it exists in the Constitution.

I agree with the Mover, and those persons who subscribe to the notion that we are doing this because we want to give the impression that those of us who find ourselves in the fraternity of politicians or parliamentarians are sufficiently concerned, are sufficiently bold and up front as to set for ourselves some rules and some conduct so that outside elements can know and understand, "Here, this is what we are supposed to be, this is what we are supposed to do, you be the judge."

Permit me to say that mention has been made of a code of ethics and conduct, which I would term a companion and complementary to this Register of Interest, and I believe that we should seek to have such a code and I would be, since that legislation that was introduced some years ago (as we were reminded by the Minister of Community Affairs) has fallen away, happy at some subsequent stage to reintroduce that.

Madam Speaker, by the request for a Select Committee of the whole House to review this Register of Interest, we are on the right track. I have said in this House before, if one walks

the streets with one's ears to the ground, one does not, in many instances, hear good things about politicians—all of us.

I worry because it seems like the fraternity is, sometimes justifiably so, coming under undue pressure. So by setting up a Register of Interest or setting in motion mechanisms to review events leading up to this Register of Interest, we will be sending a message. It is a good and positive way, perhaps the most ideal way, in that we set in motion the mechanism for a self examination, rather than for us to procrastinate and to take things for granted until something more severe happens and we have to be left for the forces which are greater and perhaps less understanding than what our old fraternity would be told to be.

I take the point, too, that when we step into the arena we have implicitly suggested that we are public servants and, by inference, our conduct, our dealings—be they the most private and intimate form, or be they the most public and open form—become fair game and fair play for examination.

I would hope that none of us, when we are challenged, are so fool-hardy as to behave like Gary Hart—tell people they can follow us because we have nothing to hide and then wind up on the *Monkey Business* disgraced.

So, in taking this step, we are merely acknowledging the fact that we have a responsibility, and it is not too far-fetched to describe it as a sacred responsibility, to maintain the trust and the confidence that has been placed in us. In recognising this responsibility we shall try not to use the trappings—the opportunities and the privileges of our office, our exposure and our contacts—to blatantly and selfishly promote personal interests, family interests, or the interests of our group of friends or whatever, but foremost, to strive to promote the interests of the country.

If, in so doing, we benefit, then no one can point a finger. No one can scream conflict, no one can scream that we are stacking the deck.

I also believe, as has been expressed quite correctly by some Members who spoke prior to me, that having draconian laws or regulations will not necessarily mean that the register will be defective.

To cite an example from the Jamaican case, they have to have the most stringent of all (certainly of the few of those Commonwealth countries that I have examined), and yet, we still have reports of advantages being taken, of conflicts of interest in the actions of Ministers and Members of the Government, of ongoing examinations and accusations to and fro. So what is needed is not something stamped or etched, or made in the force of the Medes and the Persians, but, rather, something which is practical, reasonable and which, as the Minister for the Government suggested, has been arrived at by all of us.

In such an arrival might I say that we should try to be open, we should try to bury differences—be they political differences, economic—whatever kind of differences there are—we should try to shed those and try to arrive at a point where we can be sincere because it cannot be over emphasised that we who occupy these hallowed halls are judged every day by our constituents for whom we hold these seats entrust. If we fail for selfish or political reasons, then we are going to have to pay a hard price.

So, we should be sincere when we embark upon this venture, and I look forward with great relief to the fact that we should be able to sit down and arrive at sensible reasons and wind up with a sensible document covering the Register of Interest.

Unfortunately, the Caymanian experience does not allow us to do that without drawing on similar experiences, similar documents and similar conduct from other jurisdictions. While it

is true to say that we should be careful to adopt only what is relevant to our situation, if we use these examples sensibly it eliminates much pain and sorrow by helping us to avoid what is strictly a trial and error experience, and it will prevent our having to come back every five or ten minutes, to make amendments upon amendments. We should use these available documents and these available resources to craft for ourselves a Register of Interests which will be so sound, so all-encompassing and so comprehensive that it will allow us, when we have arrived at the document, to set it in motion without having to examine it for any inadequacies.

Then too, we have to remember that success in proper conduct emanates from the behaviour of the individuals who inhabit these hallowed halls, not from the legislation. Were that the case, then we would not have happening now what is happening to Dan Rostenkowski, Julio Andriati and the Japanese case, and all of these other cases, the celebrated President of Brazil, Collor De Mello. All these other cases, if the legislation guaranteed that the power brokers would be straight, then all of these people would not have had to face the disgrace.

So, I emphasise that point: that the success in the proper conduct emanates from the behaviour and the attitude and the disposition of the Members, rather than the obverse. So, that strengthens the argument for perusing, examining ourselves and also using as models legislation from other jurisdictions.

Madam Speaker, I would like to make one final point prior to moving on to something else. From earliest times, people were concerned with this whole business of conduct among leaders. In the sixth century BC the great private teacher Confucius, who had as his students young men, and old men as well, who were primarily interested in three things: learning, right conduct, and good government.

In the 13th chapter of *The Confucian Analects*, Confucius tells his students about "T'ai", which is the Chinese expression for moral conduct and he told them that it is easier for a leader to lead by example. If the ruler himself is upright all will go well, even though he does not give orders. But if he is not upright, even though he gives orders, his command will not be obeyed.

So, if the leaders are upright we can expect that the followers will be the same way. What is interesting about that is that it is from the Eastern philosophy. The Bible, perhaps, is the greatest source of these kinds of tenants, teachings and dictates, and we in the West are very familiar with those.

The suggestion has been made about interests, public as against private interests. I revert to the point that when we have taken the step we have taken, we have made an open declaration that we are fair game for examination.

I look forward to the work of this Select Committee. I look forward with enthusiasm to the contributions I shall try to make, and I look forward to the exchange and banter—some pleasant, some witty, some serious and thought provoking and, maybe, some even angry—of Members. I look forward to the exchange of ideas and the seriousness of this whole exercise and I certainly look forward to the end result being a document that we can leave for our progeny and for posterity which says that, for all of the shortcomings, we have tried, we have recognised that it is necessary.

Madam Speaker, one-upmanship notwithstanding, I hope that by the time the exercise is over that the unity and the cooperativeness that was called for by the Minister speaking on behalf of Government can find some ground on which to sincerely flourish.

Thank you.

The Speaker: The Fourth Elected Member for George Town, and I am sure that you will not complete your debate in five

minutes, but you can begin. Please do so.

adjourned until 10 o'clock Thursday morning.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. In cricket terms I would be called again, the night watchman.

Madam Speaker, the importance of the Motion before us cannot be over emphasised. The Mover and other speakers before me have raised fairly wide-reaching stances on the Motion and I am pleased right now to see that there are some issues where we can find common ground, even if at some times the ground is a bit shaky. I think that if we all work on it we can let it happen.

This Private Member's Motion to establish a Select Committee of the whole House to review a Register of Interest for the Legislative Assembly is, in my opinion, one most important to the continuity of good government in that (as Members have said before) there is always some talk, at some point in time, regarding government and the manner in which it operates. There is always some individual or group prepared to cast doubt or aspersions on other individuals, and in many instances these are simply vain attempts because there is no other ammunition to fire.

So, a Register of Interest, to my mind, would in many instances not only disprove accusations that might come, but, also, the mere existence of such a Register might well give people some food for thought before engaging in this type of activity, because certain things could be made very obvious and innuendoes probably would not abound.

In the "Whereas" sections of the Motion, as I referred to earlier, the section that says, "there may be questions of conflicts of interest which could be resolved quickly by reference to a Register of Interests", there is also another Whereas section which refers to the fact that, "a Register of Interests is considered a mechanism by which a record is created showing a Legislator's personal financial and pecuniary interests against which information his or her actions, speeches or votes in the Legislature may be judged;".

Madam Speaker, in my short experience here within these hallowed halls, I have seen occasions when Members themselves have used their existence in these halls to infer certain inappropriate statements, which on many occasions, in my belief, Members who said what they said actually knew better. But they choose moments such as I refer to, to get in, what you might call, a little plug to cast some doubt in the public's minds regarding the integrity of other people.

MOTION OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30, Honourable Member, the moment of interruption. Will the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business, will move the adjournment of the House?

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

The Speaker: The question before the House is that the House be adjourned until, Thursday morning at 10 o'clock. I shall put the question, those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 9 JUNE 1994

**EDITED
THURSDAY
9 JUNE, 1994
10.01 AM**

The Speaker: I will ask the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

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, Official Members and Ministers 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 Honourable Members/Ministers. Question No. 81 is standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 81

No. 81: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development why both Elected Members for Cayman Brac and Little Cayman are not granted travel allowance.

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Madam Speaker, it is my understanding that the method of dealing with the official travel and subsistence expenses of the Elected Members for Cayman Brac and Little Cayman is as follows:

1. All travel and subsistence expenses of the First Elected Member related to trips from the Sister Islands to Grand Cayman to attend Meetings of the Legislative Assembly, Finance and Select Committees, are paid as agreed by the Finance Committee of this Honourable House.

2. The payment for travel and subsistence expenses of the Second Elected Member for trips from Grand Cayman to the Sister Islands on official business, at the invitation of a particular Portfolio or Ministry is the responsibility of the Portfolio or Ministry that extends the invitation.

I am aware of the specific case of the Second Elected Member accompanying either the Honourable Chief Secretary or Deputy Chief Secretary on regular official visits to the Sister Islands. In these instances, the return airfare and subsistence expenses are paid by the Portfolio of Finance and Development on behalf of the Portfolio of Internal and External Affairs.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say when such an arrangement came into play?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Madam Speaker, it is my recollection that during the 1994 Budget preparation process last November, this particular issue was discussed and at that time Finance Committee agreed on that arrangement, in terms of what is to be paid by the Legislative Assembly, and what would be paid by other Portfolios and Ministries.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if he is aware that an undertaking was given by the Financial Secretary at a Meeting of Finance Committee to address this anomaly, especially in light of the fact that

previously both Members had been paid travel allowances?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Madam Speaker, as far as I understand this was the reason why the approach was taken; that the Legislative Assembly vote itself to be responsible for the particular First Elected Member for the Sister Islands whilst the vote of the other Ministries and Portfolios would be responsible for the expenses related to the Second Elected Member on visits to the Sister Islands from Grand Cayman.

That is my understanding and I was able to quote the specific case of the Portfolio of Finance and Development which we actually did on behalf of the Portfolio for Internal and External Affairs.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: I wonder if the Honourable Member would give an undertaking to have the matter further investigated since at the time when the matter was raised at the Finance Committee, the Financial Secretary undertook to look into the matter, suggesting that he would prefer that the Department look into the arrangement and how it should be varied.

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Madam Speaker, the particular point that the Member has raised, I could certainly discuss it with the Member during the margins of the Meeting today with a view that some new understanding can be reached to bring it back to Finance Committee for their review and approval. I could undertake to do that, if that would be all right.

QUESTION NO. 82

The Speaker: The next question is No. 82, standing in the name of the First Elected Member for Bodden Town.

No. 82: Mr. Roy Bodden asked, the Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business, to provide a breakdown of the official travel expenses of Ministers of Government since their election in 1992 until May 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The official travel expenses of Ministers of Government since their election in 1992 until May, 1994, totals \$76,519.58 and are broken down as follows:

Minister for Tourism, Environment and Planning	\$31,043.79
Minister for Agriculture, Communications and Works	18,571.01
Minister for Community Development, Sports, Youth Affairs and Culture	16,608.05
Minister for Education and Aviation	9,677.50
Minister for Health, Drug Abuse Prevention and Rehabilitation	619.23

The Speaker: The First Elected Member for Bodden Town.

SUPPLEMENTARIES

Mr. Roy Bodden: Madam Speaker, I have a supplementary question, but in all fairness I do not think that the question can be answered by the Minister to whom the substantive question was addressed. However, with the Chair's permission, I will ask the question anyway in the hope that the Chair will allow the Member for Finance and Development to answer the question.

The question is: How do these figures compare with figures for the previous Government?

The Speaker: Honourable Member, I do not think that question should be asked because one would have had to have required notice of this to go into research. I do not know if the Honourable Temporary Third Official Member has all these figures at his fingertips. If not, I will ask if he wishes to supply that in writing at a future time.

Mr. Roy Bodden: Thank you, Madam Speaker. I think the originality of the question was addressed to the Honourable Member with responsibility for Finance and Development.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I believe that the question being asked by the First Elected Member for Bodden Town, whatever answer is given in writing should also take into account the amount of money spent in travelling by Ministers who were connected with statutory authorities such as the Port Authority.

The Speaker: The next question is No. 83, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 83

No. 83: Mr. Roy Bodden asked the Honourable Minister responsible for Tourism, Environment and Planning to provide a report on the work of the Economic Advisory Council to date.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, and Honourable Members, I am pleased to report that the Economic Council has reviewed a variety of subjects within the Islands macroeconomic system.

Firstly, the Economic Council, in majority, is made up of private sector representatives who possess specialist skills and investor contacts which can be drawn on to stimulate the economy and preserve the good quality of life for the Caymanian people. The Council is charged with the duty of advising the Executive Council on measures which it should consider implementing to stimulate and maintain a buoyant economy. Its terms of reference are as follows:

- To advise on additional services which the Cayman Islands should consider implementing to broaden the base of the financial industry and to raise the quality of services as a tourist destination.
- To advise on steps, if any, which should be implemented to ensure a sound financial Government now and in the future.
- To advise on how light, clean industries, arts, crafts, electronics and cottage industries catering to locals and export markets can be attracted.
- To advise on how an offshore medical industry can be developed locally.
- To advise on incentives which Executive Council should consider to attract the film industry to the Cayman Islands.
- To advise on any matter which will bring economic benefit to the people of the Cayman Islands.

The work of the Council is, therefore, of an ongoing advisory nature and is not intended to become executive.

Considerable discussions have taken place concerning the financial and insurance industries, their strengths and weaknesses, the quality of services provided, their competitiveness in the market place and their role as a major employer of Caymanians.

The many positive and negative factors impacting on the tourism industry are also under review. Matters varying from traffic congestion to additional activities have been discussed.

The work of the Economic Council continues and, undoubtedly, will contribute substantially to the continued well being of the country.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what, if any, suggestions and recommendations made by the Council have thus far been implemented?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I can think of one that the Honourable Member should be

aware of, although I would not say that the Economic Council can take full claim to all of it, but, it is the reduction of Companies Fees in order to cause the country to be more competitive in the market place as an offshore financial centre.

The Speaker: The next question is No. 84, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 84

No. 84: Mr. Gilbert McLean asked the Honourable Temporary Third Official Member responsible for Finance and Development whether any buses with over nine seats have been imported into Grand Cayman since November 1993, to date.

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Since November of 1993, to date, a total of 19 buses with over nine seats have been imported into Grand Cayman.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if these have all received approval from the Minister of Agriculture, Communications and Works since they would be in the restricted seat capacity, and have they have been allowed for use by people with tour/taxi operations?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Thank you, Madam Speaker. Since November 1993, when the new legislation came into effect all buses that were imported were approved prior to importation. As to the mix of the buses, nine were for public transportation, and this could have been for replacement of existing public transport vehicles or it would have been new ones. But in total: nine were for public transport; three were for Churches; four, for Schools; and three for Hotel Dive Shops, making it 19.

The Speaker: The next question is No. 85, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 85

No. 85: Mr. Gilbert McLean asked the Honourable Temporary Third Official Member responsible for Finance and Development to state the process followed for the reinstatement of a company that has been removed from the Register of Companies.

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Madam Speaker, the reinstatement of a company is dealt with under section 177 of the Companies Law (Revised). The process followed for the reinstatement of a company which has been struck off is as follows:

1. A letter is sent to the Registrar of Companies by the company member(s) or creditor(s), or by someone on their behalf, advising that they wish to reinstate the company—asking if the Registrar has any objection—and requesting the determination of the total reinstatement fee.
2. The information requested is supplied by the Registrar by letter.
3. If the company has been struck off for more than two years, permission must be obtained from the Governor in Council before application is made to the Grand Court. The Governor in Council may allow the reinstatement to proceed provided the company is not struck off for more than ten years. After ten years, the company may not be reinstated.
4. The Judge of the Grand Court, if satisfied with the application, will order that the name of the company be restored to the Registrar on payment of the reinstatement fee and on such terms and conditions as the Court may deem just.
5. On receipt of the Judge of the Grand Court Order for reinstatement the Registrar will take the necessary action to reinstate the company.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member give the House any indication as to the number of companies for which application for reinstatement has been received on an annual basis, or are there any?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: If the House would allow me to do a basic estimate, since I do not have the figures on hand, we do receive requests for restatement throughout the year, and I would say probably in the amount of between approximately 25 to 50 each year.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Member could explain if a company is struck off the Register, can they continue operating as a registered company, or as a company (because it is no longer registered), and perform the normal duties as they were before?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: Madam Speaker, if a company is struck from the Register by the Registrar General, acting as the Registrar of Companies, that information is published in the Gazette. The assets of the company, by Law, are then turned over to the Financial Secretary.

The company then by Law should not continue to operate, and even if they were to attempt it, it would be in contravention of the Law by the owner's admission because the owners would have been advised as well.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: You are saying that if a company is no longer registered enforcement should be placed with the owners if they are still operating? The reason why I am asking the question, Madam Speaker, is because recently my company signed an agreement with another company and discovered they had not been registered since 1989. Is there anything in the Law whereby this company can be prosecuted, or how is this handled?

The Speaker: The Honourable Temporary Third Official Member.

Hon. Joel A. Walton: I cannot refer specifically to the particular section of the Companies Law at the moment, but the Companies Law does provide for prosecution of companies knowingly operating while being struck off.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, could the Honourable Member say if a company is struck off and it has assets—under the Companies Law those assets, I think, are passed on to the Financial Secretary for the people of this country—if that company then applies to be reinstated what happens to those assets after it has been reinstated?

The Speaker: The Honourable Third Official Member.

Hon. Joel A. Walton: Thank you. It is my understanding that up to the ten year period those assets, while they are held by the Financial Secretary, may be called upon during that period. Once that period expires, then it is not possible for those assets to be called upon by any party who owned those assets initially and is seeking to restore the company.

The Speaker: The next question is No. 86, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 86

No. 86: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if any

consideration is being given to closing the West Shore office of Cayman Airways Limited.

Hon. Truman M. Bodden: Madam Speaker, the answer is no.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister give us any indication as to how the amount of business being done by Cayman Airways from that Office equates, or stacks up against the rent paid?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the answer is no. It was not something that I saw could follow directly from it. I do not have the information.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if he, or the management of Cayman Airways, keeps track of the financial position of Cayman Airways in regards to the offices from which it sells tickets or does business?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I would think that that is done. I would like to point out, however, that I do not personally get involved with the day-to-day working of Cayman Airways. It is in the hands of the Managing Director and the Senior Managers who deals with it.

The Speaker: That concludes Question Time for today. Other Business, Private Member's Motion No. 11/94. The Fourth Elected Member for George Town, continuing the debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/94

SELECT COMMITTEE TO REVIEW A REGISTER OF INTERESTS

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, at the close of play yesterday, I was getting into one of recitals of the Motion and the Whereas section reads: "**AND WHEREAS a Registrar of Interests is considered a mechanism by which a record is created showing a Legislator's personal financial and pecuniary interests against which information his or her actions, speeches or votes in the Legislature may be judged.**"

While it reads as it does, I would like to point out that it will also have its values in that certain times—let us call it in the heat of the moment—wild accusations are made while Members are speaking, and the existence of this Register would, in my estimation, tend to let people stop and think before they sling their stuff as they would have done otherwise. So, in that respect, I believe the Register of Interest will have its value there also.

Previous speakers have dealt in-depth with this Register, and for the most part I am in agreement with the views stated. I will not waste the time of the House by repeating many of these issues. But there is one point that I would like to make which is in the Resolve section of the Motion.

The first Resolve section states: "**BE IT NOW THEREFORE RESOLVED THAT this Honourable House appoint a Select Committee of the whole House to consider matters relating to a Register of Interest and the drafting of enabling legislation making reference to legislation of other jurisdictions as may be considered appropriate and invite persons and organisations to make written submissions to or appear before the Select Committee.**"

In my estimation this Resolve section simply puts forward a sequence of events which will bring about the correct end result.

One or two speakers before held the view that we need not, necessarily, call on the advice of the existing legislation from other territories. I would just wish to make the point, Madam Speaker, that I see no reason for us to go through this process should this Honourable House allow passage of this Motion. I see no reason for us to go through trial and error, and have to deal with this legislation in many instances before we get it right. So I wish to say that I think, that it is totally in order for us to use the experiences of other territories who have passed this way before, and I am quite sure that there is much we can glean on a positive note from similar legislation from these other territories.

In essence, I commend the Mover and the Secorder of this Motion. I think the word used most of the time is that it is very timely, and I give it my full support.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: I support having a Register of Interests. Madam Speaker, it is something that the National Team put into the Constitution and one thing that I believe the public has accepted.

I would, however, like to comment on some of the things that have been said here. I think it is important

that there be a clear understanding of what a Register of Interest really is.

Madam Speaker, the Motion itself states in the Third Recital, which reads: **“AND WHEREAS a Register of Interests is considered a mechanism by which a record is created showing a Legislator's personal financial and pecuniary interests against which information his or her actions, speeches or votes in the Legislature may be judged.”** In effect, I think, that a clearer statement of that should be to say that **“it is to provide information of any pecuniary interest or other material benefit which a Member of the Legislature may receive which might be thought to affect the conduct as a Member of Parliament or to influence his actions or speeches.”**

There is a very clear line between this, and it was set out extremely clearly by the Third Elected Member for Bodden Town, whom I regard as one of the best elocutionists, or public speakers, that this country has seen, when he made it very clear that this is not a Register in which we are merely going to declare all of our pecuniary interests. It is those interests that are relevant to our actions and votes in the Legislative Assembly.

I do not believe that the sections of the Constitution which now deal with this were read in any depth. I would propose to read them (and they are very short), unless Madam Speaker feels otherwise. They are very short sections, but they go a long way in really showing what now exists. Let me say this, Madam Speaker, that is very clearly built into our Constitution, and has been for the past 20-odd years in this Constitution, and in previous Constitutions.

In section 19(1)(g) that: **“(1) No person shall be qualified to be elected as a member of the Assembly who-- (g) is party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Islands for or on account of the public service and has not, in the case of a contested election, caused to be published, at least one month before the day of the poll, a Government Notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein.”** [Draft Constitution 1972] And that is to give the public notice prior to an Election that here is a person that has a contract with Government and on which they can decide whether they wish to vote for him or not.

Madam Speaker, that is the standard Constitutional section which exists, and it goes beyond that in section 20, subsection (3)(f), it repeats the same thing, and it says: **“(3) The seat of an elected member of the Assembly shall become vacant (f) if he becomes a party to any contract . . .”** [it goes on to say] **“Provided that, if in the circumstances it appears to him to be just to do so, the Governor may exempt any elected member from vacating his seat under the provisions of this paragraph, if the member, before or as soon as practicable after becoming a party to the contract, or before or as soon as practicable af-**

ter becoming otherwise interested in the contract (whether as a partner in a firm or as a director or manager of a company), discloses to the Governor the nature of the contract and his interest or the interest of the firm or company therein.”

Madam Speaker, that is also repeated in the Standing Orders to that effect and... another Member has read it so I will not do so... I would like to point out that at present there is a mechanism, a very traditional and effective mechanism that deals with interests that may be in conflict before this Honourable House.

Madam Speaker, in the Executive Council there is a Declaration that has to be made to the Governor. It is given to him in secret because the Executive Council sits in secret, so that is not a public register. It is very important that the purpose of the Register of Interest is properly understood by the public.

While on the Constitution, the First Elected Member for Bodden Town stated that because the Motion for the Speaker in the old Constitution (which is now being repealed) had remained there for many years (I think nearly 20 years) and no Speaker was appointed, he felt that this section on the Register of Interests could also remain there and that is one of the reasons why the Motion was brought.

I would like to point out that there is quite a difference between the Motion that related to the President and the Speaker, and I would just like to show where the difference is. Obviously the Honourable Member missed the point or did not read it fully. The fact that the old section 32 of the Constitution was one which was triggered by a Resolution of this Honourable House, was discretionary, therefore, nothing needed to be done; whereas, for a Register of Interests, the Constitution says: **“There shall be a Register of Interests for the Islands.”**

Section 32 said, **“Provided that [the section appointing a Speaker] shall not come into force until the Legislative Assembly has passed the resolution that there shall be an office of Speaker.”** So the difference between this and the Register of Interest section (which says that there “shall be a Register of Interest for the Islands”), is that one is discretionary—naturally the one I have just referred to on the Speaker, and which is no longer discretionary, I should say, Madam Speaker, because we know that has been amended—whereas, the Register of Interests, is now mandatory.

While on this, there was criticism by the First Elected Member for Bodden Town, of the Minister for Youth Affairs, and it was because he gave a hypothetical case. But everybody seems to be giving hypothetical cases in here. Indeed, I think the Mover and, at least, some of the other speakers raised this.

Madam Speaker, another important aspect of this is that the Register of Interests must be one that, when it becomes operational, it will ensure that there is proper disclosure of assets or interests which could cause a conflict of interest to a Member who is speaking or voting in this Honourable House. But it should not be to such an extent that it is merely aimed at putting out the pecuniary interest and income, etcetera, of every Mem-

ber, because what we have to remember is that unless there is some preservation of confidentiality in relation to aspects of a person's income or interests which does not affect this House (the Third Elected Member for Bodden Town gave a very clear example between General Motors or Ford's shares compared to the Caribbean Utilities shares) you will find that people who may have both the qualification, as well as the experience, also have assets and income, and those who would sit in this House may be turned off by it.

Madam Speaker, this is very important because we have seen on other Islands in the Caribbean (some of them) where countries have been totally destroyed by people who have no assets, who are normally unemployed, or have been unemployed before going into the House of Parliament and it is important that for the stability of this country people who make decisions here have something to lose if the country is ruined.

Every now and then the winds of change have put people in other countries (and thank the good Lord, not in Cayman) who have the charisma, the gift to the glib, and they have told the people and promised them what they can do and what they are going to change. They have nothing to lose and those people have been the people who have destroyed countries elsewhere.

So what is very important therefore, is that the Register of Interest remains within what is traditional in other countries, and it remains so that it is effective to give disclosure in this Honourable House in relation to matters where there may be conflicts.

That ranges not only to Motions or Bills that comes before this House, but also to Members who ask questions. Do they have an interest that should be declared? The section in the Constitution is so drafted that it may extend beyond Members of this Honourable House.

The principle behind this Motion is a very sound one, and I believe that when the Select Committee sits, it will ensure that fine balance between what is necessary to declare and what is necessary to preserve one's confidentiality and privacy on income and assets which have no relevance to this Honourable House. It will be properly looked at and the forthcoming legislation will be one which is effective and which will serve the purpose for which it is put in.

Madam Speaker, the National Team accepted this in the Constitution (and I think all Members of this House probably did) and it is a good principle. Other than saying that areas of the recitals, perhaps, could have been worded a bit differently, I am happy with the resolution, the first operative part. I would give the caution, as did the wise Third Elected Member for Bodden Town when he said that we should not rush in and do something very quickly that may not be correct, do it within a reasonable time, but spend sufficient time to ensure that what is done is right and effective.

I think, Madam Speaker, this is also a very clear indication that when the Opposition brings Motions that are good for the public, the Government and other Members of this Honourable House are very happy to support them, as we do in this case.

Thank you.

The Speaker: If there is no further debate, would the Mover wish to exercise his right of reply?

The Second Elected Member for Cayman Brac and Little Cayman, will reply to the Motion, and that will close the debate thereon.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I am happy to see, in one of its very rare acts, that the Government has decided to accept the Motion calling for a Register of Interest for the Legislative Assembly of the Cayman Islands, as has been set down in the amendments to our Constitution.

I particularly would like to thank Members for their comments on this Motion which is before the House, particularly the Third Elected Member for Bodden Town, who, with his outstanding ability as an orator and a Legislator leaves a record of outstanding debate in this House, helped to explain factually what this Register of Interest should entail using the bible of Parliament, Erskine May, in some instances, to fortify his position.

I believe, Madam Speaker, that should be the purpose of all of us in determining what it is about, how it should function, and what it should contain; also, how it will be maintained and by whom it will be maintained, right down to the penalties which will be applied should Members of the Legislative Assembly at any time when it is in effect not comply with its requirements.

I do believe that it was his position of acceptance, and his firm accepting debate, that inspired the gentleman on the west side of the building of the Chamber into showing certain enthusiasm for it.

The last speaker, the Minister for Education, spoke about what the First Elected Member for Bodden Town had said, regarding the provision for a Speaker in the Constitution that has laid there for 20 years without being activated, when he expressed his opinion of thought that the Register of Interest may have suffered a similar fate.

The Minister for Education said that there was a difference in that one was discretionary, and the section dealing with the Register of Interest, said "shall." Well, there was no move by the Government up until the time that the First Elected Member for Bodden Town and I brought this Motion to get this process underway to come up with a law. If the Government wishes to be so cognisant of matters which are set down in the Amendments to the Constitution at this stage, maybe they could begin to scamper at getting an Ombudsman appointed in this country. That is a post or an office that in my opinion is very much needed.

Madam Speaker, I noticed the Minister for Education talked about a Register of Interest and people who come into the Legislature not being employed prior to that, and also that in other Caribbean countries people have destroyed those countries, supposedly, and it was implied that they were not millionaires, not lawyers who owned law firms or banks, or real estate companies, or construction companies and the like. I would trust that it

would not be festering in his mind to think of creating any qualification in this country where democracy might in any way be thwarted, where anyone who qualifies under the present qualifications (as set down in the Election Law and the Constitution) has a right to stand for election, if the people of this country so choose them, the peoples' voice has been heard. At this time one could easily get the impression that times are more skewed to big business and high rollers, and the same people who may not be millionaires are not adequately getting the attention that they deserve.

Madam Speaker, the Minister for Education also went into great fine tuning about what should go into the Register, and it is only those pecuniary interests of Legislators which might affect their votes, their actions and speeches. That is so, but the crucial and critical question to be answered is: What are these things? I still maintain that one of the best examples we might follow is the form which requires certain information from the Members of Parliament in the House of Commons in England.

Again, I would like to read what it says on the front page for the guidance of those members of Parliament. I think it would set down in a general statement as well what we would be looking at or need to be considering in this regard. It says, and I quote: **"The main purpose of the Register of Members Interests is to provide information of any pecuniary interest or other material benefit which a member receives which might reasonably be thought to influence his or her actions, speeches or votes in Parliament or actions taken in his or her capacity as a member of Parliament."**

So, Madam Speaker, I think that could lend us some insight into the thinking of the British Government in that regard.

These questions, set down here, probe for information on various aspects of personal financial existence, and dealings of Members of Parliament which should illicit the type of information whereby speeches, votes and actions could be judged.

Now, there is one point, made by the Third Elected Member for Bodden Town, which I would like to comment on where he noted in one of the Resolve sections, that the Motion asked to proceed in getting this job done with reasonable haste. Madam Speaker, I believe that is a necessary thing to do. And I take the point of what happened in the case of the Edsel versus the Mustang, and I think there is wisdom in that. However, various speakers on the Motion regarding lower income housing, which was dealt with over the past few days, spoke about a Select Committee being the means of killing actions. I do trust that the Government will not use the Select Committee to kill the establishment of a Register of Interest and the determination of a law which is required to put that Register in place. I have to be reminding myself constantly of what has happened with the Select Committee on the Penal Code. I trust this one will not go the similar way.

Madam Speaker, one of the things that I think a Register of Interest (showing Members' financial inter-

ests, pecuniary interests, as it is termed, and other relevant information) would do, is lessen the innuendo and the slurs that one hears in the Legislature from time to time by some Members imputing unavowed motives or conditions to others. Certainly, as I listened to the Minister for Youth Affairs yesterday, he did not fall short on being such a person who does that from time to time—many a time Points of Order are moved because of that. But, suddenly, he took on a great lament regarding the need for this Register, how and what he had done to procure this, and so forth and so on—even then, attempting to infer certain wrongdoings to a Member of this Legislative Assembly.

Madam Speaker, on most occasions I choose not to reply to things which he has said, and that is well, because it means that I would become similar to him if I did—and I would not want to do that. But certain things require some rebuttal, I think. One of them, the great claim made by him on behalf of the National Team Government that that Government brought this section into the Constitution and that they stand by this Register of Interest in a great way, is actually unfounded. For, in the Constitution sent to the Cayman Islands by the British Government (Draft Constitution for the Cayman Islands, July 1992), section 94 is where it was contained, and from where they pulled it and stuck it in with the amendment which they told the British Government they wanted, and which the British Government gave this country without the full participation of the people. This certainly was a clause with which I had no problems with then, nor do I now. Regrettably all of this Constitution was not taken into account which, in my opinion, would have made for a more mature and formal structure of Government in the Cayman Islands.

As the Member talked yesterday and went on about this, that and the other—what we must do and how we must behave as Legislators—he made me think of one of the Aesop's Fables, where it was an old custom among sailors to take with them on their voyages monkeys or other pets to amuse them and keep them company when they went to sea. It happened, on a certain voyage, where a sailor took with him a monkey to be his companion on board the ship. While off the coast of Senium, the famous promontory of Attica, the ship was caught in a violent storm and was wrecked, and all on board were thrown into the sea. Among them, of course, was the monkey. There he was struggling in the water when a dolphin saw him and, taking him to be a man, he went and took him up on his back and was swimming along with the monkey. When they were nearing the shore, just opposite to Varracus, the harbour of Athens, the dolphin spoke to the monkey and said, "Are you an Athenian?"

The monkey said, "Yes indeed. I belong to one of the first families of the city."

Then the dolphin said, "Then, of course, you know Piraeus."

"Oh yes," said the monkey, who thought Piraeus must be the name of some distinguished citizen. "He is one of my dearest friends."

Disgusted at so obvious a falsehood, the dolphin dove to the bottom of the sea and left the monkey to his fate.

The moral is: Those who pretend to be what they are not, sooner or later find themselves in deep water.

Madam Speaker, this Motion has been accepted by the Government. I believe it marks a milestone in that this Legislature is taking on a more responsible position, calling upon Members to take on more responsibility, and allowing the public the opportunity of being in a position to see what its Members are doing with regard to their personal pecuniary interests, and their interest as representatives.

I sincerely hope that this Select Committee will be called at a very early date and that the available legislation from various jurisdictions regarding this matter will be used as guidelines, and we take from them that which we might need to arrive at a law creating a Register of Interest. It does appear that even though there may be a Register of Interest, there could also be the need for a Code of Conduct for Legislators and, certainly, that is something which can come about in the near future as well, and I believe should come about.

So, the situation is that we have the opportunity today of accepting that the Cayman Islands shall have a Register of Interest. I do thank the Members of the House for their support and agreement on this, and I look forward to working in the Committee with Members in arriving at a consensus as to what we will do.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 11/94: **"BE IT NOW THEREFORE RESOLVED THAT this Honourable House appoint a Select Committee of the whole House to consider matters relating to a Register of Interests and the drafting of enabling legislation making reference to legislation of other jurisdictions as may be considered appropriate and invite persons and organisations to make written submissions to or appear before the Select Committee;**

"AND BE IT NOW FURTHER RESOLVED THAT the Select Committee, with all reasonable haste, lay its Report for the creation of a Register of Interests on the table of this Honourable House and thereafter a Law and a Register of Interests be created forthwith."

I shall put the question. Those in favour please say aye, those against no.

AYES.

The Speaker: The Ayes have it. The Motion has been passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 11/94 PASSED.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division.

The Speaker: Honourable Member, I heard no Noes, there were all Ayes, and a division is not now necessary. We proceed to Private Member's Motion No. 12/94. The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 12/94

REPORT OF H. M. PRISON INSPECTOR NORTHWARD PRISON

Mr. Roy Bodden: Thank you, Madam Speaker. I beg to move Private Member's Motion No. 12/94 entitled Report of H.M. Prison Inspector—Northward Prison, standing in my name and which reads...

Hon. Truman M. Bodden: Madam Speaker, I would just like to make a Point of Order, which I had understood the Second Official Member was going to take. I know it is not very good to interrupt the Member, and I apologise, but he is now going to read the Motion, as I...

The Speaker: Please make your Point of Order, Honourable Minister.

POINT OF ORDER (Sub Judice Rule)

Hon. Truman M. Bodden: Thank you, Madam Speaker.

As I understand it this Motion is sub judice as it relates to Reports which may or may not become relevant, or probably will become relevant, in a criminal matter, a serious criminal charge which has been laid before the Court, therefore, it would be unwise and may prejudice that serious criminal case that is pending.

If you wish, I could get the specific charges, I believe they are extremely serious charges. I do not have them specifically, but I could get these from the Attorney General, if required, and would undertake to do so for you, Madam Speaker.

The Speaker: Honourable Member, the Attorney General, the Honourable Second Official Member spoke to me about this last week, and we discussed it. I brought to his attention that the expressed part to this Private Member's Motion dealt with administration of Northward Prison. I think, all Honourable Members are aware that the final decision rests with the Chair in this matter.

I would like to read what I have investigated on this matter: **"CRIMINAL MATTER—sub judice from the time charge laid to passing of sentence and from date of filing Notice of Appeal to date decision given by Appellate Court. Between sentence and filing notice of appeal matter is not SUB JUDICE, subject always to the discretion of the Chair.**

"CIVIL MATTER—from the time the matter set down for trial (or Notice of Motion filed as in an injunction proceeding) until judgment (oral or written). Likewise from filing Notice of Appeal until Judgment

by Appellate Court. It is normally the practice to consider the matter sub judice once a writ has been issued.

"It is to be noted that matters may be referred to before the dates mentioned unless it appears to the Chair there is a real and substantial danger of prejudice to the trial of a case (May 19th Ed., p.427, 18th Ed., p.416, 17th Ed., p.454., 21st Ed., pages 326, 377-399)

"In the United Kingdom, the Sub Judice Rule is embodied in Resolution of the House, dated 23rd July, 1963. The resolution reads: 'RESOLVED THAT subject always to the discretion of the Chair and to the right of the House to legislate any matter:

'1) Matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to --

'a) in any motion (including a motion for leave to bring in a bill), or

'b) in debate, or

'c) in any question to a Minister including a supplementary question;

'2) Matters awaiting or under adjudication in a civil court should not be referred to --

'a) in any motion (including a motion for leave to bring in a bill), or

'b) in debate, or

'c) in any question to a minister including a supplementary question from the time that the case has been set down for trial or otherwise brought before the courts, as for example by notice of motion for an injunctions; such matters may be referred to the before such date unless it appears to the Chair that there is a real and substantial danger of prejudice to the trial of the case.

'3) Paragraphs 1) and 2) of this Resolution should have effect --

'a) in the case of a criminal case in courts of law, including courts martial, from the moment the law is set in motion by a charge being made;

'b) in the case of a civil case in courts of law, from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction;

'c) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, from the time when the resolution of the House is passed.

'4) Paragraphs 1) and 2) of this Resolution should cease to have effect --

'a) in the case of courts of law, when the verdict and sentence have been announced or judgment given, but resumed when notice of appeal is given until the appeal has been decided;

'b) in the case of courts martial, when the sentence of the court has been confirmed and promulgated, but resumed when the convicted man petitions the Army Council, the Air Council or the Board of Admiralty;

'c) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, as soon as the report is laid before the House.'"

Successive speakers have exercised their discretion to allow matters to be discussed although they fall within the strict terms of the sub judice rule they have considered that no substantial risk of prejudicing proceedings will arise.

The whole basis of the ruling is that the House must be extremely careful not to discuss any matter when the discussion as reported in the public press might prejudice anyone's right to a fair hearing.

As regards to Private Member's Motion No. 12/94, Report of H.M. Prison Inspector—Northward Prison, I have been informed that the charges have been laid and this has been committed to the Grand Court for the 6th July, 1994. Having gone through the contents of Private Member's Motion No. 12/94 which says, "that the House should debate its concern over the administration at Northward Prison", I have decided that the matter can be discussed if the Honourable Member is prepared to take upon himself the responsibility as to the statements he makes, which could cover only the points raised in the Motion before the House.

I have taken the position that I shall rule him in Order, but I reserve the right to listen to what he and other Members have to say. Then, in what Honourable Members are about to say, if I think that there is definitely something in what they are saying that will prejudice the trial or the merits of the case, I shall stop or interrupt them at that time, and ask them to desist from making any further remarks.

Further, I will draw Members' attention that on the 28th June, 1972, the House of Commons made a further resolution which reads as follows: "RESOLVED, That: 1) notwithstanding the Resolution of 23rd July, 1963 and subject to the discretion of the Chair reference may be made in Questions, Motions or debate to matters awaiting or under adjudication in all civil courts, including the National Industrial Relations Courts, in so far as such matters relate to a Ministerial decision which cannot be challenged in court except on grounds of direction or bad faith, or concern issues of national importance such as the national economy, public order or the essentials of life.

"2) In exercising its discretion the Chair should not allow reference to such matters if it appears that there is a real and substantial danger of prejudice to the proceedings, and should have regard to the consideration set out in Paragraphs 25 to 28 of the Fourth Report or from the Select Committee on [Proceedings]."

Accordingly, as I said before, if the Honourable Member and other Members are prepared to take upon themselves the responsibility for the statements they make which will not reflect on any case before the Court and which will concern only the administration of Northward Prison, the Private Member's Motion may be presented to the House.

Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I accept your ruling, and I am sure you have considered the fact that once the statement is made the damage is done and retraction does not negative the statement that is made.

The Speaker: I am quite aware of that, Honourable Minister. But I am also aware that I hold all Members in this House as responsible Members, and I have asked the Honourable Member who will be presenting the Motion if he will be responsible enough to be very careful of the statements he makes, that there should be no reference to any case which is now before the Court, or will come before the Court on the 6th of July, 1994.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Before I resume reading the Motion, may I give the Chair my undertaking that no such matter(s) will be raised by myself, the Mover of this Motion, and I thank you, Madam Speaker.

The Speaker: Honourable Member, may I suggest that proceedings be suspended at this time? But before I do so, I should have at the conclusion of Private Member's Motion No. 11/94, appointed a Chairman. I had intended to appoint a Chairman and would not wish this to be left, as in most other cases.

NOMINATION OF CHAIRMAN

Standing Order 69(2)

RE: PRIVATE MEMBER'S MOTION NO. 11/94 (SELECT COMMITTEE TO REVIEW A REGISTER OF INTERESTS)

The Speaker: Under Standing Order 69(2) I appoint the Elected Member for North Side to be the Chairman of the Select Committee of the whole House to review a Register of Interests for the Legislative Assembly.

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.30 AM

PROCEEDINGS RESUMED AT 11.53 AM

The Speaker: Please be seated.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

May I now read the Motion, Madam Speaker? I read: **"WHEREAS the report to His Excellency the Governor of an inspection of H. M. Prison, Northward, Grand Cayman—April 1994 by H.M. Chief Inspector of Prisons was made public on May 10, 1994;**

"AND WHEREAS many Members of the Legislative Assembly have, on various occasions, ex-

pressed their concerns over the administration of Northward Prison;

"AND WHEREAS certain documents pertaining to the administration of Northward Prison were tabled in the Legislative Assembly in March, 1994;

"AND WHEREAS there is no mention of the grave implications of these documents in the above mentioned Report;

"AND WHEREAS there seems to be continued public concern over the administration at Northward Prison;

"AND WHEREAS in a Special Report which was published in the Friday, May 13th, and Thursday, May 19th, 1994 issues of The *New Caymanian* newspaper, one journalist suggested: 'The results of the Chamber of Commerce crime survey released last month reflects a widespread belief in the community that current conditions at Northward Prison don't serve as a deterrent to crime and that greater emphasis should be placed on rehabilitation programmes.'

"AND WHEREAS the above mentioned article describes in some detail the results of a survey undertaken by the Chamber of Commerce as well as concerns of the wider public;

"AND WHEREAS it is timely, democratic and conducive to meeting the expectations of the Caymanian society to have this Report of H. M. Prison Inspector discussed and debated in the Legislative Assembly;

"NOW THEREFORE BE IT RESOLVED THAT this Honourable House take note and debate the findings of the said Report of the Inspection of H.M. Prison, Northward, Grand Cayman;

"AND BE IT FURTHER RESOLVED THAT this Honourable House records its concerns and opinions on matters raised in the report."

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. 12/94, has been moved and seconded and is now open for debate. I would remind Honourable Members of my statement made when a Point of Order was raised, thank you.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

It is apparent by the objection raised by the Honourable Minister for Education and Aviation, that his reading and comprehension skills are weak and borderline. Although my schedule does not permit much time now, if the Honourable Minister is interested in improving these skills, political differences aside, I shall be only too willing to help him should he request it. It is apparent to anyone who has read either the report of H.M. Prison

Inspector, or who has read this Motion, that neither mentioned anything about any tragedy which occurred.

Let me say at the beginning that I am one who has always respected the Chair and, again, I give you my undertaking that it is not my intention, nor my desire, nor will I raise any matter in my contribution which will be sub judice.

Having established that, let me begin by saying that this Member has been an unrepentant and an inveterate campaigner of Prison Reform at Northward Prison. I am concerned because I believe that in this small country of ours, our Prison must serve as something more than a holding tank or a recycling station for our prisoners. I believe that many of the prisoners who find themselves in Northward Prison do so because of a lack of self-esteem, because of a lack of self-importance and self-worth and, most certainly, because of a lack of marketable skills so they can apply themselves productively and legally as citizens and residents in our community.

While those are my concerns and observations, those are the observations of many of the people with whom I come into daily contact. That this is so is borne out is the fact that various people from time to time write columns in the newspaper, write letters to the editor, and expresses their concerns in media other than the written media saying something needs to be done. Many people refer to Northward Prison as Her Majesty's Hotel because of this seeming failure by the administration to impose a structured and rigorous programme.

My position is that I am not calling for any kind of draconian or slavish programme, as much as I am calling for a realisation of the sense of the Mission Statement of Northward Prison and an attempt by the administration of Northward Prison to arrive at a sensible, workable and accepted format for dealing with the prisoners in their charge.

So, the report dwells on these failures and inconsistencies, and that is borne out on the very first page. Northward Prison is populated by a myriad of different people, some of whom are not supposed to be at Northward Prison.

On page 1, "**Description of the Establishment**", paragraph 1.4: "**INMATES 1.4...There appears to be one prisoner who was mentally disturbed to the effect of being unfit to plead, and there was one profoundly deaf and disturbed woman whose location at Northward appears unsatisfactory.**"

So, what I am saying is that the reflection of the failure of the administration at Northward Prison is but a reflection of the failure of the Government to address the wider problem leading up to the placement of some of these persons in Northward Prison.

Tell me where in this civilised world—and if the International Human Rights Authorities would get a hold of this kind of information, someone would suffer serious embarrassment—is someone who is profoundly deaf and disturbed kept with prisoners, including prisoners who are serving life for capital offences? Then, someone who is so mentally disturbed that they are unfit to plead?

Madam Speaker, it is time for us to pay attention to these things because it is no good to say that we are the most progressive society in the Caribbean on the one hand, and having these kinds of inconsistencies and this insidious kind of practice which is detracting from what we are struggling to build up. These are the kinds of things that this Member and the Motion is trying to draw to the attention of the Government, the Prison Authorities and the wider society. People who are not supposed to be at Northward Prison should not be at Northward Prison. Her Majesty's Prison Inspector clearly said that.

The report goes on to page 3 to mention in the second paragraph the things that Her Majesty's Prison Inspector proposed. I would like to concentrate on that section which deals with the philosophy of the Prison Administrator, or his management style. In the middle of the second paragraph, the report says, speaking about the former Prison Director Mr. Marsden: "**2.2 In Cayman he chose to concentrate on improving relations between prisoners and staff, and resolving informally the grievances of prisoners. He created an atmosphere in which prisoners were encouraged to speak out to him. ...as a consequence prison rules and discipline became relaxed to the concern of some of the staff. In the eyes of the prisoners, his was a hard act to follow.**"

In the next paragraph the report mentions "**a criticism made of them** [them being Mr. Marsden and his top administrators] **that they** [the top administrators] **were too loyal to Mr. Marsden and should have objected to his lack of severity in relation to prisoners.**"

So, it is obvious that what was, in fact, the management style and philosophy of the former Director was not understood, or was deemed to be incompatible to the notion of how the Prison should have been run by many of the other officers. So the first point which I would like to make is that this apparent break down does not bode well for effective running and the effective rehabilitation, and even for the effective containment of prisoners at Northward. If there is a difference of philosophy, style and objectives between the management—who set the rules, the regulations and the policies—and the rank and file—who have to interpret these regulations and rules and policies and carry them out—then the task at hand is clearly in a state of flux. So there is a break down.

What should have been done, and the report does not say if it was done, is that the administrator hold some kind of orientation session where his views, based upon his experience and his philosophy were well promoted among members of his staff.

An analogy comes to mind. A coach (in any sport)—and this kind of situation is especially relevant at the professional level—takes over a team. His responsibility is to mold that team into championship material. Before the season he has one or more orientation sessions with the players, depending upon the necessity. It is at that time that the coach will hear of objections, differences of opinions, unwillingness on the part of the

players to follow that particular style. It is also at that time that the decision is made—the coach stays, or the players go. But the situation cannot obtain where the coach is of one philosophical mind, or of one method, and the players have no intention of following that method, or the course of instruction. That augurs for nothing better than a topsy-turvy, quarrelsome and unproductive season.

So, it seems to me that there was a breakdown at the very beginning, and that even now, according to this Report, there is still an undercurrent, still some dissatisfaction among the rank and file members, with the Acting Prison Director and his style. It seems to me, and, indeed, at a later section Her Majesty's Inspector makes a specific report, that in the interim what needs to be done is that the Acting Director needs to let his staff clearly and unequivocally realise what his position is, what his style is, what his objectives are for the workings of Northward Prison, then give them the opportunity to say, yes, we are going to work along with you, or, no, we are not interested in working along with you. If we stay here we are going to sabotage and we are going to undermine, or we are going to request that we be transferred out of this department into some other department of the Government service. Unless and until that is done, we will never have Northward Prison operating to its optimum, we will always have bickering, we will always have the administration up against the wall, we will always have the staff claiming that they do not understand or are unwilling to do certain things.

So, it is time for the Government to put pressure to bear, if that is necessary, on the authorities at Northward Prison to mould the staff and the administrators together as a cohesive unit if Northward Prison is to achieve the objective of dealing constructively with the prisoners who come to their institute.

On the other hand, if Northward Prison is to serve mainly as a holding tank, a recycling station, a training ground, a warehouse, then the Government needs to do nothing but keep their hands off and let the situation perpetuate itself. But the Government must then realise that by so doing they are placing the whole society at risk because all we will be doing is recycling these prisoners, compounding the problem and we cannot expect, nor should we be surprised when we hear, as I heard this morning, of an incident of shooting just two blocks away from the Police Station.

The very persons whom we should be trying to save or contain or to change will be doing nothing more than passing through the station like ships passing through the Panama Canal, or the Suez Canal for that matter.

Another indication of the lack of coordination and lack of effectiveness of the management of the prison has to do with this whole business of the elimination of drugs from the prison. Permit me to remark that many people in the wider society seem to think that drugs are commonplace in any prison system. Nothing could be further from the truth. While it is true that prison authorities everywhere are challenged, and sometimes

stretched to the limit, to prevent illicit drugs penetrating the prison system and while in most prisons, especially large prisons, there is an underground among the prisoners and many contraband things are available, drugs are not readily available in any effective prison system, especially those prison systems that I have read about.

So many people who think that nothing can be done to keep drugs out of prison are wrong. If that were the case there would be no sense of us having a prison. If we sent them away to get them away from drugs, and drugs were readily available in the prison it would make no sense to send them there.

But in the case of Northward Prison it seems there is a weakness. I do not know, because it does not say if any specific study has been made to find out why Northward Prison is so susceptible to an influx of drugs. If one were to study the prison population one would observe very quickly that many of the prisoners, if not a majority of them, are at Northward Prison for drug related offences. That, in itself, is reason to believe that it would be difficult to stem the flow of drugs in Northward Prison.

The report on page 5, paragraph 2.10 says: **"2.10 Although there were serious attempts by management to eliminate drugs, those attempts had largely failed and a proportion of inmates, perhaps about two thirds, took marijuana in prison regularly."**

We can get some insight into the problem when we read the following paragraph: **"2.11 There is an embargo on foreign prisoners working outside. As a result foreign prisoners tended to get the best jobs inside and this led to resentment and ill-will."**

The resentment and ill-will aside, the problem seems to be strictly local. Since foreign prisoners are not allowed to work outside, one must logically assume this business of drugs coming into the prison has its bearing in the local element of Northward Prison. Therefore, it seems that the screening process for visitors has to be stricter.

This whole business of whenever the prisoners come out, and I see local prisoners out from time to time, this whole business of their affinity, and the seeming ease of availability to drugs has to be more closely supervised. It may mean that we have to up the ratio of Prison Officers per prisoner. So instead of having it one to five, make it two to five.

It may also mean that the perimeter of the prison, since I understand that it is commonplace for people to throw packets of drugs over the perimeter fence, it may mean that this perimeter has to be patrolled more regularly and more efficiently. It may also mean that we have to invest in some sophisticated system of surveillance, and earlier in this Sitting I asked a question about electronic surveillance.

It is true that Northward Prison is not located in the middle of a city, but at the same time it is located in an area that is populated to a reasonable level. The problem is not from the people within the environs of the prison, but rather from those persons who drive in to visit their relative in prison. In some cases drugs and other contraband are trafficked in by people working in the

prison. So it seems to me that to combat this business of illicit drugs in the prison effectively, greater efforts have to be made in screening, including screening of Prison Officers.

Greater attention must be paid to people who visit the prison, particularly people who visit the prison often, because I have heard on the street that prisoners boast how there is no lack of availability of drugs in the prison and that they feel better doing drugs at prison because then they do not have to worry about the police as they would if they were on the outside.

It is a serious problem which leads me to say that certain categories of people do not belong at Northward Prison. The person who is a drug addict and is sent to Northward Prison with no possibility of drug counselling and with no opportunity for drug rehabilitation is only marking time at Northward Prison until he or she comes out again, goes home, meets up with old cronies, and the cycle of recidivism continues.

Madam Speaker, allied to this availability of drugs is the observation that there was inadequate drug counselling, particularly for a prison whose majority of inmates have been involved with drugs. That has been my beef from day one. We must make drug counselling readily available in Northward Prison to prisoners. It must not be an optional deal. I would like to see it mandatory for prisoners serving sentences of three months or longer, irrespective of what grounds they were convicted upon.

I would like to see the system so structured that once a prisoner is sent to Northward Prison for a sentence of three months or longer, that prisoner has to go to mandatory drug counselling. Failure to do so would mean that some other sanction is invoked. It is high time we get serious. We cannot afford to approach this matter half hearted any longer.

Further, I advocate that the Government consider some system of half-way housing for prisoners who have been sentenced for long periods—long periods being three years and up—so that upon their release from Northward Prison, rather than coming out after three years and being faced with the shock of having to fend for themselves, so to speak, they can be gradually introduced back into the society.

Many countries, and many jurisdictions, have realised that this is the way to go now for prisoners who wind up in prison on long term. These prisoners have no skills, no sense of utilising their skills, talents, acumen, other than for involvement of criminal activities for which they were caught and sentenced in the first place. So it is recognised that what has to be done is not to put these people back “cold turkey”, as the expression goes, into the society and say, “Here, you are out, you are free”, but to gradually wean them from the structured environment, make certain reasonable demands on them. In some cases they have curfews, they have to report to the authorities.

I have read about the system in California where they have bracelets and anklets which are hooked up to a computer monitor because they are not supposed to go beyond a certain jurisdiction. I am not advocating any

such sophisticated and expensive ventures here, but I am merely using that as an example to show that, rather than just placing these people into an environment for which they are not equipped to deal—they do not know anything to do but get into trouble again—they are gradually eased back into society.

The report goes on to say that **“there was a lack of exercise. One hour a day was inadequate.”** (para 2.14) I have been reading about the change in the disposition of prison authorities in the United States now who are shying away from this whole business of letting prisoners pump iron. They say that when they give prisoners facilities and time to spend doing that, what happens is that they are in better physical shape than the Prison Officers. So, in the event of a confrontation, they are better equipped and better able than the prison officers.

I would advocate that we view this one with caution because if we build a sophisticated gym, as some of these prisons have hundreds of thousands of dollars worth of equipment and you should see some of those prisoners, they look like they are hewn out of stone in comparison to the prison officers who rarely get time to exercise and train regularly, particularly in hand-to-hand combat. We would have to have an army of gladiators on the inside.

Madam Speaker, you only have to look at some of our Prison Officers who are of the frailty of body of the Member speaking. Can you imagine putting them up against someone who can afford to spend six and eight hours a day pumping iron to develop biceps and triceps the size of Hercules? I would say that we can allow them to do some structured exercises, but not for them to develop narcissistic cults; not for them to hone themselves into gladiators to the point where in a stand-off or a confrontation they have all the physical advantage on their side as against the Prison Officers—especially seeing that our Prison Officers at H.M. Prison Northward are not armed.

Rather, I would like to see the system set up where these prisoners are exposed to other things. The report, in the next chapter, mentions some of them. There was a need for music, for craft courses, and the teaching of vocational skills which could help prisoners after they are discharged. So, rather than allowing them the unrestricted use of body building equipment, we encourage them to get into things that are going to be productive when they come out, and will enhance their sense of self-worth and self-esteem, that will increase their marketability, that will make them attractive to employers and that will lead the members of the wider society to view them differently.

This is a good point to interject, for any prison reform to be effective or any prison rehabilitation to be able to achieve the optimum, the attitudes of the wider community must also change. So let me say that it has to be projected and portrayed in such a way that the wider society and community realises that when a prisoner has served his/her time as required by the Court,

that the person comes back out to the society as having paid, and so should enter the society with a clean slate.

We should be prepared to give that person a chance, for if we turn our backs on them and deny them employment opportunities and insinuate and castigate we are merely reinforcing their antisocial behaviour because it is going to strike them that they do not belong among us and that we are not prepared to take them back. Hence, they will have no sense of identify among us, no reasonable grounds to act socially, responsibly and productively as we do. And we can expect that they will revert back to their own ways.

I say this because on many occasions I have been approached by some of these people who have served their time and paid their dues and who have told me, after heart-to-heart and soul searching conversations, that they are prepared to do well. Some have come to me broken, with tears in their eyes, that no one is prepared to give them a chance. "What are we going to do? I really do not want to go back to using dope, I do not want to go back to burglarising, but no one wants to give me a job, not even raking the yard."

So I am saying that while the prison administration and the Government has an obligation for the better running and more effective administration of Northward Prison, we in the wider society, must also realise that we have an obligation that when these people come out, if we can help them, to so do.

I am not saying, and I do not want to give anyone the impression, that I am all bleeding heart. I am saying that it makes sense for us to be careful, to be wary in some instances. Of course, any sensible person would not open themselves up completely to someone. The trust and respect on the part of the prisoners has to be earned and they should understand that. But that should be a part of the rehabilitation programme. That should be a part of this whole business of rehabilitation, a part of the orientation that they are given prior to coming back out into society. They should be made to understand that when they leave that they are not just going out next week, they have to spend three months in this house, they have to be home by 9.00 every evening, they have to find a job and report to work at 8.00 in the morning before they are moved back, because they have lost respect and they have to learn that society is not going to welcome them the same way they welcome me now. They have to re-live and re-earn the trust and respect which they have breached.

That is why I am saying it is high time that we have available a counselling psychologist so that these kinds of prisoners can be prepared. I was just reading about the parole hearing of James Earl Ray, the man who shot the Reverend Martin Luther King. These Parole Board Members are some of the most astute, critical-thinking people that one could ever find because they have to interview these persons to find out if they are ready. Sometimes they trip them up by the simplest of questions. Parole denied. James Earl Ray will not be eligible for parole again until the next 15 years.

So, our system needs to bear these things in mind. Usually, the board has available the services of a psychologist or someone that has studied behaviour, who is conversant with criminal behaviour and attitudes of people, because certain people can feign rehabilitation. We can learn from all of these occurrences outside of our jurisdiction.

I must say that I have reservations about the availability of television to prisoners unless that availability is strictly monitored. Her Majesty's Inspector says: "**21.6 Television, though welcome, appears to be too much confined to violence...**"

Imagine, these people are in prison and they are exposed to all the violence of television. Marry that with the availability of body building equipment and you will soon understand the reservation I mentioned earlier. Television for prisoners must be strictly monitored and there should be absolutely no violence, no exposure to violent programmes. While I am not in any way suggesting that the television be confined to educational programmes, because I think that we should offer some kind of recreational television, I say violent programmes should be an absolute no-no. Indeed, I would go so far as to advocate that the exposure to television be so tightly monitored and so strictly controlled by the prison administration that recreational television is only offered at certain times.

The Inspector goes on to say, "**Television was turned off at 8.15 pm, which was too early,**" and suggests that "**a VCR could be acquired to supplement or partly replace television.**" That, I think, is a good suggestion. I would advocate that. I do not know what the lights-out time is, or the lock down time is for the prisoners, but I certainly would suggest that no television watching go on past 10.00 at night because part of being in prison has to do with the deprivation of certain rights and privileges. So, while 8.15 may be too early for termination, I would certainly advocate that by 10.00 prisoners should be dispersed from wherever they watch television and made to go to their cells for the night.

The business of long-term prisoners is a challenge in any prison system and according to the observation of H.M. Prison Inspector, it seems to be a major inadequacy in our prison system. From time to time in our society there have been requests and inquires made about the possibility of hard labour, of structured labour. I can remember raising this question, formally and informally, with the Government authorities. In a system where hard labour is not allowed, it is difficult to find constructive activities and to arrange them in such a way that the lives of long term prisoners will be fruitfully passed. In our system, it is even more difficult because we have our long term prisoners in the same prison compound as we have people who are there for short duration of time, for offences which are not offences against the person, or who are there for what the sociologists call victimless crimes. Our situation is compounded because in other jurisdictions long-term prisoners are usually kept to themselves, segregated in a separate institution.

But this whole business of taking a humanitarian approach necessitates that we have to find some constructive activities for this type of prisoner. Some time ago I read in the paper where some prisoners were artistically orientated and that there was some display of the pictures that they had painted. It may be that we have to encourage these kinds of activities. What is favourable about this system is that our long-term prisoners are not faced with certain sanctions which are in place in other systems.

It seems to me that it is a good time for the prison authorities to think about making available for long-term prisoners certain tools that they can use to develop themselves, their skills, even innate skills that they had no idea were there.

The Speaker: Would this be a convenient time to take the luncheon break?

Mr. Roy Bodden: Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.20 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 12/94. The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Prior to taking the suspension I was about to pass comment on the observation by H.M. Prison Inspector that three staff members have been on light duties for many months, which clearly presents management difficulties.

That observation is significant in light of the fact that elsewhere in the report H.M. Prison Inspector made the note on page 2, under the heading "Staff": "**1.7 At present the majority of the staff complain of staff shortages...**" It strikes me that these staff shortages are compounded by these three members being on light duties for many months. No explanation or description was given as to what these light duties may be. One can only presume that they have little or nothing to do with the customary routine of supervision of prisoners.

I hope that this matter will receive urgent attention and scrutiny by the Government so that we can move as quickly as is possible to correct this kind of anomaly in light of the fact that the observation has been made that there is a shortage of staff.

On this matter of staff, I have been disappointed for a long time that we cannot get more young Caymanians interested in working in our prison. It is a failure that no one seems to take seriously enough, as to try to redress it properly. I have to mention that charges have been made regarding the fact that Caymanian applicants have not been treated fairly and it seems that there is a lack of interest in having Caymanian staff members as against

having staff members from outside this jurisdiction. What is the Government doing about things like this? Have any attempts been made to discover the underlying reasons, or has any assessment been made as to what might be necessary to encourage Caymanians? Has there been a design campaign specifically to attract Caymanians? The onus has to be on the Government because they are the persons who set the policies, who determine the direction that events take, and who spend the monies and can organise and ensure that monies are channelled towards a certain direction. So the Government can now easily advocate its responsibility in seeing that these glaring inconsistencies are addressed.

I would now like to turn to the matter of education because the Inspector, in his Report, on page 10, goes into great detail to explain the role of the Prison Education Coordinator and to say that the inspection team was most impressed with his work. It is in this area that the Government has failed most obviously. What is the role of the Education Coordinator and the Education Programme at the Prison? Certainly, it is not expected that the prison can become a college or a university. However, there is a genuine need to expose many of the prisoners to skills which are best had through some sort of an education programme. I have said before that the business of education and the education programme at the Prison should fall strictly under the ambit of the person responsible for the Prison, the person who answers to the external and internal affairs of the country, rather than under the Education Department.

In other jurisdictions, education systems in Prisons fall under the Ministry of the Interior or the Ministry of Corrections, not under the Education Department, or the Minister of Education, per se.

That being the case, all the Minister for Education has to be concerned with is the fact that the people who teach and administer the courses are qualified. All of the other items fall under a different Ministry. One reason for that is, if that is the case, there can be no conflicts, no rivalry and the education programme of the Prison is allowed to blossom and to function as it should.

I have a great respect for the people involved in the Prison Education Programme. I read from time to time what they are doing with their limited resources and I commend them. I say that this is the one step, albeit a small one, in the right direction. I believe that if more resources were available, that if the coordinator had access to greater educational resources, it does not necessarily at this point need any more staff, but better educational resources by way of audio-visual materials, books, experiences, he can expose his charges to, then the success would be of an even greater magnitude. It seems to me from what I have read in the Inspector's Report and what I have read elsewhere regarding this exercise, is that many of the prisoners avail themselves of the opportunity to learn to read and write, and to obtain High School equivalency and to go on to take courses in GCE.

I recently viewed a programme about the Boston, Massachusetts Prison System, their long term prisoners

have earned Ph.D. Degrees through prison study. So, this is an area and an avenue that Government should focus more attention on, to channel and make more resources available to Mr. McIntyre and his staff, because if we are successful in inculcating in the prisoners a sense of self-esteem, self-worth and self-importance, and, adding to that, giving them tools which are marketable, which employers could seek to utilise, then we are assuring upon their release from prison, that they at least have a 50/50 chance of going straight and doing something for themselves.

So, I look forward to hearing the Government's disposition and hearing the Government's plans on how they intend to meet this growing need and to address this anomaly. **The Prison Inspector himself said that he believed "greater encouragement should be given to adult prisoners attending classes."** (page 10) **"3.9 We believe that education has not been given the prominence it deserves in the regime."**

Could it be that there is a conspiracy? Could it be that the very existence of the Prison is to justify, in the minds of some people, that there is a criminal element and that this criminal element needs to be treated like animals and deprived of opportunities? Could there be a conspiracy that says that persons from a certain socio-economic background do not deserve any better than this? When I hear people stand up in this Honourable House and make insinuations like the Minister for Education and Aviation made in his contribution in a most recent debate, about people entering politics and not having jobs, and seeming to suggest that the people who should lead this country and be responsible for having political and administrative charge in this country are those people who are millionaires by birth or who are born into privilege and status. To that Minister, and anyone like him, I say, show me the clause in Adam's Will that says he, or anyone else, has any special privilege to rule or to lead. Certainly, if he claims this is a democratic society, that we are proponents of a democratic society and that we hail from true Christian backgrounds, then these are the types of things we should address.

I think that it is incumbent upon us to provide these kinds of opportunities, for in so doing, what we will be achieving is removing the possibility, and lessening the destructive element in our society by enabling and equipping them to use legal marketable and wanted skills and knowledge so that they may acquire a certain human dignity. That is away and apart from the farm work, away and apart from the kitchen, the laundry. That is all well and good, but what I am speaking about is education and an exposure that goes beyond that, that would allow those prisoners who are so disposed and who have the aptitude to participate in some local vocational training that would lead them to acquire trades—plumbers, electricians, other types of crafts.

Lastly, two matters. One has to do with this whole business of remand. It is my information that the remand system as it exists needs urgent examination. It is unsatisfactory, ill advised and it does not serve the purpose it should serve. The Prison inspector suggests that it

needs legal changes and he comments as follows: **"3.14 At present prisoner on remand have to be brought in every 7 days under escort to the Magistrate Court for what is normally a formality. We propose that a Magistrate should sit for this purpose at the prison."**

I have to agree with that because it is less dangerous, less risky and, certainly, more convenient to have the Magistrate appear at the Prison, rather than risk trucking the prisoners from Northward down town to the Magistrate's Court—a Court which we are already screaming is full to its very seams and ready to burst.

I would hope that the Government takes it upon themselves to address this pressing matter urgently.

Finally, Her Majesty's Inspector comments that; **"3.18 There is not a clear system for the searching of the Prison. The security officer should prepare a searching programme which ensures that all areas are searched every 28 days and that staff are held accountable for their work."**

A prison, as I understand it, is only effective and functional when the authorities have such control that they know, not everything, but almost everything and everyone that is in that prison. They must have an intelligence network, be that formal or informal, where they know what is going on amongst the prisoners—what they are thinking, why they are acting in such a way, how they are behaving. Certainly, when it comes to possessions of prisoners, the prison authorities and administrators must know absolutely and without doubt at all times what is in each prisoner's cell, what is under the bed, and what are their possessions. The only way to ensure that is to have such an effective security system where proper searches are made. The most effective searches are not the scheduled searches, but the searches called on the spur of the moment. That method must be handled by an officer so competent that he can have his cadre and his team so trained that they have it down to a science.

According to the Prison Inspector's Report, that is not the case now, and has not been for quite some time. It is a weakness which probably accounts in some way for the availability of drugs in Northward Prison. Let me say that I am not a sponsor of a campaign of terror on the part of the Prison Authorities, however, I am an advocate that the prisoners should understand that the administration and the management runs the prison. The rules and regulations are laid down by the management and the prisoners have no choice, and there is no question, if they break the rules, they are going to come under further sanction.

So, it is the responsibility of the Government because it is the Government that decides policies and spends the money. It is the Government who arrives at the priority. It is the responsibility of the Government now to say what is going to be done as regards the recommendations made in this Report.

I thank you.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

Madam Speaker, Members will be aware that I am not the Member with responsibility for the Prison Service, that is the responsibility of the Honourable First Official Member. But, as the Government's chief legal advisor and officer, had I not been unavoidably absent from this House earlier today, I would have raised the Point of Order myself, perhaps, that the Honourable Minister for Aviation raised.

I can say that I greatly appreciate your ruling, Madam Speaker, and the advice that you gave to Members who intended to participate in this debate. I wish to commend the First Elected Member for Bodden Town in his successful moving of this Motion without any reference or allusion to the tragic incident at Northward Prison earlier this year.

Nevertheless, Government feels that it would be imprudent for Members of Government to take a part in this debate, in view of the serious murder charges that are pending out of the tragic incident at Northward Prison earlier this year.

As a consequence of that decision, no further Members of the Government Bench will be speaking on this Motion.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Commissioner who reviewed the establishment of the Prison Service at Her Majesty's Prison at Northward noted in his very first sentence that "Northward Prison, Grand Cayman, is the sole and all purpose prison of the Cayman Islands." That is a very significant statement, for it is true that that prison serves all purposes where a person's freedom of movement is taken away for whatever reason and for whatever period of time.

It is something which was noted by this same Commissioner years ago—that it is absolutely not 100% satisfactory, but this is the case.

In his Report, under the heading of 'Inmates', he notes that 19 were young prisoners; 22 were on remand; and 10 were women, out of a total of 147 at the time. Sadly, he also noted that there appeared to be one prisoner "mentally disturbed to the extent of being unfit to plead, and one profoundly deaf and disturbed woman whose location at Northward appears unsatisfactory."

As we look at this Report, the Administration of Northward Prison, and the social conditions which exist in our country, we see that something needs to be done with regard to placing different categories of people in different locations for the purposes of holding or containing them—temporarily or indefinitely taking their freedom of movement.

Surely, as we discuss this report, this is not purely confined to what happens in the Prison, but it is like a light signalling that something needs to be done, for example, to provide a place where we can properly deal with people who need attention and suffer problems with mental health.

Very young prisoners. Again, attempts are normally made, in most parts of the world, to have them in institutions not even termed prisons, as such, where they are kept away from older prisoners and these older prisoners are sometimes hardened criminals. It keeps the younger prisoners away from them and gives them a better condition or environment in which to exist.

I note also in the report under the heading of 'Staffing' that: "**1.7 The present number of staff is 89 of which a majority are not Caymanian but come from other parts of the Caribbean.**"

I am not saying that we can make Caymanians, who might not be available, to fill the position in the Prison, but I do believe, as a citizen and as a Legislator, that every attempt has to be made to find Caymanians to take up positions as wardens or officers in the Prison.

I do believe that is an essential goal to strive towards in the administration of the Prison. I know that there are insufficient numbers of indigenous people in these Islands, and this is shown in all areas of employment in this country. But I do believe that with the right effort and direction, and with the right attempts, the situation, in terms of staffing where Caymanians are concerned, can be improved.

There has to be more than strictly lip service paid to this situation in all areas throughout the Government service and not necessarily limited only to the prison; but this, specifically in this case, does need attention.

I find it interesting that, in the findings of the Commissioner, there are some shortages and that another expert in the business of the Prison Service, Mr. Gibbard, would be carrying out an examination of this. I heard the view that if it is clearly known what is required of a Prison Officer—and that should be no great secret, it can be understood clearly enough as to what is required of one, when one takes that position up—what their duties and responsibilities are; how they are supervised, if it is a chain of command within the Prison; clearly what the hours of work are; what might be the extra duties; it gives a better opportunity for an indigenous person who might be interested to make up their minds if they might wish to take up such employment. I think that this report, in general, takes into account most, if not all, of the areas that one would look at and examine in the management or administration review.

There are some recommendations and findings which I would like to comment on briefly.

Many of the Commissioner's recommendations cannot be implemented if money is not made available. I would see that availability as being now, to bring about those corrections. Of course, this is completely contingent upon the political will of the Government of the day. If they set their priorities in other areas, giving less attention to the conditions which exist in the prison—which will continue to exist, if not worsen—then the recommendations here cannot come about.

I think that these recommendations are so specific, and it has been made so clear why these should take place, I believe the Government should take a serious

look at reassessing its priorities where the Prison Services of the Cayman Islands is concerned.

The Prison service cannot be viewed as a place for only some people of our society; for, most regrettably, some of the people (particularly in more recent times) who become prisoners are mostly young people from homes where there is no question whether they were taught to obey the Laws and to do the right thing, but they have fallen victim to the scourge of drugs in this country. And that touches one and all. So, I would hope that that factor, for one, would reach the minds of the Government of the day.

The Commissioner notes that within the Prison population, and says: **“(3.2) I am not convinced that the work actually is available for all, nor am I convinced that prisoner's lives are sufficiently structured.”**

That is a very serious statement. I believe that most people believe (or would like to believe) that persons who go to prison are, in effect, from the time that they are there, forced to live a structured life. If one ever looks at the people who normally go there, it is people who do not live structured lives. The fact that they are forced to be there, if the life there is properly structured, the mere fact that prisoners live in such a condition should have some degree of lasting effect upon them.

The Commissioner also noted that, in this regard, there is really no adequate space for exercise or games—mostly football where it is played the ball is damaged on the wire. It is my understanding that the property owned by Government, which the Prison is located on, is quite large, and if it is not large enough and there is no idea of moving the prison from where it is because the old thing applies, “not in my backyard”, then it might be necessary to acquire lands around the prison to provide the space which is needed.

What I think is necessary, is that the Government take these recommendations seriously. Even now, I would believe that there should be in place some action group with specific duties to look after ways and means of getting these corrections put in place with all haste.

Certainly, we hear enough about action committees that are supposedly actioning education out of existence in the country, so there should be no shortage of people to action this particular exercise.

Another observation that I think could catch the attention of the public (people who have relatives or friends in prison) is a finding by the Commissioner when he says on page 16: **“3. Another impression at once made on an observer is the lack of supervised work in the prison. A prison must not degenerate into a warehouse: it should be an active and constructive place.”**

Madam Speaker, I do not believe the Commissioner could be any more concise in that statement. If steps have not been taken to improve this situation since this has been published, then, up until now, the Government is failing in its duty; this matter having come to its attention for some time now.

Many legislators have said that to help prisoners in prison what they need is to be taught skills; for many that are there are unskilled persons. If persons are taught skills in prison, when they get out of prison, their chances are greater to be able to apply those skills to earn an honest living.

The Commissioner says the same thing, and I hope that since he has said it, the Government will now believe—having noted that far too much time is spent: **“...chattering or watching TV in the spurs. More craft work, more educational work, more industrial work needs to be found and brought in, so that prisoners can be accustomed to doing, as far as possible, a full day's work.”**

Many prisoners there do not do a full day's work, for various reasons; some do not have the skills, some are just lazy and do not want to do it. But within the prison environment this condition can be created and enforced.

I would now like to refer to some of the recommendations which the Commissioner made in summary for the improvement of the administration of Northward Prison. I gather that Mr. Gibbard is somewhat associated with Prison services who, in effect, supervise the operations in the various Dependent Territories left to the United Kingdom and that it is recommended that he should do certain training of staff, and otherwise, so there are various mentions of where Mr. Gibbard could be used.

Within the actual structure of the Prison itself, the Commissioner speaks of making some improvements in insulating the ceiling to reduce the heat at night. Certainly, one would believe it would be proper administration to make life as comfortable as life might be for someone in a cell day in, day out—night in, night out. So, this is something which I think, could be addressed quickly. It would mean money and it would mean Government deciding that something should be done about it.

I know that there are members of Government here who have screamed and hollered that prison must not be a vacation. But it is also known in certain circles that the way one deals with the situation and treats someone, normally in turn, the reaction is similar as the treatment by the first person. I agree with the Commissioner when he says that there must be an increase in drug counselling. We hear of the situation of drugs and drug abusers to the point where, in many instances, I dare say, people say, “not again, no more, I do not want to hear it”, but it is there. It is life, it is real.

If that means taking on another counsellor at the Counselling Centre, or taking on an additional person at the Prison, it needs to be done. If it is not done, there will not be the benefit derived that counselling might bring, and it is one way of guaranteeing that the prison population will keep on the rise, or at least maintain its present proportions, by drug offenders repeating their crime.

Something that anyone who has been to Northward Prison has seen is the very awkward situation one goes through at the main gate. At visiting time there are dozens of chairs, members of the public inside with prison

officers to the left attempting to do their duties. It is cramped and not really well thought out in my opinion, the way it presently exists. The Commissioner makes a recommendation that there should be a provision of a visiting area other than the main gate.

He also says that maximum-security prisoners should not be handcuffed when there are visits. I must say that I do not quite understand that part of it, because if these are persons that are in maximum security, one would believe that they have a tendency towards violence and escape, or any such thing, so being handcuffed might be the way of restraint. However, the Commissioner seems to think that is not appropriate and he has made such a recommendation. I daresay what could be done, or should be done is for Government in accepting these recommendations, to consult with the prison authorities and decide whether or not the people who are being held in maximum security need to be handcuffed at the time of the visits.

“Suitable regimes for long-term prisoners should be devised.” I agree with that. If you are going to keep someone in there for an inordinately long period of time—or for life, as life means life in the Cayman Islands—there should be some suitable regime for them, be it doing handicrafts, studying or whatever.

It is also noted here that work that is more suitable should be provided especially for women prisoners. Years ago in these Islands, one simply never heard of such a thing as women going to prison. That was a man's domain. You heard of men going to prison, but not women. It is a sign of the changing times and, unfortunately, we now have a considerable number of female prisoners.

It is my understanding from the report that foreign prisoners are not normally allowed to work outside of the prison. He is recommending a modification of the rule governing foreigners working outside of the prison where **“a Committee consisting of a senior civil servant, a senior police officer and the Director of Prisons should approve those foreigners who work out.”** I will say again on the question of foreign prisoners, that I believe if a foreign person comes to these shores and is convicted of a crime and sent to prison they should spend a minimum of time in the Cayman Islands' Prison. We surely have no need of them. As long as they are there they are costing the people of the Cayman Islands monies that could be spent otherwise. If keeping them in prison is going to make them good, they are not being good for us they are being good for wherever else they came from. Thus, the responsibility and the cost should be for that foreign country.

This syndrome that some Members of the present Government Bench seem to have—that you have to punish them—I do not subscribe to. If there is a conviction, I think time should be limited and these persons should be sent away after a period of time to their own countries and made to be prohibited immigrants so that they do not return to ours. As for their working, I see no reason why they should not work outside in properly controlled conditions.

It is interesting, I think, for I certainly did not know that was the arrangement. But there is something called a Visiting Committee responsible to the Governor. The Commissioner has included the section of the Prison Law, the rule which states that: **“42.(1) [the] Prison shall be inspected monthly by two or more persons selected by the Member of Executive Council responsible for prison matters from a panel appointed by the Governor consisting of a) Justices of the Peace volunteering for such service; b) Magistrates; and c) other suitable persons, and shall be spot inspected once in every quarter by the Judge of the Grand Court, and once in every year by the Governor in person.”**

I find that a very interesting requirement. I do not know if it has been going on with the regularity that it is supposed to. I would hope so. But if it has not, now is the time to do something about it.

The finding of the Commissioner is that a list of 36 people has been appointed to carry out this duty. In his view, instead of just two people, there should be a committee of six or eight to visit the prisons. And they would carry out monthly inspections of the prison, meet the Prison Director on a regular basis to discuss the recommendation for inspections, giving him support and encouragement when necessary.

Very progressive thinking on the part of the Commissioner, for it is one thing to come here in this Legislative Assembly and criticise what exists in the Prison . . . and that criticism could be 100% and I believe it is in almost every instance 100% criticism that is considered constructive. But to get them to actually go out there and give support and encouragement to the Prison officials seems, to me, very progressive thinking. I hope that the Government could be infected.

“The Visiting Committee,” the Commissioner goes on to say, **“should discuss their report with the prison director and submit them to HE the Governor. The visiting Committee,”** he suggests, **“should be seen as watch dogs for the Governor and the public. We also hope that senior officials and members of the community should visit the prison more regularly.”**

Very, very interesting thoughts as to the Northward Prison. I read these suggestions with considerable interest.

Madam Speaker, I have seen prisoners getting out of protected vans, armored vans, whatever is the correct term for them, at the courts. I have seen persons of the public attempting to mingle with them, or even at some distance calling to them and talking to one another. The Commissioner had taken some note of that and recommended steps which should correct that condition.

He also seems to have looked at the situation of defining the role of the Police and Prison Wardens as far as the Prison Service goes. He states that the Prison Service should be limited to delivery and collecting prisoners to and from Court whilst the Police should be in charge of the cells and the dock. So he is making rec-

ommendations to define the role of the Police and the Prison Wardens.

There is one thing which the Commissioner, and again it is one thing for Backbench representatives of the people to say that education is vital to the rehabilitation process of prisoners, but perhaps the Government may take a serious look at it now, seeing that such heavy stress has been laid on that by the Commissioner in this Report. There is one thing with which I totally agree, and since I have been in this Legislative Assembly there have been various discussions related to the Prison and there is always an attitude, it seems, from the Government that providing a budget for education was not really necessary, education was helping with the process and so on. It is as if someone is hoping that the Prison and prisoners would just go away. But, I do not believe that they will go away any time too soon.

The only way that the prisoners can be educated in any meaningful way is to have money to work with, to buy materials, teaching aids, to pay teachers. And these teachers certainly do not just undergo the normal stress of dealing with students, like in the John Gray High School and the Primary School. These teachers undergo conditions in a very different environment.

But, I totally support the idea of budgeting for education. My call to the Government today would be to direct some of those vast sums of money which allegedly are in the process of being borrowed, to immediate needs that will directly help people of this country and some of the more unfortunate—you might even say some of the outcasts.

Vocational training was highly recommended, for, indeed, if one looks at our labour force one will find the largest number of people employed in this country on work permits are those in the vocationally skilled areas. So, if we could produce some of our own with those skills while they are in Prison, the society as a whole will be better off economically, and those persons, should be better off personally.

I find another recommendation here by the Commissioner somewhat strange, and that is that Magistrates should be asked to remand prisoners in Prison. Alternatively, the seven-day period needs to be extended to 28 days. I understand that in some places the Magistrates do go to prison where they deal with cases like that. But I would have certain concerns about prisoners simply being sent to Prison, being told, "You are remanded for 28 days." I do not believe that is serving the idea of freedom when persons are automatically remanded for 28 days. I think that the seven-day period as it presently exists is to be the more desirable position.

He did note, however, that the latter may have constitutional problems. So it is not that the Commissioner did not give that any particular thought, apparently.

Madam Speaker, I think it was as recent as the last Session of the House where there were questions. I asked a question regarding the relationship between the Police and the Prison Officers: Where does the Prison Officer's responsibility end and where does the responsibility of the Police begin if there is a major problem or

misconduct on the premises of the Prison? And I did some weeks later receive notice saying that if there was a problem that would be a breach of the Law. It is the Police who must take charge of it.

Well, I have noticed that the Commissioner has given some thought to the powers of the Prison authorities. He noted that under section 40 of the Prisons Law, the Director is required to refer to the Police the doing of grievous bodily harm, or the possession of drugs or an unauthorised article in the Prison. **"This has often been far too minor to require attention by the police. We propose that this section should be amended to allow the Director to use his discretion in what he refers."** (3.15)

Madam Speaker, again, I think that this is a progressive attitude. It is still my belief, and I think it is a practical consideration, that the people who are in charge of that Prison—Prison Officers, the Warden, the Principal Officer—if something serious is happening at the Prison, any kind of rebellion among prisoners or any kind of attempts by prisoners to cause harm to anyone, the Prison authorities need to be placed in a position where they have the legal authority and the means to handle the situation, at least to some reasonable level. I cannot believe that if there was a major reaction, disturbance or condition in the Prison that the officers who would be attempting to keep control of the situation as their duty requires, would find themselves subjected to serious conditions where they were not in the position to do something about.

The response time, if we are thinking of enough Police in the country being at the Central Station to go out there, then the distance alone does not give a practical solution to my mind. I am glad to see that there is a recommendation to give some discretion and authority to the Prison Director in that regard.

If the cell doors are modified to open both ways it should help the situation, with certain draw-backs which we have heard about in the past with doors on cells.

The training for the Acting Director, I most surely agree with. I believe training of all persons in service, and externally, whatever will give the best result is the thing to be desired. Unfortunately, that was not the recommendation of the Commissioner when he first studied the administration of the Northward Prison when two other Officers were in the position of Director and Deputy Director.

But, I suppose, as it is said often, it is never too late to do good. So I do support the idea of training and I trust that Mr. Gibbard (who is, again, mentioned in the recommendation section) will put in place training capability that the higher officers, whoever is selected, can carry this on. For, indeed, having officers who are better informed and who feel more sure of themselves as to what to do would surely seem to be the better course of action.

Madam Speaker, I must also say at this time, as did the Mover of this Motion, that I was particularly happy that you ruled as you did this morning to allow this report to be debated so that Legislators could have the oppor-

tunity to express their views on the recommendations for the administration of Northward Prison. Of course, at the broadcast the public will have some knowledge of things which were contained in this report which otherwise would be dependent upon the press, to whatever extent it carried the information.

I think, there is no better note to end on than the second to the last note the Commissioner ended on. In paragraph 10, "Relationships with the Press and Public" . . . and I would like to read that section because, again, it is very progressive, and, Madam Speaker, I believe that if adopted we could see good positive results from it. It says: "**We have sensed anxiety amongst senior staff in their dealings with members of the press. In our view, the Director would do well to start building a positive relationship with the local press by inviting them into the prison from time to time. In due course, we would also recommend that the prison management consider a prison open day when selected guests should be invited into the prison and should be encouraged to talk to staff and inmates and to learn about what actually happens inside. Public misconceptions always abound about prisons, and the more that is done to allay these, the better. A well run prison should have nothing to hide.**"

I end, Madam Speaker, by saying a well run Government should have nothing to hide.

The Speaker: Proceedings will be suspended for 15 minute.

PROCEEDINGS SUSPENDED AT 3.30 PM

PROCEEDINGS RESUMED AT 3.51 PM

The Speaker: Please be seated.

Debate continues, Private Member's Motion No. 12/94. If no other Member wishes to debate, I would ask the Mover of the Motion if he would exercise his right to reply.

Mr. Roy Borden: Thank you, Madam Speaker.

Madam Speaker, in the special Report carried in *The New Caymanian*, on Friday, 13th May to Thursday, 19th May, 1994, under the caption: "Why isn't our Prison System Working?" reads, and I quote: "**The majority of persons who completed the questionnaire [questionnaire being the Chamber of Commerce] believe strengthening rehabilitation programmes such as drug and counselling services is the answer....**"

The public, as much as Members of this Honourable House, have been waiting for some time now to find out what is the Government's position regarding this Report. And, notwithstanding the reason given by the Honourable Second Official Member, the Government cannot escape the responsibility of having to say what their intention is regarding the recommendations made in this Report.

Are they saying that they are willing at this time to state what their disposition is? Are they saying that they are incapable or unable to arrive at a position with respect to the recommendations made in the Prison Report by Her Majesty's Inspector? Or, are they saying that this Prison Report is so unimportant and has such a low priority in their scheme of things that for them it does not even exist?

The report carries a few thought-provoking sections. One that comes to mind has to do with the appointment of the current Acting Prison Director, where Her Majesty's Inspector says, on page 15, entitled 'Summary', I quote: "**...he still needs to see prison work as it is done in other prisons. As appears elsewhere in this report, I am recommending a series of working placements for him in prisons in England over a period of perhaps three months.** [And it goes on to say that] . . . **all other prison staff, there is an urgent need for proper training.**"

Madam Speaker, I would like to remind them that on a subsequent occasion when there was serious incidents at Northward Prison, the Caymanian Director and Acting Director were sacked as a result of an inspection and an investigation. The inconsistency on this occasion is that it is recommended that the Acting Director go on secondment, and seek further training.

Is it the policy of the Government to punish and sanction a Caymanian, but to let other people continue? Well, it must be because they have not said anything as yet as to their disposition towards the recommendations. Madam Speaker, it would not surprise me if that is the stance.

I would like to spend some time on the matter of rehabilitation, because it seems to me that that is the crux of the matter, that is the essence of the existence of the matter.

In the report of *The New Caymanian* newspaper, as previously quoted, there is a section which says, and I quote: "**Few Chamber members recognise the importance of teaching prisoners basic life and educational skills to ensure that they will become productive citizens when they return to society.**"

Few recognise that. Madam Speaker, modern approaches to prison rehabilitation dictates that prisoners be given the opportunity to learn and acquire productive skills and useful knowledge which they can make use of when they are released from prison and have returned to the outside world.

In *The New York Times* of Sunday, 20th March, 1994, in the "Viewpoint" section there is a column entitled, "Conversations: 'In the New Ball Game, These Two Would have Struck Out,'" by Gerald Miller and Frank Schweickert. Madam Speaker, this is important because many people, including many people in the Caymanian society, would like to see the system so draconian that prisoners be given hard labour, punitive sanctions, treated slavishly, but be offered an opportunity to rescue or to reprieve some of their self esteem or, even, to cultivate a new sense of self and a new sense of self worth.

In the United States, particularly in California, there is now a move on—three strikes and you are out—which, in essence, suggests that three felonies and you are locked away for life. There are many who are jumping on that bandwagon, saying that this is the solution to crime and to criminals.

Madam Speaker, they have their reasons. That approach, I believe, originated from the father of a 12 year old in Fresno, California, who was brutally gunned down by someone who had been convicted of two serious felonies. Surprisingly, his campaign to have the Three Strikes and You Are Out Law evoked in California caught on and it met with wide-spread, popular appeal. But there is a downside to that, and that downside is that there are more inmates, more prisons. The measure is expected to double the number of prisoners in California by the end of the decade and to force the construction of 20 new prisons, in addition to the 28 now in use, and the 12 already on the drawing board. So we are getting into a situation where we are on a tread mill and we will not be able to get off.

If that is the kind of system we are going to have, Three Strikes and You are out, we are going to have to have more prisons and we are definitely going to have more prisoners.

Madam Speaker, that is one of the downsides of the coin. There are others. A prisoner has this to say about that kind of system. I quote: **“This new law Mr. Schweickert predicted ...would make repeat felons more violent when eluding the police. Mr. Miller worried, too, about the felons sentenced to 25 years under California’s three-strikes law who then are paroled after 20 years. ‘I would not want to meet them then,’ he said. ‘I know what prison does to people. It turns you into an animal. Anyone who goes to prison loses a certain part of himself, loses concern for other human beings, and loses feelings. Once you lose those, they are very hard to get back. He is going to be nasty, [and] vicious. He is not going to care what he does and who he does it to.”** [*The New York Times*, March 20, 1994]

Madam Speaker, this is coming from a prisoner, 28 years old, himself a felon. The difference between his attitudes, his insight and his understanding at present, as recorded in this column, and those of the people he is describing is that he is enrolled in a program called, “Delancey Street”, a program for serious felons. Delancey Street is a 25 year old, group programme, that teaches murderers, burglars, junkies and prostitutes to read and write, to program computers and fix cars, even to say please, and thank you. It also teaches them things so mundane, for example, as being able to order from a menu when they go to restaurants.

The article Madam Speaker, goes on to say: **“Despite the fashionable contempt for such creative and, some critics would complain, lenient sentencing, some of the results show that many defendants do not squander their opportunities and do not go on to commit more crimes.”**

Madam Speaker, there is a picture of Mr. Miller and Mr. Schweickert and the way in which they are dressed, if one did not know better, one could be convinced to believe that they were Wall Street executives or were occupiers of the walls of power in Washington, D.C., or anywhere else for they are adorned and decked out in full suites; shirts and ties, hair grooming which speaks of an accepted conservative attitude.

This programme, Madam Speaker, has 1,000 such prisoners enrolled throughout the United States. These people live in special residences where they have to abide by certain rules and a certain code. They spend their time there until the supervisors of the programmes are convinced that they are ready, fit, and have the necessary attitude changes to move on into the society from which they came.

But it does not end there. Figuratively speaking, their hands are held until they find jobs, until they find suitable living quarters and until they have demonstrated that they are ready to be monitored only on a periodical basis.

So, Madam Speaker, if 1,000 of these prisoners at a time can be enrolled in such a programme, it strikes me that there is merit to believe that there should be hope, and an opportunity should be given to others of a similar bent.

Indeed, in the conversation these two model prisoners suggested that they have the same tastes and aspirations as any other aspiring normal person; they want to find a good job, want to have a house, want to get married and raise two or three kids, they want to drive a decent car and find time to play with their children, watch television, go for picnic on the weekends, and all of the regular stuff. All of that is meant to say that often these people, contrary to what bigots and rightists and racists may think, do not deserve cages and do not deserve to be maniacal like wild animals, but deserve to be understood, to be treated decently and to be given a chance.

In our very own system, some attempt should be made to introduce these kinds of programmes and, indeed, while not in as many words, the Prisoner Inspector is saying that we should offer some serious rehabilitation. But you see, for the political directorate these are not the kinds of programmes that are going to get ready attention because these are not the kind of programmes that you can bring to the electorates. These are not the kind of programmes that the electorates will pledge you mass votes for. These are not the kind of programmes that you can get up and say you have helped 100 people or 1,000 people. These are not the kind of programmes that are going to affect the families of the high and the powerful. These are the programmes that, according to our Prison population, have to do with the lowly and the meek, the people from, what we call in sociology, the ethnic areas. The people from those areas not on the main highways, the people from families whom many people do not care about or would not care about except to help to have them rake their yards and wash their pots.

But, Madam Speaker, I offer a sobering note. If the system continues the way it is, we have created a Frankenstein, and the Frankenstein is going to come back irrespective of how the powerful and the mighty think they are insulated now, and they will not be able to sleep, and will not be able to drive or walk because they are going to be molested, they are going to be besieged, and they are going to be attacked, and even be destroyed by these same persons whom they caged and would not seek to properly rehabilitate.

Madam Speaker, the writing is on the wall. The writing is in the report of Her Majesty's Prison Inspector. The writing is in the hands of all of us, and we can pretend, if we are so fool-hearted, that there is nothing wrong with the system—Northward Prison is doing just fine. We can leave it and let it fester, because it is not going to give us the glory that certain politicians seem to thrive on. We can leave it, if we believe the inconsistencies mentioned are not worth addressing and let it destroy us in the end.

Madam Speaker, a report was made concerning some weaknesses in the administration concerning a contravention, by the administration of Northward Prison, of the Prisons Law (Law 14 of 1975) and the Prisons Law (Discipline for Prison Officers) Regulations, 1984, section 2 says: **“An officer to whom these Regulations applies commits an offence against discipline if he is guilty of . . .”** and it goes on to name various things, and I go to section 50 [of the Prisons Law (Law 14 of 1975) Prisons Rules, 1981], which says: **“No officer shall take part in any business or financial transaction with or on behalf of a prisoner or a relative of a prisoner, without the permission of the Director and is guilty if he carries out any pecuniary or business transaction with or on behalf of any prisoners or ex-prisoners.”**

Yet, Madam Speaker, we had a situation brought to this House where in Parliamentary Question 15 of March 1993, it is a fact that in November 1991, four television VCR Units and water flow meters were purchased from a Miami firm, Keys-on-Wheels, and with whom the principal of that firm was an ex-prisoner. So, I am saying that if we are to have a more effective prison—more effective for prisoners, more effective for the society in that the products of this prison have a lower rate of recidivism when they come out—we have firstly, to clear up these kinds of inconsistencies. We have to clear up the kind of inconsistencies which allow Caymanians to be sacrificed, where breaches have been committed but other people are allowed to stay in their post and be recommended for higher training.

Madam Speaker, it is plain to see that if we wish to reform, if one might use that term, Northward Prison we have a difficult task and, indeed, Machiavelli must have had similar tasks in mind when he wrote, in 1515, that there was nothing more difficult to carry out or more doubtful of success, nor more dangerous to handle than to initiate a new order of things. It is necessary for us to initiate that new order. Why? Because we have all the evidence and all the suggestions: the Chamber of Commerce's Crime Survey; the newspaper reports; the atti-

tudes and dispositions of the people on the street, the ordinary law abiding citizens; the fact that we have a high rate of recidivism among our prisoners, especially our young prisoners; the fact that crime seems to be on the increase in our society.

Madam Speaker, the time is now for the Government to take a position as regards the recommendations in this Report. Because as the clock winds down the situation is becoming more grave and the results, according to The New Caymanian, of the Chamber of Commerce's Crime Survey reflects a widespread belief in the community that the Prison does not serve as a deterrent. Implicit in that, Madam Speaker, is the expectation by the people that the Government do something to make Northward Prison, not only a deterrent to crime, but to make it a place which does more than warehouse prisoners. And the Government should insist that Northward Prison be made a rehabilitative centre.

Firstly, the Government should insist that Northward Prison be run according to its Mission Statement, and if that means mass retraining and recruitment of new and more able personnel, then so be it. And if that means a closer monitoring of the Prison, then so be it. And if that means that there has to be an increase in the Prison vote, the Government is in a position to do that. These are but small prices to pay for peace of mind, for stability in the society, and for the fact that the Prison will be turning out people who have had a chance to regain some loss of sense of self and self esteem.

Madam Speaker, it may well be that we have to emulate or set in place some similar rehabilitative programmes, some similar innovative programmes, particularly for our young offenders who seem to be caught up in a trap of committing crimes that lead to self-destruction. And I encourage the Government to view seriously the recommendations and the suggestion that drug counselling be made mandatory for all inhabitants of Northward Prison who have to serve sentences of three months and beyond.

I encourage the authorities to set in place such educational programmes that will leave the prisoners with skills and knowledge which can help them when they are released. Then, Madam Speaker, I will encourage the setting up of a system where these prisoners can be monitored, where, if it is necessary, their hands can be held (figuratively speaking) until their legs are strong enough that they can stand on their own, until they are strong enough and have regained such a sense of self esteem and worth that they can be left to fend for themselves and, that they be encouraged to continue on this track.

But that does not go without some obligation from the society at large, who then has to be called upon to give these people a second chance; to take them into their confidence, to encourage them by providing employment opportunities for them, and to help foster this sense of self esteem.

To be successful, the whole physical facility of Northward Prison has to be re-examined because there are many things that have to be done, and it will proba-

bly be necessary to redesign some buildings. Certainly, if we are talking about improving the educational programme, it will be necessary to design some buildings or some classrooms specifically with that in mind. It may be necessary to redesign the whole administrative block so that we have proper accommodation for counselling and for exercise.

The Inspector certainly brought a glaring inadequacy: that of the situation as regards to visitors.

So it seems to me that some examination and re-designing has to be done. There needs to be a new approach, new programmes, and new money set in place. The Government is in a position to have that done and they should do so, or say what their intentions are or their disposition is.

Madam Speaker, in conclusion the resolve section of the Motions says: **“NOW THEREFORE BE IT RESOLVED that this Honourable House take note and debate the findings of the said Report of the Inspection of H.M. Prison, Northward, Grand Cayman;**

“AND BE IT FURTHER RESOLVED THAT this Honourable House records its concerns and opinions on matters raised in the report.”

Madam Speaker, the persons speaking to this Motion have done just that. What is necessary is for the Government to say what their intentions are. I would hope that some effort is made to address the recommendations with a view to improving the situation at Northward Prison before it is too late. Thank you.

The Speaker: The question is Private Member's Motion No. 12/94: **“NOW THEREFORE BE IT RESOLVED THAT this Honourable House take note and debate the findings of the said Report of the Inspection of H.M. Prison, northward, Grand Cayman; And be it further resolved that this Honourable House records its concerns and opinions on matters raised in the report.”**

I shall put the question. Those in favour please say Aye, those against—

(The Hon. Minister of Education rose)

The Speaker: Are you rising on a Point of Order Honourable Member?

Hon. Truman M. Bodden: Madam Speaker, I was just wondering since it is a Motion to take note, and it is one in which, as I understand it from Erskine May, it says that the formula enables the House to debate a situation or document without coming to any positive decision, I am wondering whether it is a situation where there must be a vote on this Motion, as such, or not?

The Speaker: Honourable Minister, I cannot do otherwise than put the question that is presented in Private Member's Motion No. 12/94. So Members are free then to vote either way they wish.

The Motion is as I have read out, and I will now 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 I have a division please?

The Speaker: You certainly may. Madam Clerk.

Clerk:

**DIVISION NO. 4/94
Private Member's Motion 12/94**

NOES: 13

Hon. J. Lemuel Hurlston
Hon. Richard H. Coles
Hon. Joel Walton
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

AYES: 3

Mr. Roy Bodden
Mr. Gilbert A. McLean
Capt. Mabry Kirkconnell

ABSENT: 2

Hon. John B. McLean
Mr. D. Kurt Tibbetts

Clerk: Three Ayes, thirteen Noes.

The Speaker: The result of the division is three Ayes, thirteen Noes. The Motion has not been passed.

PRIVATE MEMBER'S MOTION NO. 12/94 REPORT OF H.M. PRISON INSPECTOR NORTHWARD PRISON NEGATIVED.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.35 pm, I will ask for a Motion for the adjournment of the House. The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the Adjournment of this Honourable House until 10 o'clock tomorrow morning.

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

AYES.

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

**AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM 10 JUNE, 1994.**

**EDITED
FRIDAY
10 JUNE, 1994
10.06 AM**

The Speaker: I will ask the Elected 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, Official Members and Ministers 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. Question No. 87, the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MINISTERS/MEMBERS**

QUESTION NO. 87

No. 87: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to state the Ministry's plans for the development of a remand centre for young offenders.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The Ministry intends to provide a facility for use in the types of cases where young offenders require to be remanded as soon as plans can be finalised and necessary resources identified.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if there is any idea of where this facility might be situated?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Not yet, Madam Speaker.

The Speaker: The next question is No. 88, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 88

No. 88: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the role of the Housing Development Corporation under the new Home Loan Scheme recently announced by Government.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, this question has been answered time and time again, but I will do so once again at this time. Under the home mortgage guarantee scheme, it is intended that a committee of two persons, namely, the Financial Secretary or his nominee and the Permanent Secretary for Community Development, Sports, Youth Affairs and Culture or his nominee, will review applications for the Government guarantee from prospective borrowers. It is intended that the Housing Development Corporation will provide a staff member to function as the nominee of the Permanent Secretary.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister explain how the review of these persons will work, and also, if this review is in addition to the screening which will be done by the banks or the institution making the decision for the mortgage?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: To the first part of the question, how it would work, I think it is going to work good. For the next part of the question, it would be obvious that those persons lending the money would have to send the matter up to Government for the guarantee and these people then take the applications and review them. That is most obvious.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Minister say whether the review by persons from the HDC and its recommendations would decide whether Government extended its guarantee, or would it have any influence at all?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, what then would be the purpose of having the Committee review the applications? Obviously that is the purpose and ... That is as far as I am going with that, unless there is another supplementary.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, in the event that a recommendation is made by the HDC not to give a loan, would the Minister say if the Government reserves authority to override that in deciding whether a loan be given, and who in his Ministry would make that decision?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Let us not confuse the issue—too much of that has already been done. This Committee is a Committee, as stated in the substantive answer, nominated by the Financial Secretary and the Permanent Secretary in my Ministry. For the last part of the question, it would be obvious to all that Government should have some reserved say in the matter.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: The Minister did not answer the question as to who would make the decision in Govern-

ment, or perhaps he could define what he means by 'Government.'

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, to answer a facetious question I will give a facetious answer—Government is Government. As I said, the Committee was appointed by the Financial Secretary and my Permanent Secretary in the Ministry of Community Development.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Presumably the review and the screening carried out by the bank would be to determine the availability and the affordability of the persons applying for the mortgage and their capabilities to pay. What is the purpose then of the review or the screening done by the Housing Development Corporation and/or its nominees?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, obviously, Government has to determine the criteria to see whether we are going to give a guarantee. That, therefore, is the purpose.

The Speaker: The next question is No. 89, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 89

No. 89: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation what facilities exist at the Red Bay Primary School for the provision of hot lunches for the students.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: There is no purpose-built canteen facility at the Red Bay Primary School at the present time. The small kitchen area in the maintenance building is used for the preparation of drinks and snacks that are served at break time.

Hot lunches are not prepared on site. Arrangements are made with three well-established restaurants, including two holders of well-known franchises, to provide hot lunches and sandwiches that are delivered, already packaged, and are then distributed to each class by the canteen assistant. The children eat their lunches in the covered pavilion under the supervision of their teachers.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if there are any plans for the establishment of an area suitable for the provision of hot lunches and, also, at what time might this facility come on line?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the next phase calls for extra classrooms and that, hopefully, will be beginning this year. As soon as that is cleared, then the next stage will be a purpose-built canteen, maybe within another year or so, I guess.

The Speaker: The next question is No. 90, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 90

No. 90: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation why were Cayman Airways Ltd. pilots excluded from consideration for a salary increase.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The Board of Cayman Airways Ltd. determined that the company was not yet in a sufficiently strong enough position to pay increases across the board to all staff. The recent pay award did not apply to the higher paid staff, which included senior managers and pilots.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Minister tell the House whether consideration has been given to looking at or examining these salaries for higher paid employees any time in the near future?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: All salaries are looked at, at times, or will be looked at in the future.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Minister could tell us how the salaries of the pilots com-

pare to other regions, say, perhaps, to the United States and other Caribbean areas?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The pilots at Cayman Airways are very well paid. Most pilots' salaries exceed US\$100,000 per year.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister say if it is correct that under previous management Cayman Airways pilots had agreed to certain contract concessions and were working longer hours for the same pay, and that this was actually changed under the present management?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: In the answer that I gave to the Lady Member, I meant Captains, for over \$100,000, not all pilots. The answer, the pilots' contracts, as I understand it, have not been changed.

The Speaker: The next question is No. 91, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 91

No. 91: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if certain staff members of Cayman Airways Ltd. were given pay increases prior to the increase recently announced and, if so, how many persons received this benefit.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Sixty-three local staff members received pay raises in December 1993. These were mainly the lowest paid staff in the airline as well as a small number of staff who had been promoted as result of the downsizing of the airline. Some of the pay increases were extremely small and were more in the line of adjustments.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say if these 63 persons also benefited from the announced salary increases as well?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister say if the prior increases, and the most recently announced increases, have kept within a reasonable ratio of the salaries of the lower paid employees now, as compared to middle and upper management?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: That is an opinion, but the best I can give on it (because I do not know what the Member is comparing it to and I do not know what he calls the normal rate), is that the lower paid staff got a larger percentage increase as a result of the two raises than the higher paid staff.

The Speaker: The next question is No. 92, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 92

No. 92: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation whether Cayman Airways Ltd. is contemplating replacing either, or both aircraft, within the next twelve months, and if so, with what type of aircraft, and at what monthly rental.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The present leases for Cayman Airways Ltd. aircraft expire on (1) 28th February, 1995; and (2) 31st May, 1995. Since both aircraft will be prohibited by noise restriction regulations from operating to the United States of America after 1996, it has been decided by the Board of Cayman Airways Limited to replace the aircraft when the leases expire, or earlier if the opportunity arises. The most likely replacement will be B737-300 aircraft. It is too early to say what sort of lease cost can be negotiated.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister say if it is the case (should the company terminate the lease on the present two planes prior to the date set down in the contract) that it would have to lease again from the same company, ILFC, and that this is actually written into the

contract of these present planes?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Cayman Airways has no intention of breaking any leases. That was the last Government that did that. If he is referring to breaking the leases and going and buying other aircraft, I think the Board would be ill-advised to break any lease.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, in his substantive answer the Minister said when the leases expire, or earlier if the opportunity arises. What I am trying to establish is if there is any penalty involved if it is earlier, or if the contract is tied to a situation with the present company that is leasing the aircraft to Cayman Airways?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, obviously there is a penalty when you break any contract, and we know the massive penalties paid to GPA, we paid \$1.3 million (the last Government \$5.6 million). If anything were to... We are getting into a lot of opinion. My better course is to say that Cayman Airways, in its stabilised position, is not going to break—hopefully not—I am sure the Board would not recommend breaking leases. There are only two leases now, thank the Lord for that, the rest have been terminated.

The Speaker: That concludes Question Time for this morning. Government Business, Government Motion No. 6/94. The Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 6/94

AMENDMENT TO THE LEGISLATIVE ASSEMBLY STANDING ORDERS (REVISED)

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I beg to move Government Motion No. 6/94, entitled Amendment to Standing Order 23(8), which reads:

“WHEREAS it is desirable that there be amendments to the Legislative Assembly Standing Orders (Revised);

“AND WHEREAS in accordance with the provision of Standing Order 84, Notice of Motion is

hereby given to amend the Legislative Assembly Standing Orders (Revised);

“AND WHEREAS in the past it has been the practice that questions which remained unanswered during a meeting of the House would be answered in writing whether or not they were placed on the Order Paper;

“AND WHEREAS there has been a ruling that questions on the Business Paper which were not listed on the Order Paper would automatically be deferred until the next meeting within the Session;

“BE IT THEREFORE RESOLVED that the proviso of Standing Order 23(8) be repealed and replaced by the following: ‘PROVIDED that if all other business for the meeting has been disposed of that such postponed questions and all other questions listed on a Business Paper but not placed on the Order Paper shall be answered in writing by the Minister/Member to whom that 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.’”

The Speaker: The question before the House is that the Motion be referred to the Standing Order Committee. I shall put the question. Those in favour please say Aye... Those against No.

AYES AND NOES

The Speaker: The Ayes have it.

Mr. Roy Bodden: May we have a division please?

The Speaker: You certainly may.
Madam Clerk.

The Clerk:

DIVISION NO. 5/94 (Government Motion No. 6/94)

AYES: 12

Hon. J. Lemuel Hurlston
Hon. Richard Coles
Hon. Joel Walton
Hon. W. McKeever Bush
Hon. Thomas Jefferson
Hon. Truman Bodden
Hon. Anthony Eden
Mr. John Jefferson
Mr. Dalmain Ebanks
Mrs. Berna Thompson-Murphy
Mr. Haig Bodden
Mrs. Edna Moyle

NOES: 4

Mr. Kurt Tibbetts
Capt. Mabry Kirkconnell
Mr. Gilbert McLean
Mr. Roy Bodden

ABSENT: 2

Hon. John McLean
Dr. Stevenson Tomlinson

Clerk: Twelve Ayes, Four Noes.

The Speaker: The result of the division is twelve Ayes, four Noes. The Motion to refer this proposed amendment to the Standing Orders Committee has been passed.

AGREED BY MAJORITY: GOVERNMENT MOTION

NO. 3/94 REFERRED TO THE STANDING ORDERS COMMITTEE.

The Speaker: Other Business. Private Member's Motion No. 13/94. The Second Elected Member for Cayman Brac and Little Cayman.

Two Members are standing on their feet. The First one to rise (Mr. Gilbert A. McLean) yields to the Honourable Second Official Member.

POINT OF ORDER (Content of speech)

Hon. Richard H. Coles: Madam Speaker, I have a Point of Order on Private Member's Motion No. 13/94, under Standing Order 35(1), which deals with the question of reference not being made to any matter on which judicial decision is pending.

This Private Member's Motion is seeking to debate the construction of the Dr. Hortor Memorial Hospital that is the subject of a civil claim in the Grand Court of the Cayman Islands. Whilst I accept that this particular Standing Order principally deals with criminal proceedings, it is now accepted in *Ersine May's* that this particular point also refers to civil proceedings and I would ask that you consider whether this Motion, as it is drafted, and the way it is likely to be debated, would prejudice the civil proceedings which are presently before the Grand Court.

The Speaker: Thank you, Honourable Member.

As I said yesterday, the Honourable Second Official Member had discussed both the Private Member's Motion dealing with Northward Prison Reports and Private Member's Motion No. 13/94, proposing a Referendum to Determine the Public's wish on the completion of the Dr. Hortor Memorial Hospital. I have given this Motion, like the other Private Member's Motion, my deep consideration. I wish to read, similarly, what I read at the other Private Member's Motion:

“**CRIMINAL MATTER—sub judice from the time charge laid to passing of sentence and from date of filing Notice of Appeal to date decision given by Appellate Court. Between sentence and filing notice of appeal matter is not SUB JUDICE, subject always to the discretion of the Chair.**

“**CIVIL MATTER—from the time the matter set down for trial (or Notice of Motion filed as in an injunction proceeding) until judgment (oral or written). Likewise from filing Notice of Appeal until Judgment**

by Appellate Court. It is normally the practice to consider the matter sub judice once a writ has been issued."

It is to be noted that matters may be referred to before the dates mentioned unless it appears to the Chair there is a real and substantial danger of prejudice to the trial of a case (Erskine May 19th Ed., p.427, 18th Ed., p.416, 17th Ed., p.454, 21st Ed., pages 326, 377-399)

In the United Kingdom, the Sub Judice Rule is embodied in Resolution of the House, dated 23rd July, 1963. The resolution reads as [follows]:

"RESOLVED: That subject always to the discretion of the Chair and to the right of the House to legislate any matter:

"1) matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to – in any motion (including a motion for leave to bring in a bill), or

in debate, or

in any question to a Minister including a supplementary question;

"2) matters awaiting or under adjudication in a civil court should not be referred to –

in any motion (including a motion for leave to bring in a bill), or

in debate, or

in any question to a minister including a supplementary question from the time that the case has been set down for trial or otherwise brought before the courts, as for example by notice of motion for an injunction; such matters may be referred to the before such date unless it appears to the Chair that there is a real and substantial danger of prejudice to the trial of the case.

"3) Paragraphs 1) and 2) of this Resolution should have effect—

"a) in the case of a criminal case in courts of law, including courts martial, from the moment the law is set in motion by a charge being made:

"b) in the case of a civil case in courts of law, from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction;

"c) in the case of any judicial body to which the House has expressly referred a specific matter for decision and report, from the time when the resolution of the House is passed.

"4) Paragraphs 1) and 2) of this Resolution should cease to have effect—

in the case of courts of law, when the verdict and sentence have been announced or judgment given, but resumed when notice of appeal is given until the appeal has been decided;

in the case of courts martial, when the sentence of the court has been confirmed and promulgated, but resumed when the convicted man petitions the Army Council, the Air Council or the Board of Admiralty;

in the case of any judicial body to which the House

has expressly referred a specific matter for decision and report, as soon as the report is laid before the House.

"On the 28th of June, 1972 the House of Commons came to a further resolution which reads as follows:-

"RESOLVED, That—

"1) notwithstanding the Resolution of 23rd July, 1963 and subject to the discretion of the Chair reference may be made in Questions, Motions or debate to matters awaiting or under adjudication in all civil courts, including the National Industrial Relations Courts, in so far as such matters relate to a Ministerial decision which cannot be challenged in court except on grounds of misdirection or bad faith, or concern issues of national importance such as the national economy, public order or the essentials of life.

"2) In exercising its discretion the Chair should not allow reference to such matters if it appears that there is a real and substantial danger of prejudice to the proceedings, and should have regard to the consideration set out in Paragraphs 25 to 28 of the Fourth Report or from the Select Committee on [Proceedings]."

I am to say that successive speakers have exercised their discretion to allow matters to be discussed. Although they fall within the strict terms of the Sub Judice Rule they have considered that no substantial risk of prejudicing proceedings would arise.

The whole basis of the Rule is that the House is extremely careful not to discuss any matter when the discussion as reported in the public press might prejudice anyone's right to a fair hearing.

As regards Private Member's Motion No. 13/94, Referendum for Completion of the Dr. Hortor Memorial Hospital, I am to say that if the Honourable Members moving and seconding the Motion are prepared to take upon themselves the responsibility as to the statements they make, which could cover only the points raised in the Motion before the House, I have taken the position that I should rule them in order.

But I reserve the right to listen to what they and other Members have to say. Then, in what Honourable Members are about to say, if I think that there are definitely some things in what Members are saying that might prejudice the trial or the merits of the case, I shall stop them, or interrupt them, at that time and ask them to desist from making any further remarks.

Regarding the civil case that is before the Court, the Writ of Summons was filed on 8th February, 1993. Nothing has happened at all since that time except that Government entered a Memorandum of Appearance on 9th May, 1994. Therefore, Private Member's Motion No. 13/94 can be presented to the House.

Hon. W. McKeeva Bush: Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Cul-

ture.

POINT OF ORDER

Hon. W. McKeever Bush: Madam Speaker, on a further Point of Order. I want to raise a matter in connection with the first Resolve section, which reads, "**BE IT NOW THEREFORE RESOLVED THAT this Honourable House take note and debate the report of the Dr. Hortor Memorial Hospital Commission of Enquiry by Sir**

Peter Allen and any matters relating thereto."

I would not dare question your judgment while you are in the Chair, but I do not see how any case is going to operate without all these matters relating to it. The point that I want to make, Madam Speaker, is that at the laying of that report, back on the 7th of March, 1994, at the end of my presentation of the report I said, "**Madam Speaker, I now under Standing Order [24(9)(i)], move that the House do take note of the report and that the report do lay on the Table.**" (1994 *Official Hansard Report*, page 70)

Madam Speaker, the Chair made a reply that that had already been ordered (that the report lie on the Table) and "**there is no necessity then for anything else to be moved about that.**" Standing Order 24 (9)(i) says "**(9) The following motions may be made without notice (i) a motion that a petition or other paper do lie on the Table or be printed or be rejected. . .**"

Further, Erskine May, on page 425, section (c) captioned "Motions 'To take note'" says, "**Debate may also take place on the Motion 'To take note.' This formula enables the House to debate a situation or a document without coming to any positive decision.**"

Madam Speaker, I, as the Minister laying the report, having moved that motion, fail to see how that motion can be taken today in this Resolution. I ask you to rule accordingly.

The Speaker: Honourable Minister, when the report was presented the usual format was carried through. The Honourable Minister said, "**I beg to lay on the Table of the Honourable House the report of the Dr. Hortor Memorial Hospital commission of Enquiry by Sir Peter Allen.**" This was so ordered.

After the debate you moved the motion that note be taken of in accordance with Standing Orders 24 9(i). Standing Order 24 9(i) said: "**...that a petition or other paper do lie on the Table or be printed or be rejected. . .**" Now, in cases in our Standing Orders where there is not a reference to a particular matter we deal with Erskine May. The report was a government report, asked for by His Excellency the Governor. It was not a report of this House, and presentation of reports is normally dealt with under Standing Orders 18 and 19.

It was not a report from a Select Committee, it was a government report, and Standing Orders 19(i) says "**At any time after the presentation of a paper under Standing Order 18(i), the Member of the Government**

who presented the [report] may give notice of a motion that the House resolve itself into a Committee of the Whole House to consider the [matter]. Debate upon that motion shall be confined to the principles set forth therein."

It goes on to say: "**(2)...no question shall be put [...or] proposed, to any part of the paper....**" As I have said, this was not a report of any Select Committee of the House, which required a resolution of the House. It was matter for consideration and the motion that you moved at that time is completely different from the motion that is now before the House, which says "**BE IT NOW THEREFORE RESOLVED THAT this Honourable House take note and debate the report of the Dr. Hortor Memorial Hospital...**" Therefore, the Point of Order is not a valid one.

Hon. W. McKeever Bush: Madam Speaker, if the Chair would allow me, Standing Order 24(9)(i)...

The Speaker: Honourable Minister, I have made my ruling, and if you object to the ruling you are at liberty, with due notice to be given, to bring a substantive motion to overrule that ruling—which you have every right to do. I have made the ruling and it will stand for the time being.

Hon. W. McKeever Bush: Madam Speaker, I will bow to your ruling, and I understand what you said in your last sentence, and I would like you to know that after I have had a look at this, as a matter of principle, I may be doing just what you suggested.

The Speaker: [Addressing the Second Elected Member for Cayman Brac and Little Cayman.] There is no further debate on any issue before the House, unless you are rising on a Point of Order, Honourable Member. [The Second Elected Member for George Town rose]

The Speaker: Honourable Member, are you rising on a Point of Order?

Dr. Stephenson A. Tomlinson: Madam Speaker, I wanted to bring something to your attention.

The Speaker: I am asking if it is a Point of Order.

Dr. Stephenson A. Tomlinson: No, it is not.

The Speaker: Well, is it an important issue?

Dr. Stephenson A. Tomlinson: It is a very relevant point.

The Speaker: I am afraid if it is not a Point of Order, there is no further debate.

The Second Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 13/94

REFERENDUM TO DETERMINE THE PUBLIC'S WISH ON THE COMPLETION OF THE DR. HORTOR MEMORIAL HOSPITAL

Mr. Gilbert A. McLean: Madam Speaker, I beg to move Private Member's Motion No. 13/94, captioned Referendum to Determine the Public's wish on the Completion of the Dr. Hortor Memorial Hospital.

"WHEREAS construction of the Dr. Hortor Memorial Hospital was the largest single capital project ever undertaken by Government to date;

"AND WHEREAS this project was, by deliberate action of the present Government, stopped;

"AND WHEREAS as a result of the stoppage the Cayman Islands have been denied, to date, a new physical facility from which health services may be delivered;

"AND WHEREAS there is great continuing need for a new and modern medical facility to adequately meet the need of the Cayman Islands' community and tourist population;

"AND WHEREAS a Commission of Enquiry was appointed by the Governor to enquire into the matter of the Dr. Hortor Memorial Hospital which has submitted a report that in part concluded, 'Clearly a great deal of effort, thought, planning and expertise by many people went into this project and it could fairly be said that it deserved to succeed';

"AND WHEREAS this important report dealing with a matter of national significance has not been debated in the Legislative Assembly;

"AND WHEREAS the Legal Department in December, 1992, estimated a total outlay on the project to date as \$4,050,000;

"AND WHEREAS various other monies have been paid out in connection with the hospital project with no completed hospital building for such money;

"AND WHEREAS the public has had no input into the decision to stop the hospital nor has the public been allowed to express its view on whether the hospital should be completed;

"BE IT NOW THEREFORE RESOLVED THAT this Honourable House take note and debate the report of the Dr. Hortor Memorial Hospital Commission of Enquiry by Sir Peter Allen and any matters relating thereto;

"AND BE IT NOW FURTHER RESOLVED THAT Government consider holding a referendum (in accordance with the provision of section 14 of the (Constitution) (Amendment) Order, 1993) to allow the public to vote on whether the Dr. Hortor Memorial Hospital should be completed or not."

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I beg to second the Motion.

The Speaker: Private Member's Motion No. 13/94 having been duly moved and seconded is now open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, before I proceed with my debate on this Private Member's Motion, I wish to express sincere appreciation for the ruling of the Chair in allowing this matter to be discussed in this House by the elected representatives of the people. It is a matter of great national significance and even now, as has been noted in the Recitals of the Motion neither is concerned with any legal proceeding that may be in Court. I certainly give my undertaking to refer to the significance nationally, economically, socially and otherwise, that the stopping of the hospital, in my opinion, has caused. Whether it was right or wrong, I leave it strictly to the Court, and should I make any mention of any materials which would prejudice this case before the Court, I do ask that the Chair intervene, as it said it would.

Madam Speaker, I believe the undertaking of the Dr. Hortor Memorial Hospital was, out of any project that the Government has ever undertaken over the years, under any administration prior to the one that indeed undertook this, the most controversial project of the Government the Cayman Islands. It also constituted, in terms of money, the largest outlay to achieve what was the desire: that is, to build a purpose-built modern building specifically to deliver health services for the people of the Cayman Island, and visitors who might use it.

One of the greatest objections to the undertaking of building this hospital was the fact that most people noted the large amount of money that was being spent to do so. The general consensus, or view, expressed by persons with names, and persons who had no names (who wrote to the press as "Name Withheld by Request,") was always concern about the cost. So I believe it is true to say that, generally, the public wondered about the cost and the possible financial viability of this undertaking.

Madam Speaker, be that as it may, the construction of a building called the Dr. Hortor Memorial Hospital was started. It started under protests, including protests by marchers—among whom were business people, the average man on the street and persons who, it might have been said, had particular interest in the completion or the stopping of this project.

The project started in the latter part of 1992, when the heat of the last General Election was on. In fact, it was a very hotly debated topical issue. From various spectrums of the political environment of that time, various ideas were offered as to the why's and the wherefore's of this project.

Madam Speaker, to the best of my knowledge no person, or group, was bold enough to state or to put in writ-

ing that they intended to stop the Dr. Hortor Memorial Hospital construction. I believe had that been done that would have indeed struck a sovereign thought in the minds of the population that would not have turned out too favourably at the polls for them. For while the general public expressed concerns about its cost, I never, at any time, Madam Speaker, personally had the impression that there was any recklessness of thought among the population that they would want to see that project stopped.

The project was ongoing and on Christmas Eve, 24th December, 1992, by Executive actions of the Government of the day, the construction on the hospital was stopped. The Government, of course, gave its reasons

and all of the population in turn stated their reasons whether they agreed or whether they expressed grave concern by such happening.

Madam Speaker, I believe that the result of that project being stopped has been a major denial to the people of the Cayman Islands to have a modern building or facility where they can go to receive medical attention on the scale that was planned for that project. This denial to the population continues right up to the present time, for all that this country has in Grand Cayman is what we call the old George Town Hospital. Anyone who attends there, and knows it like all of us do, knows that on the compound there are many buildings—scattered, one might say—from which various medical services are given.

It is overcrowded, in terms of availability of beds to in-patients, it is hard pressed where the demand from the public is so great for all the various services that are sought for the various ailments. The whole physical facility is not geared or designed suitably (in a modern context) to deliver the services which it is called upon to do.

Here, I must say that I am grateful that even under the extreme harsh and adverse circumstances at that facility, doctors, nurses and all of the staff involved with health services are delivering to this country services which still rate among the best in the Caribbean and the Central American scene. But (and it is a credit to the people who are delivering these services), it does not for one moment in time address the fact that there is an ongoing and pressing need in this country for a proper facility. No talks by the former Minister for Health—who by deliberate executive decision and policy decision stopped it—nor by the present Minister for Health, who inherited this disastrous situation, can help unless there is a proper facility in this country.

Many people said—and I was one—that it was possible using modern technology and construction methods, to build a modern facility on the same site if one should build upwards and over the buildings that presently exist at one storey level. But counter to that was that the construction work could affect the services going on in the facility. There was a certain danger of people going there and being harmed as construction work went on, and there was a question of getting insurance to cover such conditions. Also there was the argument that

it was not properly located as it was in the pathway of approaching aircraft to our runway here in Grand Cayman. Thus, there was a noise factor plus the danger of an aircraft crash in the area.

I think that most arguments that were laid down at the time were valid on one side of the spectrum or the other. To what extent is something that could be mooted.

The Government is saying that it is going through the same laborious process of finding architects, quantity surveyors and specialists in hospital design, and I suppose, accountants, doctors, nurses and all ancillary staff at the hospital. To once again go over what has been done, with full participation of these people as noted in the Commissioner's Report, is a waste in my opinion of manpower resources, time and money.

For us to spend hundreds of thousands of dollars, or perhaps millions—I do not know how much the Government is paying the people whom they say are supposedly going over the process again—is a situation where the people's money is not being spent to the best advantage. Even knocking down the MRC building, demolishing it, putting it somewhere else, cannot justify the time, the expense, the wasted manpower and all the rest of it; not at this point in time.

How far it has reached, we do not know. What will be the estimated cost? We do not know. But we can be absolutely sure that it will run into the millions. This is bound to be so, particularly from the point of view that within the present government, and among some of its supporters within the Government of this House, it was said that the hospital could not be built for the amount that it was contracted for in the first instance and that it would cost like \$30 million, \$35 million, \$40 million, all amounts that were thrown around at the time.

So, business people and professionals, being the intelligent people that they are, would look to finding the factual costing and also, providing a certain percentage for profit, taking into account that there are people in this very House who are most interested in seeing the hospital cost more than what the experts said it could be built for.

One of the chief considerations at this point in time about the completion of the Dr. Hortor Memorial Hospital is one of money. If we should believe for a moment the cries of the present Government and their concerns about money and the fact that the country does not have any, and their frugality with money and expenditure in the country, then one would expect that they would seriously be guided by this factor.

Madam Speaker, the hospital was stopped, and it makes no difference to me for whatever reason, but I would like to look at some of the things that automatically happened to the people. There was immediate unemployment—people lost jobs, as there was no more construction work going on. Among those people were masons, steel benders, carpenters, electricians, air-conditioning people—every area of the construction industry was touched, right down to suppliers of material.

Could it be said that was good for the country at

that point in time? I do not believe so, for the shock waves that were sent by the stopping then, that affected and touched the people, are still vibrating. The people are still feeling it, because the construction industry took a downswing at that time and is still down. Irrespective of whether the Minister for Planning says that there have been lots of approvals for buildings, those buildings are not buildings until they are completed, nor the monies estimated for them spent, until it is spent.

Madam Speaker, the economic effects of the stopping of the Dr. Hortor Hospital went even further afield than the actual employment, the construction workers' employment and all the different categories of workers. It affected suppliers of medical equipment; suppliers of furniture (and the furniture supplier was a local entity); it affected those who supply the kitchen equipment. So one could find various persons or entities or providers of goods and services who were affected.

The Commissioner's Report shows us that there was at least an injection through the furniture supplier—a deposit of \$131,453—and there was also some benefit locally when the roads to the hospital were given out to contract for \$50,350. There was also some cash injection into the economy when \$1,114,109 went into the preparation of the site. So, the project, by being ongoing for the time it was, did have economic benefit, and when it ceased to be ongoing it had economic downturn.

The company which had the contract to build the hospital was the lowest of all those who had bid, and we will never know whether it would have accomplished it or not.

The actual expenditure that we know of is \$4,045,000, which we can only believe as being factual, for that is the amount shown in the report of the Commissioner who had the benefit of seeing all the various papers which were made available.

The Commissioner, on page 88, says that in December 1992 the Member, **“had asked the Legal Department to review the hospital contractual arrangements and advise on the ramifications of costs should the Authority decide to abandon the project. The legal review estimated a total outlay on the project to date as CI\$4,045,000...”** So that is all we are really privileged to know as being factual in it.

Madam Speaker, my question is, With that kind of payment of the people's money could the Government not see the benefit that would be derived by the population from that project going on? And consider that if that should cease, any monies that would come after that would not be available to the public, nor would the country get the benefit of it—the project would languish in the state that it presently exists?

Madam Speaker, the *Caymanian Compass* carried a short article a few months ago stating that up to four subcontractors had been paid certain monies. The amounts were not disclosed: someone in the Financial Secretary's office said they had to be audited and then it would be made known. I do not know what auditing has to do with the fact that if four cheques are issued that someone could not take a calculator and add those four

amounts and say it was "X" or "Y" amounts that were paid.

But I believe that the Government of the day now knows that it severely erred in its judgment and in its policy decision, and there is a strong reluctance to let the public know how much it paid in those subcontracts.

There are those of us that could take that amount and add it to \$4,045,000 and know how much of the people's money has so far been wasted. I have spoken to different people about what they estimate would be the average amount paid and spent to date. I have been told by people who are in this business that they estimate that it could easily be approximately \$6.5 million. It could well be more.

As one looks at that kind of expenditure of the people's money and for the people to have nothing as a result of it, and the people not having the opportunity of directly saying to the Government, 'You have done what we believe we want you to do,' or 'You have not done,' it becomes a serious problem. There is nothing to show for the expenditure of money that the Government has spent except approximately 110,000 square feet of slab. A building that in some sections was up to the belting and the fact that (as if to give the ultimate insult to what was to be a health facility) it serves as the floor for a refugee camp with the roof being a canvas shed!

Madam Speaker, the Government can truthfully claim that they have taken the people's money and spent it in large and staggering amounts to show nothing for it. What has it done to the country as a whole? The Minister's and the Government's hasty, reckless and far-reaching decision has brought into question the credibility of this country.

The Government's credibility has long been in question as to its ability to manage effectively, but for the first time in our history it has brought into question the credibility of the Cayman Islands; the credibility of generations of people who displayed good sense in terms of money.

There have been more serious economic hardships than there are now. Successive governments have never had a loan from a bank, or any consortium of banks, where they have told those banks that they are withdrawing the guarantee that the Government—for and on behalf of the people—extended to the banks who agreed to give the money to build the Dr. Hortor Memorial Hospital. The Government of the day is understanding (if it did not understand before) that banks are the toughest customers on earth—that being the absolute nature of banks—when it comes to dealing with money. Those of us who know anything about anything, understand that very clearly. So, when we look at the facts these banks satisfied their hardhearted financial selves. They believed their money could be spent on this project. It says something about the faith and the credibility in the people and in the country. The Government of the day did not see that similarly.

I believe that the stopping of the hospital affected the financial community who wondered: What next? No other Government before did such things. What can they

expect out of this Government? I believe also that it puts the Cayman Islands into that position that so many legislators like to bandy about "Banana Republic." It took millions of dollars to earn us that categorisation.

I believe that investors in this country (since that time to now) feel a certain uncertainty about what has happened and have developed certain inhibitions about whether they will spend their money here in projects locally. They are not certain whether their money will be put at risk when they see that three major lending institutions had a Government guarantee withdrawn from them.

Madam Speaker, those things being the case affects the welfare and the livelihood of the people of this country. Those are the ripple effects. That is why we have an economy, particularly in the construction industry, that is hurting. Where does it leave the people of this country, seeing that to this point in time there have been no new facilities from which the people can receive medical services as delivered at the hospital?

We know that the present Government has entered

into agreement with a hospital in the United States that was reported in *The Miami Herald*, as saying that it earns up to \$3.5 million per annum. We must wonder if that huge expenditure could not have been reduced if there were a proper medical facility in the Cayman Islands. Could not specialists from the United States come to a new modern facility that had proper medical equipment and do the job here, where the cost per day would be hundreds less than sending persons to the United States with all the cost that incurs? Could that not have been done? Most surely it could have.

My question is not far-fetched. It is not unrealistic. In fact, it is down right factual. The Commissioner of the Enquiry into the Dr. Hortor Memorial Hospital noted the predicament that the country was in at this time, when he said on page 92 of the report, and I quote: **"Improved up-to-date health facilities accessible to all inhabitants of the [Cayman] Islands would obviously be advantageous since the general welfare and health of the people is of primary importance. It is self-evident that a healthier working population is generally happier, more vigorous, dynamic and productive. The state of their health affects the children and their ability to learn and so live better lives. The elderly benefit by a more comfortable and enjoyable retirement."**

Madam Speaker, I could certainly not add anything to that because here is an outsider capable of doing this job, hired by the Government to do the job, and that is what he chose to put in his report as his view on the situation. He was not guided by me (nor in my opinion, anyone else), but by his findings—his shocking findings—of the present predicament of the Cayman Islands.

The Speaker: Honourable Member would this be a convenient time to take the suspension?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.38 AM

PROCEEDINGS RESUMED AT 11.59 AM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman, continuing.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

When we took the suspension, I had just referred to a statement by the Commissioner who carried out the enquiry into the Dr. Hortor Memorial Hospital. I said that the way he had put his thoughts on where it left the country and the effect and impact it would have on the country could hardly be better stated.

One other brief statement that he made in his report said, and I quote: **"Such a project is better viewed as essentially an investment in society rather than a profit-making business."** (page 92) Madam Speaker, that is the point I believe the Government of the day should have taken into account before it took the decision that it did which has put the country into a tailspin.

The need for a facility continues daily. There are insufficient beds. There are cases of insufficient beds in the George Town Hospital, even though it has been denied in this Honourable House by the former Minister for Health. There are shortages in many areas of the functioning of the present George Town Hospital.

The remedy which the Government at this time finds for the country is again what the Commissioner analysed the situation would be upon the stoppage of the Dr. Hortor Memorial Hospital. I quote on page 93, where the Commissioner said: **"Consequent upon discarding this project the present GT [George Town] Hospital will no doubt need to be enlarged and provided with additional in-patient, out-patient and administrative facilities and accommodation with better fire and hurricane safety provisions and up-to-date medical equipment."**

Attempts by the Government to do this at the present George Town Hospital at this time (while a designed hospital and one that is up to the belting, as we talk about, with plans in place, with floor process in place, with designated areas for these very things that are spoken about here), is a waste of the people's money.

Most outstanding is the fact that the people of this country, have not been given their right to say whether they want to see their half-finished hospital completed or not. The Government has presumed to know best in this regard. This is so fundamental to making us what is commonly termed "The Banana Republic"—where we go in certain countries and see half-finished buildings and ask, 'Why is that building that way?' 'Oh, that was done by the Reds. Then the Blues got in and they stopped it'—we should not have that in these Cayman

Islands! That should not be!

The only way the Government of the day can legitimately claim it should remain in the present state it is would be to let the people directly vote on it through a referendum. There was so much said about referendum in this House during 1990. And so much said during the election in 1992 by the present group of politicians who now have the majority in the House that I seriously wonder how they will attempt to deny the people the right of resolving this matter by referendum. They stated throughout that the only way the people can have their say is through a referendum, and that is the most desirable and democratic means of polling the opinion of the people. On and on it went and, of course, they said that they have it in their Manifesto.

Madam Speaker, most unusual in the constitutions of Dependent Territories, indeed of most countries of the Commonwealth who are not really inclined towards referendum, is the fact that in the Constitution of the Cayman Islands a referendum can be called. The [referendum] can be called by this House in the majority, or by a majority vote, saying it wishes to give the public the opportunity of voting on a particular matter of national importance.

There are various arguments against that, and one would be the cost. But cost of doing such a thing in this case would be minuscule, for the people who are eligible to vote in this country have their names on a voters' list that was used as recently as 1992. There will hardly be any need to revise the voters' list to get the opinion of the population—that population which was eligible and of legal age or are on that voter list.

All it would take, would be simply to designate a day when the people of this country would be invited to go to certain locations in each district of the Island and tick a paper that would have one simple question: Do you wish to see the Dr. Hortor Memorial Hospital completed? Yes or no? It is so simple. Anything else would be an absolute denial of the people to decide on their hospital—which has been stopped—and to have a voice on the millions of dollars that have been put into it without any hospital. Indeed, it would be the singular guidance to the Government of the day whether they should continue on this new thing they are on, to revolutionise the situation at the George Town Hospital, while one simply sits half completed waiting to be completed.

The amendment to our Constitution which allows a referendum says: **“29(2) Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the Elected Members of the Assembly, to be a matter of national importance and specified in such law.”**

Madam Speaker, there can be no doubt that this is a matter of national importance, one that has been ongoing, and one I believe the Government would like if it would just go away and disappear into space. But it will not, and it cannot. The least that can be done at this

stage, is to allow the people of this country their right to express their opinions through a referendum.

They have the benefit now of the findings of the Commissioner appointed by the Government. His findings say; **“Clearly a great deal of effort, thought, planning and expertise by many people went into this project and it could fairly be said that it deserved to succeed.”** (page 92).

This Government has a way of redeeming itself from where it has placed itself in this country, by allowing the people the chance to exercise their right by a referendum to decide whether the half-finished hospital should be completed or not. It is immaterial until after that decision is taken what company would complete it, if completing it were the decision. Certainly, the people have that right and it is provided for in the Constitution and the National Team claims, of course, that it is there because they wanted it so badly. This is a great opportunity to prove to this country that that is so.

So, having now presented the Motion and having presented the case for this, and having stayed away from slander and otherwise, I leave it to the Government to take its position on the Resolve of this Motion.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I rise to speak on Private Member's Motion No. 13/94 before this Honourable House.

Before I entered into politics, I was against the Dr. Hortor Memorial Hospital going in the swamp. Having been in this Honourable House for about 15 or 16 months, and having had the opportunity to go into more detail in regard to this facility, my view is still the same.

I think one of the biggest hoaxes ever played in this country is to have called the facility a hospital. Out of curiosity, last night I went home and looked up the meaning of the word “hospital.” *The Encyclopaedia Britannica* says: **“A hospital is an institution that is built, staffed and equipped for the identification and diagnoses of disease and the treatment, both medical and surgical, of the sick and injured; for their housing during this process and for certain other procedures. The medical staff is organised into such departments as surgery, medicine, obstetrics, pediatrics, etcetera.”**

Madam Speaker, my understanding of what I have seen of the facility that would have been built under the auspices of the Dr. Hortor Memorial Hospital, was an inpatient facility thus not qualifying under what I would have judged to be a hospital.

The first Whereas that I would like to speak to is: **“AND WHEREAS the public has had no input into the decision to stop the hospital nor has the public been allowed to express its view on whether the hospital should be completed.”** I think this message was sent loud and clear at the elections on the 18th of November, 1992.

[Members' interjections: Hear, hear!]

Hon. Anthony S. Eden: As a matter of fact, the National Team Member who ran in the district of North Side had one of the largest election majority decisions in the district of North Side against the former Member at that time. I think this in itself has been well spoken by the people of this country.

[Members' interjections: Hear, hear!]

Hon. Anthony Eden: Madam Speaker, the next thing I would like to touch on is the first Resolve: **"BE IT NOW THEREFORE RESOLVED THAT this Honourable House take note and debate the report of the Dr. Hortor Memorial Hospital Commission of Enquiry by Sir Peter Allen and any matters relating thereto."**

With all due respect to the author of this report, if I had committed a serious crime and needed someone to put forward a case to defend me, after reading this report, I would have grave reservations about using this person.

With your permission, Madam Speaker, I would like to touch on some of the things that are in the report as read by the Mover of the Motion, the Second Elected Member for Cayman Brac and Little Cayman.

The first thing is on page 16, when the project was brought to the Public Service Investment Committee, and it says that the **"main concern of the PSIC expressed in this review was financial. The cash flow analysis provided did not furnish adequate information concerning the new hospital total annual incremental staffing costs and building and equipment maintenance and other operating costs."**

"In their conclusions the economists [or the people of the Public Service Investment Committee] criticised the project for having no clear development policy or social investment goals; for being based on unrealistic population growth assumptions; an exaggerated future demand from residents and tourists; for having a potential to increase the public debt and the level of inflation; and probably insufficiently revenue-generating to repay the loan on time."

These are some of the same fears that the National Team campaigned on in the election—the grave concerns as to how this could be a financially viable effort.

Going on further in the report, page 21: **"In April 1992, the former CITV organised a televised discussion of the project during which Mr. Miller caused some controversy when he categorised three factions whom he alleged were opposing the building of the new hospital. He said that the first group was against it for economic reasons; the second group were professionals in the twilight of their careers who were concerned that they were not able 'to cut the mustard' in a new technological environment. The third group were professionals whose incompetence was presently masked by somewhat inadequate facilities which could be blamed instead. This understandably caused a certain amount of un-**

friendly comment from the CIMDS [the Cayman Islands Medical and Dental Society] and some of the hospital staff."

Having recent dealings and affiliations with some of the medical and dental staff, I think this was a slap in the face to these professional people to have referred to them in this manner. As we can well remember, two of these medical people were literally chastised and humiliated. To get their rights back some of these people, specifically two of these doctors had to go through the Court where they were eventually vindicated from these accusations.

Another area in which the writer of this report touched on is found on page 22: **"On 7 July some of the politicians, with other objectors from the public, organised a protest march through GT [George Town] opposing the project. This caused a certain amount of inconvenience to the public because of an insufficient number of police officers on duty and the disobedience of the marchers to police instructions..."**

Madam Speaker, I took part in that march, as did many of the other Elected Members in this Honourable House, and I do not recall any problems being experienced by the Police or anyone at that time. What vividly sticks in my mind is that as the march crossed this Honourable Legislative Assembly building the past Member for Health, Mr. Miller, was standing on the steps of this Legislative Assembly in his cowboy boots and hat with his foot propped up on his briefcase—literally looking down at us out in that hot sun making fun of us. But, the Lord works in mysterious ways, and that is now history.

As a matter of fact, the writer of this report says, on page 26: **"The General Elections in the Cayman Islands took place on 18 November and Mr. Miller was one of those who lost his seat in the LA [Legislative Assembly] and consequently in ExCo [Executive Council]."**

Madam Speaker, on page 40 of the report the writer says: **"On 10 October 1991, in a debate on the HSA [Health Services Authority] Mr. G. McLean, MLA expressed the view that all the money in the Treasury would be needed simply to fill 'that piece of morass, black-mangroved swamp.' Following this from time to time in the local press were published letters... variously objecting to the chosen site as being too swampy, under water, out of the way and generally unsuitable for the project."**

I do not think anything has changed since those days. The same land is there, a lot of money was spent just to bring it up to a suitable stage. In fact, I believe the entire old Kirk Supermarket Plaza was dumped in one area and it has completely disappeared. On page 76 of this same report: **"The Member for Health, Mr. Miller, was also Chairman of the HSA Board from 1 January to 30 June 1992. During that period tenders for the hospital construction contract were received, opened and reviewed and the contract was awarded. Hansard Reports that in the Legislative Assembly**

debate on the bank loan guarantee on 29 June 1992, Mr. Roy Bodden MLA, referring to Mr. Miller, said, 'Why did the Chairman (of HSA) wait until this contract was successfully tendered by a company, some of whose principals he has fraternised with, before he resigned as Chairman...that begs a question that cannot be good! And it violates the Caymanian sense of propriety.'

The last section in the report that I want to touch on starts on page 72, and from here we can gather the concerns that our Legal Department had. I quote: "Some time in June 1992 the then acting Attorney General, Mr. Smellie, suggested to Mr. Miller that the hospital contract was of such magnitude that it ought to be looked over by the Legal Department. The matter came up in ExCo and Mr. Miller agreed in principle though in fact, nothing seems to have been done about it."

Going further into this report, on page 73: "On the afternoon of Friday, 13th November 1992, while the acting Attorney General was discussing the purported resignation of Dr. Martin-Smith with the Governor, the fact that the hospital building contract had not yet been signed came up and the Governor sent instructions to Mr. Miller that it was not to be signed until it had been reviewed by the Legal Department. The elections were to take place on the 18 November and Mr. Miller wanted to be sure that the contract was signed by 17 November at the latest. He therefore handed over the relevant documents and stated that he needed the Department's report by Monday, 16 November. Accordingly, the acting Attorney General and the Legal Draftsman, Mr. Borrowman, split the task between them and worked over the weekend to produce a combined report and advice which was delivered to Mr. Miller on the Monday morning. This included advice against signing the contract without a performance bond being in place."

Regarding the contract itself, there was a meeting held by the Health Services Authority Board, and the Chairman referred to the view of the Legal Department. But from the Minutes of this meeting of the Health Services Authority Board, "It was also mentioned that the Attorney General and Legal Draftsman were satisfied with everything, including opinions given to us by our attorneys."

Madam Speaker, as we read on, this was inaccurate because the Acting Attorney General "Mr. Smellie, later pointed out that this was not so as both the Legal Department and the HSA attorneys had considered the Anderson Arrangement ill-advised and that the contract ought not to be signed without a proper performance bond in place."

The Attorney General added "that the HSA Board might have been misled into believing that the Legal Department had endorsed the contractual arrangements whereas they had only considered the Government's position in relation to the contract."

This seems to have been a deliberate attempt to mis-

lead the Board members of the HSA into believing that our Legal Department had given assent to this contract. I think that this should have been checked in more detail to find out who put this view forward. With due respect to this report, I feel that this is an affront to the people of these islands and not worth the paper it is published on.

[Members' interjections: Hear, hear!]

Hon. Anthony Eden: Before going on to the other resolves, Madam Speaker, I would like to briefly touch on a couple of points raised by the Honourable Mover of the Motion when he said that this was a controversial issue. Without a doubt this was very controversial, as the public was gravely concerned. And, as we know, when the Motion came to this House for approval it was passed by a minority of Elected Members of this House with the support of the Official Members.

Without a doubt, it was certainly hotly debated in the last election. But the results of that last election—and everyone knows what the National Team said in their Manifesto: "We are against the building of the new hospital; We believe that the building of the new hospital at this time is extravagant and against the wishes of the majority of the people." I will go into a little bit more detail on this later on. Without a doubt, everyone who knew about the 1992 elections knew that this was one of the highest things in our Manifesto. We went to different platforms throughout the districts of the Islands sharing this same theme with all the people that we spoke to. As we all know, the results of that election, the plurality with which the Members were elected, to me, sent a loud signal as to what the majority of the people of this country wanted and what they supported.

The Mover also mentioned the high restriction in the present hospital site. I recently spoke with the architects and they said that the Central Planning Authority allows in this area a maximum of 90 feet. So this area is still well within the requirements and the necessities of the Central Planning Authority.

The Mover also mentioned the loss of jobs for some of the people because of the stoppage of the hospital contract. Without a doubt, this is true. But, can we expect the Government and the people of this country—the people who knew the far reaching effects of what would happen if this facility was allowed to go through—to carry the tremendous recurrent expenditure that would be a burden on the finances of this country. This is the way I look at this, Madam Speaker.

In regard to the Baptist Hospital Contract which is now being negotiated, I remember in a recent sitting of the House when the then Minister for Health, the Honourable McKeever Bush, mentioned that on one procedure alone, as compared between Baptist and Cleveland Clinic, we stood to save approximately \$25,000. This is projected over a period of months or years. I think the public can see the amount of savings that can be realised with this association.

As a matter of fact, I recently visited the facility (Baptist Hospital) for my own observations. I was ex-

tremely pleased with the facilities and what I saw. As a matter of fact, there is documentary evidence, and it is said that Baptist Hospital is the highest rated hospital in South Florida. So I think that being able to negotiate with an institution of this calibre says a lot for the past Ministry which Health was under.

One of the main selling points of Baptist Hospital is its proximity to the Miami International Airport. It is extremely convenient. I note this was one of the concerns of people when they went to the facility in Fort Lauderdale—they had to go to Miami, then take a shuttle up there and it was quite an inconvenience having to make these two stops, unless you went there by Air Ambulance. So these are just a few of the benefits that I see realised by using Baptist Hospital.

I now go to the last resolve, and I read: **"AND BE IT NOW FURTHER RESOLVED THAT Government consider holding a referendum (in accordance with the provision of section 14 of the (Constitution) (Amendment) Order, 1993) to allow the public to vote on whether the Dr. Hortor Memorial Hospital should be completed or not."**

Madam Speaker, during the 1992 Election campaign, as I mentioned before, the Honourable First Elected Member for Bodden Town, the Seconder of the Motion, was a Member of the National Team at that time.

We know what was published in the Manifesto and, as I mentioned earlier, we believed that our people should have the best medical care possible and feasible. The Team's conclusion was: **"We believe the building of the new hospital at this time is extravagant and against the wishes of the majority of Caymanians. It was certainly against the wishes of the majority of the elected Members of the Legislative Assembly."**

"We believe that Government cannot afford this project and is now mortgaging the incomes of future generations."

It could be said that the National Team's mandates could not clearly show through the polls what the public's view on the matter was. The Honourable Member's view was presumably in keeping with the National Team's Manifesto. Perhaps the Honourable First Elected Member for Bodden Town would be prepared to say why he has now changed the position he took during the 1992 election campaign.

If Government's position, in having decided to stop the construction of the Dr. Hortor Memorial Hospital facility, is that it would be too costly to maintain (we speak of this not only in terms of capital expenditure for the actual hospital, but in terms of recurrent expenditure, staffing and maintenance) perhaps what has not been made sufficiently clear to the public is that this Dr. Hortor Hospital would not solve existing problems. The truth is that it would have been an inpatient facility only, with out-patient facilities remaining at the present George Town Hospital site.

Physicians would have had to provide coverage at both facilities. Just one example: If there was a paediatric clinic going on at the outpatient facility at the present hospital site, and that doctor was required to leave to

attend to an emergency in the other facility, this would result in a great deal of inconvenience with patients' time being wasted. The obvious solution would be for the Government to employ another paediatrician so that both sites would be covered when, in fact, the number of patients would only justify one—not two.

The Dr. Hortor facility would not have any of the following amenities: Laundry; Kitchen; Training facilities for staff; Provision for medical records was minimal (less than 1,000 square feet); We would have had to rely on transportation for meals at least three times per day and this would have to be done with appropriate carriages, with insulation and other things needed to keep the meals hot or cold; The linens, sterile gowns and most sterilised small instruments.

The main thing with this situation is that there would have been a number of duplications of services, materials, facilities and staff, as in Physiotherapy, the Laboratory, Materials Management, Warehouse, Pharmacy, Radiology, Security, Maintenance of the grounds and equipment, Large instruments, Training facilities for the

staff, Utilities, such as sewerage treatment plant, Emergency generator—all would have to be duplicated on both sites, and Patient registration which would involve more staff and computers. This arrangement would have resulted in much duplication of services and significant increases in staff and operational costs.

As we know, the Health Services Budget for 1994 was approximately \$13 million for annual recurrent. To operate both sites, in my modest guess, would probably be around \$30 million or more per year.

Madam Speaker, added to this would be the upgrading of the present hospital site to meet building and fire safety codes, and providing other necessary services to patients and staff. This upgrading would include: Outpatient consultations, including paediatric; Replacement of sewerage treatment plants; Diagnostic services; Physio Therapy; Mental Health; Geriatric Services; Hospice Services (for the terminally ill); More Administrative Offices.

No mention was made in the proposal of the Dr. Hortor Memorial Hospital facility for the costs of upgrading the electrical system, fire prevention and fire fighting capabilities, plumbing and other renovations at the George Town Hospital which, in my estimation would run between \$8 million to \$10 million.

The next area I would like to look at—

The Speaker: Would you be prepared to take the luncheon suspension at this time?

Hon. Anthony S. Eden: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.51 PM

PROCEEDINGS RESUMED AT 2.32 PM

APOLOGIES

The Speaker: Please be seated.

I have received apologies from the Elected Member for North Side, and the Honourable First Official Member, who will both be absent from this afternoon's sitting.

The Honourable Minister for Health, continuing.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

When we took the break, I was about to address some more of the difficulties and inconveniences that would have to be faced in regards to the Dr. Hortor Memorial Hospital facility and the George Town Hospital.

One can well understand the inconvenience that would be experienced by patients and staff under the split site arrangement, going back and forth. To use an example, having a maternity unit at the Dr. Hortor Memorial Hospital facility and an antenatal unit at the George Town Hospital, medical information on patients would not be easily available in an emergency situation where the patient may go into labour. This is just one of many problems that I see which could have developed in this split site idea.

It has been abundantly clear to me that the split site arrangement was not supported by the health practitioners who were professionally and ethically bound to speak out against the proposal, even in the face of threats and intimidation. I have touched on this before and it is a shame that something like this had to transpire against our professionals and specialist leaders in the field of medicine. Amendments to the proposal were not taken sufficiently into account, leaving a state of general dissatisfaction with what was being proposed.

I would just like for us to take a quick look at the overall cost to capital development for the two projects that would have been involved.

The Dr. Hortor Memorial Hospital, as we have seen, was estimated at approximately \$16 million. The upgrading of some existing buildings and construction of new buildings of the George Town site was estimated at \$10 million. This brings us a total of \$26 million. This is the true picture that should have been told to the public, not the hoax about the inpatient hospital facility in the swamp being a hospital and costing only about \$16 million. This facility was only the tip of the iceberg. There is no telling how much more would have been needed to bring it up to what is provided at the George Town Hospital facility.

These are some scenarios that could have occurred if the Dr. Hortor Memorial Hospital had been allowed to continue. For example, the manpower: Inpatient facilities at the Dr. Hortor Memorial Hospital site, and outpatient facility on the present site, would result in physicians having to provide coverage at both facilities. At best, this would have been a logistics nightmare. I just cannot comprehend how this was going to be handled—physicians running, and it is not so easy getting around some of those corners. I took the opportunity yesterday to go up there and look at the site. In case of an emer-

gency it would have been where more emergency situations could have been perpetrated.

Patients would have been confused as to which facility to go to for treatment because it was intended to offer some clinics and casualty services at the present George Town Hospital site. The present George Town Hospital site is centrally located and easily accessible for people using public transportation. I think this is one of the greatest selling factors in regards to the site. Let us face it, whether we realise it or not, there are some people from the outer districts who still have to use public transportation coming in to George Town at the Kirk Plaza parking area and walking up there. They would have had to walk a further mile or so and this would have been a great inconvenience.

The Dr. Hortor Memorial Hospital facility did not have the following facilities: **Meals:** Meals would have to be transported to the Dr. Hortor Memorial Hospital facility at least three times daily. In addition, there was no cafeteria on site. Visitors, staff and some patients would not be able to have easy access to drinks, snacks and other meals. Additional transport would have to be purchased and more staff employed to transport the food.

Laundry: The Dr. Hortor Memorial Hospital linen, towels and other laundry supplies would have to be transported from the George Town Hospital site once again requiring more transportation which would have to be separate from that used to transport the food and additional staff would have to be brought in to provide the transportation.

Medical Records: According to the Dr. Hortor Memorial Hospital facility plan all records would be kept at the present George Town Hospital site. This would result in medical records having to be transported backwards and forwards and I am sure that for those of us who now use the present facility, we know the difficulties encountered in finding the records sometimes, even having the records at one location. To have them stored at two would be extremely difficult, especially at night and on weekends, not to mention the nightmare of keeping track of where medical records are at any given time. I do not know if we can really comprehend getting these records, especially in the case of emergencies, it would be extremely difficult.

There was no **training facilities** planned for the Dr. Hortor Hospital facility which would have resulted in a great inconvenience for the staff of the hospital.

The Laboratory, Radiology, Pharmacy, Physiotherapy would have to be duplicated at both facilities resulting in increased cost for treatment, staffing and all overhead cost.

Another aspect that would have to be looked at is computerisation. Costly computers and communication linkage would have to be provided between the Dr. Hortor Memorial Hospital site and the George Town Hospital site. We know the cost, specifically of computer equipment, and the kind of sophistication that is now used with that, would almost be prohibitive.

The Materials Management Warehouse. It was in the plan to have the Materials Management Warehouse

at the Dr. Hortor Memorial Hospital site. This would have resulted in either transporting all medical, surgical, pharmaceutical, housekeeping supplies to the present George Town Hospital location or, once again, build another facility.

Upgrading of the George Town Hospital site. As I have hinted at before, despite the building of the Dr. Hortor Memorial Hospital facility, we still would have had to upgrade the present George Town Hospital facilities to accommodate what was envisaged by the past Member, Mr. Ezzard Miller, as an out-patient facility.

One of the key things that I looked at in assessing this was the non-support of the professional medical people in regards to their opinion and ideas on the hospital plan, that is, the Cayman Islands Medical and Dental Society. They have continuously expressed their objections to the proposed split site hospital.

As this document has been widely read and looked at, I will just beg your tolerance to look at a couple of items. It is prepared by the Council of the Cayman Islands Medical and Dental Society, dated 22 May 1992: **"It was concluded that too much emphasis was being placed on expansion and too little on technological advancement necessary to diagnose and treat patients more efficiently. Fact and figures indicated that the likely occupants at the new hospital would make the venture financially unsound.**

"An analysis of the forecast statement revealed that they were unrealistic and unreliable."

Some of the opinions expressed here were referred to Dr. Clarence James. Dr. James is a surgeon in Bermuda. He was at that time President of the Bermuda Medical and Dental Society, and was also at one time the Health Minister of Finance. In his response he mentioned certain observations in regard to the split site facility and the proposals put forward. He responded to the President of the Cayman Islands Medical and Dental Society, and I quote: **"It is my hope that I have assisted you in achieving your goals for the development of a successful health care system in the Cayman Islands. I have had the opportunity to review the material [which was the Cayman Islands Health Services Authority forecast in which they made their financial projection] which you sent me earlier this month by courier.**

"In my view, such detailed forecasted projections of receipts and expenditures are practically worthless. They are usually produced as a public relations exercise in an effort to promote a specific project, which in this case is the Health Services Authority's new hospital. Beyond a year or two it is impractical to develop any real accuracy in future predictions in health matters, and to expand such projections for 10 years is laughable."

This is coming from a person who has had the experience and the opportunity to look at other projections, and right away this doctor was able to spot the many flaws in it.

It appears that, at a minimum, the Dr. Hortor Memorial Hospital plan would have cost \$16 million, plus another \$10 million to renovate the present George Town

Hospital site, which comes to a total of \$26 million. In addition there was going to be much duplication of services and staff. It would have been a significant increase in staff and cost, as we know the Health Services Budget was \$13 million for this year. I wonder where this amount of money would have come from to support the idea. Once the money got short, how were we going to support it and keep it going?

With regards to insurance coverage that was proposed by the last Government, the projections that were made for fees to be collected from patients under a National Health Care Plan scheme were to be put towards the annual cost of operating the Dr. Hortor Memorial Hospital facility.

Madam Speaker, I have been reliably informed that the proposed minimum premium of \$45 per month at inception would have been increased by the insurance companies at a later date. There was no guarantee that this would not be done. In fact, it was very likely that the insurance companies would have increased the premium, as the \$45 per month was unrealistic to begin with.

I recently found out that the approximate cost of the consultation fee which has been agreed to with the consultants for the review of the facilities going on over the past few months, was less than \$50,000, not hundreds of thousands of dollars.

I could have supported this Motion if we had been talking about apples and apples. But what we are looking at here is apples and oranges. We are talking about an outpatient facility as opposed to a hospital (as we are used to by the term) and what we now have with the present George Town Hospital site.

I would like to also inform this House that a tentative decision has been reached that any development for the new facilities will take place at the present George Town Hospital site.

We have approximately 12 acres of land and MRCU will be vacated from there giving us that much more space. Ironically enough, the very consultants that did the review for the past administration in regards to the Dr. Hortor Memorial Hospital site at the new location have agreed with me that these facilities can be placed on the present site. This, in their review and revision, can take care of these Islands for the next 20 to 25 years.

So, in closing I would ask all of my colleagues to think of where we came from. What has changed since December 1992? Really, there has been no physical change. It is the same area, the same proposed inpatient facility, and I ask that when the vote is taken we know what people have said—how the public feels, how they have expressed their concern—that they vote against this Motion.

Thank you.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I rise to offer my

input on Private Member's Motion No. 13/94, calling for a referendum to determine the public's wish regarding the completion of the Dr. Hortor Memorial Hospital.

I am not going into great detail on the review by Sir Peter Allen, but I would like to go over some of the things mentioned by the Mover of this Motion in his presenting the Motion before us today.

This is, perhaps, the most controversial subject in these Islands over the last year of its development, in that more people have felt frustrated and unhappy in that they were not listened to in the stopping of the building this hospital.

The second Whereas of this Motion says: "**AND WHEREAS this project was, by deliberate action of the present Government, stopped.**" I would ask the Mover if in responding he could maybe clarify what he means by deliberate. When I think of deliberate, I think of on purpose. This is nothing more than what we promised the people we were going to represent during the election. We campaigned openly, at least the three George Town Members, the A-Team as we were known, that we intended to stop the building of the hospital, if at all possible, and if it was legal. We did not hide that, so I am not sure what the Member is talking about that no one openly campaigned on stopping the hospital.

I feel this was probably one of the most important things in our Manifesto and it was given to us by the people to carry out. If we are to have true representation, then we must carry out the wishes of the people that we are representing.

Going down to another Whereas, it says: "**AND WHEREAS various other monies have been paid out in connection with the hospital project with no completed hospital building for such money.**" If the previous Government had listened to the people of these Islands this would not have come about.

Early in June 1992, the Chamber of Commerce conducted a survey. I am amazed that these two Members (the Mover and the Seconder) are always blasting the Chamber, but when it is convenient, they somehow seem to use their surveys for their Motions. They did not mention the survey of June 1992, where 80% of the people in that survey did not want the hospital to be built. Therefore, I feel this is partly (I am not saying wholly) indicative of the wishes of the public. This is a large percentage, a large number of the public that they should not have ignored.

Further to that, a former George Town Member did a survey at just about the same time, at random, over the telephone with various people, to see if the public was in favour of the construction of this hospital. According to the results of that survey, over 65% of the people, from George Town in particular, were against the building of the hospital: Yet, they did not listen to the people.

This is the point that I would like to draw the Mover's and the Seconder's attention to. For not listening to the people, we have this mess of that existing building which the Mover is talking about today. The building is standing there unfinished. I am not sure if he has had an opportunity to look at that building, but I sug-

gest that he should go and take a look at that foundation and see the cracks that are there. In filling that site and all that took place, we read in the report (and the former speaker mentioned), how the Kirk Plaza was dumped there and still could not fill it and more fill had to be dumped in there. Of course, in their haste to have it constructed, they did not wait for the land to settle. Because of this we have cracks. I am not saying that the whole foundation is cracked, but there are cracks as a result of their haste.

The former speaker, the Minister for Health, explained to us that the present site, where the old hospital is now, has over 12 acres. I feel that with the plans that are being looked at, and the projections for building this in phases, a proper facility will be provided for the people of these Islands.

The Mover made a comment about going over what is done as no full participation by people to use it, was sought. That according to the former Member, he claims, so much input was sought by the people who would be using the facility, that this was just a perfect plan.

I remember the evening he came to the South Sound Community Centre. He told the public that all the people participating and using this facility – doctors, nurses, workers, even patients, had some input into the design of this building and this was just what we needed. However, some of the inefficiencies that were brought out in that meeting, such as records—and the Minister of Health also touched on this—that he could not tell us which one of these sites, the old site that we are using today, or this proposed new building, would house the records.

Again, when we talk about computers and software and the amount of money that all of this would cost, that was not a drop in the bucket for some of the inefficiencies that this building would have.

Only today the seconder of this Motion asked the question about hot lunches for the Red Bay School. The point I am trying to make is that he is questioning the school not having the proper facilities to provide hot lunches (and this was all done by the previous Government). You can imagine the problem with a hospital not having a canteen and being unable to provide hot food, having to transport it from one site to another. To me that is not a very good facility. As a matter of fact, this building was referred to as the doughnut building with birds' wings by the Third Elected Member of Bodden Town on page 23 of the report. A lot has been said about it, but I must say that I find that rather amusing, and very well put, because when we looked at the design in great detail, it did look like a doughnut with birds' wings. I feel that is, perhaps, what we would have been getting, in addition to all the inefficiencies.

We are all aware that the present site is not meeting all of the needs, but we are working towards providing facilities where the present Minister has input from all the people, and I feel that they are comfortable. I have heard good comments from people working at the hospital who will be using these facilities. They feel that they have had some input into the efficiency and the design

of this facility and have not been told this is the way it is going to be, as was done with the former Member.

In speaking of costs, with the views of the public and with the view of the National Team, it was not the cost of the construction of this building, but the cost to operate this facility. The report says that the cost of operation was over \$25 million on an annual basis.

We know that even with health insurance policies in place for the work force, this was still not going to be sufficient in meeting the operational cost of the hospital. I feel that even though we have proper facilities (like the Mover spoke about), and specialists coming and investing here (he said that \$3.5 million per annum is a lot less than \$25 million), that is still not going to meet the needs of our people because no matter what facility is provided, the people of these Islands still prefer, if at all possible, to go overseas for health care. Therefore, I do not feel that that is a valid point, that \$3.5 million would come from specialists coming here as opposed to \$25 million. That I cannot accept.

As to Government making errors in stopping the hospital ... this is a good example of not carrying out the people's wishes. This was one of the highlights of the election and of our campaign. This was one of the things that people repeatedly asked us to make sure, if at all possible, that this be corrected. If this is wrong, and we are not doing what the people want, then in the 1996 election they will have their chance to correct it. But I feel that we have done the right thing in that we carried out the people's wishes. I do not mean to harp on carrying out the people's wishes, but that is good representation. We must do what they want us to do not what we want to do. We must at all times try to listen and represent them.

Another point that the Mover mentioned was that the construction economy is badly hurting. It is not hurting because of the stoppage of the hospital; there are other factors. I feel this is misleading the people, making them wonder if perhaps this is possible. This is not the reason why the construction economy is hurting and that should not have come into question here. We have one large construction company, a handful of subcontractors, and that construction company has about four other projects which they are presently working on since the stoppage of the hospital. I cannot attest to those subcontractors what their work load is like, but in the report it says that Hurlstones did not seem to have a financial problem, and I do not believe that stopping this hospital has hurt that company in that construction is down and they do not have any work per se.

On pages 78 and 79 of the report it explains that in going over the contract there was only one company and they had other projects. But there are some concerns, and I would just like to read from pages 78 and 79: **"It was pointed out that this exercise took place only a few weeks before the construction contract was awarded and both of them were aware at the time that Hurlstones was tendering for it."** Here we are talking about the contract and the politics that are involved in awarding that contract. **"Obvious inferences**

could be drawn from this."

In other words, the Member and the Director of Hurlstones were paying for advertisements and using the Health Services Authority logo, even though it was approved by the Health Services Board. The final sentence on page 79 says: **"No matter how useful and helpful they may have thought the idea to be at the time it clearly would have been much more sensible to have avoided being so involved."**

It does not matter how many times a Commission of Enquiry took place regarding all of this for the hospital; there are still questions and opinions by the public and by the people of these Islands that things we are still not right. And even though I have read this report, I still have questions in my mind.

In the last Resolve, this Motion asks for a referendum. Before the vote was taken in this House in July 1992, regarding the construction and the passing of the hospital, we had protest. I think the Minister mentioned this. Many of us were involved in that protest as well, but the fact was that the people were trying to tell the previous Member, and their representatives, that they did not want the construction of the Hospital. It was not a referendum per se, but it was a way of getting across to the representatives not that it was not needed, but that they did not want it on that site, nor the construction at the time.

As to the cost of a referendum, we campaigned for a referendum. That is good democracy. I have no problem with that. And the cost of a referendum, if we felt it were necessary, then we are truly representing the people to get their input, that [the cost of the referendum] would not be expensive at all. If I felt that the public were unhappy with the decision to stop this then I think all of us, Backbenchers and Members of the Government, should be happy regardless of the cost of the referendum to make sure that it was taken.

To not have a referendum is not a denial of the people. That was perhaps so when they were denied a voice when the hospital was started. I feel that going to the people for a referendum now is not necessary. We have heard and listened to the people of these Islands, and a referendum is not needed at this time. Therefore, I feel that would be a waste of money because we know how they feel. We have had protests, we have had surveys and we have had representation—groups, individuals, coming to us who were very pleased when the construction of this hospital was stopped in December of 1992.

Therefore, I do not see the necessity of a referendum for the hospital at this time. When we needed the referendum it was not taken, and it is not needed at this point. Therefore, I cannot support this Motion.

Thank you.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker. I now rise to offer my contribution to this de-

bate regarding Private Member's Motion No. 13/94. To begin with I would like us to look at the first resolve: **"BE IT NOW THEREFORE RESOLVED THAT this Honourable House take note and debate the report of the Dr. Hortor Memorial Hospital Commission of Enquiry by Sir Peter Allen and any matters relating thereto;"**

The first point that I would like to make is that I find it extremely difficult to debate the report made by Sir Peter Allen, since that report concerns many of the substantial matters that will be dealt with in the upcoming court case. That report refers to the contract. It refers to the clause that Government used in deciding to break the contract. It refers to financial matters relating to the stoppage of the hospital and to grants of the contract, etcetera.

I find that it will be very difficult for me to discuss this comprehensively, and I ask you to stop me if, for any reason, I am on the verge of prejudicing the court case that is coming up. I give you that responsibility.

A similar thing happened yesterday with regard to the Northward Motion. In my opinion, if that report were to be discussed objectively it would no doubt have some bearing on the murder that took place at Northward Prison. If I got up in this House and started talking about all that was good and all that was bad about the Prison system that could certainly, in my opinion, affect the outcome of that murder trial.

There is no question that the entire medical fraternity objected, and I believe rightly objected, and were extremely opposed to the building of the new hospital, the Dr. Hortor Memorial Hospital, especially since, as we have already heard in this debate, it would mean that we would have a split site hospital. It would mean that inpatient and emergency services would be at the new hospital and outpatient and related services would be at the present site.

As a physician and surgeon, I would like to now begin to point out some of the problems that would arise as a result of working in a system like that.

Most people realise that one of the main reasons for expenditure in any health care systems is salary. A health care system, like the Fire Service and other 24 hour services, has to be staffed around the clock, therefore, in any one month, three months' of salaries have to be paid.

For the system to function efficiently it means that one has to ensure that only the staff needed to run the service is provided. Because of this, we at the George Town Hospital find ourselves in a very tricky position. We find, for instance, that while the workload sometimes can only justify a specialist in one area, you cannot expect that person to work 24 hours a day. Therefore, sometimes one can justify the requirement for another physician. Quite often two physicians are not employed full time.

If one looks at the number of cases and the amount of work those physicians have to do, one could be justified in saying that there is not sufficient work for two professionals. But because of the system we have and the situation we find ourselves in, we end up having to pay

for those two professionals.

This situation would not be alleviated by having a split site hospital. What would happen is that a physician who is involved, for instance, in taking care of patients in the ward could not easily be utilised in taking care of patients in the outpatient department, and certainly not in emergency service.

I remember when I was employed full time at the George Town Hospital, it was a regular thing for me to be in the operating room and my services needed in the emergency department. As soon as I could get through with the case, then I would have to find myself in the emergency department to render the necessary service. Because of the proximity of the two places, I could easily do so.

I think the Minister mentioned too, and quite rightly so, the problem with the Paediatrician, for instance, doing an outpatient clinic at the present George Town Hospital and an emergency arising in the Paediatric or Neonatal Ward back in the Dr. Hortor Memorial Hospital. We do not have to spell it out, we can see the inconvenience that this would cause and the risk to human life.

This goes straight across the board when it comes to staffing of the hospital. There is no way that the split site hospital could be staffed with the same number of personnel as if everything is on one site. I believe that anyone thinking in his right mind could easily see why this could not be possible.

The Minister already told us about the duplication of materials, the duplication of such facilities as the sewerage processing plant, oxygen supplies. We know that whenever we can centralise a service, whenever we can use one to accomplish the functions of many, that there is a considerable savings, rather than having to build a service in two different facilities.

One of the things that made me disagree with the proposition of building a new hospital in the way that it was being planned, was that I kept asking what new services are going to be provided (that we are presently not providing) after such an expenditure? I do not believe people in the public are fully aware of the services that are now provided at our local hospital, and which were provided when these plans were entrained. I do not believe that they know of the services that are available.

We have a hospital that functions extremely well which offers an excellent service despite public opinion. We have a hospital where there are many trained professionals who work to provide this care. We find that, for instance, in the Department of Surgery, we are capable of doing all the usual general surgical procedures. We find that we can take care of all abdominal surgery—be they operations on the bowels, the liver, the kidney, the gall bladder, the prostate, the uterus, the ovaries—all of those operations are being done at the George Town Hospital, and being done successfully.

We find that even operations on the chest have been done successfully. Bullets have been removed from people's chests. Serious trauma has been managed successfully at the hospital. Then we have an Orthopaedic service there where all fractures can be

treated, with, perhaps, the exception of some spinal injuries. But the common fractures of the long bones, of ribs, of the majority of bones, are treated successfully at the George Town Hospital.

Hip replacements, operations on the knees—I am talking about high-tech, modern procedures such as arthroscopy, where very, very small instruments known as arthroscopes are inserted into the knee joint through an incision of only half an inch, and with the help of video and camera one can do operations that would normally require a large incision. The hospital is at a level that is very up against the standards that are offered at major hospitals in Florida.

In the department of Radiology, we have a trained radiologist who can read X-rays. All conventional X-rays are done—ultrasound of the majority of organs; of the pelvic organs, the liver, spleen, pancreas, the gall bladder, the thyroid—all of these can be done right there in that little George Town Hospital.

We have come so far in our laboratory services. Only a few specimens now have to be sent abroad. What I have been very happy about in recent times is the presence of a pathologist. The pathologist is able to read specimens, pieces of tissue that are taken from various diseased organs. He can give you a report in little or no time. A decision can be taken as to what should be done with the patient.

Pap smears that had to go abroad are processed right here in the George Town Hospital. We have a neonatal unit that is constantly growing; it has the capability of life support, but because of certain restrictions (most of them relate to human resources), if that child is going to be on life support for too long, it is often advisable to send the child abroad to a neonatal unit. We know in a case like that one needs one-on-one nursing care, and it becomes very expensive to allocate one nurse to one child.

The maternity unit is extremely well equipped, and in this regard I must say that people would perhaps like to know that as far as perinatal mortality is concerned, we rank 6th in the world, with our great neighbour to the north rating 21st in the world. With regard to maternal mortality, we rank 7th in the world, the great United States ranks 16th.

Something has got to be right in the Cayman Islands about the health care system. These things are often ignored by the general public, mainly because of a lack of knowledge.

Public Health is always a very important part of medical care. If I had spoken yesterday, I would have said that I would be happier speaking about crime prevention. Similarly, what many energies are being concentrated on at the moment in the health care system is public health. It is much better to have many healthy people than many surgeons or doctors. There is an increased effort in providing excellent public health for our people. Right now, I think the incidents of communicable diseases are extremely low in this country because of what has been done in the field of immunisation and general sanitation and other things that have been im-

plemented by the Public Health Department.

Then what cannot be dealt with at the George Town Hospital? Ninety-five percent of the conditions occurring in the Cayman Islands can be dealt with at George Town Hospital. There is a small percentage that has to go abroad. Why do these patients have to go abroad? Simply because it is not economical to provide such elaborate facilities for so few people. That will be the case for a long time yet. That would have been the case if this beautiful Dr. Hortor Memorial Hospital had been built.

What I am in fact saying is that the Dr. Hortor Memorial Hospital would not have provided any new services to this country. That is something that is very, very significant. If it were not going to provide any new services, all it would be providing is a more aesthetic building and a more palatable, pleasant ambience.

It was very important for the Government to decide whether we should have given people a facility, or a building, at this particular time in our development, that they would be more comfortable in but perhaps have a twisted confidence in. It was more important for us to decide if we should spend our resources on that or should we, when we were so strapped for cash, try to solve so many of the more pressing financial problems that the Government was faced with immediately after its election.

I leave it to the public to decide if we have made the right choice. I believe without a doubt that the public in general supports the choice that the Government made.

It goes without saying that there was great objection to the hospital being placed on the proposed site. This was an opinion expressed far and wide in every corner of this Island. Some people felt that it was foolhardy to reclaim land and to try to put the hospital on reclaimed land. This is very expensive. Anyone in the business can tell you that reclaimed land is not cheap.

Then, we all know that reclaimed land tends to sink; it takes a long time to settle, and yet the Government of the day in their hurry to implement their ideas, seemed to be like a moth attracted to a flame—in a hurry to build a hospital. So much so, that a signing of the contract took place only a day before the National Elections. Something was wrong.

Sir Peter Allen has his opinions, but we have ours. Something was wrong. He himself pointed out the many irregularities and inconsistencies. He tried to draw the public's attention to this. And while he said there was not outright fraud, the transactions were not kosher. I learned that word since being in the House (Members' laughter).

Madam Speaker, another problem was that the hospital was off the beaten track. It was not on a main road. This would mean the expending of so much money on the road system. Imagine an ambulance trying to rush through Fern Gardens to the Hospital. We could not allow that. We would have to spend lots and lots of money on highways so that people could be transported there expeditiously in cases of emergency.

The other thing is that one has to make room for expansion. Every time in the future it would mean re-

claiming more land at great expense to Government. There must be some dry land in this beautiful Island of Grand Cayman where the hospital could be built and where there is room for future expansion.

I think, the majority of speakers so far have concentrated on the economic reasons why this project was not feasible, but I would like to touch on a few.

Everything that we use in the medical field is imported. This seems to be the situation in almost every area of life in Grand Cayman. Salaries in the Cayman Islands (I think I am correct in saying—certainly for nurses, maybe not for doctors) is no lower than in the state of Florida. Salaries are high in the Cayman Islands. If we had gone ahead and built this hospital (whatever it was going to cost), and especially if this money was borrowed (which I believe it was going to be), then it would mean that that loan would have to be serviced. The Health Services Authority was thought to be the cure-all in this situation and we saw how much that did. It just confounded the whole situation and things were going from bad to worse.

What would have eventually happened is instead of paying \$250 per day for a room, the cost of a room at the new hospital would have to be at least what it is in Florida. It is true that the Health Services, as it is now under Government, does not pay duty, but the Health Services Authority would have to pay duty and, therefore, the cost of materials would be more than in the United States, salaries would be similar—all-in-all, we would find that rates and fees and schedules would be no different from the State of Florida.

This would be the kind of burden that we would be bringing to bear on our people—escalating health care cost. It would get so burdensome that I believe we would see a greater number of people going to Florida for medical care than even what we now have.

In fact, recently I had to deal with a case where a local surgeon told a patient that to do a certain operation he would have to charge \$5,000. That patient came to me and asked, "What can I do about this situation? I have insurance and I believe it would pay in the United States if I can get two doctors to refer me". When I contacted this local practitioner, he justified the fee of \$5,000 to me, and I have no reason to doubt him. This is because of the great cost that he is finding to operate his own private practice in Grand Cayman. Then, why am I to believe that a privately run facility, run by the Health Service Authority, would be much different?

What the Member for Health in the last administration failed to do, was to implement a national health insurance and get that working and ensuring that it was functioning and serving its purpose before even contemplating a hospital. With that in place, perhaps we could have started to make plans for a new facility.

It is for this reason that I am constantly urging the Government of the day to work out all the details that need to be worked out so that we can have a national health insurance in place. I believe that before long the public will not have to worry about whether they have the money for medical care. I look forward to the day in

Grand Cayman when any patient, irrespective of his medical condition, can get the medical care that he needs.

Presently it is not too far removed from that situation because of the Government's policies—the Government coming to the rescue and providing the necessary funds for such people to get medical care. But I believe a better system would be that of having a national health insurance and, as a result, the Government not being burdened by the high medical fees that often have to be coughed up to help people that cannot help themselves.

The Speaker: Would the Honourable Member take an interruption at this time?

Dr. Stephenson A. Tomlinson: I will, thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.05 PM

The Speaker: Please be seated.

The Second Elected Member for George Town, continuing.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker. We have to be extremely careful that we do not build a health service that becomes completely unaffordable to the residents of this Island. The Health Service has to remain affordable. Earlier on in my debate, I mentioned the risk of Health Care costs becoming so expensive that they are beyond the reach of the consumer here in Grand Cayman.

I think, I mentioned about a case that was going to cost \$5,000 for a certain operation. I believe I said that the physician surgeon justified the cost. A similar operation in the Dade County area, at a respectable hospital, would have cost in the region of US\$3,000. This is a dangerous situation because if this is an example of what could easily occur here, we would have an exodus of people going to the United States for surgery and all the health care facilities that we provide would come to naught, except for the emergency services.

What kind of cases are we now referring abroad? One is multiple trauma cases, these cases require intensive care treatment, quite often life support, and they are often best managed in a facility that provides this kind of service. Open heart surgery; brain and spinal cord surgery; these kinds of cases require not just the physicians and surgeons to manage them, but also require a massive investment in equipment. One of the most expensive things to run in a hospital is the Intensive Care Unit and the Emergency Department. Few people utilise it, comparatively speaking.

I think the Mover of the Motion mentioned that had the Dr. Hortor Memorial Hospital been built, then we

could bring specialists from abroad and they could deliver the services at that hospital. The problem with that argument is that the Health Services Authority, at that point in time, was unable to make the major investment in providing the equipment necessary for these very elaborate procedures. Therefore, bringing the specialists here would not serve the purpose.

This is not to say that we should not be working to provide more advanced care, but there is a limit. The point that I am making is that it becomes completely ineffective, cost wise, impossible I should say, cost wise.

There are a number of persons who have to be abroad also for investigations that are unavailable in the Islands. We do not have, for instance, an MRI Scanner or a CAT Scanner, and there are instances where this sort of equipment would be very helpful to medical personnel. Up until this present time no one, including the Government, has been able to come up with the finances to provide such equipment.

An MRI Scanner costs approximately \$1.2 million, and then it has to be serviced on a regular basis and, furthermore, a technician has to be employed, one who is capable of doing the scan, and also, people capable of reading it, there is an ongoing investment.

It is a similar thing with the CAT Scanner. We are talking about a major capital outlay, and since we happen to be fortunate enough to be in the strategic position that we are in, namely, one hour away from where these facilities are available, I believe any sensible Government would not invest in many of these pieces of equipment, etcetera, since it is not cost effective.

We are a population of 30,000, just a village in terms of large countries. It is true that we are insular, therefore we need to provide for ourselves better than, perhaps, a small village in Florida, an hour away from a major metropolitan area. But there is a limit to the amount that one can expend, and there is a point where it becomes nonsensical to make the investment when the facilities are just an hour away and when sound arrangements can be put in place to ensure that our people get the necessary care.

I am convinced that the decision made by the Government of the day is proper, a result of sound thinking. History will prove us right and I believe what is important now is that we continue in the right direction and we do not make errors such as the past administration has made.

Health Care planning is a very complex thing and I would like to congratulate the Ministry of Health in developing the strategic planning scheme which has been launched. This will enable so many different people, from so many different walks of life interested in the provision of health care, to give their input. As a result we are bound to come up with a health care system that will suit the majority of people in this country, those that we serve.

There is a difference in opinion, even among some of us in the Government, or those of us who support the Government, regarding all of the various steps that should be taken in upgrading the health service. But I

am convinced, because of the Members of the Team, that we will come up with the right answer in the end, as far as the way forward is concerned.

I believe it will take a lot of cooperation on the part of all to ensure that we provide something that future generations will be proud of, which will serve us and our children.

Sometimes as I debate these issues I find that I become hopeless at politics. This subject is very near to my own heart because I am a physician who is extremely interested in people's welfare, and this is no place to play politics. I want to join forces with all of those who can make a difference in the Island to ensure proper medical care for our people.

Thank you very much.

The Speaker: No one else wishes to debate this Private Member's Motion? Would the Honourable Mover wish to reply?

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, in replying to this Motion, the first point that I would like to make is that the whole point of this Motion has been missed by almost all of the speakers who have spoken to it.

The chief point to be understood is that there is no attempt to make any determination or to arrive at any position of whether it was right or wrong, legally, that the construction of the Dr. Hortor Memorial Hospital was stopped. The fact is, it was stopped. The fact is that thousands of square feet of a potential building sits under the burning sun in Grand Cayman and the only utilisation that is made of part of it is that of a Refugee Camp.

That building, in its outline and to the extent that it has been constructed, was purpose built. In other words it was built for the specific purpose of delivering health services to the people of these Islands.

Cayman Brac got lucky, in one instance that I can think of, and it has a beautiful small hospital which came as a result of this whole package which gives that island certain capabilities. But the cases that could not be handled there, if the staff and equipment were not available, could be referred to this new facility.

All of us can exaggerate at times and that is something that everyone understands. It is necessary sometimes to be funny, or whatever, so exaggerations are in order. But on some occasions it is not necessarily desirable or acceptable, in my opinion.

In the report of the Commissioner, under one of the sections that deals with contracts, is Kitchen Equipment Contract, and I would just like to read this as it is brief, and it refers to something that the present Minister for Health and at least one other speaker, said about the kitchen and meals and so on. The Commissioner has stated here: "**Tenders for this equipment were reviewed by Mr Larry Kimbro, a senior associate of Systems Design International Inc. in Washington, who recommended to HSA that Baring Industries be**

awarded the contract for \$258,344.” (page 33)

Now I wonder if this was for pudding pans that they were going to put in the present George Town site?

POINT OF ORDER

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order. Standing Order 35, Clarification. The matter the Member is talking about was going to be equipment for the present George Town Hospital kitchen.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman please continue, that was a point of clarification. Since you gave way, the Honourable Minister was able to score a debating point.

Mr. Gilbert A. McLean: Madam Speaker, had I known it was not a Point of Order I would never have taken my seat. The \$258,344 could not have been equipment to go into the present George Town site, for all speakers have said that that has to be taken down and changes have to be made.

It most certainly could not be such a thing for the mere fact that the present Minister for Health, and the one prior who destroyed the chances of having a good hospital, have both said that the site on which the Dr. Hortor Memorial Hospital sits was to be an inpatient facility. So, a straight forward question would then be; if that is going to be an inpatient facility, why would a kitchen be put down in the old George Town site that was supposed to be for outpatients? Whom does one feed in a hospital—those that go to have a bandage changed, or those who lie in a hospital bed?

That statement about this being put in the old George Town Hospital site is as erroneous, I believe, as any that I have heard in this house on the numerous occasions that I have heard them.

However, one thing is certain: The industry in the United States that supplies hospital kitchen equipment must have been sent quite a message by what happened in Grand Cayman for as I continue to read from this section, it says: **“The CEO of the HSA signed a letter of intent with Mr Charles Sperry, Executive Vice-President of Baring Industries, on 17 July 1992 and a contract was signed on 10 September. A letter of credit for that amount was prepared but was stopped before it could be issued.”** (page 33)

I wonder if one of the amounts was paid to this particular company because the Government did not live up to its agreement? I wonder what effect that has had on the people of the Cayman Island's Government?

I no more believe—

POINT OF ORDER

(Misleading)

Mrs. Berna L. Thompson Murphy: Madam Speaker, just for a Point of Clarification, please, may I interrupt?

The Speaker: If the Member will give way.

Mrs. Berna L. Thompson Murphy: Thank you.

On page 32 of the report, in dealing with equipment contracts that the Member just referred to, it clearly states: **“...when the project was terminated, letters of credit were also stopped before any had actually been issued.”** (Page 32, paragraph 3) Therefore, nothing in any way can discredit the Government by claiming that the suppliers received irrevocable letters of credit that the Health Services had initiated. This says that they had actually not been issued. Therefore, that is not correct, what the Member just stated.

The Speaker: You have made your point, Honourable Member.

Mrs. Berna L. Thompson Murphy: Thank you.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman, please continue.

Mr. Gilbert A. McLean: Madam Speaker, it is actually 4.30...

The Speaker: I think I have the privilege of calling the House to order at 4.30—and it is just about that time. If you will not be terminating your reply within a very short time.

..

Mr. Gilbert A. McLean: No, Madam Speaker.

The Speaker: At this time I shall ask the Honourable Minister for Tourism, Environment and Planning, Leader of Government Business to move the Motion for the adjournment of the House.

Honourable Minister, please.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock, Wednesday morning, the 15th of June.

The Speaker: The question is that the House do now adjourn until Wednesday morning at 10 o'clock. I shall put the question. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock, Wednesday, 15th June, 1994.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 15 JUNE 1994.

**EDITED
WEDNESDAY
15 JUNE 1994
10.08 AM**

The Speaker: I will ask the Honourable Minister for Community Development, Sports, Youth Affairs and Culture to say prayers.

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, Official Members and Ministers 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.

APOLOGIES

The Speaker: Apologies have been received from the Honourable Minister responsible for Tourism, Environment and Planning, and from the Second Elected Member for Cayman Brac and Little Cayman

Questions to Honourable Ministers. Question 93, standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 93

No. 93: Mr. Roy Bodden asked the Honourable First Official Member to provide a report on the recent exercise to recruit teachers from overseas.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: A team consisting of the Permanent Secretary (Personnel), the Acting Chief Education Officer, the Senior Assistant Secretary (Personnel) and the Principal of the George Hicks High School interviewed 48 teachers in England, between 2nd and 13th May 1994. Of the 48, 19 successful candidates were offered posts teaching in the following areas in: **George Hicks High School:** Music; General Sciences; Geography; Information Technology; Mathematics; Physics; General; Sciences/Mathematics; English; Language and Literature; Home Economics; Technical Studies; Music Peripatetic (shared). **John Gray High School:** Information Technology. **Cayman Brac High School:** Music Peripatetic. **Education Department:** Education Psychologist.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say whether any teachers were recruited from other jurisdictions, but, was this the complement of the recruit?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, to the best of my knowledge this was the entire recruitment for the forthcoming school year.

The Speaker: The next question is No. 94, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 94

No. 94: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation how many scholarships does Government expect to award over the next two years.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Over the past year Government has awarded approximately 30 scholarships per year for study overseas. It is reasonable to expect that this trend will continue over the next two years.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden

Town.

Mr. Roy Bodden: Can the Honourable Minister say if there are preferential areas for scholarships, and if so, can he give the House some of these areas?

The Speaker: Honourable Member, this question will not be allowed because I think this was published in the newspapers quite recently.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if there is any reason why the number of scholarships may be increased over the next two years?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I answered this question to begin with, even though it is an expression of opinion. I am not prepared to delve any further into opinions other than saying what I have said in this question.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Honourable Minister would take the responsibility to see if Government would consider students going to the United States and Canada for medical scholarships. I believe no consideration is given to students seeking to study in the medical field in the United States due to the difficulty of being accepted by the medical schools. I would kindly ask that you give an undertaking—

The Speaker: Excuse me. Excuse me. The Honourable Minister, please . . . you are speaking through the Chair. Thank you.

Mrs. Berna L. Thompson Murphy: Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I will give that undertaking. The Education Council is looking at this. The problem we have had giving scholarships for pre-med to universities in the United States, for persons who are not citizens of the United States (and I want to stress that), if you are not a citizen of the United States, it is extremely difficult, nearly impossible, to get into the medical schools.

What had been happening is that those students would go through three or four years of pre-med, they then could not get entered into a medical school and became very frustrated and upset. It was on that basis, I understand, that what we now attempt to do is to get them into a university where they will stand a reasonable chance of going on to medicine, such as in the United

Kingdom or the University of the West Indies or one of the British places who normally do not have a citizenship bar.

It is a real problem and it is being looked at again, and I give an undertaking to the Honourable Member that I will review it, and I will further discuss it with her. It is a very good point and one that I think needs looking at again.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I wonder if the Honourable Minister would say, in light of the limited resources, whether or not there is any preference given to born Caymanians as far as scholarships?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the Law which embodies the regulations in the schedule has only Caymanian Status as one of the criteria, and that remains what now guides the Education Council.

But I would like to mention that everyone who qualified under the criteria, at least since the National Team Government got in, have, to the best of my knowledge, gotten scholarships. So we have not had to reach a stage where we are choosing within persons of Caymanian Status. But it is a lot of money that Government puts out on this.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if, in light of the apparent competitiveness and the increasing numbers of applicants, any areas of scholarships other than the traditional ones, that is, Government and Private Sector have been explored?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: There are other areas of scholarships, such as the Commonwealth Scholarships and scholarships that are given, for example, from the World College. Any area that we can find that will give scholarships then, naturally we pursue these.

The Speaker: The next question is No. 95, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 95

No. 95: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation to provide an annual breakdown of money paid to Cayman Airways Limited by Government over the past ten years.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The Government paid a total of CI\$40,467,661 to Cayman Airways Limited from 1983 to June 1994, broken down as in the schedule hereto:

Year	Subsidy	Recapitalisation
1983	-	-
1984	-	-
1985	-	\$6,050,920
1986	\$ 2,500,074	-
1987	\$ 1,050,000	-
1988	\$ 1,050,000	-
1989	\$ 1,050,000	-
1990	\$ 1,050,000	-
1991	\$ 1,050,000	-
1992	\$ 4,000,000	-
1993	\$ 4,000,000	\$16,666,667
1994 (Jan to June)	\$ 2,000,000	
Total	\$17,750,074	\$22,717,587

I would like to point out that the years 1983 and 1984 were the years when I was in Government prior to that.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: I would like to ask the Honourable Minister if based on this schedule, there are likely to be any areas in the operation of Cayman Airways which would necessitate an increase in the subsidy over the next year or two, that is, during the time in which Cayman Airways Limited is expected to change or upgrade its equipment?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: That is an expression of opinion that I dare not delve into. All I can really say is that Cayman Airways has been full of economic surprises and I would really have to be nearly a magician to try to figure out what will be the next surprise.

I do not think it would be fair for me to try to give that opinion other than to say that Cayman Airways is stabilised. Anything that does arise will hopefully be in the normal course of business.

I did mention, like in relation to the cost of those jets, when they are up to be replaced, I really would not like to say how much it would cost to lease them because the market is very volatile in the aviation business.

The Speaker: The next question is No. 96, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman who is not present and the questions, therefore, fall away.

QUESTIONS 96, 97 AND 98 FALL AWAY

[No. 96: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation if Cayman Airways Limited is studying the feasibility

of exercising its option to purchase in November 1996 the two 727 aircraft from Alaska Air which were purchased from Cayman Airways

Limited and returning them to service on its routes.]

[No. 97: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation if the Civil Aviation Authority has long term plans for the terminal facilities, runway extension, and taxi-ways.]

[No. 98: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what percentage of passengers to and from Jamaica to Cayman were carried by Cayman Airways Limited during 1992 and 1993 and during the past four months of 1994.]

The Speaker: That concludes Question Time for today.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: I would like to welcome back the Honourable Third Official Member from his tour of official duty, to his duty in the House.

Statements by Members of Government. The Honourable Minister responsible for Agriculture, Communications and Works.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

UPDATE ON 1994 AGRICULTURE SHOW

Hon. John B. McLean: The Department of Agriculture is currently assisting the Cayman Islands Agricultural Society with extensive preparation for this year's Agricultural Show which will be held for the first time at the Society's New Agricultural Pavilion in Lower Valley. Show Day will be July 4th, 1994, and will offer the public a whole new environment with many added attractions for the whole family. To say the least, it will be alcohol free with no alcohol allowed.

The building was completed on 15th January, 1994, at a cost of \$372,632.00. One major area of activity that has been ongoing since January 1994, is the preparation of the grounds surrounding the Pavilion. Filling and levelling of the site continues to date. A considerable portion of this material has been donated and equipment services have been provided by various society members and well-wishers.

The site works will cease on June 30th, and it is planned that some acceptable landscaping should be completed for this year's show to be held. Further work will be carried out during the remainder of the period until next year's show.

Organisational plans are in place with the appointment of the various committees that will bear the duties and responsibilities for a successful show day. Official invitations to this year's show have been extended to colleagues and interested parties from Jamaica, Florida and Costa Rica.

For the first time, the Society and, indeed, the farming community will have a purpose built facility which will not only cater to their annual show, but to their monthly meetings. For this the Cayman Islands' Agricultural Soci-

ety is most grateful to my Government.

Government continues to support farming in the Cayman Islands and this was borne out by a very recent workshop which was put on by the Ministry and the Department of Agriculture.

**REPORT ON THE RECENT SOIL AND WATER
MANAGEMENT WORKSHOP GRAND CAYMAN,
APRIL 13-19, 1994**

Hon. John B. McLean: The Department of Agriculture, in conjunction with the Continuing Education Programme in Agricultural Technology (CEPAT) of the University of the West Indies, recently held a workshop on the Management of the soil and water resources of the Cayman Islands in the pursuit of agricultural development.

This Workshop was held with the objective of training our local farmers in the proper use of soil and water on their farms, in order to minimise any possible harmful impacts on the environment whilst maximising the productivity of their operations.

This training programme represents an important aspect of the approach to agricultural development that Government is pursuing, whereby the conservation of the environment is given priority, as this is so vital to the overall economic well being of these Islands.

The Department of Agriculture was assisted in coordinating the course by Professor Nazeer Ahmad, who represented CEPAT, and is also Professor of Soil Science at the University of the West Indies, St. Augustine, Trinidad. He was ably assisted by other Caribbean experts in irrigation technology, as well as specialists from our own Department of Agriculture.

Presentations were made to the farmers in attendance on areas such as conservative exploitation of ground water to avoid problems such as salinisation, the careful use of pesticides to avoid pollution of our environment, and practical methods of storing and treating water to enhance irrigation systems.

A pleasing aspect of the Workshop was the fact that various Departments of the Cayman Islands Government made significant contributions to its success by assisting with presentations and providing other forms of support. These included the Water Authority, the Department of the Environment, the Public Works Department, the Personnel Training Unit and the Ministry of Sports.

A total of 44 persons participated in the Workshop, representing a cross section of farmers and other members of the public. This Workshop was the first of its kind in the Cayman Islands and the first event to be held at the new Agricultural Pavilion in Lower Valley. The Cayman Islands Agricultural Society played a significant role in ensuring the full participation of the farming community, and for this, they should be given credit.

As is customary with workshops of this nature, feedback was sought from the participants to determine whether they felt they had benefited from attendance. The vast majority expressed satisfaction with both the content and organisation of the Workshop. They felt confident that the new techniques and skills in soil and water

management that they had learned could be applied to their farms and should improve their operations significantly. Effort will be made by CEPAT and the Department of Agriculture, during the course of 1995, to gain further feedback from participants to verify that these improvements had been made to their farms.

The Ministry of Agriculture, Communications and Works and the Department of Agriculture are extremely pleased with the outcome of this Workshop and will continue to pursue meaningful training programmes to upgrade the skills of our local farmers. In continuation of this approach, the Department will be focusing next on the upgrading of skills in the small scale food processing sector, as this is seen as having the potential to diversify agricultural production in the Cayman Islands.

I would again thank all members for their support in Finance Committee of my proposal for the funds to make the Agricultural Pavilion a reality. An open invitation is extended to all members to attend the official opening on the 4th of July at a time to be announced and also the annual Agricultural Show on the same day.

**GOVERNMENT'S REASONS FOR NOT DEBATING
PRIVATE MEMBER'S MOTION NO. 12/94**

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The Honourable Second Official Member has expressed the reasons why Members of the Government opted not to debate Private Member's Motion No. 12/94 on the report of the Prison Inspector—Northward Prison. The Government had earlier considered the report, accepted all but one of its recommendations and made the report public. All Honourable Members of the House were provided with copies of the report in advance of it being made public. In making the report public, the Government issued a press statement summarising the main features of the report.

The following is the text of the statement issued on 12 May 1994:

"His Excellency the Governor has released in full the report of Judge Stephen Tumin, Her Majesty's Chief Inspector of Prisons, following a review of the Prison's management, administration and security.

"The Key recommendations in Judge Tumin's report are for an extensive programme of staff training and a development of a fuller regime of activities and related facilities for prisoners. `Except for one secondary recommendation, the report has been accepted in its entirety', said Chief Secretary Lemuel Hurlston. `Government is now undertaking its implementation with particular regard to staff training and an enhanced programme of activities for inmates', he said.

"The one week inspection which took place in April involved interviews with both staff and inmates. Judge Tumin also benefited from input from Mr. Christopher Gibbard, Prison Reform Coordinator for the British Dependent Territories in the Caribbean. Mr. Gibbard had visited the prison in January at the

request of the Governor to examine management and administrative ramifications of the incident which led to the death of Mr. James Powell.

"Mr. Gibbard's recommendations have been endorsed and incorporated in Judge Tumin's report. Mr. Gibbard identified the need for full emergency plans, inmate categorisation, the introduction of a personal officer scheme, control and restraint training, middle management training, hostage management, a review of the Prison Rules and segregation of prisoners who cannot cope within the prison community.

"He also made recommendations in respect of press relations.

"A number of these recommendations have already been implemented including a proposal for a basic training course for prison officers. Mr. Hurlston said that the three-week course that will be taught by Mr. Gibbard is scheduled to commence shortly. Other courses have been arranged to take place during the course of this year.

"These and other aspects of training will eventually become the full responsibility of the Prison Training Officer who was recently appointed.

"Further to this training programme, the facility's Senior Management Team had been introduced to the principles of the Personal Officer Scheme. This recommendation aims to train staff in the importance of individuals' activities and relationships in prison, with each officer responsible for the care of a group of inmates.

"As a result of another recommendation, Acting Director of Prisons, Mr. Eric Smith will be departing in early June for a three month secondment to Her Majesty's Prison Service, the Chief Secretary disclosed.

"The Deputy Superintendent of Prisons in the British Virgin Islands will be appointed to serve as interim director during Mr. Smith's absence. 'There will be a suitable handing over period', Mr. Hurlston said.

"Equally expeditious treatment will be applied to recommendations in respect of development of an appropriate scheme of supervised work, leisure and educational activities for inmates', Mr. Hurlston said.

"Judge Tumin noted that this more intensive programme was necessary in order for prisoners to become accustomed, as far as possible, to a full day's work. Long term women prisoners need to be more suitable provided for in this regime, the report said, and identifies certain needs such as, better exercise space, an additional classroom, an education grant in the prison budget and an increase in the level of facilities for work activities and vocational training.

"Judge Tumin has proposed modification to the rule barring foreign inmates from working outside the prison. This has contributed to a preponderance of jobs within the prison being undertaken by foreign inmates.

"The work of the Prison Education Coordinator, Mr. Adam McIntyre drew positive comments with Judge Tumin reporting that he was impressed by the work now being done by about 45 of the inmates. However, Judge Tumin said that generally, education had not been given the prominence it deserved and pointed to the need for music, crafts courses and more vocational skills training. Medical facilities and provisions also came in for praise.

"Although the prison population had declined to 1988 levels, the report noted that there had been complaints of staff shortages. Judge Tumin recommended a manpower study before decisions on additional staff were made, but noted that the demand for escorts for prisoners may be a big factor.

"With the majority of prisoners incarcerated on drug related charges, Judge Tumin called for an increase in drug counselling and fuller searching programmes for drugs and weapons. He noted that drugs are apparently being thrown over the fence into the prison by members of the public and reflected reports that in spite of serious attempts on the part of management a high proportion of inmates took marijuana regularly.

"At the same time the Prison Director should be given wider discretion to deal with matters too minor to require attention of the Police.

"Aspects of movements of inmates for court appearances were also a matter of concern. Judge Tumin proposed that the prison service be limited to delivering and collecting of prisoners to and from the court with the police otherwise responsible. This would substantially reduce the heavy call on the prison service to provide escorts. He called for screens to cover the movement of inmates in and out of court and provision of a sound proof door or doors in the court and the area where prisoners wait to be called into court.

"He also recommended that Magistrates either conduct remand hearings within the prison or, alternatively, extend the mandate for a 7 day remand period to 28 days. Mr. Hurlston said that Government was inclined to adopt the option of conducting remand hearings at the prison instead of the latter.

"Other recommendations pertained to provision of a proper visiting area other than the main gate and that prisoners not be handcuffed for visits.

"Further security recommendations included modification of cell doors to enable them to open both ways and the availability of a door jack.

"Key chains should also be worn by Prison Officers in possession of security keys. The only recommendation that failed to be accepted was for the reduction of the panel of 36 persons appointed by the Governor in Council to conduct inspections of the prison on a regular basis. This panel comprises Justices of the Peace, Magistrates and other suitable persons. Judge Tumin recommended that this panel be reduced to 6 or 8 who would perform the same

functions and meet with the director in a regular basis.

“Mr. Hurlston said that the recommendation was not accepted because it was believed that the voluntary services of a visiting panel should be shared by a larger number of suitable persons. In a preface to his recommendations, Mr. Tumin expressed general satisfaction with the staff/prisoner relations and with the new acting Director's efforts adjusting the prison regime to achieving better discipline and control. ‘We were satisfied in general that relations between staff and prisoners were appropriate’, the report said.

“Over all he recommended the adoption of the United Kingdom Prison Services Mission Statement as a guiding principle to the for the Prison's operation and development. That statement places and emphasis on looking after inmates with humanity and generally helping them to lead law abiding and useful lives in custody and after release.

“Government is committed to implementing these recommendations and, indeed, as noted in the editorial of the *Caymanian Compass* newspaper of Tuesday, 14th June 1994, some recommendations have already been acted upon very speedily.

“With appropriate training and enhanced confidence the management of the Prison will (with increased openness) develop a positive relationship with the general public, dispelling misconceptions whenever possible.”

SUSPENSION OF STANDING ORDER 24(5)

The Speaker: Other Business, Private Members' Motions, Suspension of Standing Order 24(5). The First Elected Member for Bodden Town.

Mr. Roy Bodden: In accordance with the Provisions of Standing Order 83, I, the First Elected Member for Bodden Town, move the suspension of Standing Order 24(5), to enable a Private Member's Motion without due notice, to be moved.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I beg to second that Motion.

The Speaker: The question before the House is the suspension of Standing Order 24(5) for the purpose as stated. The question is open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: A situation has arisen and it is a situation where, politics aside, I think a common courtesy is being requested. I would hope that all Honourable Members would see it fit to vote so that we can have this business effected and that the end result can be a reflection of the gentlemanly behaviour with which the Westminster System has come to be associated and with which the

Westminster System has come to be synonymous. I appeal to all Honourable Members to support the Motion and express premature thanks to them for doing so.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, we sympathise with the Opposition, but we feel that the business of this House cannot be disrupted in such a fashion. There are numerous other Motions on the Order Paper to be taken, and we feel that the business of the House has to go on.

This Meeting has been drawn out and we believe that the Opposition has not been curtailed in their debate in any fashion. They have had full say, in fact, they have had more say than anybody else, and we do not think we are doing anyone an injustice by not accepting this type of adjournment of a debate. The House well knows, as far as the Westminster System is concerned (the Member referred to the Westminster System), when a Member has risen to speak, and the House adjourns and reconvenes and that Member is not in his place, another Member is called upon to speak, and another item of business is moved. We have not heard any reasons, in the Member's explanation, why this matter should be adjourned in this fashion.

I heard some talk on the outside of the Chamber that there was a graduation ceremony taking place, and I can sympathise with that in a humanly manner, but, surely, graduations do not happen on the spur of the moment or on a few day's notice. These matters are very timely and well planned. Therefore, the Government feels that we cannot disrupt the business of this House when we have several other motions to deal with, such as the Coastal Surveillance and the Judicial Review and the Assistance for Volunteer Servicemen and their Spouses. As far as I am concerned, these are all very important national matters that need to be taken and if we can do it, the House should finish today.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: It seems like the Government has taken their position. I would just like to make a few comments. First of all, let me say that personally I see no logic in what is said to be a disruption. The other Motions that are before us, which I do agree are very important, will still be dealt with if this suspension of Standing Orders is allowed, in fact they will be dealt with more expeditiously.

There is no attempt to delay anything in this Honourable House. It is simply an attempt, because of a peculiar circumstance, to shift the goings on of the Honourable Legislative Assembly around.

Suffice it to say that if the Government takes the position that by way of number they are not going to allow the suspension of the Standing Order, it cannot be justifi-

fied that the reasoning is because to allow the suspension is disruption. In my opinion, it is simply that instead of hearing something today, it will be heard tomorrow. All else will be heard, there will be nothing less done.

So, on a very personal level, I see no reason for the logic that has been put forth as the Government's reasoning. I therefore support it.

The Speaker: If there is no further debate, would the mover of the Motion wish to exercise his right to reply?

The First Elected Member for Bodden Town.

Mr. Roy Bodden: When I was a youngster growing up, my mother was given to admonishing me sometimes by explaining that there were some things called common courtesies. I believe that this is one of them.

This is a matter that does not have to do with any collective vote, so I would appeal to Members to exercise their conscience.

The Honourable Member who would have been on the floor at this time was called away. That Honourable Member, certainly his conduct in this House suggests that he is a responsible Member and through force of circumstances beyond his control, he had to be absent.

The House will not be severely inconvenienced since it is my information that the Honourable Member will be back on the Island this evening and is prepared to continue his debate tomorrow, should that be the wish of the Honourable House.

The Government is, no doubt, in a position of strength, but being in a position of strength does not mean that one should not exercise compassion and understanding when such is requested. There is but little I can say to add to the request which has been put forward by my colleague, the Fourth Elected Member for George Town, and myself, other than to say that it may be that at some stage down the line we may be in a position to return the favour to the Government.

I end on the note that all Honourable Members have a chance to exercise their conscience and good judgment. I do not see this as any political motion, and they will not be castigated or severely affected if they vote in support of the Motion and I indulge their support.

Thank you.

The Speaker: The question before the House is suspension of Standing Orders 24(5). 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: May we have a division?

The Speaker: You certainly may.
Madam Clerk.

Clerk:

DIVISION NO. 6/94

Suspension of Standing Order 24(5)

AYES: 7

Dr. Stephenson A. Tomlinson
Mrs. Berna Thompson-Murphy
Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell
Mr. Roy Bodden
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

NOES: 8

Hon. J. Lemuel Hurlston
Hon. Richard Coles
Hon. George A. McCarthy
Hon. McKeeva Bush
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.

ABSTENTION: 1

Mr. D. Dalmain Ebanks

ABSENT: 2

Hon. Thomas C. Jefferson
Mr. Gilbert A. McLean

Clerk: Seven Ayes, eight Noes, one abstention.

The Speaker: The result of the division is seven Ayes, eight Noes, and one abstention. The Motion, therefore, falls away.

MOTION TO SUSPEND STANDING ORDER 24(5) NEGATED BY MAJORITY

The Speaker: Continuing with the Orders of the day, Private Member's Motion 14/94. The Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 14/94

IMPORTATION OF TURTLES (WITHDRAWAL OF MOTION) (Standing Order 24 (14))

Mr. John D. Jefferson, Jr: Madam Speaker, in light of the recent statement by the Honourable Minister of Tourism (whose responsibility includes the Cayman Islands Turtle Farm), of the Farm's intention to increase its production of turtle meat by 56 per cent by the 1st of August 1994, and increased annually thereafter, it is also intended that the increase in production will be made available to local residents and not restaurants, it appears that this increase in turtle meat production will eventually be sufficient to satisfy the local demand.

I have also been made aware that the Turtle Farm is now conducting negotiations with the CITES body with regard to the Farm once again being able to trade commercially on the international market. It appears that this is a good possibility and any attempt to approach CITES with regard to consideration of trading in wild greed turtle at this time may jeopardise the Turtle Farm negotiations

and favourable consideration.

In light of the above mentioned factors, and in accordance with Standing Order 24(14), I beg to withdraw Private Member's Motion 14/94 entitled Importation of Turtles.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I rise in support.

The Speaker: The question before the House is that in accordance with Standing Order 24(14), Private Member's Motion 14/94 be withdrawn. If there is no debate, I shall put the question. Those in favour please say Aye...Those against No.

AGREED: PRIVATE MEMBER'S MOTION NO. 14/94 WITHDRAWN.

The Speaker: Private Member's Motion 15/94.
The Third Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 15/94

ASSISTANCE FOR VOLUNTEER SERVICEMEN AND THEIR SPOUSES

Mr. G. Haig Bodden: Madam Speaker, I beg to move Private Member's Motion 15/94, Assistance for Volunteer Servicemen and their Spouses.

"WHEREAS during the Second World War some Caymanian men volunteered for service in the Trinidad Royal Naval Volunteer Reserve;

"AND WHEREAS the Trinidad Royal Naval Volunteer Reserve was an adjunct of the British Royal Navy;

"AND WHEREAS most of these volunteers gave commendable service and received honourable discharges, service medals and ribbons at the end of their service;

"AND WHEREAS these kinds of servicemen are held in high esteem among many countries;

"AND WHEREAS many of these Caymanian volunteers are now in their senior years;

"AND WHEREAS some of these volunteers have died leaving spouses with no fixed income or dependable means of livelihood;

"AND WHEREAS some of these volunteers and the surviving spouses have expressed a desire for consideration;

"BE IT NOW THEREFORE RESOLVED THAT the Government investigate the possibility of providing some form of financial assistance to the deserving cases of these people."

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second the Motion.

The Speaker: Private Member's Motion 15/94 is now before the House and is open for debate. The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, this Motion seeks for some financial consideration to be given to those men from these Islands who volunteered more than 50 years ago to serve in what was then the Trinidad Naval Volunteer Reserve.

In 1941, 200 volunteer left these Islands to go to Trinidad. Very little has been thought about the matter since, but these men played a crucial part in the democracy of the entire world because they went to Trinidad to replace trained soldiers and naval personnel who had to be withdrawn from Trinidad to man the ships of the British Navy.

This was at the most important period of the war, the time when Great Britain stood alone. The year 1941 was the year when Hitler had overrun all of Europe, the United States had not yet entered into the war and did not do so until 7th December when Pearl Harbour was attacked.

The importance of Trinidad was vital to the survival of Britain because Trinidad at that time was the only British possession that had a supply of oil—the most important and vital ingredient needed for fighting a war. It is true that at the time Britain had some oil interests in Iraq and Iran but it was not possible to bring that oil because of the German submarines and because of the distance. These men left here at a time when very little was known about the evils of the outside world, some of the young ones did not know what they were going to go through. But they gave their services and it turned out to be a Yeoman's service that resulted in great benefits, not only for these Islands, but for the British Commonwealth and the world as a whole.

Of those men who left here, three of them died in Trinidad. I do not believe any of them saw service on the battle front, but they performed what is known as back up services in that they were instrumental in fuelling the ships which carried the troops and the ammunition, even the great liner the *Queen Mary* had been refuelled in Trinidad prior to taking a load of men into the North African Campaign. They also dealt with mine sweeping and many other important tasks.

The job that these men did cannot be measured in dollars and cents and they were paid very little, their wages were small, indeed, even compared to the standards of 1940. As a result of that, very few of them were able to save any money and I doubt if any one of them today can show any personal benefits from the sacrifices that they made.

The Motion has only one resolve section, which asks the Government to investigate the possibility of providing some form of financial assistance to the deserving cases of these people.

You will note that this Motion does not ask for a Select Committee to be set up. I am not casting any aspersions to Committees of the House, but, generally speaking, a Committee is only a group of people who individu-

ally can do nothing, but collectively they get together and decide that nothing can be done (Members' laughter). So this Motion does not ask for a Committee it simply asks that Government investigate the matter.

It is my hope that the Third Official Member, that is, the Honourable Financial Secretary, will examine this case and, perhaps with the help of Executive Council, make a recommendation for the finance Committee so that some assistance may be given. I do not want to put words in their mouths, nor deeds in their hands, but perhaps it would be good if some form of pension, however small could be provided for those who remain.

If one examines the resolve section closely, one will notice that it says, "**financial assistance to the deserving cases of these people,**" which means that the Government is not compelled to help every individual. If there happens to be some people who are well off and who have no need of the assistance, and, perhaps, there are some of these original 200 who have left these Islands and never returned and are doing well in some foreign land and may not apply for any assistance under the scheme.

I would like to commend this Motion to the House and ask that the Members give it favourable treatment, and I would like to close by saying that quite recently (I think it was last week), the whole world celebrated the D-Day Landing in Europe. An event like that would never have been possible if it had not been for the action of the group like the 200 who left here in 1941.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, this is a worthy request and one that Government can support. Government feels that this is a matter deserving of examination, and quite rightly, as the Member says, veterans are deserving of some type of assistance.

Veterans in other countries get all sorts of benefits—hospital benefits, pensions—and I believe that while the British veterans do get a pension, even those here who are not so connected as our veterans, we believe that we can accede to this request.

Many of these TRNVR Boys, as they used to call them in those days, have passed on to higher rewards. They had the joy of believing that they made a contribution to their country and fellow man. In my district, many of these now elderly gentlemen still talk about it, and it is very interesting when they tell about their experiences during that time. My own colleague, the Fourth Elected Member for West Bay, Mr. Dalmain Ebanks, was one of those who went to Trinidad to do his part for his country, and I must say that many of them go as unsung heroes. Many of them are in need. I know. I have been in contact with them.

So, this is a worthwhile cause and I am glad to see that the Member is not calling for a Committee, because, like he rightly said, you get tied up a long time when you set up a Committee. This does not need long time inves-

tigation, as I do not believe that it will be any pressure on the finances of this country as there should not be a lot of these gentlemen around today. It may be that if there are widows in need that the Government can not only look at the veterans themselves, but those widows who would be in need today. This is one of the areas that I am concerned about.

I should say to the House, talking about any kind of pension, that my Ministry is now looking into the matter of a pension for the country and will soon announce a Committee, some of whom I hope will be members of this House. Government supports the resolution.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: There is little one can add to a Motion so ably moved by my colleague, and which was so readily accepted by the Government, except to say that it evokes the old Caymanian sense of pride to think that in 1941 there were 200 young Caymanian men who were so committed that they volunteered and the emphasis should be on volunteered for service in what could have well been a theatre for war.

Mention was made by my colleague of the 50th anniversary of D-Day. Anyone watching those celebrations would know that as great as the sacrifices were of those who lost their lives on the beaches of France, there were also those in the supporting cast who, while not exactly in the line of fire or on the Battle field, made, comparatively speaking, no smaller sacrifices. Those who were responsible for the logistics, for refuelling the ships, for stacking the ammunition and so forth.

So, it is with this realisation in mind and the result of an approach by some of these surviving volunteers, and the widowed spouses of others, that this Motion is brought to the floor of this House. I am glad that the Government has seen fit to accept the undertaking requested, and can only hope that the matter is dealt with as expeditiously as possible, as this is one way of letting our senior citizens, especially those who made sacrifices, know that although at that time it was inconceivable, as some of us were not around, we still appreciate what they did. By their gesture and by their volunteering, they made the world a safer and better place for those of us who have survived and come of age at this time.

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: I rise to give my full support to this Motion now before the House, and I wish to congratulate the Third Elected Member for Bodden Town for bringing this Motion at this time.

I have terrific respect for these gentlemen who volunteered their service in time of war and helped defend not only us, but the people around the free world. We also must realise that in addition to those who volunteered to go to Trinidad many men of that generation volunteered their services in the Merchant Marine. Many of

the younger people of today may not realise that the Caribbean was also a war zone at that time, as German submarines were sinking ships right in sight of Grand Cayman, Little Cayman and Cayman Brac. So we were not removed from the hostilities of World War II, like we were in later conflicts which the younger people are more familiar with.

I, myself, had some military training and realise that the organised training is absolutely necessary, the discipline you learn sticks with you forever. But you cannot do it alone. The support services are very essential. If the front line troops do not have ammunition, they cannot fight, if they do not have food they cannot survive, so it takes the combined efforts of all to make it possible to win a war and the peace that we all enjoy.

So, I would like to ask the Honourable Minister if, when they look at this, they will go a little bit further than just the 200 Volunteers that went to Trinidad, but look to see if there are any elderly spouses surviving their husbands who fought in the Merchant Navy or any other service during the war. It could be extended not only to supply their needs, but as a position of gratitude for the services which they rendered to this country and the world.

So, with these few words, I give this Motion my full support.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This Motion brought before this House for consideration gives me great satisfaction. I remember during the campaign leading up to the election a visit to some of these people. There are a handful of them in our district, and this was one of the things that the survivors, especially the widows in the districts, when we saw the conditions in which they live, the assistance that they needed to just barely survive, what we take for granted. I must commend the Mover and the Seconder for bringing this Motion to this House.

I was a veteran of the United States Army and I know the recognition that is given within the United States for veterans. I, as a Caymanian, benefited under the G.I. Bill and was able to go to college. When I look around and see the sacrifices that have been made by our old-time Caymanians that are now living to guarantee freedom not only to these Islands but throughout the world, I think that the survivors deserve no less than some credit in the form of financial remuneration so that in their elderly age they will be able to get some relief.

I fully support this Motion.

The Speaker: If there is no further debate I would ask the Mover of the Motion if he would like to exercise his right of reply. The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, my reply will be brief and if it were not for the importance I attach to this Motion I could condense it to one word, and that would be "Thanks."

I would like to add to the men who went to Trinidad. The Cayman Islands sent them by far the largest contingent. There were men from other British Dependencies in the Caribbean, but the Cayman Contingency was far larger than any other Island. It is also my understanding that most of these other territories have provided some post war monetary compensation. We would just be following what they had done.

Two Ministers mentioned that veterans have received, in some instances, not only monetary compensation, but educational benefit and medical benefits. So, there is nothing extraordinary about our move. One Member mentioned that most of these men, who were young at the time, are now in their declining years and are suffering hardships, particularly where there are surviving spouses there may even be abject poverty.

The Minister for Health mentioned that during the election campaign we had been solicited by two or three individuals about doing something for these people.

To close, this action would show the country's appreciation for those who served in the war and would also be a mark of respect for those who served so valiantly. Again, I would like to thank the entire House for its support.

The Speaker: The question before the House is Private Member's Motion 15/94, Assistance for Volunteer Servicemen and their spouses. "**BE IT NOW THEREFORE RESOLVED THAT the Government investigate the possibility of providing some form of financial assistance to the deserving cases of these people.**" I shall put the question. Those in favour please say Aye...Those against No.

AYES

The Speaker: The Ayes have it. The Motion has accordingly been passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 15/94 PASSED UNANIMOUSLY.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.30 AM

PROCEEDINGS RESUMED AT 11.53 AM

The Speaker: Please be seated.

Private Member's Motion 16/94. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 16/94

COASTAL SURVEILLANCE

Mr. John D. Jefferson, Jr: I beg to move Private Member's Motion 16/94, entitled Coastal Surveillance, which

reads as follows:

“WHEREAS illegal drugs and firearms are becoming a serious problem in the Cayman Islands;

“AND WHEREAS it is suspected that the majority of these illegal drugs and firearms are being brought in by sea;

“AND WHEREAS as a result of the abundance of illegal drugs and firearms serious crime is now on the rise in these Islands;

“BE IT NOW THEREFORE RESOLVED that Government look into ways of stemming the flow of illegal drugs and firearms into the Cayman Islands by sea by looking at the possibility of establishing a proper coastal surveillance system.”

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: I rise to support this Motion.

The Speaker: Private Member's Motion 16/94, having been moved and seconded is now open for debate.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: To set the stage for the necessity of bringing this Motion, I think we have to come to grips with the situation as it now exists in these Islands, as far as serious crime is concerned.

There is no question that serious crime is on the increase in this country. The majority of these crimes are drug related and involve people who are engaged in the drug trafficking business. What is also alarming is the fact that the majority of crimes that we hear about today, that is, the serious crimes, involve the use of firearms, and illegal firearm.

I recall being told by someone who seems to know what he is talking about that at the present time one is able to find any type of firearm one desires in this country. These are not licensed firearms in the hands of responsible citizens in this country, they are firearms which have been brought in mainly by sea, through the use of the craft commonly referred to as the Jamaican Canoe. There are also some drugs and firearms being brought in by some fishing boats I have been told, but the majority arrive here by the use of the Jamaican Canoe.

These vessels are constructed of wood or fibreglass and sit very low in the water thus visible observation can be very difficult indeed. They vary in length from 25 to 32 feet and seldom have a beam width greater than five feet. They have no running lights or electronics of any description on board. These boats are extremely sea worthy and they are fast. They usually carry two large out-board motors of at least 150 to 200 hp (horsepower) each, resulting in a running speed of 30 knots or more.

These boats can land virtually anywhere. Because of the low draft that they have, many can come straight over the barrier reefs that surround this country. The only navigational tool that they have on board is a radio receiver. Most of them come out of Jamaica and they turn on this radio, either Radio Cayman or Z-99, one of the

Powerful Stations here and they just home in on that beam, that signal, straight to the Cayman Islands. They usually arrive under the cover of darkness at a predetermined location. They know what they are doing, they know where they want to land.

It is now estimated by the authorities that as many as three deliveries occur every week in these Islands. They are responsible for supplying this country, mainly, with illegal drugs and illegal firearms, which goes hand-in-hand with the criminal activity that we have been bombarded with recently in this country.

I must commend my Government for some of the initiatives that they have taken in attempting to combat the rise of serious crime in this country. The previous administration had done away with the sniffer dog programme and this Government saw the necessity and value of re-instituting this programme. So, once again, we have sniffer dogs and handlers that patrol our main ports of entry, that is, the airport and docks. I think this is commendable.

I recall on a number of occasions travelling from here to Atlanta and when the luggage comes off there is an officer with a dog and before one can touch one piece of their luggage, that dog is allowed to sniff through that luggage in an effort to see whether or not any illegal drugs are being brought in. I imagine they also have dogs that are capable of sifting out and identifying illegal firearms as well.

I do not believe that this legislation in our legislature can be blamed for its efforts in attempting to fight the crime problem in this country, and I am not only talking about our administration, but previous administrations have been responsible for bringing legislation in an attempt to deal with this very serious issue.

An example of legislation which has been brought to deal with this problem or crime, has been the amendment to the Misuse of Drugs Law some years back, where if one is convicted in court and it is suspected that one's home or car or boat, or other personal possession that one may have, was purchased from proceeds of drug trafficking, then the Courts have the authority to issue an order to confiscate that property. This has been used on a number of occasions and it sends a very strong message to criminals—that if they do engage in this activity in the Cayman Islands, and they are caught, they will be dealt with severely, even to the extent of confiscating personal assets. Not only physical property, as far as homes, or boats or cars, but even bank accounts that have been accumulated from this trade.

In 1993, we brought some amendments to the Firearms Law, increasing the penalties for persons convicted of the possession of illegal firearms. Today, if one is convicted of possession of a firearm, one can be fined by the Courts for up to \$100,000, and they can also order a term of imprisonment of up to 20 years. These efforts are commendable, and will have an impact on the illegal activity in this country.

But, I am convinced that we will never be in a position to win the war against illegal drugs and firearms in this country unless we take steps and put in place a pro-

gramme of guarding our coastlines. I must also commend this Government for taking the initiative in securing a vessel for patrol purposes. This vessel will soon be commissioned and will be fully equipped and armed with the latest equipment and will be responsible for patrolling our waters to intercept vessels engaged in the trade of illegal drug trafficking and firearms.

The system that I am recommending will not replace the patrol boat service, but will complement this service, because what I am recommending is a radar system that will be strategically positioned on shore which can be monitored by a central location. The whole objective is to identify these crafts or boats which are engaged in the drug trade and hopefully identify them early enough that the authorities are able to respond to the location and will hopefully be in a position to sit there and wait for them, so that when they do come in with their illegal cargo, they are in a position to intercept them and deal with them accordingly.

Much has been done by the Drug Squad headed by Trevor Cutts to affect this trade of the importation of illegal drugs and firearms in this country. But they are in a war with one hand tied behind them, it seems, because the only system that they presently have is that they go on tips, someone will alert them that a boat is arriving at a certain time at a certain place and Mr. Cutts will dispatch some of his men and they will sit there and wait. Many times it is a false tip and they spend all night waiting and nothing happens. On other occasions they will sit there and hope that something happens.

So there is a lot of uncertainty. If we are going to be in a position where we have a chance of making a difference as far as the importation of illegal drugs by sea, we have to have a better system in place.

Other Motions of this nature have been brought by Members of this Honourable House. I recall during my first term as a Member of this House, that a Motion brought by two of my colleagues at the time on the Back-bench, called for a similar service. But the administration of the day did not see the wisdom of the request and the Motion was defeated.

What concerns me is that everyday, it seems, there is a new report of a drive-by shooting, a burglary that takes place with the use of a firearm. We are a financial community and a tourist destination and I believe that we have been very fortunate that we have not had a very serious incident in this country involving the death of one of our visitors by someone in an attempt to support their drug habit actually taking a life by the use of a firearm.

I recall (I think it was last year) that two visitors were held up at gun point and robbed of their possessions: So, I do not think we can sit idly by, bury our heads in the sand and say that we do not have a drug problem, that we do not have a problem with illegal firearms, as far as crime in this country, and continue to go on as if things are alright.

This is not a concern that we as Members of this Legislature share, but if we take a survey of a community today, it is probably the most important issue, the one issue that concerns our people the most. I think we have

a responsibility to do what we can as legislators in addressing this problem.

We have to get tough and equip ourselves with equipment and know-how in an effort to win this war against crime in this country. I believe that if we can put in place a proper radar system for the purpose of patrolling or surveillance our coast line, and also equipping our agencies which are involved and responsible for combating this type of activity with the kind of equipment they need, by way of boats, cars and whatever else they may need. This war is winnable.

I recall talking to a young man from my district some time ago, about the supply of illegal drugs in this country. He said that six months ago a rock of cocaine cost \$20. Today a rock costs something like \$3. So there is an oversupply of this harmful drug in our society today and it is fast threatening our very survival. The more of our young people that become hooked on this drug, the more serious crime we are going to have because they have to be in a position to support this very expensive habit. Someone who is addicted will resort to any means in an effort to support their habit.

The other thing that we have to address is the presence of illegal aliens, illegal in the terms that they did not come through our airport or our docks. Many of those we find in this country (and it would probably frighten you who we have here illegally), are passengers on these boats and they are dropped off on the beaches near shore and they find themselves to shore and then are in a position to pursue all kinds of activity in this country, including crime. So I think we have to do whatever we can at this stage to address this very serious problem in this country.

In order for this programme to work, I believe that there is a need for coordination. At the present time Customs has a Drug Squad, Immigration has a contingency and the Police have a contingency that are all in the business of trying to stamp out this very serious illegal activity in this country. But I believe that in order for it to be effective these bodies should be merged and one Head put in charge. By doing so, we will probably save money in that we will only have one agency to fund which will have a common goal and objective because they are all working under one umbrella, under one Head, and under the same conditions of service.

To go hand-in-hand with this, once this system is put in place, if it is accepted, I believe that the Courts will then be in a position where they send a very serious message by throwing harsher sentences on persons who may be convicted of serious crime in this country, drug trafficking or the possession of an illegal firearm.

I believe that this system is practical, it is affordable, and I believe that the future of our country depends on our addressing the issue to a large extent, the issue of putting in place a system for proper coastal surveillance.

Madam Speaker, I commend this Motion to this Honourable House.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Boddén: Madam Speaker, I rise to give my full support to the Motion brought before this House at this time.

It is safe to say, as has been echoed by many people before, that the war against drugs and drug-related crimes has to be a multi-fronted war. I full well realise that there are some circumstances which are, perhaps, beyond our control in requesting this coastal surveillance, for I vividly recall on at least two occasions when I travelled abroad, as a member of a Commonwealth Parliamentary Delegation from this territory, another Member of this Honourable House and a colleague of mine approached Baroness Chalker and some members of the British Delegation regarding the provision of some assistance in this regard. I vividly recall the lack of support expressed by those members of the British Delegation at that time.

I have to say that it seemed like there was a callous disregard and disinclination to be interested, even after the case was very persuasively put forward by the Member arguing at that time. Being a newcomer, as I was, I failed to understand how these people could take so inflexible a position when they certainly had no first-hand knowledge of the circumstances which the Member was so ably putting forward. Even though it was in an unofficial capacity, it was as a result of the Member's concern and it was as a result of the Member's knowledge that advantage was being taken because of an absence of coastal surveillance.

The Honourable Member moving the Motion seems to be emphasising some sort of radar surveillance. I do not know because he did not go into great detail about the extent or the sophistication of this surveillance. But, I would like to suggest that in tandem with this surveillance, and as a corollary, that we seek some kind of patrol system to complement this radar surveillance, because I believe that if we have such a system in addition to the radar surveillance we will indeed have an effective system.

In this regard, I was surprised to learn on a visit to the Portsmouth Naval Station some years ago, of the number of British Patrol Ships moth-balled as a result of the end of the Cold War. There were patrol crafts of all sizes and descriptions, laying, as the expression goes, in moth balls. I wondered aloud to some members if it was possible for us in the Cayman Islands, coming from a maritime tradition such as we have, if it would be possible for us to lay our hands on one or two of these patrol boats seeing that they were staying there rotting. Certainly, if we were able to get them we would probably find a Caymanian complement who with little or no training would be able to man the craft and we, the Caymanian people, may be able to find enough fuel to outfit and equip them.

It is still beyond my comprehension how we are unable, even after all the cries that have been made, to get some assistance in this regard. Is somebody waiting until we are overrun and completely helpless? The Honourable Mover made mention of the work being done by the Drug Squad and other arms of the police and the social

control forces. But we must recognise that these elements are largely incapable of any interdiction other than what takes place on land, so it compounds their work when they have to rely on contraband and arms being landed before they can apprehend or interdict.

It would make an easier defence system if we had as a complement to the Drug Squad and the Police Force, Customs and Immigration, some form of coastal surveillance which could at least make it more difficult for illegal persons and illegal cargo to be landed on our shores.

What the Motion and the Honourable Member moving the Motion is arguing and requesting is not far fetched. I vividly recall some years ago, when I lived out at Beach Bay, returning home in the middle of a Saturday afternoon to find two young male persons who had supposedly come ashore. There was a group of Public Works men working on the road and the drifters, or stowaways as they claimed they were, had wandered into the presence of the Public Works crew. Some of the men told me that they were watching them as they attempted to navigate the swells in the reef. When I arrived on the scene, the foreman asked me if I would take the men to George Town. I said no, I would not take those men to George Town because I did not wish to get into trouble. I said that we should alert the Police and they could alert Immigration, and I proceeded to caution the other members of the work gang that it was a rather delicate manner and that they had better be sure they alert the authorities because if anyone attempted to take the men into town and the men had overpowered them and escaped, it certainly appeared to me that the person taking them would have to answer to the authorities.

Well, the Police came within a reasonable time and took the men into custody. But before the Police came, out of curiosity, I attempted to elicit from the men exactly how they got there. They told a story that was unbelievable because they said they were stowaways, yet they could not give the name of the vessel or the vessel's registration. They said that the captain had come within a few hundred yards of the reef and put them off, yet no one in the work gang heard any vessel or had seen anything.

I was satisfied that they were not stowaways and that they were not put off against their will by any captain or any crew member from any vessel. It seemed to me that they knew exactly what they were doing and, not only that, it was frightening to know that they knew exactly where they were going because they mentioned to me a certain part of Cayman.

Now, if that kind of thing happens in broad daylight, who is to say what is happening under cover of darkness? The particular experience ended for me on a satisfactory note, because I followed up the circumstances and was relieved to know that the men were prosecuted for entering the country illegally, taken to court, found guilty and were deported and shipped back within a few days.

So, although this is an isolated case, it cannot easily be dismissed. I wonder, again, if this could happen by

day, what is happening at night. These kinds of problems are compounded by the fact that now we have not only the drugs, but reports of illegal firearms being off-loaded.

I wanted to say that one of the limitations of radar is its inability to detect wooden hulled ships because, as I understand it, radar operates by the waves bouncing off metal. So, that is why the wooden hulled ships, commonly known as the Jamaican Canoe, are so effective. They are so low on the water and not easily detected by certain radar systems. That is also why I am advocating that we complement this coastal surveillance, if it is going to be radar, with some sort of patrol. Ideally, the best system would be to have a patrol boat and some sort of aircraft, like a helicopter. It is not for me to say what can be afforded; I am only suggesting that that is an ideal combination.

It is reasonable for us to request this at this time because everyone in this country is aware of the problems that we have with crime which has its genesis in illegal drugs and, most alarmingly, now the presence of illegal firearms. It has to come to a head sooner or later. We have to come to grips. The time is long past for tokenism. The time has long past for relying exclusively on the Police or exclusively on Customs. The time has come for the development of a sophisticated and multi-fronted approach to this. Certainly, we can have no better chance than what is requested in this Motion that calls for the establishment of some form of coastal surveillance.

I give my wholehearted support to this Motion and can only request that the Government view it with the seriousness and the sincerity, which I think is shared by all Members of this House. This is one of those Motions that cuts across the spectrum of political differences. This is a Motion which all of us, as responsible legislators in this Parliament, feel a certain compulsion and association and empathy with because this kind of Motion holds in its grasp the very future of a stable, orderly and progressive Caymanian society.

I commend the Mover and the Seconder, and I am glad to lend my support and would wish that the Government might see fit to accept the Motion as is requested.

Thank you.

The Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12:40 PM

PROCEEDINGS RESUMED AT 2.18 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion 16/94.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I am rising in this case, not that I am responsible for answering the Motion, but I am rising to add my thought to the debate.

I well remember getting into this House back in 1984, and observing what had happened and was happening to the country at that time. I remember pleading

with the Government of the day to do something with our coastal surveillance.

I like to research the records, and I can remember going through the minutes of Finance Committee and seeing where the Fourth Elected Member for West Bay now had pled several times in his time for some sort of coastal surveillance. Some efforts were made. Well, my pleas fell on deaf ears and the situation kept getting worse.

As Members have correctly said, this country is now seeing the effects of a "don't care" attitude about these matters. What is the result today? The result is that we are seeing an increase in crime that worries not only local legislators here, but the United Kingdom Government is very much concerned about this territory and the upsurge in the different crimes.

While this Government has done many things to effect the better management of this country (I believe it is safe to say that we have turned around the economy), we are attacking the social problems as fast as financial and human resources can deal with them. One of the most worrying matters for this Government is the issue of crime.

We well realise, as the Member for Bodden Town put it, that there must be a multi-fronted approach to this whole issue. This is not just left for Government. Government has to spearhead it, the community has to recognise that we are not dealing with an easy task for just Government.

Taking the situations we found, there is no wonder that we are seeing an increase in crime. What we have to deal with is a poor Immigration policy and there was an absence of proper coastal surveillance. The one boat that Government had was run aground on the reef. The dog programme which was used for the detection of contraband was disbanded, and we had an Immigration policy where all and sundry came and went and did as they pleased.

The simple truth is, as the country should now recognise, that for too long we have been lax in these areas. For too long we have been too kind, and with an Immigration policy that allowed everybody to do as they pleased, we must find trouble. It has caused trouble in every country, much less this little small island.

We have tried to come to grips with what has been going on, but when you have 4,000 persons being able to go and get extensions time and again—not knowing what they are doing, not knowing who they are working with (well, they should not be working in the first place), not knowing what kind of income they have, if any—no wonder we found an increase in drugs and illegal weapons, such as guns.

However, we realised, having been faced with such a problem, that we needed to take some action. This is not easy, because in this small community what we find is that as soon as we attempt to deal with one issue, that impacts upon somebody's child and we find legislators who will run and say we cannot do this because their constituents are knocking their doors down. That is the sort of situation that obtains. One and all will have to rec-

ognise the fact that it does not rest upon the shoulders of Government alone, but everybody. That means this side of the House, it means those of the Opposition, it means the general public.

It is a situation that has to be brought under control. While we are no worse than other areas and internationally we still have a good name, it does not say anything for what our people feel. So the Government has been hard and fast trying to attend to this issue on the importation of drugs and other illegal contraband.

We instituted a dog programme that is working well. I think we are going to have to get more and deal more with that issue in the ports, that is, the Airport and the Docks. But that does not say how we are going to deal with the wider issue of what is happening on our open shores.

The First Elected Member for Bodden Town referred to an effort by myself in 1989 with the Baroness Chalker. That was at a CPA Conference in Barbados, and it was not the first time. In my very first CPA meeting in 1986, I also approached the Baroness Young who was in the position of the Baroness Chalker now. At that time my cries, and his as well, fell on deaf ears. He mentioned that there seemed to be a disregard by the British for our situation. My effort certainly went nowhere then. However, since the National Team took Government in 1992, that disregard, if that is what it was, certainly disappeared.

I can say that our efforts in obtaining some kind of coastal surveillance has been fruitful. His Excellency the Governor, responsible for External and Internal Affairs especially security, was instrumental in obtaining a boat, given to us by the British Government. We will have to stand some cost. You can say that it is a good partnership. The British are giving us 80% and we have to stand 20%. This is a good beginning. I do not think that we can say there is no concern now by the British Government. Remember, one and all, that this is what we have been asking for, for years, and hopefully in the next month this boat will arrive. So, to that extent we are better off than we were before.

Then, His Excellency the Governor is setting up a special unit with certain personnel and equipment from Customs and Immigration and Police, all to be under some kind of control of Superintendent Cutts. This is an effort to promote a much higher degree of cooperation and coordination. I remember in the public meeting held by the CoDAC in my constituency, this is one of the things that Mr. Cutts made mention of. He needs a few smaller boats than the larger one that we are getting so that he can give chase and have use for shallow waters. So, in addition to the new boat from the British Government the existing Customs boat will be utilised.

These are but some of the efforts being made by the Government. We all know that as far as criminal activity is concerned, there is a new unit set up with the coming of the new Police. I hope that they will go in the right areas, because what obtained before, searches had practically gone out of style. So, naturally, contraband such as guns would be prevalent. I am hoping this new unit will

attend the place where criminal elements hang out, or else it will not do any good. But new vehicles in addition to manpower and other equipment are on line.

I want to sound a warning bell in this House. When the new Unit acts, I do not want to hear any fuss from the Opposition about heavy handedness. I might as well say to the general public that I do not want to hear any racket from them either. Once they are acting judiciously, it must be done. We cannot allow the criminal elements to walk up and down our country believing that they own it. Neither am I, as a legislator, overly concerned about after we put them in prison. We intend to treat them as humanly as possible, but I maintain that this country cannot take the few resources that we have and treat these criminal elements like they are should live in a palace. What I am more concerned about, as a legislator and as the Minister responsible, is that money should be spent on young people and children, for presentation. Not to spend millions of dollars on the prison after we have to go out and spend money to get them in prison. So, I would hope, if the action is going to be as I think it will, I do not hear any hollering about high-handedness from police.

Time and time again, we criticise the police about their activities. In truth and fact we must not expect the police to cure the criminal element. I think we should all get up and say to the general public that the Police have been doing well because if a crime happens today, by tomorrow they have the criminal element. So while all is not all well in the Force, and there is something lacking in certain areas, I think we need to give credit where it is due.

That does not say anything about the problem that we have. It is a matter which all of us have to take into consideration. All of us, as legislators, the general public, business people, as well as parents. I know that is becoming a singsong in the country about the responsibility of parents, but it is the truth. What the good people in this country have to do, and they have a very great responsibility, is they have to stop talking about everything that somebody tells them because the criminal elements out there will do more talking and more blaming than anybody else. So, the good people in this country should be careful and listen to who is talking because too many out there are willing to run down to draw attention away from themselves.

While I am not happy with what obtains in the Force in certain sections, let us give credit where credit is due. Some years ago there were 13 unsolved murders. When this happens today, within a short period the Police Force acts. So we have come a long way.

With the advent of Mr. Cutts there have been, I guess by now, tons of dope seized. We are going to give him more personnel, which he has asked for. On a whole, I believe that this coordinated effort is going to work well for the country. I think all of us have to realise our responsibility. That cannot be over stressed.

The Government, I believe, is doing everything we can on this Motion. We will certainly accept any ideas. I certainly want to thank the two Members for bringing it and we will continue to do what is necessary. I, too, hope to

see a slackening in this criminal activity, but it is going to take some time. The position that the country was in, the situation that obtained cannot be handled over night. But, the country can rest assured that the Government is not sitting idly by, wringing its hands in frustration and wondering what are they going to do. We are acting.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: As the seconder of this Motion I am very proud to be associated with it because we have come to the crossroads now where it means that we have to take the bull by the horns and stop its charge. That charge is the trafficking of drugs and firearms into our country.

We need surveillance, and we need it bad. What we first have to look at is land surveillance. We should be setting up patrols on the coastal areas to deter the boats with their drugs and firearms. The Police and Customs are doing their part, as best they can, but I think we can now call on our local citizens for help and get them involved also. Some of them have already spoken to me saying that they are willing to come out and work at night on patrols to help fight this drug disease that we have coming in here.

As the Minister said, this is something that I was seeking from 1976, when I first entered this House. We need coastal patrols, we need good boats and, believe me, if we had gone forward then and placed a radar station in this country, we would have broken the backbone early. It is never too late to do good or right. I still say this is the step that should be taken. We need a radar station with a range of probably 60 miles or so, but radar that can detect objects on the water. With a radar system and a few patrol boats we can then fight the devil out there because the radar can pick up the objects and we can send the boats out to intercept them. It means that we can be saving on fuel and that our boats will not have to be running up and down all the time. This is what we need.

It is becoming shocking and frightening to our citizens here. It is getting to the point now where they wonder what is going to happen next. We have to fight, and fight hard. If we need more boats, let us get them. I have to agree, one boat cannot set up a patrol, we need more than one boat. I feel that the British Government should be able to supply us with another boat or so, because they have a lot of them up there, rotting along the river banks. The United States has some. I think if we were to approach them, we could even get some help from them. So, this is steps that we have to take and try to take the proper ones at the right time.

Our country is now getting in the hands of the evil ones and we have to take it out. We cannot prolong this matter any longer, we have to get out there and fight, and be drastic. We have to put pressure where pressure is needed. That goes for the criminals, which we catch and send to prison—punish them, rightly too.

I wholeheartedly support this Motion and I hope that

things will work out better for us.

Thank you very much.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I wish to make a very brief contribution to the debate on Private Member's Motion 16/94. The Government has already indicated through my colleague that it will be accepting the Motion.

The Motion is a specific one, headed Coastal Surveillance. But, of course, the debate has had to be more broadly based in order to make the point. I do not think that the point needs to be re-emphasised because everyone is convinced that we collectively have tolerated the incidence of growing crime. We have built larger prisons, we have locked away and incarcerated greater proportions of our population than most countries of the western world, we have locked up ten times the population that Europe locks up. We have even concluded that we have possibly been locking up the wrong people. The Government recently took the view that perhaps the time had come to conduct a study in criminology to see who could determine what really are the principal causes why so many of our citizens appear to be turning to crime. So, all of that is generally well known and well documented.

The specific resolve of the Motion is to invite the Government to consider ways and means of strengthening what is now an almost non-existent coastal surveillance capability. Countries that have large amounts of coastline have this inevitable problem. How does one patrol the coast and be effective? Larger countries have tried it in a variety of fashions and have deployed large amounts of resources towards it, and I can only draw on the experience of those who have done it before. The experience of those who have invested large amounts of resources in strictly coastal surveillance types of activities have found that the return on that investment over a long period of time does not appear to pay handsome dividends.

For example, one of the problems with radar is that the technology is very sophisticated, it is very accurate. But if you have a radar that covers a radius of, say, 100 miles, and you happen to be in a geographical location where there is heavy maritime traffic passing within that radius, your radar could, at any one point in time, be pinpointing 200, 300, 400 objects within the scope. The problem that the operators of radar have is that, with all the modern technology in the world, there is no way of differentiating which one of those 200 bleeps on the radar are the good guys, and which ones are the bad guys. Experience has shown that no number of boats in the world is capable of going out and checking by examining who is good and who is bad. Therefore, the long-term effectiveness of radar in those kinds of situations becomes questionable.

Larger countries have, therefore, changed their approach and have relied instead on good reliable sources of intelligence and, in some instances, counter intelligence as a means of narrowing down the focus so that

resources can be targeted in a more effective manner.

One such effort is currently being deployed in Cayman, and that is the utilisation of the Caribbean Basin Radar Network of which Cayman has one. That radar operates on a fixed radar basis, it zooms around detecting low flying aircraft and it produces the kind of intelligence that enables those who are experienced in air traffic to be able to narrow down the number of good guys and spot, in some instances, the potential number of bad guys. They have found from experience that that system works a little bit more effectively than the radar that is intended to pick up every moving object floating on the water. In this day and age there are so many objects on the water that it becomes a difficult task, indeed, to fulfil.

As I understand it, Cayman is geographically situated in one of those areas where there is a fairly heavy incidence of traffic on the water. So, one would have to immediately set up a system whereby you do not harass a very large proportion of that traffic in the surveillance procedures, but rather find some way of narrowing down the potential bad guys and making sure that they are the ones who get harassed.

Of course, cooperation and coordination have been commented on and those are essential components to any kind of surveillance capability. A few years ago the British Government commissioned a Maritime Capability Survey in all of the Dependent Territories in the Caribbean. As a result of the recommendations of that team, they recommended that in small territories, like Cayman, that we should begin to move towards establishing a sort of an embryo for what could eventually become a mini coast guard, developing the capability of surveying our inner coastal waters and using some larger boats to patrol, in an inter Island basis, and in International waters, with a specific type of an agenda, crewed jointly by personnel who are qualified in both Police and Custom work with a high reliance on intelligence. Again, all aimed at focusing the resources where you get the biggest bang for the buck because money can be invested and operationally you can invest a lot of money in doing nothing but patrolling. What is important are the results that you get from that patrol. It is not just a question of simply patrolling, it is a question of maximising the return that one gets from that patrol.

It has also been recognised that one, two, three, or even ten boats is only that. Therefore, one has to accept that wherever there is a potential for someone to make a profit, and where there is someone willing to take the risk of making that profit illegally, one can only simply set up a mechanism to deter in the first instance, to detect in the final analysis, and to prosecute. But one can never put up a blockade, which will be 100% effective against those who appear to be determined to break through it.

I say all of that simply to say that there has to be a pragmatic approach to the allocation of scarce resources when trying to tackle these growing complex problems. This is an important issue that the Government does not take lightly. It has to be recognised in the context of a series of initiatives that are being considered. The study of the causes of crime is one such initiative; the en-

hancement of the human resources in anti-drug activities is another initiative; the investments in prevention through education is another initiative. There are all kinds of initiatives, which collectively, one hopes will make an effective and positive impact on this problem.

Touching specifically for a moment on the item of firearms, this Honourable House recently increased the penalties on the Firearms Law, and I believe the courts have begun to make that effective in the sentencing policies of the courts. So I think that the message is clear and well known that firearm offences attract large effective penalties.

The one deterrent, the most effective deterrent against any illegal item, be it firearms or others, is the knowledge that someone else may know about it and, by having that knowledge, may pass it on to the authorities. This is where the authorities have to rely on the cooperation of the public. If it is as is being claimed, that large numbers of firearms are entering the country, somebody has to have some information about some of these items—where they are coming from, how they are getting in, what happens to them after they get in, who is disposing of them, how they are being traded internally—somebody has to have some information about that type of activity. Therefore the Police will have to rely upon those honest persons in the community who have any access to such information, to come forward with that information with the confidence that the Police will accept it, regard it as confidential, and get on quietly in doing what they have to do to apprehend.

The Police cannot police all by themselves: They have to rely upon the cooperation of the public. It is because of that need for better community policing that the Government recently commissioned a review of the Police Department and during that process conducted a number of district meetings in order to determine from the district level populations what kind of policing the community wishes to have at this present time. The report of the Inspector who conducted that review is going to be considered by the Executive Council very soon and further announcements about it will be made in the near future.

But, we are on the threshold of conducting necessary reviews, implementing the accepted recommendations contained in these reviews, and moving forward with a certain amount of confidence that, scarce though our resources may be, if we target them effectively, we can have some positive results. We have to guard against just putting resources after resources and after resources, because you can out resource a situation. We have to put our resources in such a way as to be able to evaluate the effectiveness of those resources and then, if more is needed, put more in after you have evaluated the effectiveness of what you have put in so far.

The recommendation, therefore, is that we develop this surveillance capability on a progressive basis, evaluating the results of it at each stage and making certain that we do not waste our investment. That seems to be the key to the thrust of the Motion.

The Government is happy to accept the challenge to

undertake to do whatever it can to tackle this coastal surveillance problem.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: To me, the Honourable Member responsible who just replied on behalf of the Government has brought out some very, very important points in offering the Government's support of this Motion. It shows me that the Honourable First Official Member is well informed and up to date. It is a pity that he has said he is not going to be with us much longer.

However, getting back to the Motion, it was very good to hear all of the previous speakers and heartening to know that there are instances where there is a unified approach to a problem of national significance. Not grudgingly, I wish to congratulate the Mover and the seconder.

As has been displayed by other Members before, to drive home relevant points which surround the actual resolve section of the Motion, it is necessary to spread our wings a little bit because there are so many, what may be termed, ancillary issues which are interrelated with this specific issue which we are now debating. The possibility of establishing a proper coastal surveillance system, which is being asked for in the Motion, in my interpretation, is simply a pointed attempt to direct a certain movement to basically get the ball rolling. As has also been mentioned before, there have been previous attempts in the past by other Members, and whatever transpired then, frankly, does not warrant discussion. I think we all recognised the problem here and it is good to know that real attempts are going to be made to address it.

One point that I consider very salient was made a few minutes ago by the Honourable First Official Member when he pointed out that, given limited resources, it is the Government's view that implementation of any coastal surveillance should be done in a timely fashion so as to minimise any wastage of those resources—of the manpower and equipment involved, and of the time spent. I think many of us would want to say that we need, ideally, six, eight or 10 vessels so that we might be almost able to patrol the entire coastline of all three islands simultaneously, to have a sure way of being effective.

But I am sure that while we do not know all the facts, a little bit of imagination can bring to light the real possibility of how people who engage in these illegal activities operate. Examples have been brought about happenings in broad daylight, but I think it is safe to say that the majority of the activity is expected in the dark of night.

I personally wish to support that line of thinking, as this is how the Government intends to deal with it. I fully support that. The risk that is run in operating in this fashion is that some of us might chose to say at times that the Government is not acting as expeditiously as they should. But it is still better to face that criticism knowing that you will not get the criticism of how much money has been wasted with no results. So, from that point of view, I subscribe to that thought process.

There is an area that has not been dealt with in any detail, but I would like to make small mention of it. Whatever is decided by way of a course of action, I think that one of the most important aspects of the action is the proper training of the individuals who are going to be involved in the action. I have no doubt that at whatever stage the Government is at, that there is something being done about training. But, I believe that from every angle that we can look at today, where there has been any failure in any one of our enforcement agencies with regards to interdiction or prevention or case solving, whatever, the one common denominator is lack of training.

The point I make here, is that it is obvious that what is happening with regards to any new action is in its infant stage and I just wish to emphasise to all of us the importance of proper training for our own Caymanians. I subscribe to the belief that there is no one individual or group who is better suited to deal with our own problems than our own. If that person, or that group of people, is trained properly, it is my belief that on their home turf, regardless of the down sides that one may be able to point out, I think that we have the ability to get better results from the home boys if they are properly equipped. That is not a statement that I make to cast any aspersions, but I am convinced that there have been many occasions when our own have found themselves falling short. If we were big enough to examine the situation in its entirety, we would find that that individual who may have fallen short, had to fall short, because of the circumstances that he or she was put in.

So, if, as the Government said, there is a boat being commissioned, that is good to hear. I remember earlier on during this sitting a few questions being asked and answered regarding training in this area. I just have to say, again, because words fail me to say how important I believe training is. While this Motion deals primarily with establishing a proper coastal surveillance system, as the First Official Member stated not too long ago, there is an entire process that one has to examine when one is looking at the big picture of prevention and interdiction of crimes related to drugs, illegal firearms.

I trust that the expressions that I have heard from both Members who have spoken from the Government bench will not fall on deaf ears to the listening public. The Honourable Minister mentioned public cooperation. The seconder of this Motion mentioned public cooperation. We do not have to think too long and hard to realise that the life we save may be our own. The public has to come to grips with the fact that there may well be occasions that some of us, as private citizens, may not only find ourselves with a responsibility to say what we saw or heard, but if that attitude continues to prevail, I am afraid that if we ask the Lord Jesus to be our Police Commissioner that two months later we would be hollering that the Commissioner must go.

So, even though it supposedly strays from the point, the truth is that I believe very often people see things that they know do not look right—sometimes you will be sitting in a bar having a social drink and you will hear a person (and just by the expression on that person's face you

know that the person is telling the truth) relating an incident when he or she was out fishing somewhere and they noticed this or they noticed that. Someone will ask if they notified anybody, and they will say no. Asked, why not?, they say they do not want to get involved. It is such a pity.

I know that takes a little extra measure from the individual, but the truth is that if we are going to be effective and if we are going to do any better that is exactly the measure that we need. I say this: if we, the legislators, as the Minister might say, 'the Opposition, the Government Bench, the public on a whole,' if we do not accept that there is a natural responsibility which we face when it comes to the evil that has crept in amongst us, and those individuals whom we have publicly charged with the responsibility to do something about it, we will get no where.

A vast majority of all crimes solved in this world—and I repeat, a vast majority—statistics prove the vast majority of crimes are solved with information received from the public to the relevant law enforcement agencies. It is no different in Cayman. Unfortunately, we do not have super heroes doing the job. So, we must play our part. We must also say what we see, or we will not see any positive results.

That little discourse was meant simply, no matter what system is put in place, there will be many occasions when public input will get the right results, which will not be had without it.

The last point that I would like to touch on regarding this Motion is in dealing with accepting the Motion, as it is obvious that Government intends to do. I think that a very opportune time will come shortly after this sitting with our continued review of the Penal Code, for us to take an even more in-depth view of certain areas of existing laws with a view to coming up with any changes that we might deem necessary for matters such as this to be more effective.

Finally, the Minister for Community Development mentioned that during the next few months the special arm that is going to be put together with the intermingling of the different agencies, he said that he wanted to issue a warning regarding the way that matters would be dealt with and he wished not to hear any outcry of heavy handedness. I just wish to place on record that, as the Minister said, once the actions are taken judiciously in the most effective manner, I certainly will have no problem with it. Many instances long before now required a little bit of heavy handedness, for in my opinion there has been blatant disregard for authority by many in our community.

I support this Motion and I would hope that from time to time we will be getting progress reports, as I am sure we will be. I trust that we can continue to deal with matters as important nationally as these in total unanimity.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Madam Speaker, I support this Motion. I think it is very important and very timely and

I commend the Mover and the seconder for bringing this.

The recitals to this clause have stated in the third recital that "as a result of the abundance of illegal drugs and firearms serious crime is now on the rise in these Islands," and, indeed the other recitals point to drugs, firearms and crime generally. I am going to try to set out in about 11 or 12 areas, briefly, some of the things that are being dealt with towards reducing illegal drugs and crime.

As previous Members mentioned, there is now going to be a patrol boat, which we thank the United Kingdom for contributing about three-quarters of the money for. That, I think, will be a deterrent and will have an interdiction effect, which we have not had previously. That, together with the Customs Boat, *Derry's Pride*, which is a very fast and long range interception boat of about 30 feet, and a smaller boat, which looks to me to be in the 20 foot area, that also can be used.

I believe that Members of this House, especially Executive Council, have spent more time looking at how we can assist the Governor and the Chief Secretary in dealing with crime because we too are very worried about it. But I would like to state very clearly here that the responsibility for the Police, the Judiciary, the Prison, Internal Security, External Defence, rests squarely with the Governor and the Chief Secretary and we can merely assist them in areas that they wish to pursue. It is not a responsibility of either of the five Elected Ministers of Government who sit in Executive Council. So the duty of this Honourable House and our duty has been to assist the Governor and the Chief Secretary as far as we can in giving them what they need to deal with the rising crime that we have seen. But if we look back three years ago, crime has not really risen that much compared to what it was three years ago.

Along with the boat we have the four drug-sniffing dogs the Police asked for. We now understand that a special task force to go into areas, which have hard crime, is being set up. The Chief Secretary asked for more Police, and we know this Honourable House has approved the funds for more police. I take the point that the Fourth Elected Member for George Town has made. He was implying that more Caymanians need to be on the Police Force, and the Government, this Legislature I should say, has a policy of Caymanisation—as many Caymanians as we can get in the Force, I believe the Chief Secretary and the Governor do employ them. But there does come a time, as I am sure that Member knows, with one's business, if there are no people here, there is no alternative but to get them from abroad.

The Minister for Agriculture and Works has improved the lighting in George Town and most of the districts. This has been extremely important, especially in George Town. I thank him for this. It has had to reduce the incidence of drugs and crime that this Motion mentions is on the rise. More and more of that will be done because criminals are worried about identification of themselves.

More money has been given by this Legislature for undercover work by the Police. There is a brand new drug policy within the schools, which was brought out

about six months ago. It is very comprehensive and the syllabi relating to drugs in the schools is being looked at by the present Strategic Planning Action Committee that is dealing with that. So we are very aware on the prevention side for young children. We have the Select Committee on Crime and one of the things that I have asked them for is to make it twice the penalty—double the penalty—where drug crimes are committed by adults within 1,000 feet or within the precincts of schools. This is usual in other places.

We have CASA, which does a very good job on prevention. We have the service clubs and the churches. There is a lot being done out there and looking at, for example, the prison, I believe that compulsory counselling to people who are in there for drugs is something that can prevent further repetition of illegal drugs and illegal firearm crimes that may arise.

Education and drug counselling should be compulsory in prison. Those people who were put in there for drug offences should have to take counselling they should have to go and get more education. However, that is only my view. It is the Honourable Chief Secretary's and the Governor's Portfolio.

The other areas that are very important are relating to the present importance placed, perhaps, most important, by Government and this Legislature, on drugs when a Ministry itself has been created to specifically deal with coordination and areas of it which, I should point out, are not under the Chief Secretary and the Governor. This has now come under a very able and energetic Minister and he has already begun the strategic planning which is so crucial to dealing with this in a organised and effective way, because we can spend a lot of time making waves and really not achieving anything unless proper planning is put in place. He has taken that first step towards it, and if we are going to get very good results it will come within that area as a result of the detailed planning that is now being undertaken.

It clearly shows, when I list these different things that we have looked at and tried to assist the First Official Member with, who has quite a difficult task, when dealing with this area of firearms and crime.

Another question was raised about informants. It is a problem in any small society. It is hard to get people to give information on their friends and family. I am a former prosecutor, I know the difficulty it has been. That difficulty continues, but, once again, we had the Chamber of Commerce intervention and now one can dial a number that goes into the United States and comes back to the Police here and that is working very effectively. I know that was quite heavily criticised by the Opposition, but it is working.

The only other areas, and I am trying to be brief on this because it is such a wide subject, is, maybe, cheap radar could be established, maybe one on either end of the Island with maybe a 20 or 30 mile range, I do not know, which could be monitored from a central place which would also assist the boats.

What we are very lucky with is that the Drug Department, the Drug Force of the Police has been very

effective and I think we have to give credit where credit is due. That has been a very effective arm of the police. This Legislature supports it. We, as a Government and a National Team, and I believe all Members of this House are committed to doing everything we can to assist the Chief Secretary and the Governor in this fight against crime. We have also put our full support behind the new Minister who is dealing with the drug planning and abuse. Also, I should mention that we are moving towards the rehabilitation centre, which will be added to the counselling centre.

I would welcome anyone who could come up with further suggestions that we may be able to implement to deal with the problems of drugs and guns. I believe it takes a full community effort, it is something that affects all of us. It affects our children, our families, and we have to give it our total and unlimited dedication to bring under control and to support the new Ministry as well as the First official Member's Portfolio. We have to give them the tools to fight this cancer within our society.

Also, that support has to go into CASA, the service clubs the churches and all of the organisations and people individually. Many people put in a lot of effort to try to make this society free from the evils of crime and especially drugs.

In conclusion, I think the debate here today is very positive and one that I believe we will find positive results coming as a result of. I commend the Mover and the seconder, once again, and really, this whole Legislature which has supported the Government and the approval of funds which are necessary in this fight. The duty of us all has to be to make Cayman a better place. That is what I can assure this Honourable House that I strive towards, and I believe that everyone here does.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.42 PM

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion 16/94. If there is no further debate I will ask the Mover of the Motion if he would like to exercise his right to reply which will close the debate.

Mr. John D. Jefferson, Jr: I also want to thank all Honourable Members for their contribution to the debate.

We were handed a copy of the Royal Cayman Islands Police Report of 1993, and it has some very interesting statistics. Drugs: On page 28 it says a total of 4,341 pounds of ganja was recovered plus 52 pounds of cocaine. It says it is clear that Cayman is being used as a staging post for the onward transmission of drugs to the United States.

So we see from these statistics that there are quite a bit of drugs being seized by the Police and the other drug enforcement agencies. But, what is of concern to me is that they seized 4,000 pounds, which is probably a reflec-

tion of just the tip of the iceberg. In other words, they found 4,000 pounds, how much came here and was successfully transferred to the United States or other markets?

We have a problem here in this country and I think that we should recognise that we do and take whatever actions are necessary to deal with the problem.

In my effort to gain information on this subject, I was able, through a friend of mine, to contact the company who does sell the equipment and they came down and did a presentation for us of the capability of the equipment. This equipment can be very expensive, so you have to take into consideration your limited resources. The system that they were recommending had the capability of identifying these small craft some eight to 10 miles off the coast which would give us some time to respond as far as interdiction is concerned. But, we can spend as much money as we want on a system, it depends on what is available for that purpose.

The First Official Member made a good point, if we are able to survey too large of an area, it becomes meaningless because there is so much traffic out there, so many objects going back and forth that it would probably not be the object you were looking for and probably not even headed for the Cayman Islands. So, I think if we have the ability to patrol or survey our 12 mile limit, that would probably be sufficient for our purposes.

The Fourth Elected Member for George Town made a good contribution, and he made some good points in regard to training and this is very important. He was specifically referring to training as far as the officers on the patrol boat that the Government is in the process of commissioning. From speaking to people who know what is going on, I find it kind of strange to accept the fact, I cannot remember exactly how much we have paid for this boat, but we are now in the process of getting it fully equipped and armed but the police have a very strange policy in that officers only of a certain rank are able to man the boat. So you might have a constable that has 40 years of experience as a captain or a seaman but because of his rank he is not able to go on as captain. I think this is very unfortunate because what is important is that we are in a position where we have qualified people who man that boat to ensure that the same thing that happened with the other boat happens with this boat where somebody ran in on the reef. Also, training with regard to the use of the equipment that we have in mind.

These are aspects that would be discussed. Any supplier would provide training they send somebody down to help you install it, show you how it works and train you for a period of time to ensure that you know what you are doing and you are in a position to make the best use of the equipment.

I am very pleased with the support and the concern and the urgency that all Members of this House have expressed. I feel that every Member of this House has a genuine concern with combating the issue of crime in this country. If we put our efforts together and we have the support of the general public as far as keeping their eyes open and informing the respective agencies as to what

they see going on, I believe that we can lick this problem.

What is important is for us not to accept the fact that we cannot do anything about the issue. The Honourable Minister for Community Affairs, myself and another colleague of ours were taking a walk this morning, and that was the issue that we were talking about. We have no place to run—this is home. Even when things are bad and a lot of our friends and neighbours were migrating to the United States—and I have nothing against what they did, many of them moved for the right reasons, to educate their families and provide support, I have no problem with that. As a young boy I had a hard time dealing with the idea that everybody was leaving. But my family decided to stay. So I am here to stay. Like, I am sure, all the other Members of this House, this is home. As legislators we need to do whatever is necessary to ensure that the Cayman Islands continues to be a place where people can come and enjoy our hospitality where they do not have to be overly concerned about their personal safety. Not only visitors, but our own people can continue to enjoy the quality of life that we have been known to enjoy in this country.

So I support and appreciate all that has been said, and I look forward to Government moving on, taking the respective steps that are necessary to ensure that this system is put in place as quickly as possible.

The Speaker: The question before the House is Private Member's Motion 16/94: **"BE IT NOW THEREFORE RESOLVED that Government look into ways of stemming the flow of illegal drugs and firearms into the Cayman Islands by sea by looking at the possibility of establishing a proper coastal surveillance system."** I shall put the question. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. Private Member's Motion 16/94 has been duly passed.

AGREED: PRIVATE MEMBER'S MOTION 16/94 PASSED.

The Speaker: The next item is Private Member's Motion 17/94 Judicial Review. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 17/94

JUDICIAL REVIEW

Mr. John D. Jefferson, Jr: I beg to Move Private Member's Motion 17/94 entitled Judicial Review, which reads as follows:

"WHEREAS the continued success of the Cayman Islands is dependent upon political, economical, as well as judicial stability;

"AND WHEREAS there is an apparent lack of co-

ordination between the Judiciary, Police and the Legal Department;

"AND WHEREAS, in view of the rapid progress of these Islands, it is important to continue to ensure that justice is not only done, but appears to be done in all cases;

"AND WHEREAS it is also important to ensure that the conditions of service and remuneration are such that would continue to attract the highest calibre of Justices for the administration of justice in these Islands;

"BE IT NOW THEREFORE RESOLVED THAT appropriate steps be taken by His Excellency the Governor, in consultation with the Honourable Chief Justice, to appoint an appropriate person or team of persons to carry out a full review of the judicial system in the Cayman Islands;

"AND BE IT NOW FURTHER RESOLVED THAT a summary of the findings of the review, with appropriate recommendations for improvement, if any are deemed necessary, be tabled in this Honourable House in due course."

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I beg to second Private Member's Motion 17/94.

The Speaker: Private Member's Motion 17/94, having been duly moved and seconded is now before the House for debate. The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Madam Speaker, I have a question at this stage. There is an amendment to this Motion, should that amendment be brought at this stage?

The Speaker: Yes, you can bring that. The Motion has been proposed, you can now present your amendment.

**AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 17/94
JUDICIAL REVIEW**

Mr. John D. Jefferson, Jr: Madam Speaker, in accordance with the provisions of Standing Order 25(1) and (2), I, the Third Elected Member for West Bay, move the following amendment to this Motion: (1) that the title "**Judicial Review**" be changed to "**Courts Office Review**"; and (2) that the words "judicial system in the Cayman Islands" in the first operative be deleted and replaced with the following: "**Courts office, Police and Legal Department in relation to cases coming before the Courts to advise on the implementation of improvements and changes to the Courts Office, Police and Legal Department to enhance the administration of cases (both Civil and Criminal) coming before the Courts**"; and (3) that the last paragraph of the motion be deleted.

The Speaker: The amendment of a Motion has to be seconded. The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I would like to second that amendment.

The Speaker: There is a proposed amendment, as has been read by the Member, and it has been duly seconded and is now before the House for debate.

Would you wish to start your debate at this time, because there are just about four minutes left? Would you defer the debate then, until tomorrow?

May I ask for the adjournment of the House at this time? The Honourable Minister for Agriculture Communication and Works.

ADJOURNMENT

Hon. John B. McLean: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

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

AYES

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock, Thursday morning, the 16th of June.

**AT 4.27 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 THURSDAY, 16 JUNE 1994.**

**THURSDAY
16 JUNE, 1994
10.04 AM**

The Speaker: I will ask the First Elected Member for Cayman Brac and Little Cayman to say prayers.

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, Official Members and Ministers 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 Honourable Ministers. Number 99 standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MINISTERS/MEMBERS**

Mr. Roy Bodden: Madam Speaker, this question is addressed to the Minister with responsibility for Education and Aviation, and that Minister is not in the Chamber at this time.

The Speaker: I think he is coming, if you could just give him one second, please. The First Elected Member for

Bodden Town, question 99.

QUESTION NO. 99

No. 99: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation how many passengers have been transported by Cayman Airways Limited over the past ten years.

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker. I am sorry for being a few minutes late Ma'am. Cayman Airways Limited has transported 2,732,658 passengers over the past ten years.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say which route is the most prosperous, that is, which route does Cayman Airways transport most passengers on?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker. I can only give an assumption here, and I would like to point out, Madam Speaker, that this question, asking for ten years of passengers, has wasted a lot of good time of Cayman Airways' staff and money to do so. Obviously, it is in Miami because we run there more often than anywhere else.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Is the Honourable Minister in a position to say if this route, in the last year or so, is still the route by which most passengers are transported?

The Speaker: The Honourable Minister for Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker. I think it is common knowledge that we run more trips, more flights to Miami and we always have, and I believe we always will.

The Speaker: The next question is 100, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 100

No. 100: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works to state Government's interest in the road from the office of Caribbean Utilities Company Limited to the Barcadere.

The Speaker: Honourable Minister for Agriculture.

Hon. John B. McLean: Thank you, Madam Speaker. The answer, the section of road from the office of Caribbean Utilities Company Ltd. to the Barcadere is a gazetted public road. The gazettal took place on the 25th August, 1980, with a Boundary Plan No. 56.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say if work on this road is now completed, and can he also tell the House by whom this work was done?

The Speaker: The Honourable Minister for Communications.

Hon. John B. McLean: Thank you, Madam Speaker. Road work from Caribbean Utilities to the Barcadere is completed and it was a joint project between Cable and Wireless, Caribbean Utilities Company and Government.

The Speaker: The next question is No. 101, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 101

No. 101. Mr. Roy Bodden asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation how many people have completed the Drug and Alcohol Rehabilitation programme at the Counselling Centre since 1993.

The Speaker: The Honourable Minister for Health.

Hon. Anthony S. Eden: Thank you, Madam Speaker. The answer, there were 98 new users in 1993, with a total of 104 repeat clients, giving a total of 202 clients.

Services offered in 1993 for chemically dependent clients were the Intensive Out-Patient Programme that met two times per week. It consisted of group therapy as well as direct instruction and ran for 10 consecutive weeks. Following the 10-week Intensive Out-Patient Programme, the clients attended the Aftercare Programme once per week. In certain cases, clients were referred to Alcoholics Anonymous and Narcotics Anonymous support groups in the community for ongoing support.

All clients at Cayman Counselling Centre were

seen on an individual basis.

Twenty-nine per cent of the clients seen at Cayman Counselling Centre in 1993, successfully completed. Had they been admitted to an In-patient facility the predicted rate of success would have been higher. However, the out-patient success rate compares favourably with the national average in the United States of America.

In 1994, services have been offered to 84 chemically dependent clients up to 30th April. Statistics for May are being compiled.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say if the programme for repeat clients is the same as that for new clients?

The Speaker: The Honourable Minister for Health.

Hon. Anthony S. Eden: Madam Speaker, I would beg that I pass this over in writing as the lady who is responsible for this went off the Island and I was not aware of this until this morning.

The Speaker: The next question is No. 102, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 102

No. 102: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if Cayman Airways Ltd. is making a loss on its Inter-Island service and, if so, how much.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the answer: In 1992, on a fully allocated cost basis, the Inter-Island Service made a loss of \$2.0 million before subsidy. For the first nine months of 1993, the comparable figure was \$1.18 million which suggests a year end loss of \$1.58 million, approximately.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, thank you. Could the Honourable Minister say if this route is now being separated for purposes of management and to determine its viability one way or the other, or is it taken as part of the overall losses or profits of Cayman Airways?

The Speaker: The Honourable Minister for Aviation.

Hon. Truman M. Bodden: Madam Speaker, it is not being separated in the way that I understand the Member to be asking. This is a service which the Government provides for Cayman Brac and Little Cayman residents and, notwithstanding the heavy subsidy of it, we will continue to do so.

I should point out that perhaps in this year with Island Air now intervening, losses will increase.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if it is a fact that there is active consideration being given to Cayman Airways not operating this route anymore and handing it over to Island Air exclusively?

The Speaker: The Honourable Minister for Aviation.

Hon. Truman M. Bodden: Madam Speaker, this is something that has been raised by the Second Elected Member for Cayman Brac and his colleague the District Commissioner for Cayman Brac. These are rumours that are being spread and are totally untrue and I wish that they would now stop this and let Cayman Airways...

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

POINT OF ORDER
(Misleading)

The Speaker: May I hear the Point of Order, Honourable Member?

Hon. Truman M. Bodden: I am not giving way.

The Speaker: You have to give way, he is rising on a Point of Order which is required. May I hear the Point of Order Honourable Member?

Mr. Gilbert A. McLean: The Minister would have to be deliberately misleading this House when he talks about my colleague, the District Commissioner for Cayman Brac, and me. Everyone knows that he is a civil servant and he is no colleague of mine. I am a Member of the Legislative Assembly. It is his political invective, I think, Madam Speaker.

[Inaudible interjections]

The Speaker: Honourable Minister for Aviation, the question has been asked. If you would just give a yes or no, please.

Hon. Truman M. Bodden: Madam Speaker, may I finish the other part? We are adding a mid-day (or around that time), flight to Cayman Brac by the jet from the United States on Saturdays which is one of the other

things that was requested.

I am doing everything I can, and we are now flying far more flights than we did before, notwithstanding that we are carrying somewhat less passengers because Island Air is flying there. But I have done everything possible to help Cayman Brac and Little Cayman. And that, I wish to have this Legislature clearly understand, notwithstanding the opposition that I continuously get on it.

The Speaker: The next question is No. 103, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 103

No. 103: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation what is the current mission statement of Cayman Airways Ltd.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker. It is, to support the National economy by ensuring continuity of access to the Islands through the provision of a safe, reliable, efficient and high quality air transportation product to the public, the tourism industry and to commerce; to provide an Inter-Island air-bridge as part of the National infrastructure to facilitate the movement of Caymanians and visitors; to provide good quality employment using Caymanian human resources, where possible, and to develop and train such resources in order to meet the high demands of the aviation industry.

Cayman Airways Ltd. should be operated as profitably as possible, or at least to maximise its efficiency, so that dependence on the financial support of the Government is minimised.

Be committed to a policy of managed growth in order to develop a critical mass and achieve economies of scale and initially to downsize to a least cost operation.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister state when this mission statement was arrived at, and if the employees of Cayman Airways have in any way seen or heard of it?

The Speaker: The Honourable Minister for Aviation.

Hon. Truman M. Bodden: Madam Speaker, I am told that a mission statement similar to this came in 1991, and that staff have known of this.

The question of the downsizing is, naturally, a more recent aspect of it over the last year and a half.

The Speaker: The next question is No. 104, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 104

No. 104: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if any consideration is being given by Government to the privatisation or partial privatisation of Cayman Airways Ltd.

The Speaker: The Honourable Minister for Aviation.

Hon. Truman M. Boddan: Thank you, Madam Speaker. The answer: Government is not considering the privatisation or partial privatisation of Cayman Airways Limited at the present time.

The Speaker: That concludes Question Time for this morning. Other Business, Private Members' Motion. Private Member's Motion No. 17/94, debate continues with the Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 17/94

AS AMENDED

COURTS OFFICE REVIEW (FORMERLY SET DOWN AS JUDICIAL REVIEW)

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

Madam Speaker, just prior to the adjournment yesterday, the Motion was moved and seconded and the proposed amendment to the Motion was also moved and seconded. This morning I would like to give my thoughts on the subject of the Judicial Review.

It is no secret that we in the Cayman Islands have, fortunately, over the past 25 or 30 years, experienced amazing success, especially economically, in these Islands. Today, the Cayman Islands are the envy of the Caribbean and, to a large extent, the envy of the world because here we can boast of one of the highest standards of living in any place of the world. This did not just happen, Madam Speaker. It happened for some very important reasons.

The first reason I would like to mention is the issue of political stability. Being a British Crown Colony and being designed along the Westminster style of Government over the years has served us well. Legislators also, down through the years, have been responsible and have held in high regard the welfare of these Islands.

We do not have any history in these Islands of coups or military overthrows. Our Government, if it is going to be changed, does so every four years as a re-

sult of the General Elections through the voices and wishes of our people. This has fared us well because people from the outside, especially, when they are looking for a place to live or to invest or even a place to visit, one of their main concerns is that it is a stable environment.

The Cayman Islands is also a very unique social community. We have always enjoyed and promoted social harmony in these Islands. By that I mean one is accepted for what one is, regardless of financial status, race, sex or creed. And that is unique, Madam Speaker, because not many places in the world can boast of that kind of social harmony. This has been to our advantage. People coming here can relax, they can be themselves, at least for a little while and they can forget about some of the social ills that they experience on a daily basis in many of the countries that they come from.

Caymanians have always been known to be friendly people, and, by nature, they go out of their way to make you feel welcome. We have also been able to boast of a safe community: that is, you can come here to visit, considering that you take precautions because even as a resident or a citizen of this country I do not put myself in the position where I can be harmed physically at places I go to, and the time of the night that I go to those places. Regardless of where you go, Madam Speaker, you have to exercise some degree of caution. But the Cayman Islands are a very safe environment and this has bode well for us over the years.

Many efforts have been made in order for the Cayman Islands to continue to experience and enjoy the success that we have had over the years. The thing that we always have to keep in mind is that there are always people and countries out there attempting to duplicate our [successful image] in order to attract some of the business and success that we have here. So we always have to be mindful of the fact that there are various competitors out there who do not have our best interest at heart.

The financial community over the years has been very conscious of this and they have put forward, mainly through the Financial Secretary, legislation that would safeguard the financial community here. For example, I think it was back in 1986, that the Mutual Legal Assistant Treaty and Law was introduced and the main objective of that legislation was to discourage the use of the Cayman Islands by entities or persons who had funds from illegal means—mainly from drug trafficking activities, prostitution and other activities of that nature.

Basically, what they said as well is that if a criminal was brought before the courts, be it the United States or wherever, and charged with possession of funds that are from illegal means, the Cayman Islands would cooperate with the conviction. That has gone a long way in cleaning up that type of activity here in the Cayman Islands. As a result, at the present time, any cash deposits in excess of \$10,000, firstly most banks will not accept it, and if they do, they are required to report those deposits to the Financial Services Department.

Recently the Financial Secretary moved legislation

to reduce company fees in order to keep us competitive with jurisdictions such as the U.S. Virgin Islands, who have very successfully mirrored our legislation and the other things that we have done well over the years. As a result, they can boast today of a large percentage of the business that would have normally come to the Cayman Islands. So, we are conscious of what we have to do and the competitors that we have out there as far as the financial community is concerned.

On the political front, over the years legislation has been brought to amend the Elections Law, for example, prescribing qualifications for membership as far as the House is concerned. Today, in order for one to sit as a Member of this House he has to be a Caymanian. We have also made efforts in upgrading our Constitution, increasing the membership of the House, especially our membership on Executive Council, to help eliminate the position the previous governments found themselves in—with the overload as far as responsibilities are concerned. Now those responsibilities are shared between five Ministers of the Executive Council plus our three Official Members, rather than four Ministers and three Official Members. And it has helped. The Ministers are now in a position where they can pay a little more attention to each area rather than just doing an overview of those areas.

Madam Speaker, hopefully by 1996, which is when the next General Election is scheduled to be held, we will be in a position where every eligible voter in this country is issued with a voter's registration card which will eliminate a lot of the problems that have been experienced around election time with regard to registration. Many people show up at the polls thinking that they are on the list only to be told that is not the case and it is very upsetting, Madam Speaker. But if you put in place a system, and that is the plan, where every voter is issued with a card, and every young person once they have reached the age of 18 is issued with a voter's registration card, when it comes election time, there should not be any problem of that nature.

The other thing that I am looking forward to is the introduction of the new system as far as voting is concerned and I am hoping that by then, we will have in place a system where the voter goes in and pulls the slot on a machine and records his vote. Shortly thereafter, once the polls are closed, those results will be made known, (rather than sitting in a building for 12 hours or 16 hours before you know the result).

Politically, we are moving forward and continuing to stay abreast of the developments that we have experienced in this country. The reason for this Motion is that it is the opinion that the judicial side now has to do the same. I think it is time for the courts to look at its administration, see to it that their staff are properly trained, and that those who are trained and are doing a good job be promoted; that they are given an opportunity to take on additional responsibilities and be paid for those responsibilities.

Also look at a proper distribution of the Court's workload and seeing to it that there are sufficient numbers of

staff; seeing to it that they are all occupied and that they share in carrying out the responsibilities at the Courts Office.

One area of improvement that I believe needs urgent attention is the record system of the courts. I hear quite often of cases that have to be postponed because a file cannot be found; there is no record of the case and this wastes the time of the court. A person charged has to be coming back and forth to the court until his records can be found. I also believe that it is time for the court to move into the computer-age. There is no reason why, when charges are being filed against an individual, that information cannot be put on the computer. A terminal could be put into the courtroom where the Magistrate has access to the information when he needs it immediately. So I believe that this is an area that definitely needs some urgent attention.

Then there seems to be a lack of proper coordination and communication between the Court Office and the Police. Many times a defendant will show up and appear before the Magistrate, the Magistrate calls for a file only to be told, "No, your Honour, we do not have that information as yet from the police." Again, it wastes the time of the court and it is not a good reflection as far as the whole operation is concerned.

I believe – and this is an issue that has been talked about for many, many years – that we need to address the issue of physical space for the court. Right now I think they occupy two or three rooms in the Courts Office. They are also housed in the George Town Town Hall and on occasion, cases have to be deferred because there is not enough room available where those hearings can take place. But I do not want us to embark on a construction programme without some thought as to the needs of the Court.

Madam Speaker, I believe that it is time for this country to look at establishing a proper Family Court where matters affecting the family can be dealt with efficiently and in a confidential manner. It is difficult enough to go to court and it is intimidating. I have a lot of sympathy for people in that position. But I believe it would be much more humane if issues of divorce, child maintenance and other family matters could be dealt with in a court designed specifically for that purpose.

I believe that the Court's principles are like any other business in that the court has to be in a position where they continue to attract the highest calibre of persons available. And we will only achieve that if we review salaries and benefits that we offer to persons who come here to serve as justices to ensure that when we have a vacancy and we advertise, we have the right calibre of persons saying, *'Yes, well, I think for the next three years I will consider the Cayman Islands'* as far as the courts are concerned. That is very important, Madam Speaker.

We have done a lot of talking about the issue of criminal activity in this country. The police are now geared to addressing that issue. They have additional personnel, they have a specific task force. Just yesterday we approved the matter of coastal surveillance

which means that we will be in a position shortly to properly monitor our coastlines in regard to illegal activity. So there is a multi-faceted approach and effort that is going on at the present time.

But, it is very frustrating, if the police go out there and through their efforts they are able to pull in someone, successfully lay charges against them, get them to court with the proper evidence and then, for the court, it depends on the nature of the charges and I believe that sentences have to be in line with the crime committed. But it is frustrating for the police (and I have spoken to many of them) to bring a case before the Court only to have it maybe slap the defendant on the wrist and say, "Go and do not do it again." I think that does send the wrong message.

The Speaker: Honourable Member, I am going to have to ask you to refrain from that type of remark which is raising or imputing the conduct of Judges and Magistrates in the court. I think I have mentioned this to you before when you brought the Motion and I would ask you, please, do not continue in that vein. That is not permissible under Standing Orders 35(7).

Thank you.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

The message that I want to leave, Madam Speaker, is that I feel the court has to continue to carry out its responsibilities. Because it is very important for our community—and I am not saying that is not the case, I believe it is the case—to still have faith in our judicial system. People still feel that if they go before the court they are going to be treated fairly. I believe that is important, and what my concern is, Madam Speaker, is that this continues to be the case—I am not imputing that that is not the case. In order for that to continue to be the case, I think, we need to be conscious of the environment in which we live at the present time and ensure that this happens.

I am requesting that this Review be done by some qualified person or team of persons who are brought in from the outside. Someone who is qualified to, first of all, carry out the review in an objective and professional manner. The review that I am calling for does not say that there is something wrong, that is not the message I want to send. My request is that we do it as a review at this stage to ensure that everything is in order. Maybe there are areas that we can improve on and we can address those issues at this stage, rather than waiting Madam Speaker, not facing the responsibility or recognising that we have a potential problem in that area and one of these days it blows up in our faces.

I think, there is too much at stake here as far as we are concerned. The survival of our country depends on political, social and judicial stability and I believe a review, just to ensure that the judicial side continues to stay abreast of our development and will be in order at this stage.

Madam Speaker, I commend the Motion to this

Honourable House.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: I rise to make my contribution on Private Member's Motion No. 17/94, as amended, which is presently before the House. I would like to say that the Government and I welcome the Motion in its amended form. It would be foolish and untrue to say that any organisation could not be improved, and of course that could be said of the Court's administration, the administration of my own Legal Department and the Police. Sometimes to effect the improvements that are desired, it is necessary to bring in persons from outside, who are not so closely involved with the day-to-day running of that department or organisation, to give an overview and to suggest practical and worthwhile improvements. The amended Motion suggests exactly that and I am hesitatingly supporting it.

I think it is worth pointing out at this stage that I mentioned the amendments to the Motion because I think the Motion in its original form was somewhat ambiguous. It is worth pointing out the very real importance of the separation of judicial and executive powers in any democracy, and particularly in the Cayman Islands, and it would be wrong—indeed, Madam Speaker, you have referred to this already in raising the Standing Order—for this House to debate or impugn any actions against members of the judiciary. That is why I say I welcome the amended Motion in the way it addresses the very real issue of improvements of the administration.

One of the reasons for the difficulties that needs to be addressed is the increase in cases coming before the court. And when I say cases, I am by no means exclusively referring to criminal cases, in fact, in my experience and, I believe, the experience of the justices, the real increase in cases now is on the civil side. That does not mean that there is anything wrong, in fact that is a natural consequence of the success of the Cayman Islands in the last few years in attracting commercial and financial businesses to these Islands. It is a commercial reality that as commercial and financial activities increase, there will inevitably be disputes that sometimes cannot be resolved otherwise than through court actions. This is why the civil side of our jurisdiction here in the Cayman Islands has increased over the years.

In fact, the Chief Justice in his address at the opening of the Grand Court earlier this year, referred to this very fact, and he gave the statistic that in 1992, the number of civil actions filed in the Grand Court was 467, and that number has increased by 100 in 1993, to 567. Quite a substantial percentage increase, and I have no reason to suppose that figure will not increase again in 1994. Not only are the number of civil cases increasing, but so is the complexity of the cases that come before the court. Because as this jurisdiction (and as this country's financial services) becomes more and more sophisticated, as it will, and as it has to, to compete with those other jurisdictions throughout the world, so the cases

that come before the courts will be ever more complex. That imposes a great strain not just on the judiciary itself, but of course on the administration that backs it up—the administration in my own Department where those cases involve the Legal Department and when it comes to the criminal cases, then, for the Police as well.

But, I am specifically trying to direct my remarks to the Court Office in this particular context. So it is hardly surprising that the court's administration is feeling the strain of this increase. The Mover of the Motion, the Third Elected Member for West Bay, has, himself, talked about the need for training for the court staff. Indeed, I think he mentioned the Judges as well as Magistrates be properly paid, of course, and for promotion to be offered where it is due. All those are important.

The training I think is especially important because we are getting into areas now with civil cases that this jurisdiction had not had to deal with before. As I have said, these complex cases are going to increase more and more over the years. In fact, it is true to say that the Chief Justice and myself have been put on notice of how these cases are likely, and, indeed, inevitably going to increase over the years.

One factor that has been mentioned by the Mover is the question of computerisation. Well, of course, if you want to improve the administration of records, computerisation is without a doubt the way to go. But, computers themselves do not solve the problem. The data that is put into them – the software that is used to run them all have to be specifically for the task at hand if you are to derive benefits from them. So, I would not like anyone to be under the illusion that by merely spending a lot of money on expensive computer equipment is going to suddenly solve these problems at a stroke, because it is certainly more complex than that.

I think computers do have their part to play, however. The Chief Justice has considered, (and is considering this). We shall be (and he will be) asking for advice from outside this jurisdiction of other court systems who have and are using computers to aide them with court records and the experience they have had using these systems. I am sure that they will then be evaluated and, hopefully, the right system can be installed here. Madam Speaker, it is easy to spend considerable sums on computer equipment and achieve nothing other than a lot of computer screens and hardware, and we have no intention of going down that road.

The other thing I would like to mention is that one of the problems that over-stretched administration creates, is that it imposes upon, in this case, the Judges and the Magistrates administrative tasks that they should be free from. And because their time is taken up with these administrative tasks, they have less time to deal with what they are appointed to do, which is to exercise their judicial powers and deal with cases both in Court and in Chambers. Of course, these administrative functions are vital and if they have to be done and if it falls to the Judges or to the Magistrates to do them then they cannot be left undone. So judicial time is wasted.

One of the benefits of improving the administrative

efficiency would be, in my opinion, to free up more judicial time. This particular comment has much relevance to the Legal Department as well, where far too much time of qualified attorneys is spent on administrative matters, which do not require their qualifications, to be dealt with. Whilst they are dealing with those, of course, they are unable to give their time and attention to their caseloads.

So I suppose what I am saying is that the necessary backup to the professionals, if I can put it like that (I do not mean it in any derogatory manner), is absolutely vital. Anything that will help to improve the efficiency of that administration backup is extremely welcomed by the Government, by the Chief Justice and me.

I have spoken with the Chief Justice on this topic on many occasions in the past, and I am also aware that the Chief Justice has spoken with His Excellency the Governor. There is support for achieving these ends and I am grateful to the Mover of the Motion for bringing these problems to the attention of the House so that they can be debated in this way. I would not like Members to think that nothing has been done concerning the administration, or the co-ordination between the various Departments. This has been a problem for some considerable time and I believe that we are well aware of what the problem is and where the problem lies. That is not so difficult to ascertain; what is far more difficult to deal with are the improvements that we can carry out to relieve that problem. That is why I say that sometimes it helps considerably if you bring in individuals who can stand back and give impartial advice as to how best these improvements can be implemented.

I accept that when there are considerable quantities of paperwork—and cases do generate considerable quantities of paperwork—then there are files of papers passing around from one Department to another which includes the Courts Office and, of course, through my own Department. Such an arrangement is tailor made for things to go astray—files to be in the wrong place when they are required elsewhere.

Madam Speaker, that is by no means peculiar to this jurisdiction. There is not one jurisdiction that is free from these problems. It is the problem with paper work, but we can improve it. We can certainly try to improve it and we can welcome outside advice and assistance in this process.

The Third Elected Member for West Bay has mentioned the question of accommodation. Well, of course, this is another topic that has been under discussion for some considerable time. I believe that it considerably predates my arriving on this Island to take up my post here. Of course, if there was to be an increase in the number of persons in the Courts building, whether Judges, Magistrates or administrative staff, then there would have to be some alteration or increase in the accommodation that is there. I am not saying that there will be an increase in staff; I am saying that there is no room in that building, as it stands at the moment, for any increase in staff without alterations being made.

This is a topic that has been discussed for quite

some time. Naturally there are budgetary constraints on any major projects to be carried out in the country which have to be decided in the light of those constraints. This is a matter that is under discussion.

So, Madam Speaker, I can finish my contribution by saying that the Motion and the resolution to assist and advise on the implementation of improvements is welcomed and is a matter that is under active consideration at present. I hope that we shall be able to see the improvements taking place in the not-too-distant future. Thank you, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I am delighted with what the Second Elected Member has shared with us regarding this Motion and I am pleased to learn that the improvements will come in due course.

Private Member's Motion No. 17/94 is very timely in asking for the review of the Court's Office and to see how improvements and changes can be made to enhance the administration of both the civil and criminal cases. I believe that separation of powers between the judicial and executive have been mentioned and in no way did the Mover or myself intend to interfere with the separation of powers in presenting this Motion.

Back in 1991, the Foreign and Commonwealth Office was reviewing all Dependent Territories Judicial Systems. But, for some reason, I understand the former Governor advised that it was not necessary for the review to take place in Cayman. Times have changed, and a lot has taken place in our society since 1991. Therefore, I believe this is quite necessary to take a look at, at this time.

Often times we learn of negative things through the media, and I am sure a lot of good things do take place, but we have learned of the negative things that take place at the court as well. The staff list published in 1991, listed three higher executive posts and to date these positions are still vacant. With the increase of the work load I wonder why these positions have still not been filled. Are there qualified Caymanians or non-Caymanians that perhaps could fill these positions and, if not, why are people not being trained to fill them?

The Law School was instituted several years ago and I feel that perhaps advantage is not being taken of the Law School by the Government in trying to encourage people to go to the school in order to fill the positions of higher executive officers in the Court.

In the editorial of the *Caymanian Compass* of April 15, 1994 it was titled "Summary Justice" and it deals with the swiftness of justice. Madam Speaker, with your indulgence I would just like to share some of those points that were made in the editorial with one of the problems that is faced in the court system. I quote **"Ideally, justice should be swift but as with most ideals, this one is often difficult to attain.**

"The delays experienced in Cayman's summary court this past week, however, took matters exceptionally far away from the ideal of swift justice..."

"The delays this week were at least partly due to the absence of one of the magistrates who is on leave without a substitute. Matters usually heard in two courts all had to be dealt with in one, leading to scores of postponements.

"Many defendants, witnesses, prosecutors, attorneys, spent inordinate amounts of time in court simply waiting for their cases to be called, often only to see their matter postponed..."

"Most of the matters on the Summary Court's list were not particularly complicated. There were just too many of them.

[The final paragraph states] **"For those innocently accused, undue delays in the resolution of a matter is patently unfair. For those who are guilty, immediate punishment is often much more effective than delayed penalty. There is the other tenet—justice delayed is justice denied."**

Having just heard the Second Official Member's comments, this is not what he and other Members from the Judicial Department would like to have take place because all of us would like to see justice take place.

Madam Speaker, also to be made further aware of the problems, Chief Justice Harre responded to this Editorial in the June 19th 1994, *Caymanian Compass*, titled "Overload in court." He explained the reason for the Magistrate's absence – she was attending a study tour and also interviewing candidates to act as magistrates in the absence of a qualified person. He said, and I quote **"...I have on several occasions in the recent past asked practising members of the legal profession to act during the absence of a magistrate and they have responded willingly and effectively."** But for some reason he felt that he did not want to impose on practising members to substitute here for the magistrate.

There is another letter following his [Chief Justice Harre] with one of the famous names "withheld by request" entitled "Saving Court Time." It is a very lengthy letter. Apparently the person experienced this delay – he stayed in court all day and the case was not called, even though it was listed, because of the heavy work load and the number of hearings they did for the day.

I mentioned these, Madam Speaker, because the public is aware of some of the problems and the apparent lack of understudy taking place by people involved in the civil registry. If illness or vacation arises, then the entire legal machinery experiences long and unnecessary delays and/or problems.

I am no expert, but some of the possible solutions I see, that, perhaps, could take place, might be the need to complete a job description for each staff member and to adhere to these as far as possible and practicable. Apparently, certain staff members are not carrying their weight even though there is an overload and poor public relations are evolving.

In the Motion we mentioned the coordination and communication in the different Departments (and I am

sure staff are affected by this) so that when staff are scheduled to take their vacation, as seen here from the Chief Justice's letter, that proper replacement should be in place before they are allowed to go.

Madam Speaker, this causes frustration, undue delay and, when human beings are involved, mistakes are made both technically and financially, losses occur, especially with the court's fees. Apparently a body is used as a replacement with no prior experience, and the Chief Justice does say that he appeals through the legal profession to assist as a magistrate, but does not want to impose on them. Often times Justices of the Peace are called in with no prior experience.

Ongoing internal training of the staff and rotation of the staff would account for more flexibility. One of the problems that we so often hear from the public, in having to get their documents sworn by a Justice of the Peace is that the administration of oaths is presently done by the Clerk of Courts and her two Deputies who are Justices of the Peace. But often times they are in the Court and the public is not able to have their documents sworn, that is, from the courthouse.

I think overcrowded facilities have been mentioned. One of the other problems I would like to mention is the need for proper security at the Courts Building. Madam Speaker, a former Magistrate found a hook in his chair, and this is appalling. Ganja was found on the Court's steps. A smoke ball was thrown into the Court's lobby and just last week the Court Reporter left her desk, returned shortly, and her purse had disappeared. Fortunately, Madam Speaker, she was able to run after the individual with the purse and it was recovered. But for the Courts Building in any other part of the world it is not as easily accessible and very little accountability seems to take place.

Often times in the media we read of files not being found, and it appears that no organised filing system is in place. When the files are removed from the room no record is kept of this file leaving the room and, as a result, they are often impossible to locate and most times are lost. Again, more accountability should be in place at this point. Most of us are aware of a recent edition of the *Caymanian Compass* where an advertisement was placed soliciting tenders to bid for the addition and renovation of the Court Building. Hopefully, Madam Speaker, some of these problems will be eliminated and addressed through the renovations due to take place in the physical upgrade of the Court Office.

In sentencing, and I do not want to imply that the sentences are not fair or consistent, but they need to reflect...

The Speaker: Excuse me, Honourable Member, I think I am going to have to ask you to desist from making any statement about sentences in the Court, please.

Mrs. Berna L. Thompson Murphy: I will abide by that.

In the newspaper often times we learn of suspended sentences and usually that is for the first offence and for the reasons of overcrowding Northward Prison.

But, Madam Speaker, here again justice should be done and appear to be done.

In reviewing the Courts Department, the Legal Department and the Police Department, often times Justices of the Peace will be used. Hopefully, Madam Speaker, training will be considered which will help them to deal with juvenile cases.

There seems to be a lack of communication and coordination between the Police, the Legal Department and the Court. Again, we have learned through the media of one department not being prepared for the case that was set down to be heard. Just recently, in the newspaper there was a report of the Superintendent of Police, who appeared before the Chief Justice to apologise for the police not appearing in presenting a case and undue delay was carried out causing inconvenience and time lost. I am sure the Second Official Member will take all of this into consideration when the review is being made.

One of the matters that will be considered in the review, hopefully, will be the matter of legal aid. This seems to be taking place on an ad hoc basis and the public is getting financial assistance by way of legal aid to get lawyers to represent them. This needs to be properly vetted so that this is not abused.

These Islands are relatively safe and we do have some problems but, again, we need to maintain that safety and try to do all that we can to make sure that we live in peace and security. Again, only as a representative of the people, with no interference in the judicial system I humbly ask all Honourable Members of this House to vote for this Motion so that the Courts Office can function efficiently and effectively and justice can continue to be carried out. Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.34 AM

PROCEEDINGS RESUMED AT 11.56 AM

The Speaker: Please be seated.

Debate continues. Private Member's Motion No. 17/94 [Pause] If no other Member wishes to debate the Motion... the Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I am very pleased to see this Motion which is before the House at this time for I believe it is something which needs to be addressed in this country. I observe that the Motion has been amended and changed to the extent that instead of calling for a judicial review, the review is for a Court's Office Review. One of the amendments requests a review of the Courts Office, Police and Legal Departments, in relation to cases coming before the Courts to advise on the implementation of improvements and changes to the Courts Offices; Police and Legal Departments to enhance the administration of cases, both Civil and Crimi-

nal, coming before the courts.

Madam Speaker, management, as a dynamic process, requires a review at certain intervals to be able to evaluate how management is performing and to take any kind of corrective measures which might be necessary. This idea of a review is not necessarily a new one, because I moved a motion very similar to this, Private Member's Motion No. 11/91, which was seconded by the present Mover of this Motion asking for a review of the Legal System. I am very happy to see that the Government at this time sees the need for such a practical approach in resolving some of the problems and difficulties that seem to clearly exist within the Court's legal process in the country in its practices and procedures.

It is certainly a change of position, as far as the present Attorney General is concerned, in that his predecessors felt that to have done a review that was requested at that time might send the wrong signal. So the approach at this time, I think, is one that is much more realistic and progressive in taking the approach as has been done by the country's chief law officer. I quote from the *Hansard* what the former Attorney General said on the question at the time. He said he thought it can send wrong signals in respect of the Cayman Islands and, with respect, I do not think it would achieve very much. (*Official Hansard Report*, 5 July 1991)

I believe that a review, such as the one being asked for here, can achieve a considerable amount of good. I trust that the person or persons who will undertake this task of reviewing, what I term, the practices and procedures, will be someone who has a far enough arm's length from the whole process here to be able to look at it objectively. Ideally, I would hope it would be someone versed in British Law Practice and Procedures who could be brought here for whatever period of time to carry out an objective review and to examine all the various areas where there appears to be difficulties within our legal process and within the Courts.

Madam Speaker, I wish to say also at this point, that I think we could look at many jurisdictions and we might not find many that equate to the level at which the law is given in terms of handling matters before the Courts are handled. I believe we operate at a very high degree in this country. This, even in the face of much criticism levelled at the judiciary from time to time in the process of dealing with various cases which come before it—criminal cases and otherwise.

I can think of certain criticisms: Earlier this year or last year, a certain murder case was tried and the persons accused were acquitted. I heard many people saying that criminals had been let off. I think a bit of education is needed because anyone can be accused and anyone can go before a court, but that does not mean that that person before the court is guilty. Indeed, the process of going before the court is for evidence to be heard from both sides and decide whether that person is guilty or not.

That brings me to the old and fundamental thought on the British Law—that a person is presumed innocent until proven guilty. Surely, it would not be good in this

society if without any evidence the Court should find someone guilty. So for the public on a whole, I think, there is room to get across the whole concept of law and its practices in the Court and the way it functions.

Madam Speaker, there are some points I would like to raise as areas where, I believe, consideration could be given in making some corrections, as I believe there is a need for some. One very obvious and practical area where I think any person doing a review needs to look at is that in the area of court stenographers/court reporters, whichever they may be called. I believe we ought to strive towards having sufficient court reporters that can take verbatim records of what is said in any given court as soon as is possible.

It is my understanding that when there is a court reporter present to take what is being said verbatim, it frees the Judge to be better able to sit and listen to what is going on, rather than having to take notes laboriously. Where a Judge may require a call-back of something that was said for clarification and, I dare say, the defence or prosecution would be in a similar position, I think it is something that is very desirable. Although in our Law it says that the record of the Court shall be the Judge's notes, or some words to that effect, we need to get to a point where we have verbatim records and that those records be the records of the Court. If I remember correctly, several months back there was a situation where a case was affected because the particular verbatim record was not present. I think this is one of the things that can be looked at for the efficiency of the Courts in this country.

Madam Speaker, the Motion also asks for the review to include looking at how the Police relate to, or interact with the judicial process. I think that is very necessary, and it has been for some time. I am made to understand that the Police, as far as the Courts go if it was absolutely and fully defined, catch people who break the law—arrest them and bring them to the Court. Then the whole function of the Court trips in where the bailiffs and the ushers of the Court take over and such persons who might be arrested and brought to the court would then be dealt with within the process of the court.

In the past I know there have been police officers who were also doing prosecutions. Again, if what I am told is correct by persons who are legal practitioners, that is not the ideal situation, for there should be clear lines between the role played by the police and that played by the officers of the Courts. Again, (I made this point back in 1991), I do not know if it still is the case, but with jurors, there were some instances when they retired to consider a matter where the police officer was in attendance in the Jurors' Room. Madam Speaker, I believe that if there is to be separation of these functions, or if it is clearly the correct thing to do, we should see to it that these separations are made and put in place.

The Records System of the court really seems to be in trouble. I hope that this would not necessarily be the work of a legal person because there are persons in records management who might be better to consult

with, or to have in charge of record-keeping system both with indexing of files and all the rest of it. But having occasions now and then to go to the Court House, and glancing at the room where records are kept, there appears to simply be thousands and thousands of records. So the changes of files that are active and files that are inactive or might not be relevant to a particular case, getting it all fouled up, I think, is very real. It might be that more staff is needed to work in the courthouse. If that is necessary—and I believe that the administration of justice is important—there should not be a moment of hesitation for hiring more staff for the Courts.

There have been various instances in the Courts where cases have had to be adjourned and judges have been very displeased at the fact that records were not present when they should have been or the judges had records and the defence lawyers did not have records.

The *Caymanian Compass* of April 28th, 1994, in a story headlined "For What it's Worth", by a reporter named Carol Winker, under the heading "Who is to blame for court delays?" listed a large number of problems, difficulties, and hiccups that she has noted over a period of time. This gave practical and clear indication of some of the problems and it would be an excellent place to start by just taking this particular article and going to the actual working situation within the Court House and see what can be done. Some of it may not need the expertise of a legal professional, it might need more the expertise of an O & M (Operations and Management) Officer, somebody who has knowledge of records management as I have stated.

Another thing which seems to me to be a problem with communication and, again, with basic management is where there are difficulties arising through witnesses being present or not being present. We know that there are cases where sometimes witnesses have to come from overseas and, again the article I mentioned earlier referred to one such instance where United States Agents from Miami actually came to the Island, but the case was not properly completed through our Court process so undoubtedly it cost the Government money and the case could not go on because, apparently, the communication was not in place. The prosecuting attorneys were not aware that these agents were coming so there was such difficulties. Madam Speaker, they do not really seem to me to be legal problems they seem, clearly, to be management matters which can be readily addressed.

There has been a need for more space, for years. When it was built, it seemed to be a very large Court House and now has become a very small Court House. I do not know how good the design of that building is for expansion, be it upward or whatever, but I do have some recollection, during the time of the last Member responsible for Communication, he said that it would be extremely expensive to add to that building due to its particular design and that it would be better to build to the side of it, or in some other fashion other than to go another storey or stores.

I would like to suggest that in the review, whoever

does it, or all the persons involved with the process of the Courts and seeing that it has adequate physical space, that they look at building a building over what is presently the car park. And certainly, without losing any car parking space whatsoever, it is possible to go up with a steel structure there would remain parking, taking however much space above it that is necessary to build offices for whatever specific purposes that are needed.

But certainly, if one goes to the Court House at any given time it becomes immediately apparent—even to the average citizen—that there is an extremely urgent need for space in that building. I do hope that if and when space is provided someone will look a little at the layout so as to design the building that people who simply do not need to go into the belly of the building can have their business attended to at a desk or in a different section; that something be done in terms of laying out the building properly for the work which has to be done by any given unit or section of the Courts.

Madam Speaker, the business of the judiciary relates to other areas as well, that of being able to test for drugs in the country. And to the best of my knowledge we do not have facilities here where drug tests can be done for cocaine or such other drugs. I believe the time has come where we need to have a lab and persons who are properly qualified to deal with this condition so that this can help in speeding up the process in cases before the Courts. I need not belabour the point that everyone makes, that most of the cases appearing nowadays stem from drug abuse in whatever way or the other it has some relationship to drugs.

It does seem that there are more arrests being made where drugs are concerned and it should give greater dispatch to the business of the Court if the substances taken by the police could be tested locally.

Madam Speaker, another area that seems to me to relate to management and a matter for improved communication is one that had been cited in the local press where a person was taken before the Court, sentenced to prison and was released. He came out, then again committed another offence and the Immigration Department came into play where the person was simply taken and sent of the Island. When the Court was called to deal with this individual it was found that another arm of the Government, that is the Immigration Department, had sent this person away. In such cases it would hardly make sense to try to bring that person back unless it was some very serious offence. But it goes to show that there can be better coordination and better communication between the Court and, for example, the Immigration Department.

Perhaps it is well too, that a close look be taken—where the question of a person being sent away from the Island, or made a prohibited immigrant comes into play—between the Court and the Immigration Department that is executing that particular action. I think all these are practical areas where there have been difficulties and one that would not necessarily require a legal professional. There are, I would say, however, various instances as to the processing of papers, etcetera,

which would need guidance or advice from a legal professional to see that the whole process of the judiciary works as it should.

Madam Speaker, in the article I referred to earlier in the *Caymanian Compass* of the April 28, 1994, there was also an instance where it noted that things are sometimes slowed down in the Court process because the Legal Department has not completed fulfilling its role and that has not been conveyed to the Courts. Madam Speaker, these things should not be because they can be corrected. They can be corrected and they should be corrected.

Throughout the whole process of persons appearing before the Courts one has to take into account the many instances of people who are too poor to afford a lawyer, or are too lazy to work to have enough money to afford one, or who really just do not care—not having the sense or otherwise—to have someone defend them. But for justice to appear to be done there are cases where persons should be represented by a lawyer. Again, I understand that legal aid is not provided for persons who appear before the Courts on drug related offences. This is one of the areas where more and more people seem to be ending up in the Courts because of drug related offences. That is an area that I think seriously needs to be looked at. If it requires enhancement in the amount of money that is paid to legal practitioners to appear for such persons, I think that should be done.

I would also like to say that I do not believe that any practitioner in this country should be immune from being called upon at sometime to appear in Court on these types of cases. I have heard suggestions from time to time that it might be well if some of the bigger firms paid a certain amount of money into the Government or into the specially managed account where that would go towards hiring those lawyers who would wish to do it. I do not think that any one should be excluded, for after all this is the community and the environment in which all lawyers practise and make their money.

In some jurisdictions it is my understanding that this is one of the demands made by the justice system—they must give and allot a certain amount of their time for this purpose. Of course, there are persons who could apply for legal aid under the Poor Persons Legal Aid Law, but they do not know how to go about it. In such instances, I believe there should be someone designated within the Court system to guide such persons in the right direction, be it through the Social Services Department, into making such arrangements.

Madam Speaker, during the term of the last Legislature there was a Motion brought to this House which dealt with matters relating to speeding. Traffic offences where someone breaks the speed limit, it would simply mean paying a fine. It is my understanding that it has not been accepted as it was recommended in that Motion.

There is such a great deal made in this country about someone doing two miles per hour over the speed limit — it is pathetic. Such persons could even be judges themselves who, in the course of coming to work, simply were not watching the speedometer and could be doing

a mile or two over the speed limit. Does that make them offenders against the people in this country, or does that simply make them human like all the rest of us? Sometimes we all go over the speed limit. If that is not something of major consequence, where a person is driving a 100 miles per hour and has had an accident and all the rest of it, should we not sensibly legislate regulations where persons can be fined using some formula or the other if indeed they are in breach of the speed limit?

Madam Speaker, I think too much time is wasted in the Court dealing with people driving a few miles over the speed limit. The role of lawyers or legal practitioners, I think, is well defined in legislation of this country. I for one, however, believe that the two associations: the Law Society and the Caymanian Islands Bar Association need to play a greater role in the development and the economy of jurisprudence in this country than they presently do. I believe that their role has to become something more than just looking at a law which might affect the Companies Law, et cetera and giving comments. I think they need to be involved to the point where they see and make recommendations and give input on matters such as, what we are discussing here in this House now, where the Courts, the Police and the Legal Department are concerned.

Who else in this country must the rest of the country look to for ideas and guidance and advice when things are not going in the best or most desirable way? It has to be the legal profession. And I really do hope that these two associations and the persons therein would look to becoming more involved, have more to say, have more to suggest than is presently being done. I think there is room for an increase in their participation.

Madam Speaker, under Review is the Penal Code for the Cayman Islands and if, and when, that is completed I think there will be some recommendations there as far as penalties for crimes et cetera. I would hope, as I understand it is in the United Kingdom, that there are certain legislation which form a guideline for judges depending on what the cases are as to how sentencing and the length of sentences go. Many laws carry penalties as the maximum or minimum both in terms of fines and imprisonment. But I think this is an area, and it is my understanding that it is an area where the Courts always need to be vigilant about.

I note that in the Islands in recent times there are many suspended sentences. I do not know to what extent it is a consideration that there may not be space to sentence someone to go to Prison or whatever, but I believe there is a place for suspended sentences particularly where persons are young and it is their first offence. If judges believe that it would help then, indeed that should be done as it is often done in many cases.

Madam Speaker, the average citizen cannot presume to know the intricacies of the Law, or that of the functioning of the Police, or of the Courts and the Legal Department. However, the public at large has the right to expect to require and demand that those persons who are associated with the proper management and administration of these organisations do what is required of

them in each and every instance. When it becomes necessary to review and evaluate what is happening in these three areas then, this should be done.

I trust that in any review which is done of this Court's Office Review it will be something meaningful. I hope it will be something practical. I hope it will be something significant enough that the public can see, feel and know that a difference has been made. I think everyone generally wants that, because each and everyone is aware that there are some problems. Some are directly affected by it; others only read about it in the newspaper. So I give my support to this Motion fully and I trust that something will be done about it quite speedily.

Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

Madam Speaker, this Motion as amended in the operative part, I would just like to read what the Motion would now say, and it is headed "Courts Office Review" instead of "Judicial Review," I read:

"BE IT NOW THEREFORE RESOLVED THAT appropriate steps be taken by His Excellency the Governor, in consultation with the Honourable Chief Justice, to appoint an appropriate person or team of persons to carry out a full review of the Courts office, Police and Legal Department in relation to cases coming before the Courts to advise on the implementation of improvements and changes to the Courts Office, Police and Legal Department to enhance the administration of cases (both Civil and Criminal) coming before the Courts;"

I would like to commend the Mover and the Sec-
onder for bringing that Motion, as amended, because it brings to the forefront an area of some problems within the delicate system of the Courts and the administration of justice through the Legal Department and the Police. This, I believe, will cause considerable improvements to be made within this area.

I would like to make it very clear that the legal profession and, indeed, myself, have full faith and are very satisfied with the ability of the judges and their functions as judges within the Court system. This aspect dealing with the administration is one that has been with the Court for many years and that is why I have said it is very timely and good that this Motion has now come to this Honourable House. The Sec-
onder, the Third Elected Member for George Town, and the Mover have very clearly set out important aspects of areas of concern that have arisen in relation to the administration. Matters such as the proper security of the Court's Building is very important and crucial because courts must sit in an atmosphere of impartiality and without fear or favour to anyone and that cannot happen unless there is proper security at the building.

Areas such as proper job descriptions on the administration side, as were mentioned, are very important

and everyone in this Honourable House accepts that the separation of powers – that is, the separation of the executive and the legislature from the judiciary – is fundamental to our system of Government and system of freedom to ensure impartiality. The courts cannot operate otherwise. This is well preserved and is by no means affected in any way by this Motion.

The Court has suffered for many years because the building was built, I would say some 20 or 25 years ago to take a High Court with an area for empanelling a jury of up to 12, which is necessary for murder cases and the Magistrate's Court. Since that time the only extension that has been done is the enclosure of the walkways on the sides; the Honourable Minister for Agriculture, Communications and Works is looking now at further enclosures downstairs to give more space. In those days there was possibly only one Judge who also acted as Magistrate; to date we have three High Court Judges, two Stipendiary Magistrates and a Juveniles Court that sits. We have a Court of Appeal. So at any one time there can be a demand for up to six court rooms that do not exist.

We are now seeing that the Courts are using a room downstairs. At times they have used the Library. Magistrates Court is held over in the Town Hall. Quite frankly, the Juveniles Court should be nowhere within that building. It should be into a separate building away from uniformed police and that would be the ideal situation. So something has to be done.

I believe this Honourable House will support the necessary extensions to it and I know that the Honourable Minister for Works is now looking at what can be done there. I believe along with organisation of the staff there has to be sufficient space to go along with it for the appropriate functioning of the administration in the Court system.

The Second Elected Member for Cayman Brac and Little Cayman has mentioned the legal aid and indeed there was a select committee at one stage looking at this. I think this is an area that needs continual looking at because it has problems within it, part of which he has pointed out, that need some correction.

I believe, Madam Speaker, that the present system operates fairly. Anyone falling within the categories under the Law, who requires a lawyer, the Courts (after looking at the different aspects including their ability to pay and the type of offence they are charged with), will see that they are given a lawyer. That, too, is one of the fundamentals of our system of justice; how they will be carried out; the necessary liaison between the Courts Office, the Police and the Legal Department. I should also add the Prison because occasionally persons at the Prison do not show up in time for Court. In fact where prisoners are kept below in the holding cells, that area needs to be looked at as well; it is directly underneath the Court House, a small stairway comes straight up into the Court House. I understand from the Minister for Works that that is also being looked at.

I think this Motion is very good. I believe it is going a long way towards what the Second Official Member,

the Honourable Attorney General, who is responsible for the Court system, has very ably pointed out. Because of the ever increasing number of court cases, the complexity of the present court cases, trials can last on civil matters sometimes two months, three months. We are also administering the Mutual Legal Assistance Treaty through a Judge of the Grand Court and this has put tremendous pressure on the administration itself and on the facilities that are there.

As he quite rightly pointed out, it has gotten to the stage where something needs to be done, hopefully within a reasonable period of time in the future to ensure that we get the Courts administration up to the standard that is needed. Especially the pulling together of the Police, the Courts and the Legal Department and the Prison as a team which will ensure that one does not detrimentally affect the administration of the other. That is a sizeable task but I think it can be accomplished and it will help the public tremendously – those who have to go before the Court, whether for criminal or civil matters.

In ending I would like to state once again that I, as a practising private lawyer have full faith in the ability and the high standards of our Courts and Judges. This Motion looks merely at the administration which will assist in keeping those standards high. Thus keeping our Courts as the cornerstone of democracy – freedom within our country – up to the highest standards that are demanded in our society on both criminal and civil cases that go before those Honourable Courts. Thank you.

The Speaker: If there is no other debate would the Honourable Mover wish to exercise his right of reply?

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

I want to say that I am pleased with Government's decision to accept this Motion and I want to thank the Second Official Member who spoke on behalf of Government for his contribution to this debate. I also want to say thanks to my two colleagues, the Third Elected Member for George Town, who did a very good job in her presentation, and the Honourable Minister for Education and Aviation. I appreciate the contribution of the Second Elected Member for Cayman Brac and Little Cayman, who mentioned that a Motion of this nature was brought to this Legislative Assembly in 1989, moved by him and seconded by me. Unfortunately, the Government of the day did not see the need and the value of supporting the request at that time.

Madam Speaker, I would also like to mention, that the Motion that the Second Elected Member for Cayman Brac and Little Cayman referred to in regard to traffic offences was brought by me back in 1989 or 1990, and it simply requested that the police be in a position to issue a speeding ticket for traffic offences of that nature. I recall having to visit the Courts on a number of occasions and a large majority of cases that are handled by the Court are traffic offences of this nature. I believe if the police were in a position to issue those tickets the person could then go to the Courts Office, pay that fine, get

a receipt and go about his/her business. It would be an improvement to the system itself.

I have inquired about that amendment to the Traffic Law and when it will be coming into effect. Madam Speaker, this has been from back in 1989 or 1990. The problem has been the shortage of staff as far as the Legal Department is concerned. I understand that the Government has now addressed that issue and the Legal Department can get on with dealing with very vital legislation needed to be put in place affects a number of areas in our country.

Madam Speaker, I look forward to the things that have been recommended being put into place in order to improve the administrative functions of the system because the majority of them are administrative in nature. I believe that if we move ahead and put these things in place to ensure that the Courts have proper, adequate accommodation, for many years in the future we will continue to boast of the very stable political, judicial and economic environment. Madam Speaker, this is of paramount concern to all of us here in this House.

So I do appreciate the support of those who spoke as well as those who did not, and I look forward to the requests in this Motion being put in place. Thank you.

The Speaker: The first question before the House is the amendment to Private Member's Motion No. 17/94 and the question is, that the amendment be made.

I shall put the question. Those in favour please say Aye; those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 17/94 PASSED.

The Speaker: The question is that Private Member's Motion No. 17/94 as amended be approved. I shall put that question. Those in favour please say Aye; those against, No.

AYES

The Speaker: The Ayes have it. The Motion has duly been passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 17/94, AS AMENDED, PASSED UNANIMOUSLY.

The Speaker: There is just one other remaining item. I have been asked by the Honourable Minister for Agriculture, Communications and Works to allow him to make a statement and I now call upon him at this time.

Hon. John B. McLean: Madam Speaker, I believe also that we needed to do something on the Standing Orders Committee. So I do not know if you want to take that first or after my statement.

The Speaker: I am afraid I do not understand anything about the Standing Orders Committee.

Hon. John B. McLean: I think it was the Motion that was passed earlier on the Standing Orders Committee which I thought was going to be referred to a Committee of the whole House.

The Speaker: The Motion was put to the House that it stands referred to the Standing Orders Committee and, in accordance with Standing Order 84, that was put at the time. So it therefore now stands referred to the Standing Orders Committee and the Committee should meet.

Is there anything further on that?

Hon. John B. McLean: We were hoping that we could come back this afternoon and try to deal with it, if it was in order with the Chair.

The Speaker: Well, it is up to what Members wish. But are you now saying that it is proposed that the Standing Orders Committee should meet this afternoon?

Hon. John B. McLean: That is correct, Madam Speaker.

The Speaker: The Chairman of the Standing Orders Committee is the Honourable First Official Member.

Honourable Member do you wish to say anything on this?

Hon. J. Lemuel Hurlston: Madam Speaker, if the Standing Orders Committee wishes to meet this afternoon it would have to convene under the Chairmanship of the Acting Chief Secretary, and I am not certain that he is prepared for that at such short notice.

The Speaker: I think, Members should be aware that His Excellency the Governor is due to depart this afternoon and in that case the Honourable First Official Member will be the Acting Governor and the now Deputy Chief Secretary would be the Honourable Temporary First Official Member. It does not appear that he is aware of the proposal to hold a meeting of the Standing Orders Committee.

I can be advised by the House or any Member who wishes to make a proposal. Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker, I am wondering if we could hold the meeting immediately after the suspension — prior to the Honourable First Official Member becoming Acting Governor—and then report immediately back afterwards, because we are nearly now at a stage for breaking, in any event. I do not believe it would be very long. It is a very short amendment.

The Speaker: So you are proposing to meet immediately after the suspension of the House? Would you give me a time for the resumption?

Hon. Truman M. Bodden: I would think that we could report back when we resume at 2.15 pm, unless Members intended to speak extremely long.

Hon. J. Lemuel Hurlston: Madam Speaker, I have an appointment starting at 2 o'clock. Therefore, if we are to meet and I am to be in the Chair it will have to be now, because when I leave now I will not be returning.

The Speaker: Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, if he does not return, by all means the Second Official Member, the Third Official Member or one of the Ministers could report back to the House.

The Speaker: Well, I do not see any reason why you could not meet now and finish by 2 o'clock. It seems to be very straightforward.

So as soon as the Minister has delivered his statement we will then suspend until 2 o'clock. Please Honourable Minister, your statement.

STATEMENT BY MINISTER OF THE GOVERNMENT

RELOCATION OF THE REGIONAL OFFICE OF CABLE AND WIRELESS (W.I.) LTD.

Hon. John B. McLean: Thank you, Madam Speaker.

Madam Speaker, after several months of negotiating with Cable and Wireless (West Indies) Limited, the decision to relocate their Regional Headquarters to Grand Cayman has been decided.

This is indeed a very positive move for the Cayman Islands and will be a positive boost to our economy.

The General Manager, Mr. Tony Hart, has advised that:

“(i) The Regional Office is likely to comprise approximately 40 staff of which it is believed some 30 would come from London and other locations within the Region; the balance would be locally recruited Secretarial/Clerical support. The Regional Office would be led by the Regional Director and his first line functional Directors. Unlike the local operating Unit which has 264 employees, 259 of which are Caymanian, the Company does not intend for the Regional Office to be ‘localised.’

“Progressively, over time their intention is for a portion of the Regional Office to be staffed by nationals from the countries of the region and that it will be used as a developmental posting where executives from their businesses from as far south as Trinidad to as far north as Bermuda and as far west

as Cayman will be transferred to the Regional Office for two to three years and then back to their operating unit.

“(ii) The Regional Office will be quite separate from the existing local operating Unit and will function in much the same way as the London office does now. It is estimated that the annual operating budget for the Regional Office in Grand Cayman will be in excess of CI\$6 million and it is our intention [referring to Mr. Hart] that it becomes a permanent establishment here in Grand Cayman.

“(iii) The Regional Office will be an integral part of Cable and Wireless (West Indies) Limited, which comprises 19 operating units in 18 territories of which the existing Cayman operation is a part. The Cayman Office will be fully established by the end of this year.”

Finally, once again Cable and Wireless clearly demonstrates the Company's long term commitment and belief in the future of the Cayman Islands and for this the Government of the Cayman Islands is most grateful.

Thank you, Madam Speaker.

The Speaker: At this time proceedings will be suspended. At 1.50 pm the House will resume. Thank you.

PROCEEDINGS SUSPENDED AT 1.05 PM

PROCEEDINGS RESUMED AT 1.45 PM

The Speaker: Proceedings in the Legislative Assembly are resumed.

The House was suspended in order that the Standing Select Committee on Standing Orders could meet to consider, in Committee, Government Motion No. 6/94 which was referred to it on the 9th of June.

It is therefore necessary for the suspension of Standing Orders in order that the Report of the Committee which was not on the Order Paper may be presented.

SUSPENSION OF STANDING ORDER Standing Order 14

Hon. J. Lemuel Hurlston: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 14 in order that the Report of the Standing Select Committee on Standing Orders may be presented.

The Speaker: The question is that Standing Order 14 be suspended in order that the Report of the Standing Select Committee on Standing Orders may be presented. I shall put the question. Those in favour please say Aye...Those against No.

AYES

The Speaker: The Ayes have it.

**AGREED BY MAJORITY: STANDING ORDER 14
SUSPENDED.**

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING ORDERS COMMITTEE

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Select Committee on Standing Orders.

The Speaker: So ordered.

Hon. J. Lemuel Hurlston: Madam Speaker, the Committee met in accordance with Standing Order 70 to consider Government Motion No. 6/94 entitled, Amendment to Standing Order 23(8), which was referred to the Committee on the 9th [sic] of June, 1994.

The Motion reads as follows: “**WHEREAS it is desirable that there be amendments to the Legislative Standing Order;**

“**AND WHEREAS in accordance with the provision of Standing Order 84, notice of a Motion is hereby given to amend the Legislative Assembly Standing Order (Revised);**

“**AND WHEREAS in the past it has been the practice that questions which remained unanswered during a meeting of the House would be answered in writing whether or not they were placed on the Order Paper;**

“**AND WHEREAS there has been a ruling that questions on the Business Paper which were not listed on the Order Paper would automatically be deferred until the next meeting within the Session;**

“**BE IT THEREFORE RESOLVED that the Proviso of Standing Order 23(8) be repealed and replaced by the following: ‘Provided that if all other business of the meeting has been disposed of that such postponed questions and all other questions listed on a Business Paper but not placed on the Order Paper shall be answered in writing by the Minister/Member to whom that 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.’”**

In order to save the time of the House, the Committee has agreed that the Report be made orally and that the Minutes of the Committee be presented at a later date.

The Resolution of the Motion was considered and it was agreed that the words "and to all other Members" be added immediately following the word "stood." So the new Proviso of Standing Order 23(8) should now read “**Provided that if all other business of the meeting has been disposed of that such postponed questions and all other questions listed on a Business**

Paper but not placed on the Order Paper shall be answered in writing by the Minister/Member to whom that 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 and to all other Members."

The Committee listened to reservations and objections from the Second Elected Member for Cayman Brac and Little Cayman, whose reservations and objections will be duly recorded in the Minutes of the Meeting.

Consequent to those discussions the Committee, by a majority, agreed to the passage of the resolution proposing the amendment to the Standing Orders.

I propose, Madam Speaker, that this be the Report of the Standing Orders Committee in accordance with Standing Order 75.

The Speaker: Honourable Member, I think you would also need to suspend Standing Order 72(5) so that the Report and the Minutes thereof, an unwritten report—a verbal report is being presented—and that the minutes of proceedings would not be available at the same time to the House.

If you would do that Honourable First Official Member.

SUSPENSION OF STANDING ORDER Standing Order 72(5)

Hon. J. Lemuel Hurlston: Thank you, Madam Speaker.

I am pleased to ask for the suspension of Standing Order 72(5) to enable this Report to be taken without the Minutes of the meeting now being available.

The Speaker: The question is that Standing Order 72(5) be suspended in order that a verbal Report of the Standing Orders Committee be presented without the Minutes of proceedings.

I will put that question...

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order...

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, I would like to move a Motion under Standing Order 72(6), would it be in order that I could do this after you have taken the vote on this, or would I have to move it at this time?

The Speaker: The Honourable First Official Member would have to make a further Motion that the recommendations of the Committee be adopted and at that time, if you wish to make a Motion, you can do so.

The question now is that Standing Order 72(5) be suspended in order that a verbal Report of the Standing

Orders Committee be presented without the Minutes of proceedings.

I will put that question. Those in favour please say Aye; Those against, No.

AYES

The Speaker: The Ayes have it.

AGREED: THE VERBAL REPORT OF THE STANDING ORDERS COMMITTEE PRESENTED WITHOUT THE MINUTES OF PROCEEDINGS.

The Speaker: The Report has accordingly been presented as a verbal one without the Minutes of the proceedings.

Honourable First Official Member, you would now have to move that the recommendations be adopted.

MOTION TO ADOPT REPORT (Standing Order 72(5))

Hon. J. Lemuel Hurlston: Madam Speaker, I am not proposing to move a motion for the adoption of the Report, I am simply asking the House to accept that as a Report of the Standing Orders Committee.

The Speaker: Honourable Member, if the Committee has made a report with recommendations that amendments be made to the Standing Orders, nothing can be done unless the Report and the recommendations are adopted. And you would have to move a motion to that effect, Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I was interpreting the Standing Orders to say that there was an option that said that we *may* move a Motion for the adoption. I did not understand that we were being obliged to move such a Motion.

The Speaker: Well, the point is, Honourable Member, if the Committee has made a recommendation for an amendment and there is not a motion to say that the recommendation of the Committee is adopted, no further action can be taken on that Committee's Report. So, therefore, it is in order for that Motion to be made.

POINT OF ORDER

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: As a member of the Standing Orders Committee, I do hereby move that under Standing Order 72(5) the House adopt the recommendations as made by the Chairman.

The Speaker: The question is that the report of the Standing Orders Committee containing the recommendations therein, be adopted. I shall put that question...

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

**MOTION THAT THE STANDING ORDERS
COMMITTEE'S RECOMMENDATIONS NOT BE
ACCEPTED**

Mr. Gilbert A. McLean: Madam Speaker, under Standing Order 72(6) I wish to move a Motion that the recommendations of the Standing Orders Committee not be accepted and be opposed in its acceptance before the House.

The Speaker: Is there a Seconder?
The First Elected Member for Bodden Town.

Mr. Roy Bodden: I beg to second that Motion.

The Speaker: The question before the House is one which is deemed to have been received with due notice that the recommendations not be adopted.

POINT OF ORDER

Hon. W. McKeeva Bush: On a Point of Order, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.
I moved the Motion under Standing Order 72(5) that the recommendations contained in the Report of the Chairman be adopted.

The Speaker: You did.

Hon. W. McKeeva Bush: Yes. I think the Standing Order continues to say what happens then.

The Speaker: The Standing Order is quite clear, it says, "**72(6) A motion moved and seconded under paragraph (5)** [it does not need to be seconded since a Member of the Government has moved it] **shall, where it is opposed, be deemed to be an original motion of which notice has been duly given.**"

This has been opposed, so the matter is now before the House and I will be putting that shortly. It is opposed and there will have to be a debate followed by a vote on the matter.

The question before the House is that the Report of the Standing Orders Committee be adopted, the rec-

ommendations therein, and an amendment to that has been that it is opposed and the second motion has been duly moved and seconded, as it is done by a private Member, and the matter is now open for debate.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, on a point of procedure. I am not following the Chair. Are you saying that his Motion stands or that my Motion stands, which one?

The Speaker: The two Motions are before the House, an original Motion and a proposed amendment. Therefore, it is open for debate.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Maybe the Second Elected Member for Cayman Brac and Little Cayman can clear himself up, but I do not think he amended mine, he used Standing Order 72(6), which says, "**72(6) A motion moved and seconded under paragraph (5) shall, where it is opposed, be deemed to be an original motion of which notice has been duly given.**"

I submit to the House that if any debate is going to take place it will have to take place on my Motion for adoption.

The Speaker: Honourable Minister, I do not think that anyone said that could not be the case. I am saying that the case is now that the Motion that the House accepts the recommendations of the Standing Orders Committee—there has been an amendment to that, there is an opposition to it—and the whole matter is now subject to debate.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.
I rise to oppose the acceptance of the Report of the Standing Orders Committee which changes Standing Order 23(8).

Madam Speaker, I would like to read Standing Order 23(8), "**Any question which has not received an oral answer by 11:00 a.m. shall be postponed and placed upon the Order Paper for reply at some later sitting within the same meeting: PROVIDED that if all other business for the meeting has been disposed of that such postponed questions shall be 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.**"

As all Members of this House know, the Order Paper is prescribed in Standing Orders and it is the agenda, if one will, of what is dealt with in the House on any given day. In fact, only what appears on the Order Paper is what is dealt with unless the Standing Orders

are suspended to allow other things to happen.

This I have seen happen repeatedly, time and again, in this Legislative Assembly during the time of this present Government. I think it is something that is not desirable and there needs to be a departure from this particular practice.

What the amendment at this time is asking for, is the replacement of Standing Order 23(8), which specifically deals with questions which appear upon the Order Paper. What the Government is proposing to be done is, and I quote "PROVIDED that if all other business for the meeting has been disposed of that such postponed questions and all other questions listed on a Business Paper but not placed on the Order Paper shall be answered in writing by the Minister/Member to whom that 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 and to all other Members."

This is completely altering what has stood throughout time since we have had Standing Orders here in this Legislative Assembly, to usher in something which is, in my opinion, most undesirable and objectionable.

In the House of Commons, if I remember correctly, there are about 620 Members of Parliament who in the vast majority have the right to—and do—submit hundreds of questions, as I have seen the pamphlet of questions from the House of Commons. It is quite impossible in the House of Commons for the hundreds of questions to be answered by Ministers during an oral session.

However, in the Cayman Islands Legislature we have but 15 Members and until recently there have only been two Members submitting questions to Government for answers. Again, our Standing Orders restrict a Member to asking only three questions per person per day.

On various occasions I have written to the Business Committee asking them to increase the numbers, since there are only one or two Members asking questions, since the hour allotted for questions could be taken up and it would not infringe on the business of the House as set down in Standing Orders. In a few instances, this has been done.

What is being done by this amendment to the Standing Orders is to say that once any question has come into the House and has gone to the Business Committee and stands only on the Business Committee's paper, and has not come to the Order Paper of the House in any sitting, that these questions be answered in writing.

I believe that is creating an impedance of what is one of the most important times in a Parliament under the Westminster system—that of oral Question Time. It is on these occasions when, and if we look at Erskine May the substantive question basically leads the question and normally the information that is being elicited comes through supplementary questions.

If it is the case, as is possible, because of the number of questions placed before our Parliament and the

Business Committee, such as those by the First Elected Member for Bodden Town and myself ... the number can be large, 30, 40, 50 questions and there are only three questions per day. If the meeting of the House is extremely short, important questions cannot be asked orally.

I believe it is unreasonable, it is unfair, it is unjust for the questions not to be answered orally when in the past, and rightly so, if the questions did not reach the Order Paper for the day, they could be deferred to a subsequent meeting. The Government of the day deliberately does not want that to happen anymore, they say they want it answered in writing.

Madam Speaker, the people of this country cannot have the same opportunity of knowing the information which is elicited through questions at Question Time if it is done that way. The media cannot know, unless the person asking the question mails out copies of these answers or takes an ad in the newspaper to show what an answer to a particular question would be. It is the suppression of one of the most vital parts of our legislative process. It should not be done. It is wrong. I state that I believe it is a direct response by the Government against, at most, a three-person minority asking questions. It cannot be reasonable and it cannot speak well for the democratic process.

This is the third amendment to the Standing Orders, one of the first acts of the present Government was to amend two other sections, one relating to questions, giving it a longer time to be asked. I have no problem with that. But the other one, which again suppressed the rights of the minority, was where a motion, once the House is in session...

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

POINT OF ORDER

Hon. W. McKeeva Bush: The Member is not being relevant he is dealing with something that is not presently before the House. The matter before the House is the Report on this particular matter.

The Speaker: The substance of his debate is also the substance of what is before the House at this time.

The Second Elected Member for Cayman Brac and Little Cayman, please continue.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I was bringing a reference as to how no longer can a minority Member, or Members, bring a motion to the House once the House is in meeting unless it suspends Standing Orders. Anyone knows that three Members, if you take that many of the House, cannot suspend the Standing Orders if the other 15 say no. Consistently the

Government has overwhelmingly simply taken an opposing view against any attempts or actions by the minority.

This amendment here is wrong. It is basically wrong for this to be done. There is no need to do it. Past Governments and past administrations, including the last Government that was pounded incessantly with questions from seven people, three of whom now sit on the Executive Council, never resorted to any such thing.

I can but say, for again I am but one voice, and a minority, that this is wrong. It is wrong in principle and it suppresses the opportunity for the opposition or the minority Members of this House to ask questions so that the answers can be heard orally and it cuts off the public's opportunity of hearing the Members and Ministers of Government, who handle the day-to-day affairs of this country, reply to their stewardship and to information which might be elicited through the asking of questions.

I oppose this Motion and the acceptance of this Report on those grounds.

Thank you very much, Madam Speaker.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddin: Thank you, Madam Speaker.

Madam Speaker, this Motion preserves what has been the practice of this House for the past 20 or 30 years. It is no change from what has been going on in past years. I want to make that point abundantly clear. The amendment to the Standing Orders now preserves what has been customary, and customary as he mentioned, when we were Oppositions to the last Government. So nothing is changing. This is what we are trying to do to get continuity in the House.

Madam Speaker, it goes even wider because the Motion itself has been amended to include what had, once again, been the practice in the past and that is, that all questions that are answered in writing are sent out to all Members. Now the Second Elected Member for Cayman Brac and Little Cayman mentioned that this is going to stop these questions going to the press. Any answer that is given in writing goes to the press. It is given out to the 18 Members and, as we know, it goes to the press; that is no different from the past. So this, in reality, is preserving the status quo.

This question about suspending Standing Orders, Madam Speaker, that Honourable Member should have his 'tongue in his cheek' when he talks about that because yesterday he left his one follower, the First Elected Member for Boddin Town, to move a Motion to suspend Standing Orders by giving no reason. So they use it, or have tried to use it when it suits them. The only time that Standing Orders are suspended are in instances when it is fair and reasonable to do so and, more than that, every morning, nearly, because of the length and sometimes the time that is taken to give these answers in this House there are requests that the Standing Orders be [suspended] so that they can ask their questions beyond 11.00 o'clock.

I would expect that for the benefit of this House

every time that there have been answers that are going to go beyond 11 a.m.—and they know what I am saying is true—we have suspended the Standing Orders of this House in order to accommodate them. So it is untrue that Standing Orders are only suspended to accommodate the majority of Members in the House. Time and time again you, Madam Speaker, have called on the Government to suspend Standing Orders beyond a level so that the two Opposition Members can ask questions.

We accommodate them. We have never (in my time that I know about) ever refused that. So let it not appear to be that what was stated by the Second Elected Member for Cayman Brac, is affecting minority rights. In my view it is totally incorrect. They have been over-accommodated in this House by the suspension of Standing Orders and to give them a right to ask the rest of their questions.

The problem they have is that they have asked so many questions on so many things that are so long, for example, a question on ten years of passengers by Cayman Airways, in my view—and I submit, in my view—this has wasted a lot of Cayman Airways precious time and little money to put together, and I can see no reason whatsoever in what good that does other than to have an answer given and nothing can be done with it. What does it matter?

But the real importance here, is that questions should be brief, they should be relevant and they should not be asked in such a number that they cannot be accommodated within one meeting. When we get 70, 80 or 90 questions coming sometimes from two Members then, obviously, some of those are going to have to be answered in writing unless the House sits forever and ever. The House is here to carry out the business of this country and not to accommodate the two Opposition Members only.

Madam Speaker, it is very clear from the Standing Orders that under Standing Order 70(5) the Select Committee: "**Subject to any order of the House or resolution of the Committee, the sittings of a select committee shall be held in private.**"

And that has always been the same way. Now we find that the two Opposition Members are trying to change that too. They must understand that they must operate under the Standing Orders of this Honourable House.

This constant reference to Erskine May's *Parliamentary Practice* is now seeming to be one that is resorted to when Members get upset with the Standing Orders. I would like to point out that in Standing Order 85 you cannot use that good book in relation to restrictions which the House has introduced by Standing Orders after the making of these Orders.

Madam Speaker, the Standing Order that we have an amendment to, which is before this Honourable House, is one that takes away no rights at all from the minority. Looking at it from their point of view, to have a question answered orally on a current topic three months later has got to be a worse position than having it answered in writing at the present time. So what does

it matter to the public if there is something now current and they are getting an oral answer in three months' time?

So the reason why for the last 20 years or 30 years the practice of this House has been that when a question cannot be answered orally it is answered in writing, is that when there is reference to the House of Commons in the United Kingdom and all of the rights there ... I just want to read a few things that will perhaps let the Second Elected Member for Cayman Brac and Little Cayman sit and think. We have here a Business Committee, in the United Kingdom, Erskine May's *Parliamentary Practice* on page 283: **"The order in which Ministers and other Members answer oral questions is decided by the Government."**

The other matter Madam Speaker, is that there is a fixed time and when the House of Commons starts, this is made clear on page 81, **"No questions are taken when a Royal Commission is expected to summon the House to attend the Lords for prorogation and no questions may be taken after half-past three o'clock even when interrupted."**

About 500 or 600 Members of that House sit there and they get to Question Time in the afternoon. At the end of it they do not get as much time and, therefore, as many questions asked in the House of Commons each day as the Members here are entitled to ask because we suspend Standing Orders each day for them to ask questions beyond 11 o'clock.

Madam Speaker, worse than that, on Fridays questions for oral answer have been asked but Ministers are under no obligations to be present to answer them. So let us not believe that the 500 or 600 Members in the House of Commons have far more rights than the Backbenchers over here do. On Fridays the House meets at half-past nine, on days other than a Friday it is usually provided by resolution that questions can be taken up until half-past ten o'clock—one hour.

Madam Speaker, they have provisions in there for written answers and, as we know, in the House of Commons nearly every answer given is written. Those answered orally are a very small amount of the questions that are asked, because they too have one hour to answer them and there are hundreds of Members who are asking many questions.

So it is a myth: firstly, it is wrong under the Standing Orders to say that the Standing Orders Committee sits in public because it does not. That is what the Standing Orders say and it is also not correct to say that the Second Elected Member for Cayman Brac and Little Cayman, and his colleague, the First Elected Member for Bodden Town, are having any rights affected or suppressed. We are continuing what has been the practice in this House for the last 20-odd years. The Government and the other Members of this House have been bending backwards to accommodate those two Members in asking their multitude (and I say multitude because I have never seen so many questions during my whole time in Government as those that have come out from those two Members) and we have always accommo-

dated and suspended the Standing Orders whenever they needed more time to do so.

Therefore, I would submit that the opposition to this Motion is one which is ill-founded and that I would ask Members to please—as they have done in the Committee—approve this Motion and preserve the status quo of this House. Thank you.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I rise to express my objection to the attempt to amend Standing Orders to curtail Question Time and to deny the minority their right to have their questions properly aired and asked.

Madam Speaker, I would not have expected the Honourable Minister for Education and Aviation to have taken any line other than the line which he expressed, because in the recent past I have heard that Honourable Minister describe question time as a waste of time. Indeed, just this morning he drew reference in his answer to one question posed by this Member, that it was wasting the time of Cayman Airways and, by inference, his time.

Regarding that question, let me just tell the Honourable Minister that there is a method to the madness. And if he does not understand the logic of it, I can assure him that in the next Sitting he will see what I am driving after when I bring the next set of questions.

Madam Speaker, this move has to be interpreted as a move by a vast majority to deprive the minority of a fundamental and almost inviolable right to have our questions answered publicly. That Honourable Minister was given to quoting from Erskine May.

I will now draw a brief reference from an edition entitled, *How Parliament Works*, authored by Paul Silk. Chapter eight: **"What are questions? Erskine May tells us that the purpose of a question is to obtain information or to press for action as has been made clear the people who have the information and the ability to act on it are Government Ministers and, it is they who have to answer questions. Questions then are part of the process by which the Government is held to account. They are one of the best known but misunderstood features of the House of Commons."**

"Ministers are responsible to Parliament only for justifying their own policy not for attacking the policy and the ability of the Opposition to ask questions."

Madam Speaker, my colleague the Third Elected Member for Bodden Town, told me when we first came into Parliament, that during his tenure as a Member of Executive Council, he utilised question time to inform the asking Members and the public as to what his Department, Portfolio and Ministry was doing.

I understood it then, and it is crystal clear to me coming from one who is so experienced and wise as he. Consequently, I cannot now understand the move to curtail the business of questions. I only want to say that,

in regard to the comments made by the Honourable Minister for Education and Aviation—that Standing Orders have to be suspended every day for my colleague, the Second Elected Member for Cayman Brac and Little Cayman and I to finish our questions—when he leaves this Honourable Chamber he should check the story of Ananias and Sapphira in the Acts of the Apostles and, maybe, he will be more judicious in those kinds of comments.

I object to what I see is an undemocratic practice; to what I see is an attempt to erode parliamentary democracy; to what I see is a scourge of the Westminster system and my objection is just beginning here. Thank you.

The Speaker: If there is no further debate, I will put the question.

Hon. W. McKeever Bush: Madam Speaker.

The Speaker: Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I believe that my colleague the Honourable Minister for Education and Aviation did a very good job in replying to the bitter speech that was given by the Second Elected Member for Cayman Brac and Little Cayman. There is not much left for me to add to it, except to say that the Standing Orders are not in any way impeding the rights of any Member to ask his or her allotted number of questions given under Standing Orders dealing with questions.

I have heard this said by both Opposition Members speaking. This Standing Order is in no way or fashion impeding their rights to ask questions. Under Standing Order 23(6) which is not being dealt with at all, they have the right to ask three questions and the Government has suspended Standing Orders several times to allow them more questions. In light of some of the questions, when a suspension warrants it, I think the House should. But there are many times that questions are asked seeking information about matters that are already public and are only wasting the time of Government.

While it is the Opposition's right to ask questions and they should try to inform the public, it is not their right to hamper Government in Government's work. This is what most of their questions do.

Madam Speaker, as far as I am concerned, what is happening is that Members now will be able to ask a question and have that question, if not answered orally in the House, they will get that answer quicker. The House normally meets four times for the year so at least three months or four months before the House convenes, if they had a question that was not answered they would have to wait that period of time before getting an answer, while they could get an answer immediately as the Standing Orders now amended say.

They do not have to talk about the press, we know

those two are in the practice of running to their friend in the media to help them along in publicising what they think can damage the Government. That is all they do, Madam Speaker. They are not seeking to inform: they are trying to find something to damage Government in some form or fashion.

As far as what obtained under the previous Government, it is no different than what will obtain under this situation and what has obtained. The Standing Orders being changed, in my opinion, are made clearer. This simply does not do anything to their rights. We hear them talk about their right as a minority. The minority has a right, but they do not have the right to impede the work of the Government. And the sooner those two Members understand that the better off the House will be.

Madam Speaker, perhaps what probably needs to take place now—since there are references made to Erskine May, so often, is to convene the Standing Orders Committee to have an in-depth look at what the Standing Orders say and what it allows. I find that many times my understanding from my ten years in the House of what obtains in the Standing Orders takes a different pitch altogether. Given what has been obtained in the country, such as the development of the country, I believe it is a good time to have an in-depth look at what the Standing Orders allow.

So, Madam Speaker, I do not agree that the Opposition Members, who have vented their spite, have any right at all to say the verbiage that I have heard.

The Speaker: I shall now put the question that the recommendation contained in the verbal report of the Standing Orders Committee be adopted.

I shall put the question. Those in favour please say Aye...Those against No.

AYES

The Speaker: The Ayes have it.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division please?

The Speaker: You certainly may.
Madam Clerk.

The Clerk:

DIVISION 7/94

*Motion to Adopt the Verbal Report of the
Standing Select Committee*

AYES: 13

Hon. J. Lemuel Hurlston
Hon. Richard Coles
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.

NOES: 2

Mr. Gilbert A. McLean
Mr. Roy Bodden

Mr. D. Dalmain Ebanks
Mrs. Berna L. Murphy
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

ABSENT: 3

Hon. Thomas C. Jefferson
Dr. Stephenson A. Tomlinson
Mr. D. Kurt Tibbetts

The Speaker: The result of the division is 13 Ayes, and two Noes. The Motion has, therefore, been passed.

AGREED BY MAJORITY: THE RECOMMENDATION CONTAINED IN THE VERBAL REPORT OF THE STANDING ORDERS COMMITTEE ADOPTED.

The Speaker: This concludes the business for this Meeting. But before I ask for the Motion for the Adjournment, I would like to say that I trust that in the future there will be no such recurrence of what has happened this afternoon, with the calling of a Standing Committee without prior notice, particularly with the Chairman not being notified that there would be a meeting of the Standing Orders Committee.

Now I do appreciate that Members of the House are anxious to get through with their business, but in this particular case, this was not down on the Orders of the day and it should have been. Since the Motion was passed there was ample time, in the opinion of the Chair, for action to have been taken. I am concerned that in the future there will be smooth running and smooth conduct of all the business of the House as set out in the Order Paper.

I will ask for a Motion for the adjournment of the House until 5th September, 1994. The Honourable Minister for Agriculture, Communication and Works.

ADJOURNMENT

Hon. John B. McLean: Madam Speaker, with the business of the House now being completed, I move the adjournment of this Honourable House until, 5th September, 1994.

The Speaker: The question is that this Honourable House adjourn until 10.00 AM 5th September, 1994.

I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10.00 AM 5th September, 1994.

AT 2.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 5 SEPTEMBER 1994.

**EDITED
MONDAY
12 SEPTEMBER, 1994
10.04 AM**

The Speaker: I will ask the First Elected Member for Cayman Brac and Little Cayman to say Prayers.

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, Official Members and Ministers 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.

Order. The Assembly is now in session.

**MESSAGE FROM THE SPEAKER
OF THE LEGISLATIVE ASSEMBLY**

**APPLICATION AND INTERPRETATION OF
STANDING ORDER NO. 23**

(Manner of asking and answering questions)

The Speaker: I should like in the comments I now propose to make, to clarify, and indeed to settle finally, the matter of the interpretation and application of Standing Order 23 of this Honourable House. That provision deals with the "Manner of asking and answering questions."

It is appropriate here to quote in full Standing Order No. 23 of the Legislative Assembly Standing Orders, 1976, which dealt with the same subject matter, as follows:

"Manner of asking and answering questions."

"23. (1) At question time the Presiding Officer shall call in turn upon each Member in whose name a question stands upon the Order Paper, in the order in which the questions are printed. Each Member so called shall rise in his place and ask the question [by reference to its number] on the Order Paper and the Member of the Government questioned shall reply.

"(2) After the answer to a question has been given supplementary questions may, at the discretion of the Presiding Officer, be put for the purpose of elucidating the answer given orally, but the Presiding Officer may refuse any question which in his opinion introduces matter not relevant to the original question, or which infringes Standing Order 22 (Contents of Questions).

"(3) When all questions for which an oral answer is required have been called, the Presiding Officer, if time permits, shall call again any question which has not been asked by reason of the absence of the Member in whose name it stands; in which case another Member may, if deputed by the absent Member on his behalf either ask the question or request its postponement. The Presiding Officer shall also call again any questions which have not been answered by reasons of the absence of the Member to whom it is addressed.

"(4) A Member of the Government may decline to answer a question, if an answer would, in his opinion, be contrary to the public interest.

"(5) A Member of the Government may, with the leave of the House, defer answering a question.

"(6) Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member for the same day and any question in excess of this number shall not be called by the Presiding Officer but shall be answered as provided in paragraph 8 save that no postponement shall be allowed.

"(7) No question shall be asked after 11 a.m. except any question which the Presiding Officer has

allowed to be asked without notice under paragraph (1) of Standing Order 21 (Notice of Questions).

"(8) Any question which has not received an oral answer by 11:00 a.m. shall be answered in writing by the Member to whom the question is 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 and cause the answer to be circulated with the minutes of Proceedings unless, before the end of question time, a Member having a question on the Order Paper which has not yet been called by the Presiding Officer, signifies his desire to postpone the question to a later sitting or to withdraw it."

Paragraph (6) stipulated that questions by any Member of the limit of three for oral answer on any day should be answered in writing under paragraph (8). Where a Member's questions on the day exceeded that number, they could not be postponed to a later sitting. In actual fact, there has been no occasion during the 25 years I served as Clerk of the Legislative Assembly, and the period where I have occupied the post of Speaker, when more than the stated 3 questions per Member were entered on the Order Paper. The effect of paragraph (7) was that only questions allowed to be asked without notice could be asked after 11 a.m. That still applies. To my knowledge no questions without notice have been put forward.

Paragraph (8), apart from its effect on paragraph (6), provided that any other questions not answered orally by 11 a.m. should be answered in writing unless, before the end of question time, the Member sought postponement of the question—inapplicable to paragraph (6)—or withdraw it. That postponement was to a "later sitting," not limited to the same **sitting**, and would have been valid at any time within the same session.

Here I wish to say that the 1976 Standing Orders were drafted by me during my period of secondment to the House of Commons, London, April to July, 1966, with the assistance of the then Clerk of the Overseas Office, Sir Charles Gordon. In 1966, a Select Committee of the House had been established to consider constitutional changes. This did not come about until 1971 and in 1976, following a Conference in Bermuda, the then Clerk of the Overseas Office, Mr. Kenneth Bradshaw, travelled back to Grand Cayman with me. Following meetings with Members of the Legislature, the 1976 Standing Orders were brought into effect.

Standing Order 23 was amended in 1985 by the Legislative Assembly Standing Orders (Revised) of that year: 1) in paragraph (1) by the deletion of the words "by reference to its number" appearing before the words "on the Order Paper", and 2) by the deletion of paragraph (8) and by the substitution therefor of the following as the new paragraph (8) and the proviso thereto:

"(8) Any question which has not received an oral answer by 11 a.m. shall be postponed and placed upon the Order Paper for reply at some later sitting within the same meeting.

"PROVIDED that if all other business for the meeting has been disposed of that 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."

The amendment of 1985 represented a fundamental change from the 1976 position. As we shall see, the paragraph (8) which was added in 1985 remains unchanged.

The consequence of this new paragraph (8) and proviso were:

- 1) To postpone to a later sitting at the same meeting any question for oral answer which had not been reached by 11 a.m., unless
- 2) All other business of the meeting had been disposed of before questions for oral answer were reached at 11 a.m. on that later sitting day of the same meeting, in which event
- 3) Postponed questions would be answered in writing.

I reiterate that before the 1985 amendment, a Member with more than three questions for oral answers on a sitting day could seek a postponement to a later sitting, before the end of question time, for any such questions as were then unanswered, or could withdraw the questions. Under the 1985 amendment, such a member DID NOT and DOES NOT seek a postponement.

The question 'shall be', that is MUST BE, postponed. The postponement is automatic. That is the mandate of the Interpretation Act. And since paragraph (8) now states that it "shall be placed upon the Order Paper for reply at some later sitting within the same meeting", the Business Committee must apparently find a place for the question. The Standing Order is pellucidly clear on the matter. The 1976 provision for written replies to oral questions in Standing Order 23(8), as repealed in 1985, has been replaced by a totally new and different statutory—for such is its nature Standing Orders—provision.

In 1986, two further amendments were made to Standing Order 23 as follows:

- 1) The words "In his opinion" were deleted from paragraph (4) and the words "In the opinion of the government" were substituted therefor, and

- 2) The words "save that no postponement shall be allowed" were deleted from paragraph (6).

Paragraph (8) as amended in 1985 meant that a member with more than three (as with a member with not more than three) oral questions on any day would have the excess over three questions, if unanswered, placed on the Order Paper on a later day, while paragraph (6) would have prevented a postponement of the excess. There was an irreconcilable conflict between paragraphs (6) and (8) after the 1985 amendment, hence the 1986 amendment.

In June 1994, the 1985 proviso to paragraph (8) was amended to read:

"PROVIDED that if all other business for the meeting has been disposed of that such postponed questions and all other questions listed on the Business Paper but not placed on the Order Paper shall be answered in writing by the Minister/Member to whom that 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 and to all other Members."

But the meaning and terms of paragraph (8) remain unchanged. While the new amendment to the proviso is clear in its implications, it equally, clearly does not further qualify paragraph (8) which does not apply to the wider range of questions, that is, those not on the Order Paper, which are mentioned in the words: "and all other questions listed on a business paper but not placed on the Order Paper".

According to Standing Order 23(1) only those questions which are on the Order Paper are before the House. That is the universal rule, unless questions ordinarily require no notice, as in Ottawa.

It appears to be the contention that answers to questions on the Business Paper, as set out in the proviso to Standing Order 23(8), effectively dispose of the questions, there is no support for that view in any of the authorities on Parliamentary Practice and Procedure. If such a question is not on the Order Paper or has not been allowed with the leave of the Presiding Officer under Standing Order 21(1), the Presiding Officer can properly take no cognisance of an answer which, as is contended, is given "In writing after the end of the meeting." Consequently, the Member cannot be barred from placing the question on the Business Paper for the next meeting, if he so wishes, the question not having been answered orally or in writing during the proceedings of the House.

I must stress that the Business Paper is before the Business Committee. It is not before the House. The Order Paper is before the House. The Order Book is not before the House. If one is not au fait, or does not have a thorough and fundamental understanding of Parliamentary Procedure as adopted from the Mother of Par-

liaments, it is then that these discrepancies and misrepresentations creep in.

It is important not to neglect the crucial element that to dispose of a matter which is not and has not been before the House does not affect the House. The House remains able to entertain it. The legal interpretation and construction of the proviso to Standing Order 23(8) leaves the bizarre and incongruous situation that no regard has been paid to the analysis to the circumstances and limitations of its application; a narrow canvass indeed which effectively negates the point of the reference.

While it may be said that the arguments for this amendment are purely in legal terms, this can be appreciated, but the practical Parliamentary position must not be eschewed. The Standing Orders of the Legislative Assembly of the Cayman Islands have provided in terms of Standing Order 7 for the following Business Documents:-

- 1) An Order Book which contains all Business of the House;
- 2) Business Papers containing all the Business for a meeting which will extend over several days; and
- 3) An Order Paper showing the Orders of Sitting Days.

In many Commonwealth Parliaments it is unusual to have provision both for an Order Book and for a Business Paper. The Order Book normally satisfies the function which is complimented for any sitting day or any meeting by the Order Paper, which in some countries is called the Notice Paper. The functions of an Order Book, a Business Paper and an Order Paper are separate and distinct. It is the fundamental failure to apply the distinction between a Business Paper and an Order Paper which has formed the basic misconceptions inherent as being the reasons for the proviso to Standing Order 23(8).

It has been stated that the purpose and object to which the Legislative Assembly's intention in passing the amendment was addressed, was the perceived mischief of having questions answered months after the dispersal of the heat of the issue about which they had been asked. If there was any ambiguity in the verbal formula of the third substantive enactment, that ambiguity must be interpreted in accordance with this legislative intention. It is unclear whether the last sentence ultimately means only what it says, or represents again a clear misunderstanding of its application to the procedures involved. Whatever interpretation is adopted it is the consequences, not the interpretation, that is being ignored.

The relevant canon of interpretation in Parliamentary Practice and Procedure is to give all assistance to facilitate both oral answers to starred questions and written answers, as required, when they are due to be pro-

vided. The will of the House is all of its Members, not that of the majority or of the minority. If Members are not distressed by delay in response, that is their privilege. A Member may opt for a long delayed oral answer for the opportunity of asking supplementary questions. That is a perfectly common experience in many legislatures, including all Parliaments in the Commonwealth Caribbean.

Bennion says also, on p.494: "**In the case of a proviso, the usual rule applies that an act is to be construed as a whole, a section containing the proviso is also to be construed as a whole, within the act.**" That is the preferred course, in looking at Standing Orders as a whole.

With regard to the "**perceived mischief of having questions answered months after dispersal of the heat of the issue about which they have been asked,**" that statement, again, represents a grave misconstruction of the total meaning of questions. The source of its content would be difficult to divine. The mischief may lie in the suggestion of interpreting an ambiguity to accommodate a Business Paper which is not before the House.

In circumstances where Legislatures have periodic meetings lasting several days rather than meetings on a weekly basis with occasional recesses, issues for questions need to be kept in store until the opportunity to relieve 'perceived mischief'. Rarely is a questioner unaware of the likely reply to a question. When he seeks an oral answer his thrust will often be in supplementary questions in which he obtains the responses he ultimately seeks. The opportunity of asking oral questions in the heat of the issue in several Caribbean Parliaments will arise only in the event of an occasional coincidence between the genesis of the question and the timing of a meeting.

The final point of major relevance is the right of a Member to withdraw his question, as May's says at pg. 284, "**At any time before it is due to be asked.**" That is an inherent right. The proviso does not affect or qualify that right.

Having said all this, as I believe it is my duty to state the facts as they are seen by me, I wish to say that there appears to be a need for further consideration of this last amendment because if Bills and Resolutions not on the Order Paper cannot be disposed of thus, it is difficult to discern how Other Business which is not business of the day can be concluded thus, summarily and in writing, questions or otherwise.

It seems to me that while the procedure set out in 1976 under Standing Order 23 was substantially changed in 1985, in material respects, the imperatives of the changes—very clear though they have always been—were not embraced in their application in the way that they should long before now have been discontinued in 1985. It is not that I have changed the procedures, I have steadfastly followed them to the letter.

Where any matter arises relating to the proceedings, business or procedure during a Meeting, it is appropriate for any Member to rise on a Point of Order to have the issue determined by the Presiding Officer.

Standing Order 40 provides for this. This means that if a Member has made an erroneous statement or irresponsible remark, has misquoted another Member, any Member may rise on a Point of Order.

Standing Order No. 40 does not apply only to misconduct of Members or a Member of the general public. Under Standing Order 40, "**The Presiding Officer is responsible for the observance of the rules of Order in the House and in Committees of the whole House respectively and his decision upon any point of order shall not be open to appeal and shall not be reviewed by the House save upon a substantive motion made after notice.**"

If, therefore, there is a difficulty with any ruling by the Presiding Officer on a Point of Order, positive and precise procedures are laid down for challenging it. But, above all, issues arising concerning the observance of our Rules of Order as set out from time to time in the Standing Orders of our Legislative Assembly should be settled by and in the House.

With the greatest respect to alternative views of any Honourable Member or Ministers, to canvass the matter in the public domain—in this instance on CITN Television—especially in the absence of a full debate in the House, is a challenge to the very basis on which this House exists. An apology is therefore due to the House by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

It may be worthwhile pointing out that a Legislature, which is a principal source of Law, is founded on law and the inheritance from Westminster in terms of Parliamentary Practice and Procedure is an enormous compendium of knowledge and experience which complements the application of Standing Orders, facilitates interpretation of statutes and Constitutions alike, and remains a useful guide, never to be ignored. That is the Common Law of Parliament.

Those who apply it see endless variety and an increasing store of learning. As an example, Germany's Post Second World War Constitution and the Rules governing their Parliament were structured on the precise parameters of Westminster and, without any suggestion here that Westminster lacks imperfections, German institutions were never before so well planned and managed, up to then and now, since Charlemagne took office almost 1200 years ago. The unification of Germany was facilitated by the Constitutional muniments of West Germany; see the *Parliamentarian*, October 1982, on the Bundersrat.

It is hardly sensible to ignore the legacy of Westminster or to cast aside the generous inheritance which it has given simply through failure to apply its principles.

I would hope that in the future Members would refrain from the piecemeal amendments to Standing Orders if a ruling does not sit well with them. It would be more mature, in my opinion, for early consideration to be given to a comprehensive re-draft of the present Standing Orders. If this is contemplated, it would be my hope that the services of learned parliamentarians, who have

made the study of Parliamentary Practice and Procedure their profession, would be sought, as was done in 1976.

I am in the very fortunate position of being able to obtain, within an extremely short period—many times within hours—valuable advice from my counterparts within the Caribbean, the United Kingdom, Canada and other areas. I avail myself of this privilege quite often and what I have put forward this morning is a result of their expertise and advice.

PRESENTATION OF PAPERS AND REPORTS

The Speaker: Item 3, Presentation of Papers and Reports. The Honourable Third Official Member.

REPORT OF THE STANDING FINANCE COMMITTEE (Meeting held 15th December, 1993)

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this Honourable House the report of the Standing Finance Committee for a meeting held on the 15th of December, 1993.

The Speaker: So ordered.
The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 67, the Committee considered and approved the following financial requests:

HEAD 03—PUBLIC SERVICE COMMISSION

41-126 Office Equipment \$ 8,304

HEAD 04—JUDICIAL

03-045 Uniforms \$ 2,420
07-064 Court of Appeal Expenses 42,460

HEAD 07—POLICE

01-001 Basic Salary \$126,400
01-008 Pension Allowance 1,150
01-009 Contracted Officer's Supplement 57,000
07-044 Maintenance of Dogs 25,000
12-010 Vehicle & Equipment
Maintenance 48,000
41-118 Vehicles 20,000

HEAD 08—PRISON SERVICE

01-002 Overtime \$20,000
02-015 Subsistence 4,187
07-038 Maintenance of buildings 18,755

HEAD 09—PERSONNEL

01-001 Basic Salary \$39,000
07-087 Medical Services 469,000
51-119 Public Buildings 5,231

HEAD 10—SISTER ISLANDS ADMINISTRATION

08-033 Support Grants \$50,000

41-124 Office Equipment 825

HEAD 12—ADMINISTRATION LEGAL AFFAIRS

07-014 Professional Fees \$35,906
41-126 Office Equipment 200

HEAD 13—FINANCE AND DEVELOPMENT

08-071 Cayman Airways Ltd. \$1,627,646
10-001 Compensation 55,318
41-101 For an Aggregate sum of \$58,685
broken down as follows for subhead 41-101
Computer equipment:
Social Services Department \$29,105
Legal Department 2,515
Immigration Department 25,000
Internal Audit 2,065
19-016 Loan to Farmers 22,000
51-119 Public Buildings 150,000

HEAD 15—CUSTOMS DEPARTMENT

07-044 Maintenance—Dogs \$25,000
41-118 Vehicles 20,000

HEAD 18—REGISTRAR GENERAL'S OFFICE

01-002 Overtime \$ 3,500

HEAD 20—TREASURY DEPARTMENT

01-001 Basic Salary \$28,451
01-001 Basic Salary 10,000
01-008 Pension Allowance 1,138

HEAD 21—ADMINISTRATION TOURISM, ENVIRONMENT AND PLANNING

41-102 Boats \$ 7,000

HEAD 22—FIRE DEPARTMENT

07-070 Maintenance of Drainage & Wells \$10,900
41-126 Office Equipment 450
41-127 Other Equipment 1,000
41-127 Other Equipment 700

HEAD 23—LANDS AND SURVEY DEPARTMENT

51-120 Purchase of Lands \$65,290
51-120 Purchase of Lands 50,000

HEAD 24—MOSQUITO RESEARCH CONTROL UNIT

41-108 Heavy Equipment \$239,192

HEAD 28—HEALTH AND HUMAN SERVICES

08-020 Overseas Medical-Entitled
Cases \$1,100,000

HEAD 25—PLANNING DEPARTMENT

41-126 Other Equipment \$ 2,900

HEAD 28—HEALTH AND HUMAN SERVICES

01-002 Overtime \$ 5,000
07-052 Special Projects 45,000
07-054 Public Relations 4,000

01-005 Wages 187,000

HEAD 29 SOCIAL SERVICES DEPARTMENT

07-038 Maintenance of Buildings \$ 8,000

08-016 Maintenance of Refugees 107,328

07-900 Juvenile Rehabilitation Centre 315,896

HEAD 31—AGRICULTURE COMMUNICATIONS AND WORKS

07-014 Professional Fees \$50,000

HEAD 32—AGRICULTURE

01-001 Basic Salary \$14,229

01-009 Contracted Officer's Supplement 2,000

12-010 Vehicle & Equipment Maintenance 9,163

03-001 Agriculture Supplies 50,000

07-016 Freight and Shipping 30,000

HEAD 33—POSTAL DEPARTMENT

01-002 Overtime \$15,000

01-005 Wages 122,980

41-124 Office Furniture 802

41-126 Office Equipment 26,398

41-127 Other Equipment 5,200

HEAD 34—PUBLIC WORKS DEPARTMENT

01-001 Basic Salary \$7,400

01-002 Overtime 2,231

*51-119 Public Building 146,500

*[*the correct amount which should have been presented against this subhead was \$145,800, but this will be corrected shortly]*

HEAD 35—EDUCATION AND CULTURE AND AVIATION

08-033 Support Grants \$50,000

41-124 Office Equipment 789

HEAD 36—EDUCATION DEPARTMENT

08-029 Scholarships and Bursaries \$130,000

08-069 Pre-School Grants 50,000

41-124 Office Furniture 15,180

41-132 School Equipment 25,000

***Total Sum of \$5,878,104**

*[*which will be amended shortly]*

CONSIDERATION OF OTHER MATTERS: In accordance with Standing Order 67, the Committee considered and approved the following requests:

RECURRENT EXPENDITURE VIREMENTS BETWEEN DIFFERENT SUBHEADS: The Committee ratified virements totalling \$184,075 made between different subheads as were approved by the Financial Secretary in accordance with paragraph 2.70 of the Financial and Stores Regulations.

VARIATION OF FUNDS WITHIN THE SAME CLASSIFICATION UNDER CAPITAL EXPENDITURE: The Committee ratified variations of funds made be-

tween different subheads in the same classification of Capital Expenditure totalling \$123,420, in accordance with paragraph 2.70 of the Financial and Stores Regulations.

CAPITAL EXPENDITURE VIREMENTS BETWEEN DIFFERENT CLASSIFICATIONS: The Committee ratified movement of funds totalling \$354,099 between different classifications under Capital Expenditure which results in a change of purpose of the original funds as approved by Finance Committee in the 1993 Budget.

AUTHORISATION FOR WRITE OFF OF FUNDS: The approval of the Committee was sought for the writing off of a sum of \$25,712 arising out of the misappropriation of revenue collections during 1989 to 1990 by a former cashier in the Treasury Department. The Cashier was charged with various offences and was convicted on three charges of theft and three charges of false accounts. A sum of \$24,439 was paid back in restitution. The balance of the loss of \$25,712 was reported in the 1992 accounts.

The Attorney General has advised that this account is unlikely to be recovered, however, it was agreed by a majority of the members of the Committee that the matter be referred back to the Attorney General for further action.

Again, the approval of the Committee was sought for the writing off of a sum of \$400. In 1991 and 1992 cash paid for overseas medical expenses was stolen from the Portfolio of Health and Social Services' 1993 Budget, totalling \$400 (\$200 on each occasion). With the police investigation being inconclusive, it was recommended that this amount be written off.

It was agreed by a majority of the members of the Committee that the matter be referred back to the Attorney General for further action.

AMALGAMATIONS: The Committee took note of the phased amalgamation of a number of Government services as approved by His Excellency the Governor and ratified the transfer of balances into the 1993 Budget for these departments.

Madam Speaker, the Committee agrees that this report be the Report of the Standing Finance Committee for the meeting held 15th December, 1993, to be laid on the Table of this Honourable House at this meeting.

The Speaker: Thank you, Honourable Member.

Proceeding with item 4 on the Orders for today's Sitting, Questions to Honourable Members and Ministers.

May I ask the indulgence of the House? It has been brought to my attention that there are two other Reports of the Standing Finance Committee. I had assumed from the long debate that the Honourable Member's remarks covered these two reports.

With the indulgence of the House, would you continue with the Errata to the Standing Finance Committee, is that what you are dealing with Honourable Member?

Hon. George A. McCarthy: Yes, Ma'am.

The Speaker: The Errata to the Report of the Standing Finance Committee, 15th December, 1993, and 19th July, 1993. Please deal with them now, Honourable Third Official Member.

ERRATA TO THE REPORT OF THE STANDING FINANCE COMMITTEE

(Meeting held 15th December, 1993)

Hon. George A. McCarthy: Thank you, Madam Speaker. I beg to lay on the Table of this Honourable House the Errata of the Standing Finance Committee Report, of a Committee Meeting held on Wednesday, 15th December, 1993.

The Speaker: So ordered.

Hon. George A. McCarthy: Madam Speaker, at a meeting of the Standing Finance Committee, held on Wednesday, 15th December, 1993, the Committee approved a sum of \$146,500 for HEAD 34—PUBLIC WORKS DEPARTMENT, Subhead 51-119—Public Buildings. The sum, however, was incorrectly submitted in the Finance Committee's agenda. The actual figure for the submission should have been \$145,800. Accordingly, item 24.3 of the Committee's Report for this meeting, having been tabled a short while ago, should be amended to read as follows:

HEAD-34 PUBLIC WORKS DEPARTMENT
Subhead 51-119—Public Buildings \$145,800.

Further, the total supplementary expenditure approved at this meeting totalled \$5,878,104. As a result of the reduction in this subhead, the total supplementary expenditure approved will also be reduced by \$700. The Report should accordingly be amended to read: *Total Supplementary Expenditure Approved \$5,877,404.*

Thank you, Madam Speaker.

The Speaker: You have embraced both Erratas—15th December and 19th July?

Hon. George A. McCarthy: No, Madam Speaker.

The Speaker: Please do combine both, Honourable Member.

Hon. George A. McCarthy: Thank you, Madam Speaker.

ERRATA TO THE REPORT OF THE STANDING FINANCE COMMITTEE

(Meeting held 19th July, 1993)

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this Honourable House an Errata to the Finance Committee Report of a meeting held on Monday, 19th July, 1993.

The Speaker: So ordered.

Hon. George A. McCarthy: Madam Speaker, the following supplementary expenditure was approved by the Standing Finance Committee at a meeting held on Monday, 19th July, 1993, but was erroneously omitted from the Report tabled in the House on the 23rd September, 1993. The Minutes do, however, contain this item and the Report of the Committee should accordingly be amended to read as follows: HEAD 09—PERSONNEL: 08-055—Specialist Training \$6,104.

As a result of this omission, the total supplementary expenditure approved by the Committee on 19th July, 1993, in the sum of \$725,321, should be increased by \$6,104. Accordingly, the report should be amended to read: *Total Supplementary Expenditure Approved \$731,425.*

Thank you, Madam Speaker.

The Speaker: I would suggest that in the future, corrections to any report should also form a part of the Report, rather than being set down as an independent presentation of papers.

Thank you.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: The Honourable First Elected Member for Bodden Town, Question No. 105.

QUESTION NO. 105

No. 105: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation to state what date he has set for the commencing of the Select Committee to review the Bill of Rights.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I do not have authority to set a date to commence the Select Committee to review the Bill of Rights.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Minister saying that he misunderstood, or that he chose to ignore the directions of the Chair when, at the conclusion of his Motion to have my Motion disallowed, the Chair requested that he ensure that all speed be taken to set the Committee in motion?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I repeat, I do not have the authority to set the date to commence the Select Committee. It must be that the Member misunderstands, or has not read the Standing Orders.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. Would the Minister tell the House then, who does he perceive as having such authority; is he not part of the Executive Council which will decide what time the Select Committee convenes, or is that for the minority of the House?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, if the Member cannot answer that question from his Standing Orders, then I really cannot help him. He must read his Standing Orders.

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, I think if you will recall the debate on this issue, the Chair advised that the Committee could be called, as is provided in Standing Orders, by the senior Elected Member and, thereafter, the Committee would then select a Chairman.

I think, perhaps, we need not have any further supplementary questions on this matter.

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I do recall the instance that you refer to, and I would just like to confirm that at that time we were told the Elected Member for East End is the senior in the House and that he would have to set a date for this meeting for the Select Committee on a Bill of Rights. The reason I ask, Madam Speaker, is that for a year and a half, the Government has consistently taken steps towards...

Hon. Truman M. Bodden: Madam Speaker, I take a Point of Order...

The Speaker: I cannot have two Members speaking at the same time. Are you rising on a Point of Order, Honourable Minister for Education and Aviation?

POINT OF ORDER

Hon. Truman M. Bodden: The Member is making a statement, which he is not entitled to do. He can ask supplementary questions...

The Speaker: I am aware of that, Honourable Minister, I had hoped he was getting to his question.

[Addressing the Second Elected Member for Cayman Brac and Little Cayman] If you do not have a question, then I will have to close off supplementaries on question No. 105.

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I simply wanted to ask if it is the policy of the Government of the day, for whatever unknown reason, that they do not wish the Select Committee on the Bill of Rights to be convened?

The Speaker: Honourable Member, that question is an argumentative one and I will not allow it.

We will go on to question No. 106, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 106

No. 106: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation to provide a list of outstanding accounts owed to Cayman Airways (other than for tickets sold by Travel Agencies).

The Speaker: Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Cayman Airways Limited does business with thousands of legitimate businesses. It would be bad business practice and, therefore, undesirable, and a breach of confidentiality, to make public the names of these companies.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say what percentage of this business results in delinquent accounts to this point?

The Speaker: I am not certain that the Honourable Minister can answer that since that was not a part of the substantive question and, in view of his statement, he would not have had the necessity to go into this matter. So I think this will have to be omitted.

If there are no further supplementaries, the next question is No. 107, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 107

No. 107: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation whether the Government has granted Isleña Airlines a monopoly on the Cayman/Honduras route.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: No. Government has not granted Isleña Airlines a monopoly on the Cayman/Honduras route.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Minister say if this matter of a monopoly on the Cayman/Honduras route came up as an application to the Government?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I have stated that Isleña Airlines does not have a monopoly. I am confused as to what the Member is seeking to achieve. No Application. No grant. And that is it.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Minister then say what is Government's disposition, and if Government had any decision in the matter where a member of the National Team and this Legislative Assembly, namely, Mr. John Jefferson, on the 4th of June, 1994, claimed to have gotten a monopoly for the airline on the La Ceiba to Grand Cayman Route? And, Madam Speaker, I would like to table a document.

The Speaker: The first part of your question is seeking an expression of opinion, which the Honourable Minister cannot give...

Mr. Roy Bodden: Madam Speaker, I beg your pardon, I also asked if the Government had any knowledge.

The Speaker: Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the Member is asking me if I have knowledge of something that he has over there with him. If I were a magician I would not be able to answer that. I do not know what document he has.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I have tabled the document.

The Speaker: Before you are allowed to table a document, you should say what the contents are for the House.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, the document referred to is a document addressed to Mr. Arturo Alvarado Wood of Isleña Airline, written by Mr. John D. Jefferson, MLA, on the 4th of June, 1994.

The Speaker: Please, I think the House is entitled to know the contents of the document.

Mr. Roy Bodden: Madam Speaker, would you prefer that I read the document?

The Speaker: Yes.

Mr. Roy Bodden: Thank you, Madam Speaker.
The document is entitled, "Termination of Agency Agreement."

"Dear Mr. Wood,

"I refer to your letter of 3rd June, 1994, advising of the decision to terminate the agreement of me acting as the local agent of Isleña Airline.

"Our records indicate that all revenue from ticket sales and excess baggage has been accounted for and reported, with the exception of three weeks in May and the one flight in June, 1994.

"While serving as your Agent we have accomplished the following on behalf of Isleña Airline:

"1. Improved the service and reputation of the airline locally among passengers, and

"2. Have gotten a monopoly for the airline on the LaCeiba to Grand Cayman route;

"Our plan of action was to give adequate notice and resign as agent with effect from the 31st August, 1994, because we have not made any money as agents and I refuse to work with unprofessionals like yourself. I have witnesses that have overheard you make remarks accusing my sister Norma Jean Bennett and myself of stealing from you when there is no evidence to indicate that this is true.

"We both have good reputations locally and I am not prepared to let you or anybody else tarnish our reputations by irresponsible and careless remarks.

"As you are aware our Agency Agreement called for notice with respect to termination by either party. I am prepared to accept an early termination of our Agreement under the following conditions:

"1. We are given U.S. \$30,000.00 in cash or credit against funds owed to Isleña Airline;

"2. U.S. \$50,000.00 and a written letter of apology concerning remarks made by yourself with respect to the honesty/reputation of my sister Norma Jean Bennett and myself;

"3. We are allowed to retain all assets acquired for office purposes since September, 1990, when we took over as your agents.

"If you consider to insist on the early termination of our Agreement and fail to agree to the conditions as set out above, then I will have no alternative but to write the Airport Transport Licensing Authority Requesting Termination of the Licence Granted to Islena Airline which permits the Airline to fly into the Cayman Islands, on the grounds of yourself as an undesirable person for doing business in these Islands. I will also bring a case against you in the courts on slander charges with respect to recent remarks concerning the honesty, integrity and reputation of my Sister Norma Jean Bennett and myself.

"Please advise me as soon as possible of your decision on these matters.

"Yours sincerely,

John D. Jefferson Jr. MLA,
Jefferson Travel Services Ltd.,
President and Chairman."

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddin: Madam Speaker, the document which the Honourable Member has read makes it very clear that Mr. Jefferson is not saying that Government has granted Isleña Airlines a monopoly: So, he is very confused.

There are two countries involved with this. But it is very clear, I will read it: "**have gotten a monopoly for the airline on the La Ceiba to Grand Cayman route.**" I would just like to point out that the Member who produces a document has a duty to understand it before he lays it on the Table and to also not produce a document which he cannot support the truth of. He has now taken a private letter and laid it on the Table of this House. I repeat, this document does not say that the Cayman Islands Government has granted a monopoly to anybody, therefore, this is totally irrelevant to the question.

The Speaker: Honourable members, I think that I find the whole matter distasteful and unsavoury—

[Members: Hear, hear!]

The Speaker: —and I will say that there should be no further supplementaries on this question.

(Interjections by some Members: Hear, hear!)

The Speaker: It is past 11.00, the normal time when questions end.

The Honourable Member for Tourism, Environment and Planning.

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

Hon. Thomas C. Jefferson: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 23(7) and (8) to allow the remaining questions to be taken this morning.

The Speaker: The question before the House is that the provisions of Standing Order 23 (7) and (8) be suspended in order for the remaining questions to be dealt with today.

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

AGREED: STANDING ORDER 23 (7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS UPON THE ORDER PAPER TO BE TAKEN.

The Speaker: The next question is No. 108, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 108

No. 108: Mrs. Berna L. Thompson Murphy asked the Honourable Second Official Member responsible for Legal Administration to state whether Government has any intentions of contracting with Senior Prosecutors locally for the purpose of assisting with their increasingly complex court cases.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: The Government considers that the present level of staffing in the Legal Department provides for an adequate number of qualified attorneys to conduct criminal prosecutions. There may be certain cases which, due to their extreme complexity, high degree of specialisation or time constraint, would be suitable for independent practitioners. In these cases I would first ascertain if local senior counsel was available before instructing someone outside the Islands.

Madam Speaker, perhaps I could also apologise to the Third Elected Member, because the written answer that I submitted refers to her erroneously as the Second Elected Member.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Member could state if in the recent cases that are being brought against Government, if senior counsel will be called in to assist with this, or is this only in certain instances that they will be called in?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

The Member, I think, is referring to civil cases being brought against Government, as opposed to prosecutions. My answer dealt specifically with prosecutions, but I am happy to try to answer the Member.

The same criteria applies. If a civil case, in my opinion, requires the assistance of an independent attorney, then we would seek one. In the past this has happened, and has been due to the fact that we have been deficient in the Legal Department in experienced Civil Crown Counsel. That deficiency has now been remedied.

The Speaker: If there are no further supplementaries, the next question is No. 109, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 109

No. 109: Mrs. Berna L. Thompson Murphy asked The Honourable Second Official Member responsible for Legal Administration to state what progress has been made in respect of the revised Regulations for the Traffic Law, 1991.

The Speaker: The Honourable Second Official Member.

DEFERRAL OF REPLY TO QUESTION NO. 109

STANDING ORDER 23(5)

Hon. Richard H. Coles: Madam Speaker, I will ask the leave of the House to defer the answer to this question until later in this meeting. I returned from official business overseas on Friday, and I am afraid that I have not had an opportunity to prepare a detailed answer to this question.

The Speaker: The question before the House is that, in accordance with the provisions of Standing Order 23(5), the answering of the question be deferred for the circumstances outlined by the Honourable Second Official Member.

I shall put the question. Those in favour, please say Aye... Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION NO. 109 DEFERRED FOR ORAL ANSWER LATER IN THE MEETING.

The Speaker: The next question is No. 110, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 110

No. 110: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Agriculture, Communications and Works to state whether there are any scheduled road improvements for the district of George Town within the next six months and, if so, to provide a schedule for such improvements.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Work is underway on the Middle School road sidewalk.

For the remaining four months of 1994, road construction is scheduled for three main projects in George Town. These are the Middle School Dyke Road Phase I; the relocation of Crewe Road and new sidewalks at the Post Office. Three other projects scheduled to be worked on are: land purchase for the Community College access road; junction improvements at Eastern Avenue/Nixon Road; and, junction improvements for North Sound Way/Crewe Road. Depending upon the progress of the land purchase, construction may start on these projects.

Work for January/February 1995 will depend upon 1995 Budget approval.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Could the Honourable Member say if the junction [improvements] then will take place in 1994, or will this move ahead to 1995?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: We hope to complete those outlined in my answer in 1994, and the others mentioned we hope to go on to 1995. However, I would like to point out that the Public Works Department has been spread very thin, and more so now with the influx of Cuban refugees. We have completed many projects in George Town and I will name them for the benefit of the House:

- The alley off West Bay Road by Tropicana carpark

- South Sound shoulders
- Lyndhurst Road
- Palm Heights
- North Church Street shoulders
- Belaire Gardens, patching
- Middle School Dyke Road, marl and patching
- Alamo Drive
- North Sound Road, CUC to the sea
- South Sound (removal of portion of road that had some dips in it) was completely done over.

We have scheduled for this month:

- The road in the Crewe Road area by Mr. MacDonald's
- Shoulder repairs on Elgin Avenue (which is 50% done)
- Work going on at the Port Container Road (50% done)
- Section of Crewe Road which has been started and it is hoped to be finished this month
- The carpark at the George Hicks School, completed
- New carpark and drains at the George Town Primary School
- Resurfacing of carpark, John Gray High School, completed

As I pointed out, we are trying to do as much as possible of what has been allocated in the 1994 Budget by the end of the year.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Honourable Minister would be able to elaborate on exactly what Phase I of the Dyke Road to the Middle School will entail?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Yes, Madam Speaker. The road that I mentioned earlier, the Middle School Dyke Road, was marled and patched earlier—but we had to do a quick job to try to facilitate the buses and other users of the road. It was impossible for us to just go in and seal the road because there are certain areas in the road that need to be dug out because it was initially only a dyke road. So we are hoping to finish that stretch of road from Bob Thompson down to the school with a few alignments.

The Speaker: The next question is No. 111, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 111

No. 111: Mr. Gilbert A. McLean asked The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation how many Dental Officers, by nationality, are there at the Government Dental Clinic and how are services scheduled.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. There are three Dental Officers: Senior Dental Officer (British); Dental Officer (American); Dental Officer (Jamaican). Services are scheduled as follows:

8.30 AM to 10. AM: Emergency Clinic daily (including Saturday) for patients with dental pain.

10.00 AM to 12 Noon and 1.00 PM to 4.30 PM: Booked appointments.

In addition:

- 1) One Dental Officer deploys to Cayman Brac for three days per month.
- 2) Northward Prison is visited one afternoon per week.
- 3) Clinics are held by arrangement with District Nurses at Health Centres/homes of the elderly, et cetera.
- 4) General anaesthetic sessions weekly.
- 5) Ante-natal and health education sessions on an ad hoc basis.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In view of the fact that there are three dentists at the Dental Clinic, is it not reasonable to expect that appointments can be given to persons quickly, and that follow up appointments could be scheduled earlier than is presently done? Has the Minister had any complaints about the long schedule of appointments at the Dental Clinic?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, we have had some complaints about the long wait in between appointments. I have taken the opportunity to discuss this with the Director of Health Services and my Permanent Secretary to see what can be done to improve this. I do hear the concern expressed here, and we will do something about this.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I notice in the reply from the Minister that three days per month a dentist spends time in Cayman Brac. Does the present availability of persons on that Island allow the clinic to be opened when the resident quasi dentist is away on leave? Could the dentist fill in, or someone from the Grand Cayman Clinic, other than closing the clinic as happens now?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

There are attempts to schedule someone to take this place when the person goes away.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Minister say if the policy at the Dental Clinic is that when a patient has been dealt with by the British dentist, that follow up visits must be by the same dentist; or could the patient see whomever is available at that time?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, normally, whoever the dentist is, he tries to schedule for continuity, but there is no policy to say that it must be the same dentist.

The Speaker: The next question is No. 112, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 112

No. 112: Mr. Gilbert A. McLean asked The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if any consideration is being given to hiring a consultant to examine the Health Services Department similar to that done with the Prison and Police Departments

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

No consideration is being given to hiring such a consultant. During the last Government, hundreds of thousands of dollars were spent on consultants which, in my humble opinion, did not benefit the Health Services Department.

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I think the House is aware that there is an ongoing process, where the Health Services are concerned, regarding strategic planning. I would like to ask the Minister if there is not some need at this time, due to the pressure on the Health Services, and due to what must be increased pressure with so many Cuban nationals being here, for quicker assessment, that the ongoing study would warrant hiring a consultant for whatever period of time?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I understand the concerns, but in a few days' time I will be able to make an announcement (I do not want to make it at this time) for action which we will be taking to bridge this gap.

The Speaker: The next question is No. 113, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 113

No. 113: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation who is the head of Public Health Services in these Islands.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Medical Officer for Health is the Head of Public Health Services in the Cayman Islands.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I would like to ask the Minister if he could explain, as I am a bit confused here—When he says the Medical Officer for Health, are we speaking about a Chief Medical Officer as it was known, or is it a Medical Officer for Public Health? What are we saying?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, it is the Medical Officer of Public Health under the Health Ser-

vices Department. The way it is broken down is: Manager Ancillary Support Services; Chief Nursing Officer; Medical Director, who is responsible for Physician Services; then the Medical Officer for Health, who is responsible for Public Health Services.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Minister say if the individual who is responsible for Public Health Services is also responsible for other services within Government departments and, if so, which would they be?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

There are a number of areas which the Chief Medical Officer of Health is responsible for, and I will read them out from the chart: Public Health Administration; District Health Centres; Health Statistics; Health Promotion; Primary Health Care Programmes; International Health Programmes; Community Health Programmes; Public Health Inspection; Disease Control; Food Safety Programme; Health Laws and Regulations; Chairman of the Health Practitioners Board; Reports to International Agencies in regard to disbursements of drugs.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, it seems like a large number of subjects. Could some of these duties be rescheduled to other persons, or is the one individual capable of dealing with all of these presently to a satisfactory level within the Health Services?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, there is some assistance given to him in these duties. There is also another doctor who now works in the districts who assists him.

The Speaker: The next question is No. 114, standing in the name of the Elected Member for North Side.

QUESTION NO. 114

NO. 114: Mrs. Edna M. Moyle asked the Honourable Member for Tourism, Environment and Planning whether the brochure (established in 1983) relating to a dress code cover up and other information for tourists is still being distributed by the Department of Tourism to all places used for tourist accommodation.

The Speaker: The Honourable Member for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the brochure in question is now called "Words of Welcome", and continues to be printed and distributed by the Department of Tourism. These brochures are distributed locally to hotels, shops and Information Centres of the Department of Tourism at the Harbour Centre and the Airport. Unfortunately, not all tourist accommodations display them at their front offices. The Department of Tourism also distributes an insert entitled "Please keep your shell on!" which is very specific about the subject of the Dress Code.

SUPPLEMENTARY

The Speaker: The Honourable Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, in the Honourable Minister's answer, he stated that some tourist-related accommodations do not display these. I wonder if the Honourable Minister could assure this House, because of the disgusting state of dress on our public beaches and in the Town of George Town, that something will be done—that our tourists will be aware of the dress code required in the Cayman Islands, and our residents as well.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I think there is much awareness at the present time, as far as the Department of Tourism distributing information is concerned. The accommodations which at the moment do not display them at their front office is what the Honourable Member for North Side was getting at. We certainly will take that on board, as well as any other influence we can use, to deal with the concern which she and other Members of the House have.

The Speaker: The next question is No. 115, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 115

NO. 115: Mr. D. Kurt Tibbetts asked The Honourable Third Official Member responsible for Finance and Development what stamp duty is collected when time share properties are sold.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, there is no stamp duty collected when time-share properties are sold as this is not currently provided for under the Stamp Duty Law.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Honourable Third Official Member is in a position to say if it is Government's intention to deal with this, or whether it is a policy that this will remain as is?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I can say at this time that a consolidation exercise of the Stamp Duty Law is taking place and it has been dealt with by the Legislative Draftsman. It is with me at this time to be reviewed. It takes on board a number of provisions which are not presently made, or are not in the existing legislation.

At this time a statement cannot be made regarding Government's policy because this would constitute an additional tax measure, as such, and the public would have to be canvassed significantly before a determination can be made by the Government as to whether to proceed with this as an additional revenue source.

The Speaker: The next question is No. 116, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 116

No. 116: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Development to provide a list of amounts and the names of persons with outstanding Customs Government duties as of 31st August, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The Customs Department has produced a list of importers with outstanding customs duties as at 31st August, 1994, which is attached.

This list indicates that all amounts outstanding are secured by either bonds or cash deposits or a combination of both. It should also be noted that all importers listed are classified as major importers and under existing arrangements are normally allowed up to 21 days to submit their completed import entry forms to the Customs Department. During this period, import duty is estimated and secured by a bond and/or a cash deposit. (See Appendix)

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

I wonder if the Honourable Third Official Member is in a position to say if on an annual basis there are any amounts outstanding which are deemed uncollectable and, if so, are they written off by the Government?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, it is likely that this could possibly occur, but at this time I cannot recall any specific cases where outstanding duties have had to be written off.

The Speaker: That concludes Question Time for this morning.

The Honourable Minister for Tourism, Environment and Planning.

OBITUARY

Nurse Annie

Hon. Thomas C. Jefferson: Madam Speaker, on behalf of the House, may I offer condolences on the recent passing of your Aunt, known to us as Nurse Annie. May Almighty God be with you and members of your family, especially during this period of bereavement.

The Speaker: Thank you, Honourable Minister, for your words on behalf of the Members. My family and I much appreciate these expressions of sympathy.

Continuing with the Orders of the Day, Government Business, Bills, First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE TOURISM (AMENDMENT) BILL, 1994

Clerk: The Tourism (Amendment) Bill, 1994.

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

THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994

Clerk: The Strata Titles Registration (Amendment) Bill, 1994.

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

At this time Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.38 AM

PROCEEDINGS RESUMED AT 12.02 PM

The Speaker: Please be seated.
Bills, Second Readings.

SECOND READINGS

THE TOURISM (AMENDMENT) BILL, 1994

Clerk: The Tourism (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I beg to move the Second Reading of a Bill entitled, A Bill for a Law to Amend the Tourism Law, 1974, and the Tourism Regulations 1974.

This Bill amends the Tourism Law, 1974, to provide a more efficient annual timetable for the licensing and inspection of tourist accommodations, and it adds an offence where operators of licensed tourist accommodations fail to take reasonable security precautions for the checking in of guests.

Clause 1 provides that the amendment comes into force on the 1st of January, 1995. So, there is a period of getting to know what this amendment before the House calls for.

Clause 2 amends the definition of tourist accommodation to include all overnight, or day to day accommodation available to tourists which is provided in the course of a business regardless of the number of tourists catered to by the accommodation. The existing definition includes only accommodation catering for more than six persons a night.

Clause 3 changes the annual licensing timetable, which at present requires all operators of tourist accommodation to apply for a licence on or before the 1st day of September of each year. Beginning in 1995, it is proposed that operators of all tourist accommodations other than hotels, be required to apply for their licence on or before the 1st of August each year. Operators of hotels will be required to apply for their licences on or before the 1st of October of each year. To prepare for this new timetable, existing licences for existing accommodation other than hotels, will expire on the 31st of August 1995, and existing licences for hotels will expire on the 31st of October 1995.

The Hotels Licensing Board will now be required to issue licenses in accordance with the law to operators of all tourist accommodations, other than hotels, on or before the 1st of September in each year. Licence to operators of hotels will have to be issued on or before the 1st of November of each year.

Clause 4 makes consequential changes to the timetable for the annual inspection of tourist accommodation. These annual inspections will now be required to be carried out for hotels on or before the 1st of September, and for all other tourist accommodations, on or before the 1st of July.

Clause 5 adds a new section 9A to the Tourism Law, 1974. It will now be a criminal offence for operators of licensed tourist accommodation to fail to take all reasonable security precautions for the checking in of a tourist at the tourist accommodation the operator is licensed to operate.

Examples of failure to take all reasonable security precautions include leaving the keys to a guest's accommodation taped to the door, unattended, for later collection, or not properly supervising the checking in of the guest. It will be a defence for an operator to show that he/she has taken all reasonable precautions and exercised all due diligence to avoid the commission of this offence. The penalty is the same as for other offences under the Law: up to a \$1,000 fine and/or 6 months in prison.

Clause 6 amends section 12(1) of the Tourism Law, 1974, to increase the fine for offences under that provision to \$1,000.

Clause 7 amends the Tourism Regulations to confirm that the prescribed minimum requirements include reasonable security precautions for the checking in of guests at all licensed tourist accommodations. Under section 9(2) of the Tourism Law, 1974, the Board may withhold, revoke, suspend or refuse to renew an operator's licence where the operator has, in the opinion of the Board, failed to comply with the prescribed minimum requirements.

Madam Speaker, if I had brought the Facts and Rate Sheet this morning (which the Department of Tourism produces) and if Members would take a few minutes to look through that rate sheet they would find many accommodations provided to visitors which have not paid tourist accommodation tax. I would venture to say that we are talking about probably millions of dollars over a period of time, so I believe that there is justification for moving the amendment as set out in Clause 2 to bring these within the arm of the Tourism Law both for purposes of licensing, as well as to ensure that standards in these accommodations are what we are pleased with.

One needs only one exercise, and that is to be present at a Hotel Licensing Board and to realise that the exercise takes us almost the entire day, no matter how prepared the documentation. If you back that up with the inspections which are carried out by the Fire Service, the Environmental Health, by the Tourism Department, you tie up a significant number of Government staff trying to comply with the present deadline which hotels and all other tourist accommodations must meet.

I believe it is timely to separate these accommodations. I also believe that for many decades, when one looks at the tourism graph as to the number of visitors who come to our shores on a monthly basis, one will find the valley in that graph being in the month of September. It appears no matter what the previous Governments did, or what we did last year, that valley (although maybe now not as deep) remains. If your hotels are running 80%–90% occupancy for the entire year, you need some period of slowness of arrival of visitors in order for those accommodations to have adequate time to refurbish.

bish their facilities in order to maintain the standard of accommodation that we all wish to see them offer to visitors. So we have tried diligently with this separation to continue to allow them this month of September for that purpose.

I believe also that in the Cayman Islands of yesterday, one could go to sleep and leave his door open. Many of us would say it is a little bit unwise to continue that trend, and we adjust accordingly. I think it is now time for us to adjust the security precautions for visitors checking into accommodation other than hotels—because we all know that hotels are open 24 hours a day and they utilise the front desk persons to supervise the checking in of guests. But, there are other facilities being used by visitors which are not so manned.

I believe it is incumbent upon us to cause what we call reasonable security precautions to be taken. Certainly, leaving a key taped to a door for the guest to let himself in is not safe, and is not to my liking when I see what goes on, on a daily basis, in the Cayman Islands. Why allow your visitor to be at risk? That is primarily the reason why we are moving to call attention to this amendment which is presently before the House. It has been discussed on many occasions with the Hotel and Condo Association, so we are not bringing anything that they do not know about. I think we have cleared this with them. Obviously we dream of having 100%, and although we may not have 100% on this amendment, the majority of those who are employed in the tourism industry and who provide accommodation are in agreement with this amendment.

I recommend this amendment to Members of this Honourable House.

The Speaker: The question is that the Tourism (Amendment) Bill, 1994, 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: Thank you, Madam Speaker.

I rise to speak on the Bill for a Law to Amend the Tourism Law, 1974, and the Tourism Regulations 1974. In so doing, I wish to state that I support any act of any Government whereby existing legislation can be amended to create more efficient services by Government, so that specific or general conditions may be improved.

I think the 1st of January, 1995, would seem reasonable enough to implement the changes which these amendments would bring about, for it begins a new year and it is about this time that one sees the largest number of tourists coming to the Cayman Islands.

In the section which deals with changes to the definition of tourism accommodations, it brings about a significant inclusion of accommodations that were not in the law before. The present definition provides that a tourist accommodation includes only accommodations providing for more than six persons a night. I would not say that six was any magic figure to be included in the pre-

sent definition, but I think that what having a number of some size accomplished was to try to direct inspections and licensing to businesses which carried on some reasonable amount of tourist accommodation. The change which is proposed would include accommodation if there was only one room to be rented. It also seems to me that it includes places which only amount to dwelling houses, where, in some instances I am told, there are householders who rent a room in their house—usually an attached room to their house. It is my understanding that there is a type of tourist who likes to come to the Islands and live within a family environment. To the best of my knowledge, in these instances a very small amount of money is charged by the homeowner, or the householder. It occurs in various districts of these Islands, and now, if I am understanding this provision correctly, these rooms will be subjected to licensing and to inspection.

The type of accommodation I have referred to is the type where both the person offering the room and the person accepting to stay in the room are aware that the most exclusive amenities are not there. Of course, there are the basic beds, lights, bathroom and so on, but there may be other fixtures which may not be present which may not necessarily jeopardise the safety of a person staying there, and the person could be happy and satisfied. So, I do have some concern that the proposed amendment of the definition will bring in some units of accommodation which will require licensing, which will require more provision and, I daresay, with the small earnings that come from this business, may put the person out of business. I do not believe that would be the intention of this Bill. Certainly, I raise the point because I have had at least one instance of someone raising this particular point to me.

From my past knowledge of inspections of hotels and tourist accommodations, I am aware that there is an immense amount of work on the hotel inspectorate—there always has been over the years. Many of the larger properties create more problems and difficulties for the inspectorate, in some instances, than the smaller properties. I suppose it is even present in the corporate world: If you are big enough you can resist more of what you feel does not fall in line with your particular thinking. So, the fact that there is an amendment which will be scheduling inspections and licensing into two categories or two periods, I believe should have useful management significance in the annual licensing of these properties. Again, the time which has been selected and set down in the Bill is more consistent with times when people are familiar with inspections as it presently stands.

I do not know how much the Government, the Department or Ministry can do to review the actual operations or activity which goes along with the inspections. I hope that there has been an increase in the number of inspectors, as it would seem to me that that is very necessary. I hope that the co-ordination among the various departments which are required to do inspections is functioning at a level that is satisfactory to all concerned. If it is not, perhaps now is the time to make any corrections or improvements.

I am aware of at least a few complaints regarding the checking in at condominiums, in particular. I have heard specifically of instances where the keys have been attached to the door for persons who are coming in on a very late flight, where the manager of a particular condominium may have gone to bed or may have actually left the premises. While it sounds like a very unusual practice, or very open to breaches of security, I am told it happens. In some instances, the persons coming in to be checked into the condominium are owners of the unit—they are familiar with the territory and well aware where their unit is—it is just a matter of picking up the key for their own room. However, there is the chance for instances other than that particular type of instance, and in that regard I think it is reasonable that management make such provision as is necessary to accommodate persons checking in.

It brings about quite a bit of activity, for I daresay that the condominium manager would have to know, if someone did not turn up on a particular flight, what had happened to that person—will that person really be coming? One has to consider that if the person arrives late he may not call the manager to let him know that they will be coming on another flight, or later. It is not the same type of situation as in a hotel, where staff would be employed and working 24 hours per day. So, it does put a greater onus on the management of a condominium which, according to my understanding, is not designed to function similarly to a hotel in that regard.

That would bring me to the point of the definition of all reasonable security precautions, and the fact that the penalty for not providing that is quite steep—\$1,000, or six months in prison. If, for a person not being there for the checking in of a guest, that person can be charged for a breach that he/she has not taken reasonable security precautions—in my thinking it does present a somewhat considerable severity on such a person. Again, I understand that the management of some of these condominiums are husband and wife, so there are not a lot of persons to be called upon to do this job if one or the other, or both, cannot be there. Madam Speaker, I would think that this particular section here would need some degree of consideration by the Government as to its implications.

If the property is considered not to provide reasonable security precautions for the checking in of guests, then the Board "may withhold, revoke, suspend or refuse to renew an operator's licence where the operator has, in the opinion of the Board, failed to comply with the prescribed minimum requirements." It seems to me that the Board, in this case, sits in somewhat of a judicial position, and, I would imagine, if any action by the Board were taken, the operator, or manager, would at least have recourse to the Courts of Law which could decide on the particular case.

Madam Speaker, the onus is increased on the operator by the section where that person must write to the Board giving details of those who are authorised to check guests in. These persons must be authorised in writing by the principal authorising officer. So it does

bring about certain changes which are greater and more onerous. I daresay that is making it a bit extreme, since at any tourist accommodation or condominium the person who is checking someone in could be simply identified by an identification card, as is the case in most instances, and there would not be a need for such information to be sent to the Board in writing as this Bill presently calls for.

Madam Speaker, other than the points which I have raised, I think that the amendments which are proposed in this Bill are practical and generally positive and useful in improving the administration of tourism under the Tourism Law.

Thank you.

The Speaker: If there is no further debate, would the Honourable Mover of the Motion wish to reply?

The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: I was taught at a very early age to say, if nothing else, thanks to the Honourable Members for their support.

The Speaker: The question is that the Tourism (Amendment) Bill, 1994, be given a Second Reading.

I shall put the question. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE TOURISM (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994

Clerk: The Strata Titles Registration (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

MOTION TO DEFER SECOND READING

Hon. John B. McLean: Thank you, Madam Speaker.

Madam Speaker, I seek the permission of the Chair to defer the second reading of the Strata Titles Registration (Amendment) Bill, 1994, until a later date in this Meeting.

The Speaker: The question is, as proposed by the Honourable Minister, that the second reading of the Strata Titles Registration (Amendment) Bill, 1994, be deferred until a later date during the Meeting.

I shall put the question. Those in favour please say Aye... Those against, No.

AYES.

The Speaker: The Ayes have it. Accordingly, the Bill is deferred until a later date during this Meeting.

AGREED: SECOND READING OF THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994, DEFERRED UNTIL A LATER SITTING.

The Speaker: The House will go into Committee to consider the Tourism (Amendment) Bill, 1994.

HOUSE IN COMMITTEE—11.36 AM

COMMITTEE ON BILL

THE TOURISM (AMENDMENT) BILL, 1994

The Chairman: Please be seated.

The House is in Committee. The Clerk will now read the clauses of the Bill.

Clerk: Clause 1—Short title and commencement.
 Clause 2—Tourist accommodation.
 Clause 3—Licence.
 Clause 4—Inspections of tourist accommodation.
 Clause 5—Security at checking in.
 Clause 6—Fine.
 Clause 7—Prescribed minimum requirements.

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... The Fourth Elected Member for George Town wishes to speak on this.

Mr. D. Kurt Tibbetts: Thank you, Madam Chairman.

I need some guidance here. While I did not debate this Government Bill, do I have the right to suggest any amendments at this stage?

The Chairman: You can suggest amendments, but normally you would have been asked to give two days' notice of proposed amendments. But you can still make comments if you wish and see what the responses will be from the Honourable Ministers and Members.

Mr. D. Kurt Tibbetts: I would just like to make two comments.

While it is not a very important amendment, I notice in the various sections of the Tourism Law, 1974, the word "Member" is mentioned in several sections. So I am just wondering if this would not be an opportune time to change that word from "Member" to "Minister".

Secondly, I would ask the Honourable Minister if some more consideration could be given to the proposed amendment for clause 2, which reads: "The definition of 'tourist accommodation' in section 2 of the Tourism Law, 1974 (the principal Law) is amended by re-

pealing the words 'and catering for more than six persons per night' and substituting the words 'which is provided in the course of a business and is'... which means the section, if the Bill is passed as it is, will read: "tourist accommodation' means overnight or day-to-day accommodation available to tourists which is provided in the course of a business and is the management of an operator and includes a guest house, a cottage colony, a group of apartments and a hotel."

The Second Elected Member for Cayman Brac and Little Cayman pointed out in his contribution that there may be some individuals offering this type of accommodation, who might find themselves in some problems. While there may not be that many of them, I do think that there should be some consideration for them. The question at hand would be whether those people should have to go through the same procedures as the larger operators.

Thank you.

The Chairman: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Chairman, I believe it is important for us to understand who is providing these types of services. Whether it is a large operation or a small one, I think the Law should capture everyone. As to whether the Law will cause some amount of burden to the small operators, I think we will be prepared to look at it to see if Government can give consideration to the smaller operators when we know exactly what sort of burden, if any, the Law will bring to them.

The Chairman: I shall now put the question, that clauses 1 through 7 do stand part of the Bill. Those in favour please say Aye... Those against, No.

AYES.

The Chairman: The Ayes have it. Clauses 1 through 7 stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 7 PASSED.

Clerk: A Bill for a Law to Amend the Tourism Law, 1974 and the Tourism Regulations, 1974.

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.

Ayes.

The Chairman: The Ayes have it.

AGREED: THE TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled, The Tourism (Amendment) Law, 1994.

The question is that the Committee do agree that the Bill be reported to the House. I shall put the question. Those in favour please say Aye... Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THE TOURISM (AMENDMENT) BILL, 1994, BE REPORTED TO THE HOUSE.

HOUSE RESUMED

The Speaker: Please be seated. The House has resumed.

Report, the Honourable Minister for Tourism, Environment and Planning.

REPORT ON BILL

TOURISM (AMENDMENT) BILL, 1994,

Hon. Thomas C. Jefferson: Madam Speaker, I have to report that a Bill shortly entitled, the Tourism (Amendment) Bill, 1994, was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for Third Reading.

At this time proceedings will be suspended until 2 o'clock.

PROCEEDINGS SUSPENDED AT 12.42 PM

PROCEEDINGS RESUMED AT 2.10 PM

The Speaker: Government Motion No. 7/94, Appointment of a Standing Select Committee to Review the Sunday Trading Law.

The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 7/94

APPOINTMENT OF A STANDING SELECT COMMITTEE TO REVIEW THE SUNDAY TRADING LAW

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I beg to move Government Motion 7/94, entitled Appointment of a Standing Select Committee to Review the Sunday Trading Law, which reads:

"WHEREAS the Sunday Trading Law, enacted in 1960, provides that Sunday trading is prohibited in the Cayman Islands except as prescribed in the

Schedule of the Law or by Orders made in Executive Council from time to time;

"AND WHEREAS the provisions of the said Law could not envisage the present trend of development within the Islands;

"AND WHEREAS there have been various concerns expressed and it has been implied that the Law requires revision;

"BE IT NOW THEREFORE RESOLVED THAT, in accordance with the provisions of Standing Order 76, this Honourable House appoint a Standing Select Committee of the whole House to review the provisions of the said Law and in so doing that the Committee should solicit the views of the general public and, based on the input received, table a Report in this Honourable House of its findings and recommendations."

Madam Speaker, it is no surprise to anyone living in the Cayman Islands that there has been some concern about the Sunday Trading Law, and it is my belief, as well as the belief of other Members of the National Team, that it is important to get it right if we are to put forward any amendments. I believe to get it right, we must take public input on the subject.

We know that there are views to allow more trading. We also know that a large percentage of the population believes that Sunday is the Sabbath, and that we should uphold it as such. I do not want to give any personal view about this, for I believe it will come in the Select Committee, but it is not easy for any Government to assess the majority of the public's view on a piece of legislation of this kind. I believe that what we are doing here today is the proper way forward—to solicit the view of the public as to what amendment, if any, we should make.

Thank you, Madam Speaker.

The Speaker: The question before the House is Government Motion No. 7/94, the Appointment of a Standing Select Committee to Review the Sunday Trading Law. The Motion is now open for debate.

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I am pleased to see Government Motion No. 7/94, before the House at this time. Earlier this year we had representation from constituents in George Town who were closed down and arrested by the Police. Names of individuals granting the police permission to close down these places of operation because they were trading on Sunday were not given.

According to the Sunday Trading Law, 1963, the second schedule says: "Milk, bread, ice, newspapers, motor fuel or oils, drugs and medicine, daily means, refreshments, cigarettes, cigars and tobacco, funeral caskets and flowers..." These are just a few items that can be sold in a store and, according to the Law, the other items would have to be covered and not allowed to be purchased. This seems unfair. If someone walks into a store, he cannot purchase a cake mix, for instance; he

can only purchase those items there. This is inconsistent, and if we are looking at the Sunday Trading Law—and I am not saying that businesses should be allowed to trade or not to trade, this will be the findings of the Select Committee with input from the public and a general consensus for us as representatives to arrive at—there are inconsistencies.

The gasoline stations are allowed to sell any and everything. Yet, it is inconsistent if someone on the corner store cannot sell a box of cake mix as this same item is being sold in the service stations. Therefore, if one is allowed to sell, the other one should also be allowed to sell.

Madam Speaker, what I am saying is that the Law is inconsistent and our backs are being turned to the service stations yet the small individual is being harassed. I am pleased to see this Motion before the House where it can go before the Select Committee and we will all have an opportunity to hear from our constituents in order to come back and make amendments to the Law. Therefore, I support this Motion at this time.

Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I support the Motion to Review the Sunday Trading Law. I notice that the Minister putting it forward acted in a peculiar manner in that he handled the subject very delicately. I do not know whether he was afraid of bringing down the wrath of God or the wrath of his constituents upon him, but he certainly did not have very much to say on it.

I agree with the Lady Member for George Town who spoke on this Motion. One of the points she raised is that it is totally unfair for the Police, in their usual biased fashion, to harass the little corner stores while they allow the gas stations to flourish. We know that originally the gas stations were given a licence to sell gasoline and other automobile products. While a few other items were added, it has come to the public's notice that the reason why the gas stations were forced into the grocery business was because the giants of the industry, that is, Texaco and Esso, do not allow their dealers a decent profit on gasoline. No service station can stay in operation and pay its expenses by the sale of gasoline—even if they sell a million gallons a year—because these gas companies, the suppliers of the gasoline, take all the profit for themselves and give nothing to the dealer. I believe that this is one area that the Government should discuss with Texaco and Esso. I am not by any means suggesting that they fix the price, but they should certainly bring to their attention that they have run a very mean business over the years. These dealers have not been able to stay in business and make a profit, they have been forced to enter into groceries, such as toilet paper and detergents, et cetera, whatever they can pack into a service station.

I do not know what the answer is, and what approach will be taken—whether it will be from a religious or

commercial view point—but I am one that has great admiration for the Seventh-Day Adventists because if every grocery store in this Island should be opened on a Saturday, you will not find one Seventh-Day Adventist purchasing one article. Yet there are some professed Sunday-keepers who need specific laws to keep them out of the stores on Sunday. And it has always been this way—some of them need laws to keep them out of the bars on Sundays—so this is a question that has to be examined on a wide scale.

The Law, as it stands, is antiquated. I personally do not believe it is a sin to buy groceries on a Sunday, but if the Law forbids it, it is an offence for a person to purchase it. On the other hand we have—and I did not want to criticise the Police—but, my God, we have an enforcement body that enforces Laws according to their own feelings with no regard for the statute as it stands. I shall look forward to the Select Committee's deliberations on this Motion and the changes that will come to the Trading Law.

The exemptions to the Sunday Trading Law came about originally to accommodate the tourist trade, and I know there is a provision in the Law whereby Executive Council can give permission for shops catering to the tourist trade to be open on Sunday. I do not believe this exemption is right. The matter of competition which the small stores face is something that this Assembly should examine, because the small corner store has been devoured by the 24-hour gas stations and the large supermarkets. As far as the little store down in Rock Hole, or down in Dog City is concerned, it is my belief that these stores do a very good trade when their big competitors are closed—perhaps not only do a good trade, which is vital to their very existence, but also provide a service to people who may have forgotten to make a purchase that they should have made during the week, and, perhaps, even in cases of emergency where the person may need some article for medicinal purposes.

The Minister must be congratulated on presenting this Motion, although I cannot say I am happy that he handled it with kid gloves. I trust that the Select Committee will have the courage to do whatever it has to do, and produce a Bill that is equitable and fair to all.

Thank you.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

The call for a Select Committee to Review the Sunday Trading Law allows for widespread consultation of and by concerned persons, and it also affords the position of arriving at a fair, simple and, one would hope, readily enforceable law.

Madam Speaker, from the information given in the Government Motion it seems timely that some form of review be made of this Law, as the Law was enacted in 1960. Since that time there has been significant development in these Islands which leads us to realise that some examination is necessary with a view, not only to

modernising the Law, but, also, to making it more effective and more equitable.

As I understand it, restrictions on the Sunday Trading Law stem from the general Sunday observance in this country in which many people hold Sunday to be a special day—a day of worship, a day to serve God, and a day of rest. So the restrictions reflect the concern of people to ensure a day of worship, a day of rest for employees, but, also, to protect the interests of small traders in an effort to maintain a separate and traditional character.

I would like to raise a point which was made by my colleague, the Third Elected Member for Bodden Town, when he suggested that in any examination we not lose sight of the fact that a significant number of people in these Islands are adherents of the Seventh-Day Adventist faith. To them, Sunday is the first day of the week. Madam Speaker, added to that, the international nature of the Cayman Islands at this time would lead me to suggest that we probably have people who are followers of Islam and the Islamic cultures, to whom Friday is a holy day. So any restrictions we put on would, I hope, take into consideration the beliefs of these two categories of religious persons.

In many countries, this business of Sunday trading was handled in one of two ways; 1) by de-regulations; or 2) by regulation—meaning restrictions were put on and by "de-regulation" meaning that the system was for the most part allowed to operate wide open. I believe that the Select Committee will afford the opportunity for us to hear from people and, certainly, from the letters which appeared in the press when this matter was a topical issue, there is much merit and much justification to an examination of this Sunday Trading Law.

I hope that we will avail ourselves of the opportunity for the widest possible cross-section of dispositions and feelings on this matter, and when we are ready to prepare our findings we must also bear in mind that we are now a tourist resort with some significance. We cannot forget that. If we are continuing to be serious about tourism and its development, we also have to make some provision for those persons who may not be moved from a religious standpoint, as we are, and who in times of limited vacation—when every day counts—will need to make the best opportunity of Sunday as can be made.

So, with this in mind, I hope that the Select Committee can produce a constructive document so that when we present it to the public, all and sundry can be satisfied that it is the fairest, simplest, and most readily enforceable document that we could have come up with.

Thank you.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, this Government Motion No. 7/94, which is attempting to address problems that have come to light recently with the Sunday Trading Law, calls for a Standing Select Committee of the whole House to re-

view the provisions of the said Law. It strikes me as being a bit funny to hear today how well a proposed Select Committee could operate when in times gone by (not too long ago) I heard that a Select Committee was not worth the paper it was written on, and such the like. Nevertheless, I believe that a Select Committee can prove to be useful and effective, so I will not stand here to deny the process. (The truth is, I could not resist what I just said awhile ago to remind some of us how we choose to debate certain issues).

Madam Speaker, most people, whether retailers, church goers, shop workers or consumers, agree that the Laws governing Sunday Trading are in urgent need of reform. In the years since the Laws were passed (which is almost 25 years now), and even with the subsequent amendments to the original Law, trading practices and consumers' habits have certainly changed. To my mind the anomalies in the Law have become increasingly obvious.

Before going into the anomalies which I see as existing, let me state here and now that in order to see the Sunday Trading Law brought in line with the times—while my little vote does not necessarily count—I will support the Motion with the very strong hope that this is not a motion that is brought simply to put something aside until the fire cools. I say this for the purposes of the "Hansards": I would like to see any revisions deemed necessary by this Honourable House (after consultation with constituents) done in an expeditious fashion—not to be left alone for years and years.

To my mind, the most meaningful amendment to the Sunday Trading Law of 1960, was Law 2 of 1986. Still, the existing Law does not address the realities of everyday life in our community. Previous speakers have either dodged the controversy, skirted on the periphery, or have mentioned it just to have it on record that it was mentioned. I think all of us, at this point in time, have the privilege to couch our words seeing as how we will go into Select Committee to deal with this. I guess there will not be any very strong suggestions being brought at this time—this being recognised as a risky situation—but in the recent past (as has been alluded to by the Lady Member for George Town), we have seen certain instances which I would venture to say, had those situations not occurred, we would probably have left the Sunday Trading Law in its dormant state, simply to be ignored; and the Law itself, as it exists, to be abused by people, even though to their minds justifiably so. So, these happenings have suddenly made us all aware that the Sunday Trading Law, as it exists, needs looking at.

There have been comparisons with various types of retail businesses, like the gas stations (known as "C" stores nowadays), and the advantages that these outlets have. And may I quickly point out one of the striking discrepancies that I find in the Law? Section 7(2) of the principal Law reads: **"(2) In any premises as respects which subsection (1) applies such trade or business as is referred to in paragraph (b) thereof may lawfully be carried on on a prohibited day if but not unless any part of the premises not wholly used for**

the purposes of that trade or business is properly partitioned or screened off from the public and from public view while trade or business is being carried on."

This reads very nicely, but I use that section to show the impractical way in which this law would have to be adhered to by shopkeepers, even though there is a limited list of items they can sell on a Sunday. The smaller shops are, to say the least, utilised to the maximum with display shelves, and there is just enough space (in fact hardly enough for people like myself) for people to walk between the shelves to pick up the items. To my mind, it is very impractical for lawmakers, or those who have to carry out the law, to expect shopkeepers to have certain sections partitioned off and not displayed when they open for trade on a Sunday. To my mind, the only practical way for them to operate, if they are to adhere to this law, would be to restock their shelves on a Saturday night in a fashion so prescribed and, when all is over on a Sunday to restock their shelves again properly to be open on Monday morning.

Other people may differ on these views, but I have gone to at least two of these outlets and physically looked things over to see how this would work. It may not seem to be a very important point, but I make the point to show that this is impractical. When these people open up on a Sunday, the mere fact that they are open means that they are breaking the Sunday Trading Law because items that are deemed not to be displayed, are displayed. While they may not have any great desire to sell these products during the course of business, it is difficult to be able to say to a customer that he can have the ice cream but not the other item because it cannot be sold on Sunday. It really becomes almost untenable for these people. I just use that section as a small example.

The Speaker: Honourable Member, I am afraid I must ask you to discontinue your discourse on that subject because what we have before us is the appointment of a Select Committee to consider and review the Sunday Trading Law. If you are going to do the review here, then the appointment of a Committee will fall apart.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker, I had ended at that point.

The Speaker: Thank you.

Mr. D. Kurt Tibbetts: So, having just used that example (and this may not have been the best forum to explain it), I wish to say to this Honourable House that in supporting the Motion—I just have to repeat one more time—I trust that action will be speedy and the process will not be one that will go on and on like some other Committees which, from time to time, seem to drag on.

Bearing in mind the reminder that you gave me, I wish to extend my support for the Motion. We shall deal with the necessities once the Motion is passed and the Committee is formed.

Thank you.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, I rise to support the Motion to form a Select Committee to review the Sunday Trading Law.

We are all aware that there are many people in our business community who are discontent and feel that something should be done about the Sunday Trading Law, and I believe this is the best forum to do it in. We realise that the law is fairly old. From time to time things have to be renewed in order to keep pace with the changes that occur in our society.

I look forward to being part of this Committee.

Thank you.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, it seems like today we are making history in the Legislative Assembly, by what the Motion before the House is asking for.

I have looked at the Standing Orders, and under the section referred to in the Motion, I see that this House has three Standing Select Committees, namely, the Finance Committee; the Public Accounts Committee; and the Standing Orders Committee. To the best of my knowledge this is the way it has been from the time that there has been Standing Select Committees in this House. Section 76 does provide that "The House may appoint other standing select committees as required from among its Members.". My understanding of a Standing Select Committee is that such a committee does just that—it is standing—it continues on for the life of the term of the House. I wonder about this: It being a Standing Select Committee, just when would its conclusions be reached? Would it be reached at the end of the life of this particular House in 1996? When might the conclusions, or the report of such a Committee be tabled?

I observe that, generally speaking, in my opinion, the Government of the day finds Select Committees on a whole not very desirable—except if they bring them. We have heard that Select Committees are supposedly used to kill matters before the House. That was certainly said about a Select Committee for the Low Income Housing Scheme, and now, it is asking for a Standing Select Committee of the whole House to review the provisions of the Sunday Trading Law.

This Law is extremely short and full of contradictions and discriminations. What has brought it into focus in recent times is the fact that some hard working, law-abiding citizens have been arrested and perhaps jailed (I am not certain) over this question of the Sunday Trading Law. This Motion which the Government has before the House is doing nothing to correct that situation. It means that Mr. Solomon, Mr. Russell and some of the other persons who have been arrested, the Farm Soldier, and so on, can continue to be arrested for trading on Sun-

day. Surely, Madam Speaker, if the Government wished to deal with this matter of the Sunday Trading Law, it would seem that it would have brought an amendment to allow these small shopkeepers to do the same thing that the gas stations are doing: Graham's Esso, the Texaco Station at Crewe Road, the Texaco Station down by Pizza Hut—carrying on the business of selling goods and so forth, which seems to be all right there.

I believe that what should rightly be done is for the Government to correct this situation that exists. If the House will (and I am sure it will in a few minutes) pass this, it leaves the situation wide open to those citizens who are trading illegally. What kind of action is this by the Government and the representatives of the people?

This short law has numerous amendments, some of which have the names of cruise ships coming into the Cayman Islands, and the Executive Council meets and approves those under this Law. We know that this is done. It seems as if any given Executive Council has some special power to allow some particular sector of the country to break the law.

I would like to refer to the First Schedule of the Law that this Motion is referring to, when it first listed those businesses who were above the Law.

"FIRST SCHEDULE

1. **Druggist shops and dispensaries in relation to the sale of medical stores only.** [In this form Pampers would apparently be out]
2. **Restaurants, hotels and lodging houses.**
3. **Establishments for the sale of motor fuel or oils.**
4. **Motor vehicle repair shops or service stations.**
5. **Establishments for the sale of bread or ice.** [No milk.]
6. **Establishments governed by any Law for the time being in force in the Islands regulating the sale of intoxicating liquor.** [It's o.k. to sell liquor, but other household items are restricted]
7. **Clubs established under any Law for the time being in force in the Islands."**

Madam Speaker, the presenter of this Motion spoke about the change in times, and the reality of the times in which we live. I am wondering if, indeed, we are living in a time where we understand that 1960 and 1994 (34 years later) are different times, and that persons living now did not have the ease of existence of those days. Now both parents in the house, and perhaps children, work Monday through Friday and some Saturdays. The opportunity for shopping and the necessity for certain items, which were not really necessary in those times, direct us to live with the times.

There have been different amendments to this Law since the items were printed in the First Schedule, but I do not believe that this Motion is addressing, for one minute, the immediate need in this country. From the very beginning the Law discriminated against the people of the country. We chose to draft a law that catered to the tourists—and tourist is defined as foreign persons, non-nationals of the Cayman Islands. It catered to them and it excluded its own people. I believe this situation could be corrected forthwith, and quickly, if we simply extended the same rights that are given to duty free shops and hotel boutiques and the like in this country, to the other categories. If it is sin that we are avoiding, then I fail to see how we can let one sector sin and the other one, supposedly, must be law abiding.

Madam Speaker, I cannot, in all truth and honesty, believe that this Motion does anything to address the situation that brought it about, except to provide an escape valve for the Government who does not wish to deal with the situation, and this is how it goes about it—set up a Standing Select Committee to supposedly look at and examine this Law, while leaving the Law in place so some citizens of this country some who carry on some types of business continue to break the Law, while others who are fortunate enough to own gas stations and the like can carry on merrily. Those who sell cigarettes, alcohol and so on, can carry on merrily while items that could be day-to-day necessities (that are not in this Law) are restricted from the people.

I do not support this Motion for setting up this Standing Select Committee and I shall so vote when the time comes.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, ever since the Opposition, or the group who term themselves Opposition, were elected, they seem to oppose everything—even the things that they say the Government should do.

I believe that the Minister of Tourism who has responsibility for Trade is doing the correct thing here today. What we in this House have to remember is that the matter of Sunday Trading not only affects one side, or one person, or one group of people, it affects this country. There are many people out there, thousands, perhaps in the majority, who hold a different view from the three Opposition Members.

First of all, the Fourth Elected Member for George Town could not resist taking a swipe at their whipping horse—the Housing issue. The Government rejected his Motion because it was not worth the paper it was written on; because it was aimed as a stone wall against Government policy; it was aimed at disruption; it was aimed at stopping the issue from going forward. Thank God they did not do that. There was no need for a Select Committee because the matter was already well in hand. Thank God the issue is coming to fruition against the wishes of the Opposition. This Motion is quite different

from the Motion brought to this House by the Opposition Members when they tried to put the Housing situation in a Select Committee.

I agree that over the years this country has seen much progress and change and, while I am not the best Christian, we should not forget our Christian heritage. One thing that has not changed with the passing of years, Madam Speaker, is what has been taught by the Good Book—that even Almighty God, Himself, after He had created the world, took a day of rest. As for me, there has to be some time to contemplate on that.

Business must go on, I agree. Emergencies arise, I agree. But there is no cause for the doing of wholesale business in this country by anybody on a day that we have known to keep holy. Of course, the Black Muslims, or the Islamic Faith, as referred to by the First Elected Member for Bodden Town, might not recognise the same God that we recognise, but this Legislature would have a hard time legislating for all religions that might be in this country. It is a preposterous idea to even suggest it. Of course, they are academics.

I support the creation of this Select Committee. It is proper that we review the Law and give the public the opportunity to have their say on it. The Opposition is doing nothing but trying to make political hay out of an issue which they say is so important. They are the ones that we saw on the front page of the newspaper, talking about how Government must do something, and if Government did not do something in this meeting, they were going to do it. Well, this is what we are doing. We are doing something about it. But, of course, when Government does not do what they want it to do we will hear that Government has not done anything.

It is true that there are Standing Select committees in the House. I had to wonder about that too. However, it is the Speaker's prerogative to say how the Motion goes forward, and that won't pass the Speaker's desk. But tell me what is wrong with it, Madam Speaker? The Committee will begin its work; it will finish its work and then make a report. The House will act upon the Committee's report. The Committee can still exist. If the issue is as serious as those Members are purporting it to be, then I suggest it warrants that we let it exist for some time to look at every loop-hole that could exist. Mind you, Madam Speaker, we are dealing with a tricky issue, that thing called BUSINESS—something that you can please nobody in.

According to the Second Elected Member for Cayman Brac and Little Cayman, we should not do that. We must bring an amendment today to make everybody sell on Sunday! They can do that, they have that right, they are Members of this Honourable House. But I will not be doing it that way, and I will not be supporting any issue or resolution for it to go in the way in which he is suggesting. The Motion says that we will sit in Committee and look at the pros and cons of the issue with the public in attendance. Hopefully, those businesses which are affected will come in and talk to the Committee, and those people who hold opposing views will also come in.

Well, the Member says there is discrimination. According to them nothing in this country is right, everything is discrimination. But, if there is discrimination in this issue, is it not right and proper for Members to sit down with the public, whom they say this affects so seriously, to discuss it—rather than come in here with so many know-it-alls to say what must go into a Bill? As sure as Government brought a Bill here, you would hear that it was not the right thing!

I think the Minister for Tourism is on the right track. Government is on the right track. The only thing wrong with this is that it has foiled the Opposition's plans because they thought that Government was not going to act. But let me tell them: they play their politics and disrupt the workings of this country, but it cannot run forever. One of these days, the bottom of that bucket with the three of those Members over there is going to fall out, Madam Speaker. I hear some grumbling from the Second Elected Member for Cayman Brac and Little Cayman... If he has something to say he should be standing up and saying it. Nevertheless, I can deal with the grumblers and the grunters and all that exists in that category.

This problem does not just concern one side in this country, it concerns the whole country. It concerns the whole way of living that we have been used to in this country. To open up the flood gates and let every business in this country open up on Sunday is not what we want. I do not want that. There must be a day of rest, of contemplation. The almighty dollar is not the only thing to worry about. As far as I am concerned, everybody should seek to get a little rest.

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 support to Government Motion 7/94, Appointment of a Standing Select Committee to Review the Sunday Trading Law.

I see the need for addressing this subject. I read the reports in the "Caymanian Compass" with interest, and I also listened to what Members have referred to here today about arrests of small business people. Therefore, I feel it is fitting that we sit and get the public's input into this situation.

I want to call to the attention of Members that all businesses operate to make a profit. If businesses are now going to operate seven days per week, their overhead will increase. Everybody is buying as much food as they need in six days, therefore the cost of doing business is reduced for all except the gas stations, in general, which are opened seven days per week. Therefore, what we will be doing, if we eliminate the Sunday Trading Law completely, is escalating the cost of living within the Cayman Islands. It only means that it will cost the merchants more to pay their employees to work the extra day, and extra electrical bills.

Therefore, I do see where this Sunday Trading Law, with minor amendments to protect those whom we feel are being discriminated against, will be necessary. I feel that in keeping with the Christian heritage that our Islands were built upon (Sunday has always been a day of rest) we should try to preserve that as far as possible.

So, with these few words, I look forward to hearing the input from the public in order to further discuss it in Select Committee.

Thank you, Madam Speaker.

The Speaker: If there is no other speaker, may I call upon the Leader of Government Business, the Honourable Minister for Tourism, Environment and Planning, to close the debate?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

May I begin by answering the question: What kind of action? I hope the Member is awake. The kind of action is to solicit the views of the public, rather than come in here with an amendment and railroad something through this House that, perhaps, the public would not, in majority, agree with.

Whether the Bill is 34 years old, or 104 years old, I believe the proper procedure today, in dealing with the Sunday Trading Law, is to establish a Select Committee to ensure that the public has access to give us their views as to what they want the amendment to cover. After all, it was the public who put us here, and we are not acting off our own back, we are acting on their behalf. The only way which I believe we can safely act on their behalf, is to hear their views before taking any action.

Madam Speaker, I am sure that we could argue about this from now until the day when you would agree that this Standing Select Committee will be no more, but that is not the issue before us. The issue before us is to find the public's view as to what the amendment should be. Since the Member said it is a short Bill, the review should not take all that long, given that the public's view is on very few clauses that the Bill has. I hope that this Standing Select Committee could report as quickly as possible, but we must take sufficient time to hear all of the views before we make up our minds.

Thank you, Madam Speaker.

The Speaker: The question before the House is Government Motion 7/94: "**BE IT NOW THEREFORE RESOLVED THAT, in accordance with the provisions of Standing Order 76, this Honourable House appoints a Standing Select Committee of the whole House to review the provisions of the said Law and in so doing that the Committee should solicit the views of the general public and, based on the input received, table a Report in this Honourable House of its findings and recommendations.**"

I shall put the question. Those in favour, please say Aye... Those against, No.

AYES.

The Speaker: The Ayes have it.

Hon. W. McKeever Bush: Can we have a division, Madam Speaker?

The Speaker: Madam Clerk, please call a division.

Clerk: **DIVISION NO. 8/94**
Government Motion 7/94

AYES: 17

Hon. J. Lemuel Hurlston
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
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. Roy Bodden
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

NOES: 1

Mr. Gilbert A. McLean

Clerk: Seventeen Ayes, one No.

The Speaker: The result of the division is 17 Ayes, one No. The Motion has been passed.

AGREED: GOVERNMENT MOTION NO. 7/94 PASSED BY MAJORITY.

CHAIRMAN OF COMMITTEE STANDING ORDER 69(2)

The Speaker: In accordance with the provision of Standing Order 69(2), I appoint the Honourable Second Official Member to be chairman of this Committee.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 19/94

NO SMOKING

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I beg to Move Private Member's Motion 19/94, No Smoking. The Motion reads:

"WHEREAS it has been proven that smoking is one of the most deadly habits practised by man and that it damages the lungs causing cancer, bronchitis, emphysema and many other illnesses, such as, cardiovascular diseases and ulcers;

"AND WHEREAS it is well known that nicotine is extremely addictive and that persons trying to kick the habit experience severe withdrawal symptoms both of a psychological and physical nature;

"AND WHEREAS it is known that there are at least some 4,000 other harmful chemicals in cigarette smoke which adversely affect the body:

"(a) making it more difficult for peptic ulcers to heal;

"(b) increasing the incidence of cardiovascular diseases, making persons more prone to heart attacks;

"(c) accelerating atherosclerosis (hardening of the arteries);

"(d) causing the loss of digits by aggravating Buerger's disease, particularly in men;

"(e) increasing the incidence of dysmature and congenital abnormalities in babies born to women who smoke;

"AND WHEREAS there is a great concern about second-hand smoke in that it has been proven that many innocent persons (non-smokers) suffer because they are exposed and are victims to virtually the same risks as smokers;

"AND WHEREAS it is the practice that juveniles under the legal age limit who are often uneducated to the risks of smoking and incompetent of making an informed decision, and who often succumb to the habit as a result of peer pressure, are allowed to purchase tobacco products;

"BE IT THEREFORE RESOLVED THAT:

"(a) designated smoking areas are provided in all public places, such as offices and enclosed work places, restaurants, cinemas, bars, nightclubs and;

"(b) the sale of tobacco products to persons under the legal age limit be prohibited;

"(c) the promotion and advertisement of tobacco products be made a criminal offence."

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Madam Speaker, I rise to second Private Member's Motion 19/94.

The Speaker: Private Member's Motion 19/94, having been duly moved and seconded is now open for debate.
The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, smoking, the use of tobacco products, particularly the inhalation of tobacco smoke, is regarded, as stated in this Motion, as perhaps one of the most deadly of habits practiced by mankind.

We realise that this issue of smoking involves many different sectors of our community but, in particular, it involves the supplier and the consumer. We realise that it is very important to ensure from a medical perspective that people remain as healthy as possible. It is well known in all medical circles how deadly this practice of cigarette smoking is.

Some of the things that are associated with cigarette smoking are clearly stated in this Motion, but I would like to point out from the very beginning that these are just some. There are many other conditions not mentioned here that are known to be aggravated or caused by cigarette smoking.

The World Health Organisation at one time had as its objective health for all by the year 2000. I understand that objective has been scrapped and another objective has been put in its place, notwithstanding that it is important for us to try to achieve a healthy population, realising that this is only in our best interest, economically, socially and otherwise.

The number of days that are missed on account of the very, very deleterious side effects of cigarette smoking is amazing. The number of days spent in hospital, the number of days spent even at home, and the result of this on our economic performance has got to be very important. Most important is the human suffering that goes along with cigarette smoking.

Madam Speaker, the issue of second-hand smoke is very, very important in my mind. While this Motion does not limit freedom, as far as who wants to smoke and who does not want to smoke, it does make an effort to protect the persons exposed to the smoke exhaled by cigarette smokers. We know that second-hand smoke is extremely dangerous, and it is thought that the second-hand smoker is as much at risk as the smoker himself. I believe that most of us would agree that although it might be considered fine if someone chooses to smoke, it is not all right for other people to be harmed as a result of their decision. Therefore, the Motion asks that there be designated smoking areas provided in all places where people assemble in public, and it names some of those places. Maybe some of the places are not named here, and I would ask that in further considering this Motion that all public places be considered.

I understand that this has a wide cross-section of support. I was contacted by a number of organisations who said that they were in the process of trying to come up with some anti-smoking recommendations for Government in order to legislate. Certainly, the Cayman Islands Medical and Dental Society supports this 100%, and I am also told that the Chamber of Commerce and many other such organisations do also. Of course, the Cancer Society is enthused about this being brought to the House, and I thank Mrs. Tennent for asking if there was any way that she could show the Cancer Society's support. I believe that this evening there is going to be an Open Line programme on this very subject aired on Radio Cayman.

In Resolve (b), the banning of cigarette and cigarette products to people under the legal age limit is men-

tioned. This might be difficult to achieve in practice, but I do believe that we should definitely have this enshrined in law because of the various reasons given in the Motion, and perhaps, some other ones that have not been considered. Certainly, I do not believe that many of the juveniles whom we see smoking are informed enough about the dangers of cigarette smoke to make an informed decision. I believe that peer pressure plays a very important part in their making that wrong decision to smoke.

I hope that the (c) part of the Resolve, that "the promotion and advertisement of tobacco products be made a criminal offence" will be accepted by all Members here. By so doing I believe that we can achieve, or come close to achieving, the desired effect.

Madam Speaker, bringing this Motion to the House brings me pleasure. I brought a Motion here earlier this year asking for identification cards, and I believe that once that is put in place it will be easier to follow through on this because it might be difficult to decide who is below the legal age limit and who is not.

I ask other Members of this Honourable House to consider this, and I look forward to the debate.

Thank you.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I rise, as the Minister for Health, to support the Motion before the House at this time. I think this has arisen out of a grave concern by the Second Elected Member for George Town who, as a medical doctor, has had firsthand experience with the damaging effects cigarette smoking has on the human body. Without a doubt, there is concerted effort in the civilised world to dramatically reduce cigarette use.

Some time last year, I saw an ad for a cigarette on the front of the *Caymanian Compass*. Lo and behold, a few days later it was there again. I think that these Islands are among the few countries in the world that still permit advertisements for cigarettes, specifically, without stating the dangers and prequalifications, as we have seen in the United States, where it states the toxic results and harm that can come to a person if they smoke the cigarette are written. I think this should be a prerequisite on the cigarettes imported here. I think that on international sales it is not required, but I think that we should look at this.

Throughout the world, and specifically on airlines, the message continues to go out that cigarette-smoking is socially unacceptable. I do feel that people who smoke cigarettes have their rights, so the mention of allowing areas where cigarette smoking is permissible should be looked at. But on the whole, I think that this is a good thing to come to this House and I support it.

Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the Member introducing the Motion has outlined some of the ill effects of smoking. Most of them are well known and there is no doubt that cigarette smoking is the cause of 85% of lung cancer, chronic bronchitis, emphysema, heart disease and many other ailments. It has been condemned by the highest medical authorities in the United States and Great Britain, by organisations such as the British Royal College of Physicians in London. People, like the United States Surgeon General, have spoken out against it and we know even in the Cayman Islands it has caused suffering and shortened lives. Every year many people die as a result of smoking.

The ill effects have been known for many years and in 1982, Dr. C. Everett Koop, the United States Surgeon General at the time, said that cigarette smoking is the single most avoidable cause of death in our society, and that it is the single most important public health issue of our times. One wonders why it is, with such strong medical evidence against smoking, that so many people continue to smoke. The industry itself has a lot to do with it: Cigarettes are cheap to make, they are addictive and they are recession proof.

While today, and this is perhaps a recent phenomenon, social pressures are now added to medical pressures for people to quit smoking, we still find that people continue to smoke. The simple answer is that nicotine is a powerful drug. One drop of pure nicotine placed on a person's tongue would kill him instantly, but smokers are lucky in that the nicotine which they receive is absorbed throughout the system and does not kill instantly, for the body handles it in the same way as it does other poisons which we take in.

So the Motion before the House is a good one and the medical doctor who introduced this Motion mentioned that there are about 4,000 chemicals contained in a cigarette, and most of them cause cancer. These substances were discovered as far back as 1950, and the industry is so smart that it introduced the filtered cigarettes at about that time, not so much to help the smoker, but because they knew it would be popular with females as it would help their vanity in giving them a cigarette whose butt would not go soggy in their mouths.

I believe the education of our youth is the only way that we are going to help the new generation to smoke less, to give it up altogether, or not take it up at all. Some time ago I saw a bumper sticker, and I hope you do not think that I am working for the Seventh-Day Adventist Church, but it had been sponsored by the Seventh-Day Adventist Church in Cayman, and it said: "NO BUTTS TOBACCO KILLS". That, together with education in the schools, will be the only salvation for the new generation of smokers.

Now the Motion before the House seeks to do several things: One is to designate smoking areas in public places, such as offices and enclosed work places, restaurants, cinemas, bars and nightclubs. I support the Resolution. The Motion seeks to forbid the sale of tobacco products to persons under the legal age limit.

There is one problem with this, as mentioned by the Second Elected Member for George Town, when he introduced the Motion, and that is the need for positive identification. It is difficult sometimes for the merchants to determine off-hand whether a young person is under the age of 18 or over the age of 18. So I would urge the Government to speed up the process of the identification card which can be used for this purpose.

The third Resolution of the Motion is seeking to ban the advertisement of tobacco products and to make it a criminal offence to advertise them. I fully support this, but the tobacco industry in the United States, Great Britain and Australia and other industrialised countries has gotten around this ban by sponsoring sporting events. For example, the Tobacco Industry is the biggest sponsor of motor car racing, and the Marlboro Cigarette Company is a common feature of the Indianapolis Speed-Way races. Also, for a long time in the United Kingdom, Cricket Test Matches were sponsored (to the tune of some 6 million pounds sterling) by the tobacco industry, just so they could get their names not only before the audience watching the match but on television around the world. So the powerful industry always comes—like the Greeks when they bring gifts—and seeks to circumvent any ban that is placed on them.

It is estimated today that, globally, the tobacco industry spends in excess of \$2 billion a year to ensure that cigarettes are associated with glamour, success and sophistication—instead of lung cancer, bronchitis and heart diseases. So they continue to spend large sums to perpetuate the false image in order to counter the evidence that cigarettes are dangerous instead of desirable.

So this is a bold Motion, but one that has been needed for a long time. I personally would like to see smoking banned in all public buildings. This Motion does not go that far, because the cigarette smoker is a lucky person, he gets his nicotine and his tar and his 4,000 chemicals through the filtered end of the cigarette while he puffs the undiluted smoke on his innocent victims from the more dangerous end of the cigarette. While I believe that people have a right to smoke if they want to shorten their lives, I believe the nonsmokers have a right not to be victimised.

I could spend all evening talking on the statistics that have been published over the years on this matter, but it is estimated that if 25% of the people smoking would stop, there would be a savings of 250,000 lives in the United States, alone, per year. These are not comforting figures, and I must close because there is no need to talk to the converted here, as I believe all Members will support this Motion—I certainly do.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Recently, the United States Congress held an investigation into the effects of cigarette smoking and brought some serious indictments against Tobacco Companies. Madam Speaker, anyone who had an opportunity to witness those hearings in the Congress of the United States must have been struck, as I was, by the depth of destruction and deception visited upon us by cigarette and tobacco Companies.

One of the charges which was laid down was that the tobacco companies deliberately spike the cigarettes so that smokers become addicted to nicotine—"hooked" on the nicotine—and, therefore, cannot easily kick the habit. I was educated, and I was shocked. I was repulsed by the extent these companies go to in order to market their products and to kill people, because that, in essence, is what the Congress was charging them of doing. Need I say that they had the best lobbyists, including doctors, that money could buy, to argue that their product was not doing what the Congress said it was doing?

I also learned from those hearings that while the United States Congress and Senate had brought many of the tobacco companies, if not most of them, under heavy manner in terms of their advertising distribution of products in the United States, these companies are so organised and smart that they have now turned to the Third World as their major market for these destructive products. So to countries like Indonesia, and the countries of Africa and, by virtue of the fact that we are not as developed and as sophisticated as the United States, countries like the Cayman Islands have now become the primary dumping grounds for these products where they can be sold, dumped or displayed with the minimum of warnings concerning the harmful effect of cigarette smoking.

Madam Speaker, we in the Cayman Islands must be concerned, and the last speaker mentioned the brilliance of the tobacco companies in sponsoring sporting events. It is of interest to know that one of the premiere sponsors of cultural events like art exhibitions and museums exhibitions in the United States, is none other than the Phillip Morris Company. And what is the Phillip Morris Company? One of the largest cigarette manufacturing companies in the world. So these people have found a way to disguise the dangerousness and the death and destruction of their products by becoming involved in important sporting and cultural events as sponsors.

Madam Speaker, fortunately for me, when I was growing up I spent many years with my paternal grandmother, who was a Seventh-Day Adventist. And it was from the meetings and the slide shows held at the Adventist Church in Bodden Town that from a very early age I learned of the harmful effects and results of cigarette smoke. There were numerous slide shows and presentations about the destructiveness of tobacco on the lungs which eventually leads to lung cancer. So, thankfully, I never developed that habit as a result of that educational awareness.

But I also had the opportunity to live in two of the heaviest smoking areas (according to World Health Statistics) per capita-wise: Japan and the Province of Quebec, Canada. It is interesting to note that in both jurisdictions the primary and greatest cause of death by far is cardiovascular disease and lung cancer. It is sickening to have to work in an office where everyone around you is lighting up and you are the only person not smoking.

I hope that we in the Cayman Islands will realise the disastrous effects and stop the consequences before they become that far reaching. I welcome the idea of "No Smoking" areas and, indeed, I advocate that buildings and businesses dealing with the public should, if not be exclusively non-smoking, have clearly designated smoking areas, and smokers should not be allowed to mix and meddle with the general public when they are lighting up, or after they have lit up, because it poses a danger to those people who do

not smoke. Madam Speaker, as far as the effects of smoking are concerned, anyone who has witnessed a person suffering from emphysema would be hard pressed to continue smoking after observing the pain in which that person exists from day to day.

I support this Motion where the Resolve calls for designated smoking areas in public places, such as restaurants, cinemas, bars and nightclubs. Like the Mover, and many others, I hope that the sale of tobacco to persons under the legal age limit can be quickly, easily and practically prohibited. As far as the promotion and advertising of tobacco and tobacco products is concerned, I believe that there should be some serious sanctions placed on them—if not a criminal offence because that is rather harsh, there should be no obvious public promotion or advertisement of tobacco and their related products.

I noticed recently in the United States that the sale of cigarettes has become like the sale of some magazines, like Playboy and Penthouse and all those; they are under the counter, rather than being displayed in obvious places. Madam Speaker, that is juxtaposed against what happens in Central America and some other Third World countries. Having gone to the United States from a visit to Central America recently, where cigarettes were sold openly, I noticed the difference immediately upon reaching the United States. In the United States, you had to make a specific request for the cigarettes in the stores, whereas, in Central American countries they were obvious and the advertisements were obvious.

I believe that this is a timely Motion. I believe it is one in which Parliament has to move towards, not only protecting, but educating the populace of this country as to the harmful effects of tobacco and its related products. I also believe that we should do whatever is necessary to protect the young and malleable from the harmful effects of tobacco and its related products by having some form of educational awareness programme in the schools.

Madam Speaker, this Motion is especially timely, as we are celebrating Drug Awareness Week and talking about being drug free. Tobacco, while not viewed with the same seriousness as cocaine and marijuana and other drugs, probably does more damage by virtue of the fact that more people use tobacco and its related products because they are so easily available and, strictly speaking, they are not illegal substances. The Motion should do well towards promoting a healthy life-style in these Islands. The Motion should do well towards promoting an awareness that certain products, although readily available, have disastrous consequences and certainly should increase the appreciation and awareness of those of us who do not indulge, that we should protect ourselves. Not only should we protect ourselves, but we should demand from those who indulge in these destructive habits that we wish to be free from the disastrous consequences of this. I support the Motion and hope that it is the beginning of an awareness of a healthy life-style in these Islands.

Thank you.

The Speaker: Proceedings will be suspended for 10 minutes.

PROCEEDINGS SUSPENDED AT 4.12 PM

PROCEEDINGS RESUMED AT 4.25 PM

The Speaker: Debate continues on Private Member's Motion No. 19/94.

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 Private Member's Motion No. 19/94, entitled, No Smoking. Much has been said about the medical evidence on the harm of smoking. There are many sad cases that could be mentioned here with respect to this particular problem, that is, the problem caused to the health of individuals by smoking.

Madam Speaker, I support the idea of designating areas for smokers and, if I had my preference, I would ban smoking completely in all public places. I do not think it is fair to those persons who choose not to smoke to have to contend with persons who smoke, especially in their office environment.

I recall a personal experience, when I shared an office with a chain-smoker. By the end of the day I would have a headache and my eyes would run water. I finally had to tell the young man to please take a walk whenever he wished to smoke. It was really uncomfortable. It was irritating and, being a non-smoker I felt it was unfair to put my health in danger because he took it upon himself to be a smoker.

I also support the idea that more care has to be taken by establishments which make cigarettes available for sale to ensure that persons under the legal age not be allowed to purchase them. It is still very fashionable for teenagers to pick up the practice of smoking. They feel that it makes them more macho because they do not know all the facts. I believe that we have to take whatever measures are available to ensure that they, at least, are not in a position to purchase cigarettes from establishments that make them available for sale. I also support the resolve in the Motion that calls for a ban on the promotion and the advertisement of tobacco products and that if anyone is found guilty of such an act that it be made a criminal offence.

Madam Speaker, I believe that we have to be tough on issues of this nature, and I was very pleased—I recall thinking about the idea of bringing a motion myself along the lines of banning smoking on, for example, airlines—when Cayman Airways established the policy of no smoking on their flights. I believe that for at least an hour or so, a smoker should be in a position where he can refrain from that habit when there is such evidence to suggest that it is harmful not only to him, but to persons around them.

I support the idea of banning the advertisement of tobacco products in any fashion in this country. I want to commend the Mover and Seconder of the Motion and I believe it is very timely.

This Motion has my full support. Thank you.

MOTION OF INTERRUPTION—4.30 PM
Standing Order 10(2)

The Speaker: It is now 4.30. I do not know whether it is the wish of the House to reach a conclusion on this Private Member's Motion, or do we take the adjournment?

The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

APPENDIX I
QUESTION NO. 116

IMPORTER	DUTY OUTSTANDING	BOND	CASH DEPOSIT	TOTAL BOND/DEPOSIT
A L Thompson Building Supplies	\$330,441.35	\$381,338.30	\$381,338.30	
Associated Industries	\$1,396.15	\$20,000.00	\$20,000.00	
Block Busters/Cayman Imports	\$94,686.25	\$70,000.00	\$34,000.00	\$104,000.00
Cayman Islands Customs Agency	\$11,680.83	\$40,000.00	\$ 40,000.00	
Caribbean Utilities	\$ 20,992.60			
Hurleys Supermarket	\$ 10,461.37	\$30,000.00	\$5,000.00	\$35,000.00
Kirkconnell Brothers Ltd	\$319,503.00	\$450,000.00	\$220,000.00	\$670,000.00
Miracle Brokers	\$13,751.87	\$10,000.00	\$ 29,046.15	\$39,046.15
Sounds & Things	\$21,182.32	\$25,000.00	\$25,000.00	
Sta-Mar Enterprises Ltd	\$278,877.56	\$250,000.00	\$110,000.00	\$360,000.00
W A Thompson Agencies		\$50,000.00	\$50,000.00	
TOTAL	\$1,103,983.30	\$1,724,384.45		

WEDNESDAY
14 SEPTEMBER 1994
10.04 AM

The Speaker: I will ask the Honourable Minister for Tourism, Environment and Planning to say Prayers.

PRAYERS

Hon. Thomas C. Jefferson: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

APOLOGIES

The Speaker: First of all, I have apologies for absence from the Honourable Minister for Agriculture, Communications and Works, who is unable to be present at this morning's sitting, but will attend in the afternoon. Also the Second Honourable Official Member will be late.

I would also like, on behalf of the House, to extend congratulations to the Honourable Minister for Tourism, Environment and Planning on his election as Second Vice Chairman of the Board of Directors of the Caribbean Tourism Organisation. This top executive post is a first CTO appointment, I understand, ever held by a Member of the Cayman Islands Government.

The second item was to have been the Civil Avia-

tion Annual Report for 1993, but I understand the Honourable Minister is unable, or not ready at this time, to present the Report. It will, therefore, be put down on the Orders of the Day for another suitable day.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: The First Elected Member for Bodden Town, question No. 117.

QUESTION NO. 117

No. 117: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation to make a statement concerning the report in the "Caymanian Compass" of Thursday, 4th August, 1994, (page 12) in which a six-year-old youngster was seriously injured at the Red Bay Primary School.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The Principal of the Red Bay School has made a report on the alleged incident in which a six-year old student was injured. The Attorney General has been instructed by the Chief Education Officer. The School admits no liability in this incident.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if any attempt has been made with the parents of this youngster, to reach an amicable understanding regarding the position of the school?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, there have been discussions with the parent in relation to her child. There is nothing to discuss about the school, as such. I do not understand why the Member is so worried about the school, rather than the child. Discussions have taken place with the parent in relation to the child.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I base my question

on the fact that in the report one of the parents is quoted as saying that the system of supervising the children at the school is unsatisfactory. I am asking the Member if the parent was called in and it was explained that under the circumstances there was no negligence on the part of the school as far as proper supervision is concerned?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the press makes many, many statements, like many Members of this House make statements at times. He has read a statement, and I do not know if he knows whether there is voracity and truth to it or not. I do not. It is merely a statement in the press, and I really do not wish to comment any further on it. All I can say is that there was sympathy with the parent in relation to her child, and the school admits no liability.

The Speaker: The next question is No. 118, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 118

No. 118: Mr. Roy Bodden asked the Honourable Minister of Education and Aviation to make a statement on the matter of Government's compromise on the Crewe Road diversion.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Following many meetings with the public, and with the support and input of the pilots, it was decided to realign the road at the end of the runway to allow the use of an additional 600 feet of built runway. The traffic flow from the Eastern districts will remain the same as it is now, that is, traffic coming from the Eastern districts can proceed directly on to Crewe Road without stopping.

The decision to utilise the additional 600 feet of runway is in accordance with United Kingdom requirements to satisfy the International Civil Aviation Organisation (ICAO) Standards and Recommended Practices, and it is intended to increase the safety margin for all present and future aircraft landing at Owen Roberts International Airport. In addition, realignment of this road-strip will eliminate the difficult junction of Smith Road, Crewe Road and Lyndhurst Avenue and the use of stop-lights when aircraft are approaching.

Government appreciates that this matter has been of great concern to the businesses in the area, and for this reason, many meetings were held and the matter was exhaustively discussed by the press before this compromise was reached.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister state what circumstances led to the seeking of a compromise, when in the "Caymanian Compass" of Friday, 27th May, 1994, he was quoted as saying that the road would only be closed for 10 minutes to allow for landing and take off?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I have always tried to reach an agreement between the public and the Government on all matters. My position, therefore, shifted from a situation where we were dealing with closing the road for 10 minutes when one aircraft was landing, to a position where the members of the public with whom I was dealing agreed that it was in the interest of the Cayman Islands for all aircraft to use 600 feet of built runway for purposes of landing. The reason for my shifting in that position is because if that 600 feet of built runway was there, and the aircraft went 100 feet into the North Sound and was not allowed to use the 600 feet, and lives were lost, then it would be a national disaster.

There were a series of meetings (many meetings, in fact) and yes, I compromised—as I am always willing to do when the public is there—to see that an agreement was reached, and, in fact, an agreed press release was issued.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Since that Minister is such a great proponent of public consultation, can the Minister say why no attempt was made to canvass or to inform the road users from the Eastern Districts as to the effect the closing of this road and the rerouting would have on their traffic pattern?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, as the Member seems to read the press, and knows far more about it than me, he should have read the many press reports that went out. But, if you are going to reach a compromise, as I did on a very controversial issue, you cannot be running to the press every five minutes. If the press had been involved in this, or Members such as he, who like to create controversy, I never would have reached an agreement. Therefore, there was a period of time when both sides agreed we would not go to the press—which means that Member, obviously, did not get the controversy that he would have liked.

What is very important is that an agreement was reached, and I think that was quite an achievement on such a controversial matter, which Members like him had stirred up.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the Minister could tell us if the British Aviation Authority has recommended using the existing 600 feet over the past three years?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker, this is a recommendation that has been made for safety purposes and previous Governments had attempted to shift the road to use this. We have to remember that this 600 feet of runway is already built, and it is our children's lives that are at risk if it is not used. It is not as if we are building anything—this exists.

I think the previous Minister had tried to get it through, but because of Opposition (like I get from the First Elected Member for Bodden Town), they stopped it and endangered people's lives for politics.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I would like to ask the Minister if among the two sides that he was dealing with, were there representatives of the thousands of users of the eastern road, or were they, specifically, as has been stated in the paper, merchants in the Airport Industrial Park area?

The Speaker: The Honourable Minister for Education and Aviation, and this will be the last supplementary on this question.

Hon. Truman M. Bodden: Madam Speaker, it was a wide-ranging group of people who appointed six representatives. I directly involved some of the George Town Elected Members who were here at the time, and other Members who represented other districts were aware of what was happening. But, for a period, in an effort to reach a settlement, we agreed not to go to the press because one cannot easily reach an agreement when one has both sides running to the press trying to fix their position.

Thank you.

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman, do you have a question? I did say that that was the last supplementary.

Mr. Gilbert A. McLean: Yes, Madam Speaker, I have a question of the Chair...

The Speaker: We will have to go on to the next question, please. The next question is No. 119, standing in the name of the First Elected Member for Bodden Town.

No. 119: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation to state what library facilities exist at the Red Bay Primary School.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The purpose-built Library block at Red Bay Primary School presently functions as a temporary multi-purpose unit housing the Principal's office, receptionist area, staff room, sick bay and music room, in addition to a reduced library space.

Computer software to effect library automation has been secured and awaits set up when the necessary hardware becomes available. All books have been bar-coded and shelved in preparation for computerisation. Library book orders, funded by the 1994 School Library Vote, have been processed and shipment is expected to arrive sometime later this term.

It is expected that the above mentioned resources should allow for the immediate implementation of a student-lending programme in September 1994. With funding released for the December 1994 orders, including the computers, the entire school should be able to be included in the lending programme by January 1995.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Minister say what interim arrangements are made to cater to the interest and desires of those children who have to use the Library to complete class assignments, or who wish to borrow books from the Library to take home?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, they use the Library.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Minister could tell us if it was an oversight, or how it came about that the Red Bay Primary School Library facility has to now be used as the office, sick bay and other staff room facilities?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the reason for this is that the previous Member for Education, Mr. Benson Ebanks, was trying to move at such a rapid pace that he never got around to building these other

things that should have gone where the Library now is. I presently have an extensive programme going at Red Bay Primary School, and extra classrooms are now in the process of being built. This is a problem I inherited from the last Government.

The Speaker: The next question is No. 120 standing in the name of Third Elected Member for George Town.

QUESTION NO. 120

No. 120: Mrs. Berna L. Thompson Murphy asked The Honourable Minister for Tourism, Environment and Planning if Government has given any consideration to forming a Committee to consider recycling for these Islands.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Government recognises the need for community involvement to ensure the success of environmental programmes. Toward this end, an Environmental Advisory Committee has been created. This Committee will consider the issue of recycling along with other critical environment issues.

SUPPLEMENTARY

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Could the Minister please state if, in giving their terms of reference, the Committee would be able to report back this year or next year? How long will the Committee be meeting before recommendations are made and put in place?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The terms of reference for the Committee is: to review and advise on all coastal work development applications; consultation with the Department of the Environment to examine the current environmental concerns in the Cayman Islands and advise the Ministry on possible solutions; to take appropriate steps where necessary to solicit community input on environmental issues and report findings to the Ministry; to consider and provide advice to the Ministry on any issue of national importance which may adversely affect the environment of the Cayman Islands, and to provide advice on the development and formulation of environmental policies for consideration by the Ministry.

The Advisory Committee will be in existence as long as I am in office and it will report on an interim basis as the need arises to propose recommendations or solutions to environmental matters, or to advise the Ministry which will take the matter in some cases to Executive Council on issues of environmental concern.

The Speaker: The next question is No. 121, standing in

the name of Third Elected Member for George Town.

1 QUESTION NO. 121

No. 121: Mrs. Berna L. Thompson Murphy asked the Honourable First Official Member if any action has been taken by the Public Service Commission and the Governor with regard to the letter published in the "Caymanian Compass" in early July by the then Acting Chief Secretary concerning the Road to the Agricultural Pavilion.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: No breach of Civil Service Regulations was committed, therefore no action was warranted.

SUPPLEMENTARY

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: I wonder if the First Official Member could tell us if it is not correct, according to Regulations, that a member of the Civil Service has to have special permission in order to speak or to write to the media?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, the Civil Service Regulations clearly provide for opportunities for Civil Servants, acting in their capacity as citizens, to make representations publicly. In this instance, that regulation was complied with.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Member say if it is a fact that the Elected Members of Executive Council, along with a considerable number of their Backbenchers, demanded of the Governor that the particular Civil Servant in question be terminated because of that letter?

The Speaker: Honourable Member, I will not allow that question. That far exceeds what was originally asked, and the reply thereto. We will now move to question No. 122, standing in the name of Third Elected Member for George Town.

QUESTION NO. 122

No. 122: Mrs. Berna L. Thompson Murphy asked The Honourable First Official Member what action is taken, if any, when a Police Officer fails to appear in Court, without just reason, on behalf of the Crown.

¹ Also see: *Statements by Members of the Government*, page 501

The Speaker: The Honourable Third Official Member.

Hon. J. Lemuel Hurlston: If it becomes known, either by complaint from the Court, the Prosecutor or Defence Counsel, or by any other means, that a Police Officer has failed to appear in Court, having been duly warned or summoned to appear as a witness for the Crown, an immediate investigation is carried out.

The enquiry is conducted by the Police Complaints and Discipline Branch under the supervision of the Deputy Commissioner of Police in the same manner as all other complaints against Police, or reports of disciplinary misconduct.

The Officer complained about is served with discipline papers advising him of the nature of the allegation and is interviewed, or invited to make a statement, after all witnesses have been interviewed and statements recorded from them.

The final report is then submitted to the Deputy Commissioner for a decision to be taken whether to convene a formal discipline hearing or what other action should be taken.

Failure to attend Court after being properly warned or summoned without proper cause, constitutes an offence of neglect of duty contrary to Regulation 6(ii) of the Police Regulations, 1976. Where a summons has been properly served on a Police Officer, the court has powers to issue a bench warrant for the Officer's arrest.

There is currently an investigation in progress, following a complaint by Crown Counsel that two Officers failed to appear in Court on 9th of August this year to give evidence for the Crown.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Is there any consideration given in their disciplinary actions to compensation for the loss of time and effort by the Court?

The Speaker: The Honourable Third Official Member.

Hon. J. Lemuel Hurlston: The Police Regulations provide for penalties for breaches of those regulations and appropriate punishment is spelled out for the authorities to impose of persons convicted after due trial.

The Speaker: The next question is No. 123, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 123

No. 123: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if Cayman Airways Limited has any long outstanding fees for handling Islena Airlines and, if so, how much.

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Bodden: Islena Airlines has never had an account with Cayman Airways Limited. Their handling agent owes Cayman Airways Limited US\$13,000.00 for handling charges for Islena and has agreed a scale of payments to eliminate the balance.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say if the agency owing Cayman Airways is the present agency or the former agency?

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Bodden: If I can know the name of the present agent and the former agent that the Member is referring to, then I can be a bit more precise. Changes have been made there I understand.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I imagine the Minister would know who the present agency dealing with Islena Airline is, in that he is the Minister for Aviation, but I understand that it is Mr. Graham Thompson. This has only recently changed, and I am asking is it Mr. Thompson's agency, or the agency prior under which this occurred?

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Bodden: It is the prior agency that owes it, Madam Speaker.

The Speaker: The next question is No. 124, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 124

No. 124: Mr. Gilbert A. McLean: asked the Honourable Minister responsible for Education and Aviation whether there have been any unusual conditions at Gerrard Smith Airport in Cayman Brac with the handling of baggage carts and the use of a private vehicle as a tug for Cayman Airways Ltd.

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Bodden: Cayman Airways Limited

may use any vehicle which it considers suitable for baggage carts. From time to time the Airline finds it necessary to hire a private jeep for this purpose in Cayman Brac. This is not an unusual practice, and meets the legal and insurance requirements of such a purpose.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if in very recent times there has been a private jeep of the Airport Traffic Officer in Cayman Brac hired to pull the baggage carts for Cayman Airways?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: The answer, Madam Speaker, is yes.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if there has been an accident with the use of this particular vehicle when a member of staff of Cayman Airways was dismissed because he refused to drive what was the private vehicle of the Airport Traffic Officer?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Madam Speaker, there was a minor accident at the Airport as the Member has mentioned. It was minor and the aircraft flew from there again, but the person who was driving the vehicle, as I understand it, was not dismissed.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Honourable Minister say if it is a fact that, in truth, the person who was dismissed was an employee—the one who said that he could not drive the private vehicle—and the person who was actually driving it and who hit the plane still continues to work?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Madam Speaker, from what I can understand, when the accident occurred the driver of the vehicle continued in employment. There was apparently another person who tried to get all the other employees to stop driving the vehicle and he refused to drive it and, as I understand it, he was dismissed.

Madam Speaker, I do not want to get too much further into this because it is obviously an internal matter. I hope that will satisfy the Member.

The Speaker: The next question is No. 125...

Mr. Gilbert A. McLean: Madam Speaker...

The Speaker: That will conclude supplementaries on this question. The next question is No. 125, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 125

No. 125: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation when does Government propose to rectify the overall situation of aviation services in Little Cayman, including runway, terminal building, etcetera, to meet approved aviation requirements.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: The Airport in Little Cayman is on private property and, as such, Government has neither responsibility nor liability for it. However, the Civil Aviation Authority includes Little Cayman in its development plan for the Islands' Airports. The Public Works Department has been requested to advise the Civil Aviation Authority on the suitability and cost of several sites, including the present site. Once this report has been received, the Civil Aviation Authority will make a decision as to how an airport for Little Cayman will be developed.

SUPPLEMENTARIES

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Honourable Minister say if there has been any word from the British Civil Aviation Authority or ICAO (International Civil Aviation Organisation), or the Civil Aviation Authority in Cayman regarding the fact that the Little Cayman runway does not meet certain safety standards?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Madam Speaker, I would have to get the actual details of that from the Director of Civil Aviation. I did not expect that type of supplementary. But what I will say to the Member is that for many years different Governments have been looking at this and I will undertake, depending on cost, to try to deal with the problem as expeditiously as I can because there needs to be, as the question asked, some improvement

there.

I hope, God willing, during my time in Government that I can get a solution to this long outstanding situation.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if there is any insurance coverage in place on aircraft landing in Little Cayman, including any that Cayman Airways may have, or otherwise, or do these planes simply land at their own risk? Has this been made clear to them by our Civil Aviation Authority?

The Speaker: The Honourable Minister for Education and Aviation, I do not know if you can reply to that since you did not have notice of it.

Hon. Truman M. Boddén: Not really, Ma'am. I could not answer that.

The Speaker: You could supply it in writing at a later time.

Hon. Truman M. Boddén: Sure, Ma'am, I can do that.

The Speaker: The next question is No. 126, standing in the name of the Elected Member for North Side.

QUESTION NO. 126

No. 126: Mrs. Edna Moyle asked the Honourable Third Official Member responsible for Finance and Development to state who are the present and past shareholders of the company offering the "Do It Yourself Kit".

The Speaker: The Honourable Third Official Member.

DEFERRAL OF QUESTION NO. 126

Standing Order 23(4)

Hon. George A. McCarthy: Madam Speaker, in accordance with the provision of Standing Order 23(4) I would like to ask leave of this Honourable House to decline in providing an answer to this question, since to do so would not be in the public's interest.

I should point out, Madam Speaker, that in reviewing the Companies Law there is no provision that would preclude the providing of this answer, only that there are certain sensitivities within the financial industry to the divulging of such information as beneficial ownership in a public forum such as the Legislative Assembly. Therefore, Madam Speaker, in observing that sensitivity, I am asking this Honourable House to exercise that tolerance.

The Speaker: Honourable Third Official Member, the House is not required to come to a conclusion on that. You, as a Member of the Government, may decline to answer—which you have done—so that is accepted.

The next question is No. 127, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 127

No. 127: Mr. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to make a statement on the developments taking place since the agreement made on March 1st, 1994, for a Master Facilities Development Plan to be provided for the existing George Town Hospital site.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Edén: The Master Planning Study for Health Care Facilities on the George Town Hospital site will be completed shortly. It will provide a detailed report on the electrical, water and sanitary services; the functions, condition and floor space of existing facilities. In addition, it will provide a Master Plan Programme Development by phases and the estimated cost.

I would like to add that by building in phases, which are prioritised by medical staff, it is hoped to fund these improvements by Government revenue without having to do major borrowing.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Honourable Minister (although I have read the answer) could expand a little more by way of giving us a bit of specifics with time, bearing in mind he was fairly generic in the time span.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Edén: Thank you, Madam Speaker.

This response was supposed to be finalised from over a month ago, but when the proposals were looked at in more detail, the Fire Department had some concerns—which meant that they had to go back and sort out certain areas and situations to the acceptance of, not only the Fire Department, but the Planning Department, to make sure that everything was in order.

I will add that there have been many hours put in by the Facilities Review Committee in regards to this, and there has been quite a bit of involvement in this.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: One final supplementary on this question, Madam Speaker. I wonder if the Honourable Minister would advise the House if the plans, when they are completed, will be available for public inspection?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I think the procedure is that the proposal will first go to the Executive Council, and if it meets with their approval it will then be made public. I will undertake that once these steps are taken that it will be done.

The Speaker: The next question is No. 128, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 128

No. 128: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member responsible for Finance and Development what is the total amount of tourist accommodation tax owed to the Government by properties as of 31st August, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The total estimated amount of Tourist Accommodation Tax as at 31st August, 1994, was \$573,522.56. Excluded from the amount of \$573,522.56 are the following amounts, totalling \$661,326.00, which are unlikely to be recovered. The amounts are: (1) \$586,726—Past owners of Ramada Treasure Island Resort; and (2) \$74,600—Cayman Kai Resorts.

In addition, there was also \$24,143.05 in Tourist Accommodation Tax Surcharges outstanding. Schedules showing the properties and the amounts of Tourist Accommodation Tax and Surcharges are attached for information. (See Appendix I—page 401)

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Member is in a position to outline quickly what steps, if any, have been taken to try to recover the two amounts which have been excluded from his original answer?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker. Dealing with the first item, the sum owing by the Ramada Treasure Island Resort's previous owners goes back in time. In April 1990, the Government secured a judgment through the Courts by consent against Ramada Cayman Islands Limited, and the individual partners, for a sum of \$636,853. Of this sum only \$50,127 of the judgment has been settled, leaving a balance of \$586,726 owed by the owners. The Legal Department was instructed to take whatever action is available to enforce a payment of the judgment debt.

A number of options to effect recovery of the debt have been considered including legal action in the United States. The debtors have intimated their agreement to settle the debt when it becomes commercially possible to do so, but this will not be until the sale of the hotel takes place.

Madam Speaker, it is known that the hotel has since changed ownership—it has been sold, and at this time the Legal Department is unable to make any further headway in terms of proceeding against the owners because the Portfolio of Finance and Development have been made to understand that the past owners are not in a position with sufficient assets to be reached in order for settlement of the indebtedness to be made.

Madam Speaker, in regards to Cayman Kai, if you will permit me, I will read a memorandum from the Acting Accountant General to the Financial Secretary. I think this best outlines what took place. I read: "**Memorandum; File note 12/09/94; To: The Financial Secretary; From: The Acting Accountant General; Subject: Cayman Kai Resort**

"The outstanding balance of \$78,801.23 is derived from various balances being estimated amounts for Tourist Accommodation Tax. Surcharges on the estimated tax as well as Cayman Islands Reservation Services Fees for the period February 1991 to June 1993.

"Shortly after the Treasury wrote Cayman Kai concerning the debt, word was received that the company had been placed into receivership. Treasury was further advised that all correspondences should be directed to Mr. Ian White and Richard Douglas of Deloitte and Touche by letter dated 10th June, 1993.

"On 1st July, 1993, the Accountant General wrote to the Solicitor General requesting that a claim be lodged with the Liquidators of Cayman Kai Resort and to take whatever action it would require to recover the debt.

"Communication from Cayman Kai Resort dated 24th January, 1994, indicated that the company was placed in receivership in June of that year and that the new owners were not liable for the debts incurred by the previous owners.

"Treasury once again wrote to the Liquidators, Deloitte and Touche, pertaining to the outstanding taxes in a letter dated 2nd February, 1994. This was met with a response from the Liquidators dated 18th March, 1994, saying that they had been discharged of the receivership, and that after realisation of the assets there were insufficient funds to settle outstanding debts due to the secured creditor which was the Cayman National Bank and other creditors."

Madam Speaker, the reason I mentioned earlier that it is necessary for these items to be excluded is that at the next meeting, or at any meeting of Finance Committee, these amounts will have to be put on the agenda to be dealt with by this House—the reason being that these properties acted in a fiduciary capacity by collect-

ing funds on behalf of the Government. It is known that these funds owed by these properties in question have not been accounted for. Because of these funds having been collected and not accounted for, the Financial and Stores Regulations make it a requirement that the permission of the House be sought for these amounts to be written off.

The Speaker: Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, may I ask the Honourable Member, what steps can be taken to put these tourist accommodation facilities on a current basis so that they pay the tax to Government at the end of each month?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, at this time the Government has taken the decision to increase the number of persons within the Treasury Department assigned to deal with this specific activity to two individuals.

Most of the outstanding amounts that are now showing relate to amounts going back to when the Department of Tourism had responsibility for the collection of outstanding taxes. So it can be seen that the Treasury on a whole is on top of what is happening. However, in reviewing the files it is not to be imputed that the Tourism Department did not do a good job in following up on the outstanding amounts because we have seen evidence where they have consulted in many instances with the Legal Department and have obtained judgments.

I should point out that I think the best way of dealing with this, and it will be done shortly, is for an amendment to be made to the Tourist Accommodation Tax Law because the penalties are frivolous. I think the amount set out as penalty in the Law is a sum of \$100 and amounts to be determined. I think given the nature and the volume of business now taking place in Cayman, these penalties need to be significantly increased.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, far be it from my intention to be critical, but I notice under the section with the list of the Tourist Accommodation Tax—Hotel, Condominiums and Guest Houses—the amount outstanding as of the 31st August, 1994, there are several properties that are still operating and have outstanding amounts. For example, outstanding amounts that go from September 1987, through to July 1994. That is something like seven years. I am just wondering how these places are allowed to continue to operate with these amounts continuing to increase? If the Honourable Third Official Member could comment on that.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, if we were to look at the first item on the list—Hospitality World Limited—we see that although the period has been stated September 1987 to July 1994, this sum of \$410,780 is broken down on the basis of an estimate derived by the past Accountant General, whereby he estimated that the sum owed by the previous management amounts to approximately \$350,000 and under current management \$50,000 which basically would cover 1993 and 1994.

I have spoken to the Solicitor General on this matter and he will be taking appropriate action within a short while. He is asking for the Department to provide him with the most up-to-date position on the matter. The records indicate the ongoing discussions with the existing owners and the Treasury Department. I should say this is going to make the situation even sound much worse than it is, but, for example, following a meeting between the previous Accountant General and the current management, two cheques were issued; one on the 27th May, 1994, for a sum of \$9,781.94, and the cheque was returned "Refer to Drawer"; the second one was issued on this date for \$8,082.

So the situation is not an easy one, but the Treasury Department is remaining on top of these outstanding amounts. Every effort is being made to collect these outstanding sums because the Government recognises that it is imperative that all of these establishments are up to date in terms of the sums that are due to the Government.

In regard to some of the other items that are on the list, showing for six or seven months, the Honourable Members will notice that these are sums that show amounts owing down to the last cent. These are amounts that have been provided by the establishments in question and they have indicated an interest that they will be coming in to make settlement with the Government within a short period of time.

The Speaker: That concludes Question Time for this morning. Government Business. Bills, Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE TOURISM (AMENDMENT) BILL, 1994

The Clerk: The Tourism (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: I beg to move that a Bill shortly entitled, the Tourism (Amendment) Bill, 1994,

be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Tourism (Amendment) Bill, 1994, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED. THE TOURISM (AMENDMENT) BILL, 1994, GIVEN A THIRD READING AND PASSED.

The Speaker: Other Business, Private Members' Motion No. 19/94—No Smoking. Debate continues. Third Elected Member for West Bay continuing. The Honourable Member seems to be absent. (Pause) It appears as if Third Elected Member for West Bay is not present to continue his debate of yesterday afternoon.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 19/94

NO SMOKING

(Continuation of debate thereon)

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. I had completed my debate on Monday, Ma'am.

The Speaker: You had concluded?

Mr. John D. Jefferson, Jr: Yes, Ma'am.

The Speaker: Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, I just want to give this Motion my support because it is very badly needed. I have to commend the Honourable Member for bringing it, and I feel sure that this Honourable House will support it. Everyone knows that smoking is a danger to one's health and I think whatever can be done to control it, we should all support.

Thank you, very much.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, Private Member's Motion No. 19/94, No Smoking, is what I would have to term a Motion with the best interest of the public at heart. From

that level, having read it as carefully as I could, and having done a little bit of research, I have to take the point of view that in theory the Motion is a good one. The resolve sections in the Motion, which are the most critical sections in any motion, deserve some comments.

Let me hasten to explain that I do recognise that this is a ticklish Motion—being one of the few smokers in the world, myself—and the problems that I do wish to point out this morning are simply based on the fact that as representatives in this Honourable House, it is always necessary to point out all sides to ensure that whatever final decision is made, that all matters have been considered.

The very first Resolve section says: "**designated smoking areas are provided in all public places, such as offices and enclosed work places, restaurants, cinemas, bars nightclubs.**" Madam Speaker, I know for a fact that there are many people in this Island who hold the view, and quite rightly so, that cigarettes and other tobacco products, cigars and tobacco smoked through a pipe, should never have been invented, should not have existed and should not exist today.

The fact is, these products do exist and some people indulge by choice. This section is calling for designated smoking areas which brings to mind several locations which have been operating for many years that I envisage will have tremendous problems from a practical point of view. At this point in time I am going to ask the Mover of the Motion if he would take note of the problems that I am going to point out with a view to maybe accomplishing as much as can be accomplished, bearing in mind the practical side of the situation.

For designated smoking areas to be effective in the pursuit of this Motion, they would have to be areas which are enclosed. To my mind if there is an open area of 20 x 30, for instance, and there is a section 10 x 20 which is designated as a smoking area but the place is still open, then it makes no difference whether that specific area is a designated smoking area because as people smoke the smoke will move throughout the whole area. My interpretation of a designated smoking area means that the place will have to be enclosed. I can think of several locations which, from one side of the coin it would be easy to say, "Well, they will have to do their next best," but the fact of the matter is that these places do exist.

I would hasten to say that because a person smokes a cigarette does not make that person a bad person, nevertheless, let me use a few examples to point out the problems that I see in this area. Firstly, there are a few night clubs which are operating on the Island now that provide live entertainment, and without wasting the time of this Honourable House by calling all the names and citing how they are situated inside, I can visualise in my mind that the proprietors of these places will face a serious problem. They are providing live entertainment and there is a section cordoned off physically to provide that entertainment in such a way that all the patrons are able to enjoy the entertainment.

The second problem I envisage is with what we call the local bars (and some people look down on these

places, but there are real people who patronise these places and the fact is that those people are represented by us also). There are places like MacDonald's, Blue Marlin, the Country and Western Bar, just to name a few. They do not have large bar areas, and I honestly do not see how these people are physically going to be able to have separate areas for smokers and non-smokers. I am simply pointing out the problems. I am not here to decide who should exist and who should not.

The third point that I would like to bring is that at present there are many locations which have taken it upon themselves to deal with this problem—and I accept it as a problem because I think that people should be conscious and respectful of other peoples' feelings regarding smoking around them. But there are people who have basically taken it into their own hands already. I know of many restaurants that have the bar separated from the restaurant area within the same building, and in the restaurant you see the sign saying 'No Smoking'. So people who frequent these restaurants to have breakfast, lunch or dinner are not exposed to people sitting down and smoking. But under the same roof there is the very small bar which has already been separated from the restaurant area where I see problems for that section.

The places that I have mentioned are just a few, and I could name more, but I just named a few to illustrate that point with regards to section (a). God forbid that I should stand here today and say that we should not be respectful of everyone's existence with regards to those who smoke and those who do not. I just felt a need to point out some of the problems that I envisage if it is dealt with in the fashion called for in the Motion.

Section (b) of the resolve reads: "**BE IT THEREFORE RESOLVED THAT the sale of tobacco products to person under the legal age limit be prohibited.**" I am in total agreement with that. But, again, looking around I see one problem that I think is staring us in the face. I do not have the answer for it, but I feel the need to point the problem out. I know of at least one individual who has vending machines on the Island. These vending machines are at various locations and the machines have health warnings on them regarding the cigarettes for sale. The mere fact that there is no one monitoring those machines makes it possible for people under the legal age limit to purchase cigarettes from those machines. I am saying that, maybe the way this resolve is, the person who owns those machines might be liable by law, I am not sure, but I wanted to point that out.

The last resolve section of the Motion which asked that "**the promotion and advertisement of tobacco products be made a criminal offence.**" Here, again, I fully understand the intention, and I basically do not have a problem with the intention of doing as much as is physically possible to ensure that people understand the risks that they involve themselves with by smoking. But, again, from a practical point of view, I have to point out a few areas.

The Tobacco Products and Intoxicating Liquor Advertising Law, 1986, states in section 3(1) that: "**Subject**

to subsection (2), a health-warning shall be prominently displayed in all advertisement in the Islands concerning tobacco products."

Section (2) reads: "**Subsection (1) does not apply to advertisements appearing in any written document published outside and imported into the Islands.**"

I read those two sections to point out that if we are to look at the Resolve section which asks that the promotion and advertisement of tobacco products be made a criminal offence, there are publications which are not imported for the purpose of advertising tobacco products, but because they are imported (and local people have no control over that), those publications have advertisements in them regarding tobacco products.

Some of those publications are publications which every single one of us in this Honourable House looks forward to reading because they are informative; such as, Time Magazine, Newsweek, et cetera. I wonder, if this Motion is passed with this wording, where would it put the importation of those publications from a legal standpoint? Would they have to be banned? There are other ways and means of these publications arriving in the Island—people may go to Miami or somewhere else, and whilst waiting on their flight, stop in a book store and pick up one of those publication. In any case, I am asking if someone would then be liable for prosecution (if the Motion is passed the way it is worded), if they are part and parcel of the importation of these publications that advertises tobacco products?

Similarly, there are hundreds of give-away items which people physically use all the time and are really happy that these items are being given away. There are hats, shirts, coasters, drink-stirrers, etcetera. Would we then be saying that the importation of all those items will have to stop and all that are being used now will have to be thrown away? Because in actual fact this would be, to my mind, promotion of these products.

I suspect that the tobacco industry, as they are used to the wars that have been waged against them, probably will find some smart ways to indicate their products without coming out and using a name. But that is certainly another matter. I just wanted to point out these areas, not to cause a problem with the intention of the Motion, but I think in order to achieve what is best in a practical fashion, and that these areas must be addressed.

If we are going to take the view that the things that I have just pointed out do not matter, then we are better off seeking to put to vote whether smoking should be allowed or not—simple as that. If an individual will retain the choice by knowledge whether he/she wants to smoke or not, then there are some physical problems which we have to wade through in order to make whatever is put into law practical to operate and to enforce. And that is basically what I have pointed out in my short delivery.

I trust that the Honourable Mover and others will not misinterpret my intentions here, but I think it is better for us to deal with it now, rather than having to deal with it

later, by way of a myriad of complaints, then having to come back to the drawing board to reword legislation.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.27 AM

PROCEEDINGS RESUMED AT 11.44 AM

The Speaker: Please be seated.

Debate continues, Private Member's Motion 19/94. The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I rise to give support to Private Member's Motion 19/94, No Smoking.

The concerns that I had about this Motion have been very well expressed by Fourth Elected Member for George Town, in that there are certain night clubs that we could possibly bring a burden upon if they have to provide enclosed places for smoking. If extractor fans are found that can do the job, then I feel that this would be much better.

In the Resolve section where we are asking for designated smoking areas, I feel cinemas should be completely deleted from this list and considered a completely non-smoking area. In a cinema it is quite impossible to provide an additional place for smokers. Even though I am a smoker, I am a considerate smoker, and I would never consider smoking in a cinema.

Listening to debate on this Motion, such as by Third Elected Member for Bodden Town, I guess that by the end of the debate we who are smokers will consider giving up this habit completely.

I would just like to commend the Mover and the Seconder for bringing a long overdue Motion to this Honourable House.

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 Private Member's Motion 19/94, No Smoking, and I would like to congratulate the Mover and the Seconder for bringing this Motion to the House. I think all Honourable Members appreciate that the Mover, with his professional medical experience, has given this Motion from his heart and we should certainly all heed our Doctor's advice.

Our country is suffering from a severe amount of cancer, emphysema, and other diseases which are caused by smoking. Our children are being exposed to the second-hand smoke which, I understand, is equally as dangerous.

I listened carefully to what Fourth Elected Member for George Town had to say about the possible inconveniences that it may have, and I am sure that Government will take cognisance of these things before bringing

it into effect. But I fully support that no cigarettes or tobacco products should be sold to anyone under the legal age. I have often felt that this has been a cause for smoking at such a young age.

So, with these words, I support the Motion and think it is very timely and I look forward to its implementation. Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I fully support this Motion, and I congratulate the Mover and Seconder for bringing it. I have always appreciated the experience and expertise of the Second Elected Member for George Town. I think that no one more appropriate than he could have brought this Motion.

There are many problems within our society that many times we do not address. There have been problems that have existed for a long time. The Motion is very precise in the recitals and Whereas clauses, and it sets out what I think will go a long way towards improving health in the Cayman Islands. While smoking is permitted under our Law, and persons who wish to smoke, naturally, have a right to smoke, on the other hand, this will give a measure of protection to persons who do not smoke and who choose not to do so.

It may be that in the mechanics of putting this into place, specific buildings may have to be looked at to see where some agreement can be reached so that areas made smoking and nonsmoking are reasonable. We know the airlines have stopped all smoking or international routes, and we tried to implement this at the airport sometime back. We have provided a specific area for persons who wish to smoke. That is their right, but nicotine (like many of the other nouns that end with "ine"—caffeine, and all the other ones) does have side effects. I am sure that the Honourable Member who proposed this, and the Seconder, will see that it is reasonable and tolerable because some of the places are smaller and maybe built differently, and special considerations will have to be taken into account.

The other areas of the operative parts of the Motion, the three of them in relation to sale and promotion advertisement, we know that this already exists with liquor and this is an extension of that. It is important that we now come in line with what is the accepted international standards in relation to the use of tobacco products, at least in the Western Hemisphere, and in Western Europe.

What I would say is that I understand that it is possibly one of the most difficult habits to give up. Especially within the schools we have tried through different programmes to ensure that the younger generation keeps as far away from smoking as possible. I do know that the efforts which have been put out by the service and charitable clubs have had effect. I have had to explain on several occasions to my own two children the picture

which shows what one's lung would look like after a period of smoking, so I know that there has been impact there in the schools.

I think the Motion is good, and I am sure that it will be dealt with in such a way that what is done in areas, such as the smaller bars and restaurants, will be reasonable and that it will be in the interest of everyone.

Once again, I commend the Honourable Mover and Seconder, who are my colleagues on the A Team, and I support this Motion. Thank you.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Growing up in the 1950s, I can look back and remember the handful of women who were smokers—and they were considered wild women. It was all right for the several hundred males who smoked—but it was a sin. Over the years time has changed, and smokers are readily accepted.

Some people will argue that smokers have rights. But, often times, they lack responsibility. Because of this lack of awareness, and lack of consideration for others, and because of the representation that the Mover and I have had from a lot of our constituents, we felt compelled to present this Motion to all Honourable Members of this House.

This past Monday night I listened closely to the Open Line programme aired on Radio Cayman, and I appreciate all the listeners that took the time to phone in to offer their support. I must say that this was, perhaps, one of the most readily supported programmes on Open Line, where most listeners seemed to be in favour of the No Smoking Motion proposed here.

In the citation we laid out the health problems associated with smoking and today, more and more of the public are aware of the dangers, and we hope that we will be able to increase the awareness of these dangers by some of the resolutions that are placed here today. We are not saying in our resolutions that we go to extremes in all public places, we are just saying that smoking areas are provided. This does not necessarily mean that it will be sectioned off, where one has a complete wall separating smokers and nonsmokers. I think that what we are saying here is that in public places, such as offices and enclosed work places, in order for employees not to have to go outside to smoke, that some area be provided with a fan to extract the smoke so that those who do smoke can do so without disturbing the nonsmokers.

In restaurants and bars, I think concern has been expressed about being able to separate smokers and nonsmokers. Again, with heavy extractor fans I feel that this would be possible. But all that we are asking for in the resolve section (a) of this Motion is just to have a designated smoking area.

I travelled earlier this summer to Spain, and in the business section of the plane (the flight was about 9 hours) in the designated smoking area there was hardly

any smoke. I was a bit curious because the stewardess announced that when it was time to smoke after take off, that fans were provided and it would be of no discomfort to nonsmokers. Because of my curiosity, and being aware of this Motion, I questioned the stewardess and she informed me that those fans are capable of extracting all smoke in one minute. Once those fans were working and a smoker started to smoke, the cabin would be cleared of smoke. This was not saying that were not completely exposed to the second hand smoke, but there are fans available to eliminate the second-hand smoke.

I do not think that we have to go to extremes. Several years ago we visited a large manufacturer with about 5,000 employees and they had just banned smoking in their factories—so much so, that employees had to go into their cars and smoke. They were not even permitted to smoke in a designated area. To me, there is open air, and I felt that this was a bit extreme for employees to only be able to smoke in their cars. This is not what we are saying here, but I feel that we must address the second hand smoke.

I think we are all aware of a very dedicated Civil Servant who passed away several years ago who, I believe, never once touched a cigarette. She passed away at an early age because of second-hand smoke. These are the dangers that we face.

In the second resolve it talks about prohibiting the sale of tobacco products to persons under the legal age limit. For years, some unthinking adults would sometimes ask the child to run into the store to purchase a pack of cigarettes for them, not realising that we constantly tell our children that smoking is not good. Yet we smoke, and set contradictory examples for our children, and then ask them to go and purchase cigarettes. We are role models for our children. They will think, since they go and buy cigarettes for their dad or some adult, that it is all right if they smoke.

It will be difficult to monitor vending machines with the sale to persons under the legal age limit, but if responsible adults see a person under the legal age limit purchasing a package of cigarettes, I feel it is their responsibility to ask if that person is aware that they should not be doing it, and encourage them not to use the package of cigarettes. We are not saying here that Government must come down on owners of public places, but I think it is up to the owners to work out their problems in finding a suitable smoking area.

In making the promotion and advertisement of tobacco products a criminal offence, I think Fourth Elected Member for George Town touched on some of these concerns. I also had some representation on this. But, on the importation of preprinted magazines, such as mentioned, *Time*, *Newsweek*, and so forth, I do not feel that the Motion is addressing these types of publications or advertisements, but I think we are talking more on the promotion in the form of a Tee-shirt that advertises Winston Cigarettes, that adults wear and children see. Since the adults are now advertising Winston Cigarettes, the children will say, 'Oh, well, I'll go and get a pack of

Winston Cigarettes,' and they end up smoking them. The same goes for drink stirrers, napkins and other products.

We feel that for the merchants selling tobacco products, it is time that we take a stand to discourage, or pass legislation to prevent the promotion of advertising tobacco products. Here the Mover and I are not saying that this is the solution for non smokers, but I feel that it is a good start in that we will have designated areas for smokers and that non-smokers will not have to inhale the second-hand smoke that is so dangerous to them.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I rise to support the Private Member's Motion 19/94, No Smoking.

I believe that it is most essential, in the face of irrefutable scientific proof that tobacco smoke is so very dangerous to the health, that we in the Cayman Islands take steps to ensure through laws that something is done to restrict smoke to smokers and not expose non-smokers to these particular hazards.

There is already in place a law called The Tobacco Product and Intoxicating Liquor Advertising Law, 1986 (Law 21 of 1986), and as one reads this law it becomes clear that as far back as that time there were legislators who took cognisance of this. I think it is quite laudable that there are legislators in the persons of the Mover and Seconder of this Motion who continue to view this situation with the concern that it deserves. The Law that I just referred to prohibits any advertisements of tobacco and alcohol products in the Islands by radio or television. But I do not see where it prohibits these advertisements in print. So, perhaps tightening the situation there will make a considerable difference.

Under the Law, in section 5, the Governor may make regulations, and as I was unable to find any regulations which have been made in regard to this law, the fact that the Government has now accepted it, I think this would be an opportune time to deal with all of the various points that have been raised in this debate by various Members.

I think, in itself, the debate on this subject should serve to some extent to educate persons, both young and old, to the hazards of cigarette smoke. Third Elected Member for Bodden Town spoke in some detail with some statistical data, as did others, about the hazards of smoke. In recent months, some shocking scientific facts were found by scientists in the United States when the Federal Government took on the mighty tobacco companies about cigarette smoke, its use and hazards, and some of the many chemicals it contains, such as was noted by the Second Elected Member for George Town. It is quite incredible to believe that poisons are used in some instances in cigarettes.

I listened with keen attention to Third Elected Member for George Town, the seconder, about what she

found on a flight she was taking across the Atlantic, where the plane was so equipped that it could extract smoke. I believe in looking practically at the situation where the Motion asks for certain designated areas in places such as restaurants, cinemas, bars and night clubs to be set aside for smokers. Overall, the situation could be improved immensely if somewhere in the regulations, or somewhere in the Law (as the Government may determine), there could be some requirement that these places install extractors with a capability to pull out the smoke in some of these places.

There are some night clubs where, if one goes there at a certain time of the night after the crowd has arrived, the intensity of the smoke is incredible to see: it is like a cloud when one steps through the door. It is my understanding that it is the breathing of this smoke that is so very deadly to persons—passive smokers, as the term goes—that causes cancer. I have often wondered why these facilities have not put in extractors to take out the smoke and perhaps this is one area that can be looked at seriously in coming to grips with the situation in the resolves as asked for here.

It was mentioned earlier that it might be difficult to prove that one is of a legal age or not because we do not have a national identification. However, I hope that in the near future this will come about, as has been asked for in a previous Motion, and it will make things easier for places where tobacco products are sold. In the meantime, I would suggest putting in the word "knowingly"—that a person who *knowingly* sells persons under the legal age—might strike some reasonable balance between an underage person buying tobacco products and the person who might unknowingly sell them.

Madam Speaker, it has been proven that the promotion and advertisement of tobacco products affects the extent to which people buy. There are experts in advertising who have developed that art to the extent that they can develop an advertisement that catches a particular cultural or ethnic group with tobacco products. So, I think it is wise on our part to do something to inhibit this advertisement.

I notice, as well, in the present Law that it provides for a warning to be on smoking material stating, "Smoking can severely damage your health." However, if we follow the example of the United States, the warning on cigarettes sold in the United States is much more severe than that. So, it might also be a good time for the warning to be included to express the concern and the hazards to health more than it is at present.

It is my understanding that tobacco companies, once they are selling outside of the United States, do not have to include that same type of warning. In fact, they cleverly develop packaging that has different warnings than those sold in the United States. Perhaps this is something that can be done, as in section 5, the Governor can prescribe the wording of the health warning. Perhaps this would be a suitable time to do that.

I think this Motion is good for the people of this country, and I give it my wholehearted support.

The Speaker: If there is no further debate, would the

Mover of the Motion wish to exercise his right of reply?
The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I wish to thank all Members for the support of this Motion and also for all the comments which each person has made. I feel convinced that once this Motion is put into Law it will have an extremely beneficial effect on health promotion in these Islands.

I was also very heartened by the Open Line, with the almost 100% support on the part of the callers. I believe that there was only one person who seemed to say that, while he supported anti-tobacco legislation, he thought that the same thing should be done regarding alcohol.

While I agree with him as far as alcohol being a very harmful thing, I do see a slight difference between smoking and drinking alcohol and the effect that it has on persons in the same building. The non-smoker has to put up with second-hand smoke, and I really do not see people forcing other people to drink alcohol in business places and places of entertainment. So, from this point of view, there is a bit of difference between drinking alcohol and smoking tobacco. We know that they all have very harmful effects on human health.

I feel that something has to be done regarding advertisement of tobacco products, particularly cigarette smoking. One cannot help but notice how ingenious the manufacturers of cigarettes tend to be, and as cigarette smoking becomes outlawed in many of the developed countries, the efforts of these manufacturers shifted to some extent in the so-called Third World countries. We realise that there is big business in this industry and apparently they will stop at nothing. I believe that we should try to protect our people here from this adverse advertising.

In this respect, I could not help but notice an ad that has been carried in the *Caymanian Compass* over the past few months. It has to do with the promotion of Rumheads. I believe that it is appropriate to mention this, as so many constituents have brought this to my attention. It has a beautiful girl with a long cigarette in her mouth and it says, "Be bad this Saturday Night, all drinks \$1.00 8 PM—10 PM, Cover \$5". Under the Rumheads sign it has a flag with some skeletons, and I just thought (although this is in fine print), perhaps this is what this whole thing is about. Certainly, we realise that this would catch the attention of younger people who want to go out and have a good time. Cigarette smoking has been promoted as a habit for the successful, and for those who want to be glamorous. We know that this is not the case, for these are the tactics that the promoters utilise in order to fool the people who are so easily influenced.

I certainly appreciated one individual who said there should be educational programmes in place in the schools that emphasise how serious cigarette smoking really is. I believe that that would go a long way towards influencing the behaviour of our young people in the country. It is interesting, those of us who remember the

Marlboro Man, how he died of lung cancer—although he was supposed to be one of the most glamorous.

I would like to take this opportunity to appeal to adults who drive around in air-conditioned cars with the windows up, and their children inhaling second hand smoke. They do not realise the danger to their children. They should either desist from smoking within their cars, or at least open the windows.

Fourth Elected Member of George Town brought out some very valid points, and I am sure that these points will be taken into consideration once the Attorney General and his department take this matter in hand. For instance, he spoke about the difficulties this could pose to small establishments, and we realise without doubt that it will cost—not just the small, but all establishments—something to ensure that there are designated areas for smoking. But I do believe the end result justifies the amount of expenditure.

I have done extensive reading on specialised air-conditioning and other methods, such as extracting fans, that have been utilised abroad to accomplish this and some of it can be a bit costly. But I do not think the size of the building would prevent implementation of this policy once the proprietor decides to take the necessary action.

One thing that he said regarding vending machines certainly appealed to me, and that was what he said regarding vending machines – that they would have to be tackled. Of course, it would be illegal for the juvenile to get a pack of cigarettes from a vending machine. I should hope that when the law is passed, if this Honourable House gives its support to the Motion, that that would be illegal; not just the person selling the product, but the person who buys cigarettes should also be committing an offence. Either we have a ways and means to implement our policy (which could be very difficult), or we just decide to prohibit the sale of cigarette and tobacco products by way of vending machines (which is an easy solution).

I also thought of what was said about imported journals, magazines and other forms of literature, and those perhaps having advertisements included. This I will leave completely to the Legal Department. As I see it, this would not be an offence, but it would be a different matter if individuals promoted cigarettes and other tobacco products by giving away T-shirts, caps, et cetera—anything that constitutes a direct, intentional, purposeful effort to advertise or promote cigarette smoking on the part of the perpetrator. I believe that would constitute an offence.

Of course, with every Law it takes a lot of thought and one has to consider all matters carefully and finally come up with a law that is in the best interest of the country. But, I certainly appreciate the fact that whatever is done to cut down on the excessive use of cigarettes in the country and, in particular, to safeguard the innocent victims—those of us who do not care to smoke—from second-hand smoke, I believe that this is a very, very good thing to do and this is what we should be doing, and I do hope that the Motion gets the support of the

House.

The first Motion that I brought to the House got the unanimous support of the House (Identification Cards) and that is almost a prerequisite to this one. I look forward to the Legal Department working on that one so that we can have our National Identification Cards so that the various individuals can easily ascertain who is below the legal age limit.

Once again, I would like to thank all Members in this House for their contribution to the debate.

The Speaker: The question before the House is Private Member's Motion 19/94. I shall put the question. Those in favour, please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The Motion has been passed.

AGREED. PRIVATE MEMBER'S MOTION NO. 19/94 PASSED.

The Speaker: Private Member's Motion 20/94.
The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 20/94

ESTABLISHMENT OF MINI-POLICE PRECINCTS

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to move Private Member's Motion 20/94, Establishment of Mini-Police Precincts, standing in my name, which reads as follows:

"WHEREAS many Caymanians are desirous of having more efficient and effective policing;

"AND WHEREAS many complaints have been expressed regarding the dissatisfaction with the response time of police from the Central Police Station and other stations;

"AND WHEREAS the most effective policing has as its basis the "deterrent effect" largely based on the obvious presence of police in communities;

"BE IT NOW THEREFORE RESOLVED THAT Government consider the establishment of mini police precincts in areas that experience the most activities of crime."

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I would like to second that Motion.

The Speaker: Private Member's Motion 20/94, having been duly moved and seconded is now open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
This Motion has its genesis in a number of factors,

not the least of which is the fact that the Cayman Islands is a changing society. As we read the papers, and listen to the news, we hear of problems encountered by the Police Force in trying to maintain public order and peace. Indeed, Madam Speaker, I was reading the supplement in today's "Caymanian Compass", documenting the activities and providing some information on Drug Free Week, which we are observing this week. I was struck by a notice bearing the Commissioner's signature concerning the holding of certain illegal after-hour parties, commonly known as "sessions", in certain sectors of George Town. I am informed that they are also being held in some areas of West Bay.

This has to be the concern of any law abiding citizen in this country because the notice stated that not only are these parties held into the early hours of Saturday morning, but they are also held into the early hours of Sunday morning, which to many, if not the majority, of people in these Islands, is held as a sacred day of worship. But what is even more alarming is that at these sessions, illegal alcohol is being dispensed and, according to the notice signed by the Commissioner, and also according to reports which I periodically read in the newspaper, drugs are prevalent at these sessions. Some of the patrons, from what I understand, are also given to saluting—taking out their firearms and firing into the night sky. So, it would seem Madam Speaker, that this whole business of these illegal "sessions" in these areas, is a serious threat to law and order.

Further, I am made to understand that these areas in which these sessions are held, are predominantly what the sociologists and anthropologists call ethnic areas—areas populated by a certain people. In many cases it has to do with certain nationalities. In many cases it has to do with socioeconomic status. What is disturbing about this is that it seems we are breeding a particular subculture which is not prone to be law abiding, but which is prone to be defiant and problematic and, indeed, the neighbours of these adjacent areas are complaining. To be specific: the area of Windsor Park; the area of George Town known as the Swamp, among others, are areas where I am made to understand these sessions are commonly held.

This Motion would seek some limited decentralisation of the police into these kinds of areas so that the police can have an established presence there at all times. I would like to qualify what I am requesting the Government to consider, by saying that it is not my expectation, nor that of the seconder, that the Government would have to go to any great expense to erect a concrete building or station which would be very expensive, nor would they have to platoon a large number of officers.

I got this idea from the time I spent in Japan in 1985. I was struck by reading and observing in the city of Tokyo, which is among the largest cities in the world, the crime rate is insignificant in comparison to cities like Montreal, Los Angeles, New York City, and even London. I discovered that the reason for that is because the police in the city of Tokyo are almost omnipresent—you

do not have to look very far to find a policeman.

I lived in a section called Kita Senju, and commuted by train to Ginza (which was about an hour away). From the hostel where I lived to the train station (which was about a 15-minute walk) I had to pass a Mini-Precinct, which the Japanese called Kobahns. At all times there were four police officers: an Inspector, who was in charge of the Precinct, a Sergeant, and two other officers, one of whom was a lady. The business of these officers was not so much to arrest or apprehend people, but to provide support. They provided directions to people who were lost, they were on hand to answer questions by people like myself who were visitors to the city of Tokyo. They provided a semblance of stability and confidence to the Japanese people wandering around the city.

I could not help but notice that they were unarmed. I also learned that the Japanese people on a whole, but especially in the city of Tokyo, have a serious aversion to guns. It is very difficult for anyone to obtain a licence. The police themselves are unarmed, so these people, while they were omnipresent, were not in any form or fashion intimidating or threatening. Indeed, I observed, as I passed daily, that it was their pleasure to come out and assist. At times, one would only have to be standing like one was lost, and they would come up and ask if they could be of assistance.

Tokyo is a city of bicycles as much as it is a city of trains and they were especially good at keeping order among the many hundreds of cyclists who passed that area.

It was also striking to notice that the little precinct was not any separate or imposing building, but rather it was like a little shelter (for want of a better word), like a little alcove between two adjacent buildings. The city had established a little sliding glass door, a little air conditioning unit and it was, for the most part, immediately obvious because there was no concrete or board, it was, for the most part, glass, and the door was kept open all the time. Usually an officer was standing either in the door or immediately outside the door.

It is something like this that I am suggesting the Government consider doing, especially in areas which we know are prone to be areas where the police are frequently called, either because of "sessions", or because they are ethnic areas in which a particular type of sub-culture may be brewing.

Madam Speaker, I believe that this would be an effective deterrent. The police could be platooned on a shift basis and they would be in regular contact with the Central Police Station. There would be back-up readily available, should it be desired. Most important of all, the police would have an established presence within a community where all and sundry could see that the police had set themselves up. This, in conjunction with Community efforts and neighbourhood watches, would, in my opinion, go a long way towards the maintenance of law and order and go a long way to sending the message to unlawful and unruly elements that the Government and the law abiding citizens are indeed serious

about the maintenance of law and order.

I would suggest that for the most part the establishment of these mini precincts, on the basis of need, and on the basis of information which I have garnered from the newspaper and the radio, would be limited to probably only George Town and West Bay, because the situation as it arises in the other districts does not call for this kind of decentralisation as yet. The establishment of these mini precincts, bolstered by regular Police Patrol, would serve to reinforce in the citizens of those areas that the Government and Police Authorities are working to make the communities a safe place.

I hope that the Government will see fit to explore the possibility and feasibility of the request the Motion is making.

The Speaker: Proceedings will be suspended until 2.00.

PROCEEDINGS SUSPENDED AT 12.43 PM

PROCEEDINGS RESUMED AT 2.00 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion 20/94.

The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, as the Member of Government responsible for the subject of Private Member's Motion No. 20/94, I would like to make a brief contribution to the debate. In so doing I would like to say at the outset, that whilst being sympathetic to the intent and the good wishes expressed in the resolve section of the Motion, the Government does not find itself able to extend any support for the principle contained therein at the present time.

The matter of community policing was part of the terms of reference of the recent review of the Royal Cayman Islands Police by the Inspector General Of Dependent Territory's Police Forces, Mr. Lionel Grundy, who, during the course of his review, visited all districts of the three Islands and held a variety of meetings and appointments with relevant persons desiring to have meetings with him.

His report was just recently made public and there are a number of recommendations in it which the Government has accepted that are now in the process of implementation. One of those recommendations is for ongoing opportunity for the community to participate in conveying to the police their wishes and desires for the type of policing that they consider most relevant to the needs of their communities. These ongoing contacts are the means by which the police will be able to provide an appropriate response to the needs of the districts.

The Motion, when being introduced by the Mover, has as its ethos the question of manpower deployment. Of course, it goes without saying that the Commissioner of Police has, by Law, the unfettered responsibility for deploying his officers in such a manner as to achieve the

most effective and efficient utilisation of those resources.

Just recently, the Government appropriated additional funds for the employment of some additional officers in various branches within the Force. The Commercial Crime Branch has been strengthened to respond to white collar crime; the Drug Squad has been strengthened to respond to increasing problems of drug trafficking and money laundering; the CID Branch is being strengthened to respond to criminal activity; the Marine Branch has been strengthened and incorporated into a special Task Force; etcetera, etcetera. In excess of 20 new officers have been added to the already rapidly growing establishment of the Royal Cayman Islands Police.

It goes without saying that there are in every district of the Islands, police stations are already established. It is through these, that the manpower and the supervision of that manpower is currently practised. It must be assumed that if these are considered ineffective for the purposes of this Motion, and if in either substituting therefore, or complementary thereto, precincts are to be established with any degree of supervision; and if these precincts are to operate perpetually—24 hours a day, 365 days a year—even if we are only talking about two precincts in George Town, one or two in West Bay, the arithmetic adds up quite rapidly in terms of the amount of manpower that would be required to staff such precincts.

On that basis alone, Madam Speaker, the Motion cannot be supported because it would add to the establishment of the Force such numbers as would be unaffordable, and it would create difficulty in the Commissioner's unfettered ability to deploy his manpower throughout the country, wherever that manpower might be needed.

Turning specifically to what the Honourable Member referred to as "these illegal late night sessions". The comment that he made in reference to an item which appeared in a local newspaper today is a reference to an article which is an extract of the Commissioner's Annual Report for the year 1993, which was recently laid on the Table of this Honourable House, in which the Commissioner pointed to this relatively new phenomenon that has developed particularly in certain parts of the George Town suburbs. It is for this and other similar types of illegal activity that a special Task Force was recently established and provided with certain special training and equipment to be able to effectively respond to these kinds of illegal activities. This special Task Force went into operation about a month or so ago, therefore its presence and effectiveness is yet to be measured. It is believed, however, that such an approach is likely to be the way of combating that phenomenon.

As to the question about Government being serious about law and order, there can be no question about the seriousness with which that subject is viewed and regarded because, indeed, that is the fastest growing arm of the disciplinary branch of the organisation at the moment. Every effort is being deployed to combat and to

nip in the bud, as early as possible, these new phenomena and these recent increases in criminal activity.

I believe, enough said, the Government understands what the Mover of the Motion is seeking to achieve. I, too, have read about these little precincts which have been established in large cities such as Tokyo, and in many of these cities, these little precincts are not much larger than telephone booths, sometimes deposited right in the middle of busy highways and busy streets. In those communities their Governments obviously find them as effective ways of dealing with specific types of problems in those cities. That is not to say that Cayman's problems are going to be addressed by duplicating or copying what other countries have found to be appropriate.

Cayman, with a tourist based economy, with a reputation for a high degree of integrity and honesty among its people, with the high standard of religious practices, etcetera, one has to be careful that we do not present the wrong image to our visitors—that we are over reacting in any way on this subject of law and order.

I can recall visiting a certain city in South America, walking downtown into its main avenues and seeing soldiers with weapons upon their shoulders. Upon returning home that evening I turned on my television and the first item on the news was that there had been a curfew imposed on this particular city. I was in the city, walking down the street, and I did not know that there was any curfew. I saw the soldiers standing on the street corners and I just assumed that this was the normal way of life in this particular city, because, as a visitor, you take what you see for granted, being the most obvious.

One has to, therefore, be careful not to present to our visitors the impression that they are coming into a community that is so dreadfully un-lawabiding that we have to proliferate our streets and our communities with officers in uniform of any sort.

The most effective type of Government is self-government. The most effective type of policing is community policing. If we are to invest our resources in anything, it should be in showing our citizens the benefit of being completely law abiding, thereby reducing the necessity of having to police ourselves in such a manner as having to present the image that we are, ourselves, uncontrollable.

I believe that this Motion may be well intended, but the Government does not find sufficient favour with it to agree to it at this time.

Thank you.

The Speaker: Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, unlike the Honourable First Official Member, I find favour with the Motion, but I cannot support it because I know it is impossible for it to be effective with the present set up which we have.

The First Elected Member for Bodden Town and I have tried for years to get the Police Station in Bodden

Town manned on a full time basis, and that has proved to be virtually impossible. The excuse is always that there are not enough police officers to go around. The districts of North Side and East End suffer even more.

If the House should accept this Motion, it would be useless for two reasons: 1) there would not be sufficient officers, at least that is what we are told; and 2) there does not exist, in my opinion, the will within the Police Force to properly deploy the police officers that they have. I believe that there are sufficient police officers to man the Police Stations full time—if they were properly deployed. It is my opinion that they are not properly deployed. All of our efforts in the past in trying to remedy this situation have been useless.

Until we get the will, the purpose, within the Police Force changed—and I do not know how we are going to get that changed—to get the men deployed in such a manner that all of the existing Police Stations would be manned 24 hours a day, I believe it is useless to require the Government to put in additional mini precincts.

So, while I favour the idea, and I trust that the day will somehow come when this can be done, I know at the present time it will not be done, even if the Legislative Assembly should pass the Motion because, if my memory is correct, they accepted motions in the past which would have led one to believe that there would have been some improvement in the services at the critical hours when the Police Stations in Bodden Town and the other eastern districts, are closed.

The Motion highlights the fact that these mini precincts would speed up the response time. In his debate, the Member explained how it works in another country which he has knowledge of. I believe all of that is true. We have need for it, because I remember an instance which happened a couple of years ago (and it has not changed), a personal instance, when I found a school age boy coming to our place of business and I could see that he was destitute. So I gave him money to go to Co-mart to buy some patties and drinks, but the next day he appeared at the same time—the same hour—and I knew that something was wrong. I tried to get the help of the police to see who the child belonged to, because the child would not give me any information to take him to his parents, or even to the school where he should have been. I remember saying to the officer who answered my call, that I could see he was a good boy, it was just that he was being neglected. You will hardly believe this, but it is true, the next day I had a call from the Police Station asking me if the boy was still at the store. That is the kind of response that we get.

Another instance I know of, from first-hand information, is where it took two hours to respond to a call right in the centre of George Town. So, there is a need. But, unless there is the will to speed up the response—and I do not believe the will exists at the present time—there is no use of talking about additional mini precincts. So, while I commend the Member for bringing the Motion, and for bringing this to light, I know it is useless to cast my vote in favour of it.

The Speaker: The Second Elected Member for Cay-

man Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I rise to speak to Motion 20/94, Establishment of Mini-Precincts.

As I see it—and I agree with the Member speaking on behalf of Government—this Motion is requesting a certain kind of deployment of the police in the Islands. That deployment is largely having a police presence in areas that are defined as areas of most criminal activity.

It is as the saying goes, "If the mountain does not come to Mohammed, Mohammed can go to the mountain." Crime does not necessarily come to the police, it happens somewhere and the police have to go to it. If areas can be identified, and I understand there are particular areas where there is crime activity, then the presence of the police can be established there. In my opinion, such presence would serve as a reminder, it would serve as an irritant, and it would serve as a threat or a barrier to crime which might occur in these particular areas.

As has been noted, there has been a recent review of the Police Force in the Cayman Islands, and I believe that to take into account this response from a citizen and elected representative of this country, is very timely. The Motion, of course, does not demand that such be done. It is requesting that the Government consider this matter, and I do not know how much consideration has been given to the overall benefit which might accrue from it.

I am aware that this Island is tourist-oriented. Certainly, those of us who keep up with what is happening find that there is more incidence of criminal activity in the areas of tourism activity and indeed, there are some visitors who have fallen afoul of this criminal activity—thankfully, none too extremely serious. So, I believe that there should be police in areas where there is some density of population, be it temporarily, as is with the coming and going of visitors to this Island, for example, it will lend a feeling of safety.

I am aware that many years ago, on studies done on the Caribbean, one of the things that stood out in Cayman's favour, was that visitors liked the Cayman Islands because it rated so highly in the safety factor. I really am not certain what the most recent statistics have shown in that regard. I would hope that it still shows the Cayman Islands with a high safety factor, for I would believe that while we have some concerns and some increased criminal activity, it is not to the extent that it is in some other island territories.

I have to agree to a large extent, with some of the things which were said by Third Elected Member for Bodden Town. We can say as much as we want—that everything that can be done is being done where the police are concerned—but the facts are that there are more incidents of crime than before, and it also stands to reason that it was hardly likely that the police were where the crime was taking place because they would have been a deterrent against it happening.

I am one who believes that the will of the police is there to deter crime, or arrest crime, as the case may be, but that the police force can be better deployed. I

say that because I so often see a police car sitting in someone's yard, or someone's driveway, in a particular speed zone, when it shoots out to catch that person who is exceeding the speed limit by some small percentage. I personally believe that while it is necessary to contain speed within the speed limits and so on, that on many occasions those police officers who are doing such duty and who are posted in such instances could be better deployed elsewhere. I think that could be expanded to include other units or sections or personnel within the police force.

So, it is not that this request is so far fetched by any means. I think that it offers a strong practical suggestion to improving the situation of police force deployment.

Madam Speaker, crime will be lessened if it can be deterred through the presence of the police. We hear of instances where the response time is very good. But, I think we hear more often about the response time not being so good. I believe that is part of the basis for what this Motion is asking for.

Certainly, when it comes to deployment, I am not one who believes any governmental position (be it wherever, and from whomever, and for whatever reasons), if deployment is what it should be, there cannot be deployment, at least within the police stations within these Islands, 24 hours per day.

This is talking about the deployment of police. I cannot believe, and I do not believe, that the public at large will accept the position that you cannot have police coverage where, even in the stations, it should be where it is not being done. It is as if the question of deployment has become less improved than it used to be years ago, when the stations were manned 24 hours, and, surely, there were less police available then.

So, as to the will of having the police be as effective as they could be, I think there is room for improvement. I do believe that with the extent of expenditure in other areas—some areas where one wonders if it makes any sense and what is the overall public benefit—there could be a benefit from looking at this situation, as is requested in this Motion, and, indeed, setting up such a deployment system.

Madam Speaker, as I believe this Motion asks for something which is attainable, and which will make a difference, I give this Motion my support.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The question of crime in the Cayman Islands is, undoubtedly, one which everyone in this House is very concerned about. We are doing everything that we can to deal with it. It is a subject that is reserved to His Excellency the Governor and under our Constitution, our Chief Secretary, the Honourable First Official Member of this House, is the one who deals with it.

However, to put the balance where it should be,

there has been a decrease in crime in recent months and this is really something which I think is very heartening, to know that the police are on the right tract in many respects. While it would be good to perhaps double the Police Force and put police all over the place, this is not something which is economically possible, nor do I think it would be desirable in some areas or neighbourhoods.

This Motion deals with an ideal, it deals with a dream. Really, the Mover of this Motion, the First Elected Member for Bodden Town, is putting forward, basically, a dream. It is not realistic. Quite frankly, the setting up of multiple precincts in districts at this stage is something that is not practical or attainable. Actually, the efforts of the First Elected Member for Bodden Town would be much better spent if he supported the police in the efforts which they now have, instead of constantly trying to destroy and fight them and also the Prison Service, and really try to look at the police we now have in reality and how they can best be deployed in doing these things.

We have at present...

POINT OF ORDER (Imputation)

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, First Elected Member for Bodden Town?

Mr. Roy Bodden: Yes, Madam Speaker. The Minister is imputing false and untrue motives to me when he mentions my fighting the Police and the Prison Service.

The Speaker: The Point of Order is taken. Will the Honourable Minister for Education and Aviation continue the debate and leave aside anything that might...

Hon. Truman M. Bodden: Madam Speaker, I did not intend to impute anything improper. What I am saying is that many times questions are asked which are not constructive. It is sometimes better to work with what we have in reality and to really try to support the police as they are now; try to support what is realistic, and also to support the Prison Service. They, too, deserve support.

I would be the last one to say that the Police, or the Prison, or any department, is perfect. But, with the question of trying to radically alter the system of police in the country into these small precincts, I think is unrealistic. If we have effort and time and money, let us stand behind the good that the police are now dealing with. They are putting out a lot of effort in many areas. I think that, more than anything else, is what is important here now.

We have seen some reduction in crime, and like everything else, ideals are easily put forward, but many times they are not achievable. In these circumstances, I would be voting against the Motion.

Thank you.

The Speaker: If there is no further debate... Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

As the seconder of this Motion, I have listened very carefully to the Mover. I have also listened to others who have spoken since. I believe I have a fairly good grasp of the Queen's English, and I understand the various positions that have been taken. But, for the life of me, somewhere along the line, either I do not understand the Motion, or some other people choose not to understand the Motion.

The resolve section of this Motion simply states: **"BE IT NOW THEREFORE RESOLVED THAT Government consider the establishment of mini police precincts in areas that experience the most activities of crime."** The intent here, as discussed with me by the Mover, was simply to find out if Government would be willing (if I may break it down again) to look into the possibilities, in the process of deployment; being able to have police officers in certain areas, depending upon the availability within certain identified areas so that response time can be speeded up; so that the mere presence of these officers would act as a deterrent, and I will go on to some other areas.

This Motion is not asking Government to hire 50 more individuals to throw them all over the place—as is the impression I am getting as to how some people understand it. Every one of us here has enough sense to understand that there are financial constraints on everything that we examine at a national level. I understand that the First Official Member, who responded for the Government, could not be in a position to say that while everything seems well intended, we will go off tomorrow and hire another 40 people so that we can act the situation out. I understand that. But, for the life of me, what I do not understand is what is so difficult in whatever Government is doing (with regards to the beefing up that I just heard about of the various departments), for them to say that in the process of doing all of this, that they will consider the possibilities (depending upon manpower and man hours at their disposal) to see if they could identify an area and try this thing out to see how it would work. If the success warrants, then it could go on from strength to strength. That is the way that I understand the Motion.

Law and order and social harmony, as far as I am concerned, are possibly the two most important facets of any community. We can talk about everything on any given day and put any degree of importance we wish on any issue on any given day, but as far as I am concerned, those two rise above all. Others may have different views; this is my view.

The fact that this is my view, means that I cannot readily accept the intention of this Motion being put to be something, as the Minister for Education called it, a dream. All right. So, as he explained it, it is a dream, I understand that. But, what I am saying is that the Motion was not intended to be a dream. If they want to make it one... well, they will simply have to do that. There are some real issues at hand here, as simple as one might want to take the Motion, and as quickly as one might

want to pass it by and get on with something else.

I have been in the Town Hall right next door to us, and have heard first hand stories from individuals within our community about problems with certain activities taking place and response time from the police. Let me break right here to say something else. I support the Police; I support the Prison Service; I support whatever is necessary for this country to survive. This Motion is not criticising their efforts. So, please, I do not wish to hear somebody say that that is what the intention is. Because if they do, their minds are warped. That is not the intention of the Motion. If there is something that I, as an individual, see that might enhance the process of their doing their work, I do not see such a big deal in somebody looking at it and finding the positive avenues in it. I just wanted to say that.

Going back now to what I was saying about response time and with regard to people calling the police in certain areas with certain activities taking place. I understand that there will physically be problems from time to time, depending upon the hours that a call might be received at the Police Station, or depending upon what other activities might be going on. There might be a spate of calls at a particular point in time by coincidence one night, and there are just not enough police on duty to cover all of them in seconds or in a few minutes. I know that can happen. But, the whole effort here is that maybe it could be tried in one area first of all—maybe being able to deploy individuals in such a way that their presence is felt more, not only as a deterrent factor (which is obvious), but the response time in these areas would be a lot faster. So, there goes our dream.

Madam Speaker, I noticed that Third Elected Member for Bodden Town, in his usual skillful fashion, explained why this Motion made all the sense in the world, and then quickly explained why it did not make sense and why he could not support it. I understand his reasoning too. But, as far as I am concerned, because things that have been done in the past—Motions that may have been passed, or policies that may have been adopted which have not reached great success—does not mean that I must give up the ghost and say, "Well, nothing will be done, so what the Hell." That is what I understood, but that is not what I intend to do.

The other thing that I wish to quickly address, is that the Honourable First Official Member made a point regarding the show of too many policemen around the Island giving the wrong impression to visitors. He alluded to a visit he made to a South American country. I understood what he was trying to say. I just wish to say that I beg to differ with the point. We would not really be showing armed soldiers.

I beg to differ from his point of view because I believe that in this day and age, the law abiding citizens (who I still believe outnumber the rest of them) are comforted anytime they see a uniform, not frightened. That is my belief. So I beg to differ, to say that the presence of these people will cast the wrong image. As far as I am concerned, the people who still outnumber the criminals in the specific areas that have been mentioned (and

other areas) would be very heartened to know that there is police presence in their immediate communities more so than now. I do not think that they would say that they do not want to see them.

I guess I will start to repeat myself if I go on anymore, but just let me try to cap this Motion in a nutshell. The Motion is intended to make an attempt for Government to explore the possibilities of enhancing individual community policing. It is not expected for Government to perform any miracles to find men who do not exist – to let people work 24 hours a day in order to accomplish this.

That is by no means the intention. It is simply an attempt to ask the Government to consider the possibility of having police presence more in certain communities in order to act as a mode of prevention and to be able to respond to criminal activity faster. I believe that if there is some way that they are able to find the funds to do so, that the results that will be reaped from this will far outweigh the time and effort that is consumed now when police have to be deployed from a totally central position, and the time that it takes for them to act. I believe the deterrent effect, and time saved, will supersede what may be seen to be an extra cost at this time.

I support the Motion.

(Members' applause)

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Having listened to the debate, I understand Third Elected Member for Bodden Town in that he understands the Motion, but cannot agree with it. However, I agree with this Motion in that I believe, as responsible legislators, we have to get tough with crime.

During the past two and a half months, the Second Elected Member and myself, have been visiting our constituents here in George Town on a weekly basis. The main concern expressed is the increase in crime. The perception of the police sitting at the station, or driving up and down, not walking the streets; the idea that we have imported over 30 additional police officers and they are still not visible, is of very grave concern for some of our constituents.

This Motion is asking that Government consider the establishment of mini precincts. I somewhat agree with what the Honourable First Official Member has said, and I am not saying that our police officers are not working, some of them are very concerned as well, but this is not good enough for the crime which we are encountering.

I have a document here, which is part of some statistics from a superhighway computer system in California, and it shows the Cayman Islands in relation to other Islands. According to this, a crime is committed every 40.2 minutes in the Cayman Islands. If this is correct, then we do have a serious problem. I feel that we must consider the establishment of mini police precincts.

[Member's Interjection: Hear, hear!]

Mrs. Berna L. Thompson Murphy: I believe that police officers from these mini precincts, would mean less officers at the Central Police Station and I feel it could work. What I am asking Honourable Members to do is to consider this Motion and let us see if it can work. When we talk to Heads of Departments we hear that they need additional staff—well and good. If we need more staff, let us see about employing more police officers, if that is what it takes, but we need more police officers, especially in the area of George Town. Therefore, that is the main reason I am going to support this, to consider this. I am sure it will not pass, but it is only asking that we consider the establishing of Mini Police Precincts.

While I understand the Honourable First Official Member referred to a curfew not being needed here, I think we would all agree that we do not want to create the wrong image regarding law and order, and we would not have to go as far as a curfew. But, something has to be done. Every day we open the newspaper and read statistics of a wreck here or there, or gambling, or "sessions", or drugs and we have got to get tougher with criminals and people who are breaking the law. If this is one of the means of stopping crime, then I think we should consider this Motion.

Right now we have a situation where we have the Chief of Police in a separate building, with the Central Police Station somewhere else. If this can work, I feel that mini police precincts can also work. Therefore, I support this Motion.

The Speaker: If there is no other debate, would the Mover of the Motion like to exercise his right of reply?

Mr. Roy Bodden: Thank you, kindly, Madam Speaker.

I have listened with keen interest to the contributions of Members who spoke, and I have learned from some of those Members one or two profound facts.

Let me begin my winding up by reiterating a few points which I made at the beginning. I stressed that the idea was based on a practice which I saw employed in Japan. Indeed, so successful was that practice, that in *The New York Times* magazine of February 6th, 1994, there is a recommendation: "Tokyo's Tips on New York". David E. Sanger, the author, gives nine tips that he says New York City could adopt from Tokyo, as far as improving the reputation of New York City is concerned. Number seven of those nine tips, is the suggestion of kobahns—mini police precincts. I also stressed that as in the Japanese setting, so too, it could be in the Caymanian setting where the policemen operate largely unarmed.

I got the impression from the reply of the First Official Member, that the maintenance of law and order must be looked at from, among other things, a dollar and cents point of view. While to a certain extent, this is true, one must also pose the question: Because the maintenance of law and order is expensive, can we afford to let the reputation and our communities go to ruin because it might be expensive to invest in methods which are

proven deterrents to crime?

With respect to what is being done now, being juxtaposed against what is proposed, I can only say that it strikes me as a criticism of the way the Force is administered now, that presently the Force is administered on the 19th century policing approach. This is not good enough. The ways of criminals have become more sophisticated. The community is broadening. We have an influx of outside cultures. Therefore, it is no longer feasible to effectively police the country by a kind of authoritarian centralised style in which the Commissioner of Police acts as a god. So, what I am suggesting in this Motion is that the Government consider some flexibility of approach, some limited decentralisation, particularly in areas of high population, areas where the sociologists and social anthropologists call ethnic areas where there is a necessity for a permanent police presence as a deterrent.

Quite interestingly, Madam Speaker, I recently visited a Central American country, a country which has a reputation of being a peace loving and law abiding country. Certainly, when I went downtown to the capital city of that country, the police presence was very obvious to me; yet, when I read the newspapers, I did not become alarmed because of any proliferation about reports of crime. Then, upon returning to Miami, I noticed in one section I was driving through, that there were at least three mini police precincts set up. So this idea is not as far fetched as it was made out to be.

I have been labelled by the Minister of Education as a dreamer. This Motion has been described as a dream – I see the Minister leaving the Chamber, I wish he would stay to hear what I have to say, because I believe it could be for his edification. I have been labelled an idealist, and this Motion has been labelled an ideal. I can only say, Madam Speaker, that as far as he is concerned, I am progressing towards a more acceptable level, since in April of 1979 that Member then labeled me a fox. So it would seem that from a fox to an idealist to a dreamer, I am moving to a more acceptable level.

But this is not my dream, this is the dream and expectation of the people of these Islands—my constituents, as Third Elected Member for George Town has said, the constituents of George Town, who are also the constituents of the Minister for Education—and I hope that these constituents take note at the fun and derision he has poked at this Motion. The compulsion, the obsession of that Minister to try to put me down and to try to destroy anything that I bring to this Honourable House, does not surprise me. He has been trying that since 1979 and has not been successful, and I dare say, he will be trying it to 2079, and he still will not be successful.

The difference between the dreamer and him, is that the dreamer is sincere. Because, when my constituents in Bodden Town complained to me about the need for more support and community policing, I (along with my colleague, Third Elected Member for Bodden Town) brought a Motion here asking the Government to set up a pilot project of neighbourhood watches in our commu-

nity. Indeed, we have started that. Compare that to his behaviour where he went to a section of his constituency and told the people that his solution was to increase the Task Force—I suppose, to break the heads of the sons and the daughters of the residents of that area. He talks about dreaming? Well, Madam Speaker, I would rather dream my dreams any day, than put his plans into action.

Madam Speaker, the Minister for Education mentioned a decrease in crime. A decrease in what area? Third Elected Member for George Town just read a statistic saying that there is a crime committed in the Cayman Islands every 40.2 minutes. What decrease is he talking about? What decrease? I dare say, the proof of the pudding will come some years hence, when the people themselves will have an opportunity to assess who put forward what.

I also want to say that that Member is always quick to impute mischief and to sow dissension, as when he mentioned my fighting the police. Madam Speaker, there is no Member—and I repeat—there is no Member in this Honourable House whose record of co-operation and support of the police and the authorities is greater than this – the reputation of the First Elected Member for Bodden Town. What I do not tolerate is injustice in any form. Just like I do not want, nor do I expect, the citizens of this country to be beating up on the police, I do not want the police of this country to be beating up on the citizens unjustifiably so. Madam Speaker, that kind of heart, that kind of position was instilled in me by the late Stanley Bodden, and I will not change.

I have a job to do. I have a chore to perform. I have responsibilities to live up to, and I view those responsibilities seriously—almost to the point of being sacred—because I consider that there is but one job greater than the job I am trying to do, and that is being a "Fisher of Men". So, when I come here with Motions, I do not take it lightly, and, in this particular instance, I have been more than reasonable. I have not tried to put down the police or what they are doing. I have merely asked the Government to consider this method of community policing.

Both the First Official Member and the Minister for Education made reference to the image—we have to be careful that we do not convey the impression that we are not a law-abiding country, that we frighten people by the presence of police. Well, figuratively speaking, the Cayman Islands has already lost its virginity as a pristine crime-free country. We can continue to delude ourselves by thinking that it will be the way it was when we could leave doors open, windows unlatched and possessions strewn down to find them as we left them. From the mere fact that we can have a bank robbery on Seven Mile Beach in broad daylight is evidence enough to show us. Certainly, the Minister for Education should be concerned about that because that is his bank. We are no longer what we used to be.

Speaking from common sense, Madam Speaker, many of the districts have one way in and the same way out, so a sophisticated criminal can wreak all kinds of

havoc by organising some sort of road block while they do their dirty work. So, what I am saying is simply this: If there were a mini police precinct somewhere down along the Seven Mile Beach Road, it could serve as a deterrent for mischief-makers and potential criminals, as well as a source of support for tourists who may be wondering or may be desiring to inquire about directions, or whatever.

Madam Speaker, long after the laughter has subsided, long after the lament has been made, the sensible, upon viewing the annals, the chronicles and the Hansards of this Honourable House, will say for themselves, *'Whoever that dreamer, that idealist, named Roy Bodden was, now and then he came up with some sensible ideas and sensible motions.'*

Madam Speaker, I can never be put down because my family instilled too great a sense of self in me. There is absolutely no way. I was taught from the time I was knee high; "Son, you are better than no one, and equal to all." So, he can laugh, he can poke fun. There is one thing that I can say: My stature is as great as his—that is, now, and that is how it will be a millennium from now. I hope when payback time comes, that he will take it when he gets it (as I take it when I get it) because his time is coming—maybe sooner than many people anticipate.

Madam Speaker, I thank those people who spoke in support of the Motion, I understand their position. I appreciate the fact that they took time to express their position, even though there were some that were not worth the wind that came out from their larynxes. Certainly, the sensible will have established themselves, and the people of this country will take note. It is unfortunate that the Government does not see fit to grant this small request, but I am reminded of the suggestion that someone gave me not long ago, that is, that if the Second Elected Member for Cayman Brac and Little Cayman, Fourth Elected Member for George Town or I brought a Motion here decreeing that everybody here should get a million dollars, and there were sufficient funds in the kitty to do so, the Government would vote against it. So I do not expect any more than what has been declared.

Thank you, Madam Speaker.

The Speaker: The question is Private Member's Motion 20/94. 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: Could we have a division, Madam Speaker?

The Speaker: You certainly may.
Madam Clerk, please call a division.

The Clerk:

DIVISION NO. 9/94

Private Member's Motion 20/94

AYES: 5

Mrs. Berna L. Murphy
Mr. D. Kurt Tibbetts
Capt. M. S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 12

Hon. J. Lemuel Hurlston
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. George A. McCarthy
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

ABSENT

Hon. Richard H. Coles

The Clerk: Five Ayes, twelve Noes.

The Speaker: The result of the division is five Ayes, twelve Noes; the Motion has not been passed.

PRIVATE MEMBER'S MOTION NO. 20/94 NEGATIVELY BY MAJORITY.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.30 PM

PROCEEDINGS RESUMED AT 3.49 PM

The Speaker: Please be seated.

Private Member's Motion 21/94. The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 21/94

REINSTATEMENT OF FREE MEDICAL ATTENTION TO RETIRED SEAMEN OF CAYMANIAN NATIONALITY

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to move Private Member's Motion 21/94, entitled Reinstatement of Free Medical Attention to Retired Seamen of Caymanian Nationality, standing in my name, which reads as follows:

"WHEREAS it is widely recognised that Caymanian merchant seamen played an important part in the development of the Cayman Islands;

"AND WHEREAS many of these now retired seamen are in positions where they have little or no provision for medical attention;

"AND WHEREAS a previous government had in place a system where Caymanian merchant seamen and their spouses benefited from certain free medical services;

"BE IT NOW THEREFORE RESOLVED THAT the

Government consider reinstating free medical services for Caymanian seamen and their spouses;

"AND BE IT NOW THEREFORE FURTHER RESOLVED THAT the Government devise a "means test" so as to be able to accurately and fairly determine eligibility for benefits."

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 21/94, having been duly moved and seconded is open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

It is, as the Motion says, widely recognised that Caymanian Merchant Seamen, during the years when this country was not as economically prosperous as it now is, played an important part in opening up the Cayman Islands by plying the oceans of the world on ships flying flags of convenience.

It is my understanding that during its peak, the number of merchant seamen so sailing was about 1,000. That these Caymanian seamen made tremendous sacrifice, is borne out by the fact that they were non-unionised; they signed agreements allowing the companies for which they worked to fire them from any port in the world, fly them home; and they worked for the lowest of wages.

History records that these dedicated, hard-working (but low paid) people, were some of the most reliable, and best sailors in the world. No doubt that had its genesis in the fact that for generations Caymanians had been building boats and plying the seas of the Gulf Coast of the United States, not to mention Central America, particularly the Mosquito Cays where Caymanian seamen established a worldwide reputation as efficient turtlers.

We have come several years from the late 1950s, early 1960s, when this occupation for Caymanian seamen was in its heyday and at its most popular. So too, have we come to the time when most of these men who so willingly sacrificed and dedicated themselves so that their families and those persons in the Cayman Islands at that time could have a better livelihood, are now entering their twilight years—the years when many of them are unable to find regular paying employment; the years when some of them have been left by their children who have since grown up and had to make a life of their own; the years when, because of declining health, many seek services of doctors and the medical profession.

It is not uncommon in these kinds of instances for governments to offer some kind of assistance to persons who have made these sacrifices. While it is true to say that people in the Merchant Marines are not viewed with the same kind of sympathy and empathy as people who volunteered, for example, for the armed services, it is no less true that Merchant Seamen, in many cases are just

as deserving.

Hence, the Motion seeks to reinstate some form of free medical for these people. It further suggests that some form of a means test should be devised so that it can be fairly and accurately determined as to who deserves what level.

The contention seems to have been that in the service extended for gratis by a previous Government, there were no methods for us to ascertain who was in a position to pay, from who was not in a position to pay for these services. Consequently, I establish, from the very beginning, that what the Motion is seeking to do is to arrive at some criterion whereby we can determine what and if, to what extent, some of these people need help.

Madam Speaker, when the news of this Motion came over Radio Cayman and was in the press, I received several calls from retired Caymanian seamen who beseeched me to persevere, because they said they were in dire need of having free medical attention reinstated. Some of them, quite movingly, explained their dire financial straits to me. I have no doubt as to the sincerity and the voracity of the information which they gave me. Some stopped me as I walked along the road, not only in my constituency, but as I moved around George Town.

So, I would say that there is a pressing need for a re-examination of this. There is a pressing need for a reinstatement of this free medical service because, while it is true that at the time these people sought employment as Merchant Seamen they were paid for the jobs they performed, it is also true to say that it is because of their willingness and the sacrifices they made, and the hardships they faced that our country has come to this point to be recognised as one of the foremost international financial centres of the world, and also has an established reputation as being one of the major tourist resorts in the Caribbean, if not in the Western Hemisphere.

Were it not for the sacrifices made by these people, our economic development, our social development, and it may even be our political development, would lag much further behind than it is at present. So, in the twilight years of many of these people; in a time when they are not so physically able; in the time when the frailty of their bodies is becoming obvious; the Motion asks that we consider making it easier for those who are in need to have access to some medical attention. At a time when they most need it, the Motion asks that they be shown some form of appreciation for the sacrifices which they made.

Madam Speaker, I would hope that the debate could steer clear of any controversy or casting of aspersions, and could be contained in its essence for the provision of medical attention for these people whom I think so readily deserve it. I would hope that as the Honourable Members debate we can bear in mind that it was as a result of the sacrifice made by these people that persons like myself, and many others of us who occupy these hallowed and distinguished halls, can today speak with intelligence, feeling and commitment because these

people sailing the waters of the Persian Gulf, the Far East, the Venezuelan Coast, and the Gulf Ports of the United States, made possible the development that these Islands are witnessing now.

Thank you.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

In rising to speak on this Motion, I would like to bring to the attention of this Honourable House that no one in these Islands is denied proper medical care. As a matter of fact it is a mark of the seriousness of the Ministry which I now head that one of the first parameters that was arrived at during the strategic planning last weekend, where some 23 people from a wide cross section of the community took part, and I will read that first parameter: "We will not deny anyone access to our health services."

In reference to the section of the Law, there is a provision in the Law now to cover some of what has been advocated in the Private Member's Motion. I will read section 10(b) and (c) of the Health Services Fees Law, 1993, which replaced the Health Services Authority Law 1991, provides for the following:

"10. Subject to section 11, fees are not payable by a patient at a health care facility if the patient presents a card issued, or recognised by the Government identifying the patient to be –

"(b) a member of the Veterans Association of the Cayman Islands or the spouse of such a member; or

"(c) a veteran member of the Seamen's and Veterans' Association of Cayman Brac or the spouse of such a member; or..."

Section 11 of this Law goes on to say: **"11. The exemptions from fees provided for by sections 6, 7, 8 and 10(b), (c) and (e) do not apply in respect of a person who is covered by health care insurance which would otherwise cover those fees."**

It is my understanding that the change to the wording of the Law (which was brought in 1993), came because situations had arisen whereby some people of considerable financial means, who could well afford to pay for their health care were taking advantage of the system. There were even some who were covered by health insurance but who still expected Government to foot their bills.

Government continues to appropriate the millions of dollars for overall healthcare services: in 1992, approximately \$14.8 million; 1993, approximately \$14.9 million; and, so far, through June of this year, it is approximately \$7.5 million. It is only fair and responsible for us to ask ourselves who will bear the burden of this unjustifiable expense, with some of the people who, in the past, abused the facilities within the Law and took advantage of our health services? It is, of course, we the people who will ultimately bear the burden of these expenses.

Once again, I would like to remind this Honourable House that no-one in the Cayman Islands will be denied proper health care service. I am certain that it was never the intent, when changing the provisions of the Law, to penalise Caymanian Merchant Seamen, or to dishonour in any way their very important contribution to the development of this country. It is my understanding that much of the difficulty that now surrounds this situation exists because of the lack of clarity as regards the eligibility for free medical services extended to those persons intended to be covered by sections 10 (b) and (c) which refers to the Veteran Members of the Seamen's and Veteran's Association of Cayman Brac, or the spouses thereof.

In view of this confusion, I am willing for this Ministry to sit down with the executive body of the Seamen's Union to have a full and frank discussion of this matter so that together we can arrive at a solution which will avoid the abuses of the system in the past, while at the same time, ensuring that full and equitable measures are in place to provide for the medical care of our merchant seamen.

I understand the means test as proposed in this, but also in the Law, in section 9, it says: **"9. Fees payable by a patient at a health care facility may be waived, in whole or in part, if the patient satisfies the Government that he is unable to pay all or any part of the fees."**

So, Government does not support this Motion, but we are willing, since, as I quoted, this is already covered in section 10 (c) – it is just a matter of clarifying and meeting with the executive bodies of the Union to find out those that are certainly eligible and specifically those as the Mover spoke about at the age of retirement. I feel sure that this Government will not deny those, or anyone else needing medical care at any time.

Being both an ex-seaman and ex-soldier, I must once again emphasise in closing that we will not deny anyone proper medical care, especially a retired seaman.

Thank you.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In rising to support this Motion, which I seconded, I am not quite certain what is the position from the Government side, as I gathered that the Minister said that the Government did not support the Motion, but at the same time, the Government supported the Motion. I am not quite sure as to the situation on this particular matter. He also noted that medical attention is provided for all persons here in the Islands, where they cannot afford the cost of medical attention.

What this Motion is asking for, is that the Seamen of the Cayman Islands be recognised (as they were before) and their spouses, for free medical services. This was the case in the term of the last Government when under the Health Services Authority Law, 1991, there

was prescribed the Health Services Authority Fees Regulation 1991, where in section 9, it stated: "**No fees are payable by a patient at a health care facility if the patient presents a card issued by the Authority identifying the patient to be [and in this case (b) and (c) apply]**

"(b) a member of the Veterans Association of the Cayman Islands or the spouse of such a member; or

"(c) a member of the Seamen's and Veterans' Association of Cayman Brac or the spouse of such a member; or..."

Here, Madam Speaker, I think I should clarify what I have just read. In (b) it speaks of the Veterans' Association of the Cayman Islands. This was an organisation operating or functioning in Grand Cayman, most specifically dealing with veterans. In the instance of the Veteran's and Seamen's Association of Cayman Brac, this included seamen and, to the best of my knowledge, it was to this particular society that most seamen subscribed and it was under this section that their wives were also able to receive free medical attention.

At that time, a large number of persons who were the original hard currency earners in this country, were categorised and they benefited from free medical services in the Cayman Islands. I think one must look historically at this situation to really appreciate what this Motion is asking for at this time. The seamen in this country, made this country. To a large extent, the money which came into this country came from the salaries of our men who went to sea. That money built homes; paid for governmental services; put hard currency in the banks; and kept commercial activity going to a very, very large extent.

Though this is a time removed from the days when seamen played such a vital economic role in this society and were paid such high respect, we are at a situation now where we should consider these citizens of this country in a way that they can be proud of having done what they did for the economy of these Islands and for the younger generations that have benefited from it.

In 1993 the situation was changed whereby seamen were no longer identified for free benefits. In the Health Services (Fees) Law, 1993, under section 10 (c), this was amended to read that persons who would be eligible for free medical care were: "**(c) a veteran member of the Seamen's and Veterans' Association of Cayman Brac or the spouse of such a member;**" and "**(b)...the Veterans Association of the Cayman Islands or the spouse of such a member;**". Here, the people who really came in for benefits were veterans of which there are but a very few number of people left. Veterans, as it has worked out, are those persons who served during the time of the last war in the Merchant Navy, and I also understand in the Trinidad Navy, of which, again, I say there were but a few.

The seamen for all practical purposes were lumped into a group which would receive free medical attention if they could not afford it. The way it was before, where it specifically stated that seamen would be eligible for free

medical attention, was changed. These seamen, proud people (and rightly so), fell under section 9, which in the marginal note it says; "**Poor people**" and it reads: "**Fees payable by a patient at a Health Care facility may be waived in whole or in part if the patient satisfies the Government that he is unable to pay all or any part of the fees.**"

Madam Speaker, I think the Minister referred to this earlier and one could assume that, indeed, these seamen could come under that particular section. But, as it was before, where the seamen and their spouses clearly knew that under that category of persons they were eligible for free medical attention, was changed.

Madam Speaker, I do not believe it is true to our culture or to our history that we should take the persons, our seamen renowned around the world, and cast them under such a section as they presently fall. There was a list of all the members in the Seamen and Veteran's Association of Cayman Brac (of which there were a few hundred), and each person was identified as being a member thereof. The objection, as I recall it, was that some of the people who were seamen were also persons of considerable means in some instances, and that was the reason why the whole situation of seamen was changed.

I think that it did a disservice to this category of citizens and their spouses. What could have been done was the very thing that this Motion is asking for, and that is that seamen, men who have sailed the seas (and there are not a whole lot of those anymore either, for many are old and many have died, some are still alive that can afford it), could be, can be and should be identified as a category of persons who would be eligible for free medical care if they met a certain means test. The Motion is asking that the Government devise a means test so as to be able to accurately and fairly determine eligibility for benefits to the category of persons called "seamen", and their spouses.

I am aware of various seamen in this country who are in need—not that they are unwilling to work, not that they have become drug addicts or anything of the sort—they are old and the money that they worked for was not sufficient to accumulate a sum which can now tide them over their older years. What they were able to save, in instances where they do have something, is not sufficient to pay the fees that are now charged for medical services in this country. These fees have changed with time.

These men, in most instances, are proud persons, and a number of them have talked to me since this Motion has been publicised saying that they hope that it will be reinstated for seamen and their wives. They feel that they deserve some recognition. Not just the veterans, for I understand the veterans to a large extent did not necessarily engage in battle, but they battled the seas during the last World War. These seamen now, in my belief, require such recognition under the Law.

So, Madam Speaker, in the resolve section of this Motion, it is being asked that the Government consider reinstating free medical services for Caymanian seamen

and their spouses. Not just those within the "(b)" and "(c)" category in the Health Services (Fee) Law, 1993, who are veterans, and in these two associations. It is asking for a distinction and for a categorisation of these persons and their wives. Some of the men have passed on, but their wives are still left and they were the people who, in effect, ran the homes, kept the neighbourhood and ran the community while their men were at sea. They raised the younger generation who have now grown into adulthood and are enjoying the fruits of the hard labour of these particular seamen.

Madam Speaker, the question of the persons who were members of the Seamen and Veteran's Association of Cayman Brac, and who, it was felt by the Government, were rich and wealthy and so on and should not be there (many of whose names are read out in this House), would not be included in the number of who would be eligible. For, surely, if there was a means test it would identify those who could not afford, thus they could be helped. As I referred to the question of some of those persons who were in the Association as members and paid their dues, they also paid their bills at the Hospital. It was not as if every one of those members in that Association who had financial means was actually seeking and getting free medical attention.

Madam Speaker, I believe this Motion addresses a matter that needs to be addressed. It recognises the role in history played by a special category of our people who now, in many instances, need help. So, by simple amendments to existing legislation these persons can be helped and recognised, and so can their spouses in such instances as is the case.

I support this Motion and, as I have said, I am not quite certain what the Government's position is on it. I trust that in the course of the debate it can be made clearer or I, myself, will surely seek to have a discussion with the Minister speaking on behalf of Government to understand clearly what was said or implied in his reply. I was not in the Chamber at the time when he was speaking since I was trying to locate the two Laws to which I have been referring.

Madam Speaker, I support this Motion and I think it is good for this country. Thank you.

MOMENT OF INTERRUPTION—4.30 PM

Standing Order 10(2)

The Speaker: It is now 4.30. I would ask for the motion for the Adjournment of the House.

The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I 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. I shall put the question, those in favour please say Aye...those against, No.

AYES.

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

AT 4.36 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 15 SEPTEMBER 1994.

APPENDIX I
(Parliamentary Question 128—page 380)

**TOURIST ACCOMMODATION TAX—HOTELS, CONDOS & GUEST HOUSES
AS AT 31ST AUGUST, 1994**

PROPERTY	ESTIMATED T.A. TAX	TIME PERIOD
Hospitality World Ltd.	410,780.00	09/87 thru 07/94
Coconut Harbour Hotel	89,800.00	12/89 thru 11/91
Coral Caymanian	13,580.00	08/92 thru 07/94
Villa Caribe	14,800.00	01/88 thru 09/90
Cayman Islander Hotel (Current Owners)	\$13,800.00	06/92, 11/92 & 05/94
Cayman Islander Hotel (Previous Owners)	13,400.00	07/88 thru 09/88
Clarion Grand Pavilion (Current Owners)	6,000.00	07/94
Island House Resort	5,100.00	01/88 thru 06/90
Seaview Hotel	3,840.42	04 thru 07/94
Driftwood Village	1,080.00	02 thru 04/94
Harbour View Apts.	665.53	03 & 04/94
C.I. Realty & Property Management	436.61	06 & 07/94
Eldemire's Guest House	240.00	03 & 04/88
TOTAL	CI\$573,522.56	

PROPERTY	20% SURCHARGE	TIME PERIOD
Cayman Islander Hotel (Current Owners)	4,981.16	12/92 thru 04/94
Discovery Point Condominium	4,679.00	02/94 thru 04/94
London House	4,417.94	04/90 thru 02/94
Casa Caribe	2,292.92	11/90 thru 07/93
Turtle Beach Strata	1,738.07	01 thru 10/93
Coral Caymanian Hotel	1,489.81	10/92 thru 06/93
Grand Pavilion (Previous Owners)	1,478.15	12/90
Grand Bay Club	1,471.06	02/94 thru 05/94
Seaview Hotel	599.14	01/94 thru 05/94
C.I. Realty & Property Management	197.34	01/94 thru 05/94
Harbour View Apts.	187.10	01/94 thru 03/94
Eldemire's Guest House	128.31	08/88 thru 01/89
Nautilus Apts.	111.98	03/90 and 91
Silver Sands Apts.	95.79	06/91
Driftwood Village	66.96	08/93
Sea Island	61.17	01 and 02/89
Colliers's Castaway	50.48	03/94
Moon Kai	34.34	04/94
Sam McCoy's	26.12	07/91
Kirk Cove	18.99	10/92 and 08/93
Gardens of the Kai	10.50	04/94
George Hanson Villa	6.72	03/94
TOTAL	CI\$24,143.05	

PROPERTY	ESTIMATED T.A. TAX	TIME PERIOD
Ramada Treasure Island Resort	586,726.00	12/86 thru 07/88
Cayman Kai Resort	74,600.00	02/91 thru 05/93
TOTAL	CI\$661,326.00	

**THURSDAY
15 SEPTEMBER, 1994
10.06 AM**

The Speaker: I will ask the Honourable Third Elected Member for George Town to say Prayers.

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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

PRESENTATION OF PAPERS AND REPORTS

**FINANCIAL STATEMENTS OF THE PORT AUTHORITY
OF THE CAYMAN ISLANDS FOR 31ST DECEMBER,
1993 AND 1992**

The Speaker: Presentation of Papers and Reports. Financial Statements of the Port Authority of the Cayman Islands for the 31st December, 1993 and 1992. The Honourable Minister for Tourism, Environment and Planning.

DEFERRAL OF PAPERS AND REPORTS

Hon. Thomas C. Jefferson: Madam Speaker, may I ask that this paper be deferred until tomorrow, please?

The Speaker: Yes, you may.

The next Report is the Civil Aviation Authority Annual Report, 1993. The Honourable Minister for Education and Aviation.

CIVIL AVIATION AUTHORITY ANNUAL REPORT 1993

Hon. Truman M. Bodden: Madam Speaker, I beg to lay upon the Table of this Honourable House the Report of the Civil Aviation Authority Annual Report, 1993.

The Speaker: So ordered.

Hon. Truman M. Bodden: Madam Speaker, the Cayman Islands Civil Aviation Authority has again successfully met its national and international obligations with respect to the safe, efficient, regular and economic growth of aviation services in the Cayman Islands. This achievement reflects the policies and decisions of the Authority's Board, and the commitment of the Civil Aviation Authority's staff to succeed. I would like to publicly thank the Director of the Civil Aviation and all the staff at the Airport and at the Civil Aviation Authority.

As is customary, aviation services in the Cayman Islands are occasionally inspected by international agencies such as the International Civil Aviation Organisation and others from the United Kingdom and the United States. In addition to the safety concerns of these agencies, financial institutions, such as the Caribbean Development Bank, which funded aviation projects in the Cayman Islands, carry out their own inspections to assess the economic health of the Authority.

Staff training has remained one of the main priorities of the Authority. While most staff training is conducted overseas, the Authority has made strides to carry out training locally in certain areas. A major achievement in this area was the organisation of an Air Traffic Control Basic Course which began in November.

Detailed activities and achievements of the various sections of the Authority, including the audited accounts for the year ending 31st December, 1993, have just been tabled in this Report.

Madam Speaker, the Civil Aviation Authority continues to be what I regard one of the best and efficiently operated Statutory Authorities. While I am generally against statutory authorities which have excessive powers, as we have seen in some of the other ones, this Authority operates on the basis of the old Statutory Authority in that staff who are there on a permanent and pensionable basis are under the rules and guidelines of the Civil Service itself. At meetings of the Authority on many occasions either the Honourable Financial Secretary or a representative of his Department or Portfolio is present.

The assets of the Authority are quite extensive, and I am also happy to say that as at the end of the year 1993, we showed a general reserve of \$2,736,151 with a net income for that year of \$914,237.

I would like to conclude by repeating that I owe a lot of gratitude, as does this country, to the Director of Civil Aviation and the staff. Specifically, we have had the retirement of Mr. Pat Johnson and I would like to once again publicly acknowledge all that he has done for the Civil Aviation Authority in his 27 years of service. He was a very dedicated staff member and Deputy to Mr. Sheldon Hislop our present Director.

So with that, Madam Speaker, I am happy to say that the Civil Aviation Authority continues to be a very healthy, well-run, efficient and safe organisation.

Thank you.

The Speaker: Thank you, Honourable Minister.

Questions to Honourable Members/Ministers. Question No. 129 is standing in the name of the Honourable First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 129

No. 129: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to provide a breakdown of the work accomplished by the Drug Assets Confiscation Unit from its inception to the present time.

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: This Unit was formed in September 1989 under the title of Drugs Profit Confiscation Unit. In January 1994, to reflect the broader base of the work encompassed by it, the name was changed to Financial Investigation Unit.

Its achievements since its inception can be categorised in two parts: Domestic; and International.

(i) Domestic: Locally this Unit supports the Drug Squad and to date has been responsible for the seizure and confiscation of the following:

- (a) one aircraft;
- (b) two yachts;
- (c) three small craft;
- (d) five motor vehicles (three of which are currently in use with the Drug Squad);
- (e) land valued at approximately US\$75,000;
- (f) jewelry—total value US\$46,000;
- (g) land valued at approximately US\$3 million (still subject to legal argument).

The Unit has also dealt with 144 disclosures under section 16(O) of the Misuse of Drugs Law, all of which required investigation.

(ii) International: Internationally its responsibilities have included the following:

- (a) fourteen assistor notices served under the Narcotics Drugs (Evidence) (United States of America) Law, 1984;
- (b) forty-one notices served under the Mutual Legal Assistance Treaty (United States of America) Law, 1986;
- (c) US\$6 million is currently under restraint awaiting the outcome of court action in the United States of America and is to be the subject of the asset sharing agreement.

The Head of the Unit has given assistance to the Financial Supervision Department on numerous occasions. He has advised Senior Members of the Government on the protocols laid down by the Caribbean Financial Action Task Force and represented Cayman at meetings of that Organisation.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say what the relationship of this Unit is to the Commercial Crime Branch and, also, to the Drugs Squad?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: The Unit is responsible for liaising with the Commercial Crime Branch on those aspects of commercial investigations that may be linked to the possibility of drug profits confiscations. Similarly, it is tied to the Drugs Squad by virtue of the objectives of the Drugs Squad in targeting drug dealers and, naturally, trying to target, in so doing, the assets that might potentially have derived from drug dealings.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say what arrangement exists to avoid conflicts and also duplication of resources, research and investigation between the Commercial Crime Branch and the Drugs Squad?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, there is no duplication of resources. These Units work in collaboration with each other and their work is coordinated so that there is no need for any fear about the duplication of their efforts.

The Speaker: The next question is No. 130, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 130

No. 130: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to say what resources are available for the instruction of "Conflict Resolution Techniques" in the Royal Cayman Islands Police Force.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, conflict resolution techniques have not been taught in the Royal Cayman Islands Police Force as a subject in itself, but because the subject of conflict is so broad it has been covered in many other areas.

During the basic recruit course, Officers are taught "The role of the Police in Society". This subject encompasses such topics as: Definition of a Role; The Many Roles We Play; Role Conflicts; Adopting a New Role; Supporting the Transition of a New Role.

Recruits are also taught "stress management". During these sessions they are taught how to deal with role conflicts as it relates to friends, family and the Police, work and social situations, etcetera.

At the supervisory level, stress management is also taught and the same principles are part of the subject.

A selected few are chosen as tutor constables and during their training they are taught how to counsel and resolve conflicts.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member give an undertaking, in that I am made to understand there is an increasing call upon the Police to intervene in domestic and family disputes, that some investigation be made into the possibility of introducing this as a formal course of study so that the Police can be better able to deal with domestic violence situations when they are called upon to intervene?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I will simply pass the suggestion on to the authorities and they will have to consider incorporating those recommendations in future training programmes. I am not aware, however, of any complaints about the manner in which domestic disputes are currently dealt with, therefore, I am unable to say whether I am satisfied that it is an area deserving of extra training. I know of no complaints.

The Speaker: The next question is No. 131, standing in the name of the First Elected Member for Bodden.

QUESTION NO. 131

No. 131: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state the existing arrangements for training of policemen in hand-to-hand combat.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the Police are trained in self-defence techniques which are significantly different from hand-to-hand combat. The latter concentrates on offensive techniques, usually practiced by military or para military organisations.

The self-defence training of the Royal Cayman Islands Police is identified as a non-aggressive level of force that would be used to control non-compliant subjects, thereby reducing officer and subject injuries. This training is done with the use of empathy, hand control, baton and handcuff techniques. The duration of this basic training is 16 hours and is currently being conducted by a qualified self-defence instructor and a member of the Legal Department who is instrumental in teaching the use of force.

Whilst the present training is considered adequate, it is also being reevaluated, and to this end research is now being done to provide recommendations on use of force context, policy considerations, scale of escalation, procedural considerations, techniques and tactics, minimum performance, certification standards, and recertification programmes.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if this training is available to all recruits, male and female?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, it is.

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 during the course of this training there are any offensive techniques given to the Police? I would think there would be occasions when it could be a life-saving situation where they would take an offensive action which, in itself, would be a defensive action. Is it totally excluded, or is it involved?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, I am afraid that I am not qualified to elaborate on the information that I have been given. I have provided the answer that has been given to me. I am not competent to elaborate any further.

The Speaker: The next question is No. 132, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 132

No. 132: Mrs. Berna L. Thompson Murphy asked the Honourable First Official Member responsible for Internal and External Affairs on what basis are awards given by Her Majesty Queen Elizabeth II and His Excellency the Governor.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, honours and awards are given to deserving candidates upon recommendations made to Her Majesty's Government by His Excellency the Governor.

His Excellency the Governor invites nominations and endeavours to balance candidates between the public and private sectors as well as various districts. There are various service areas and each honour or award is intended to reflect the exceptional degree of service rendered by the nominee.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Could the Honourable Member state if this is done solely by His Excellency, or is it in conjunction with Executive Council?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, His Excellency the Governor is free to solicit nominations from a variety of sources: Senior Civil Servants; Members of Executive Council; Members of the Legislative Assembly; distinguished citizens in the community; previous recipients of honours and awards; Churches, and Civic Organisations. There are many sources from which ideas and suggestions emanate, and although it is His Excellency the Governor's final choice, any member of the public is entitled to submit a name in nomination and it will be considered.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I am not sure if the Honourable Member understood what I was trying to solicit, maybe I was not clear enough. What I am trying to determine is that when the names are submitted, do they go before His Excellency the Governor as well as Executive Council, or do they just go to His Excellency?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: I understand the question much clearer. This is a matter that is reserved to His Excellency the Governor acting in his absolute and sole discretion. He is not obliged to consult the Executive Council, and he does not do so.

The Speaker: The next question is No. 133, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 133

No. 133: Mrs. Berna L. Thompson Murphy asked the Honourable First Official Member responsible for Internal and External Affairs to state if there are any policies in place regarding the District Commissioner and the Deputy Commissioner being away from their offices and/or the Sister Islands at the same time.

The Speaker: The Honourable First Official Member for Internal and External Affairs.

DEFERMENT OF QUESTION NO. 133

Hon. J. Lemuel Hurlston: Madam Speaker, in accordance with the provisions of Standing Order 23(5), I am obliged to ask the leave of the House to defer answering this question. I do not have the answer today.

The Speaker: The question is that the Honourable First Official Member be allowed to defer answering this question until a later sitting. I shall put the question. Those in favour please say Aye... Those against, No.

The Ayes have it. Leave has been granted to defer answering the question.

AGREED. QUESTION NO. 133 DEFERRED.

The Speaker: The next question is No. 134, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 134

No. 134: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Education and Aviation to outline how the janitorial contract for Cayman Airways Ltd. was awarded.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Thank you, Madam Speaker.

Upon the expiry of the former janitorial contract, which was for US\$249,000 per annum, tenders were invited through the local press and by contacting firms individually through the Yellow Pages. Potential tenders were invited to a briefing to explain the services required and to view the aeroplanes to be cleaned.

Thirteen bids were received, including a bid from the former cleaners. All bids were considered by the Board, as required under Board policy for contracts over \$100,000, and the contract was awarded to the lowest tender who met all criteria as set down by the tender.

The contract was awarded to Reliable Industries, with a bid for U.S. \$204,000. Reynolds Janitorial Service, Cayman Airways Limited's former cleaners, which is headed by Michael Powell, submitted an unsuccessful bid of \$316,000.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister state if consideration was taken not only from a monetary savings of over \$100,000, but were the former cleaners cleaning to the Board's satisfaction?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, there had been problems in the past with those cleaners, and Cayman Airways Limited was unhappy in several areas in relation to the cleaning itself, and also to a lesser extent the question of security with things that were left there. We have had several reports where people said that they had left something and no one could find it.

But I should stress that the difference between Mr. Michael Powell's bid and the lowest bidder was actually US\$112,000, and that is an extremely large amount of money for a company that is trying to make money.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if it was ever drawn to the attention of the last cleaners that their services were unsatisfactory, and that they either had to shape up or ship out?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I have been told that they were told on many occasions of the lack in their cleaning ability. However, as to whether they were told to 'shape up or ship out' as the Honourable Member

said, I cannot answer that. But they were told of their deficiencies.

I go on to stress that there is a difference between \$204,000 and \$316,000.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if the concerns about the unsatisfactory work performed by this cleaner were put in writing or were they of an oral nature and, if so, to whom were they delivered?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I cannot now say specifically whether this was in writing or how it was done because, as the Honourable Member appreciates, it is a supplementary to this. But I understand that he was told.

The Speaker: The next question is No. 135, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 135

No. 135: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation when will a Caymanian be appointed to understudy the Managing Director of Cayman Airways Limited.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the Board of Directors of Cayman Airways Limited has approved the creation of a post of Assistant Managing Director. This individual will understudy the present Managing Director with a view to taking over on the expiration of his contract. The post will be advertised in the near future.

Madam Speaker, I should mention that this is the third time this year a question similar to this has been asked.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Honourable Minister say when the post of Assistant Managing Director was created and who is the individual to understudy the present Managing Director?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, if the Honourable Member would look at the answer, I said the post has been created and it will be advertised in the near future. But let me just go on to explain that we are going to get the right individual in Cayman Airways Limited to take over.

It has to be when the company is properly stabilised. I would like to see the accounts for this year because, while they are very good for six months, by the end of that if Cayman Airways is genuinely on a long-term basis pulling out and is well stabilised, our chances of getting a good person to come in there will be greater.

Madam Speaker, it is crucial that we get a person to take over Cayman Airways who is not going to run it into the \$30 million, or \$35 million in losses as we saw over a matter of two and a half years. So I would like to just make sure, and I think the Board requires me to make sure, that whoever goes in there is someone who can definitely take over, and is one who is going to run this along the proper lines.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I wonder if the Honourable Minister could say whether there is any person now within the Airline who offers any sort of management support services or who, in the event of the absence of the Managing Director acts in any way in the performance of the duties of the Managing Director?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, that is an opinion and I think the Honourable Member should really wait until the post is advertised. Obviously, there are people within management, but I do not know, and I am not prepared to give an opinion about their ability or otherwise.

The Speaker: Honourable Minister, I think he also asked who presently acts in place of the Managing Director. That I would expect you to answer, please.

Hon. Truman M. Bodden: Oh yes, I can answer that. Presently the Acting Managing Director is Mr. Michael Adams.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

The Honourable Minister said, in reply to a supplementary question, that he wishes to wait to make sure that the Airline stabilises financially, and so on. How long will such a wait take, and what will happen in the event that he determines that it has not stabilised? Does the present Managing Director (who is a contracted officer) continue, and no attempt will be made to find anyone to fill that post?

The Speaker: Honourable Member, the first part of your question seeks an expression of opinion, but if the Honourable Minister is able to answer with regard to the contract of the present holder, he may do so.

Hon. Truman M. Bodden: Madam Speaker, all I will say is that I would like to see more of the accounts for this year. Hopefully, January, February or March, somewhere within that area, we will be able to show someone coming in that this is not a company that is going to collapse the following day. Because to get anyone good in there, we have to show that Cayman Airways is going to continue and that we are not in a hot bed of politics and losing a lot of money in it. That is really all I am trying to do.

What I would like to say is that it would be a disaster to bring a person in before the company has properly stabilised and can move upwards, as it appears to now be doing.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Is the Honourable Minister saying that there is no good person in Cayman Airways that could fill this position, and that a person must come from the outside?

The Speaker: Honourable Member, I do not think the Minister implied that at all, and I cannot allow that. We will pass on to the next question, No. 136, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 136

No. 136: Mr. Gilbert McLean asked the Honourable Minister responsible for Education and Aviation if Government has received any guarantee from Caledonian Airlines with regard to their proposed Sunday Charters to Grand Cayman.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the answer is no. Government has received no guarantees from Caledonian Airlines.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say that there is no guarantee that the flights with Caledonian Airlines will actually begin and, if they begin, just when or how they will cease?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I am not saying that at all. The Honourable Member has asked me if Caledonian Airlines has given any guarantees. The answer to that is no. I have every faith that Caledonian Airlines, as a reputable company, will do what it said it will do, or it will have a very good reason not to do so. But no airline coming in here guarantees the Government that it is going to run the next year or any other day.

What I can guarantee the Honourable Member, though, is that if they will keep politics out of Cayman Airways, I will keep it guaranteed and running.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: As there has been no guarantee about the start up of the Caledonian Airline flights to the Cayman Islands, is the Government then acting in a way that is irresponsible by spending money to change the road which is supposedly affecting the flight safety of this airline?

The Speaker: That is an expression of opinion and the Honourable Minister, I know, cannot give an expression of opinion. But if he wishes to say something further to that he may.

Hon. Truman M. Bodden: If I may, Madam Speaker, because an imputation has been made. All of the trouble that the Government had with changing the road at the Airport was because of misrepresentations like what the Honourable Member has now stated—that the only reason for moving the road to get the use of 600 feet of built airstrip was for Caledonian Airways.

Our local Cayman Airways' Pilots, the American Airlines and Northwest Airlines, and all the other airlines' pilots, can use that strip to add safety to the flights. I am looking after the public on a whole—not Caledonian Airlines. If I had only been thinking of Caledonian Airlines, I could have done what I had said—I could have dropped the fence and let them in. But our own pilots and our children are much safer with an extra 600 feet of airstrip.

So the reason for changing that road is so that the public can be assured that the request from the International Civil Aviation Authority Organisation on increased safety at the Airport, can now be enjoyed by the public on a whole. And I stress that the 600 feet is built—it is sitting there and nobody is using it. That has to be a stupid situation.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

It is difficult for me to see the association with our children in the flight path of a landing aircraft. But I would ask the Honourable Minister, if there was not an official release from the Government (of which he is a part) that the road would be closed and then eventually be diverted

because of the coming of the Transatlantic flights by Caledonian Airlines?

The Speaker: The Honourable Minister for Education and Aviation—and this will be the last supplementary on this question.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

To be frank, the Honourable Member asking this question created so much confusion, and so much has been out there in the press on this subject in an effort to create problems for the Government, that I really do not even know anymore what has gone out there. Somebody will have to look up the last six months of newspapers.

But let me say this: he has misconstrued what I have said. I never said that there are children in the flight path. What I am saying is that if children are in that aeroplane and it lands and goes 200 feet into the North Sound, and they die as a result of it . . . There is 600 feet of built airstrip that the plane could have used and avoided a tragedy and a disaster like that. That is the reason why I have changed the road. It is not about anyone in the flight path, because that has no relevance at this stage. The planes are far above the safety levels.

Thank you.

The Speaker: The next question is No. 137, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 137

No. 137: Mr. Gilbert McLean asked the Honourable Minister responsible for Education and Aviation what are the present designated external examinations at High School level.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The external examinations presently taken by students at the John Gray High School are: Advanced Level; Advanced Supplementary; Caribbean Examinations Council; General Certificate of Secondary Education; Certificate of Education; City and Guilds; Royal Society of Arts; Pitmans; Preliminary Scholastic Aptitude Test; Scholastic Aptitude Test; and Advanced Placement.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Are any of these examinations the exams that the largest percentage of the children at the High School sit, and could he explain which examinations are advanced level?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the largest entries for examinations are, naturally, on the Caribbean Examinations Council. Advanced level is Cambridge and Welsh Joint.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I did not quite understand what he said. I think he said something about Welsh Joint. Are we talking about the GCSE examinations here, or is there another type? I did not quite get his...

The Speaker: Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: No, Madam Speaker. It is a Welsh Joint Education Council.

The Speaker: The next question is No. 138, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 138

No. 138: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs: a) to state the number of Caymanian Heads of Departments in the Civil Service at the end of 1992; and (b) the present number of Caymanian Heads of Departments in the Civil Service.

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the answer: (a) There were 25 Caymanian Heads of Departments in the Civil Service at the end of 1992; and (b) the present number of Caymanian Heads of Departments in the Civil Service is 24.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Would the Honourable Member be in a position to state if, since the 1992 figures, any new departments have been created that there would be need for additional Heads of Departments?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker. I can think of, for example, the creation of a fifth Ministry which

has created an additional post that is equivalent to a Head of Department, and there are perhaps others.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. Would the Honourable Member be in a position to state how many?

The Speaker: The Honourable Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: No, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I wonder if the Honourable Member is in a position to state how many changes of Heads of Departments there have been in between that time?

The Speaker: I do not know if the Honourable First Official Member can do that because that was not part of the original question.

Mr. D. Kurt Tibbetts: If not, in writing is fine—if he would undertake to do so.

Hon. J. Lemuel Hurlston: Madam Speaker, the net change is a net change of one. If the Member is asking for a breakdown of how that was arrived at, I am afraid I do not have that detail.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Yes, that is what I was asking. I would ask if the Honourable Member would accommodate me by providing that in writing?

The Speaker: Thank you.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

As a supplementary, I wonder if the Honourable Member could tell us if the reason for the present number of Caymanian Heads of Department now being 24, and in 1992 it was 25, is because of the amalgamation of departments?

The Speaker: Honourable First Official Members for Internal and External Affairs.

Hon. J. Lemuel Hurlston: No, Madam Speaker. The primary reason for the reduction in the statistic was as a result of the recent promotion of a Head of Department, and a subsequent acting appointment of someone in that position who is a non-Caymanian.

The Speaker: The next question is No. 139, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 139

No. 139: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs to make a statement as to Government's policy regarding deportation of persons convicted of criminal offences who have no close Caymanian connections.

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, deportation is carried out in accordance with the provisions of the Immigration Law. Decisions are made by the Governor acting on the advice of the Executive Council.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I trust that I will be able to explain myself in the question that I wish to ask. What I would like to ask the Honourable First Official Member is if he could state how the process originates to arrive at the Deportation Order?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, deportation is an Executive Action, meaning that no matter what the origin of the source of the recommendation, the ultimate decision in the matter is an Executive decision. Recommendations may emanate from a variety of sources, including the Judiciary.

The Law under which Deportation is carried out attempts to specify certain categories of persons that are deemed to be deportable persons. In some instances, recommendations emanate from the Courts. In other instances, recommendations emanate from the Police, Immigration Department and other sources. So it is very difficult to pinpoint specific sources. But the source is not as important as where the decision rests, and that is with the Executive Council.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I thank the Honourable Member for bearing with me. I understand what he has answered, but I am asking for a little bit more clarification. The fact that

there is no set method whereby these recommendations are passed on to the Executive branch of Government, has there ever been thought given that the system would be a lot tighter if there were some specific guidelines in regard to these individuals, if they have been convicted, that there be certain procedures which would automatically take place, which, to the best of my knowledge, do not take place automatically now?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, the procedure at the moment is that when a person is convicted of a serious criminal offence in the Courts of these Islands, the Court automatically considers the question of deportation and makes a recommendation which is forwarded to the Executive Council for consideration if the person is a non-Caymanian. That is an automatic feature in the system at the moment. But that is only one of a possible number of sources.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I will try to make this the last supplementary. The Honourable First Official Member said that it is an automatic part of the system. Can he state if this is in any Law, or if it is just something which is an unwritten law?

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: In the Immigration Law there is a provision which says that anyone who is convicted of an offence and is sentenced to a term of imprisonment (of a certain minimum duration) is automatically, by Law, a prohibited immigrant to the Islands. Therefore, that provision has to be taken note of and, whether or not the Court makes the recommendation, the Executive Council on its own back can initiate deportation proceedings at the appropriate time—for example after the convicted person has completed serving the required sentence. The question of deportation often comes up just before the sentence is about to expire and the person is about to be released from prison. The question of deportation quite frequently arises at that time.

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

The Speaker: It is now 11 o'clock.

The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, I believe it is the will of the House that under Standing Order 83, we suspend Standing Order 23(7) and (8) to allow the other questions and supplementaries to be taken.

The Speaker: The question before the House is that Standing Orders be suspended in order to deal with the last question. Those in favour please say Aye... Those against, No.

The Ayes have it.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTION UPON THE ORDER PAPER TO BE TAKEN.

The Speaker: The next question is No. 140, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 140

No. 140: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs: (a) What was the number of established posts in the Civil Service before the recently completed down sizing exercise; (b) what was the number of established posts at the completion of this exercise; and (c) what is the present number of established posts in the Civil Service.

DEFERMENT OF QUESTION NO. 140
Standing Order 23(5)

The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. J. Lemuel Hurlston: Madam Speaker, in accordance with the provision of Standing Order 23(5), I have to beg leave of the House to defer answering question No. 140, as I have do not have the answer today.

The Speaker: The question is that the House approve the deferment of the answering of Question No. 140 by the First Official Member for Internal and External Affairs. I shall put the question. Those in favour please say Aye... Those against, No.

The Ayes have it. The question is accordingly deferred for answering at a later date.

AGREED. ANSWER TO QUESTION NO. 140 DEFERRED.

The Speaker: That ends Question Time for today.

I apologise to the House for the delay, apparently copies of the statement were not readily available which is now to be made by the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Is this a statement or... this looks to be a response to Parliamentary question, Honourable Minister.

Hon. Anthony S. Eden: Madam Speaker, I apologise to the House for this because I asked that it be sent down from about quarter to nine this morning. I gave the undertaking in response to a supplementary question asked by the Second Elected Member for Cayman Brac and Little Cayman.

The Speaker: Except that this is not a statement as such, this is a response to a question which is under a different heading.

Hon. Anthony S. Eden: Madam Speaker, I beg then that it be withdrawn until the appropriate thing is . . .

The Speaker: It could come under Questions, except if an undertaking was given, I do think it should have been just supplied to the Member asking the question, rather than coming from you as a statement. But if you want to make a statement you can proceed.

**STATEMENTS BY MINISTERS
OF THE GOVERNMENT**

REVIEW OF HEALTH SERVICES DEPARTMENT

Hon. Anthony S. Eden: Thank you very much, Madam Speaker. It was in regards to reviewing the Health Services Department. The review will be done at my request, by an inspection team under the authority of His Excellency the Governor. The Team comprises the Deputy Chief Secretary (Mr. James Ryan), Acting Permanent Secretary in the Ministry of Health, Drug Abuse Prevention and Rehabilitation (Miss Andrea Bryan) and the Director of the Budget and Management Unit (Mr. Peter Gough). The Review is scheduled to start the week beginning 19th September, 1994, with the final report to His Excellency at the earliest possible date.

I would like to advise the Honourable House, through you, Madam Speaker, that I was reluctant to provide the information at the time the question was asked out of consideration for the staff of the Health Services Department, not all of whom had been aware at that time that the Review would be taking place. They have now been informed.
Thank you.

The Speaker: Thank you Honourable Minister. The next statement is a Personal Explanation by the Third Elected Member for West Bay, under Standing Order 31

PERSONAL EXPLANATION
(*Standing Order 31*)

**ON THE MATTER RAISED BY THE FIRST ELECTED
MEMBER FOR BODDEN TOWN DURING QUESTION
TIME ON MONDAY, 12TH SEPTEMBER, 1994**

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

Madam Speaker, in accordance with Standing Order 31, I beg your permission to address a private matter concerning me which was raised by the First Elected Member for Bodden Town on Monday, 12th September, 1994, during Question Time. The matter relates to my company, Jefferson Travel Services Ltd., and Islena Airline of Honduras, which we have represented for four years.

First of all, I must say that I was surprised to see Mr. Roy Bodden with a copy of a private and confidential letter

written by me to Mr. Arturo Wood, the owner of Islena Airline, addressing the severance terms of our Agency Agreement and the issue of slander concerning Mr. Wood's attempt to destroy the good name and reputation of my sister, Mrs. Norma Jean Bennett, and myself.

It is my information that Mr. Arturo Wood passed a copy of this letter in question to Mr. Graham Thompson who arranged to have a copy passed to the First Elected Member for Bodden Town. This Member should have known better than to bring a private matter of this nature before this House, without having all the facts of the case, in an attempt for political expediency to ruin my good name and reputation.

POINT OF ORDER

(Misleading)

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. The Honourable Member reading the public statement has misled the House, made a false accusation and has uttered a statement which he cannot substantiate because I told no one that Mr. Graham Thompson passed me the letter. I made no statement of origin and, indeed, it did not come from the said gentleman.

The Speaker: I have noted your Point of Order, and I would say that on a personal statement I will allow no other debate or points to be raised. If someone wishes to make a personal statement thereafter, they may do so.

Third Elected Member for West Bay, please continue.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

Islena Airlines was given a final and full accounting of all funds owed to it by Jefferson Travel for ticket sales and excess baggage revenue collected on its behalf. I have also acknowledged the outstanding obligation to Cayman Airways for handling services rendered and I have arranged with the Airline to pay off this amount over a period of time.

What Mr. Graham Thompson failed to tell the First Elected Member for Bodden Town was that when I took over as agent from Mr. Thompson in 1990, I was obligated to pay off, on behalf of Islena Airline, an outstanding amount with Cayman Airways, incurred by Mr. Graham Thompson for handling services, which Islena Airlines paid him for, but he never settled with Cayman Airways.

Mr. Graham Thompson also failed to advise the Member of the fact that we were also required to settle a long outstanding account for Landing Fees with Civil Aviation which he also failed to settle, even though he was paid by Islena Airline for these charges.

I was also told by Mr. Arturo Wood at the time we took over as agents from Mr. Graham Thompson, that Graham was taking 15% rather than the previously agreed 10% of sales and excess baggage revenue as his commission.

This was one of the main reasons why his Agency Agreement was terminated in 1990. Mr. Graham Thompson has, once again, been appointed as the agent of Islena Airline.

I am making arrangements to allow the courts to determine whatever amount I am to receive for termination of my Agency Agreement without notice, and my claim for slander charges.

Thank you, Madam Speaker.

The Speaker: The next item is Private Member's Motion 21/94, Reinstatement of Free Medical Attention to Retired Seamen of Caymanian Nationality. The debate continues. The First Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 21/94

REINSTATEMENT OF FREE MEDICAL ATTENTION TO RETIRED SEAMEN OF CAYMANIAN NATIONALITY

(Continuation of debate thereon)

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

I rise to make my contribution on Private Member's Motion No. 21/94, Reinstatement of Free Medical Attention to Retired Seamen of Caymanian Nationality.

I would first like to publicly state that I am a member of the Veterans and Seamen's Society of Cayman Brac and Little Cayman, therefore I will be abstaining in the vote on this Motion. I shall give historical information as to the society and the Health Services Law.

Madam Speaker, the Veterans' Association here in Grand Cayman has been an organisation affiliated with the Veterans' Association of the United Kingdom for many years. But it is my understanding that it did not reach out to seamen. It was for those who were involved in military conflict as armed military or naval personnel and who took part in areas of hostility around the United Kingdom and Europe by certain latitudes and longitudes. Therefore, many of our much deserving seamen who, certainly, were veterans of war zones were not able to join and were not recognised for what they had done—not only in war time, but in peace time—to help establish the economy of these Islands. The historical facts have been borne out by other Members as to what benefits they bestowed upon these three Islands.

Some in my age group, and older, fully realised that the opportunities for employment in the Cayman Islands many decades ago were limited. More or less, people had to resort to going to sea as a career—part of the year turtling on the Miskito Bank, and the other part cultivating the land. Life was difficult in the Cayman Islands. But, because these gentlemen left their families, sometimes for years at a time, and went overseas—sailed through peace and war—and sent back funds, they were able to raise their

families and create a stable economy. With the revenue they contributed, the Government provided schools and hospitals and improved the educational and health standards of these Islands.

It was after much consultation that it was decided that this society would be open to both veterans and seamen. So it became the Veterans and Seamen's Society of Cayman Brac and Little Cayman. The directors of that organisation approached the Government (not necessarily for people who needed financial aid only) to ask that Government bestow some kind of an award for those who had contributed much to the founding and development of these Islands. This was dealt with through the proper channels and incorporated into the Health Services Regulations that all members of this society would get free medical benefits.

I want to call to the attention of all Honourable Members that although the lists were long, there were many that were already covered by Government pensions. Many of them had joined the Civil Service after their sea careers and, therefore, had become pensionable employees and were drawing pensions which entitled them to free medical aid. Others were spouses of pensioners, or civil servants. There were others, including myself (and I am grateful to Almighty God) who were not in a financial position where they needed to have the Cayman Islands Government pay our fees. There were also many of us who had hospitalisation and medical insurance and this took care of our expenses.

Having the list of members, which I hasten to say included not only the seamen from Cayman Brac, but from the three Islands, including many from Grand Cayman—West Bay, George Town, East End, Bodden Town. It was not a selfish move on the part of the Sister Islands (as we are often accused of) it was open to any who wanted to join.

This society has proven very beneficial to many of the less fortunate of Cayman Brac and Little Cayman, in particular. It has established a fund set aside for burial (similar to the Social Security system in the United States) so that upon the death of a member, or a member's spouse, a fee is paid to assist with burial. I hasten to say that the Rest Home in Cayman Brac received a very generous donation from the Veterans and Seamen's society in building a patio—12 x 70 feet—with a fire escape ramp. We had quotations of \$12,000. The President of the Association told me that they built it for under \$6,000 with donated labour. Nevertheless, we consider that they made a donation to us and saved us \$12,000, that is the Sister Islands Community Care. So the revenue that they have derived from their members has been poured back in to the people who need.

What I would like to suggest today, is that this be looked into very carefully. Although I said before that the number of members is large (and we are grateful for that), it should be prioritised to those who are really in need. We must realise that when most of these people (who are now 70 years of age) were raising their families, the cost of living was much less than it is now, but the salary scale was equal, if not lower. It took just about all that they had to

raise their families, as those families in general were larger than families today.

So, we see a need for this. Even with health insurance, drugs are not provided. There are individuals suffering who need high blood pressure tablets, tablets for diabetes and other types of diseases. If some minor provision could be made where they could at least get their medication, it would ease the pain. I fully realise that when the Government considered this generous gesture towards the seamen of this country, the National Health Insurance was a part of it. The number of members who need it could easily be multiplied by what it would cost per month and quantify the cost. Without the National Health Insurance, the sky is the limit.

So, Madam Speaker, I appeal today to the Honourable Members of this House, our Executive Branch, that everything be done to bring about our National Health Insurance as early as possible. This will enable our Government to know what their aid to people in need is going to cost. If they carry a policy on that individual and they pay a premium monthly, that will pay for the air ambulance to take them to Baptist Hospital and pay for their expenses overseas. It can be quantified.

There are many means by which we can eliminate a number of our unknown expenses today, using that money to make the lives of those who made it possible for us to stand here in this legislature today, more pleasant and healthy in their latter days.

Madam Speaker, as I said in the beginning, I shall abstain in voting on this, but I want to make it abundantly clear that the Society is not trying to be a freeloader on Government. It is trying to help the community, and looking for the Government, in turn, to work hand in hand. With these few words, I say to all Honourable Members, and to the Honourable Minister of Health, I look forward to your making the necessary arrangements to get help to those who need it as early as possible.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.26 AM

PROCEEDINGS RESUMED AT 11.48 A.M.

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 21/94. [*Pause*]

If there is no further debate I will ask the First Elected Member for Bodden Town...

Hon. W. McKeever Bush: Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, before I get into the debate, I will make an explanation on behalf of the

Honourable Minister of Health, who has asked me to clarify that Government is not accepting the Motion because we feel that there is now provision in section 10 (b) and (c) of the Law and section 9. But he will undertake to meet with the Seamen's Association to get the eligibility clarified.

I have listened to the proponents of the resolution before the House, and let me say to one and all from the outset, the resolution before the House is not asking for anything more than what is being done today. The resolution asks that Government consider reinstating free medical services for Caymanian seamen and their spouses, and that the Government devise a means test so as to be able to accurately and fairly determine eligibility of benefits. This is what is being asked for today.

The Health Services (Fees) Law says, in section 9: "9. Fees payable by a patient at a health care facility may be waived, in whole or in part, if the patient satisfies the Government that he is unable to pay all or any part of the fees." The system in place is exactly what this resolution is asking for—a means test. The only way that the Government can accurately and fairly determine those who are eligible for benefits is to do a means test, and that is what exists presently. Furthermore, when that Law was being debated, an enquiry was made by the Fourth Elected Member of George Town as to what was the way of proving that a person could not pay, I said at the time that if a person goes to the hospital there is a Medical Social Worker there who will discuss with them whether they can pay or whether they cannot. That is how it will be dealt with, speaking broadly. That is exactly what is in the Law, and that is exactly what they are asking. Nobody can say there is anything different.

It is a fact. All of us in this House (some who were seamen) know full well that Caymanian seamen have done a tremendous amount of good for these Islands. The seamen of this country went away at a time when there was nothing here and the vast majority of them sent their money home to raise their families, to build their homes, and to generally contribute to the meager economy of these Islands. All of us in this House recognise that this has happened. Those of us who benefitted from it are sincerely appreciative for all that the seamen have done for their families, which has also enabled some others to benefit because of money spent in the Islands.

I do not think that any one of us in this House can claim to want more than the next for any particular seamen, or any particular worker in this country. But we have to be realistic. The country does not have an open bank account to spend, and spend, and spend, to give to the people that normally can help themselves. What we are trying to do is assist those people who genuinely cannot assist themselves. But there were many on the list at the time who were eligible to get free medical who had health insurance and were not using it. When one goes through the list, which I distributed at the time of the presenting of the Bill, one will see that there were some on that list that were not even Caymanians. When one considers people such as Wayne Hasson—do not tell me that we should be spending the country's money on somebody of such means. I know of people in my constituency who had

health insurance, one Alfred Sydney Hydes Sr., who is an employee of the Holiday Inn, with insurance. I know that Holiday Inn has insurance for their staff, and he was eligible. Reverend Lee King made a contribution to the country, but does that give him the right to be a possible drag on the country's finances?

There were many people who are on the list—big business people of this country—who either have business or the means to pay through some other income, and they carry their own health insurance. Why, Madam Speaker? We took the decision because there was abuse. Now, what the resolution, or the Opposition, is asking the Government to do is no more, or no less, than what Government said it would do and what is in force at the time.

Madam Speaker, I am speaking very frankly here today. It could be that when people go to the person who determines the eligibility they might not like the approach of that person. They may not like how that person deals with them, and I have had to deal with complaints from seamen and others about this particular situation. That person is a civil servant, and I have made my complaint about that matter before. It should be taken in hand because when you are dealing with the public you should know how to deal with them. I say no more on the issue.

I have also noted the Opposition's claim of how good the previous Government treated the seamen by giving all seamen free medical. I have also noted in a radio broadcast yesterday that my name was used by the First Elected Member for Bodden Town when he said that I had taken away what the previous Government had given. I cannot help but think, if the Opposition considers what the previous Government did to be the right thing, judiciously, or morally correct, against the finances of the country with a wide open policy (as that was), why then would the Opposition not ask the Government today to replace what we have done with what was in place before by the previous Government? Why? If they felt that it was correct to have a wide open policy where all these people who had insurance and who were not even Caymanian could have their free medical, if they felt that was correct, why have they not said in this resolution that we should replace what we have done with the previous method? They have not done that.

What the Opposition has asked Government to do is exactly what is now in place—nothing else. They have asked Government to devise a means test. They claim that I have taken away what the seamen had. If I took it away, why did they not replace it? All they are doing is asking the Minister to put in place what is already there. Maybe they can explain that, because I just do not understand what they are doing.

Generally, all over the country the matter of free medical was abused. There were people from Mexico, India, Cuba, Singapore, Guyana, Ethiopia, Trinidad, Switzerland, Barbados, Philippines, Israel, Santo Domingo, Malaysia, Netherlands, Belgium, Ireland, South Africa, Australia, New Zealand, Bahamas, St. Lucia, El Salvador, Columbia, Cyprus, Nicaragua, China, Costa Rico, Argentina, Panama, and Honduras. What did they expect Government to do—not to put the checks and balances in place?

It is true, it has been said before that they will give McKeeva a good beating up with this because he is the Minister that did it. If that is what they want, let them do their worst. But while I was the Minister I took the position in consultation with all the Members, and I dare say from what I can recollect of the vote, there was not one soul except, I believe, the Second Elected Member for Cayman Brac and Little Cayman, who objected to the situation. Even the good Captain, the First Elected Member for Cayman Brac and Little Cayman, who says today that he is going to abstain on this, voted for the Bill. Why? Because, as he said, he too recognised the abuse and he felt that people could get their free medical.

Let me say to this House that while I was the Minister for Health, there were people—and since I was Minister for Health there are people—who had problems, but we worked it out. When I say we worked it out, they received their free medical care. Because we said that seamen who could prove to the officer in charge at the Hospital that he did not have the means, would get free medical locally or otherwise, overseas. Further to that, in correspondence between the Association and myself, I have said to them that in the review now going on with the Health Insurance, Government would make sure that these seamen were covered. That is what is going to happen while I am a Member of this Executive Council.

They were going to be covered because if we have to pay a small premium, or whatever we could work out to get them fully covered under the insurance scheme that comes up, it would be done. So, nobody needs to try to make political hay out of this issue. Naturally, there are people who are disgruntled, but they are not disgruntled to the point where they cannot get medical attention—no one is in a position not to get free medical attention.

I believe with all my heart and soul today, that we took the right decision. The Government confirmed by the House not to allow the abuse to continue, but to give them that chance. Further to that, there have not been any recommendations, correspondence, or discussions from the Seamen's Association to the Government to do otherwise than what we are now doing. As I have said, there was correspondence, there were meetings held with the president. In fact, there are dozens of seamen who have said to me, "McKeeva, I realise what you are doing. We realise that all these people on this list, in all good conscience, should not get free medical." But for the few areas that I mentioned, nobody else has come forward.

This Law addresses the issue which recognised the role played by the seamen. Today we know that those who are in the twilight years, those who cannot assist themselves, can be assisted by the Social Services even if they are not assisted now. Further, the Pension Committee will be addressing this matter of all elderly people. The Minister for Health has said that he will be having discussions with the Association, and I will be having discussions with them to see where their problem exists. If there is a problem other than what we now know of, we will take the matter in hand further.

In summary, we have said that those who have the ample means to pay, should pay. There are elderly people,

elderly seamen and their spouses, whom we know do not have any means today, and those people are being assisted. I do not know of any, because nobody has come forward to me and said they cannot meet their bills. Those who have come forward have been taken care of.

I repeat, in summary, the Opposition is not asking the Government to do anything more than what is now in place. The Opposition says that the Government should devise a means test so as to be able to accurately and fairly determine eligibility for benefits. The Law says "Fees payable (and I repeat this because this is the crux of the matter) by a patient at a health care facility may be waived, in whole or in part, if the patient satisfies the Government that he is unable to pay all or any part of the fees." The Law further goes on to say in 10 (b) and (c): "(b) a member of the Veterans Association of the Cayman Islands or the spouse of such a member; or (c) a veteran member of the Seamen and Veterans' Association of Cayman Brac or the spouse of such a member;" are eligible. So the Opposition is not asking the Government to do any more than what is now being done. Therefore, I agree with the Members who have said that there is no need for this resolution unless it is changed, but, what stands before the House is already in place.

Again, to make it clear, a few things will happen: The Minister for Health and I will be speaking with the Association; the Health Insurance review will take the Seamen, and the parameters will have to be worked out so that they will be taken up in that process, and also in the Pension Law.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Perhaps the Minister who just spoke might be able to convince the Public Works Department to change our parking spaces in the back to read "Opposition." Maybe that will help him to remember the word, because he seems to call it so often. He has a serious case of not wanting to forget.

Madam Speaker, this Motion calling for the Reinstatement of Free Medical Attention to Retired Seamen of Caymanian Nationality, was worded in that fashion for very specific reasons. I am glad to know that the Honourable Minister can pronounce all the names of those foreign countries which he called earlier on, but I wish to remind him, and all others who have interest in this Motion, that the Motion is calling for the reinstatement of free medical attention to retired Seamen of Caymanian nationality.

The people that we make specific reference to in this Motion are a dying breed. These people will not grow in numbers—like the refugees that are coming—but, rather, will dwindle by nature taking its course. We are not referring to hundreds and hundreds of individuals in this Motion. Before I go on let me remind everyone here—those who have spoken on this Motion and those who have not—that the people referred to in this Motion, namely, the retired seamen, are not necessarily members of the Seamen and Veteran's Association of Cayman Brac. Throughout this

debate we have been hearing about the Veterans' Association of the Cayman Islands, and the Seamen and Veterans' Association of Cayman Brac. I dare say, that some of the individuals who have either had dialogue with me, or from whom I have received letters, are not necessarily members of either one of these associations. So let us not forget that.

As I said earlier, we are talking about (without meaning it the way it might come across) a dying breed of people. In all that we have said, and all that the proponents of the Motion have said (also the Government bench, who is not persuaded to accept the Motion), is that we have rolled out the red carpet and flogged accolades at these individuals, because history has proven, and will continue to prove right down the line, the important role that these individuals played in our infancy as a growing country. Having given all those accolades to these individuals it is my view, and it is my bone of contention, that while section 9 of the Health Services (Fees) Law, 1993 reads: "Fees payable by a patient at a health care facility may be waived, in whole or in part, if the patient satisfies the Government that he is unable to pay all or any part of the fees", from what I have listened to, it is the Government's position that all of these individuals whom we have referred to in this Motion, if they do need free medical care, they fall under this category. No one is denying that. No one has questioned that.

What we are saying—which seems to be missed by others—is that these people, to whom we have given all the high praises, are people deserving to be in a category by themselves. That is what we are saying. We are not saying that they cannot get this treatment. We are saying that in section 10(a), (b), (c), (d), and (e), which have all the various other categories somewhere in that section, these retired seamen should also be listed.

Madam Speaker, there are some people who will say that what I am going to subscribe to now is a bunch of foolishness, and that is fine. They have that right. But, historically, our people are proud people. I think it is a fair comment. I dare say that not only do I know of some instances, but I believe that there are more existing of which I do not know about, of individuals who fall in this category and find it very difficult within their inner-being to go down to the Hospital to beg for free treatment. That may sound like hogwash, and it might not cut it for some, but I can guarantee you that it happens.

That breed of people—even if I have to accept being watered-down myself—has been watered-down since then. Those people were a special breed. I cannot even begin to say that I can think like those people. Maybe that is why they were so special at the time and why we should still accept a special thought for them. So just to reiterate, the point is not that they cannot be covered. The point is that we are asking for them to be covered in a special way.

Madam Speaker, I noticed that the previous Minister who spoke, referred to what was in place by the previous Government. The Mover and Seconder of this Motion are not asking for that to be reinstated. Frankly, speaking I do not care whose Government or which Government. It is all the same to me, once the right thing is done.

Let me say what my position is on that. What the so-called previous Government had in place had areas which had some problems. What this Government addressed to try and, should I say, clear up those problems, did that. But they cleared the problem too well. What we are asking is for them to accept that they needed to clear the problem, but leave the people in the category who deserve to get this treatment. That is what we are saying. So basically, what we are saying is that sometimes if it takes three tries. So what? I leave them with that thought.

Madam Speaker, the "means test" that is being asked for is simply a test to be devised—I will come to that—by whatever means so that the problem we might have all seen with the Law regarding seamen being how it was before, can be addressed so that the abuse which many of us thought (and might still think) could take place can be overcome. So we do not have to worry about the fact that Government does not have an open bank account. We know that, and we are not asking Government to open the coffers wide and throw the money all over the place and not know where the next cent is coming from to take care of other needs. No one is asking for that. What we are saying is that the "means test" which is being asked for is really the crux of the matter. Not what was said earlier on to be the crux of the matter. The crux of the matter is that if Government is prepared to give these retired seamen a special category of their own and have a "means test", either for themselves to use or to be used by other avenues to ensure that the people who are given this free treatment are people who are deserving and cannot take care of it otherwise without facing much hardship.

Those who have insurance, those who have enough wealth, and those who still earn enough at that age would certainly not fall into the category that we are talking about. But I can assure this Honourable House that there are enough of them who will fall into the category for us to pay attention to it—to not simply tell them to fall in a queue, to wade through the Government System at the Hospital in order to get some free treatment. That is what we are saying.

Madam Speaker, at the age at which these people who we are talking about today, as time goes on and on, they will find it much harder to get jobs. It is simply obvious, by age. And that is just another reason. Let me specifically go to the Law, since everyone else has taken their shot at it (and I will try to do it quickly), to make an attempt to show where we think the Law needs slight revision.

The Law of 1991, referred to on several occasions as the Law of the previous Government, so let us call that the "Law of the Previous Government." [The Health Services Authority (Fees) Regulations, 1991] in section 9 it reads: "No fees are payable by a patient at a health care facility if the patient presents a card issued by the Authority identifying the patient to be—(b) a member of the Veteran's Association of the Cayman Islands or the spouse of such a member; or (c) a member of the Veterans' and Seamen's Association of Cayman Brac or the spouse of such a member; or..."

The Law created in this Honourable House by this Honourable Legislative Assembly, of which I am a part, is

the Health Services (Fees) Law, 1993 (Law 9 of 1993), which we will refer to as "The Government of The Day", has in section 10, and I read: "Subject to section 11, fees are not payable by a patient at a health care facility if the patient presents a card issued, or recognised by the Government identifying the patient to be— (b) a member of the Veteran's Association of the Cayman Islands or the spouse of such a member; or (c) a veteran member of the Seamen's and Veterans' Association of Cayman Brac or the spouse of such as member; or..."

Exactly the same words as section 9 (b) and (c) of the previous Government. In subsection (c) is where the difference is, and that is why I referred to them. Subsection (c) in the Health Services (Fees) Law, 1993—and I will quickly say that the Law of 1991 started off with "a member of the Veteran's and Seamen's Association"—the Law of 1993 says: "a veteran member of the Seamen's and Veteran's Association of Cayman Brac or the spouse of such a member;." The only difference is one operative word "veteran" which means that, unless I am totally out of it, that word has been put in there to say that members of the Seamen and Veteran's Association, who are veterans will fall into the category but the seamen will not. So that is where the basic difference is.

The logic that was used to take the privilege away—and I am not standing here to fight and say how wrong it was, I can stand here today and willingly admit that at the time when the Motion was brought I saw the merit of the Motion because of the abuse, I am not trying to deny that, and no one is. But like I have heard other Honourable Members willingly admit, as knowledge is gained, it is not difficult for a position to change. If one gains knowledge and is not prepared to change a position, then he is an idiot. So my position is that having gleaned some more on this issue, I accept what has been done to clear up certain problems that existed. But there is no reason why we cannot go into third gear to do what is right. That is my position.

There was mention of the Health Insurance Law, that when it comes into being, a provision would be there for those people. I am grateful for the thought, but with the greatest of respect (and I cast no aspersions at the Honourable Minister, he knows that), no one can tell me when that will come into being. These people need help today. That is my position.

If this is done and the Health Insurance Law comes into being, it overrides this [the Health Services (Fees) Law] because it is taken care of then. Fine, I do not have a problem with that either. But the politics that was said are being played, I wonder who is playing the politics. I can assure each and every Member here that my support for this Motion has no bearing on who did what. I could care less. Today is today, and I personally see a need for this for I think these people deserve it and that is basically why I support it.

Madam Speaker, the philosophical difference here is that some are saying that there is a category already created en masse, where they will simply fall in a long line and eventually get taken care of. I am saying at this point in time (since I am the one that is speaking), these people

deserve a little more than that. So give them their own category. If we can have a category for those suffering from AIDS and tuberculosis or malaria, then why cannot our seamen have their own category?

Madam Speaker, when I started speaking, I was about to say that the First Elected Member for Cayman Brac and Little Cayman did so well to support the Motion, I could not understand why he was abstaining. But I respect the fact that he is a member of one of these Associations so there is a slight conflict there. The reason I mentioned that is because, with the greatest of respect to him, and I think, there is another Member here of one of the Associations, I have no problem with that, but in my view the seamen that we are talking about are as important and deserve as much special treatment as the veterans. People can differ and vary with that view. That is their position. I feel that with regards to tenure they served this country as well. I dare not make any comparison to try to say better, but, it is my view that they served as well.

So the arguments put forth by the Government, that these individuals whom we are trying to pin-point are already taken care of, I understand all of that. But for the little that I counted, I cannot accept, because my view is that they deserve a little more.

Without going on to repeat myself, I wholeheartedly support this Motion. There is no egg on Government's face to reconsider based on the facts. In fact it would do us all well to understand, sometimes, that as words flow, minds can change.

I would ask the Government to reconsider their position, although it is not something that is done on a regular basis. I think in the interest of all concerned these people deserve what this Motion is asking for. Whatever supersedes that, however many meetings come after, that is all well and good. I think we need something in Law for these people and that is what we are asking for, and I support the Motion.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until two o'clock.

PROCEEDINGS SUSPENDED AT 12.41 PM

PROCEEDINGS RESUMED AT 2.09 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 21/94. If no other Members wishes to speak, I will ask the Mover if he would like to exercise his right of reply.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, this Motion and its requests are simple enough. In spite of the arguments put forward by the Government, that what we are asking for in the Motion has already been done by the Government, that claim is completely unfounded.

The position as it stands now, based on approaches which have been made to those of us speaking in support

of this Motion, is that these seamen—which one of my colleagues described as a dying breed—find it difficult, if not well nigh impossible, to get access to medical attention—notwithstanding, that the Minister for Health has assured the House that no one in these Islands is denied access to medical attention.

Madam Speaker, I want to make two points of significance here. If it is as easy as the Minister for Health said, for people to get medical attention, will someone please explain to me why, in our constituency, we have an elderly lady who constantly calls this Member, and I believe she calls the Minister for Health frequently, complaining about the fact that she has cataracts on her eyes, yet cannot get medical assistance to have them removed? Fact number one.

Fact number two, is that the Minister for Community Development, Sports, Youth Affairs and Culture made some remark that one of the motivations for bringing this Motion may be that persons applying for assistance were being given a difficult time by the Medical Social Worker. Madam Speaker, let me say clearly and unequivocally, I have no such knowledge of the person occupying that post giving any of these applicants a difficult time. The only time that I have dealt with that lady she has been more than cooperative and willingly assisted with the requests that this Member and those constituents which I have referred to her have made. So let me reiterate that this is not an attempt or effort to castigate that civil servant or to bring her in bad repute. The only thing that I can say is that in my dealings with her she has been fair, professional and reasonable.

There would be no need for this Motion if the Minister for Health (now the Minister for Community Development, Sports, Youth Affairs and Culture) had done at the time what should have been done in the first place. But sometimes we get so taken up in being so vindictive, striking out so blindly that the very goodness of the efforts we purport get lost in a spate of revengefulness and vindictiveness. And this today, is the single most accounting factor for the way this country is being misgoverned.

Madam Speaker, the problem, as I see it, and according to what the Minister for Community Development, Sports, Youth Affairs and Culture has said, his 1993 Law required that a seaman be a veteran seaman: which means that the seaman has to be a person who was at some stage previously a member of the Armed Forces.

Now, what this Motion is asking is for that to be rectified simply by dropping the term "veterans" and stating "seamen", because that is the category under which the majority of those persons needing [free] medical attention fall. Let me reiterate that these people are a dwindling breed. The Mover, Seconder and supporter would not only like to see it cover the seamen themselves, but we would like it to be extended to their spouses because in many cases they have left spouses and widows. So we believe that these spouses and widows are also deserving of these benefits.

Madam Speaker, it has been said in this Honourable House many times that we are a people with pride. Caymanian generations have demonstrated that one of our

positive qualities is our pride. And in my introduction yesterday, I stated that some of these men were so full of pride that when things were not going right, rather than live and work in contention, they would pay off from distant ports, as far away as Osaka and Yokohama in Japan, from the Middle East, the Persian Gulf, and fly back home. So proud were they, that they would not accept or tolerate the curses and the put-downs of the officers under whom they worked.

Now Madam Speaker, the Government is telling me that the only way these people who made such sacrifices, and who made such valuable contributions, can qualify for [free] medical attention is to fall under the category in their Law, the Health Services (Fees) Law, 1993 (Law 9 of 1993) of "poor people" which reads: "Fees payable by a patient at a health care facility may be waived, in whole or in part, if the patient satisfies the Government that he is unable to pay all or any part of the fees." The Government is telling us that the only way these seamen who made so many sacrifices can qualify is to go join a queue and announce, "I am poor, I am indigent, ask me any humiliating questions you want to ask me, I need [free] medical attention", and reduce them to begging. When these people left our shores to join ships and worked under conditions such as the Persian Gulf heat, Arctic cold and the Atlantic storms, and now this is what they are reduced to in their twilight years. Shame on them!

Sometimes I wonder if it is for lack of understanding, or it is just hard-heartedness why the Government takes these positions. If it is just hard-heartedness, then I would remind them of the prayers of the old Bodden Town woman who prayed that the Lord could melt the old iceberg heart she had. If their hearts are that hard maybe they should share her prayers. If it is for lack of understanding and obstinacy, then I say, they just need to pay a little more heed to those of us on this side who are given to beseeching them, to cajoling them, to pleading with them to understand the position.

Madam Speaker, if the Government intends to help these people, they can do so easily. The Motion asks that a "means test" be instituted. Let me go on to explain how it could be done. I would expect that the "means test" could be administered either by the Government, as a common criterion for all who apply to take the means test and then, they would be given some kind of identification card identifying them as retired seamen (name so and so), stating the percentage of free medical that they would get whether free; 50% free; or whether they have to pay for the consultation and the medication is free; whether it was 25% free, and the same thing could be done for the widows or spouses. The Government could take the responsibility for administering and issuing of those cards.

Or the Government could say to the Seamen's Association, "Please announce that we are opening this up for your members and anyone who wishes to qualify must first join your association", then the Seamen's Association might want to say, "Well Mr. Roy Bodden, we noticed that you have applied to join. Can you bring us an affidavit or give us some proof? Bring two people who can swear that you were sailing for this number of years with this com-

pany." After which they will issue a card saying that Mr. Roy Bodden is a member of the Cayman Brac or the Cayman Islands Seamen's Association. Then they may say, "We are going to administer the means test because the Government has agreed to recognise and accept our recommendations." So they could do it themselves.

As a matter of fact I would suggest that it be done that way to ease the Government bureaucracy and ease the little cost that it would be on the Government. Let the Seamen's Association do that themselves. I am sure that they would be quite willing to do that once the Government agrees upon the means test or the criterion. Once we have that understanding then the Seamen's Association could publicise it and they may want to go on a recruiting drive to recruit new members and their spouses. So it could be done in a way that would not add any significant costs to the Government bureaucracy as far as organising and arranging these members who can qualify for free medical attention.

Madam Speaker, I take cognisance of the point made by the Minister for Health when he said that he is willing to sit down with the Seaman's Association and discuss these things. I would admonish him and plead that he discuss this approach with them and encourage them so that they will take that approach and try to reach a settlement along those lines, because every day I meet seamen who complain. We are a people not accustomed to begging. That is a new phenomena. Perhaps in the next generation it may be more commonplace, largely through the influx of uninvited visitors that we are having daily on our shores. But the Caymanian people have never been a people of beggars. The young do not beg, let alone the old.

Madam Speaker, I can see some of those people now in Bodden Town, some of those men—stone faced, stern, sinewy, proud and intelligent. You expect those people, who at 70 and 75 years old, who are not stooped- or humped over, now to stoop and hump themselves to bow down and beg. Never! They will die a thousand deaths before that. Anyone who proposes that does not know their people. Maybe that is what people like the Minister for Education would expect because I suppose he is one of those who likes to see people in positions of subjection, Madam Speaker. Maybe that makes him feel good about his stature. But I am not advocating that. I am not proposing that. I have never done so, and will never do so.

I have to say that having campaigned with my colleague, the Minister for Health, Drug Abuse Prevention and Rehabilitation, that his reply lacked his usual conviction. I know that deep down that did not come from his heart because I know that he has a good heart. But he saved some faces. He saved some faces when he said he is willing to sit down and talk with the seamen. Madam Speaker, that is good. That is a beginning.

I say in closing that what this Motion is asking for is fair, reasonable and equitable. It should be given, in consideration of the sacrifices of these seamen and their spouses and widows who stood by them in trying and difficult times. This is but a small consideration to give for people who made such great sacrifices. If the Honourable Members who inhabit these hallowed halls have a con-

science, I am making a conscience call that they support this Motion. Thank you.

The Speaker: The question before the House is Private Member's Motion No. 21/94.

I shall put the question. Those in favour please say Aye... Those against, No.

NOES.

The Speaker: The Noes have it.

Mr. Roy Bodden: Madam Speaker, can we have a division please?

The Speaker: You certainly may.
Madam Clerk.

Clerk: DIVISION NO. 10/94

AYES: 3

Mr. Kurt Tibbetts
Mr. Gilbert McLean
Mr. Roy Bodden

NOES: 11

Hon. J. Lemuel Hurlston
Hon. Richard Coles
Hon. George McCarthy
Hon. W. McKeever Bush
Hon. Thomas Jefferson
Hon. John McLean
Hon. Truman Bodden
Hon. Anthony Eden
Mrs. Berna Thompson-Murphy
Mr. Haig Bodden
Mrs. Edna Moyle

ABSTENTION: 2

Mr. D. Dalmain Ebanks
Capt. Mabry Kirkconnell

ABSENT: 2

Mr. John J. Jefferson
Dr. Stephenson Tomlinson

The Speaker: The result of the division is three Ayes, 11 Noes and two Abstentions. The Motion has, therefore, not been passed.

NEGATIVED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 21/94 DEFEATED.

PRIVATE MEMBER'S MOTION NO. 22/94

NATIONAL STUDY ON CRIME

The Speaker: The next item is Private Member's Motion No. 22/94—National Study on Crime. The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 22/94, entitled National Study on Crime, standing in my name, and which reads as follows:

"WHEREAS it is widely recognised that crime, especially drug related crime, poses a threat to stable Caymanian society;

"AND WHEREAS it is necessary and expedient at this time for some knowledge as to the causes and consequences of endemic crime in Caymanian society;

"BE IT NOW THEREFORE RESOLVED THAT the Government consider establishing the necessary procedures to have such a study done;

"AND BE IT NOW THEREFORE FURTHER RESOLVED THAT upon completion, the findings of such a study be brought to the Legislative Assembly in order that its implications may be debated."

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. 22/94, having being duly moved and seconded is now open for debate. The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, the records will show that the rise in crime in the Caymanian society is a concern of many Caymanians from all walks of life. An examination of the records will also show that there are persons who continuously and persistently try to keep this rise in crime in the Caymanian society in the main stream of public attention.

Madam Speaker, yesterday this Member piloted a Motion on the floor of the House requesting the Government to consider a deployment of the Police Force in to mini precincts. From information which my colleague the Second Elected Member for Cayman Brac and Little Cayman and I received while at lunch in a restaurant the very day we were debating, at the very time the Government was rejecting the Motion, an armed robbery was taking place at a liquor store just up the road. Imagine, in the broad daylight an armed robbery at a liquor store.

Further, in my constituency—the staid, quiet little hamlet of Pease Bay—on a Sunday afternoon a robber entered a house, tied up the male head of the house and proceeded to rob by force, taking away jewellery and cash then escaping. Yet, we are told by the Government that the Motions this Member brings to try to force some action, are being brought because this Member is attempting to destroy the Police Force, to destroy the Prison Service and to fight them.

No, Madam Speaker, the Motions are being brought because there is a need for a concerted effort to arrest this blight, to stem this flow of crime before it gets any further out of control. Madam Speaker, what does the Government do? Led by the Minister for Education and Aviation, they have become a set of wafflers. And I would like to read from *Saffire New Political Dictionary*, what it means to waffle. The word is derived from *waft*, a Scottish word for wave: its dictionary definition is to flutter or flack like a

clumsy bird. Another possible derivation is from *woof*: to bark and snarl; and to use *weasel words*: to straddle or refuse to commit.

So, Madam Speaker, the Government waffles, while crime takes over Cayman. How sad. How sad—armed robberies in the broad day light and yet they say, "What is Roy Bodden trying to do? Provoke alarm? He wants to see a Policeman on every street corner giving the visitors the wrong impression." Madam Speaker, read the newspaper, listen to the news. It is only a matter of time until someone in here becomes a victim.

I wonder what it is going to take before we provoke these people into sobriety. I wonder how long they are going to continue to live in this state of false security. Madam Speaker, I am reminded of Machiavelli, the architect of political genius who said; "there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle than to initiate a new order of things." Anyone who has read "The Prince" will be familiar with that—anyone who has studied a little political science or political sociology—and, Madam Speaker, that was in 1515. Now it has become so dangerous, so difficult to initiate, that when you come with ideas they call you a dreamer, an idealist. Well, you know dead men cannot dream so I know that when I dream I am alive.

When the Motion calling for the National Commission on Crime was brought to the floor of this House, the Government replied saying that they could not accept it—it was uncalled for and it was provoking alarm. They made all sorts of pristine observations and promises of what they were going to do. They were going to initiate a study. Fifteen months have passed, and I am going to come to this at great length, I want to refresh their memories if they need refreshing.

I want them to listen to what the Honourable Minister who now has the responsibility for Community Development, Sports, Youth Affairs and Culture, said. I quote: "The Government agrees with the First Elected Member for Bodden Town in the view that crime in this country has grown to the point where a strong and very determined effort must be made to come to grips with it.

We share a deep concern on this and Honourable Members and the country at large may be assured that we are doing something about it." [*Official Hansard Report*, 24th June, 1993]

What are they doing about it Madam Speaker? They are waffling. "Yes, all of us are deeply concerned." They are so concerned now, I have them nodding their heads like lizards. "We realise that the rise in crime not only affects certain people or businesses, but it affects all of us who live in these Cayman Islands. As we move from one part of the country to the next it is a current topic because people are concerned about their safety especially, when things are so highlighted in the press." How profound, Madam Speaker! Yet they continue to waffle and deter.

"We have to do things to protect this country and we as a government, are determined to do it. So I trust that when those initiatives—and some of them have been drawn to the public's attention, and others cannot be because of the nature of the action—I trust I do not see edito-

rials in the paper as was attempted sometime back in the *Caymanian Compass* in trying to throw cold water on the attempts of Government." Madam Speaker, I hope when they get up to reply they will tell us what these attempts were.

The Honourable Minister went on to say: "What can be said is that, in taking over this country we found a deteriorating social situation. Many things impact upon crime; absence of parental responsibility, ..." and so forth and so on. Madam Speaker, of significance, was that the Minister admitted at that time that "we are six months into our administration." I wonder how many months they are into their administration now?

Let me read now the proposed solutions: "In addition, to that the First Elected Member for Bodden Town, although announcing this Commission of Crime, sometime back shared with the National Team, and other Members of this Honourable House, the commitment for a community safety survey study on crime. [That commitment took place when, Madam Speaker? on the 25th May, 1993. What time is it now, Madam Speaker? September 1994.] That commitment took place at a meeting on the 25th May, 1993 at the Government Administration Building with the Criminologist from Cambridge."

Where has the criminologist gone? The criminologist must have flown the coop. Nothing. Nothing, but empty promises. That is all. It was just meant to appease. A bag of wind.

Madam Speaker, this business is serious. We have commentators in our country who frequently comment, hold public forums. I have (and so has at least one other Member from the Backbench) attended some of these forums held in the Town Hall, right here next door. Some are panel discussions, some commentaries written in one of the newspapers—and I draw specific reference to *The New Caymanian* of the week of the 29th July, to the 4th August, 1994, in which Mr. A. Steve McField, a prominent Caymanian Attorney and social critic wrote: "WATCH OUT! The Cayman Posse is Approaching." Vivid in its description, the writer goes on to say that, "Within two decades the icons of Caymanian culture and development have been reduced to mere myths. Traditional values seem to have been simply cast aside for values of alien corrupt, violence societies." Madam Speaker, that is complemented by the comments and observations of Dr. Frank McField, a sociologist, who has, as I understand it, done extensive work on the Caymanian family and its problems.

Now in this article written by Mr. Steve McField, part one tells us what he describes as the Caymanian posse. Who are these people? He says: "Posse members live outside the norm in a sub-culture where crack cocaine is the status symbol, and the gun is the power, and violence scripts a false sense of dignity. [dramatic, expressive] Posse members' confidence and masculinity is rooted in their hatred for the system they say failed them and that treats them as nobodies and does not see them as worthy of participating in the social and economic pattern." [page 12]

Madam Speaker, this Motion is calling for a study. A study which will attempt to get to the roots of the causes of

these crimes. And anyone sitting in here who thinks that this is not a serious problem needs only to move around.

Permit me to just give one experience from my repertoire. On Monday afternoon at the Annex Field, I went to my football club practice, and on the field there was a set of four youngsters who I figured were in the range of ages 11 to 13. They were just kicking [a ball] around the periphery of the members of the club. Three of the little boys told me that one did not go to school, so I tried to gain his confidence and asked if it was true. He told me that it was. He had not been to school for six months. He is 11 years old. He told me where he lived, and the name of his mother and also his father. He said he was not going to school. I asked him why? He said "because nobody cared." Nobody took the time. He was not, in any way, someone who I would describe as a problem, but at 11 years of age and having not been to school for six months, it seems to me that this youngster, in a few years' time, will be a candidate for what Mr. McField describes as a posse member.

Now we can laugh because we think that we who inhabit and sit in these hallowed halls are insulated because we live in exclusive neighbourhoods in far away places—or in the middle of nowhere, like I do. We think that we are free. We are not free, Madam Speaker. We are prime candidates because if you talk with these people, they see us and people like us, as the causes of their predicament. We have failed them and we continue to fail them because we think putting up a little centre here, or a little programme there, and getting a couple of them in is the solution. Check it carefully. We are missing the vast majority. Madam Speaker, even in an organisation as popular and as widely followed as soccer, we are just touching the edges—the bad guys do not come to football. The bad guys do not play football. You do not see them at the Annex, or at any other playing fields. We have to go and look for them.

I say again, that I know when the time comes fun will be poked at the Motion. But they are not laughing at Roy Bodden, they are merely laughing at themselves because I am not so stupid as to believe that if this is allowed to happen, I am going to be safe; that I am going to run forever. No! They can make comments about me wanting to rehabilitate—I must rehabilitate them with my own money and with my own resources.

They can call me an idealist or a dreamer, or whatever else they want to call me. Perhaps when I become cynical enough I will say; "You know what? I am going to fold my hands too." I tell you what, a lot of them are going to go before they decide to come for me because I am not such a bad guy. They are going to take a lot of those before they reach to me.

Madam Speaker, the Motion is asking that something be done. And let me say this: I am not suggesting that we hire some criminologist from Cambridge, Oxford, MIT, Columbia or Princeton. I am not suggesting that at all. I am suggesting that we get someone who is familiar with these kinds of problems...

[Inaudible words from across the floor]

Mr. Roy Bodden: *[addressing voice across the floor]* Has she come? So I signed for her to come here. Has she come?

[inaudible words from across the floor]

Mr. Roy Bodden: *[addressing voice across the floor]* Well, I am going to continue to put stumbling blocks. If the Minister for Sports, Youth Affairs and Culture calls the Motion that I bring, stumbling blocks. I am going to put stumbling blocks. I am going to continue. I am going to be like Sisyphus. I am going to continue to roll this stone up the hill until I get results.

[inaudible words from across the floor]

Mr. Roy Bodden: No, I suggest that the stone will knock the Minister for Community Development, Sports and Youth Affairs out before it knocks me out, since with his size he will find it more difficult to get out of the way. I am agile.

[inaudible words from across the floor]

Mr. Roy Bodden: That remains to be seen.

[inaudible words from across the floor]

Mr. Roy Bodden: Well, if a man with a Master's degree is a fool, then how much more so is a grass cutter with no degree.

Hon. W. McKeever Bush: And what have you done with your degree?

Mr. Roy Bodden: I am earning an honest dollar.

[inaudible words from across the floor]

Mr. Roy Bodden: *[addressing voice across the floor]* Yeah, convince the street people.

Madam Speaker, let me say that the Motion has merit. The Motion is not seeking to leave any obstacles in the Government's way. The Motion is leaving it up to the Government to say what, if anything, they are going to do.

Madam Speaker, I shall sit pensively and listen. Thank you.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, the First Elected Member for Bodden Town, in his usual fashion, has given a very bleak picture of this country with what he calls "the Caymanian posse." A further bleak picture, and one to be very concerned about, is the one about who will be taken out and who will not be taken out.

Let them say what they want to say, I am definitely much more in an upbeat and positive mind about the future of this country than that. And if he believes, or anyone else

believes, that criminal activities will destroy this country by this Government not acting, then he has another guess coming.

Madam Speaker, yes, we are very much seriously concerned about what has taken place in this country—the rise in crime. But I say—and maybe they will have some explanations when he and his colleagues rise after I speak—that this country could not clear itself of criminal activities in the run of a year or even 15 months: perhaps in four years with the mess that we inherited, when all and sundry did as they pleased, came into the country as they pleased and did as they pleased.

I am not here just to push blame, but that is a fact. People recognised it, even though some might change their mind today. That is human nature. Certainly, with that existing condition and the social deterioration that has taken place in this country and which exists in this country, Government is naturally very much concerned.

Last year an announcement was made for a number of initiatives to be taken to address the increase in crime. It was also announced that the Government considered it important to arrive at an understanding of the factors contributing to criminal activities. Government stated that it intended to commission a study on the causes of crime in the islands. An informal meeting took place in June (the same meeting that the First Elected Member for Bodden Town and the Mover of this resolution referred to) between the Government Members and a member of staff from a well established United Kingdom Institution in the field of criminology. The same one which the Honourable Elected Member read about, which he has agreed (or maybe he did not read that part of the *Hansard*), but the same one now that he has said we did not need. I will deal with that a little later on, Madam Speaker. Just let me say, that because they have the last word does not mean that they are right. Only cowards are afraid to say what they should say when somebody else can rebut.

Subsequent to Government's decision to commission the study, this contact was activated with a request to respond to draft terms of reference for the study. Since that initial correspondence, letters have been exchanged. This correspondence has sought to arrive at a common understanding of what is needed by a review of the draft terms of reference, discussion of timetabling, staffing costs and other considerations. Yes, this has not come to the early fruition that the Government had hoped, but Government has been on top of it and we continue to be on top of the aspects of getting that person [the criminologist] to do the study.

Now, Madam Speaker, that woman, after all this haranguing in the House the last time, and again on this occasion with the First Elected Member for Bodden Town saying that we do not need to bring in anybody, do you really believe that we are going to get somebody to come in here and do any kind of study with the Member making those sort of accusations in the House? Yet he did not have the guts nor the stamina, which he claims he has, to get up in this House and say who it is that he (Mr. First Elected Member for Bodden Town) wants to do this crime

study. Who? Who in the country are you proposing to do this study?

The Speaker: Honourable Minister, please address the Chair. Do not use the word "you." Honourable Minister, you are speaking across the floor and that is not allowed.

Hon. W. McKeeva Bush: Thank you, very much, and I am sorry that I had to address that question. But I found it most important to ask him.

The Speaker: It could still be asked through the Chair.

Hon. W. McKeeva Bush: Well, Madam Speaker, could you ask the First Elected Member for Bodden Town, who in this country he is proposing to do this study? Since the person that he had signed for, he now says he does not want. Can you ask him that? I am waiting Madam Speaker, because if he can tell me [who that someone is] it would be done today. Immediately!

**POINT OF ORDER
(Misleading)**

Mr. Roy Bodden: Madam Speaker,...

The Speaker: Are you rising on a Point of Order?

Mr. Roy Bodden: Yes, Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order?

Mr. Roy Bodden: The Honourable Minister is misleading the House. Since he is claiming that I signed a contract for some lady to come and do the study, I signed no such contract.

The Speaker: I do not think I understood him to say that you had signed a contract. I do not think that was what I...

Mr. Roy Bodden: I beg your pardon, Madam Speaker. He said I signed for someone to come to do the study; which I interpret to mean that I signed a contract or an agreement.

The Speaker: Can we get on with the debate?

Honourable Minister would you please continue and address the Chair in the future because anything you say will be heard by the Members of this House and members of the general public. So I would assume that the Member to whom you wish the remarks to be directed will also hear. Thank you.

Hon. W. McKeeva Bush: Madam Speaker, the Elected Member gave an eloquent description of 'waffling' earlier. That is it: when you do not have the courage to stand by your convictions.

Yes, Madam Speaker, he signed an agreement with the Government to hire the lady in question. That is in the "HANSARD" report, he should read it.

[inaudible words from across the floor]

Hon. W. McKeeva Bush: Madam Speaker, when the Member tells the Government who it is in Cayman he wants to be hired, maybe we can say why we have had so much trouble hiring the woman. But I pose the question again to this Honourable House...

[inaudible words from across the floor]

Hon. W. McKeeva Bush: Yes, Madam Speaker, it is all right when he has the last say, but he does not have the courage to say so now.

As I understand it, Madam Speaker, there are only two such psychologists with that claim: he and the good doctor he has mentioned. Madam Speaker, he had his time. He should keep quiet unless he can answer some of my pointed questions.

It is true that time has elapsed, and there has been some problem in getting the person. We received a letter from the woman saying that she received an aggressive call from someone living in Germany, saying that if she was going to do anything she had to come through him. All these sorts of things, Madam Speaker, to put stumbling blocks in the way of the Government. We have had to convince the woman that the Government—nobody else—has the say. Nobody else has the say on who comes here to do such a study as commissioned by Government.

Nevertheless, in spite of all these red herrings and stumbling blocks put in our way, we are still discussing with the lady in question, and currently exploring the possibility of utilising the service of another research agency. But I say again, no one is going to come here when you have such haranguing about an outsider coming in to do the study, because there is somebody here locally to do it. This is what he has said, we do not need to hire anybody. Well who is it locally that is going to do it? If he can tell me now, then I will ask for the agreement of Honourable Members to get a suspension of this House. But try not to get up and pontificate and talk about people's education when something is being done.

I am not a super-human, Madam Speaker, but no one can say—no one inside this House or outside this House can say—that I have not been trying to address these problems which come under my Ministry. No one! Whether I have a college education or whether I am just a grass cutter! When you consider the programmes put in place by this Government in trying to stop the deterioration, how can anybody in his right mind in this House justly and honestly say that we are waffling—except that he is a chef of flowery language! Talk is cheap! But when you have the courage to do what you believe is necessary in the place of the many stumbling blocks that this Minister has found, Madam Speaker... but that does not deter me. I believe that the programmes being put in place by my Ministry with the assistance of the Government are going to reap benefits in the future, and I believe that they are already doing something for the good of this country. Yet you hear that we are not doing anything.

Madam Speaker, in spite of what is being said about criminal activities the facts prove it is on the decrease. We must remember that the general public saw this also as being their concern with the Chamber of Commerce, the Business and Professional Women's Club, everybody taking part. One prominent member said to me last week, "Yes, crime is happening, but at least we believe that we are coming to grips with it. We feel that we are seeing a decrease."

Madam Speaker, it is not just going to go away. Nobody has to believe that. But bringing Motions to the House to ask the Government to do something it is already doing, or that the general public is already doing, will not help. What will help is if those educated people in this House put forward sound proposals to combat the problems they are pointing out; sound proposals to deal with every item. But are they doing that, Madam Speaker? No, no. They are making broad statements about the Caymanian posse, and who is going to be wiped out. Well, let us just wait and see, Madam Speaker. Let us just wait and see.

Madam Speaker, the Government believes that the increased emphasis on positive programmes and our initiatives and thrusts towards establishment of services for young people are positive ways in responding to the same problem—social deterioration. We must put politics aside, stop taking the opportunity to beat upon somebody's head, to throw rumours around in this House without substantiating it. We must stop being eager to do that, and take upon ourselves the cloak of responsibility because that is what we were elected here for—not to shy away from it and blame it on the Government—but to put the programmes forward.

Madam Speaker, the task in getting this done is serious, and the Government sees that the task involved in structuring and administering such a study requires establishing a focus for the research which is broad enough to examine all the key issues to give clear useful answers. For example, regarding the relative importance of our socio-economic factors and psycho-social factors which are manageable, both in terms of the time required and the pool of expertise to be harnessed towards getting the answers that are needed. This is what we have been attempting to come to grips with. It is a complex matter and one we continue to work at.

Let me hasten to say that if the First Elected Member for Bodden Town cannot provide this criminologist/psychologist, and we have to go overseas or continue dealing with the person or the research agency, and if there are persons locally that can help the outside people to do the study, it will be done. But I cannot see, and I cannot understand what is the play of the Elected Member, who says he is so educated. What is this big play today about not hiring somebody from outside?

Madam Speaker, I do not understand what the Elected Member wants. I hope that we can—and we have been trying to—have this [study] completed as quickly as possible. The staff of my Ministry are very hard-working, and they have been very hard at work in trying to get the programmes of this Government through. Let me say to all those who like to put stumbling blocks, that the fight is not

over yet and while they will have the last say on this, the Government has the last say in carrying out policies. As it has been proven with other things that they have said will not come to fruition, this, too, will come to fruition.

As for them haranguing me and the accusations that they have heaped upon me, let them carry on. This too, Madam Speaker, will pass. The Government is already trying to accomplish its policy by getting a study done. Therefore, we do not see the need for this Motion to do a Crime Study.

We see the problems and we agree with the Elected Member that we are still experiencing criminal activities. But we have other crises on our hands, and daily it comes. But that is what happens in a country. All we want for them to do is to be genuine and to work, and to not just be a bunch of grumblers or complainers and people that spread rumours they cannot substantiate—people who complain about other peoples' education and poke fun at them. It is easy for them to do it. It is very easy for them to do it, but it is hard to put policies in place. It is difficult to come up with programmes, and if they can tell me one programme that they have come up with to stop the deterioration [in the society], if the programmes we have now put in place and continue to put in place are not more effective or better. I await to hear what those [Elected Members] have to say.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, when one looks at the Police Report for 1993, one will see that there has been an increase in crime, and the increase in the number of cases have all been drug related cases, with the exception of a small increase in fraud. This means that in all other areas there have been reductions.

The Police Report mentioned some unusual cases and these indicate that the situation needs careful analysis. For example, there was an attempted case of arson against the Police Station; there was an increase in robberies from seven to eight over the 1992 figures; there were two murders (which is not unusual for there had been more in other years); and one peculiar one was that on 14th July, where there were 14 arrests for drug-related dealings.

So, obviously, there is cause for continued concern. But as the Report points out, we compare quite favourably with a lot of other countries. Of course that is no good to us if our country is saturated with crime. In 1993 there had been an increase of approximately 240 crimes above the 1992 figure, making the total crimes committed last year 3,298, or something in the vicinity of nine crimes per day. But as I mentioned earlier, most of these crimes were drug related and, in fact, there was a total increase of 47.36% on drug related crimes.

Ganja cases in 1993 almost doubled over the 1990 figures. We had a total of 513 cases in 1993, as against 200-odd in 1990. Cocaine was up over last year's figure—not by a very large amount but, nevertheless, the trend is upwards. The miscellaneous drug crimes were also more than double the miscellaneous crimes in 1992.

But the present Government has made very strong efforts to arrest this upward flow. The Honourable Minister who just spoke indicated that they are still working to bring in a criminologist (the person referred to in this debate as "the woman"), and he also indicated that there had been some drawbacks. But I gathered from the Honourable Minister that the Government is very near in concluding the arrangement for the criminologist to come in. It is hoped that she will help the Government identify the main causes of crime and probably make recommendations which will help to decrease these crimes.

If what the Honourable Minister has said is true (and I believe what he has said), there is really no urgency for this Motion, although I respect that what the Motion is asking for is very necessary. But if the Government gives the assurance, as the Honourable Minister has given, that the Government is looking at this matter and is doing all in its power to complete the arrangements for the study to be done, we can only wait. I think it would be useless to embark upon another study by a different individual, or even to take a new approach to the person with whom they have been negotiating. So while I welcome the Motion, I will be forced to cast my vote against it as I think its resolutions are being carried out. It is only a matter of time for the actions taken by Government to become reality.

I think yesterday the Fourth Elected Member for George Town, said he could not understand my debate, where I agreed with the principle but could not support the Motion. So, I must commend the Elected Members for bringing the Motion and, perhaps, if they had known what the Honourable Minister has just openly revealed, they might not have brought this Motion. Maybe it is a good thing to have brought so that the whole country now knows that "the woman" will be brought in as soon as the Government can conclude the negotiations.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.31 PM

PROCEEDINGS RESUMED AT 3.52 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 22/94. [Pause] May we please have debate? Time passes by so quickly and I am sure everybody has important work to do—the Government has, we have, everybody has—please! The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, as the seconder of this Motion, I naturally support what the resolve asked for, which is that the Government consider establishing the necessary procedures for a study to look at the causes and consequences of crime in the Caymanian society; and that when such a study is completed the findings of that study be presented to the Legislative Assembly for debate. This is normally considered standard procedure.

I think it was during the break this morning that I heard a Member of this Legislature mention a certain situation in the country at this time, where the Government apparently knows blow-by-blow what is happening, but the rest of the country, including Members of the Legislative Assembly, do not. He said, "It is like winking at a woman in the dark: the person winking knows exactly what he is doing, but the lady is completely unaware."

It seems to me, from what I have heard in reply from the Government, that, supposedly, the Government is still attempting, as it claimed it was more than a year ago, to find a person to carry out such a study as this Motion is asking for. I have heard of that entity being referred to as "the woman." I do not believe for one minute that such studies need to have any sexist bias and it could be "the man." What I think is important in finding such a person is that the person is suited for such an undertaking. That person should have experience in how to carry out such study, and what to look for. The credentials of that person should be able to show that it will not be the first job performed by that person.

I also do not believe that the person has to come from Cambridge, Massachusetts, Paraguay, or any such place. In fact, in my opinion, the person best suited to do that would be someone from the West Indies who has expertise in such study. While I make no recommendation about anyone on this Island or in the West Indies as a whole, I do believe that much expertise lies within the University of the West Indies, for example, and it would not be too hard to contact that institution to seek such a person to carry out such a study. But I am sure that such expertise is available within this region. Such a person would have much more insight into the Cayman Islands, I believe, than someone from Cambridge in England.

Having said that, although there may be specific parts of such a survey that you could find a social scientist having certain expertise in, even if it is some line of mathematics, I do not discount assistance from such an area or a person from such a location.

Madam Speaker, the problem that has existed so far in this country, now for over 18 months, is that in numerous instances, and particularly where the First Elected Member for Bodden Town and I have brought Motions here, they, in the large majority, have not been accepted. And the usual answer from the Government is that this is already being looked after. That, I think, is the problem—*looking* at it. It is like the sign one sees in an office sometimes in some places about *great workers*: They love work—they can sit and *look* at it all day. It is no good just *looking* at the situation, something has to be done. Something positive has to be done.

I believe that is necessary because crime, being universal in the world, in all societies, has come to be too great a neighbour to the Cayman Islands. Cayman no longer can truthfully make claims to being "crime free." We are now crime ridden. Crime has escalated in this country to the most unacceptable proportions and it is not sufficient to say that in comparison to other territories in the region it is not as high as theirs—it is too high and unacceptable for us.

I believe crime is a concern of everyone in this country, including all Members of this House. I meet citizens in all the districts from time to time and hear their expressions of concern about crime. It is also becoming a concern to visitors to these shores who now understand that this is really not the place it is claimed to be. I understand, that even nowadays it is claimed that there is no crime here and you can leave your windows open and so on. Long before these times when I had association, for example, with the tourism efforts in this island, my position to the people selling the Cayman Islands was just to tell the people the truth. Tell them the sensible and practical thing: 'Close your windows because it is good security'.

I think if we could stop fooling ourselves, stop lying to ourselves and, most of all, stop believing it to too large an extent, we would be better off. If we could just accept the fact that our lives have changed dramatically over the past decade and a half, and it is irreversible, I believe we would be better off. When you get out of your car now you should lock it, because there is the likelihood that someone will steal something out of it. It was not that way before, but that is the way it is now, and that is what we should do as a counter measure.

So crime is with us. What we are going to do about it and how we are going to deal with it is the question. Statistics prove that crime is on the increase. Crime has escalated from the last Police Report. Crime certainly is here this year and more and more we hear of it. Every day there is a column in the newspaper showing us that there is some commission of crime. Unlike what I have heard suggested by the Government side—about persons in this House trying to destroy the police and destroy the efforts of the Government (which I deplore)—that is untrue, everyone is concerned. Everyone is expressing his concern about what is happening now and wants something done about it. A solution needs to be found. Statistics should shock those who are capable of understanding their implications.

The police are concerned. I believe the police are doing generally all that they can. I believe that there can be improvement in their performance because there is always room for improvement (and the police are no different). I would not accept that because there is a deployment of police officers in one way now, that they cannot be deployed in a different manner more effectively, I believe that they can. Not to say that the police are not attempting to deal with it, but it is not just their problem. It is the problem and the concern of all of us because we do not hear too many criminals going to rob the police. They are robbing the citizens of this country, not the police. All things being equal, I think they do stand in some fear of them, if not respect of them. So they are not robbing them. But they are surely pulling some daring criminal activities very near to where the police are in this country. There are various instances of that.

We hear in sermons, from various Churches, expressions of concerns about criminality and criminal activities. The Churches are offering their opinions as to why, suggesting that persons have forgotten God—that there is a breakdown in the family, et cetera. I think all of those things

could be said to be true in one way or the other. But what is at the root of it all? What is the virus that is causing crime? What is that element, so that we can describe it in words and focus on it? I do not think that we have had any real surveys to determine that.

Broad, foolish statements about '*That is what you get with progress.*' Progressive minds are not saying that because there are many industrialised countries that have been industrialised for decades, so their progress has been in place for a long time—generations—yet crime is escalating. So I do not think they would, like ourselves, be blaming progress. There are causes within the society, and if we know the causes—just like someone having a fever, it is but an indication that something is wrong—if we can find out what is wrong, if we can find out what the infection is, then there can be a curative given, there can be an antibiotic prescribed.

That is what this Motion is talking about and asking for. And this is what the Government says it is doing, but it is waiting for Cambridge. Parents are concerned about the situation of crime. Why? Parents' children are committing crimes. Regrettably, when their children commit a crime, too many parents go up to their necks in debts—pawning their homes, pawning their valuables—to get money to pay legal advocates to defend [their children] in court. Not only are the children in problems, the parents and their homes (where nine times out of ten those children are staying) are in jeopardy. The parents cannot find the money to pay for the indebtedness, therefore the whole family becomes engulfed.

They are the realities of the Cayman Islands right now. And it is not a fact to say that in the two smaller islands, Cayman Brac and Little Cayman, there are not some serious similar problems as there are here in Grand Cayman. They are the realities.

I hear stories of parents going to the Social Services Department saying, "Listen, I cannot take care of this child. I want the Social Services to take over," and so on. That was inconceivable 15 years ago. A swift slap on the side of the head, or a belt, would draw quick attention and response from children. There was a discipline—that has slipped away. Why has it slipped away is the question I think we need to find out through some type of scientific study.

I heard, as recent as yesterday, of an instance where a parent was willing to cooperate in a situation to assist the police in making a bust on his own child. Why? The situation is growing hopeless! Parents would rather see their children in jail than around them in their houses [stealing] and so on. And, of course, I believe they have a social conscience—they know that their children are doing things which they are ashamed of, and they want to hang their head around their neighbours when they see them, and they know that for the good of the community and themselves it is better for children like those to be in prison. That is the reality of the Cayman Islands.

The situation is not solved by football or softball or any other kind of ball. We need an understanding of what is causing this thing to happen. Athletes seldom fall within the category of criminals. They are people who are proud of

their healthy bodies and their abilities to perform. It is that, too large of another group, that other athletes have become people who prey on others in our society. We need to find solutions for them and it is not good enough to say look at so and so, who is a good jumper, or a good football [player], etcetera. That drug-head looks at him and criticises him. I remember, from the time I was a young child, hearing my mother saying that "misery loves company." That criminal would just as soon see that good athlete join him in criminality than him do the reverse. That is the kind of situation here now.

I believe our society has gone to the point where all of the festering criminality and violence that our people see on a daily basis on television—where the criminal, the shooter or the killer has respect—they are trying to emulate it, unfortunately! We need to find out if that is part of the problem. I believe it is part of it. We need to find it out now, not next year. We need to find it out right now so that the Police, Social Services, Members of the Legislative Assembly, the parents, the aunts, the uncles and everybody can understand. For example, they say, "Listen, it is because you are not making those children in the household do their chores—fix their beds or be on time at the dinner table—or say look, today we have beef and if you do not eat beef then you will eat the vegetables and you will not have any meat, like the good old days when we were glad that there was something to eat." I am not like some of my associates or colleagues, or the Government who has always had it so very grandly and are very comfortable with that situation now, where they can be apt to choose and refuse.

Madam Speaker, I believe that the causes need to be found for criminality because the education system needs to be able to respond positively in a manner to guide and to instruct children's understanding of the best methodology. The causes of crime are known to the teachers, for there are crimes in the schools, and teachers, if they are aware, will know that this is one of the elements to avoid—this is one of the conditions, and here is the situation we need to be aware of. These children need more direction in this manner, more attempts being made perhaps to build self-esteem or to build confidence, whatever it is we need to know.

Certainly, I believe businesses are worried. They are worried about losses due to theft and damage to property; they are worried about the safety of their personnel and they are surely worried about the cost to business. But businesses too can assist if we can find the root cause. They can, at least, play a part by contributing some money into programmes which would help—although businesses, generally, in these Islands seem to want the Government to find the solutions and Government too, in the largest part, must pay for the solutions. We claim to be so capitalistic, but one wonders why in these Islands so much is expected of the Government.

Madam Speaker, another reason why there is need for a study is because of the immense impact crime is having on our social and cultural fabric. We are being changed from people who have respected other people in our society; who lived by certain moral codes; who would not take

from one another; who would not conceive about killing one another and we are growing to a point where to be in crime is just fine—it is cool, everybody is doing it. If you get caught you can get a lawyer perhaps at the expense of one's parents who will plead and say that it is the first time this has happened and, because his mother did not give him the gold chain he wanted, he felt compelled to go and break into the jewellery shop to get it to satisfy his childlike yearnings. That is where we are getting to.

We need to stop the deterioration that is happening to this society—socially and culturally—and I firmly believe that this can be done if we can determine what are the causes. Surely, assurances that the Government is trying and is working on it, does not help the situation. Priorities need to be set, and set now, and there needs to be more action and less talk. There needs to be the courage of one's conviction to insist that we are going to deal with this situation and take every means and every step in dealing with it. But, of course, we are not. Like so many things, the clear and impending disaster that is coming upon us by the overwhelming number of economic refugees and, similarly, we are talking about it—in this case we are not even talking, we keep it quiet, and lo and behold because we keep it quiet it is all going to go away.

There is some sick thinking loose in the political management of this country at this time, and it is because of these attitudes, this inaction, why things continue to deteriorate. They are going to destroy us if they are not stopped, and who should stop them at this point in time are those people who have been elected by the people and put in charge of the day-to-day runnings of this country, at this time. Any frivolous, ridiculous remarks about others who do not have that authority or responsibility in finding solutions and solving the problems is just that—ridiculous.

I say to the Government, they had better get on with the job. Others will be coming behind who will do the job but in the meantime they are in the way. So they should do the job instead of talking about it. Madam Speaker, I support this Motion asking that something be done about it.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

The Motion presently before the House dealing with a National Study on Crime—I believe that if I did not live here in Grand Cayman, I might not be able to shed a little light on some of the comments that we have heard today. When we look at crime—the figures from the Royal Cayman Islands Police Annual Report 1993 indicate on page 54 that the total crime reported to the police in 1992 was 3,058; and the total crime reported in 1993 was 3,298, in other words, an increase of 240 crimes. As I look through the categories of crimes from pages 51 through 54, all of that increase is in the area of drugs.

Some of the comments that have been made in this House today, and yesterday, talked about murder. But there was one case reported in 1992 and there were two cases reported in 1993, and according to this Report all three cases were cleared up. It is not something we like to

see, Madam Speaker, but let us not go overboard beating ourselves up. Let us not destroy ourselves from the inside.

You know, there are people on this Island that are listening to what is happening in the House and it would be surprising to know how far the *Caymanian Compass* travels when they carry some of these comments. Some of these comments about "Caymanian posse." I think the persons who make those statements should really ask the question, "How much interest do we have in the present and the future development of this country?" Because, as sure as there is a God above, they are going to link it to the word they know in the United States as "Jamaican posse." Nobody can tell me that that does not strike fear in the heart of any visitor in any part of the world.

I do not know anything about any Caymanian posse, Madam Speaker. This is a nice label to put on the crime that is going on in the Cayman Islands, in trying to alarm and frighten everybody who lives here and perhaps everybody who is trying to come here. Maybe tourism is too good, Madam Speaker, 'let us put a little damper on it, let us strike some fear in the heart of the North American traffic which comes to the Cayman Islands'. We all know where the larger percentage of our visitors come from; let us frighten the business investors in this country; let us frighten the banks, because we are not frightening anybody else. They are certainly not frightening me with their comments, Madam Speaker. I live here and I move around the Cayman Islands just like everybody else.

I have been in this House a few years, so I am not going to allow anyone to tell me what the position is as if I do not know it. There is a way to handle situations such as this, and there is a way not to handle it. The way to handle it, I believe, is the way the Government is moving forward—to institute dogs back into the system again; dogs at the Airport, dogs within the Police Department, and dogs within the Customs Department; to buy a boat to provide some surveillance around the Cayman Islands; to add more police officers—not mini precincts, we do not need more buildings, Madam Speaker—we need people on the street, policemen to deal with any criminal activity. The job of a policeman, in my view, is to protect all of us that are innocent, and deal with the persons who are trying to harm us in whatever way.

We have amended legislation to deal with people who use firearms, legally or illegally, and to increase prison sentences to such a level that I believe any sensible person would take notice. We have said to the Commissioner of Police and the Customs Department, that whatever you need to do your job the way we are asking you to do it, you let us know because, by God, we will find the way of finding the funds to help. I did not say that all of us are pleased with the police, but I do not think that going out in the public and attacking them is the answer either. What about the persons, the Police Officers, whom all of us know are doing a very good job. When you start attacking the police how are you going to tell him or her that you are not attacking them too?

If you have a problem with anybody at the helm, you deal with it. I do not have to go to West Bay and tell them on a platform that I am unhappy with this one or the other

one. You take it to the right corridor and you deal with the matter in a way in which all of us look as if we are still human beings.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Minister, it is now 4.30, would you be finished shortly?

Hon. Thomas C. Jefferson: I do not believe so, Madam Speaker.

The Speaker: Would you continue to stand and move the Motion for the Adjournment?

ADJOURNMENT

Hon. Thomas C. Jefferson: I thank you, Madam Speaker. 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. I shall put the question. Those in favour please say Aye... Those against, No.

AYES.

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

AT 4.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 16 SEPTEMBER 1994

FRIDAY
16 SEPTEMBER 1994
10.07 AM

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

PRAYERS

Hon. J. Lemuel Hurlston: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers 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.

Order. The proceedings of the Legislative Assembly are resumed.

**PRESENTATION OF
PAPERS AND REPORTS**

FINANCIAL STATEMENTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS FOR THE PERIOD ENDED 31 DECEMBER, 1993 AND 1992

The Speaker: Papers and Reports. Financial Statements of the Port Authority of the Cayman Islands for the period ended 31st December, 1993 and 1992.

The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I beg to lay upon the Table of this Honourable House the Financial Statements of the Port Authority of the Cayman Islands for the period ended 31st December, 1993 and 1992.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Madam Speaker and Members, for the first time these Financial Statements of the Port Authority have been prepared in accordance with the International Accounting and Auditing standards. The net operating income for the year was down by approximately \$472,000 against 1992, caused by a substantial increase in insurance premiums from approximately \$45,000, to the 1993, \$155,000. Repairs to the George Town Dock were necessary, to deal with the damage which was done to it by a Northwester in 1993. However, for the first time in probably 10 years, the Port Authority paid a contribution to the general revenue of the Government of \$773,000.

In addition, during 1993 the Port Authority also created a reserve of \$500,000 for the Cargo Distribution Centre, which was estimated for the rehabilitation costs. That matter is now under the direction of the Legal Department. With your approval, Madam Speaker, I would like to read Note 9(a) dealing with contingencies in the Cargo Distribution Centre.

"9. Contingencies: (a) Cargo Distribution Centre: In May 1992 the Port Authority commenced operation of a new Cargo Distribution Centre in George Town, which was completed at a cost of CI\$3,992,874. Subsequently, the land surface of this facility settled in certain areas resulting in uneven surfaces which appear to require major rehabilitation. The Port Authority commissioned Law Engineering, Inc. of Maryland U.S.A. to determine the cause of the failure and recommend solutions. In their report, dated March 1994, they estimated that the cost of rehabilitation could range from CI\$422,000 to CI\$763,000 depending on the alternative selected by the Port Authority. Based on this report, the Port Authority has provided CI\$500,000 in the 1993, financial statements as their best estimate of the costs of rehabilitation. In addition, the Port Authority is seeking legal advice on the legal remedies available to recover the costs from third parties who might have been negligent."

Additionally, the Port Authority charged to expenses in 1993 the total cost of the Master Port Development Plan which is approximately \$230,000. A self-insurance amount was also established at \$134,410 to deal with future insurance claims on our premiums. Net income for the year was, therefore, \$823,354.

It is also important to mention that the Grand Cayman Port continues to subsidise our Port in Cayman Brac, and the total revenue earned by the Cayman Brac Port in 1993 was \$238,736, with the total operating expenses at \$317,143. Therefore, the annual loss for 1993

at the Cayman Brac Port Operation was \$78,407.

In this public forum, I thank the members of the Port Authority Board and staff for their efficient performance of service to the Port Authority. And, to the public, I hope that the Port Authority office next door to the Customs Department and the Airline offices at the Airport Warehouse is proving convenient for everyone so that the clearance of goods becomes easier in having to go to one location and clear with Airlines, Customs and Port Authority.

I personally deem this a valuable addition to the services provided to the public by the Port Authority.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.

Cayman Turtle Farm (1983) Limited, Financial Statements 31st March, 1994. The Honourable Minister for Tourism, Environment and Planning.

CAYMAN TURTLE FARM (1983) LIMITED FINANCIAL STATEMENTS 31ST MARCH 1994

Hon. Thomas C. Jefferson: Madam Speaker, I beg to lay on the Table of this Honourable House the Cayman Turtle Farm (1983) Limited Financial Statements 31st March, 1994.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: These financial statements are also prepared in accordance with International Auditing and Accounting standards.

During the fiscal year, ending 31st March, 1994, the Government agreed that the employees of the Cayman Turtle Farm could become participants in the Government Pension Scheme.

On the 18th day of October, 1993, the Board of Directors resolved that the company should become part of the Government Pension Programme. Under the terms of the scheme the company and employees each contribute 4% of the employees' salary or wages each year. This policy has been applied retrospectively from 1st January, 1990, to the 31st March, 1994. The company has contributed the employees' share in addition to its own. Contributions of \$35,813 relating to the year ended 31st March, 1994, have been included in determination of operating income for the current year and those contributions relating to prior years have been separately disclosed in a statement of income and retained earnings as "retrospective pension contributions."

I would also like to mention that with effect from the 31st of December 1993, the company has elected to self-insure all risks, with the exception of public liability, due to both the unavailability of commercial coverage for livestock losses and increases in other premiums. The Board of Directors is committed to transferring amounts of between \$50,000 and \$100,000 per financial year to a self insurance reserve. Additionally, the Board of Directors intends to set aside equivalent amounts of cash in a separately designated bank account. These cash amounts are to be used exclusively for losses that would

otherwise have been claimed from a third party insurance provider.

May I also mention that due to the continuing limitations surrounding the market for the products of the secondary herd, the Directors considered it prudent to write the value of the herd down by \$309,949 to its estimated realisable value, based on current market conditions. I do not think I need to go into great detail about what the current market conditions are. For the same reasons raw shells continue to be valued at nil, with none of the costs of production being attributed to them during the year.

I deem it appropriate too, to mention that the Cayman Turtle Farm paid to the Government early this year, a dividend of \$160,000. The previous year we paid \$150,000 as a dividend to Government. So, in the two years that I have been the Chairman of the Cayman Turtle Farm, we have paid to Government a total dividend of \$310,000.

May I publicly thank the members of the Turtle Farm Board and staff for their keen interest in the operation of the Farm and their punctual and responsible manner in which they dealt with matters at Board level.

I would like to mention too, that the system which was introduced on the 1st of August, 1994, for the sale of the additional weekly 400 pounds of stew has been, for lack of better words, overwhelming. There are two to three times the requests than we are able to supply. However, the waiting period has been reduced from six months to two months. I realise that is not a lot of comfort when you want turtle meat tomorrow, but we are getting there.

I would ask the public to be patient with us, as we try to ensure that everyone who calls does have an opportunity to receive five pounds of turtle stew, although he or she may have to wait two months. If we try to give everyone who calls five pounds of turtle stew, the turtle population at the farm will eventually be no more. I am certain that none of us wants to see that day.

We now have 1,200 pounds of stew available for sale on a first come first served basis, which means (if I put it in my calculator) that the first 240 calls for five pounds of turtle meat will cause that 1,200 pounds (which is available on a weekly basis) to be sold out. If you are the 241st caller, then your five pounds will be available next week. We can go on with the argument for a while, but it gets to the point where you move on week by week with a volume of calls and it will show that for the first 1,920 buys in the 8th week a total amount of 960 pounds. That is why when you call at this present time, they may tell you that you have to wait two months.

This is the present position that we are operating under and it is better that we come out clearly in the open and tell everyone and not dodge around the bushes. We have on a weekly basis a request, according to estimations which we have done, for 960 pounds for turtle stew when only 1,200 pounds can be sold. Otherwise we will kill off all turtles within one year, I would estimate.

In my statement on the sale of turtle meat during our last meeting in the summer, I indicated that the 1st of August, 1994, the stew available to the public on a

first come first served basis, would increase from about 800 to about 1,200 pounds. On the 1st of August, 1994, the stew available would increase from 1,200 pounds to a much more significant figure which I do not have available with me this morning. But our objective is to provide on an annual basis, while retaining a good population of turtles at the Farm, more and more of the population with turtle stew, if they so wish. I am sure that within another 15 or 16 months, we will get to that position.

May I also mention that during the year ending 31st March, 1994, the Farm has witnessed a faster increase in our turtles due to our decision to change the feed. I hope that we can, in the near future, supply all callers on a weekly basis with turtle meat. But we have not reached that level of turtles as yet, and the turtles would be too young at the present time to slaughter. So we say to the public: Bear with us, we are getting there. It will take a little longer.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.
Questions to Honourable Members/Ministers.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: The first question is No. 141, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 141

No. 141: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation to state what action Government took, if any, regarding the recent AIDS research in these Islands, as published in the *Caymanian Compass*, by a former Executive Council Member and what Government policy is in place presently to deal with such research being carried on in these Islands.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The Health Practitioners' Board is dealing with the subject as per section 9 of the Health Practitioners' Law, 1974, and it is my understanding that no such treatment is being offered presently in the Cayman Islands.

The present policy is governed by the Health Practitioners (Registration) Regulations, 1993, which requires the approval of His Excellency the Governor in Council, on the advice of the Health Practitioners' Board, for the use of any medicinal products that are not routinely in use in the United States of America or the United Kingdom.

I may add, that prior to this Law which came into effect in December, there were no restrictions on any form of treatment offered by doctors.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Was an application made to the Chief Medical Officer by the former Executive Council Member carrying out this research?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Is this, then, the normal procedure, that they do not have to apply to do any type of research in the Cayman Islands?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

As I mentioned earlier, prior to this Law coming into effect, there was no requirement for doctors to make these representations.

The Speaker: The next question is No. 142, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 142

No. 142: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation to state the current status of the proposed health insurance scheme.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

In June of 1994, a similar question was asked by the Second Elected Member for the electoral district of Cayman Brac and Little Cayman, was deferred from the March 1994 Meeting of the Legislative Assembly, and was answered.

The question was, "If a National Insurance Scheme will be instituted to replace the previous scheme which was abandoned by Government." In responding to supplementary questions, the undertaking was given that a scheme would be in place by the end of 1994. That target is still being worked toward.

I will share with the House that I have been having meetings with providers of health insurance locally and abroad. For example, Mr. Trevor Stewart of John Alden International; Derek Bogle of Jamaica Mutual; Mr. Danny Scott of Cayman General; Mr. Spencer Marshall of Cayman Insurance Brokers. I also spoke recently with Mr. Roger Corbin and Mr. Harvey Stephenson and other

members of the health insurance industries, some of whom will be invited to participate and become involved in providing these Islands with the best services possible.

The Speaker: The next question is No. 143, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 143

No. 143: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation what action, if any, does Government plan to take regarding the Chief Medical Officer in view of the vote of "No Confidence" expressed by the nursing and medical staff of the Hospital as published in a recent issue of the *Newstar* magazine.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

It has to first be established that a vote of no confidence has been expressed by the nursing and medical staff of the Hospital. In the most literal sense, it is not known by Government that a vote has been taken. If, on the other hand, this so-called 'no confidence' is widely held by the nursing and medical staff, all enquiries to date by the Ministry have not found such evidence. However, Government expects to be able to determine very shortly the extent to which these allegations are true or otherwise.

If indeed such allegations were made to the *Newstar* reporter, they were not made in the presence of Hospital staff who spoke at an interview, which the reporters requested and which was approved by the Ministry. To date, the source of such information, if there is one, has not been identified.

Madam Speaker, I would also like to add that this has been one of the requests which, as I announced yesterday, I will take a look into. With the forbearance of the House, I would ask Members to hold on so that this investigation is not prejudiced.

The Speaker: The next question is No. 144, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 144

No. 144: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Tourism, Environment and Planning whether a decision has been reached concerning deep sea cruise ship moorings in the West Bay area.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Government has not reached a final decision concerning deep-sea ship

moorings in the West Bay area.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister say that before decision is reached concerning cruise ship moorings in the West Bay area, a poll of the residents of the West Bay area will be taken, and also will consideration of the Water Sports Association be taken?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The process of consideration for the West Bay cruise ship mooring is still under consideration, at this time we are still considering it. No action or decision has been taken, it is still under consideration.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In the Minister's reply he said that the Government is considering it. Does such consideration permit any input by persons or entities such as those named by the Third Elected Member of George Town, or is it purely an in-house Governmental matter?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Consideration means that it is wide open to input. That is what I thought I was saying. I do not believe the Second Elected Member for Cayman Brac and Little Cayman should make his own assumptions about whether it is in-house or not.

The Speaker: The next question is No. 145, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 145

No. 145: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Tourism, Environment and Planning to make a statement on the present concessions available to tourism development in the Eastern Districts of Grand Cayman, Cayman Brac and Little Cayman.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The Hotel Aid Law, 1976,

as amended, provides for reduction in Customs Import Duty in relation to hotels in the Eastern Districts of Grand Cayman, Cayman Brac and Little Cayman. In such cases qualifying properties will be required to pay Customs duty on building materials and hotel equipment at the rate of 2.5 per cent of the value of those items. Customs duty on these items normally range between 15 per cent to 20 per cent.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Minister say if there is any consideration being given to providing a type of concession of no import duties, as was done for the three-year period which has since expired?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, in 1989 (I believe that is the correct year), there was an amendment to the Hotel Aid Law, which provided in the second schedule that for a period of three years only (from the date when the Hotel Aid Amendment Law, 1989, came into effect), the prescribed percentage would be zero. I believe this is what the Second Elected Member for Cayman Brac and Little Cayman is referring to.

We are not considering at this time to put it back to zero, we are leaving it for the time being at 2.5%.

The Speaker: The next question is No. 146, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 146

No. 146: Mr. Gilbert McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the cost per student at the Cayman Islands' Marine Institute.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: The cost per student at the Cayman Islands' Marine Institute is approximately US\$83.00 per day.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.
Could the Minister say how many children there

are, in total, at the school at this time?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the current enrolment is 19 in the day programme, and six in the residential programme. I should also say that the current cost of overseas approved placement ranges from \$150 to \$280 per day, depending upon the institution.

The Speaker: The next question is No. 147, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 147

No. 147: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what are the Government's future plans for the Housing Development Corporation since the Housing Development Corporation is no longer engaging in any new lending.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: With the fruition of the new Government guaranteed home mortgage initiative involving one of the major Class 'A' banks in Grand Cayman, the role of the Housing Development Corporation as a direct lender to middle and low income Caymanians will be phased out. In providing for the phasing-out of the Housing Development Corporation as a direct lender, Honourable Members are aware that a Bill to amend the Housing Development Corporation Law, 1981, is being presented at this Meeting. This legislation will allow the Corporation to, amongst other things, sell its mortgage portfolio to a private sector bank or banks. The privatisation will be on a competitive bid basis and will retain the same terms and conditions for the borrowers.

The Housing Development Corporation will also perform an administrative and support role with regard to home financing. Functions such as assisting with counselling of borrowers, processing of applications for guarantees under the guaranteed home mortgage scheme, monitoring Government's exposure with its guarantees, interfacing with any banks which are participating in the guaranteed home mortgage scheme, and any other functions which may arise from the re-structuring of the Housing Development Corporation.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.
As the Minister said the Housing Development Cor-

poration is to be phased out, and that its role was dealing with middle to low income and low income housing lending, what will the Government be doing, then, to replace the lending element for low housing?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, first of all, I did not say that the Housing Development Corporation would be phased out. I said the role of the Housing Development Corporation, as a direct lender, will be phased out.

In regards to the low-income group category in this country, as far as housing is concerned, I have publicly said that we are looking at ways and means of coming to grips with low-income housing. I have said publicly that we will need to look at a type of building that can be done under the building code of the country that could facilitate mortgages for \$200 to \$300 per month. We have said that, and that is what I am currently doing.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

The Minister's explanation as to the type of structure is relatively clear. I wonder if there is also provision for consideration by Government through any institution such as the Housing Development Corporation or some other corporation for providing the money for the lower income people to borrow that they could purchase such?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, that is very obvious. The Housing Development Corporation was not as successful as we had hoped because it depended upon the public investing money into it at a low rate.

We are, as I said, looking at ways and means of being able to come to grips with the matter of the very low income group in this country.

The Speaker: That concludes Question Time for this morning.

Statement by Member of the Government. A Statement by the Honourable First Official Member.

STATEMENT BY MEMBER OF THE GOVERNMENT

CUBAN MIGRANTS TO THE CAYMAN ISLANDS

Hon. J. Lemuel Hurlston: Madam Speaker, this Statement is entitled: "Cuban Migrants to the Cayman Islands". This statement conveys the latest position of the Government in dealing with the refugee situation.

The Cayman Islands Government is treating this situation as a matter of national importance.

A high-level committee comprising senior government officials has been meeting since Monday on an almost daily basis. Members of the committee have been considering in detail all aspects of the situation and exploring all options for resolving the current crisis.

Since the development of this crisis, the Governor's Office has been involved full-time with all aspects of the situation. All available diplomatic channels are being pursued. Discussions are continuing with the United States through the British Embassy in Washington on the ramifications of the US-Cuban agreement for the Cubans here in the Cayman Islands.

Discussions are also taking place on a daily basis with the Foreign and Commonwealth Office on a range of concerns.

Locally, an important consideration is the maintenance of a professional level of security at all locations, not only for the security of the Caymanian community but also for the Cubans themselves.

At present, RCIP (Royal Cayman Islands Police) officers are working 12-hour shifts and patrolling three locations, they are: Tent City, the Agricultural Pavilion and Smith Road. Three officers from Grand Cayman have been assigned to Cayman Brac to assist. The RCIP recently established special task force is now fully occupied with this situation. The police can continue to carry out these duties, in addition to all their other work, for the time being but support may be needed in due course.

A four-man planning team from the British Home Office arrived yesterday to assess the situation. No decisions will be taken until this planning team has completed its assessment. The team was preceded by two other Home Office officials who arrived on the 11th September. I must emphasise that any support will supplement the RCIP and will be under the command of the Commissioner of Police.

In the meantime, the regular security services and the management team at the main site have been doubled in keeping with the large increase in arrivals.

The 20 tents which were funded by the British Government, at a cost of some 50,000 pounds sterling, are expected to arrive within the next few days. In the meantime we are exploring other options to procure tents more quickly. Additional cots are arriving this weekend.

These additional provisions, along with the incorporation of the Agricultural Pavilion, will alleviate some of the over-crowding at the main site. They will also ensure some room for expansion which is clearly necessary in view of the continuing influx of large numbers.

On Wednesday, 117 were transferred from Cayman Brac. To make way for these newcomers at the main site, where we had 684 earlier this week, we have relocated 119 to the Agricultural Pavilion. We hope to transfer 48 from Northward Prison to the Agricultural Pavilion to relieve the pressure there.

The allocation of Cubans at today's date was: Tent City, 702; the Agricultural Pavilion, 119; Smith Road, 54, Northward Prison, 29; and Cayman Brac, 222.

The Government has been most gratified by the outpouring of support from the people of these Islands. I would first like to pay tribute to civil servants, many of whom are working around the clock to provide the additional services to meet the needs of this large group while carrying on their regular duties.

The administration of the Immigration Department (Messrs. Gerry Maguire and Orrett Connor and others) and of the Social Services Department (Mrs. Deanna Lookloy and Ms. Jen Dixon and others) are working extremely long hours. The six-member Enforcement Section of the Immigration Department is solely preoccupied with the Cubans and has required supplementary staff. The Acting Chief Engineer, Mr. Max Jones, and various sections of his Department have performed miracles in the last few weeks. We have already spoken about the exemplary work of the police.

I would like to make special mention of the District Administration on Cayman Brac that has borne manfully the full brunt of the impact of these sudden arrivals. I know how much that has demanded of the small staff on the Sister Islands. Government appreciates the extra effort, which is far beyond the call of duty, that they have so far, willingly put out there.

In London, a team at the Foreign and Commonwealth Office has been very busy conducting discussions on our behalf and co-ordinating the British Government's response. The Governor continues to be fully involved and take a very great personal interest in all the concerns of the people of the Cayman Islands who are having to cope with the influx of migrants and of the Cubans, both diplomatically and from the human perspective. His Excellency's Staff Officer, Mr. Tony Bates has been spending many hours on various external diplomatic matters relating to this situation.

I would also like to pay a special tribute to members of the press for their co-operation since this crisis has developed. I have a very keen sense of their understanding and of their high professional standards throughout.

Overall, we believe that the press, in the professional way it conducts its coverage, can contribute greatly to the containment of this situation. In the best interest of the management and control of such large numbers of people we may at times reluctantly have to temporarily limit press access. This will only apply when pressing duties prevent staff from co-operating with requests from the press.

I would also like to pay tribute to the co-operation of the general public. We have been overwhelmed with offers of assistance and donations for which we are very grateful. Caymanians have once again demonstrated their hospitable nature in extending kindness to strangers within our land.

I should also mention that the Miami-area Cubans have also made generous offers of support. We are currently making arrangements for local storage. The press may perhaps be able to assist us in getting the word out that before public appeals are launched, contact should be made with the Social Services Department to determine items that are most needed.

Finally, I would like to thank the Cubans themselves. They have been co-operative, upbeat and helpful. The Government has been impressed by their orderliness and general demeanour.

The Speaker: Thank you, Honourable First Official Member. Government Business, Bills, First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994

Clerk: The Housing Development Corporation (Amendment) Bill, 1994.

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

SECOND READING

THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994

(Deferment of Second Reading)

Hon. Thomas C. Jefferson: Madam Speaker, may I ask that this Second Reading be deferred until Monday, as I think there is some communication gap between the Business Committee and the Order Paper, and I take responsibility for it.

The Speaker: Thank you, Honourable Minister. The question is that the Bill be deferred for the time being.

I shall put the question, those in favour please say Aye. Those against, no.

AYES.

The Speaker: The Ayes have it. The Bill is accordingly deferred.

AGREED. THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994, DEFERRED FOR SECOND READING.

The Speaker: We proceed to Other Business, Private Member's Motion, continuation of the debate on Private Member's Motion No. 22/94.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 22/94

NATIONAL STUDY ON CRIME

(Continuation of debate thereon)

The Speaker: The Honourable Minister for Tourism, Environment and Planning continuing.

Hon. Thomas C. Jefferson: Madam Speaker, yesterday afternoon before we took the break, I stood here at this microphone to make my contribution to Private Member's Motion No. 22/94, entitled National Study on Crime.

I would like to say that the Cayman Islands, quite modestly, is the envy of many countries of the world. It may also be that the present Government's performance for less than two years is being envied by some Members of the Opposition. I believe this is the principal cause why people want to alarm everybody about the crime situation in this country. We hear all kinds of statistics being thrown out over the microphone, over Radio Cayman into the homes of this country, picked up, perhaps, by the *Caymanian Compass*, and sent to different parts of the world. Statistics such as there is a crime every 40.2 minutes in the Cayman Islands. Please, let us evaluate this information before we say it, because it could not be possible.

I have been trying to track down this information ever since I heard that mentioned in this House. They say it came from 'America on Line', we have checked 'America on Line', it is not there. I will tell you what is on 'America on Line', it says: "**Cayman Islands, British West Indies, counselling information sheet**" (dated 7th September, 1994). It gives a country description, and I will read it for everybody: "**These Islands are British Dependencies and are moderately developed. Tourist facilities are widely available.**"

Then it goes on to talk about entering information: "**For tourists staying up to three months, US citizens need proof of US citizenship, photo identification an onward return ticket and proof of sufficient funds. For further information concerning entry requirements for the Island of the British West Indies travel, may contact the embassy of the United Kingdom, 3100 Massachusetts Avenue N. W., Washington, D.C. 20008; (202)-462-1340, or the nearest British Consulate in Atlanta, Boston, Chicago, Dallas, Los Angeles, New York or San Francisco.**"

It goes on to talk about medical facilities: "**Medical care is generally good, but may not meet United States standards. Doctors and Hospitals often expect immediate cash payment for health services. United States medical insurance is not always valid outside the United States. In some cases supple-**

mental medical insurance which includes specific overseas coverage is considered useful. For additional health information, travellers can contact the Centres for Disease Control International Traveller's Hot Line at (404)-332-4559."

Then it goes on for crime information about the Cayman Islands: "**Petty street crime occurs. Valuables left unattended on beaches are subject to theft."**

Now, Madam Speaker, that is far different from this report. I really wonder where this came from.

You know, Madam Speaker, if we had (God forbid) a crime every 40 minutes... I wonder if we could put our calculators to work... it means that in a 24 hour period which, when you multiply 24 hours by 60 minutes, is 1,440 minutes. If we had a crime every 40 minutes... we divide 1,440 by 40 and we would have 36 crimes every day. All of us walking around here in the Cayman Islands know that is totally incorrect.

If we take this further, we now take 365 days, and multiply that by these 36 crimes per day, you will get 13,140 crimes in a year. This gives the population of the Cayman Islands as 28,000, which really means that (almost) one person out of two is involved in a crime in some way—either conducting it, or as the victim of it. We know that that is totally false.

All of us should be very careful about information on crime. All of us are concerned about crime. All of us are doing whatever we can to deal with crime, but you know, crime is like a balloon, when you start talking about drugs and addressing the drug problem—when you squeeze the balloon on one side, it bulges out the other side. When you go into the Swamp to deal with the persons involved with drugs, they are going to move somewhere else. When you deal with drugs in West Bay, in a particular area, they are not going to still hang out there, they are going to go somewhere else.

We have a good thing. I support the National Crime Study and we are going to get it done. But let us not alarm the whole world and try to say that there is crime running rampant in the Cayman Islands. I said yesterday—and I hope you will allow me to repeat this—that anyone who says they are responsible and uses the words "Cayman Posse", I believe the public should hold him responsible for anything that happens thereafter, because the words "Cayman Posse" are going to be connected with the words "Jamaican Posse", and I do not know anything about a Cayman Posse. Maybe to gain a lot of public attention and to alarm everybody, those two words came out of some person's mouth, hopefully, by accident, but they are out there in the open.

One of the problems of any country, and the possible destabilisation of the economy, is this same thing that we are playing with—trying to say that the crime in the Cayman Islands (maybe I should use the words they are trying to use) is out of control. And they would like me to believe that these statistics that they quoted—a crime every 40 minutes—is accurate. But I have been around here a long time—not just in this House, but in

West Bay. While I may be quiet, it does not mean that I am not fully observing what is going on.

The Commissioner's report says that this piece of paper here is rubbish. The 1993 Royal Cayman Islands Police Report says that the total crimes reported to the police in 1992 (as a comparison) was 3,058; in 1993, it was 3,298—an increase of about 240 crimes. I did not need the report from the Commissioner, or the other piece of garbage, to tell us about the crime situation. This report tells you where it is—it is all involved with drugs. In 1992, we had 121 cases reported to the police for simple possession of ganja (or cannabis); in 1993, we had 222 cases. In 1992 we had 76 cases of cocaine consumption; in 1993 we had 113.

I am not trying to say that there is no crime, I am not trying to say that I am not concerned about it, but what I am trying to say is let us tell the public the correct position as given by the police; they are the people who are involved with crime; they are the people who are arresting people and giving the crime statistics.

The report says, murder: (which everyone of us would like to see at zero at all times) in 1992 we had one; in 1993, we had two cases. Looking at other offences against the person: Common Assault, in 1992 we had 163 cases; in 1993, we had 142 cases. So not all of the crime rates are increasing, some are reduced. We must not be complacent about what action we are going to take to deal with the crime, but let us deal with the facts.

Government has not been sleeping, but we have not gone out into the public and beaten up on any policemen verbally. Our responsibility is to assist the police, to assist the Governor with the security and the Law and Order of this country. If we have any concern, we go in and talk to him. We have done so, and we have gotten results.

When we came to office there was no dog section in the Police. It is there now. When we came into office, I do not think we had a boat of any size to speak of. We have one now, patrolling the waters around the Cayman Islands. When we came into office the Police, and Customs, were asking for additional equipment, and to some extent some of them asked for manpower as well. Early this year we gave the Police what they asked for—we gave them the number of people they wanted to set up a special task force. We gave Superintendent Cutts his additional men that he wanted in the Drug Section. They said they wanted more equipment, we gave them that too.

I believe that is the way for us to deal with crime—not running around in the street making noise, or in the House, putting forward information that, by God, we should know is incorrect.

We have come so far. We are, in my view, the leading country in this Caribbean Sea that we live in. We have done what needs to be done to improve tourism, and we will continue to work on it. But I believe (let me say that I am tempted to believe) that with this thing about crime and all this noise, maybe we are getting too many tourists. Maybe they want to put a damper on it, because this is one of the best ways to kill your tourist

trade. If I know that my life is in danger by going to a particular destination, I am going to find somewhere else where I am safer.

The Cayman Islands National Crime Study, is on the way. It is taking a little time, but that is not to say that we are not dealing with crime. The study is to try to find out the cause. If you know the solution to the crime problem in some instances, you deal with it. Which is exactly what we have been doing.

This report says that there is 6.1 murders every week. I would wonder where I am living if I were to believe that. I believe that we should examine our own souls and our minds when dealing with the future development of this country and the things we get up and say—here and outside—because it is easy to lose what you have. It is not easy to put the pieces back together—just like a jigsaw puzzle when you drop it. How do you put it back together? You scare everybody away from this country with statistics on crime that are not true.

The reason why this country's economy is the way it is, is because of the financial industry and the tourism industry working hand in hand to move us forward, and we have turned this country around in such a short time that the Opposition cannot believe it. We did not have any magic wand, we just put our noses down, put our heads together, shoulders to the wheel and did what had to be done.

I am going to close by hoping that everyone in this House will commit themselves to the future generation of this country rather than, as it appears, try to ruin their chances of having the prosperity that we have today.

Thank you.

[Pause]

The Speaker: If there is no further debate, I would like to ask the Mover if he would like to exercise his right of reply?

Mr. Roy Bodden: Thank you, Madam Speaker. I certainly wish to so do. I pray the indulgence of the Chair, because my winding up is going to be a rather long one.

The Speaker: First Elected Member for Bodden Town, I think under the Standing Orders you have four hours; there is going to be no indulgence unless the House otherwise desires.

Mr. Roy Bodden: Thank you, kindly. I shall use it judiciously.

I am going to begin by addressing some comments made by the last speaker, the Minister with responsibility for Tourism, Environment and Planning.

I would like to assure that Minister and his Government that they are no more blue-blooded, true Caymanians than I am. They are no more responsible and concerned about this society, this country and its future than I am. That is the reason I have brought this and similar Motions.

I am going to outline my position and my responsi-

bility, as I see it—based (as it is) on a comment and observation made by no less a distinguished personality than Mr. Thomas (Tip) O'Neal, when he was Speaker of the United States House of Representatives, who said, and I quote: **"The Opposition has a special responsibility in those cases where the Government fails to do, or fails to deliver on promises it has made."**

Again, I am reminding the Government that 15 months ago they promised to do the study. It has not been forth coming. Consequently I saw fit to bring this Motion. For that, Madam Speaker, I make no apologies.

Let me say, again (as I have said many times), that, as far as my being in this hallowed hall is concerned, I only account to two entities—my constituents (the Bodden Town people) and God—not the Government. It is not my responsibility, nor my right, nor would I be so presumptuous and stupid as to give the Government my solution to problems which they face. Because you know what they are going to do? They are going to use my proposals and my solutions and be so ungracious as to give me no credit. I would be stupid to do that. I am exercising my responsibility and my rights by coming here in this public forum and pointing out their shortcomings and expressing the concerns of my constituents and the wider country as expressed to me.

My Motion is not Roy Bodden's Motion. I have my solutions. I do not go around interfering with people and I do not expect them to interfere with me; if they do interfere with me, I already have my plans set and laid out, and I know what I will do. I am here representing the concerns of my constituents and the country.

I want to say this: the erroneous information which the Member for Tourism so emphatically dwelt upon, was not introduced into the House by the First Elected Member for Bodden Town. It was introduced into the House by a Member of the National Team. So, I take no blame or responsibility for erroneous statistics. It seems that they have the problem—I do not have any problem.

I would, however, highlight that the Member quoted that in 1992 there was one murder, and in 1993 there were two. I wonder if the Member, who is so good on statistics, realises that that is an increase of 100%? One murder is too much, two murders is two times too many. That is the reason why we have to be concerned. Let us remember that is how it starts, that is how blight begins. It does not begin with an epidemic; you have one case reported, then two, then 10, then 40 and, suddenly, it becomes pandemic. This is the reason why we should be concerned.

I want to say something else—because he has caught the disease from his colleagues in making reference to beating up on the police—let me remind him that the First Elected Member for Bodden Town publicly states his position, and I have no quarrel against individual policemen. Many of them are my friends, and some are my relatives. What can be appreciated in my approach is that I am open, public and forthright. I give them the support they need and I do not wish the society to be disrespecting the police, but the converse is also true—I do not wish the police to disrespect the society.

Let me further say, as far as beating up on the po-

lice is concerned and fighting the police, the First Elected Member for Bodden Town did not bring any Motion here calling for the early termination of the Commissioner of Police. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture did when he was a Backbench Member, and brought Motions calling for investigations into the Police [Force]. I hope the police understand who is a true friend, because what I have to say I am up front and outspoken with.

There is another thing I wish to draw reference to in the speech made by the Honourable Minister for Tourism, Environment and Planning. It is their forte to settle differences on matters which affect the public in board rooms, thus eliminating the public and the public's input, and to make compromises and deals which exclude the public. That is not my style of management and administration. I say any matter which concerns the public, I, as a representative of the people, must be open in striking the deal and making that settlement. That is the reason why we stumble from crisis to crisis and are in the predicament that we are in now and not making any headway in an amicable settlement and solution.

I say that we had better be concerned about crime in this country, and I remind them that they cannot escape the facts that day before yesterday, at 3 o'clock in the afternoon, on a broad thoroughfare opposite the Airport, there was an armed robbery. And on Sunday afternoon, in the staid and quiet little hamlet of Pease Bay in my constituency, a man entered somebody's house, tied the male occupant up and robbed him at knifepoint. And you are telling me that we should be like ostriches, and stick our heads in the ground and say there is nothing to worry about?

There is another thing. I do not envy them for the increase in tourism; I share some of the credit too, as a responsible legislator. I hope that it may continue, but I also hope that they realise that they could not have made such a miraculous effect in two years. I hope they are not so cocky, arrogant and conceited as to believe that is as a result of their work in two years. It is the result of successive political directorates who have, in spite of the differences we may have with each other, laboured to maintain stability and a certain image, including coming into this House of arguing, proposing and opposing. So, they cannot now expect in two years to come and grab up and say we made a miraculous turn around. They will not fool Roy Bodden with that one, Madam Speaker.

There is another thing. The position of the Government with regard to what is happening now reminds me of the work of the Italian playwright and dramatist, Luigi Pirandello, who experimented with the differences between elusion and reality. The Government's vision of what is happening in this country with regard to crime, it seems, is blurred. The reality is faded right into the elusion that they are labouring under—that crime is not a problem.

Permit me to read a short section from a text called "Crime and Human Nature": **"Predator's street crimes are most commonly committed by young males. Vio-**

lent crimes are more common in big cities than in small ones. High rates of criminality tend to run in families. The persons who frequently commit the most serious crimes typically begin their criminal careers at quite a young age. Persons who turn out to be criminals usually do not do very well in school. Programmes designed to rehabilitate high rate offenders have not been shown to have much success, and those programmes that do manage to reduce criminality among certain kinds of offenders often increase it among others. These facts about crime—some well-known, some not so well-known—are not merely statements about traits that happen occasionally (or in some places but not others to describe criminals) they are statements that, insofar as we can tell, are pretty much true everywhere. They are statements, in short, about human nature as much as about crime.”

Who are the "we" referred to [in this quote]? James Q. Wilson; Henry Lee Shattuck, Professor of Government, Harvard University; Richard J. Herrnstein; Edgar Price, Professor of Psychology, Harvard University. So, these concerns are not manufactured by Roy Bodden.

I do not expect the Government to know that because they have a contempt of academics; they have a contempt of intellectuals; they have a contempt for learned people, as is so often expressed in their behaviour and their attacks against myself and my colleagues on this side. The efficacy and the wisdom, and certain knowledge and appreciation of that knowledge, escapes them. That is why they can poke fun and ask me to tell them whom I would like to do the study. Madam Speaker, I am going to rise to that challenge and I am going to tell them, before I wind up, who I think should do the study, and why.

The Speaker: Would this be an opportune time for you to take a break in your long debate, Honourable Member?

Mr. Roy Bodden: Thank you very much, Madam Speaker.

The Speaker: The proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 11.56 AM

The Speaker: Please be seated.

The First Elected Member for Bodden Town, continuing.

Mr. Roy Bodden: Thank you, Madam Speaker.

In any request for a study on crime, it is fitting and appropriate to arrive at a definition of what we mean when we speak of crime as a social phenomenon. What is crime? Simply put, crime is that behaviour condemned by society. It occurs despite the rewards and

punishments that have been devised to enforce condemnation—very simple, rudimentary definition.

It is interesting to note that not only are we on the dawn of the 21st Century in the Cayman Islands—which used to be described as the Islands that time forgot—not only are we concerned about crime now, but internationally that is the case. It was so from earlier times, as witnessed Thomas Hogg, who wrote a political treatise called "The Leviathan", in which he proposed that man was neither good nor bad, but was a creature of his senses who desires certain things and who quarrels when those desires are in conflict. That was in 1651. Anyone who did any studies in Political Sociology and Political Science would have read of Jeremy Bentham, who, in 1789, wrote in his "Introduction to the Principles of Morals and Legislation", of the famous principle of futility; that nature has placed man under the governance of two sovereign masters—pain and pleasure—and that man naturally and instinctively seeks pleasure. So, society, to strike a counterbalance, has to impose certain elements of pain to keep man in line.

Then too, not only were the English people concerned with this whole business of man's behaviour in society, but so too were the Italians; as witnessed the works of Cesare Beccaria, who portrayed man as a self-interested, rational calculator. This man, this academic, Cesare Beccaria, proposed and wrote the first modern treatise on crime and how we should deal with punishment.

The 18th Century French Philosopher, Jean Jacques Rousseau, is perhaps the best known proponent of this whole idea of man and his behaviour in society and nature and nurture, and how it affects man's behaviour. He wrote a work which he called *Emile [ou Traite de l'education]*, about a fictitious character who lived in the natural state. Jean Jacques Rousseau believed that man was naturally good, but that he was corrupted by the society in which he lived. I laid that foundation to say that that is the case of people who investigate and have some knowledge about the phenomena of crime in our society.

I draw reference, again, to this article written by Mr. A. Steve McField, which appeared in *The New Caymanian*. The Government and its supporters can laugh; but in the absence of their producing a work of such scholarly magnitude—and I can say they lack the ability to do so—I have nothing else to quote. If they can do as good, why did they not come with a counter [argument] to what this gentleman proposed? His article was written on the week of the 5th August—11th August. They had ample time to come with a counter argument. By the way, that is how academics operate—someone proposes, someone opposes, giving their arguments. So they can laugh, but I know that they lack the ability. All they can say is that a person should not use the word Cayman Posse. Well, I did not tell him what word to use, that was his description. If they do not want to use the word, then they should research and write an article trying to convince us that a posse does not exist. That is the challenge for them!

I should not say it in here? This has gone all over

the world, it is a public document, and we have freedom of speech. If they want to refute the argument, then let them come up, showing why this writer does not know what he is talking about; destroy his basis by coming with something to the contrary to what he has written. They cannot do it. Why can they not do it? Because this gentleman is not only a social critic, he practises in the court every day the court is in session, and it is on that basis from which his knowledge emanates.

I will say that what Rousseau, Beccaria, Betham and all these other writers wrote about has bearing today, because Mr. McField says that it is from these neighbourhoods of low income residents, single parent mothers, neglected poor, that the conveyor belt from birth to prison is linked.

He goes on to say: **"Those of us witnesses who are observing this contrast in the Cayman development can see the dichotomy. . . "** *What is the dichotomy?* **"In fact, many of them who were fortunate to make it to the fashionable subdivisions, who slipped through the maze of double standards and prejudice no longer identify with the source of their being—the little man. There seems to be no social conscience left."**

That is the point. All those people who have become 'tokens' of the system, who like to set themselves up as being the successful persons, have severed the connection; have dismembered the umbilical cord which led them away from these pockets; and have now set themselves up on pedestals, completely forgetting the dispossessed and the disenfranchised until it is time to seek their vote every four years.

Mr. Gilbert A. McLean: Hear, hear!

Mr. Roy Bodden: I believe that, and I am convinced of that—I only have to see what kind of automobiles some people drive and hear some people say that, 'of course they want to live in a big mansion by the sea and drive a Mercedes Benz', to know that they have distanced themselves from the people who put them where they are. The proof of the pudding is two years hence that is the proof.

The writer goes on to say: **"On the other hand, some educated Caymanians who allow themselves to become 'tokens' in the system, do not identify with their people's problems. In the Cayman Islands it is legitimate to say that in almost every case where the oppressed become liberated they become the oppressor. [How profound!] When we continue to classify our social and economical dilemma we face in terms of paper studies from outside, we are regarding the cancerous problem as not important and diminished in urgency."**

Let me repeat, **"When we continue to classify our social and economical dilemma we face in terms of paper studies from outside, we are regarding the cancerous problem as not important and diminished in urgency."**

That reminds me of something. The National Team

used as one of their foundations the fact that they were not going to fall into the trap of the last political directorate by advocating and using wholesale and large scale services of outside consultancies. And what are they proposing in this case? To bring in a criminologist from outside. Not only from outside, you know, but from outside the Caribbean.

This whole business of political expediency, political opportunism and situational ethics is going to come to a head sooner or later. You know why it is going to come to a head? It is going to come to a head because people like the Second Elected Member for Cayman Brac and Little Cayman, the Fourth Elected Member for George Town and the First Elected Member for Bodden Town, have a continuous spot light on the Government, and we are going to hold them to account. They can mumble that no one listens to us—no one listened to Noah or John the Baptist either.

Madam Speaker, you know, it is our job to force the realisation. It is our job to let them understand that the promises they made . . . I want to read from the *Hansard* of the debate on the Motion calling for the National Commission on Crime, in which the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture said: **"In addition, because we feel that there needs to be an investigation into the causes of crime, sociologically and otherwise, we propose a crime study."** Let me refresh the memory of the House: this was on Thursday, 24th June, 1993. [*Official Hansard Report*, 1993 Volume 1, page 394]

"Because we feel that while deviant and criminal behaviours are, to some extent, unavoidable, the Government is not comfortable at the moment that there exists a sufficiently clear idea of the causes of, or explanation for, such behaviour in our Islands." (*Ibid.*)

Madam Speaker, the Second Elected Member for George Town, had this to say: **"Escalating crime and a sluggish economy are, I believe, the two overriding concerns now facing our country. No longer can we boast of a virtually crime free society which was once the case."** [*Ibid*, page 396]

That was the same thing that the author of the article in *The New Caymanian* was saying, but he has taken it a further step.

In an effort to be as all embracing as I can, let me also include one other prominent member of the National Team, the Minister for Education and Aviation. He said, in one section of his speech: **"It is unfortunate because I really think that the input of Members of this Honourable House is very important."** And now, Madam Speaker, they are saying that I should not say anything, that I should shut my mouth and not bring this Motion. Let me repeat what this Minister said: **"It is unfortunate because I really think that the input of Members of this Honourable House is very important."** We are offering our input now.

Madam Speaker, under our system, that is all we on the Backbench can do. The Honourable Minister responsible for Community Development, Sports, Youth

Affairs and Culture accused me of stopping the criminologist that they were trying to recruit from Cambridge. I cannot do that. And he said, I have signed her up. I cannot do that either. As a Backbencher, I have no power, no authority, and no resources to write or to offer any contract on behalf of the Cayman Islands Government. If I would do that, they would cage me at Northward Prison.

So, I never made, or signed, any agreement with any criminologist from Cambridge University. I could not do it—I have not taken leave of my senses. I could not go and offer anyone employment on behalf of the Government, nor can I lay any obstacles in their way. What I can do as a representative of the people, and as a Member of the Legislative Assembly, is to express my concerns and to posit what kind of person I think should be engaged to do the study. I can also posit what angle and what perspective I think the study should have—which is what this Motion is doing. So, I wish to lay to rest the argument that I was responsible for them not recruiting this lady before now. You know what was responsible for that? Their waffling and their dithering. The year 1996 will come, and that study will still not be in place, because the study is not a high priority on their list. They are not directly affected by what happens to the little people in these areas that Mr. A. Steve McField wrote about. They are the tokens.

We have a chance to do something about it, bearing in mind that no solution is going to alleviate these problems overnight; that the nature of these problems is so endemic and so entrenched that it is going to take years, and it is going to take successive political directorates to stem the flow, to make inroads that will become obvious. However, if we do not make a start, we will never be able to be in a position where we can see some downturn.

The Government is so contemptuous, so utterly shameless, and so discouraging, that when Members of the Backbench try to give them an opportunity to look good—because, Madam Speaker, a sensible Government would take a Motion like this and completely disarm the Opposition. If I were on that side, Madam Speaker, believe you me, when I got through I would have the Backbench eating out of my hand, because I would co-opt every one of them. I would involve every one of them at some point in this effort. I would even put them out front, then they would have no reason to say it is not being done, and why is it not done.

But Members—like the Minister for Education, who is bankrupt of such solutions, who can only tell his constituents that he is going to increase the Task Force, who is unable to come up with a divergent approach, can only say, "he is a dreamer, he is an idealist, leave him alone." How sad. It does not matter that I get the Ministry of Education, that is not an obsession in my life. I have made my accomplishments, and I will continue to do so. But I will tell that Honourable Minister that my reputation as a citizen of this country and as a Legislator is as good as his will ever be, and six months after I am dead I will be considered more of a man in the Cayman Islands than he is, or ever will be.

There is one thing people can say about Roy Boden: he does not have any hang-ups about smallness or about size, which is more than can be said about that Minister. I told him before, he has been gunning for me since 1979, and he could not get me; he will be gunning until 2079, and he still will not be able to get me, because any day the sun rises, I am still smarter than he is—even for all his law firm and his banks. I also told him that I am honourable, and very good at repaying debts. Enough said on that.

The responsibility for the crime situation in this country lies with the Government and in spite of what they say they have an obligation to come with this study that they promised the people before too long. I do not know what it is going to take to shock them into reality. They have done nothing but promise this study—it is time they get on with it.

And now, Madam Speaker, I wish to say this: it seems that they are unable to arrive at someone to do the study. It seems as if they are unable to determine exactly how to go about it. Well, let me give them this much, I promised that I would tell them. I am going to tell them how, and then I am going to tell them who.

Firstly, they should seek to come up with a job description. What are the qualifications of the person they are looking for? There are areas of the social sciences: Criminology, Social Psychology, Sociology, or Social Anthropology, all related areas. So, it should be someone from one of those areas. The job description should be so structured that it includes someone who has training and qualifications in one of those areas. The job description should read that such a person should be able to conduct independent research, or should be able to lead a team into conducting independent research. Therefore, such a person should have a graduate or post graduate degree, plus provide some proof of independent study, or completion of a project involving the criterion laid down, that is, they should have written some thesis or dissertation which would show that they have the ability to synthesize, dissect and put back together a problem. Any one of those disciplines: Criminology, Social Psychology, Sociology, Social Anthropology.

Madam Speaker, the person should also have some familiarity with the socio-economic setting, and the demands of a micro society, such as the Cayman Islands. Therefore, it would no doubt exclude people coming from large metropolitan cities unless they could provide proof and substantiation that they had experience, knowledge and training in the kinds of setting like the Cayman Islands.

Now, that is the job description. What are the terms of reference? 1) To investigate into the phenomena of rising crime in the Caymanian Society, especially drug-related crime; 2) To determine, or to ascertain if, and what, connection exists between poverty, low self-esteem and the tendency to become involved in criminal activity; 3) To investigate into and find out what relation exists between poor performance in school and crime in juvenile or early adult years; 4) To investigate into and find out what relation exists between children from single

parent families, or broken homes, between deviant behaviour and acceptance in the society; and, 5) To investigate and ascertain what role low self-esteem and self-confidence play in those persons who drift into the criminal subculture.

That is exemplary, rather than exhaustive. One could add or delete, depending on how broad and how long one wanted to study. One could do a longitudinal study, or one could do a shorter study. One could do a study restricted to one or two areas, or one could do an Island-wide study. Ideally, the study (if the results were needed immediately, or early), should not last beyond six months. But that does not preclude a mechanism from being put into place for continuing the study on a long term basis.

Who should be recruited to do such a study? Simple—check with the regional University, the University of the West Indies Social Sciences Department, Social Anthropology Department. Forward the job description, and ask for some applicants—or go farther away.

[Directed to the Honourable Minister for Education and Aviation] No! You ask that through the Chair, Honourable Minister, and I will be happy to answer that.

The Speaker: First Elected Member for Bodden Town, please address your remarks to the Chair.

Mr. Roy Bodden: I am telling the Honourable Minister to ask through the Chair, Madam Speaker, and I will gladly answer him. I will even give way for him to ask that question.

The Speaker: Please continue with your debate.

Mr. Roy Bodden: Thank you, Madam Speaker. As usual, I have wolfed him again.

Who should do such a study? Advertise. I do not have to call any names, Madam Speaker, because I am not into personalities. As an academic I can only lay down the criterion—I do not know everybody who is qualified in this field. It is impossible. From my experience that is not how it is done. No name is mentioned, the successful candidate is chosen or selected on the basis of their Curriculum Vitae.

I do not know anyone to recommend by name, and I would not be that presumptuous. I can only say what I think the job description should be, what I think the terms of reference should be and take it from there. I am not prepared to call names; even as much as I read I do not know everybody who has investigated this field and who has qualifications and who has written. I would not do that; and for persons who do that, it shows the shortness and the breadth of their wisdom. Perhaps that is why the Government has not proceeded—because they stopped at one person, and they cannot get that person, so they have stopped completely—punto final! Madam Speaker, you will understand that. They have come to a full stop, because they chose only one person and now they cannot get the person, so they are in a quandary!

I will say this much, Madam Speaker, it is usual in these kinds of circumstances that the person who heads

the research team has, as his or her assistant, some persons who are knowledgeable and qualified from the jurisdiction or the area in which they are doing the study; because it is extremely difficult, if not impossible, to introduce outsiders—people from different cultures, people whose accents are different, people who are physically, obviously, different—to come into some areas and pockets and gain the confidence of the people.

In studies which I have read, in strictly ethnic areas, like the work I have read by Herbert Ganz, with investigations he did as a sociologist into the Italian and Irish communities in Boston, it was suggested that it would have been manifestly impossible to garner the kind of information he was commissioned to garner if he did not have some people who were readily accepted in those communities. That that is a truism, one need go no further than this whole business of policing. The police are successful in certain areas when they employ people in those areas to snitch, to snoop. The same principle has applied in the world of international espionage.

I know, firsthand, of an organisation in Chicago which is, according to the annals, one of the most internationally known and best respected organisations, which wrote the methodology and the rule book on these kinds of investigations. Years ago, when I read the briefs, that is exactly the kind of job description and terms of reference that the Sol Alenski Foundation in Chicago proposed for these successful studies. These people have been employed all over the United States, by all kinds of organisations and they have a well-known reputation. Indeed Sol Alenski was one of the eminent professors of the Chicago School of Social Sciences.

So, what I have just proposed, Madam Speaker, does not come from my head, but comes from what I have garnered and gleaned of the experts as they set out the terms of reference. That is how I think it should be approached and, ideally (I say again), there should be more than one candidate so that we have a choice.

Madam Speaker, I take pride in my position, and I thank God that I have been allowed the opportunity and the possibility to represent my constituency. I thank the people who have returned me on two occasions. I do not know what the future might hold, because my tools are such that I can do other things besides politics—and the temptation grows stronger every day. But, I will say this much: As long as I am here, and as long as the people of Bodden Town give me the privilege of being a trustee of their wishes, I will strive to represent them to the best of my ability.

And, as far as being controversial is concerned, as far as not being a sycophant and an extension cord where the Government is concerned—that I will never be. I like the words of the Great Martin Luther King Jr., when he said, "The ultimate measure of man is not where he stands in moments of comfort and convenience, but where he stands in times of challenge and controversy. The true neighbour will risk his position, his prestige and even his life for the welfare of others." I said in here once before that I am one who will never sit in that Greta area occupied by feeble minds and timid souls. I will speak my peace as eloquently as I can, as

respectfully as I can, and if I tread on any corns in so doing, I have no apology to make. I ask no quarter, because I am prepared to give no quarter.

Madam Speaker, I have put forward my case. I believe there is merit to this Motion; I believe that the Government needs to act posthaste, as they say. I believe it is unwise for us to lull ourselves into a false sense of security by braggadocio, in saying that we are begrudging the Government because tourism is booming. I admire what is happening. I pray that it may continue, and I encourage whoever is doing whatever to continue to do that. But, I am also saying that on the other hand, there is a need, and a reason, to be concerned because we are losing the youth from the 'Swamp' and all these other places. The great empire of Rome never fell to the barbarians—it fell from within because the Caesars lulled themselves into a false sense of security and got distracted and did not emphasise the discipline of the army and the praetorian guard and education and culture. They got drunk on wine and song and neglected the sons and daughters that made the empire strong.

That is the lesson. That is the essence, Madam Speaker. It makes no sense to say tourism is booming; we are having an influx; Caledonian Airways is coming, in one column—and in the other column—Northward Prison is full of young people on drugs and drug related crimes; the rehabilitation services are taxed to the limit; recidivism is frightening; armed robberies in broad daylight. I, Madam Speaker, am a realist, and I am saying that I would never be so stupid as to believe that one comes without the other.

I am saying that we must find where we are failing. It starts small first, then it grows. Is it because the people are of a certain complexion that they are failing? Is it because the people who are failing and who are incarcerated have certain surnames? Is it because the people who are failing and who are incarcerated and hooked come from certain ethnic areas that are considered of no value? Is it because they do not occupy houses in exotic subdivisions? Is it because their only worth is that their vote is needed every four years? Is it because they are [considered] human fodder, to be treated as nothing more than people who are only remembered when their faces appear in front of us with an outstretched hand for a dole?

Are we that callous? What is our responsibility? Is it because we do not see them at the Courts? Is it because we refuse to listen to, or read, or believe what a prominent law practitioner and social critic writes? Is it because we would like to see him declared *persona non grata* because he dare declare the truth, or he dare put pen and ink to his conviction? Is it because people, like myself, who bring these kinds of motions are labelled dreamers and idealists and poked fun at? Is it because people who dared to get an education, and voice their opinions, are called communists by people who now set themselves up to be Ministers of Edification, Education and Learning?

Madam Speaker, what is the cause of this? We have to find out. It is incumbent that this study be done sooner, rather than later. When the Motion on the Na-

tional Commission on Crime was brought, it was said that it was going to send the wrong signals; that it was alarmist; that we were going to make the people believe that crime was endemic, ripe, rampant on our streets.

Now, comes a Motion for a National Study on Crime—significantly lower key—and still we hear that the Mover and the Seconder are out of whack with what is happening. *'We have things under control; the streets are full of tourists; the beaches are full of tourists. Of course we have some crime, there was a murder in 1992 and two in 1993; but, do not worry, most of the crimes were drug related.'*

Madam Speaker, that is exactly what we need to ascertain. What is the link? Is there a link? Is it because our social system is failing?

It seems that the Minister for Education wants me to give way.

The Speaker: Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I am not speaking to him at all, really, and I am not getting up anymore when he says this.

The Speaker: First Elected Member for Bodden Town, would you please continue with your debate and pay no attention to anything that is going on in the Chamber, and address your remarks to the Chair, please.

Mr. Roy Bodden: Madam Speaker, I thank you for that observation, but the Member in his conversation is distracting me. I would like him to know that I am gracious enough to allow him to ask the Chair...

The Speaker: Well, I think you should rise above that First Elected Member.

Mr. Roy Bodden: Yes, Madam Speaker, as I was saying, I can understand how the situation has deteriorated when we have people who occupy Ministries and cannot conduct themselves better than some people are presently doing. I can understand the reason for some of the failure.

Can you imagine someone who is in charge of young people's minds in this country, who does not have the common courtesy and common decency to allow other people to say their peace unmolested and unprovoked? It is no small wonder that we have degenerated and deteriorated to the level we have, because if this is the example that young people have to go by at the schools, then I can understand the failure—the reason for so many of them dropping out.

I say that we have to find out where the breakdown comes, because allowing for the fact that 40 scholarships were granted this year (we often hear about those who do well), what percentage is not doing so well? Is the failure in the home? Is it in the school? Is it in the wider society? It is incumbent upon us to set the study in motion to find this out. Let us not be like ostriches. Let us not adopt the ostrich syndrome—bury our heads in the ground—and hope and pray and pretend that this problem is going to go away; that it is going to be melted into the increase in tourism; that it is going to be taken up, drowned by the statistics which says that tourism is increasing.

I did not spend any time, I did not dwell, I only mentioned

en passant the fact that the international media has taken note. That is what we have to worry about. The fact that they are producing wrong statistics is important; if they were not producing any statistics it would be of no consequence, but the fact that they are saying that a crime occurs in the Cayman Islands every 40 (point whatever it was) minutes means that we must begin to work to contain this problem now, and also let them know that their statistics are not worth the paper and ink they were written with. If we leave it and let it fester, because the Police Report says this

And, Madam Speaker, I want to say this with regards to the war on crime: It is all well and good to fill the statistical columns with the small man, but what about the mid-level and the top level? When has a big pusher last been busted? When last has he got a dealer? You know what happens now? We have become drunk on the statistics of the little people who have been busted. I call them the victims, the users. I am not misled by that. I get excited when I hear them bust a dealer or a pusher because it is impossible for the country to be full of users if there are no dealers. Let us get some dealers—let us bust some big guys. You know what the word on the street is? Somebody must be protecting them. Let us move to find that out: who or what is protecting them?

Madam Speaker, I hold no brief with the Government, except to say that as a responsible citizen of this country, and as a Legislator, I think they are not addressing a pretty critical situation fast enough. I implore them to get on with the job. I remind them that as a Backbench Member I can only bring Motions like this expressing my concern. Under our Constitution and our Standing Orders, I have no authority, no commitment, no responsibility to write contracts, or to lay obstacles in contracted people's way. I have a responsibility and I have an obligation to express my concern, and it is just too bad if those concerns do not please the Government; I am certainly not tailoring my concern to gain favour with the Government. What I will do, however, is cooperate with the Government when they do things which I think are in the best interest of constituency and country.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 22/94. 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: Can we have a division please, Madam Speaker?

The Speaker: You certainly may.
Madam Clerk.

Clerk: **DIVISION NO. 11/94**
Private Member's Motion 22/94

AYES: 5

Dr. S. A. Tomlinson
Mrs. B. L. Thompson Murphy
Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 12

Hon. J. Lemuel Hurlston
Hon. Richard H. Coles
Hon. G. A. McCarthy
Hon. W. McKeever Bush
Hon. Thos. C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks

Capt. M. S. Kirkconnell
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

ABSENT: 1

Hon. John B. McLean

The Speaker: The result of the Division is 5 Ayes, 12 Noes. The Motion has not been passed.

Proceedings will be suspended until 2.15 PM.

NEGATIVED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 22/94 DEFEATED.

PROCEEDINGS SUSPENDED AT 12.53 PM

PROCEEDINGS RESUMED AT 2.26 PM

The Speaker: Please be seated.

ANNOUNCEMENT BY THE SPEAKER

The Speaker: Before we proceed with the Business for today, I understand that a few Members would like to attend a funeral at 3.30 p.m., at North Side. I would like to have the wishes made known from Members who would like to attend, if the majority would like to attend—I would like to myself.

Can I have an indication from Members who would like to attend? We can do this informally.

Mrs. Edna M. Moyle: Madam Speaker, may I say that the Honourable Thomas Jefferson, and Mr. John Jefferson would like to attend also, even though they are not in the Chamber.

The Speaker: All right. So, would one take that to be the majority of Members who would wish to attend? In those circumstances then, the funeral is at North Side at 3:30 p.m. Do you think we might adjourn at this time? Would someone please move a Motion, then?

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

SUSPENSION OF STANDING ORDER 10(2)

Hon. Anthony S. Eden: Madam Speaker, I move the suspension of Standing Orders so that this House may adjourn until Monday morning at 10 o'clock.

ADJOURNMENT

The Speaker: The question is that Standing Orders be suspended and that the House do now adjourn until Monday morning at 10 o'clock.

I shall put the question. Those in favour, please say Aye... Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock, Monday morning.

AT 2.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 19 SEPTEMBER 1994.

**MONDAY
19 SEPTEMBER, 1994
10.07 AM**

The Speaker: I will ask the Fourth Elected member for George Town to say Prayers.

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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

Presentation of Papers and Reports.

**PRESENTATION OF
PAPERS AND REPORTS**

**THE PORT AUTHORITY OF THE CAYMAN ISLANDS
MASTER PORT DEVELOPMENT PLAN (EXECUTIVE
SUMMARY)**

The Speaker: The Port Authority of the Cayman Islands Master Port Development Plan (Executive Summary).

The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I beg to lay upon the Table of this Honourable House the Executive Summary of the Master Port Development Plan for the Port Authority of the Cayman Islands

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Madam Speaker, last week, when I laid the Financial Statements of the Port Authority on the Table, I mentioned that this Master Port Development Plan was carried out at a total cost to the Port Authority of approximately \$230,000. This study was authorised by the Port Authority in August of 1992.

We discovered that the study, which was supposed to tell us what was the most appropriate venue for a Port in the long term for Grand Cayman, among other things, that in the terms of reference given to the consultants, they had been tied to George Town. Therefore the consultants had no authority to look elsewhere.

When we looked at it, as the (shall I say) new Port Authority Board, we believed that this was not appropriate, and we therefore amended the terms of reference to allow them to look all around the Island for fear that, if this was not done, a year or two later someone would say, 'Of course, your recommendation was George Town, but you did not look anywhere else.' So we decided to remove that restriction and allowed the consultants to apply their skills and expertise to the report as to what is the best Port to establish the harbour and Port for the future of the Cayman Islands in Grand Cayman.

As a result of that, the consultants looked at the Red Bay area; the North Sound area; the West Bay area—now, I know someone will say West Bay is part of the North Sound, but let us not think about the North Sound, let us think on the south side—and also the George Town area. They submitted a number of proposals which to some extent are summarised in this Executive Summary. Members will be able to read it and understand what proposals they have.

In essence, there are seven (although I think the report incorrectly says 8 in one area) alternative concepts. They have them labelled "A" through "F": "A" meaning a full cruise and cargo port at South Sound, which is the Red Bay area I mentioned earlier; alternative "B" would be a full cruise and cargo port at North Sound; alternative "C" would be a full cruise and cargo port at George Town. They have two different alternatives here. Where alternative "C" would have the cruise ships dock to the south and the cargo to the north, alternative "D1" would have the cruise to the north and the cargo to the south; alternative "D2" also has full cruise and cargo port at George Town with the cruise ships docked to the Northwest and the cargo slips to the south. Alternative "E" would have a split facility—the cruise at George Town and cargo at South Sound. Alternative "F" is modest improvement at the present George Town Port.

I am not going to go into the detail of the cost of each, but when we looked at the North Sound there was a need for substantial dredging coming in from the main channel straight into the right side as you come in on the West Bay peninsula. That cost was over \$100 million.

Obviously, if you dredge an area 500 feet wide—and we have cruise ships that are 800,000—900,000 feet in length—if that happens you can forget about sand bar, and probably forget about Stingray City too.

The consultants ended up recommending the George Town Harbour, or Port area to be developed. In this Report, that recommendation would cost us over \$50 million. I will come back to that, but let me also mention that when the consultants were carrying out their study and we (the new Port Authority Board) looked at the terms of reference, we decided to also amend it to include home-porting. We amended it because (similar to the comments I made a while ago) somebody would come along and say 'You opened the terms of reference to allow the consultants to look all around Grand Cayman to decide on George Town, but you did not ask them about home-porting' (meaning cruise ships docked here departing from here and returning here on some voyage to some part of the Caribbean, probably).

This report also mentioned what contribution that would be to the economy of these Islands. It mentions that the economic impact of one 900 passenger ship making 26 cruises to the economy of the Cayman Islands would be \$7.3 million. But I am not a single entry bookkeeper, Madam Speaker, there is also an economic cost and, perhaps, a substantial economic cost. I need only mention, that if you have a cruise ship docking alongside or you have home porting, you have to provide additional facilities such as sewage and additional security measures, whether it is done by the Port or by the Police. That is not an exhaustive list. It also could change the Cayman Islands to such an extent that the economic cost of home porting should undergo serious and lengthy thought, both looking at the positive and negative benefits.

Those of us who visit Miami on a Friday night or a Saturday morning, or who are still in the hotel on Sunday, will be reminded how you can hardly walk in the lobby for the number of people who are there. One of the best ways to damage your Island as a destination is over population of tourists. It is an area we have to be very cautious about. While some countries can do it with ease, the reason is they are moving, and had moved many years ago, to mass tourism. So when you move to mass tourism, when you have to squeeze through a 20,000 foot lobby, it is all part of the scenario that you expect. But I do not believe that the people who come to the Cayman Islands would expect that.

I make those comments just to try to put a little light on home porting, and if I were sitting down to deal with this again, I would certainly ask the consultants to carry out the same exercise because I think it gives us a full picture of possible port development and the impact on the country.

Coming back to the port in George Town, while the new Port Authority Board (and I say new, meaning the present Government) had really no alternative but to accept the report. We said in accepting the report that an investment of \$56 million will come, as and when, the Port Authority and the Government are able to agree that the country can afford it.

May I say, as the Minister and the Chairman of the Port Authority, that I do not believe this country needs it at the moment, and during my term of office (to November 1996, God willing) I do not think you will see me putting this forward before you for funding. With the system we are using at present I believe that the businesses gain more benefit—where the cruise ships anchor in George Town and their passengers are brought ashore by a tenders, which are locally owned. While improvements can be made in that area, I believe that system can carry us forward for some time to come.

It is always important to have a sense of direction, and I believe that the Master Port Development Plan (Executive Summary) which we laid on the Table this morning, does give the Port Authority and the Government some plan for possible future development of the Port. We will decide to spend this money when we believe the service is needed.

Looking at the Port today, it is far different than it was four or five years ago. The majority of cargo that is landed at the Port disappears in a short period of time. It is moved to the Cargo Distribution Centre, where we have several acres of land for storage purposes. So, I think the direction we have taken is the correct direction. We will continue to improve the facilities.

May I mention that one of the earliest reports that I have seen gives an assessment of the present docks (George Town and Cayman Brac docks) and the need for repairs. That is a priority, and it is that report that the Board has agreed to implement with immediate effect. I am sure that Members and the public will see this matter going to tender in the near future, for work to be done to the Cayman Brac dock, in particular, which over a period of time has had some damage, particularly underneath part of the dock itself. We will be moving forward with that in a few months.

Thank you, Madam Speaker.

The Speaker: Report of the Standing Business Committee.

REPORT OF THE STANDING BUSINESS COMMITTEE (Meeting held 27th May, 1994)

The Speaker: The Honourable Minister responsible for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to lay upon the Table of this Honourable House the Report of the Standing Business Committee, for the meeting held on Friday the 27th of May, 1994.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Madam Speaker, this meeting dealt with seven Business Papers, and set down the Questions, Legislation and Private Member's Motions for the Meeting which began in June.

The Committee has agreed that this is the Report of the Standing Business Committee.

The Speaker: Community College of the Cayman Islands Annual Report 1993/94; and Community College of the Cayman Islands Financial Statements.

**COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
ANNUAL REPORT 1993/94;
and
COMMUNITY COLLEGE OF THE CAYMAN ISLANDS
FINANCIAL STATEMENTS**

The Speaker: The Honourable Minister responsible for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I beg to lay upon the Table of this Honourable House, as required under the Community College of the Cayman Islands Law, 1987, section 11(6), the Financial Statement of the Community College of the Cayman Islands for the year 1993, and the Annual Report of the College for the Academic Year 1993/94.

The Speaker: So ordered.

Hon. Truman M. Bodden: Madam Speaker, the Community College of the Cayman Islands is one of the Government's best investments in the future of these Islands. I have been pleased to see in recent times that several of our larger financial institutions in recognising the College's contribution to the work force, both present and future, have contributed scholarships for the students. I should like to publicly acknowledge and thank the Swiss Bank, Coutts and Company, the Bankers' Association, the Royal Bank of Canada, and Barclays Bank for their contributions to the College.

I should also like to thank those businesses and associations which every year assist the College in finding work experience places for their students and in contributing prizes and awards at the graduation ceremony. I would like to stress how important it is for businesses to assist each year for placement for students over their summer vacations for work experience.

In recent years, we have seen several pleasing trends in the development of the College. We have more businesses requesting specially designed courses for their staff, and we see more firms involved in day release programmes at the College as part of their in-service training of staff.

During 1993, the distance learning programme of the University of the West Indies (UWIDITE) became operational and a wide variety of academic programmes and short courses were offered. While it would take some time for the UWIDITE programme to reach its full strength, it has enormous potential for expanding the offerings of the College. This programme is via satellite.

The first year, and for the first time, the advanced level course will be run at the Community College. This will round out the range of courses which the College offers, and add Career and College Preparation courses for the first time. We anticipate excellent "A" level results

in two years' time from the class of 1994, who were so very successful in this summer's Caribbean Examination Council's Examinations.

Government's grant to the College in 1993 was approximately three-quarters of a million dollars. Fees collected amount to 21% of the operating costs. While Government will always have to support post secondary education locally, the College is committed to making a contribution to its own operation while abiding by the Government policies which govern Statutory Authorities.

Of particular significance is the fact that the College has contributed almost \$.5 million in savings from their annual grant towards the cost of their new general studies building. Government will meet the additional costs for a loan and this building which constitutes part 1 of a two part phase should be ready early in the new year.

In the nine years that it has existed as an institution in its own right, the College has grown from strength to strength and now offers a wide variety of programmes, including professional certification in banking, accounting, insurance, and hotel administration, as well as secretarial and commercial studies, auto mechanics, carpentry, electricity and electronics, and the hospitality studies. A well supported extension study offers courses to adults between the hours of 5.30 PM and 9.30 PM, ranging from professional to academic practice and leisure courses.

Madam Speaker, I would like to thank the Chairman and Members of the Board of Governors; the Principal, Mr. Sam Basdeo and his staff, and also a special thanks to Mrs. Islay Connolly who was the first Chairman of the Board. All of these people have contributed a vast amount of time, expertise and experience to the Board, and without them the Community College of the Cayman Islands could not have progressed at as full and as rapid a pace as it has.

Thank you.

The Speaker: The Water Authority Annual Report 1993.

THE WATER AUTHORITY ANNUAL REPORT 1993

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay upon the Table of this Honourable House, the Annual Report of the Water Authority for the year 1993.

The Speaker: So ordered.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, 1993 was another productive year for the Authority. I am pleased to have been able to continue my role in its leadership as Chairman of the Board and as Minister responsible for the Water Authority.

The month of March 1993, marked the 10 year an-

niversary of the Authority, and it was gratifying to reflect on the significant achievements which have been accomplished by the Authority since its conception. Laws and regulations are now in place to protect and manage the water resources of this beautiful country, and to provide public water supplies and sewerage infrastructure for its thriving economy. The Authority has grown from a small well field operation in Lower Valley in 1983, to a utility which now provides much of the population in Grand Cayman and Cayman Brac with wholesome desalinated water through pipeline and truck facilities. In addition, the progressive thinking and planning which went into the design and construction of the West Bay Sewerage System has ensured that the precious beaches and resort areas of Grand Cayman are protected and preserved for future generations. However, throughout this rapid growth, the Authority has always maintained a position of operational strength, and 1993 proved to be no exception with the Authority showing a modest operating profit of \$621,973—despite an operational expenditure of \$441,421 for line damage to sewer pipes for the West Bay Beach sewer system. In addition, in 1993 the Authority was able to contribute \$700,000 to the General Reserve Revenues of the Cayman Islands Government. This did not come about by big talk, fancy words or rumour-mongering, but by the sweat of many brows and determined and consistent leadership.

Total operating income for 1993 was at \$6,922,360, up 12.4% from 1992. However, total expenses were up by 19.6% from 1992, mainly due to the expense of repairs to the damaged sewer pipes.

The Authority's total assets stood at \$28,764,251 at the end of 1993, up from \$25,573,642 in 1992. A further \$3,000,606 was drawn down from CIBC Bank and Trust Company during 1993 to finance the completion of phase 2 and to begin phase 3 of the Spotts to Pease Bay water supply extension. This particular project neared completion with the piped water system reaching as far as Pease Bay by the end of 1993.

The increased distribution area, as well as healthy growth within the previous distribution area yielded an increase in the Authority's customer base of almost 23% during 1993. A new pumping facility was commissioned at the Red Gate Water Works in July in order to continue to provide adequate pressure to the rapidly growing public water supply system. The Cayman Brac Water Supply continued to operate efficiently and reliably, and expectations were high that one of the hotels which previously operated its own desalination plant would soon become a full time customer, instead of carrying out costly maintenance on their plant.

The Board agreed, after more than two years of negotiations, to the terms of a new licence for Central DeSal Ltd. who provides the Authority with a portion of their desalinated water needs. Central DeSal and its new partner, Ahlstrom Heat Recovery, Inc. of the United States, began work at the end of 1993 which when completed will, hopefully, remedy operational problems with the IDE unit and increase its capacity levels greater than its original rating. It was pleasing to see that Ocean Conversion (Cayman) Ltd. continued to operate reliably and

provided approximately 72% of the Authority's desalinated water needs over the year. By the end of 1993, negotiations were under way to increase the capacity of the Ocean Conversion plant to 4,000 cubic meters per day. A new and revised Water Production licence between Government and Ocean Conversion was signed this past April, and plant modifications are now well underway.

Repair work to the 150 mm clay sewers on the West Bay Beach Sewerage System was completed in April 1993. The benefits of this work were immediately apparent as the overall flow into the sewerage treatment works was reduced by almost 40%, due to the elimination of saline ground water infiltration in the repaired pipe sections. This has resulted in significant savings on electricity costs, pumping stations, and in maintenance and wear on equipment.

The Authority is well aware that its greatest asset is its staff and efforts to provide training and further education for staff members continued through 1993 with three young Caymanians continuing their tertiary education overseas. All seconded civil servants became directly employed by the Authority when it was agreed by Government that they could maintain their pension rights. All other qualified Caymanian employees were allowed to join the Government pension scheme.

Consistent with Government's policy on Caymanianisation, and the Ministry's supporting initiatives, and in spite of the hullabaloo we sometimes hear in the House about Caymanianisation, the Board was recently able to move a number of Caymanians into more senior and key positions within the Authority.

I am very pleased to report that the management of the Authority remains focused on the future and the mission of the Authority. The upper management staff was restructured in July 1994 and is now staffed by a Caymanian Director and Deputy Director. Three other Caymanians were promoted to the posts of Operations Engineer, Operations Manager and Superintendent, all under the leadership of this Government.

With the completion of the Spotts to Pease Bay water supply extension earlier this year, the Authority's management team has embarked upon several new initiatives, particularly in the area of long term financial planning which will dictate the rate of growth of the Authority's water and sewerage service areas for the next 10 years. Negotiations are currently underway with several local banks to refinance a major portion of the Authority's long term debt in order to facilitate investment into further service area extensions and, possibly, additional water supply and sewerage schemes and on service areas of the country.

It is envisioned that these small projects will be carried on in-house without the necessity of significantly increasing the Authority's long term debt. The Board is pleased that Government has agreed to allow the portion of the funds remaining from the Spotts to Pease Bay water supply loan to be used to finance a feasibility study of a sewerage scheme for central George Town. The Board is strongly supportive of this design project which will commence shortly.

If this project is found to be feasible, further consideration will have to be given as to whether this project can be carried out by the Water Authority with a Government guarantee on their required loans, or by private sector investment.

Finally, Madam Speaker, I would like to thank my fellow Board members for the many hard hours they contributed towards the establishment of this successful operation, and to thank the staff of the Authority for their continued hard work and dedication. I believe that the Authority weathered a difficult storm recently, particularly with regard to the circumstances surrounding the untimely departure of the former Managing Director and has, in fact, become stronger from the experience. We look forward to accomplishing much in the years ahead.

Thank you, Madam Speaker

The Speaker: The next item is Questions to Honourable Members/Ministers.

The first question is No. 148, standing in the name of the Third Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 148

No. 148: Mrs. Berna L. Thompson Murphy asked The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation for the reason why a particular member of staff at the George Town Hospital has been given permission to sell meals during breakfast and dinner hours.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No member of staff at the George Town Hospital has been given permission to sell meals on a personal basis during breakfast and dinner hours.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Could the Minister state then, if during the lunch hour the Pink Ladies operate the concession stand, and is it not correct that during the dinner and breakfast hours that a particular member of staff operates there in the concession stand?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. To clarify to the casual observer how the function works at the cafeteria, I will briefly go over that for you.

The cafeteria is open from 8.30 a.m. to 2.30 PM,

and from 4.00 PM to 6.00 PM, Monday through Friday; and on Saturdays from 8.30 a.m. to 2.30 PM. The cook at the George Town Hospital prepares meals for the Pink Ladies to sell at the George Town cafeteria. The Pink Ladies are responsible for the preparation and sale of breakfast 8.30 a.m.—12 noon. They are also responsible for the sale of meals from 12 noon —2.30 PM, Monday through Friday.

A request was made by the staff for people coming on later in the day to provide meals for them. So the cook at the George Town Hospital is responsible for the sale of meals and snacks from 4.00 PM to 6.00 PM, Monday to Friday, and on Saturdays from 8.30 a.m. to 2.30 PM, for the Health Services Department.

Madam Speaker, approximately \$1,500 in profit is realised monthly on the sale of these snacks sold to the Hospital staff. These funds are lodged with the Health Services Accountant and subsequently deposited to Government Treasury as revenue earned.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: The \$1,500 profit that is realised, is that including the Pink Ladies Association, or is that solely from the evening meals?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, that is solely from the evening meals and maybe from breakfast, sometimes.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Are there any controls over purchasing of these supplies and, if so, who is in charge of these purchases?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I think that is a question that is coming, but there are controls and inventories taken care of to make sure that these things are accounted for. But I think there is a substantive answer coming later.

The Speaker: The next question is No. 149, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 149

No. 149: Mrs. Berna L. Thompson Murphy asked The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what policies and programmes are in place for public health, particularly regarding genetic and sexually transmitted diseases.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Mission of the Public Health Department is to promote, protect, maintain and improve the health and safety of all residents of, and visitors to, the Cayman Islands.

In relation to genetic disorders and sexually transmitted diseases, it is Government policy to promote preventive and control measures. The public Health Department offers programmes aimed at disease prevention and health promotion. I will list some of the programmes carried out by the Public Health Department:

The various programmes include:-

- Primary Care through District Health Centres
- Health Promotion Programme
- School Health Programme
- Child Health Programme
- Antenatal and Postnatal Care
- Geriatric Care
- Family Planning Services
- *Communicable Disease Investigation (including STDs)
- *Genetics Programme
- Health Information System
- Early Detection Programmes (screening for diabetes, hypertension, cancer, etc.)
- Disease Control Programmes focusing on Education & Counselling including STD
- International Health
- Prevention of Importation of Diseases
- Food Safety Programme
- Occupational Health (medical aspects)
- Surveillance of environmental conditions that affect health and liaising with appropriate departments for necessary action.

I may add that in respect to the genetic counsellor, a person has now been identified and interviews have been conducted with a recommendation being made to the Public Service Commission for the vacancy to be filled.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Since May of this year, when we were given a tour of the George Town clinic, could the Minister kindly state if the Genetic Programme and the Sexually Transmitted Diseases (STD) Programme have come back on line, because we were told then that they had not.

The Speaker: The Honourable Minister for Health, Drug

Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. In regard to the Genetic Counsellor post (which I just mentioned has been recruited for), as you know this was cut out during the down-sizing of the Public Service, that is why that post was not filled. But we have now been able to identify a person.

As a follow up, the Public Health nurses do go out into the districts and follow up on the STD cases, etc.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Who recommended that the Genetics Programme be dropped, because here in Cayman the illness known as the Cayman Disease is of grave importance to us. Who recommended this?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: To the best of my knowledge, no one recommended this. What I understand is that it was dropped by the previous Government.

The Speaker: The next question is No. 150, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 150

No. 150: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to state the reasons why school medicals are done by a nurse and not a doctor.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The purpose of School Medicals is health screening. This includes a family history of any medical condition; a history of any chronic medical condition of the child; assessment of growth by height and weight measurement; hearing and vision screening; assessment of immunisation status and identification of any obvious illnesses of the child through records and physical examination. School nurses are trained to carry out these assessments.

Children identified with any abnormality during these assessments, are referred to their family doctor, or to a Government doctor.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Could the Honourable Minister state that when the school nurses are examining the child for their school medical, no doctor is assisting?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker. An assessment is made by the nurse and if the nurse picks up something that may need to be referred on, then this is done, because there are approximately 400 or 500 children that go through this examination.

As a follow-up, this policy was instituted about 20 years ago. It was updated in 1987 and this was done in consultation with the Public Health nurses and School nurses. There are written guidelines for the programme.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Could the Honourable Minister kindly make an undertaking that this could be reviewed, because I feel it is very important that when someone is being examined, a doctor should assist the nurse.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Ma'am, if this is deemed necessary, we will look into it.

The Speaker: The next question is No. 151, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 151

No. 151: Mr. Gilbert A. McLean asked The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture if land has been purchased in the Spotts area for a National Sports Complex and, if so, the cost.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Negotiations have been completed for the acquisition of land in the Spotts area for development of a National Sports Complex. The purchase will be executed within 21 days of Government's being granted detailed Planning permission for the proposed development.

SUPPLEMENTARIES

The Speaker: The Second Elected member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, thank you. The Minister obviously overlooked the substantive part of the question, that is, the cost of the property.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the question asks about the purchase and that is not executed as yet. I said the purchase will be executed within 21 days of Government's being granted detailed Planning permission. An agreement is being done.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Is it not correct that if the land is purchased for the National Sports Complex this will be spread out over a period of time?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, that is a question that I welcome today, because for many months there have been rumours, speculation and outright lies told about the sports policy of this country, in spite of repeated explanations on radio and television and on the floor of this Honourable House. We have said, time and time again, that a sports development programme is essential for the social development of this country and that it will be spread out over a period of years. The country knows that we are upgrading the George Town sports facility to accommodate the games of CARIFTA and the Caribbean Shell Cup games. We are continuing our district facilities and during these times, we have to put emphasis where we think the priority is needed.

In regards to the property, when the purchase is completed we will be building in the first phase an Olympic swimming pool, hopefully, as I feel that will complement the facilities throughout the country. I hope to make a statement, but I thank the Member for asking the question. That, I hope, assists those in the Opposition who are spreading the rumours, and those who do not seem to otherwise understand.

The Speaker: The Second Elected member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. Would the Minister tell the House how many acres of land are being negotiated, and who are the parties from whom the land is being negotiated?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the total acreage is some 38 acres, as I understand from the

Lands Department. I should further like to inform that Member, so that he has his information correct, and so that when he speaks he will have the facts. On a Point of Clarification, I would like to read a letter from the Permanent Secretary from Agriculture Communications and Works, a letter which I have already made public:

"On a point of clarification, I should like to note for the record that the controlling officer responsible and accountable for all land purchase schemes in the three islands is the Director of Lands and Survey. The land purchase guidelines state that the Director of Lands and Survey shall be directly responsible for all land transactions and negotiations with participation of other officers subject to his consent and direction. The Lands Officers, who form part of the staff complement of Lands and Surveys, are qualified general practice surveyors, specialising in land acquisition, sale lease and valuation. These are officers who the Director assigns the responsibility to for all land purchase schemes.

"In the case of the National Stadium, your Ministry, as the client, has instructed the Director to negotiate the acquisition of a site within the Spotts registration section to accommodate such a sporting facility, including parking and landscaped areas.

"The lands officers have been actively pursuing the acquisition and have progressed quite satisfactorily. The property being acquired is owned by Messrs. Rex Crighton and Hugo Zeiderent.

"Although the principals involved may have contacted the Ministry of Agriculture Communication and Works, and the Ministry of Community Development, Sports, Youth Affairs and Culture, concerned about the progress of the acquisition and the terms proposed, I should stress, most unequivocally and categorically, that at no time has the client Ministry been assigned the responsibility to negotiate the acquisition of this property, nor has that Ministry usurped the powers vested in the Director of Lands and Surveys." [Official Hansard Report (8 June 1994) page 234]

I hope that answers the question.

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

The Speaker: It is now past 11 o'clock. The Honourable Minister for Tourism Environment and Planning, Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, I believe it is the will of the House that we suspend, under Standing Order 83, Standing Order 23 (7) and (8) to allow the other supplementaries and questions to be taken.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended in order for the remaining supplementaries and questions to be dealt with this morning.

I shall put the question. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The ayes have it, Standing Orders are accordingly suspended.

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

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. In the reply the Minister said that negotiations have been completed for the acquisition of the land in the Spotts area. He has also said that it is approximately 38 acres.

Madam Speaker, I think if the negotiations are completed that, surely, the cost must be known. Could the Minister say if it is correct that Government in fact... or does he know if another Ministry has paid actual sums of money to the people interested in selling this property and, indeed, they, in turn, have passed on their sales agreement and there has been approximately \$2 million paid for this property?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, it is no wonder that the people of this country are confused, when we have that line of questioning: Misinformation, and nothing but misinformation.

We have said that there were down payments made but it is not completed because it depends upon the Planning permission. When that is completed then the sale of the property will be finalised. That is my understanding from the Ministry responsible for Lands and the Land Department.

As for amounts paid, Madam Speaker, deposits were paid in the amount of \$110,000 to Hugo Zeiderent, Grand Cayman Gulf Resort; and \$169,001 to Rex Crighton of Crighton Properties. It is an absolute untruth to say that the property, the 38 acres, has cost \$2 million. It is no wonder that people in the country spread misinformation, when Members of the House get up and say that it cost \$2 million.

As I understand it, when the deal for the property is completed through the Lands and Survey Department the total cost would be \$1,472,850. I gave to the House the amounts paid out. The purchase money will be payable over five years at an interest rate of 3% per annum. The real cost to Government is, therefore, considerably lower than the quoted figure due to the subsidised financing being offered. In addition, .5 acres from block 25B Parcel 177 will be donated by Stella Enterprises, a Rex Crighton Company, to facilitate the widening of the small road to the requisite 64 feet.

The Second Elected Member for Cayman Brac and Little Cayman has been able to apply all kinds of an-

swers to all kinds of circumstances, even to the situations that do not exist. He should not be too hard pressed to understand the answer given.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Is the Honourable Minister saying that, should Planning permission not be forthcoming, the deal to purchase the land will fall through? If that is the case, are there any penalties to the Government on monies already paid on deposit?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, if Planning permission is not given for the go ahead for a development for sports—which every Member in this House campaigned on, talking about the need for facilities for the country—then we should wait and see what happens. However, Government is not that stupid. As I understand it, the people doing the transaction have made the proper guarantees. If there is no deal with Planning then Government is safe. That is my understanding of the situation. If permission is not granted, the deal will not go through, the purchase will not go through and the monies will be returned to Government.

The Speaker: The next question is No. 152, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 152

No. 152: Mr. Gilbert A. McLean asked The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what role does the Honourable Minister play in attending overseas events such as the recent Commonwealth Games in Canada.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: It is a common and well accepted practice for Ministers of Sports and other senior Government officials to attend major international games such as the Commonwealth Games, the Pan American Games, the Olympic Games, and so on. These occasions provide the opportunity for senior officials to meet their counterparts and discuss matters pertinent to their own sports development programmes. Such contacts can serve as a valuable aid in policy-making and implementation, as well as providing a foundation for technical cooperation.

On the occasion of the XV Games in Victoria, Canada, more than 30 Commonwealth Ministers of Sports

were in attendance with a variety of senior officials from their respective governments and private sports organizations.

Ministers' presence at the Games in support of national athletes is also important.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Minister tell the House if he has made a report to Government on what was found to be the situation while attending the games in Victoria Canada, and if there was any indication of improvement, or of using these games as models in any local effort here in the Cayman Islands?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, Ministers of this Government travelling to any function which has relation to their Ministry or policy make a report to Executive Council. I always make a report, and if that one has not yet been done it will be completed shortly.

As far as using the Commonwealth Games as a model for local games, I would hope (whether I would be the Minister of Sports or not) that one of these days we would have something in this country like what exists at that XV Commonwealth games. But, for the foreseeable future, that is on a scale that I do not think Cayman can hope to have.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. Could the Honourable Minister say how large his party was that went to the games in Canada, what was the cost, and does the Minister think that his time spent overseas at these various events is indeed excessive in the light of his responsibilities?

Speaker: Second Elected Member for Cayman Brac and Little Cayman, I will not allow the part that asks for an expression of opinion, and neither can I allow the request for cost, unless it is readily available, as that was not part of the original question. If the Minister can answer about the delegation, he may do so.

Hon. W. McKeeva Bush: Madam Speaker, my attendance at games—and I have only been to two—I believe is good, as far as a Minister attending to a matter under which his responsibility falls. I do not see why I should not. At most of these games there is a general conference of some kind in regard to policy and that is where I, or any Minister, would come in.

I should tell the Member that when I go away, I spend more (I think most Ministers do) than I receive from Government, and I should further tell him that I do not spend Government's money on liquor, or cigars, or brandy, as used to be the case when he was Principal Secretary.

The Speaker: Honourable Minister, I have asked you to reply to one part of the question—the composition of the delegation. The other matters were expressions of opinion, etcetera, and I said I would not allow those.

Hon. W. McKeeva Bush: Well, Madam Speaker, I gave an expression of opinion. As far as the number in my party, either I go alone or my Principal Secretary goes with me, as is the case with any Minister travelling—no more than when the Member asking was Principal Secretary.

The Speaker: The next question is No. 153, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 153

No. 153: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what decision, if any, has Government taken regarding the influx of Cuban Refugees into the Cayman Islands.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The decision taken by Government regarding the influx of Cuban refugees into the Cayman Islands is to temporarily house them and interview them, in accordance with the guidelines of the United Nations High Commissioner for Refugees, to determine whether they are political refugees or economic migrants. All Cubans who are not political refugees will be subject to possible repatriation to Cuba.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Honourable Member say if there are any specific guidelines or checklists which are followed when interviewing these persons, and can it be handled locally, or is the Government having to employ external persons—officials from the United Nations or such organisations?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, there are specific guidelines laid down for conducting UNHCR interviews. Local officers have been trained in the correct procedure

in carrying out these interviews, training has been supplemented by expertise from the British Home Office and some training has been afforded by the United Nation's (UNHCR) Washington representative.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

It has been reported in the local media that this process of interviewing could take a long time. Could you explain to the House just why that is the case? What has to be determined that it is so hard to set the two categories?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, the interviews have to be carried out as thoroughly as one could expect at such an interview, in light of the serious consequences that result from the process. One is endeavouring to solicit sufficient information to make an informed judgment as to the status of the person interviewed, together with all members of that person's accompanying household.

Because the asylum-seekers in this case are speaking a language that is not native to these Islands, the interviewing process is complicated by the need to have translators involved in the process. That, therefore, contributes to somewhat of a delay. The sheer number requiring to be interviewed, again, presents an enormous task. It is a question of numbers, language and logistics.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I would like to ask the Honourable Member if, to date, any consideration is being given to sending a delegation of elected Ministers to the countries touched by this—the United States, the United Kingdom and, perhaps, the Government of Cuba, even through the British Embassy there, to make contact in this matter?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: I cannot confirm any such delegation at this time, however, the idea has come up in various discussions. If that is to take place, the Government would make a suitable announcement in due course.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, will the Member say, if a decision is taken to repatriate, is there any appeal against that?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, under UNHCR guidelines, the procedure following the initial interview produces a decision which is subject to an appeal, and that appeal process can also be expedited. That is what we are hoping to achieve in this instance.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Member state if a fence will be installed where the refugees are housed on Smith Road, or what security measures are in place at that compound?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I do not wish to publicly discuss security arrangements. All I can say is that persons accommodated in Government Housing are carefully selected before being placed there, and appropriate restrictions are applied.

The Speaker: That concludes Question Time for this morning.

Government Business, Bills. First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE PROPERTY (MISCELLANEOUS PROVISIONS) BILL, 1994

Clerk: The Property (Miscellaneous Provisions) Bill, 1994.

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

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994

Clerk: The Companies (Amendment) (No. 2) Bill, 1994.

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

THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994

Clerk: The Powers of Attorney (Amendment) Bill, 1994.

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

THE PARTNERSHIP (AMENDMENT) BILL, 1994

Clerk: The Partnership (Amendment) Bill, 1994.

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

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.28 AM

PROCEEDINGS RESUMED AT 11.51 AM

The Speaker: Please be seated.
Second Readings.

SECOND READINGS

THE PROPERTY (MISCELLANEOUS) PROVISIONS BILL, 1994

Clerk: The Property (Miscellaneous) Provisions Bill, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Thank you, Madam Speaker.

I beg to move the second reading of a Bill entitled a Bill for a Law to Make Provisions with Respect to Disposition of Property and Related Matters.

One of the major factors which has contributed to the success of the Cayman Islands as an international financial centre has been the responsiveness of the Government to the legislative needs of our financial industry. In keeping with this trend, it is to be observed that as a marketplace for off shore financial services continues to increase in competitiveness, the need for innovative and responsive legislation will always be required. This Bill is one of four Bills listed on the Order Paper today, which are all inter-related. It is also the primary Bill, and it is to be noted that the requirements of section 8 of this Bill are responsible for the amending legislation to the Companies Law (Revised), and the Powers of Attorney Law.

An overview of this Bill by section, is as follows: **Section 2** confirms that a charge can be validly created over a debt (such as a bank deposit) in favour of the bank with whom the deposit is held. **Section 3** confirms that a trust can be validly created over an existing debt, such as a deposit held by a trust company, where the debtor is the trustee. **Section 4** provides an important clarification for the legal principles that apply to the disposition of properties under trust. This, simply put, brings the Cayman Islands Law in line with United Kingdom Legislation on this subject.

Section 5 provides for the legal assignments of "things in action" and, again, brings our legislation in line with English Law on this subject. Section 5 is taken verbatim from section 136 of the English Law Property Act, 1925. This section will eliminate some of the procedural problems with assigning things in action (for example,

bank deposits), and sets forth a clear procedure to be followed.

Section 6 clarifies, without doubt, that the thing in action (for example, a debt, interest on units, trusts, etcetera), may be represented by a bearer share instrument. There has previously been some doubt as to whether many of the instruments common in the Euro-currency Market (for example, bonds, notes, debt instruments, interest in unit trusts, etcetera), could, without doubt, be represented by a bearer instrument. Given that such Euro-currency instruments set up are typically in bearer form, it is important that there be no doubt as to the validity of such instrument under Cayman Islands Law.

Section 7 provides that bodies corporate can hold property as joint tenants. It follows the wording, as far as is appropriate, of the English Bodies Corporate Joint Tenancy Act, 1899. **Section 8** brings the manner of executing deeds in the Cayman Islands into line with procedures now in place in the United Kingdom and elsewhere. The aim of the change is to eliminate the technical requirement that a seal be attached to documents which must be executed as deeds.

Section 9 will repeal the obsolete Probate Deeds Law (Revised), which is no longer considered necessary. This Law was originally enacted in 1863 and survives in substantially the same form today. In days before modern means of communication, the Law provided safeguards and procedures for the authenticating of deeds. In the somewhat different circumstances of commercial and financial transactions in the 1990's, it will be no surprise to learn that this Law is considered obsolete, and has no role in safeguarding the integrity of these commercial and financial transactions. **Section 10** clarifies that the changes to be made by the Law will, for the most part, apply to pre-existing transactions and documents.

This Bill has the wholehearted and full support of the financial industry and, accordingly, I commend it to this Honourable House.

The Speaker: The question is that a Bill entitled The Property (Miscellaneous) Provisions Bill, 1994, 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, The Bill for a Law to Make Provisions with Respect to the Disposition of Property and Related Matters, which is before the House is, as best as I can understand, necessary, as the Financial Secretary has said. I have inquired of legal practitioners who tell me that this should bring our Law in line with certain legislation in the United Kingdom and that they see these sections as rather harmless and they provide a tidying up operation.

I have a query, however, on the last section of this Law, section 10, which is marked in the margin, "Application". As far as I can see, the Law is being made retroactive. As a general rule, I think one must be careful or

seek to determine or find out what effect such a section would have when it is made retroactive. I would like to read it:

"10. Except where expressly provided to the contrary herein, this Law applies to any charge, mortgage, trust, assignment, bearer instrument or joint tenancy created, given or executed or purportedly created, given or executed before or after the coming into force of this Law and no such charge, mortgage, trust, assignment, bearer instrument or joint tenancy shall be invalid by reason only of the fact that it was created or purportedly created, given or executed or purportedly created, given or executed prior to the date of coming into force of this Law."

I have heard at least two interpretations of the meaning of this particular section of the Law. However, I would value hearing what is the intention of the Government, or what the Financial Secretary sees this section providing. Other than that, I support this Bill amending this Law.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister for Tourism.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I rise to support a Bill for a Law to Make Provision with Respect to the Disposition of Property and Related Matters.

I note from the Honourable Third Official Member's explanation that many of the clauses of this Bill presently before the House are similar to English Statutes. I am not one to believe that all sections of the English Statutes should be included in our legislation, but I have no difficulty with what I see here. I am happy to know that the Honourable Financial Secretary continues to review this legislation under his responsibility in order to keep the legislation up to date, to be able to deal with current financial needs and the operation of the financial market here.

I think, in terms of section 10, it is really there to provide some kind of certainty that deeds executed before also come under this Law. I, myself, find no difficulty in supporting this particular clause and, while Parliamentarians generally have some degree of worry about retrospective legislation, I think clause 10 gives us more benefit than concern.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

This Bill, as far as my level of understanding is capable, and as has been mentioned before, brings us in line with legislation from other jurisdictions. I do trust the Honourable Financial Secretary and his ability, so I would not be one to suggest that it is not wise legisla-

tion. However, I have to bring two points to mind, one of which has already been eluded to in the debate. I would like to also express my concern so that the Honourable Financial Secretary could possibly address it.

My first question, which may be a worry that I should not have, I simply request clarification, is in section 7. The marginal note reads: "**Bodies corporate holding as joint tenants.**" I have to read section 7, to make the question clear: "**(1) A body corporate shall be capable of acquiring and holding any real or personal property in joint tenancy in the same manner as if it were an individual; and where a body corporate and an individual, or two or more bodies corporate, become entitled to any such property under circumstances or by virtue of any instrument which would, if the body corporate had been an individual, have created a joint tenancy, they shall be entitled to the property as joint tenants:**

"Provided that the acquisition and holding of property by a body corporate in joint tenancy shall be subject to the like conditions and restrictions as attached to the acquisition and holding of property by a body corporate in severalty.

"(2) Where a body corporate is joint tenant of any property, [and this is where I have the real question] then on its dissolution the property shall devolve on the other joint tenant."

I looked at a dictionary to make sure I was not misunderstanding the word *devolve*. If my understanding is correct, the way it is used in this context means that the property shall be transferred on the other joint tenant. Without trying to stretch my imagination too far, I can see the possibility of a conflict (depending upon the heirs and executors of any one person involved with the property originally) after joint tenancy is changed, for whatever reason, whether it be the disappearance, demise, death, whatever, of another individual. The way this reads to me is that automatically this property will be transferred on the other joint tenant. To me, if the joint tenant has some heirs or executors there may be a conflict if this is automatic. I was wondering if that could be clarified, because I do not quite understand, and I see a possible conflict there.

Section 10, which the Honourable Minister for Tourism, Environment and Planning just touched on briefly, if my memory serves me correctly he said that while legislators quite often have a problem with retroactive legislation, this one will benefit us more than do us any harm. I do not doubt that, but I call upon the presenter of this Bill to address this situation because I think it is only fair that there are fears of retroactive legislation. I am sure there is just reasoning behind it, I would just like to satisfy myself before a vote is taken with regards to the problems in these two areas.

Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Madam Speaker, I support

this Bill. It is as its name infers—a miscellaneous provisions Bill—which is dealing with areas as outlined by the Honourable Financial Secretary, that date from way back, some of them over 100 years ago, when either the Common Law, or early legislation, made certain prohibitions and restrictions in relation to companies themselves. In fact, when joint stock companies were first established back in the United Kingdom in the mid-1800s, there were many restrictions put on the companies as they were, for the first time, creating a legal fictional entity. Some of these restrictions have hung over through the years even though the Case Law, the law made by judges, can reverse some of this. It is always better to legislate precisely, than to rely on precedent from the Court where there is any doubt as to important matters.

The first section deals with charges over debt and other obligations. That moves on in section 3 to trust over debt. The principle which created this problem arose in a case that, as reported in the 1986 reports, is called *The Charge Card Case*. It was RE: Charge Card Services Limited. There are sections relating to disposition in favour of a legitimate issue. Also, going back to what was corrected in 1925 by the English Law Property Act, is the section that relates to legal assignments of 'chose in action'. This goes on to deal with bearer's shares in certain entities.

The section on Bodies Corporate holding as Joint Tenants, and deeds being executed where a simple instrument can be used instead of a deed has also been dealt with here and the old Probate of Deeds Law has been repealed.

The modern approach is basically that, in this day and age where people are better educated, better able to understand a financial transaction, the necessity of doing a deed in which certain formalities had to be carried out to ensure that the parties understood the transaction, are really no longer necessary. This gives credence to that. Deeds are only essential where no consideration for transaction was given. If there was legal consideration, then the instrument was valid. If not, it could totally fail if it were not done by deed and certain types of instruments, such as Powers of Attorney, had to be under seal where it was to execute an instrument such as a deed that was under seal.

There are some other areas that I think we need to look at as well, perhaps relating to the confusion that sometimes occurs with formalities relating to debentures, and whether the formalities of the old Bill of Sale Law (which is about 90 years old now) applies or not. But, this does go a very long way. I agree with the principles. I cannot say that I can remember very much of the origins of these as I have been out of Law School now for 25 years, but I rely fully on the legal draftsman in dealing with the finer parts of these to ensure that the legislation has effectively done what we expect it to do. These will go a long way to enhancing and assisting with developing the offshore sector and they are, I think, recommended by persons in the Offshore Centre Private Sector Committee of the Honourable Financial Secretary. So, I commend him for bringing this, I think they are

good and will assist the offshore sector and I fully support them.

The Speaker: If there is no further debate, would the Honourable Third Official Member like to exercise his right of reply?

Hon. George A. McCarthy: Madam Speaker, let me first thank all Honourable Members for their support of this Bill.

With your permission, I am going to ask the Honourable Attorney General to deal with section 7. I think he will be able to introduce the necessary legalese in order to set us straight.

Going to section 10, on the question of retroactivity...

The Speaker: Honourable Third Official Member, if you are now speaking, this closes the debate in spite of what you might wish to happen. If you wish for the Honourable Second Official Member to say something before you do, then let him speak first, otherwise he cannot speak after you have closed the debate.

Hon. George A. McCarthy: After dealing with section 10, I was going to invite him and then I will finalise...

The Speaker: No, you must allow the Honourable Second Official Member to speak first, please.

Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

I am happy to cede to what the Honourable Third Official Member has asked me to do, and to give an explanation to the two Members who raised a query about section 7 of this Bill.

When property is purchased by more than one person—and when I say person, for these purposes that can be interpreted as a company as well, there are two ways of achieving it: one is as joint tenants (which is the phrase used in this section) and the other way is as tenants in common. There are various differences between those particular methods. But the real difference is that in a joint tenancy, where one of the individuals dies, the property automatically passes to the survivors. That, in fact, happens irrespective of any provisions that might be in the deceased's will. So, even if the deceased had attempted to leave his property elsewhere, it does not take effect: It still goes to the survivors of the joint tenants. That is what a Joint Tenancy is.

A Tenancy in Common is the opposite of that. If you hold property as tenants in common, then you are free to dispose of your share in that property to whomsoever you wish, and it goes to your executors and your beneficiaries under your will.

All section 7 does is give the same rights to a corporate body that an individual already has. So, if a company or corporate body is dissolved, then any property it holds as joint tenants under this section would automatically pass to the other joint tenants, whether they were companies, or individuals.

I hope that clarifies the matter.

The Speaker: The Honourable Third Official Member will now conclude the debate.

Hon. George A. McCarthy: Thank you, Madam Speaker.

Madam Speaker, in relationship to section 10 of this Bill, dealing with retroactivity, I think what this is doing is not a question of retroactively, in the context of the word, meaning that this will create a very difficult situation for pre-existing transactions.

I would like, with your permission to read this section in full to see where the emphasis should be placed: **"10. Except where expressly provided to the contrary herein, this Law applies to any charge, mortgage, trust, assignment, bearer instrument or joint tenancy created, given or executed or purportedly created, given or executed before or after the coming into force of this Law and no such charge, mortgage, trust, assignment, bearer instrument or joint tenancy shall be invalid by reason only of the fact that it was created or purportedly created, given or executed or purportedly created, given or executed prior to the date of coming into force of this Law."** This validates pre-existing transactions and where a pre-existing transaction would become invalid as a result of the introduction of this legislation this allows for such transactions to be validated.

This is where the emphasis should be placed, on the last set of words in this paragraph, because it makes it quite clear that this is not something that seeks to go back and disadvantage anyone that would have entered into any one of these transactions as listed.

The Speaker: The question is that a Bill entitled The Property (Miscellaneous) Provisions Bill, 1994, be given a second reading.

I shall put the question. Those in favour, please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED: THE PROPERTY (MISCELLANEOUS) PROVISIONS BILL, 1994, GIVEN A SECOND READING.

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994

Clerk: The Companies (Amendment) (No. 2) Bill, 1994

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 Companies Law (Revised).

This Bill seeks to amend the Companies Law (Re-

vised), to provide that a company need not have a common seal; and to provide that deeds and other instruments under seal of a company need not be executed under seal, but may be executed in other ways.

These are minor amendments, consequential to section 8 of the Property (Miscellaneous) Provision Bill, 1994, (which has just been dealt with) and it deals specifically with the requirements of the execution of deeds and instruments under seal. This is an optional requirement and what this will do is bring the Cayman Islands in line with other jurisdictions that have removed the mandatory requirement that all such deeds and instruments be executed under seal.

The Speaker: The question is that a Bill entitled the Companies (Amendment) (No. 2) Bill, 1994, be given a second reading. The Motion is open for debate. (Pause)

If there is no debate, would the Honourable Third Official Member have any further remarks to make before the question is put?

Hon. George A. McCarthy: Madam Speaker, I would like to thank Honourable Members for their support in allowing this Bill.

The Speaker: The question is that a Bill entitled the Companies (Amendment) (No. 2) Bill, 1994, be given a second reading.

I shall put the question. Those in favour, please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994, GIVEN A SECOND READING.

The Speaker: At this time proceedings will be suspended until 2.00 PM

PROCEEDINGS SUSPENDED AT 12.27 PM

PROCEEDINGS RESUMED AT 2.05 PM

The Speaker: Please be seated.
Continuation of Second Readings.

**THE POWERS OF ATTORNEY (AMENDMENT) BILL,
1994**

Clerk: The Powers of Attorney (Amendment) Bill, 1994.

The Speaker: The 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 Powers of Attorney Law, 1979.

This amendment seeks to remove the requirement that the Power of Attorney must have a seal affixed to it.

It is a consequential amendment resulting from the Property (Miscellaneous) Provision Bill, which was given a second reading earlier today.

I commend this Bill to this Honourable House.

The Speaker: The question is that a Bill entitled The Powers of Attorney (Amendment) Bill, 1994, be given a Second Reading. The Motion is open for debate.

[PAUSE]

The Speaker: If there is no debate, would the Mover wish to say anything further before I put the question?

Hon. George A. McCarthy: Once more, just to thank Members for their tacit support.

The Speaker: The question is that a Bill entitled The Powers of Attorney (Amendment) Bill, 1994, be given a Second Reading.

I shall put the question. Those in favour, please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

THE PARTNERSHIP (AMENDMENT) BILL, 1994

Clerk: The Partnership (Amendment) Bill, 1994.

The Speaker: The 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 Partnership Law, 1983.

This amendment is intended to repeal section 5 of the Partnership Law for the purpose of removing an obsolete statutory requirement that certain rights in respect of loans are postponed. The provision to be repealed currently defers two types of creditors claiming in the insolvency of a person.

The first right is where a person claiming the insolvency has lent money to the insolvent person as part of an arrangement to engage in any business on a contract with him. The second is where a person has sole goodwill of a business for a share in the profits of the business. The existing effect of section 5 of the Partnership Law, 1983, is to postpone the rights of both types of creditors to claim in the insolvency to the rights of all other creditors. It is considered that there is no need to penalise in this way, the making of these types of commercial transactions.

This proposed legislation has the full support of the financial community and, accordingly, it is recommended to this Honourable House.

The Speaker: The question is that a Bill entitled The Partnership (Amendment) Bill, 1994, be given a second reading. The Motion is open for debate.

[PAUSE]

The Speaker: If there is no debate, does the Third Official Member wish to say anything further?

Hon. George A. McCarthy: No, Madam Speaker, other than to thank Members, once more, for their tacit support.

The Speaker: The question is that a Bill entitled The Partnership (Amendment) Bill, 1994, be given a second reading.

I shall put the question. Those in favour, please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE PARTNERSHIP (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994

Clerk: The Housing Development Corporation (Amendment) Bill, 1994.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the House is aware that the new Government Guaranteed Mortgage Scheme is now a reality. To date, Government has executed a very sound agreement with Canadian Imperial Bank of Commerce and Trust Company, and is in advanced stages of negotiations with British American Bank, Bank of Butterfield, First Cayman Bank, and is currently handling enquiries from other institutions. When all agreements are in place, the funding for mortgages for low to middle income Caymanian families will be \$5.25 million per year.

I hasten to add that there has been much interest shown from potential borrowers since the signing of the agreement with Canadian Imperial Bank. We have a good working partnership with CIBC and they are busy processing applications. Government anticipates that it will approve a fair number of guarantees in the very near future.

In early 1994, Executive Council agreed to a general proposal for the sale of the Housing Development Corporation Mortgage Portfolio to Class A banks in Cayman through a tender process. This action is consistent with Government's policy of phasing out the Government's Housing Development Corporation as a direct

lender with regards to mortgage financing. It is intended that the debenture holders would be repaid from the proceeds of the sale.

The conditions for the sale of the mortgage portfolio will be structured to also ensure that the borrower's terms remain at least equal to what now exists. In moving ahead with the implementation of this proposal, the Housing Development Corporation Board identified two legal obstacles to an otherwise straightforward transaction.

First, was the uncertainty of whether the Housing Development Corporation Law of 1981 gave the Housing Development Corporation the power to divest itself of its assets—in this case assets meaning its mortgage portfolio. Second, clause 5(2) of the debenture certificates is also restrictive in this regard: It provides that the Housing Development Corporation will not sell, or dispose of its assets or undertaking unless it obtains the consent of the debenture holder, except where the corporation is required to do so by the provision of the Housing Development Corporation Law.

Honourable Members will appreciate that the requirements for consent are not only cumbersome, as there are quite a number of debenture holders, it could also cause difficulty if consent was withheld. Government's legal department obviously advised that an amendment to section 17 of the Housing Development Corporation Law of 1981 was necessary to enable the corporation to divest itself of its existing mortgage portfolio.

Generally, the provisions of this amendment are as follows: **Section 17A**, Powers of the Corporation to make transfer schemes. Subsection (1): Power is conferred on the Housing Development Corporation to sell its mortgage portfolio. Subsection (2): The Housing Development Corporation can only exercise the new power to sell its mortgage portfolio if the Governor in Council directs it to do so. Subsection (3): Power is conferred on the Governor in Council to direct the Housing Development Corporation to sell its mortgage portfolio and to direct Housing Development Corporation how and when to do so. The Housing Development Corporation cannot sell its mortgage portfolio unless a direction is given by the Governor in Council authorising the Housing Development Corporation to do so. If the Governor in Council gives the direction, the Housing Development Corporation must prepare a scheme for the sale of its mortgage portfolio and the sale is made on the date specified in the scheme. This must be a date within the period set by the Governor in Council in the direction given to the Housing Development Corporation under subsection (3) of this section.

Section 17B, The Transfer of schemes. In subsection (1) of this section the scheme prepared by the Housing Development Corporation for the sale of its mortgage portfolio must define the mortgage portfolio to be sold, and the scheme prepared by the Housing Development Corporation may include all the details necessary for a successful sale of its mortgage portfolio, including the requirement for the Housing Development Corporation to make all of the necessary written agree-

ments with the buyer. The Housing Development Corporation can take legal action against the buyer of its mortgage portfolio if the buyer fails to sign all of the agreements for the sale specified in the statutory scheme. The sale cannot be completed until the Governor in Council has approved the statutory scheme which provides all the details of the sale. The Housing Development Corporation must provide the Governor in Council with all the information needed to enable him to give approval.

Section 17C, Transfers and Registration of charges, applies the provision of section 17C to the sale of the Housing Development Corporation mortgage portfolio under the new amendment to the Law, the sale of the mortgage portfolio to the buyer the same rights over the mortgage portfolio as the Housing Development Corporation. The buyer is entitled to be registered by the Registrar of Lands as the new proprietor of the Housing Development Corporation mortgage portfolio and the buyer must give the Registrar of Lands all the information that will enable the buyer to be registered as the new proprietor of the mortgage portfolio and the buyer will own the mortgage portfolio with the same legal expense as the Housing Development Corporation did. Then the buyer will not have to pay any land registration fee to be registered as the new proprietor of the mortgage portfolio.

Section 17D, which deals with the restrictions on ceasing to carry on business, removes any doubt about the legal power of the Housing Development Corporation to sell its mortgage portfolio. This subsection provides the necessary interpretation of the important terms of subsection (1) of section 17D.

Section 17E, Preparatory work and the overriding nature of functions under this Part, confirms that the corporation has the power to prepare for the enactment of this Bill and this subsection confirms that the Housing Development Corporation will not breach any duty it owes to the people who have borrowed Housing Development Corporation money.

Section 17F, Stamp Duty. In subsection (1) of Section 17F, stamp duty will not be charged on the sale of the mortgage portfolio. In subsection (2) stamp duty will not be charged on any document in connection with the sale of the Housing Development Corporation mortgage portfolio.

Section 17G deals with the power to prepare a transfer of function, the Housing Development Corporation can make preparation for planned role of facilitating provisions by the private sector of mortgage finance for low and middle income households. In subsection (2) the scope of power of the Housing Development Corporation to make this preparation is confirmed.

Accordingly, we ask the House to agree to these amendments.

The Speaker: The question is that a Bill entitled the Housing Development Corporation (Amendment) Bill, 1994, be given a second reading. The Motion is open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I wish to voice my concern with this Bill for a Law to Amend the Housing Development Corporation Law, 1981, Madam Speaker, for the following reasons:

As I understand it this Corporation, when it was established in 1981, was established with the objective in mind of providing housing to a category of people who would otherwise experience difficulties in obtaining mortgage loans from existing mortgage institutions.

I also understand that there was a great struggle and much opposition was met by the proponents of the Housing Development Corporation in 1981. Be that as it may, the Corporation battled along and 13 years later seemed to be on the way to doing something toward filling this void.

My concern lies in the fact that, notwithstanding that the Government has set in place a scheme which will provide money for a certain element of people seeking mortgages, it is my contention that that scheme as it exists does not cover that sector of people which would fall under the category, strictly speaking, of low income borrowers, which in my opinion, is a worthy and fairly significant segment of the populace. I would see the Housing Development Corporation as being equipped to service these people. What is my reason for so saying? Simply because in its 13 years of existence the Housing Development Corporation has met the needs of many of these people who wish to build houses in the vicinity of \$50,000 to \$80,000. And I understand that the record of these borrowers is exemplary. Information suggests that in their 13 year existence the number of foreclosures has been limited. Indeed, Madam Speaker, I am told that to this point there is only one, and that is still being negotiated with a view toward an amicable settlement.

This category of people which the Housing Development Corporation was set up to deal with, are people who would make sacrifices to ensure that their payments are up to date. They are people from whom we hear daily about the need to have access to funds for proper housing. I am going to speak from the purely personal aspect of the situation.

The strong points of the Housing Development Corporation, as I understand it, was the fact that it was a small organisation—so the clients were able to deal on a personalised basis with a Government Statutory Board. I have heard from many people who have dealt with this corporation, even those people who were not successful in the first instance. The mere fact that they were treated in a certain way, the mere fact that they could get easy access to the officers of the corporation, suggests to me that this corporation had merit in its existence. And the existence of this corporation is still necessary. As a consequence, I am not prepared to support this Bill. I am not satisfied that the void which is going to exist, as far as the provision of low—and I stress low—cost housing for what seems a growing number of Caymanians is going to be met by the system currently in place. No mention has been made as to how the need for low income housing in this country is going to be met even after the divestment of the Housing Development Corporation's business. I am not satisfied. I cannot be satisfied, based

on concerns that have been expressed to me by my constituents and the wider community.

It would be interesting to know how many people have applied for mortgages under the system just put in place; who cannot get those mortgages because they do not meet the income level.

Therefore, Madam Speaker, I would see the Housing Development Corporation, by the mere fact of its smaller staff, by the mere fact of being able to give personalised services, as being attractive to these kinds of people and the overhead operations would be significantly lower. The fact that it had 13 years in existence is, in itself, a calling card and a reason for its continued existence. I would have to ask who is this being divested to at this time, and what is the urgency? If there is an urgency, why sell this?

Under the original Law, it would seem that the Housing Development Corporation was not allowed to transfer any of its mortgages easily. So why are we wanting to change this now? And there has to be a disadvantage to those people who are customers of the Housing Development Corporation now. There has to be a disadvantage. Their business is going to be in the hands of new people and there is going to be a disadvantage, even if it is the fact they have to make new acquaintances.

Let me just deal a little on the human aspect of it. Suppose that a present client of the Housing Development Corporation is customarily a week to ten days late in their payments—the staff of the Housing Development Corporation may be familiar with that now. They know that, and they know that the person may be a week late but the person can be depended upon to make those payments. Will the new people be as tolerant and as understanding? So there are all these kinds of things which seem small, mundane and insignificant. But they should no less be taken into consideration. And, while I can understand that there may be some element of protection, that does not completely preclude the fact that some of these people—having been accustomed for 13 years in dealing with certain personalities—are going to have to become acquainted with new people. So why is it being changed now to give Executive Council the power to divest?

Madam Speaker, I cannot see the urgency, I cannot see the advantage, and I say that the people were looking forward to the continued existence of the Housing Development Corporation. There may be something of a paradox in this because as I understand it, the former legislator—whom we named as a National Hero yesterday—was the author of the Housing Development Corporation. He was its greatest proponent, and now, today (after having done that yesterday) we are destroying one of the things which forms one of the criteria for making him a National Hero. That element of logic escapes me.

If in its existence the Housing Development Corporation was an albatross around the neck of the Government, then, perhaps, there could be some argument. If the Government had to continuously pour in money every year, I could understand. What was needed was a regular infusion of cash which, as far as I can garner,

was difficult, but not impossible to get, because in the recent past the infusions were becoming more encouraging. Perhaps some attempt should have been made to interest some corporations into laying off some money which could have been lent at reasonable rates to the persons who fall in the lower income category and who could qualify for loans in the Housing Development Corporation.

The point should not be missed: with this divestment there is going to be a gap, and everyone of us in here knows that. The society which has a large percentage of homeowners is a stable society. If we close off this avenue, the Government is going to be under more pressure to provide housing for these people. The society itself is going to be under more pressure to accommodate them. We have to be careful that we do not suffer a great backlash.

So, Madam Speaker, I cannot see that this is necessary, nor is it in the best interest of the people who are perhaps most in need. I repeat, by eliminating the Housing Development Corporation we are taking the lower income people out of the market, and I have heard every legislator inside of here, at some stage, say that they would prefer to have some avenue that would allow those people to get proper access to housing.

I have some other things to say at the Committee stage of the Bill, but I am going to reiterate that I cannot stand here in all good faith with the interest of my people at heart. I have people in my constituency who have petitioned me because they cannot qualify for a mortgage under the system which exists now—people who are widowed, some who are single parents—and their income does not allow them to qualify.

What is going to happen to these people? They are going to become dispossessed and disenfranchised and discouraged. While they are not in a position to qualify under the present scheme, if the Housing Development Corporation were allowed to blossom, I am sure that it would not be entirely impossible that these people could at least have some hope. They are honest, hard-working people and I just do not think it is right. Who are the assets of the Housing Development Corporation being sold to? Why? I will ask a third time, a fourth, and a fifth time if necessary, because I do not think it is right. I say we are doing the wrong thing and I, in all good conscience, will not be supporting this.

Thank you.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Yesterday evening, the Mover of this Bill, the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, in the forum where these Islands honoured its first National Hero, said that profound words are Honour, Duty, Country. As I listened, it struck me, honour begins with "H"; duty begins with "D"; and country begins with "C"... **H D C**—Housing Development Corporation. It caused me to reflect back in time to June 1981, in Cayman Brac at the

Aston Ruttly Centre. I was the Principal Secretary to the late James M. Bodden when this Bill was brought before the House, as a Meeting of the House was actually called in Cayman Brac. If the severity of the heat was not enough, the heat that was evoked from this Bill was enough to sear the brows of most people in that building. After immense debate, and quarrelling to some extent, this Bill was passed. It was passed with the intention of helping the poor people of this country.

I remember also being required to go to Jamaica by the late James M. Bodden, to the Housing Development Corporation to get as much information as I could about how the programme was run there. I do know that that information and material was used in getting a picture of how this was to be.

Now, I fail to see how one would laud—and rightly so—the efforts (sometimes controversial efforts) of one of our people who had the courage to do something that needed to be done, against great odds, and the following day this is being undone by the said Member who made the remarks yesterday.

I disagree with the destruction of this Housing Development Corporation out of principle. We have heard the Government and, certainly, the Minister moving this particular Bill, and Government Members on the Backbench say that this guaranteed Housing Scheme is not a scheme that provides housing for low income people in this country. All and sundry have had to admit that. I certainly agree with that. I was one of about three Members that pointed that fact out in the House. Eventually the country as a whole sees, understands and accepts that. In fact, I am told by persons who have attempted to get loans, and by persons on the periphery of the system that has been set up under this, that there was a rush of persons hoping to get mortgages to build homes and they were quite stupefied when they understood that they could not qualify. Their natural response was, 'Why can't I?' because the Government is prepared to guarantee a certain percentage of the loan.

But, it is my understanding that there were many instances where these persons had to have explained to them that while it was well and fine that the Government would pay that percentage (be that whatever), that their earning power could not satisfy the lending institution that they were in a financial position to be able to pay that mortgage amount over the period of time—10, 15 20 years, as the case may be.

Why? It is quite simple. Unlike what the Minister who is dealing with this subject believes, the bank can raise its interest rates anytime. They are not raising it against any individual, they are raising it because that is what the economic stimulus is at the moment. Therefore, people who were paying before could find themselves in financial jeopardy by not being able to pay the higher mortgage.

That Minister said that he is sure the banks could never raise their interest rates where people who had mortgages could not pay them. So, on that premise I have an insight into the way this particular Minister thinks, or what he does not understand about that system.

So, what do we have in this country to fall back on? Only the Housing Development Corporation; thirteen years of functioning. It has provided homes to many Caymanians in this country who could never have afforded homes otherwise. With the ceiling of \$50,000 lending capital and a fixed—and this is most important—a fixed interest rate of 9%. Now, I do not know if anyone in this House could possibly be prone to believe that any of the banks in this world of today—and certainly in Cayman, where they have absolute freedom to do basically what they want in terms of rate adjustment—would provide fixed interest rates on loans to the lower income people in this country who already have been excluded from borrowing because they cannot afford it.

Madam Speaker, in a reply to a question asked by the Fourth Elected Member for George Town about two days ago, the Minister moving this Bill said that the role of the Housing Development Corporation as a direct lender to middle and lower income Caymanians will be phased out. I pause at this point, and ask: If you are phasing that out, what are you phasing in? He does not know. When he was asked a supplementary on that he said that there is going to be the need to look at a different type of construction. I trust he does not think he is original on that, for I have said that a number of times here (that we need to change to where we have prefabricated, or pre-engineered, or pre-whatever, buildings), and we need to change the section in the Customs Law to allow flexibility of construction.

But, the question still remains: Even if there is a new type of physical structure, which is less costly—and, obviously, that is the proper way to go—where do the lower income earning people in the Cayman Islands get the money to buy those houses? That has been left unanswered. The only thing, apparently, that the Minister is interested in, is selling the portfolio to some person or some company.

I think there was much wisdom in this Law when it was first drafted, in that the Law hindered the Housing Development Corporation from selling off its liabilities, or its mortgages. It stopped it. Therefore, this Bill is now attempting to get around that by authorising the Governor to instruct the Housing Development Corporation to sell. When this is done, it means that what is now being done by an independent Board that is making decisions on behalf of the Housing Development Corporation, will now fall into the bailiwick of the Members of Executive Council—for Governor means Governor in Council. So, as this stands, the Members of Executive Council will decide that yes, the Housing Development Corporation must sell. And the Housing Development Corporation will then be obliged to go through the routine of setting up in detail its assets, its liabilities and all the rest of it to be sold.

Who will it be sold to? That question was asked by another Member. This Bill provides that it can be sold to a person, or it can be sold to a corporation. Now I wonder, how could anyone really look at this situation? How could any Government look at this situation and be satisfied that the loan portfolio of the Housing Development

Corporation could be sold to some individual, and believe that the people that presently have mortgages could feel comfortable?

In its present state it is with their Government—be that good or bad. Everyone in Cayman understands Government. Everyone has some sense of security and well-being—it is Government. But now, suppose it is sold to some individual. I wonder who that person could be? Suddenly, the close to 100 people who have benefited from mortgages with the Housing Development Corporation might be meeting a completely hostile individual—an individual who saw it as a grand opportunity for grabbing a money-earning venture and demanding his money or the pound of flesh. It totally changes the situation. I cannot see how it enhances trust in Government.

I know a few people who had loans from this corporation. I know an older lady and her daughter. Back in about 1984 or 1985, together they were earning enough so that they could qualify, and they have a lovely little two bedroom house. I think that is one of the proudest possessions that they have. It is theirs. It is nice, it is accommodation that, I daresay, they could never have had otherwise. How can we suddenly go and change this? There is no cause. Why should the Government want to sell the lending part of the Housing Development Corporation? Take the money from that and pay off loans on debentures which were given for 20 years. Why on earth would one want to go and pay them off at this time, causing those persons who lent in good faith, believing that they would earn so much money and no doubt calculated that into their financial affairs? Why would the Government want to sell this section of the Housing Development Corporation to be able to pay these people off?

I see no sense, nor any logic in this whatsoever. There is no alternative. Is there an individual, or is there a bank, or a company that is going to get down to what is perhaps considered by the commercial banks an uninteresting level of financial dealing to provide homes for the low income Caymanians in this country? The details of that situation should be interesting to know, if such does exist.

What kind of honour is that, I ask. Is it not the duty of Government, of any Government, to look after the welfare of the country? Are the low income people of this country not part of the country? What is the logic? There is obviously none.

The people in any country—and certainly in this one—who are always, unfortunately, in the majority, are those persons who earn the least. It is not that they are not good people. They are some of the most honest, hard-working people. But, for one reason or another, they do not earn sufficient to enjoy the wider benefits and quality of life. We know that one of the main needs of mankind is housing, shelter. So, why would we want to take it away from them?

Madam Speaker, in 1992 this House approved that Government would inject \$1 million into the Housing Development Corporation to assist it to build up its capital for lending. Beginning in 1992, \$200,000 was put into it;

in 1993 there should have been another \$200,000; and in 1994 there should have been another \$200,000 which was not done. In fact, in the early beginning of the present Government, I heard that the Housing Development Corporation was going to be put on hold and instructed to stop lending and apparently that was the case as is now being proven at this particular time.

Madam Speaker, I really wonder if the venom runs so deeply that this last effort by the former Member responsible for the Housing Development Corporation has galled persons so that they have to get rid of the Housing Development Corporation too, or its ability to lend, which is the main purpose for its existence? If this guaranteed scheme is so good, if it is so wonderful, then, surely, the process by which a person applies, and that application is examined and approved, should be smooth running. Is the Elected Member moving this Motion saying, or is the Government saying, that one must keep the same number of persons in place who, let us say, were running a bank or a lending institution, simply now to look at the applications that are going to a commercial bank on behalf of Government? Where is the logic? What kind of cost-saving is that, and how can it be a saving to government anyway, if Government understands and accepts (like it has been said in here, by various Government Members) that they have to look at alternatives for the low income, or the poor, or whatever they call the other citizens? Why, then, do we remove the only means for presently assisting these persons? Why is this Bill not a money bill that came here to ask for some money, like the \$400,000 that should have been paid into it, to be placed into the Housing Development Corporation to be allowed to be loaned to persons who need it?

There are some of us who know that if you take a certain amount of money and loan it out, and let it roll over enough, it can work up to \$17 million.

(Members' laughter)

Mr. Gilbert A. McLean: That is what I did—I laughed when I heard about that \$17 million jackpot that was going to give the people of this country \$17 million. But I know that was only \$4 million that was going to be turned to create that \$17 million. Why not make it \$5 million in the Housing Development Corporation, and let them help 1,000 low income people?

Madam Speaker, this amendment to the Housing Development Corporation does nothing to help this country. It does nothing to help the people who need help—the low income earners in this country who are in a majority who need to be helped, who deserve to be helped, who are asking to be helped—it does nothing to help those persons. I would never support this Bill that is before this House. Of course, I may add that it does not need my vote to pass, and I am sure that its passage has already been ordered. But it sure will not pass with any assistance from me.

Madam Speaker, I have not come across such a retrograde step since Christmas Eve, 6 o'clock, December 1992. This Bill has no **honour**; it does not help this

country; and I believe it is the **duty** of any Government to help its people to do that which is right and that which is logical. This Bill certainly does not do that and, therefore, I will be no part of this destructive action.

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 for a Bill for a Law to Amend the Housing Development Corporation Law, 1981.

I also recall the time when the Housing Development Corporation was formed and the difficulties that surrounded that act. But, the Housing Development Corporation met difficulties in the very outset. It was, in my opinion, very unrealistic to expect the banks, who compete with the Housing Development Corporation, to loan the corporation funds through the purchase of its debentures at an interest rate that to them was not attractive, when the banks were in a position to earn much more on their funds through investing them in other sources, for example, extending mortgages of their own.

It is good to say that one is in a position to guarantee a certain fixed interest rate, but the Housing Development Corporation, like any other Government Statutory entity, is at least in the business to break even, or make a little money. It would have been impossible for the corporation to extend funds to persons in the form of mortgages at an interest rate that was less than what they were paying for those funds from financial institutions in this country. So, there has been a lot of effort with regards to attracting funding for the corporation without a great deal of success. As a result, even though the demand for low income housing or funding has remained very strong, the corporation was never in a position where it could accommodate the number of applicants who were requesting consideration for funding.

I believe that the present Member, that is the Minister for Community Development, and the present Government have to be congratulated for coming up with such a creative scheme to address the problem of mortgages, especially to limited-income Caymanians. This was the concern, and why the Housing Development Corporation was formed in the first place by the late James M. Bodden. But the present scheme does not have the same limitations, in that Government has agreed, to the satisfaction of the banks, to guarantee a portion of those funds requested by our Caymanian people for mortgage purposes. That has been one of the main difficulties experienced by our people when approaching financial institutions for mortgage funding.

When one walks into a bank, and even if one only needed to borrow \$30,000, most banks probably have a requirement that one would have to find 20% to 30% of what one requested. So, let us say 20% of the requested \$30,000—according to my calculations, that means that the borrower has to come up with \$6,000 Cayman Islands Dollars. That immediately disqualified a lot of honest hard-working Caymanians, who had limited funds, from qualifying for a mortgage.

The other point that I must make clear is that even under the Housing Development Corporation, if one applied for a mortgage, one still had to satisfy the management there that one had the income to service the loan and that one was a good risk. It was not automatic. In other words, it was not guaranteed just because people applied for it. People had to qualify. The same approach has been taken by the banks and will be taken by the banks under the present Government Housing scheme. If you qualify and the banks are satisfied that you are a good risk, then the guarantee from the Government will kick in. The Government will instruct CIBC, Bank of Butterfield or British American Bank, to extend a mortgage loan if they are satisfied, and then Government will extend the guarantee for their required down payment.

I believe that the present Government has to be congratulated for coming up with such a creative programme, one that also has the support of the financial institutions operating in this country.

There were points raised by the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, which are genuine concerns with regard to whether or not the banks which are in this programme will look at each application with the same degree of sympathy that the Housing Development Corporation did—because it was geared to consider that type of application. I believe that this has to be monitored by Government to make sure that any Caymanian who is genuinely interested in obtaining mortgage financing, providing that he can satisfy the banks with regard to his income in relationship to the amount that he wants to borrow, will get a fair chance of approval for that mortgage.

But, the other point which has to be emphasised is that it is no good for someone who earns \$1,000 per month, maybe his spouse earns \$500, for a total income of \$1,500, to walk into any financial institution and say he wants to borrow \$120,000 to build a home. It is just not practical. Caymanians who are interested in obtaining a mortgage have to recognise that their requests have to be in line with their total combined income. Once that approach is taken, then I believe the banks in this country will look at those applications very carefully.

I do not want to confuse low income housing with indigent housing. They are totally different. This scheme that the Government has put in place does not cover those people. Government will still have the responsibility for assisting persons with regard to indigent housing, and Government has been doing that all along, and continues to do that today. If you check right now with Social Services, they have a list of requests of this nature, probably as long as your arm. So this particular programme that Government has in place will not address that need.

The idea of selling a mortgage portfolio may be somewhat of a novelty here in the Cayman Islands, but it is not an abnormal business practice. Financial institutions buy and sell mortgages all the time. The great deal of professionalism existing now within the banks licensed to operate in this country, should ease those

fears raised about people with mortgages at the Housing Development Corporation having to suddenly make their payments to the Bank of Butterfield, or any other bank who has bought the portfolio. I do not see that as being a real problem.

The banks here (with all due respect) do a fairly good job as far as accommodating people. I have talked to many of them and we have had some difficult years with regard to our economy here in the past, and the banks recognised that when those times come, they have to accommodate and work along with their customers with regards to delinquent payments on their accounts and that type of thing. This is not a new thing as far as they are concerned, they deal with that on a daily basis.

I do not see a paradox between what we did yesterday as a country (that is, honouring Mr. James M. Bodden as our first National Hero), and requesting today, through the Legislative Assembly, an amendment with regard to the Housing Development Corporation which he was responsible for establishing. I believe, and it was mentioned so many times yesterday, that Mr. Bodden's ultimate interest was not personal glory or edification, but the interest and concern for the welfare of his people. The present Government, with the proposed amendment to this Housing Development Corporation, will only advance his efforts in doing just that—making it a reality for more Caymanians to own their own homes.

So, Madam Speaker, I fully support this amendment, I believe it is in the best interest of our people and I think that Government must be commended for its efforts.

Thank you.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

There are 15 Elected Members in this Honourable House, and three Official Members. Including the three Official Members, every single one who supports this Bill today is going to live to regret it.

Before I go on, let me say that, contrary to what the Honourable Minister who has moved this Bill might think (and maybe others), my intention with any criticism levied on the Bill is to be constructive. In my little time here I have learned that there are a few who believe that to criticise means you must not exist. I will have to employ that risk again this afternoon.

This Bill for a Law to Amend the Housing Development Corporation Law, 1981, states in its Memorandum of Objects and Reasons that "**this Bill `amends'...**", choice wording here, it does not say it seeks to amend, it says: "**This Bill amends the Housing Development Corporation Law, 1981. The amendment will enable the Housing Development Corporation to sell its mortgage portfolio and pay back the money it borrowed from its debenture holders. This is in preparation for the Corporation's future role of facilitating the provision of mortgage finance by the private sec-**

tor for low and middle income households, under the Government's recently announced scheme.

"Existing home owners who have mortgages with the Housing Development Corporation will not see any difference in the terms and conditions of their mortgages. Their monthly payments will not be affected."

First of all, before making comparisons, let me remind all of us here that to make any point about debentures and any problems that might ensue, as far as I am concerned, does not hold much water as to the reason why this mortgage portfolio has to be sold. These debentures were sold on two different occasions under two different guises, but both of them were sold as 20—year debentures. Everyone who has participated in this venture knows full well that the debentures are not to be called upon until the 20 years have elapsed.

To the best of my knowledge, the interest on these debentures can either be accrued or passed on at specific intervals. So the debentures are not a problem to date. Homeowners who have mortgages... Madam Speaker, I will not suggest (because I do not wish to be facetious) that certain problems will exist if and when this mortgage portfolio is sold, but I will ask certain questions which I think need to be clarified in order to ensure that any fears of that nature are unfounded.

The fact is (and it has been discussed before now, and let me make it very clear so that one of the speakers before me is not pounced upon by misinformation) the Housing Development Corporation lends money at a rate of interest ranging from 9% to 11%, but whatever rate of interest is decided upon between that range is fixed. The variation in the interest rate equates to the earning power of the borrower. That is the way the Housing Development Corporation functions. I trust, if this mortgage portfolio has to be sold, that a part of the agreement will be that whatever that fixed interest rate is for the individual, it will remain the same and not be put into the big melting pot of the 3% above prime. That, in itself, must be answered.

For the record, I think it is worth our taking a step back and really understanding what the Housing Development Corporation is, what it does, and what it has done. I will also venture to say what I believe it could do if it is allowed to live.

From their brochure, the definition of the Housing Development Corporation is simple: "**The Housing Development Corporation is a Statutory Organisation set up in 1981 by the Government of the Cayman Islands to provide mortgage loans to assist borrowers in the low to middle income group in owning their own homes.**" Who is eligible? "**Born Caymanians and those granted status are eligible to apply for Housing Development Corporation loans...**" and it goes on.

Madam Speaker, as I say a few things, note how similar certain new proposals that have come forth are, and it makes us wonder why something that made so much sense is being thrown away to be put in the hands of someone else, and operate under the same guise.

What are the maximum loan amount limits? **"For building a house, the maximum loan amount obtainable on land already owned is \$50,000."** Purchasing a home? **"The maximum loan amount available for the purchase of house and land is \$60,000."** This simply means that \$10,000 goes towards assisting with the purchase of land.

Repayment terms: **"Loans are repayable over a maximum term of 20 years."** Here is where I believe the Housing Development Corporation has proven that their policy is right. What is the borrower's minimum contribution towards the cost of a home? **"Borrowers are expected to contribute a minimum of 10% towards the total cost of a home"**, that is, house and land. This means that the Housing Development Corporation will finance up to 90% of the home up to a maximum of \$60,000.

Here is where I have to interject. I do not know... yes, it was eluded to before, but I do not think it was specified. The Housing Development Corporation has entered into contract up until June 1993 with 121 individuals for mortgage financing. To date the percentage rate of foreclosure is zero. If we want to put it so that everyone can understand, it is ought. That means no foreclosures. It is no wonder that as small as the mortgage portfolio owned by the Housing Development Corporation is, as compared to the private institutions, that it is the envy of the other institutions. It is also no wonder that so many of them are willing to gobble it up. It would naturally assist the statistics, but, to me that is no reason why it has to go.

Let me go on about the Housing Development Corporation in my efforts (as puny as they may seem by certain individuals) to prove why it is healthy and alive, and should stay alive. This is just a small excerpt from the statement by the now Chairman of the Board from the last report. It reads: **"Over the years, the Corporation has been faced with the challenge of providing low to middle income mortgage financing while at the same time ensuring that the funds received from debenture holders were invested in good quality mortgages. This challenge has been successfully met and the corporation continues to boast a loan portfolio of outstanding quality."**

Under the subheading of "Operations" in the last Annual Report, it reads: **"During the year under review the Corporation received the second of five annual instalments of CI\$200,000 approved by the Cayman Islands Government to increase its direct investment in the Corporation by \$1 million over a five year period. [This last sentence is what needs to make sense] This equity injection programme is intended to strengthen the Corporation's capital base and reduce its overall cost of funds."**

Madam Speaker, worthy of note right here is that based on this principle that had been applied by Government, there may be a little conflict in the thought as to how many instalments were received. But, as I read from the Report it mentions the second instalment, and I think it is safe to say that they have not received any

since then.

"It has been announced by Government, that the Corporation [meaning the Housing Development Corporation] will pursue certain new initiatives with local private sector financial institutions and a property aimed at providing 100% mortgages to low to middle income Caymanians."

"It has been announced by Government that the Corporation will pursue other initiatives jointly with the Social Services Department aimed at widening the access to the Corporation's loan funds for low income Caymanians. Details of all these initiatives are yet to be worked out."

I do not know who reads between the lines in this statement, but I know (and I know that everyone else here who is interested in listening knows) that this simple statement made in this Report has had several changes since the statement has been made as to exactly what has happened. I am very curious to know what the Corporation will be doing to pursue other initiatives aimed at widening access to the Corporation's loan funds for low income Caymanians if we are selling the mortgage portfolio.

In the very last two little excerpts that I wish to read from the Report, under the section of "Accounts", the very last line of the first paragraph reads: **"This decrease in investment income was more than offset by the increase in interest income from loans which rose by 11.71%."**

This statement means that the decrease in investment income—meaning the decrease in income derived from investments made by the Corporation elsewhere, in other words, if the Corporation had \$100,000 and they put it on deposit with another bank because interest rates had decreased so much there was a decrease in the returns of that investment. But the statement says that this was more than offset by the decrease in interest income from loans, **"Loans receivable increased by 12.63% to [nearly \$3 million], although new funds advanced to borrowers were \$111,876 less than in fiscal year 1992."**

The point with those last two statements is this: The Housing Development Corporation, to survive, cannot depend on having money to deposit elsewhere. What it needs is to be able to continue the prudent lending procedures that it has exercised over the years in a greater magnitude, to bring it to self-sufficiency. Anyone who says today that the Housing Development Corporation is not a viable operation, is bordering on truthfulness—because a statement of that nature is either made out of ignorance or by not wanting to subscribe to the fact that if an institution of that nature is able to reach a certain level of lending that the returns will make it self-sufficient and able to make its way.

I will go into a bit more detail...

The Speaker: Would you take a suspension at this time?

Mr. D. Kurt Tibbetts: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.48 PM

PROCEEDINGS RESUMED AT 4.08 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town, continuing the debate.

Mr. D. Kurt Tibbetts: Thank you.

Madam Speaker, when we took the break, I was just about getting ready to give my views on the Housing Development Corporation, its value, and how I envisage it could exist and be alive and vibrant, serving a very needed purpose for our society as a whole.

As I mentioned before, the Housing Development Corporation, to date, has in excess of 120 mortgages, or has had in excess of 120 mortgages. I am not quite sure how many have made their last payments, but at any rate, the Housing Development Corporation at present enjoys a very successful lending rate.

The main problem experienced by the Housing Development Corporation is undercapitalisation. There was a move, on more than one occasion, to get private enterprises and individuals to participate in debentures. The first one guaranteeing an interest rate of 5%, the second guaranteeing an interest rate of 7.5%. As their annual report indicates, there are several private companies, many of them from the banking centre, and there are also some individuals who have participated in these debentures. But it has just not been enough to put the Housing Development Corporation to where it will have a large enough capital base to continue lending, recycling their funds to where the monthly payment coming in from mortgages is sufficient for them to continue lending, and the full cycle is able to take place without depleting one end of it. That is where the problem lies.

At present, how the Housing Development Corporation operates is, basically, the Government pays salaries, pensions, I think there are contracted officers' supplements (because there are two contracted officers there), and whatever else is involved at that level. The Housing Development Corporation is able to take care of all other expenses, including their sinking funds, to ensure their ability to pay back these debentures when the time is right. The only reason why they are not able to be self-sufficient is because they have not been in a position to increase their lending level to the point where their income gets to that level.

I say here, today, that if Government (and by Government, I mean all of us) in its consideration were able to participate in these debentures over a period of time to where the mortgage portfolio (which stands just bordering on \$3 million now) were up to between \$5 million or \$6 million (and those who know about this will know that this is not a pie in-the-sky) at that point in time the Housing Development Corporation would be able to operate at a point of self-sufficiency. In so doing, they would certainly, because of more lending and unlending,

be fulfilling the need that they have fulfilled for 13 years to a much larger extent within the community.

Madam Speaker, the way that this Bill strikes me is that either one of two things is going to happen. First of all, it has been made clear that a fairly vital part of the Housing Development Corporation AIDB operation, which was the student loan programme, is planned to be channelled elsewhere as a separate entity, which leaves mostly the lending programme in order for them to have anything to do. As far as I can glean, the AIDB is not an entity that is super active, and it is sufficiently viable to say that the six people who are employed in that office will have enough to do.

How I understand this Bill is that either these six people (or some of these six people) will be disposed of, or these six people will be kept on costing the Government, I feel for certain, in excess of \$200,000 to keep the office going simply to sit down and examine the applications for the mortgages that are coming for the new Housing Scheme. Look at them and decide which ones are good and which ones are bad.

It seems to me that the Government's position is, since the new scheme has become a reality, that there is no need for the Housing Development Corporation. That is what their position appears to be to me. I beg to differ with that position because while it has been said that the new scheme has no minimum borrowing level, it only has a maximum of \$125,000. It is my contention that the Housing Development Corporation has been, still is, and could continue to be, the personalised service that a certain segment of this society requires.

There are people who have gone to the Housing Development Corporation who have literally been walked through the motions to get their house. They have gone to them knowing that they wanted a house, and nothing more. Sometimes it has taken in excess of a year (and I am not making this up), sometimes closer to two years, but they have gotten a house and today they are in that house and they are grateful for the chance to get a house. It is not for me to suggest that the way the new system is going to work, that this is impossible. But what I can easily suggest is that it is very unlikely.

Again, this is a supposition on my part, but I will be able to say Yea or Nay down the line. I believe that the majority of borrowing for the new Housing Scheme will be in excess of \$60,000. That is my firm belief. The reason I contend this is because the people who are in the income bracket that will qualify for mortgages above \$60,000, up to the \$125,000, are those who are able to wade through the system with more knowledge and everything else, and—if I daresay, without meaning to be insulting to anyone—who are able to stand on their own a little better. They will go in, ask questions, find out the requirements and be able to do things on their own. The segment of our society which is below that level, I contend, are the ones who will not get the assistance that they really need. It would not be a question of whose fault it is, I am simply speaking about what I perceive to be reality. This is the gap that the Housing Development Corporation has filled.

The Housing Development Corporation, as far as I

am concerned, need not be looked at as competing with the new scheme. The truth is, the commercial banks that will be involved in this new scheme are set up in such a way to handle the other people much better than those who the Housing Development Corporation handles. I am not suggesting any prejudice, I am simply saying this is how it is. The people who can only handle \$30,000 or \$40,000 mean less to them because the larger the mortgage, the more money they make. It is as simple as that. It is not a question of being callous, it is simply the way it is. I believe today, that if the purpose of this exercise is to ensure that this new scheme is not parallel and competed with by an operation done by Government, then I believe the philosophy is not right.

If Government is convinced that the new scheme (which, after many changes in concept, has ended up to be what it is today) is the one that will help the majority of the people in the country—and that is debatable—but if that is their position, then go right ahead with your scheme. But do not tell me that Housing Development Corporation is not serving a vital role in this community. And, do not tell me that Housing Development Corporation cannot serve that role and serve it better and be self-sufficient at some point in time.

Madam Speaker, what this country has never effectively addressed, never—and I cannot blame the Government of today, the elections were in November of 1992 and I have just said what this country has never addressed, I am not blaming anyone... I am simply saying this country has never effectively addressed people at a certain level whose income is not such to let them move fast in life and get what they want to get at a fairly rapid pace. We have always done it in little dribbles. And for those who subscribe that the people that I am talking about are Social Service Cases, then if they want a social state, let them go right ahead, I certainly do not want one.

If we are prepared to accept that it will be a little more difficult, a little more tedious, but try to ensure that we catch everybody straight across the board, we will be a lot better off. If there are plans afoot, as I have heard the Minister who is responsible for Housing state, trying to deal with certain types of housing which will call for something like a \$300 a month mortgage payment, I am not talking about those people either. I am talking about the hundreds of people who continue to multiply, who are proud, hard working, but whose income does not allow them to save at a rate where they can get ahead in life under normal circumstances if they are left alone. Those are the people that I am talking about.

I, personally, have not been satisfied that any movement to do with housing by this Government, or any previous Government, has included these people properly. As far as I am concerned, we have walked to the end of the race where the tape is set up, walked there outside of the track, cut the tape and we have not run the race. That is what we have done with the new Housing Scheme that has been put in place as far as I am concerned. It is easy to say the tape is broken, but it is not easy to say that the race has been run.

I am happy for the people who will easily benefit

from the new scheme, unlike what will be said when I am finished talking. But because they are the easiest situation to satisfy, does not mean (in fact a rule of thumb at a National level should dictate the opposite) that those are the ones that you deal with first. The easiest situations are usually the least volatile ones.

After the hissing of teeth, and all of that, if some of us would listen sometimes, we might do things a bit more correctly. Madam Speaker, even if I repeat myself, like so many others in here continue to do from time to time, it is because I consider that it is important that this area of the community not be left aside.

A very similar situation occurred with a motion here not too long ago, regarding retired seamen. We were told... I am not straying from the point, Madam Speaker, I am making a comparison, and I will prove my point... we were told that the people that we were requesting this special category for were already taken care of. The contention was that nobody was saying that another category could not take care of them, we were saying that they deserved a special category so that they could be more readily taken care of. That is what I am saying today. I am saying that the broad range of mortgages which the new scheme will envelope is not going to be one which properly looks after the category that the Housing Development Corporation takes care of today.

Under the new scheme, the plan is for Government to put aside \$230,000 per annum commencing in 1995 as contingency in case of foreclosures on guarantees. The Housing Development Corporation has never had to foreclose yet. The Housing Development Corporation could take that money and in five years Government would have, by way of interest, earned close to \$1.6 million in debentures. The Housing Development Corporation would be helping our people. It would be alive and well and the many who I am sure are going to fall by the wayside under the new scheme will have had a chance to be helped, even if it is on a timely basis.

You see, Madam Speaker, there are many of these people who because of being unable to put aside a reasonable amount of money do not even entertain the thought about getting a mortgage because they do not have a reasonable amount of money to go to the bank with. They form the opinion that they are in a hopeless position and have to remain where they are. I grant that this new scheme says that they do not have to, but also accompanying that has to be a certain level of income. The people with that certain amount of income are not the people that I am talking about. The people that I am talking about, if they had that level of income, they would have saved, but they do not.

MOMENT OF INTERRUPTION —4.30 PM

Standing Order 10(2)

The Speaker: Honourable Member, it is now 4.30, will you finish shortly?

Mr. D. Kurt Tibbetts: No, Madam Speaker.

The Speaker: You would welcome the adjournment?

Honourable Minister for Tourism, would you move the Motion for the adjournment of the House, please?

ADJOURNMENT

Hon. Thomas C. Jefferson: Yes, Madam Speaker, and before I move the adjournment could I say that we are very grateful to Mary for the lunch today, and we hope that she will change the diet on Wednesday.

The Speaker: Oh, she will appreciate that.

Hon. Thomas C. Jefferson: I therefore 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 10.00, Wednesday morning.

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Ayes have it. The House is accordingly adjourned until Wednesday morning at 10 o'clock.

AT 4.36 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 21 SEPTEMBER 1994.

**WEDNESDAY
21 SEPTEMBER 1994
10.12 AM**

The Speaker: I will ask the Honourable Second Official Member to say Prayers.

PRAYERS

Hon. Richard H. Coles: 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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

Presentation of Papers and Reports.

**PRESENTATION OF
PAPERS AND REPORTS
REPORT OF THE AGRICULTURAL AND INDUSTRIAL
DEVELOPMENT BOARD FOR THE YEAR ENDING
31ST DECEMBER, 1993**

The Speaker: The Report of the Agricultural and Industrial Development Board for the Year Ending 31st December, 1993.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay upon the Table of this Honourable House the Annual Report for the Agricultural and Industrial Development

Board for the year ending 31st December, 1993.

The Speaker: So ordered.

Hon. W. McKeeva Bush: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I am pleased to be presenting the first Annual Report and Financial Statement of the Agricultural and Industrial Development Board, since assuming Ministerial responsibility for that institution and being appointed Chairman of the Board on the 1st February 1994.

I would like to begin by thanking the outgoing Chairman, the Honourable John McLean, and the members who have served the Board over the past several years, for their contributions in developing the policies of the Board and in overseeing its operation. I would also like to welcome new members to the Board.

The AIDB's financial performance for the year ended 31st December, 1993, was quite good. Its total assets increased by 5.8% over the 1992 figure of \$2.3 million. The Board's surplus from operations also increased by 15.8%, to \$89,207, although its net surplus for the year declined by 19% to \$113,722. This decline was due to two extraordinary factors. First, the Board earned income of \$15,000 in 1992 from the disposal of an item of fixed asset. Secondly, the gain of \$48,592, that was realised in the translation of CDB loan balances declined to \$24,515 in 1993. At year end 1993, the Board's accumulated surplus stood at \$660,532, an increase of 20.8% over the comparative figure for 1992.

Let me now proceed to highlight the Board's accomplishments during the year ended 31st December, last year.

The year 1993 was a year of unprecedented growth and achievement for the Agricultural and Industrial Development Board. Total loans approved exceeded \$1 million for the first time since the establishment of the Board. The enormity of this achievement should be viewed against the fact that the Board's total assets, as at 31st December, 1993, amounted to \$2,430,000. This significant achievement was largely due to the overwhelming demand for student loans. During 1993, the AIDB not only maintained, but enhanced its position as the prime provider of credit for human resource development in the country. Overall, 57 loans were approved in 1993, compared to 32 (amounting to \$680,404) in 1992. This represents an increase of 78% in the number of loans approved, and an increase of 88% in the dollar value of the loan.

The Board's pre-eminent position as a provider of credit for human resource development is one which is a source of great pride to me as Minister, to the Government as a whole and, indeed, to all Caymanians who are

interested in seeing our young people acquire the training and skills necessary to assume leadership positions in their country. For the year, an unprecedented 54 student loans, amounting to \$936,940 were approved. Compared to 1992, there has been an increase of 108% in the number of loans, and 100% in the value of loans approved. It is my firm belief that this vast growth in lending can be attributed to a more cooperative philosophy by Government, as well as this Government's commitment to the long range development of Cayman's manpower resources. This is in spite of all those people who write letters in the press saying that the Government is doing nothing for the young people.

The high level of lending activity during the year created a situation where, by the 31st December, the Board's lending resources were depleted. In order to allow the Board to maintain its level of lending during 1994, Government agreed to advance a sum of \$1 million to the Board in four equal installments of \$250,000 over the next four years.

Traditionally, the Board has relied on the Caribbean Development Bank to provide funding for its student loan programme. However, due to the high cost of the funds from the Caribbean Development Bank, and the restrictive conditions that are attached to these funds, the Board has been forced to seek advances from Government to supplement its own resources in order to meet the demands for student loans.

Government is now exploring new ways of helping to meet the demand for student loans in the Cayman Islands. A committee has been established by my Ministry to review the guidelines for the student loan scheme with a view toward working with the commercial banks to meet the demands for student loans. I should say that the committee has completed its work thus far, and a report has been made to me which will soon be made public.

This collaboration between the Government and the private sector could result in an initiative by which significant levels of new funding could be made available for human resource development within a frame work of prudent and reasonable guidelines.

I wish to acknowledge publicly the assistance of my colleague, the Honourable Financial Secretary, which was given to us at the time of the Caribbean Development Bank's new policy which restricted us.

During 1993 the Government of the Cayman Islands announced its intention to amalgamate the Agricultural and Industrial Development Board and the Housing Development Corporation. These two institutions, which now fall under my Ministry, have been jointly administered under the same management and with the same staff since 1986. The new entity, which we expect to come on stream in 1995, will combine the functions of both institutions. It will also be responsible for discharging new functions which are currently under discussion.

Quite apart from its pre-eminent position as a provider of credit for human resource development, the AIDB is also a leading provider of credit for agricultural development. The agricultural sector continues to be the major sector in which the Board's resources for Agricul-

tural and Industrial Credit are employed.

As Chairman, I expect the AIDB to maintain its position in agricultural lending and to enhance its role as a provider of credit to the industrial and tourism sectors. I also expect the Board to extend various support services to accompany its lending activities in those sectors for which it provides funding.

In closing I would like to thank the management and staff for the hard work and dedication that they have put into bringing about the accomplishments I have just mentioned. It is my desire, as Chairman of the Board, to give them the necessary support and motivation to build on these accomplishments.

Again, Madam Speaker, I would like to thank all previous and existing members of the Board, and the previous Chairman, for their tremendous input.

Thank you.

The Speaker: Questions to Honourable Members and Ministers.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: Deferred question No. 133, standing in the name of the Third Elected Member for George Town.

DEFERRED QUESTION NO. 133

No. 133: Mrs. Berna L. Thompson Murphy asked the Honourable First Official Member responsible for Internal and External Affairs to state if there are any policies in place regarding the District Commissioner and the Deputy Commissioner being away from their offices and/or the Sister Islands at the same time.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The policy regarding the District Commissioner and the Deputy District Commissioner being away from their offices and/or the Sister Islands at the same time, is that both Officers should not be away from the Cayman Islands simultaneously. It is permissible for both the District Commissioner and the Deputy District Commissioner to be in Grand Cayman at the same time. If both Officers have to be away from Cayman Brac at the same, the Deputy Collector of Customs (the next Senior Officer in line) is available to deal with routine matters.

SUPPLEMENTARY

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Member state, in the event of an emergency on the Sister Islands, if this officer is

qualified to act as a District Commissioner?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker. Any public officer whom the Governor deems appropriate can be appointed in an emergency to occupy any public office.

The Speaker: The next deferred question is No. 140, standing in the name of the Fourth Elected Member for George Town.

DEFERRED QUESTION NO. 140

No. 140: Mr. D. Kurt Tibbetts: asked the Honourable First Official Member responsible for Internal and External Affairs: (a) What was the number of established posts in the Civil Service before the recently completed down-sizing exercise; (b) what was the number of established posts at the completion of the exercise; and (c) what is the present number of established posts in the Civil Service.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, the number of established posts in the Civil Service before the down-sizing exercise was 1,750 posts; (b) The number of established posts at the completion of the exercise was 1,655; and (c) The present number of established posts in the Civil Service is 2,102.

A Departmental breakdown of this data is attached. (See Appendix)

SUPPLEMENTARIES

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 state what has been the reasoning behind the down-sizing exercise being completed, and some 350 established posts being put in place after the down-sizing was completed?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I think if the Honourable Member took a moment to refer to the departmental breakdown attached to the answer, I could point out that two primary features appear. Firstly, the 285 positions that were formerly vested in the Health Services Authority have now reverted to the central Government establishment, so that accounts for 285. Additionally, with the creation of a fifth Elected Ministry earlier this year, a number of new positions had to be created in order to staff this Ministry. Item 36 accounts for an additional 25 new positions. The remaining adjustments are

fairly self explanatory - increases in Police, in Education establishment, etcetera, would account for the difference.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Can the Member say if during the down-sizing exercise, the individuals who were terminated were considered, and were any of them rehired within the new posts created?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, it is difficult for me to answer that supplementary question. I really do not have access to that information, I am sorry.

The Speaker: The next question is No. 154, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 154

No. 154: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation whether any records are kept for control of food purchased for the kitchen at the George Town Hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: As required by the Financial and Stores Regulations, records and inventory control are kept of food purchased by the kitchen at the George Town Hospital.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: In the purchasing of the supplies, is there just one person responsible, or how does this operate?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, there are about three people involved in this, including the accountant, the dietary and the storekeeper.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Are these three people the only ones with keys to the storage, or how many additional people have access to this store room?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the keys are kept under lock and there is only one person who is supposed to have access to the store room.

The Speaker: The next question is No. 155, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 155

No. 155: Mrs. Berna L. Thompson Murphy asked The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to state why, after the Health Services Authority was dissolved, was the senior management structure allowed to continue after being reverted to the Health Services Department.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Senior Management structure of the Health Services Department existed before the established of the Health Services Authority (HSA). Upon the dissolution of the Health Services Authority, Government took the decision to retain a Senior Management structure.

SUPPLEMENTARY

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Minister state if this appears to be successful?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I will say to the House that this is one of the avenues that we are now addressing in our review to see if it is successful, and what impact it will have overall.

The Speaker: The next question is No. 156, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 156

No. 156: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs will any police officer be charged for the damage

to the police vehicles involved in the accident recently reported in the media which resulted from a chase.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: In keeping with laid down Police policy, all accidents involving police officers are investigated by an officer above the rank of the Officer involved. The case file is then submitted to the legal Department in order for a formal ruling, which is followed. The case in question, which occurred on 24th August, 1994, is due to be submitted to the investigator in the coming week and will be treated in like fashion.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac & Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Is there a policy in place by which police officers can be guided in terms of when they should take up a chase; and are there any guidelines in place at all, especially in high residential areas, regarding a police chase and would-be escapees, or speeders, or whatever?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, officers assigned to work in the traffic branch, in particular, are given training and guidelines as to how to pursue those kinds of inquiries.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

If this is the case, will an officer, after it has been decided that he is responsible, pay for the damage, or is a claim made to the insurance company?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Once a determination has been made as to responsibility and liability, decisions are made as to the extent to which personal recovery is made from the officer and, in any event, in all such accidents claims are made against the insurance company and proceeds from the settlements of any such claims are deposited to the Government's treasury.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In the answer to the question given by the Member, is it the case then, that if an officer is found at fault that he may be penalised by being required to repay part or

all of the cost of the vehicle?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker, that is a provision in Financial and Stores Regulations where all public officers can be surcharged in such circumstances.

The Speaker: The next question is No. 157, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 157

No. 157: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if the vacant post of Chief Engineer of Public Works Department will be advertised.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: The post of Chief Engineer will be advertised when it is vacated by the substantive post-holder who is presently acting in the post of Deputy Chief Secretary.

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.
Could the Member say if it will be advertised internally, or both internally and externally?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, that decision will be taken based upon the advice of the Ministry responsible in consultation with the Chairman of the Public Service Commission.

The Speaker: The next question is No. 158, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 158

No. 158: Mr. Gilbert A. McLean asked the First Official Member responsible for Internal and External Affairs if Drug testing is being done on employees of Government and Government Authorities and, if so, how is it managed.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Appointments on pensionable or contract terms are subject to a certificate of medical fitness. This includes drug testing.

Contracted officers also undergo a medical examination before re-engagement and all officers, including those serving on hourly rates, may be required by their Head of Department or by a Constable, on the request of his Head of Department, without prior notice, to present himself at the Hospital for medical examination for such tests as the medical officer may think fit, including tests for excessive blood alcohol or illicit use of drugs.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Member say if there is a procedure or policy in place regarding actions to be taken should an officer refuse such a test in the service?

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Yes, Madam Speaker. The requirement to comply with this is laid down in Civil Service Regulations and a refusal to comply is considered a breach and is, therefore, grounds for commencement of disciplinary proceedings leading to possible dismissal.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Member state the number of random tests that were carried out on employees and Government Authorities during the past year? If he does not have this available, perhaps he could share it at a later date.

The Speaker: The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, I do not have that statistic available, but I can say to the House that random tests are done throughout the year and the statistics would, therefore, change from week to week.

There are certain departments which deploy specific methods for random testing, and some of those methods include spreading them over the 12 months or the 52 weeks of the year. Therefore the element of surprise is what is important, and at the end of each year each department is asked to give an account of how its programme for that year has been implemented.

The Speaker: That concludes Question Time for today. The next item was to have been a statement by the Honourable First Official Member. I understand that this will be ready and on the Order Paper for tomorrow.

Continuing with item 5, Obituary.

OBITUARY

Capt. Theophilus Reavie Bodden, OBE, JP

The Speaker: Members are all aware that Capt. Theophilus Reavie Bodden, OBE, JP, passed away at 5 pm on Monday, 19 September, 1994. It is therefore fitting that some comments should be made about his life.

He was born in Little Cayman in 1909, and went to sea in his mid teens. At the age of 19 he received his Chief Mate's licence and obtained his Master's ticket when he was 24. He worked in Jamaica and, during the Second World War, he married Valda Merren. He returned to Grand Cayman and worked with H. O. Merren and Company, but resigned from the sea in the mid 1950s and started Home Supplies and Bodden Funeral Services, followed by a floral department in the same business.

In 1968, he got involved with the car business with a Ford franchise (Vampt Motors), and in 1972 with Toyota (Cayman Economy Cars).

Captain Bodden also played a vital part in the development of cruise ship tourism in the Cayman Islands through Bodden Shipping Agency, Ltd. Up until 1986, he himself piloted cruise ships.

He was well known for his community work, was a charter member of the Rotary Club, and president in 1971-72. He was also a charter member of the Chamber of Commerce reconstituted in 1967, its first vice president, and was then president for four years. He was re-elected president in 1974.

In 1956, when on the arrival in Grand Cayman of Major Allan Hilyard Donald, OBE, as Commissioner of these Islands, he instituted an Advisory Executive Council which met regularly to deal with matters.

I first became acquainted with the late Capt. Theo Bodden when he was Appointed a nominated Member of the Legislative Assembly in 1956, and was also a member of the old Advisory Executive Council. Under the new membership system which was instituted to train the public and civil service, and the members themselves, to the machinery of the Ministerial System in 1961, Capt. Bodden, as nominated member, was the Member for Social Services. He served in this capacity from 1961 until the general elections in 1962.

I always found him to be a gentleman of the highest order, and a sincere Christian practicing what he said. If he could not say anything good about a person, he said nothing.

On behalf of Members, I extend sympathy and condolences to the family, and ask that as is customary the Clerk would send a letter to this effect to the family.

As a mark of respect I will now ask all Honourable Members to stand in silence for one minute.

[one minute of silence observed]

The Speaker: Thank you. Please be seated.
Government Business, Bills, First Reading.

GOVERNMENT BUSINESS**BILLS****FIRST READING****THE TAX CONCESSIONS (AMENDMENT) BILL, 1994**

Clerk: The Tax Concessions (Amendment) Bill, 1994.

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

THE MENTAL HEALTH (AMENDMENT) BILL, 1994

Clerk: The Mental Health (Amendment) Bill, 1994.

The Speaker: The Bill is deemed to have been read a first time and is set down for second reading.
Second Readings.

SECOND READING**THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994**

(Continuation of debate thereon)

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, a good man has left us. May his soul rest in peace.

To continue with the debate on a Bill for a Law to Amend the Housing Development Corporation 1981, let me start off again this morning by quickly outlining the school of thought which I understand to be employed here.

From what I can gather, the reasoning behind this Bill is, because it is thought by the Government that the purpose of the Housing Development Corporation is now being fulfilled by the new middle to low income housing scheme which is, to my understanding, underway, the individuals who the corporation has catered to, and whom they might cater to in the future, will be able to have access to mortgages under this new scheme.

I differ with that view, and as I listened this morning to the First Annual Report which was tabled for the AIDB, I noted a few things which struck me as being significant. At the beginning of the Report there are a few sections, and I wish to read them: "**The AIDB acts as a catalyst for development by providing medium to long-term development credit particularly to small businesses which in many instances would be unable to qualify for commercial bank financing for one reason or another.**" It goes on to say: "**The Board's role is therefore to supplement and complement that of the commercial banks.**"

It also says: "**The AIDB also functions as an ad-**

visory body to its clients by providing guidance, technical and management advice, as well as moral support. It is by maintaining this close relationship with its borrowers and undertaking proper loan supervision, that the Board seeks to ensure reliable servicing of its loans."

Madam Speaker, to my mind, this is exactly what the Housing Development Corporation has been doing, and should be allowed to continue to do - except, instead of small businesses, small people.

I contend that the commercial banks, with no disrespect to them, will not be able to fulfill the service that the Housing Development Corporation has been doing for that certain sector of our society. I also contend that the monies which will be available under the new mortgage scheme will be used up fairly rapidly by individuals who are able to borrow probably from \$80,000 upwards. These people are the people who will not only have easier access, but who will be dealt with easier by the banks. Naturally, these are the ones who will (shall I say) monopolise the situation. That is not a problem in its own right, because I am happy for them at this point in time. But in saying that, I believe that others are going to be left out. The same others who the Housing Development Corporation - by guidance, management advice and moral support - would help to get houses.

The Housing Development Corporation Law of 1981, Law 14 of 1981, was very specific in its coming into being and its purpose and, literally, its outline of the existence of this corporation. In part 3 of the Law, under the subheading of "**Functions of the Corporation**", section 17(1) reads: "**Subject to the provisions of this Law the Corporation shall have power to carry out or provide for the acquisition and building of houses in the Islands.**"

[subsection (2)] "**Subject to the provisions of this Law the Corporation may, for the purpose of performing any of its functions under this Law, do anything and enter into any transaction which, in its opinion is necessary to ensure the proper performance of its functions.**"

[subsection (3)] "**In particular and without prejudice to the generality of the provisions of subsections (1) and (2) the Corporation may in connection with the performance of its functions under subsections (1) and (2) - [and there are several sections here, but I will only read the one I wish to make the point with.]**

(d) carry on any business or undertaking for housing development;

(e) make arrangements with other persons for the purpose of enabling them to provide housing or finance therefor;

(f) engage in any other activity designed to promote housing development;

(g) with the approval of the Governor make gifts or donations in deserving cases;

(h) provide, maintain and keep up government houses and other buildings;

(j) make available moneys for the purpose of

financing the building and acquisition of houses upon such terms and conditions as the Corporation may decide;".

Very specific in its function - a function which, I daresay, it has served well. The Bill that is before us today is to ensure that these functions go away.

Let me draw a small illustration to show the kind of end results this Bill will bring about. Without calling any names, I know of a specific situation where there was a lady who had a loan from the Housing Development Corporation for several years. She has serviced that loan

through thick and thin. In other words, she is a good, paying customer. For various reasons which are valid and known, the same house in which she lives with her family and which the Housing Development Corporation holds a charge over for the mortgage, is in some disrepair. But she is the same kind of person that I have been referring to throughout this debate. She is able to take care of her debts, but she is not in a position, by way of her earning power, to save money to be able to do what she needs to do at any given time.

So, her way of continuing to survive at this point in time would be (after the loan has been paid down several thousand dollars and with her home being in disrepair) to go back to the Housing Development Corporation, take the people out to her house, show them the problems that she has and get some more money to get her house back in order.

At this point in time, the Housing Development Corporation cannot help her because it is not lending any more money. At this point in time the Housing Development Corporation holds a charge on her home. The policy of the Housing Development Corporation reads: "**Loans must be secured by a first charge in the Housing Development Corporation's favour on the property being purchased. The Housing Development Corporation will not share this equity with any other lender.**". So, this lady cannot get any refinancing from the Housing Development Corporation - not because it does not want to give it, but because it has been instructed to do no more lending. She cannot go elsewhere, as she has tried to. Another institution would be quite happy to assist her, but it would have to take a second charge on her property and the policy of the Housing Development Corporation disallows that. So she has nowhere to turn, short of turning to a private institution to refinance her entire loan. But here is the catch: Her interest rate at the Housing Development Corporation is 6 per cent. To go to a private institution she has to employ the risk of a floating interest rate which could become anything at any time depending upon what the prime is.

I am not going to stop there because I can understand what the other thought is going to be. When this Bill is passed and the Law comes into being, when somebody buys the portfolio, somebody can look after her.... You know what I want to ask? When all is said and done, and she needs refinancing, will the amount

that she needs refinanced be separated from her initial mortgage, and will that be the same rate that she has now? I doubt it.

This may seem to be an isolated case, but it is very real and I can see it happening all the time. The people who are involved with the Housing Development Corporation are exactly like the person that I have just described. I am not convinced by anything that has been said so far regarding this Bill, that the new situation will take care of this lady in the way the Housing Development Corporation has been able to in the past - and would have been able to at this point in time, had they been functioning the way they were intended.

So, here we have the lady I just mentioned, who is a typical example of the people that I am talking about. There may be individuals in this Honourable House who choose to take the view that I stand here spouting my mouth off just because I can. I just heard the Minister reiterate that that was just what I was doing. Madam Speaker, if every single Member in this House wants to deal with me in kind, and they do not agree with what I am saying today, they have that right. But the way I learned was if I want to take a view, and there are others who take a different view, I should listen to those views, and with reasoning and a certain amount of rationality, I should decide whether my view is one to be kept or whether I should change it because there are salient points brought forth to the opposite.

I need to tell a funny little story. Cost what it may, I have to make this point this morning because it disturbs me to the core. As far as I understand the Members in this Honourable House, whenever they wish to debate it is their duty to debate from an informed position. That is my understanding. When I saw this Bill, there were questions in my mind which I thought needed answering. Naturally, I took it upon myself, and I went to the place where I thought I could get the answers, namely, the Housing Development Corporation. I did not go there to look for anyone special. I went there to get some answers. When we were leaving the Chamber on Monday, I was quickly told that by late that afternoon my source of information would be blocked off - simply because my view differs from someone else's.

If this is bona fide, and this is all kosher, why can I not get information? Why does it have to be blocked off? If that is the style of Government, then they can keep it, I certainly do not want any part of it. I really do not care.

Madam Speaker, there are times in one's life when one has to deal with what one believes in. For the life of me I cannot understand why, if I choose to differ, it is wrong and that I should not exist. What I also know (because the Minister who is bringing this is very predictable) is that he is itching right now for me to complete my debate so that he can jump up and pour out his venom and his innuendoes. The truth is he cannot wait to bring about his acrimonious and uncouth style of buffoonery. But I will take it when I am finished here, because I believe that what I am saying is correct. I just wish him to know that we are dealing with an informed and concerned public nowadays, and the hollering does

not go as far as he might think.

With this or any other Bill that comes to this House, whether it be a Private Member's Motion, or a Government Bill, I will choose my path - not by anyone telling me what to do, but by assessing the facts. The facts that are in front of me tell me that there is no earthly reason for the Housing Development Corporation's mortgage portfolio to be sold.

Mr. Gilbert A. McLean: Hear, hear!

Mr. D. Kurt Tibbetts: It is simply a desire of the political directorate, of which they have the right. If they do it, they do it, and I wish them well. I hope it ends up well; but I do not believe that that is the right thing. That is simply my position.

There are other matters which could be considered, but let me simply state here this morning that it is my firm belief that when this is all over, the nonexistence of the Housing Development Corporation in its workings as a mortgage lending institution will prove detrimental to many people in this country. It is my contention that with proper supervision the Housing Development Corporation can even be brought to the place where Government would not have to subsidise it. I have seen it happen with others that have not performed as well as it has.

I heard earlier on during the debate that Government was seriously looking at finding some means to develop some type of housing at a cheap enough cost where a \$300 mortgage would be included for people of that income bracket. At that point in time, the Housing Development Corporation would be dealing with it. That is good news if that can become a reality. But if that is the intention why wind it down now, to wind it back up then? Why not look towards making it a more viable entity?

Mr. Gilbert A. McLean: Hear, hear!

Mr. D. Kurt Tibbetts: If the Housing Development Corporation, whatever it costs to run today, is not going to service mortgages or administer mortgages, and it is simply going to sit down and review applications for the new scheme (parts of which Government will guarantee), do not tell me that it is going to cost the same thing to run, or that the cost incurred by Government is not going to be more.

I guess I had better not go on anymore, but let me say again that in my view the working of the Housing Development Corporation is worth continuing. If any assessment needs to be made, it should be an assessment to assist it to become more viable.

I also heard mention of the debentures and the debenture holders possibly creating a problem as to why part of the amendment is here. In the 1993 Annual Report there is a list of subscribers for the 5% debentures and for the 7.5% debentures. Several of them are banks, several are businesses of long tenure in these Islands. There are a few individuals. You know what I have wondered since seeing this Bill? Each of these people knew

what they were subscribing to, they knew what interest they were guaranteed; they knew how long they had to subscribe to the debentures. Can anybody tell me if we know these people want their money back now? Has anybody been asked? Has someone come running saying that they are afraid, could they please have their money back? I do not know.

In this situation, the truth of the matter (in my opinion) is that if the Housing Development Corporation is allowed to continue then it really does not suit the new scheme that is being developed. I differ with that view. I said it on Monday, and I will say it again: The role of the Housing Development Corporation, just like the AIDB, should be to supplement and complement that of the commercial banks. The whole reasoning why someone had good sense to put pen to paper to write the report

about the AIDB is because he/she understands that it grows. It is the same role which the Housing Development Corporation plays now. But it seems like we do not want it to supplement and complement the commercial banks because we want the whole kit-and-caboodle in one situation.

Like the seamen, who will have to go and sit down and wait for hours to see whether they are eligible or not, these people will have to build up the nerve to go and speak to the big four-storey building to find out what their fate might be.

Madam Speaker, I do not support this Bill. I understand and accept that only time will prove me right or wrong. Certainly no words that have been said have convinced me that my thoughts are wrong.

Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I support this Motion. What is very clear is that this Housing Development Corporation has not fulfilled what was expected of it. I was one of the Members who fought in 1981 - fought very hard - to get this in; but the corporation itself has remained a rigid Statutory Body that has failed to meet the needs of mortgages within the society. The corporation itself, unfortunately, has taken an approach in relation to loans in which many, many people who needed loans were not able to get them. The best example of that is what was borne out by the Fourth Elected Member for George Town.

I know of the instance he is talking about, as the lady is my constituent as well as his. That is a good example of the failure of the Housing Development Corporation. She has not been able to get what she needs either in the line of consent for the second mortgage, or the money she needs. That, I think, is the best example that the Member could have raised as to why the corporation has failed to meet the needs of the present-day public.

It was set up in 1981 and is now 13 years old. If it has not matured sufficiently in this time, then it is not

going to do so. The other thing is that the corporation, notwithstanding the funds that it had, was operating at a very high expense. When one looks at the cost of the administration for the number of loans involved (121), in a normal bank that would support perhaps six or eight more loans than there are. So it is a very expensive administration process as well.

There is now an opportunity to access \$15 million - \$17 million in funds from the private sector, and the Government has agreed to guarantee the upper layer under that scheme which really means... and I will explain this to the public again... that instead of being directly liable for all of these loans (as within the Housing Development Corporation) as soon as that upper layer (up to 35%) is paid, Government ceases to have liability. This is very important to understand. There is a difference between taking money out of your pocket and lend

ing it, and merely guaranteeing the upper layer of it. The comparison of what we now do, and what the new scheme is going to do, puts far less responsibility on Government, because the history of loans is that normally they are paid best at the beginning. As soon as they are paid off, Government's liability reduces.

So, I have every faith that this scheme is going to benefit the public. I know that the Opposition to this Bill has said that it does not cover persons in a very low income bracket. Let us face hard facts: There are people out there who will never be able to pay a loan of any amount on a mortgage. That is a hard fact of life, but the Government will have to bite the bullet and help them in some other way - either through a full guarantee on those loans, or they will just simply, at some stage, find some way of getting much cheaper housing to deal with people in a very low income bracket. There are going to be some people (not a large number) who cannot make a payment of \$300, \$500 or \$700 a month on a loan; but, as the Government now has to assist Caymanians who cannot afford to pay for medical or schooling, then we will have to assist them. This is a different bracket and we should not confuse what is being done now - which is going to cover about 90% of the people who need homes - and confuse it with perhaps 10% or 15% who are not capable of making the payments.

Not only was interest reasonably high under this Bill as well, but the same problem arose under this and there is no way of amending the Housing Development Corporation Law in such a way as to turn it into a type of corporation that is going to deal both with loans on a normal basis and loans that relate to persons who cannot pay.

That Member has continued to mumble for the last 20 minutes... anyhow, I am not going to let it affect me.

There is no way that one can try to bring all the people under any one scheme when there are some people (who fall within a small bracket) whom the Government will have to find some way of assisting who will not be able to make payments under either the Housing Development Corporation or under the present scheme. So, from the point of view that, yes, the Housing Development Corporation did not cover everyone who needed

a house, the housing scheme that Government is guaranteeing will not cover everybody. But it will cover a large portion of the people who need it. For the first time we are looking at young persons - and I point this out, the youth of this country are going to be able to own a home, to get a mortgage and pay on it, rather than continuing to pay rent. This is what this is geared for.

I know it frustrates the Opposition that there is something good coming out; and, obviously, it is their duty to bring the worst side of everything that Government puts forward. What I would say to them on this specific thing is that the public must be aware, and Honourable Members must believe, that the scheme that is being put forward is to help a large number of people. So why do they not join us and try to help the youth of this country?

It is no good to stall it and wait for next year while young couples out there continue to pay rent. It is not good to say that because it does not cover 100% of everybody in Cayman that we should not help 90%. That is a very mean and personal approach to take. I think what this does, for the very first time, is give the young people in this country some hope and an expectation which will be realised. Under this housing scheme they will receive the necessary funds for housing within their means.

I really do not understand how anyone can fault that. I think the Minister who has put this forward has done a lot of work, he has achieved what no other Government (with all due respect) could. Every Government that I have known of has promised that they were going to bring in a mortgage scheme to help the youth (not just the youth, everybody) of this country. The Minister has achieved it, and stumbling blocks are constantly being put in the Government's way.

I am satisfied that if the Opposition will give this a chance to go forward... It is the first time (and I have been in banking 25 years) that I have seen a realistic scheme with that amount of money being put up for long-term mortgages. The normal commercial banks, as we saw in other areas, borrow and lend short. They cannot lend a large amount of money out for 20 years when they are borrowing on six months or the maximum of one year. This scheme now, with Government's guarantee (and without that guarantee it would not be the same, it could not have been done) is a realistic scheme. Yes, there will be some problems to sort out. There will be problems with the Housing Development Corporation amendment and the transfer of the loans - and there are only 121 loans in this whole thing - and it has been going for nine years. Obviously, it has not been the success that they are trying to make it out to be.

I am satisfied that what is being done here in this Bill, and what is being done on mortgages, generally, is in the interest of this country and the youth of this country. I give it my full support. I have 20-odd years of experience in lending, I have seen what people can get from banks, and what they cannot get. I say to the public and to the Honourable Members of this House that this scheme is something that the country has not yet had, and it is something that every Government has tried to

achieve.

I support the youth of this country, and to support them I have to support this scheme. It is in the interest of the young people that we get out of the rigid type of Housing Development Corporation rules, especially the example that the Honourable Fourth Elected Member for George Town mentioned. That is a good example of the problems that we have come up against under that Housing Development Corporation. I believe there is a solution to it, and I will assist in any way that I can on that specific matter, and any other matter relating to it. I really think that at this stage our duty is to throw our full weight behind the new mortgage scheme and try to get it operational - work the problems out of it, and try to get some of these \$15 million worth of funds released to the young couples. Anyone can go in there, but normally the persons who have the biggest problems with mortgages are people who are just starting out - the young married couples. These are the people who would benefit under the scheme.

I support this fully. I supported the formation of this operation 13 years ago, and it obviously has not reached the expectations of either the Government or the Opposition. They have given clear reasons, I think, of why we should move on.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED AT 11.58 AM

The Speaker: Please be seated.

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

In 1981, when the Housing Development Corporation Law was enacted, the people of these Islands were just recouping from an economic recession. The Mover of the Bill had good intentions in trying to create mortgages, and the Housing Development Corporation was formed. However, I remember that threats were made in order for debentures to be made with certain companies, and debentures were placed with the Housing Development Corporation. Through the years it has helped some of our people, with 121 loans since 1984 to 1993. If we divide that by nine, it comes to 13.4 loans per annum. If we look at administration on an annual basis, it is over \$137,000, therefore, if we divide that by the loans, that is very costly.

I wondered, when this was being developed in 1981, why Government was getting into the business of lending money. All my life I had heard the public saying that Government is responsible for this and that; I even heard members of the public get on the radio and say that Government must come up with a law to keep the children off the streets. Government can do only so much - nothing is free; someone has to pay, and the en-

tire public is paying for these loans.

The question has been posed: Why do we not put funds into the Housing Development Corporation? The previous Government certainly did not because in May of 1992 I attended a luncheon sponsored by the Housing Development Corporation, inviting members of the private sector to attend a presentation asking for them to inject funds into the Housing Development Corporation. The Opposition cannot sit back and say that we are not putting funds into the Housing Development Corporation because neither did the previous Government which they supported.

With the amendment to this Law, we are not taking away the Housing Development Corporation and not putting something else in place. The Housing Scheme is an alternative, and we keep hearing that this is for high income earning persons. But there is no minimum amount set for lending with the new Housing Scheme. One will be able to borrow, depending upon one's income, what one can afford, therefore, the scheme will be able to assist, not only middle, but low income as well. If they can afford a \$40,000; \$90,000; \$120,000 home, and they are earning those funds, then they will qualify in the same manner as with the Housing Development Corporation.

There is only one question that I would like the Mover to address in his winding up, and that is if he could explain if negotiations have taken place regarding a fixed interest rate with the contract as it will be passed on? In other words, if they are presently paying 9%, when the contract is sold, will that remain at 9%? Can he kindly negotiate to have that fixed, or will it be on the open market with prime rate?

I am happy to see this Bill coming for a Law to amend the Housing Development Corporation, because this is a good example of privatisation. There are no funds. If there were funds available all Members of this House would want all of our constituents to be able to afford loans at 9% fixed interest rate so they would all have proper housing. With the constraints that we have in raising income and having revenue to use for our people, there is no way that the Government can inject funds into the Housing Development Corporation at this time. Not only this Government, but as I mentioned, previous Governments had this dilemma.

I would like to commend the Minister for this move toward privatising this corporation, and I hope that consideration will be given to privatising other statutory boards also, or bringing them back under Government. As a Government we cannot continue to borrow funds in order to put money into projects such as this. Like the people borrowing money from the Housing Development Corporation, Government too has to know how it will pay back those funds.

I think this is a good move and I support this Bill for a Law to amend the Housing Development Corporation Law.

Thank you.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I rise to offer my support for a Bill for a Law to Amend the Housing Development Corporation Law, 1981.

I listened to the debate by the Members opposing this amendment. I have only come to one conclusion: We are preaching fear to the present homeowners under the Housing Development Corporation, and probably the banks in this country. It is quite clear in the Memorandum of Objects and Reasons, where it states: "**Existing home owners who have mortgages with the Housing Development Corporation will not see any difference in the terms and conditions of their mortgages. Their monthly payments will not be affected.**"

We heard of the little old ladies who got their homes under the Housing Development Corporation. I am happy for any member of this community who was able to get a loan to have his own home. My concern about the Housing Development Corporation for some time now, is how effective has it been in providing homes for the low income people of this country? Before entering these Chambers as a Member of the Legislative Assembly, I sent people from my district to the Housing Development Corporation to seek loans. When they came back to me they said it would have been easier if they had gone to a bank to obtain a loan rather than to seek it through the Housing Development Corporation. I am certain that the people who piloted the 1981 Bill did this in the hopes that people of the low income bracket would be afforded some assistance in getting their own home. But this did not prove to be the way.

The Housing Development Corporation, as I understand it, has been in existence for some 13 years now. I understand that in those 13 years just over 120 loans were granted. Can we honestly say that the Housing Development Corporation provided the type of service that it was set up to provide?

There has been mention, since the dedication of the statue in memory of the Honourable James M. Bodden, of Housing Development Corporation meaning "**Honour Duty Country**". I think this gentleman was involved in the formation of the Housing Development Corporation, but there is one thing we must remember: Even though he may have helped to set the corporation up, if he had lived to see that this corporation was not providing the service that he originally brought it about for, he would have had the guts to get some other scheme whereby his people would profit.

The Honourable Minister piloting this Bill today did the exact same thing when he sought the assistance of the banks in this community to provide a scheme whereby, not only the middle class would get loans to build houses, but the less fortunate will get loans which they can afford. They will be advised not to reach higher than their hat. They will be advised that if they can afford a loan for \$10,000 to build a shelter over their heads, then that is what they must build.

We heard that there have been no defaults under the Housing Development Corporation. We heard that there is one that is being negotiated. I wonder if this is really true when the banks, which are more thorough, I would assume, are constantly Gazetting properties that

they are calling in the payments for. I am certain that the Honourable Minister will provide us with the correct answer.

We also heard that we are doing this out of hatred for the last Member who had the responsibility for the Housing Development Corporation. The same question could be asked about every project that the present Minister brings before this House to help his people. Attempts are made to knock things down before listening to what he is trying to do. It is time we cast aside dealing with personalities, one on one, and provide the facilities that the people of our country need.

I believe that with the scheme, where the banks will be providing mortgages for all our people who qualify, we will be in a better position in this country and probably have less homeless people than we have at present.

With the new scheme coming on line, to continue with the Housing Development Corporation, would only be a duplication. The Lady Member for George Town clearly pointed out the costs of the Housing Development Corporation at present and the number of loans that they are allowing the public to have.

Therefore, I support the Bill and I congratulate the Honourable Minister for seeking new ways and new schemes for the people of this country to be able to afford houses in the future.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, the Housing Development Corporation Law was passed in 1981, as we all know. Since that time, particularly between 1984 to 1994, some 121 loans have been made to persons wishing to own their homes. We already heard that works out to about 13 loans per year. The number of people who really need homes, in fact the number who would like to apply to the Housing Development Corporation, far exceeds that number every year. Because of the mortgage portfolio, and other reasons, they have only been able to supply the needs of approximately 13 persons per year. This is insufficient to meet the demand.

Where does the Housing Development Corporation get its money? From sales of debentures, and also from infusion of Government money to boost their capital. We know that over the past five years some \$200,000 per year (starting from last year and expected for five years from then) is the amount that Government plans to contribute to the Housing Development Corporation. In fact, the capital of the Housing Development Corporation does come from debenture holders, from Government money, and from investing that money.

What the Minister is trying to do, and has succeeded in doing, is to provide private financing through various banks for persons who would like to own homes. Obviously, there will be no need, then, for Government to inject capital into the new scheme. There will only be the necessity to give the guarantee for a certain percentage of the loan. So, it will amount to a savings for the Government.

I think it is very important to consider the percentage charged by the Housing Development Corporation on loans in this whole exercise. It is from 9% to 11% interest that they charge, depending upon the earnings of the individual. We have been assured in the Memorandum of Objects and Reasons that the terms and conditions, for persons who have loans now, will not be affected when the Housing Development Corporation divests its mortgage portfolio. I would like to know for sure that this assurance has come from the class "A" banks. I am sure the Minister will be able to tell all of us here whether he has this assurance.

I believe the Housing Development Corporation at this point in time has loaned over \$5 million, in fact they passed that mark in 1983, according to their report. There is no question that they have helped those individuals in the past. But, the demand far exceeds what they are able to do. Seeing that the various banks have come up with an offer, and considering the terms of the offer, it seems to be as good as what the Housing Development Corporation can offer.

The Housing Development Corporation demands that an individual have at least 10% of the amount of the loan, or at least to own the land, whatever is the lesser. I understand that in the new scheme individuals will not need to make any down payment whatsoever. So, right there, in my opinion, the terms and conditions of the new scheme are better than what the Housing Development Corporation is presently offering.

There is one concern that I have, and that is the method of financing. I understand that the Housing Development Corporation does allow contractors to make draw-downs as the house is built. I am told that will not be the situation with the new scheme, although there has been some bridge-financing provided. I voiced my concern to the Minister, but I would hope that some deal could be struck with the other banks that will be participating, whereby small contractors can get money directly from the banks offering the loan, rather than having to finance the building of the various houses and later selling to the people needing houses.

There are some other areas of concern that I also have, and that is in regard to the present employees of the Housing Development Corporation. I understand that they have six employees. Although they are operationally one unit with the AIDB, with this gradual phasing out of the Housing Development Corporation, as they divest their mortgage portfolio. I sometimes wonder what will happen to those particular employees - will there be sufficient work in that department? Will they be transferred to other Government departments? Will Government assist them to find employment in the private sector? Will they be kept on until they find employment in the private sector?

I also would like to mention that I certainly would like the terms and conditions of the loan to remain the same once they are transferred to the class "A" banks, or lending agencies.

Then, there is the question of the persons holding the debentures. I believe there are at least 50 people who own 5% debentures and some 40 people, compa-

nies, or corporations who own 7.5% debentures over a 20 year period. We know that the certificates they received stated that the assets of the Housing Development Corporation could not be divested without their approval. The Housing Development Corporation Law is such that unless amendments are made it will be very difficult to divest capital assets of the Housing Development Corporation without their approval. I maintain that it is very important to have the full cooperation of the debenture holders. To pass legislation that would put them on the spot and would really breach what was on those certificates, I believe would do something to the credibility of Government. Personally I would like to make sure that this amendment and this move is with the approval of the debenture holders. I would like to ask the Minister if he has been approached on this matter, and if it has the full cooperation of the debenture holders?

There is no question that the new scheme will give better terms and conditions in that there will be no necessity for a down payment, and once there is enough bridge financing I believe that will enhance the product. The fact that Government will not have to inject capital funds is certainly worthwhile considering. Overall, I support, and have always supported, the Minister's move to make every effort to ensure that there are funds available from the private sector, whereby people can get loans to buy houses. Most people feel that the Housing Development Corporation has come short of fulfilling the need and the demand that homeowners have in the provision of homes.

I would certainly like the Minister to address my concerns before the vote is taken, and I shall have no problem supporting the Motion once these things are made clear to me.

Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, it is not surprising that a full scale debate has developed on this amendment. Neither is it surprising that there has been a bit of controversy over this. The Housing Development Corporation, as well as the AIDB, as has been mentioned in this debate, were both conceived and travelled in a hot debate of controversy.

I remember when this Law was passed in 1981, in one of the few meetings held in Cayman Brac. The Opposition at the time had been successful in arousing most of the people in Cayman Brac, and a great portion of the people here, against the Housing Development Corporation. It was only because there had been a strong elected Government at the time, that the Bill went into Law. It is, perhaps, because of that controversy that the Housing Development Corporation never received the amount of funds which should have been injected into it to make it a very prosperous concern.

Nevertheless, some private individuals as well as some businesses invested funds, and those investors were well repaid because a 5% or a 7.5% bond on a 20 or 30 year investment is considered in fiduciary circles

as a good investment. I have seen it happen right here; because while the people who had bought the 5% bond were earning 5% from the Housing Development Corporation, other people who had large fixed deposits in the commercial banks here were earning as little as 1%, sometimes 2% - not even half of what those wise investors who had put their funds into the Housing Development Corporation bonds at 5% were earning.

So, for the investor, the Housing Development Corporation has not been a bad deal. They have received all the interest guaranteed to them, and the borrowers have also received some benefit. Of course, as mentioned by other speakers, only 121 homes were built. Still, these are 120-odd borrowers who today have an asset which they would not have had if the Housing Development Corporation had not come into operation.

We live in a changing world. Certain questions have been raised. One wonders if the Housing Development Corporation had become a threat to the commercial banks and if this is the reason why the Housing Development Corporation is changing its role. The Memorandum to the Bill sets out clearly the intention of the Government. As explained by the Minister, this amendment is being made in preparation for the future role of the Government in taking care of the new mortgage scheme. The present borrowers are given a guarantee that no change will be made in the terms of the repayment on their mortgages. They will not be asked to make any larger monthly payment, they will not be asked to pay any higher interest rates. I believe the Housing Development Corporation whetted the appetites, increased the desire of people to own homes. Now, we have a scheme which is able to suffice, in larger quantities, the need which exists. I think we should give it a chance to work.

Perhaps the time will come, as in all Laws, that the amendments which we are making today will have to be amended again. But we must act. We cannot remain stagnant, we cannot refuse to change when the forces of investment and the forces of finances, and the forces of a changing world, change. I do not believe this change will hurt those people who have already embarked upon certain loans, and will probably help other people who may not have benefitted from the old school.

It has been said that the two schemes, that is, the old Housing Development Corporation scheme and the new housing scheme, are very similar. But there is a big difference, in that under the old scheme the borrower had been forced to put up 10% of the value of the house. That 10% could have been put in land. Under the new scheme, the borrower will be forced to put up a portion of his mortgage - but, if he does not have that deposit, the Government may (if it deems fit) step in and guarantee that deposit.

The accumulation of enough cash or land to get a mortgage started has been the biggest stumbling block to many people in obtaining a loan. Young people, particularly - even couples where both husband and wife work - found it difficult to save any appreciable amount of cash. So, while they may be able to make the monthly payments on a mortgage, they can never find the 20%

or 30% which the banks normally require. Civil servants, particularly, or anyone on a monthly salary can attest to this, they live on what they have. But, if one gets an increase in pay - no matter how small it is - after two months one wonders how one lived on one's old salary. If one's salary were even to double, in another month or two one would commit that entire salary building a bigger house, a better car, or a longer vacation. It is just human nature to live it up, and it is very difficult to save. It has been said that anybody can save money, but there is only one in 100 that can keep it saved.

So, acquiring the capital which is needed for a deposit to start a mortgage is a very difficult exercise. Once a person gets started on the mortgage, (particularly a Caymanian) he will move heaven and hell to protect the investment which he has made, particularly when he realises that every payment he makes on his home means that he owns so much more.

So, any scheme that entices young people, or anybody, to embark upon the acquisition of a home is an excellent scheme. And while, if I felt like it I could find some fault in this amendment, I believe that, overall, in the interest of a better life for the people of this country - who not only deserve it, but who have worked so hard for it - we ought to support this Law.

The Speaker: At this time proceedings will be suspended until 2 o'clock.

PROCEEDINGS SUSPENDED AT 12.43 PM

PROCEEDINGS RESUMED AT 2.05 PM

The Speaker: Please be seated.

The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, I rise to make my contribution on a Bill For a Law to Amend the Housing Development Corporation Law, 1981.

I had the honour of being in this Honourable House in 1981, when the Housing Development Corporation Law was debated, and meetings were held in Cayman Brac. I also have the distinction of being the only sitting Member today that voted against the Housing Development Corporation. I again want to make it very clear that I have always been in favour of providing housing for people who needed it. Our family history shows that my uncle, Capt. Charlie Kirkconnell, and my immediate family (in different companies with which I have been involved) provided housing for people who needed housing - financed and built them in Cayman Brac before the advent of the commercial banks. We have tried since then to help where we could.

I asked questions when the Housing Development Corporation Bill was first mentioned back in 1981: Why was Government going into the lending business, and where was the money coming from? Those were two major questions which I needed to have answered to my

satisfaction to support the Bill in 1981. It has proven today, in 1994, that the reason why the Housing Development Corporation has not been more successful is the fact that it did not have the money to lend and it therefore became very difficult for people who really needed homes to get loans. Often, after qualifying for the loans, people of my constituency were told that there were no funds available.

Madam Speaker, I support the Bill brought by the Honourable Minister for Community Development, Sports, Youth Affairs and Culture, which provides Government guarantees to commercial lending institutions who joined the scheme in providing housing. I believe that this is the right course to take.

The Federal Housing Administration in the United States has never got involved in outright lending to individuals. They have simply given a Federal Guarantee. I think the United States has been quite successful in providing housing. They also have a scheme, which is the Low Cost Federal Housing Scheme, for those who could not make monthly payments, they built and rented them.

I think if the Housing Development Corporation is successful in divesting itself of its particularly, loan portfolio and the responsibility they have for providing loans, then there will be less contingency liability for debentures against our Government. They will be able to put forth more money to provide small homes for those who are not able to meet those requirements.

Madam Speaker, I do not feel that a commercial lending institution is being difficult or hard when it tells someone that it will not lend him money if he cannot make the payments. Anytime someone helps you do something that you cannot afford, he is really doing you harm. He is not helping you, because at the end of the line you will be the looser having to put up equity in the home that you might lose by foreclosure. So, Madam Speaker, if the Housing Development Corporation had put the money that has been spent on administrative costs over the years into financing real low cost housing, we might not have the problems we have today.

So, with what I have said here today, I would like to ask the Honourable Mover of this Bill if the Government has a provision in the debenture whereby it will not have to pay for the period not used, and whether it is a three year or five year debenture. In other words, there will be no penalty for paying off that debenture earlier. That is the only concern that I have. If we have to continue to pay interest for the period in which the debenture was made, then that could be a problem. As previous Members have said, there will not be a higher rate of interest charged to those who have received loans from the Housing Development Corporation. Madam Speaker, the commercial banks are in a position to accommodate as many people who qualify with the amount of money they have available, they will not have the short fall of funds expendable.

Therefore, with these few words I support the Bill For a Law to Amend the Housing Development Corporation Law, 1981.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

Madam Speaker, I too rise to give my support for a Bill For a Law to Amend the Housing Development Corporation Law, 1981. I feel within myself that this is the right move being made. Housing is something that is very much needed in our Islands and I know that this gives people the chance to get homes who formerly could really not see how they would ever own homes.

I want to commend the Honourable Minister for his move in pushing this scheme forward, and I feel that this whole House should support a move like this. I know that this has to be controversial [and has] loopholes. But what we should do is really plug some of those loopholes and work together for one good reason, and that is to help the people of our Islands. With that, I support the Bill.

The Speaker: If there is no other debate, I will ask the Honourable Minister for Community Development, Sports, Youth Affairs and Culture if he would close the debate.

Hon. W. McKeeva Bush: Madam Speaker, I wish to thank all Honourable Members who understand what is being done here today; what the Government is seeking to do; and who support the reform that is necessary to rectify the inequities that exist in the housing sector, and to rectify inequities that exist in the Housing Development Corporation.

The Opposition Members have used this opportunity, as usual, to generally bring a debate to castigate the Government. In the course of this very interesting debate we heard many allegations from the three Members opposing. We heard about things which they claim need to be done. We have been given all kinds of scenarios, none of which is real or true. As usual, the Opposition took the opportunity to castigate me. Particularly, this time the Fourth Elected Member for George Town in his closing remarks said some very nasty things about uncouth and buffoonery. So they use this opportunity to get a general debate on Government's administration of the country's affairs. We heard from them about investors' confidence and all sort of things, as I have said.

Madam Speaker, I first want to put a few things to rest. I am really tired of their castigation every time they rise. One of them mentioned a well-informed public. I think it was the Fourth Elected Member for George Town. I agree. But what I believe - and I am not going to pull any punches either, and I will tell you why in a short while - is now that the Fourth Elected Member for George Town is in this Honourable House, where the spotlight can be shed on his shenanigans, yes, our informed public will be in a better position to see him for what he really is. That opportunity with him is ongoing, and the public will soon see him for what he is.

It seems that when they get up and kick Government in the face, and say all manner of evil about its Members, that it is all right - Oh! that is good, that is

what they are supposed to do. Then when the Government, in particular this Minister, is forced to reply - when I am forced to reply to their attacks - it is uncouth and buffoonery. It seems to me that they believe that if you put a drop of white dye in your hair on the front of your head, or you put a red handkerchief in your pocket, that makes you a gentleman.

Madam Speaker, the public of this country knows me, and the Honourable Members of this House know who I am. I believe that is the reason why they gave me 13 votes for a seat on Executive Council. The people of this country know that in Church I can be as solemn as a Presbyterian Minister. They also know that I do not have the patience to deal with hypocrites, lazy people and general troublemakers who have not accomplished anything. And I want to say to this Honourable House this afternoon, that Jesus Christ, the good Lord, turned his other cheek - and they crucified him. I am not about to let those three men in this House, or anyone else for that matter, do the same to me by playing a gentleman's game with them when they refuse to follow the same rules. I am really sorry for anyone who believes that. I am here to do the country's business. But I am not here to be castigated, kicked in the face and ridiculed every time I try to do something that I believe is good for the country. If they want to oppose, fine! But every time they get up must they castigate people? That is what they have been doing this whole week, and last week, Madam Speaker.

I would ask each one of them: Why have they not brought a sound solution to the problems that this country faces? What do they think they are getting paid for - just to stand on the floor of the House and castigate this Minister about his education? Let me make it absolutely clear again, once and for all: The Government of this country, the people of this country, did not put any money on McKeeva Bush for his education. What I got, I got through the school of hard-knocks. What my mother could give me, she gave me in all honesty, and I am proud of where I have come from. I am proud to know that I have come from the other side of the tracks and that I have pulled myself up by my bootstraps to try and make something out of myself, and I try to set a good example for my children and for the children of this country.

Yes, Madam Speaker, I have a little-lad, backwoods preacher in me. I am sorry. If that is what they are calling uncouth, then so be it. I know when to be a gentleman, but it is hard to be a gentleman when you are dealing with a bunch of ruffians. It is very hard, indeed, to be diplomatic to people who refuse to be diplomatic. I challenge each one of the three Opposition Members to show this country what they have done with their education. Let the First Elected Member for Bodden Town show the country what he has done, and let the Second Elected Member for Cayman Brac and Little Cayman, show this country what he did with his Teacher's education.

I am really sorry, Madam Speaker, for the Fourth Elected Member for George Town, because while I and the other two Elected Members have been political col-

leagues, the truth is that the Fourth Elected Member for George Town and I have been close friends over the years. But I know what it means; I know how Jesus felt now... or how Caesar felt, when he used that phrase "et tu, Brute!"

I am really sorry, Madam Speaker, that in their spite against this Minister, for whatever reason, the Fourth Elected Member for George Town has taken that line - has stooped to those kinds of attacks. Those three Elected Members continue in their efforts to berate the Government and say all manner of evil about Members. They spread all kinds of propaganda, raise all kinds of unnecessary doubts and, generally, tell a lot of falsehoods. It is time that they act responsibly. They are getting paid - well paid - as Legislators.

Never in my life have I seen so much rumour-mongering which has no basis in truth. Never, have I heard so much falsehood purported as truth. Never! For what, Madam Speaker? From 1989 to 1992 this country has been faced with all kinds of problems - marches, a general decline in democracy. As far as I am concerned, democracy was being kicked out through the doors when Elected Members had no say in what was happening in the country. We had a National Airline that was putting us to the ground; finances of the Government were destroyed. Yes! Then the people had something to talk about. What is happening today? This Government has turned those situations around - and they have the nerve to talk about investor confidence.

Let me remind this Honourable House, again, where we have come from: We have come from a deficit position. We came from a position where the previous Government ran this country into debt to the extent that the National Airline was going under; to the extent that they came to the Honourable House to borrow \$20 million. What happened, Madam Speaker? The financial institutions in this country refused them. They could not - could not - borrow, and Mr. Gilbert McLean wants to run along with them and now say that we...

POINT OF ORDER
Standing Order 34 (a)

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, please, Second Elected Member for Cayman Brac and Little Cayman?

Mr. Gilbert A. McLean: Madam Speaker, I am a Member of this House and the Standing Orders do not allow a Member to call another Member by name, as the Honourable Minister has just done in his ranting and raving.

The Speaker: The Point of Order is well taken. Honourable Minister would you please refer to the Elected Member by the designation of 'Second Elected Member for Cayman Brac and Little Cayman'? Thank you.

Hon. W. McKeever Bush: Madam Speaker, I am sorry,

and I take your ruling in good stride. It was a mistake for me to call him by his name. I would like to call him many other names, though, that would apply too; but I will bow to your ruling.

The Second Elected Member for Cayman Brac and Little Cayman can call it ranting and raving. It is because I speak with force. I am sorry if they do not like it, but I want to clear up this afternoon some of this propaganda about the country losing investor confidence, because it needs to be told to this Honourable House.

Madam Speaker, the total number of companies registered as of 31st December, 1992, amounted to 25,000; as of 31st August, 1994, the total number of companies registered was 29,668, representing an 18% increase. The number of Banks and Trusts licenced as of 31st December 1992, was 532. This number has increased to 554 as of 31st August, 1994, and still growing.

It is history that this country enacted legislation for Mutual Funds, and we now have registered 615 Mutual Funds, and 100 more to be processed.

The total from land transferred during 1992 was \$106,000; during 1993 this value increased to \$130 million representing 22% increase over 1992, and it is still climbing for this year. When the figures are completed for this year you will see that it has increased. Why? Because Government took the initiative and there is investor confidence.

Government's recurrent revenue totalled \$121 million for 1992; 1993 saw an increase of 12% over 1992, totalling \$135 million. All indications are that there will be an increase in 1994 over 1993. Recurrent revenue as of 31st August, 1994, totalled \$104 million, compared to \$90 million for the same period in 1993, representing a whopping 15% increase.

Madam Speaker, Ship Registration, something that the previous Government - the colleagues and friends of the now present Oppositions - could not get anything done with it. It was dying on its feet and in deficit. The total tonnage registered and revenue generated in 1993 increased by 28% over 1992, and 1994 promises to be an even stronger year in growth with the first six months already showing a 20% increase over the first six months of 1993.

This is proof positive. I say to the Fourth Elected Member for George Town, to the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, that this is proof positive that investor confidence in the Government and in the country was restored in November 1992. The charges and inferences made by the Opposition about confidence by investors cannot be substantiated. In fact, what this shows is the opposite - people want to come to Cayman and do business, and good people are coming to Cayman and doing business.

What have they contributed to it, except to criticise every effort - every one of these too, that I have pointed out here. They were criticised by the Opposition, and we proved them wrong, and we are going to prove them further wrong. They believe at this particular time in our Government that we are lost. Let me tell them some-

thing: The fight has not yet begun. What are we busy doing, Madam Speaker? We are busy doing the country's business; and even though I have had to take licks in the newspapers and elsewhere, I cannot reply because I am too busy. All of us are busy in our Ministries, over-burdened with work - some of the things which were left by their colleagues, the last Government. Yes, while we cannot get around to everybody, while we cannot be everywhere at the same time, we are doing the country's business to the extent that some of us do not take vacation.

I am sick and tired of that group that does nothing - they have done nothing for this country but criticise people who are doing something. It is time that they do some work. What have they accomplished? I had to listen to them on Thursday and Friday last week, and I listened to the radio again, and I wondered what good will it do the country to have so many dangerous statements bandied about? Where is the responsibility of the First Elected Member for Bodden Town and his two other colleagues? They believe that they do not have a responsibility. They say all they have to do is come here and talk. Surely not, Madam Speaker! That is not what you are elected to do. You are elected to work, and I have always been a worker. I can talk, but I can work - and I have always proven that I am willing to work. Let the Opposition understand that there is no greater disservice any responsible person can do to his country than to adventurously, and for purposes of political propaganda, cast about and destroy faith in programmes and policies which are, in fact, good.

Madam Speaker, I might have said earlier that the land sales for 1992 were \$106,295, it should have been \$106,295,000; 1993 would have been \$130,101,000 which, when compared to \$106,295,000 for 1992 represents a 22% increase. I am sorry, and I thank the Honourable Financial Secretary for correcting me.

But, criticism of a Government is, of course, necessary, and I did it while I was on the Backbench. But I did not stand there without giving programmes - which are recorded in the Hansards - such as after school care. I asked the previous Government to do that; they did not do it. Community development programmes were refused. I started on the course, and I still say to the Second Elected Member for Cayman Brac and Little Cayman: What is he doing instead of sitting in his seat grumbling like an old woman? What is he doing to better the situation, rather than to spread rumour and gossip?

Criticism of a Government is good, it is necessary in a democracy; but deliberate attempts to mislead people; attempts to deliberately play upon explosive emotions, as in the case of this Bill - debenture holders will lose out or mortgage holders will suffer - that type of tripe. Falsehoods create the greatest damage to the future and well-being of this country. And they are doing it - not the Government - the three of them with their colleagues on the outside, who are such cowards they cannot even sign their names.

For people who really have not accomplished anything, this seems to be a pleasure to them. You know

what you hear them saying? 'We'll fix that McKeeva Bush. We told him about himself today.' That is what you hear when you walk out of here.

I wish that we could sell them for what we believe they are worth. What a lot of money this country would have in the treasury. It would be good if I could debate and pay them no mind, but we have to refute their allegations so that the people of this country can see them for what they are - false prophets. To leave them alone would be to let them succeed. To let them alone would be to let them succeed in destroying the possibilities of achieving many of the things by way of development and advancement in this country.

I ask Members of this House to be careful of the Opposition, because they are good enough to smile in your face, and put a dagger in your back.

[directed to voice across the floor] You never mind what I did to Benson. Benson got what he deserved - what we are going to give you in 1996.

There is much talk by the Opposition about the fundamental rights and liberties. Every time they get up this is a question they throw on the Government: What about fundamental rights and liberties? It is high time the Opposition understands that along with these rights and liberties there exists responsibilities. It is time for them to act responsibly. It is time for them to be a responsible Opposition.

The truth is that all of their debate was based on inference, as usual, and not fact. I will deal with each one. But before I do that, I want to deal with inferences made in connection with our National Hero.

It is sad, very sad indeed, that they would stoop to include in their argument the auspicious occasion of the National Hero. But, I expect no better from the First Elected Member for Bodden Town, nor from the Second Elected Member for Cayman Brac and Little Cayman.

[directed to voice across floor] I am going to tell you who destroyed what latter on.

It is time... [directed, again, to voice across the floor] ...I did not burn down the Glass House.

It is time for certain things to be understood. It is true that I was an opponent during the time of the Honourable Jim Bodden, but the Hansards of this House record many issues that we stood together on. One thing about Jim Bodden: when he said he would do something, you could depend upon him. His word was his bond. That is partly why I chose him to be the first National Hero, and the Government consented - I knew where he stood, and he knew where I stood on issues.

Let me add, very quickly, I never betrayed him, like some of his so-called friends working closely with him; who sent out his private letters to the public in the closing days of 1984; nor did I have disputes with him, as did some of his so-called close friends. Let me further add that not one soul, in Government or outside, asked me to appoint Jim Bodden as a National Hero. I further say, if there was no statue and we agreed to make him a National Hero, the Government would have done a statue. Madam Speaker, if there is ridicule, give it to me. If there is credit, I want that too, because no one asked me to make him the National Hero. He fought with me

on the Motion back in 1987, and he was a nationalist in the true sense - whether we like some of what he did or not. Let us put this to rest.

The previous Government was asked, and what did the former Member for Communication and Works (Mr. Linford Pearson) say? We should put the statue in Bodden Town. That was his answer. That is what they felt about a National Hero. I did it because, in my opinion, there was no other contemporary leader who had the love of his country, or who did more for his people than James M. Bodden. Yes, at times I was an opponent. It is not a matter of whom I supported, or anyone else. What people should do is try and capture the true meaning of a National Hero and what it means to the country. I would hope that any inferences of the kind by the Opposition would stop, because it was not McKeeva Bush who sent out his private letters to help kill him in 1984. Yes, the National Hero also had his back-stabbers, who laughed in his face.

This country is an informed country, ladies and gentlemen, Honourable Members. They know who is who; they know who held what position in those years. People are not as foolish as they would have the House believe.

Madam Speaker, it is appropriate for me to deal with this doomsday scenario given by the three Opposition Members. The First Elected Member for Bodden Town continues his scare tactics in regard to foreclosures and defaults. Let us examine his inconsistency.

Monday, he was expounding, in his usual hypocritical fashion, how the lower income sector is such a fine, trustworthy group of people.

POINT OF ORDER

(Misleading)

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order?

Honourable Minister, would you please sit for a moment? Thank you.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: The Minister is making misleading and mischievous statements which he cannot prove, when he addresses me as being hypocritical.

The Speaker: Honourable Minister, would you continue? If you have any proof of a Member being hypocritical would you so indicate to the House? Otherwise continue with your debate. Thank you.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

He can give it, but he cannot take it. He is like a spoiled child it seems. When he is on his feet he is a big champion; but when he is sitting down, listening, he cannot take it.

Madam Speaker, the House will recall that in 1993 those three Opposition Members brought a Motion to this Honourable House to stop the housing scheme that Government was struggling to put together. This is what the Member from Bodden Town had to say, and I quote

the Hansard of 27th September, 1993, almost a year ago: "**Another important point I wish to underscore** [and this is The First Elected Member for Bodden Town, Mr. Roy Bodden speaking on that Motion.] **is that lending institutions like to talk about the borrower's equity and interest in the project. That is why they stipulate that the borrower must participate to the extent of putting something into the project. Not only is this economically sound, it is psychologically sound. Here is why. If someone goes to the bank to borrow \$80,000 to build a house, but they have to come up with \$20,000 and they get into a problem, if they are logical and clear thinking, as most Caymanians are, they are going to say, 'Hey, I am going to have to make some sacrifices here, I only had \$20,000. If the bank takes this house or this property, my little \$20,000 will have gone down the drain. You know Bobo, I can't make that happen.' So they are going to work that much harder to meet their obligations. It is my argument that in a situation where the borrower has not a vested interest, the same kind of philosophy does not obtain. 'I don't care if they take the house, I ain't got nothing in it. If I have to go out and pay rent, I will go out and pay rent. I will try to get myself in a position where I can try again.'**" [1993 Official Hansard Report Vol. II, page 658]

That was last year. This is what he says this year, and I quote from the Hansard of 19 September 1994, that was Monday: "**Simply because in its 13 years of existence the Housing Development Corporation has met the needs of many of these people who wish to build houses in the vicinity of \$50,000 to \$80,000. And I understand that the record of these borrowers is exemplary.**" He continues by saying: "**This category of people...are people who would make sacrifices to ensure that their payments are up to date. They are people from whom we hear daily about the need to have access to funds...**".

Madam Speaker, if that is not inconsistent and hypocritical, then tell me what it is. One year ago he was saying that the country should not guarantee their loans because they could not be trusted; and Monday he says something else. If that is not inconsistency, tell me what it is.

The Speaker: Honourable Minister, I have to agree with you, that is why I asked you to make a point. I agree. The First Elected Member for Bodden Town, therefore, does not have a Point of Order.

Please continue, Honourable Minister.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

How can they be so inconsistent? It only takes about six months after a matter is raised in the House to raise a Motion. They change from one position when the Government brings it, to another position when they bring it back in a Motion. I wonder if that Member believes that the public cannot see through him?

Last year they were opposing the help Government was giving these people by guaranteeing their loans.

According to him, and his other two colleagues, we were going to have so many of these foreclosures because they would not pay their loans. Today he is saying the opposite. Why? Because it is politically expedient for him to do so. It is good politics for him to rile up the people and make them believe something else. But, you must be responsible, you must tell the truth - the Constitution demands that from you.

They do not want any scheme to succeed. They are not worried about poor people. You hear them talking about the Government not being concerned about poor people because we are rich today and we live in fancy houses. You know, they should really be ashamed of themselves. I have had my house since 1976. I would not have been a good parent if I could not have built on to that over the years for my children. I did it before I got into Executive Council. You know what I have to say in all honesty to this Honourable House? None of them should begrudge me of the clothes I wear, or where I stay, because I knew when I was in short pants and bare-footed, what it meant to be poor. That is why I am struggling for poor people. It might not be to their liking, but I am trying to get something for people that had nothing before. The Government is moving in this direction.

They are so taken up with trying to belittle the Gov

ernment programme that they fail to recognise how ridiculous, how inconsistent they are. If I was as wishy-washy as those three Members, I would stay at home and count pigeons.

Let us look at another bit of inconsistency - and let me say further, that while they are accusing Government Members of living in big houses, and Members of Executive Council of living good, at least one of them was building or repairing his. It is good to do that. People recognise you as trying to do something good. Why criticise the Government and Executive Council Members and belittle them to that point? It is a downright disgrace for them to do that.

I want to continue with their inconsistencies. Let us look at another bit of inconsistency by the First Elected Member for Bodden Town and, in fact, the Second Elected Member for Cayman Brac and Little Cayman. The Fourth Elected Member for George Town joined him in this suggestion. According to them, Madam Speaker, in their collective irresponsibility, we should put money into the Housing Development Corporation. This is their argument. Yet, they brought a Motion here last year - the same Motion I referred to awhile ago - trying to stop Government's housing scheme saying that the liability would financially affect the lives of the citizens of these Islands, using the same argument of foreclosure and defaults.

I want to ask them: Who is going to guarantee the money put into the Housing Development Corporation, as they are suggesting today? Who is it? Would it not be the Government? Certainly, it would be the Government. Who else would guarantee it, and who else has guaranteed the debentures?

As I said, they are shallow, and without substance.

They say one thing today, and another thing tomorrow.

Last year, in their Motion, what did they say? "**AND WHEREAS the Government guarantee for the purpose stated will allow expenditure to be incurred which will financially affect the lives of citizens of the Cayman Islands**" - a Motion moved by the Fourth Elected Member for George Town, Mr. Kurt Tibbetts, and seconded by the Second Elected Member for Cayman Brac and Little Cayman, Mr. Gilbert McLean, and supported by their colleague, the First Elected Member for Bodden Town. Totally inconsistent - one thing one minute, another thing the next. They do not have the people of this country at heart, the only thing they are interested in is tearing down this Government, so that they can walk away...

POINT OF ORDER

(False Imputation)

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, Honourable Member?

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, Erskine May page 381, Imputation of false or unavowed motives - about my tearing down the country and trying to deny the people of my country the things they deserve.

Hon. W. McKeever Bush: That is what you are doing.

The Speaker: Honourable Member, I have noted that which is laid out in Erskine May, and I will ask the Honourable Minister if he would refrain. I realise that there have been castigation and acrimonious statements made on both sides. I think that it is time now that we get down to the meat of the matter, if the Member is ready now to deal with the other points raised.

Please continue, Honourable Minister.

Hon. W. McKeever Bush: Madam Speaker, I sat here yesterday and again this morning and took my licks. I did not raise any Standing Orders, nor did anybody interrupt. It is time that they be answered. I crave the indulgence of this House to reply, and that is what I am doing - I am replying to the points they have made.

The Speaker: Honourable Minister, I agree that you have to reply, but I am just asking if you could refrain from any unnecessary expressions which do not add somewhat. I know what has been said on both sides, and I think everybody has been given a certain amount of leeway.

Mr. Roy Bodden: Hear, hear!

The Speaker: Could you now continue, Honourable

Minister?

Hon. W. McKeeva Bush: Madam Speaker, I repeat myself. It is shallow and without substance for them to have come here last year with a resolution saying that we should not do the Government guarantee; that it would financially affect the lives of the citizens of the Cayman Islands, and then come here this year and suggest that we should pour money into it. If that is not being a hypocrite, then I am not McKeeva Bush, and everybody knows (as big and ugly as I am) that that is who is talking here. Another serious misrepresentation of the facts, and it only shows that they do not do their homework. It shows that they get together, spread rumours and then come into the House and make these inferences.

The First Elected Member for Bodden Town said that people could get a mortgage from the Housing Development Corporation for \$80,000. There is no truth in that statement. None whatsoever. If he had taken the time to read the scheme that now stands at the Housing Development Corporation, instead of trying so hard to impress people with concocted information, he would see that the maximum loan available from the Housing Development Corporation is \$60,000 - not \$80,000. Why do they not tell the truth and act responsibly? Madam Speaker, what kind of webs we weave, when we practice to deceive... and that is what they have done: deception, nothing but misleading statements, and a lot of untruth.

The Fourth Elected Member for George Town referred to some person who he said was a good customer - and I do not intend to bring anybody's personal business on the floor of this House. This person's problem is not money. The problem is that the person needed to put a second charge on the mortgage at the Housing Development Corporation and the regulations of the Housing Development Corporation do not allow it. I would tell that Member that these are some of the very same reasons why this Government is trying to reform the Housing Development Corporation.

I want to refer to another matter that he raised here about someone closing off information. Let me state to this Honourable House what my position is on Members getting information from any one of my departments. We have no problem with information being given out. But the problem is their using it correctly. I am not going to approve any information to go out from my office for them to turn it around, get up in this House and use it incorrectly.

When they get information - if they are such academics - they should not make the mistake (if it was a mistake) that the First Elected Member for Bodden Town made - trying to say that they were giving \$80,000 loans. That is some of it, Madam Speaker. They are so confused that it is pitiful. I know their confused state - they talk about mine - no one ever heard McKeeva come to this House and say that the Government should give contraceptives to pregnant women, did they? The Second Elected Member for Cayman Brac and Little Cayman did, it is in the *Hansard*. So bright...

Despite efforts to down-play the operating costs of the Housing Development Corporation, there are a lot of important cost factors to consider - pensions, salaries, office costs, rental. Interest on the debentures is paid by the Corporation in April of each year. For 1992 and 1993, this amounted to approximately \$200,000. These are guaranteed by Government in the event of the Housing Development Corporation not being able to pay, in which case Government will have to pay. They should try to be more responsible.

Madam Speaker, all sorts of scenarios have been given. Let me say that it is not Executive Council that asked for this to be done, it is the management, the Board's suggestion, to sell - and a good one it is. The Board of the Housing Development Corporation will not proceed with a sale of the portfolio unless it is able to achieve the same terms for its existing borrowers. For the Opposition Members to take the amount of time which they have taken in castigating Government and generally confusing this Bill, all they had to do was take the Bill and see what it is that they are doing.

If they are so smart, so educated, all they had to do was pick up the Bill, which says that the existing homeowners who have mortgages with the Housing Development Corporation will not see any difference in the terms and conditions of their mortgages. It goes on to say that their monthly payment will not be affected. I think the Elected Member for North Side first brought to the attention of the House what the Bill really contains. I really appreciated her debate, in fact all Members'. It is contained in the Bill, yet they confuse the issue; yet, they compound it by throwing so many other inferences into it. Their objective is for people to become so confused that they stay home and not seek information from the Housing Development Corporation - and that is happening.

I had a young lady call me last night. She said: "Mr. Bush, I do not know where to go because there has been so much said by the Opposition that it sounds like the whole thing is falling apart." I asked her if she had been to CIBC and she said, "No, but I have been listening to the radio, and I heard the Fourth Elected Member for George Town talking, and it sounded like everything was falling apart." That is what they are doing. It is time that they are more responsible if they want to help the people that they say they want to help.

The Board wants to assure itself that the result of the sale and the repayment of the debenture is a sensible, economic and financial proposition. The amendment carries no obligation for the Housing Development Corporation to sell its mortgage portfolio. The Bill does not say that they must sell, it only gives it the power to do so, if determined to be beneficial to the country.

Madam Speaker, another point made by them was how good this Housing Development Corporation has been in its years of operation. Contained in the tables that the Fourth Elected Member for George Town was using, contained in that very report in table 1 of the report ending last year, it shows that only a total of 121 loans have been approved by the Housing Development Corporation for the nine years - 1984 to 1993. I say if

that was what this country needed, then it would have done much more for this country in terms of housing.

Despite the many endorsements given by the Opposition members to the Housing Development Corporation today, how can they explain this low approval number? How can they explain the number of people who have been to the Housing Development Corporation and could not get a mortgage? Money was there - a lot of money was there - they could not get it. And I am going to tell you soon why they could not get it.

I hear the Second Elected Member for Cayman Brac and Little Cayman grumbling again about the money not being there. Tell me why? In the amount of years that it existed under the previous Government - eight years (1984 to 1992) - why could it not give more to the public? It had money. In 1988 this country had \$35 million in surplus. Your friend - the same Member whom you say I am trying to put down - was the Member for four years. Let me say that I was a member of the Housing Development Corporation and when I saw the inequities existing - the applications coming into the Board and getting turned down; when I knew that people should have gotten mortgages; when certain ethnic classes were turned down, or given, and the Caymanians were told to go out the door - I knew it was wrong. I knew the wrong people had it. I knew it could not function and was not functioning right. And let us not forget that when I complained to the public about it - what happened? They removed me as a member mid-way in my appointment.

Is it due to lack of funds, or is it that borrowers did not qualify? Is it that the requirements are too onerous, or that the amount of funds was too limited per borrower? Are these the reasons, or are there other reasons? I am here to tell this Honourable House today, that it was difficult for the low income people that they are talking about to get loans. I shed many a tear over it when I knew these people had sent in applications while I was a member of the Board. Thank God, I am the Minister. You might call me a dictator (or anything else you want to call me), but I am going to see that reform comes about with this issue.

When you look, by contrast, at the new guaranteed home mortgage scheme with Canadian Imperial Bank of Commerce, although those three Members... I see one has left the Chamber - usually when he cannot take the heat he runs... Those Members complain bitterly - saying all sorts of things have been said, all sorts of aspersions are cast on my integrity and my character about that housing scheme. I do not forget it. In this very same House, and outside today, there are some 35 applications pending to guarantee now. We are going to give the guarantee, and more is going to come.

This is not only people in the low to middle income bracket. Thank God, we are talking about people who are only making \$1,300 per month in a hotel. Dishwashers can build a \$42,000 house. I am not done with the issue yet, it has to go further if we are going to assist the people who really need housing. We will have to come here for another guarantee and so it must be. We were the ones who stood before the public and said that we

are going to do something about this housing problem. And I hope and trust today, that the Members of this Honourable House will not weaken, will not listen to the three Opposition Members - those prophets of doom - and they will stand firm in their convictions that the poor people must get housing, and will support those guarantees when they come.

Do not talk about the new scheme doing something, not because they talk are they going to kill everything.

There is no good cause for the Opposition to suggest that people will not be able to borrow money to build suitable homes. The facts are that under the new guarantee scheme there is a generous provision of funds for mortgage borrowing. Additionally, the requirements are not onerous, nor are they cumbersome, but they are in line with industry standards with prudent safeguards.

The amount of loan which is available from that scheme can be as low as needed, and upwards to \$125,000. A debt service ratio of 33% is for the best interest of the borrowers and the bank and the Government. I advise the potential borrowers not to become frustrated in their application process; I say to them that they should be patient and have the aspiration for a home which is in line with their ability to service that loan. That is all I am asking my people. That is all the Government is saying - we are with you in getting a home - but, please, build within your means.

What the Opposition should be doing, is assisting their constituents - the prospective homeowners - to overcome their obstacles, rather than aggravating their hopefulness, because this is all they are doing. When you look at the situation, it is appalling what those Members will do, what they have done in the run of 15 months.

If the Board members find a good buyer (and none of this has taken place or been finalised), if the Board sees a position where some of the banks will buy, they are safeguarding the present mortgage holders. But they intend to have discussions with the class "A" banks (or whichever ones come forward), to protect the mortgage holders and, if that happens, there will be a net surplus if the mortgages are sold at the same rate. I repeat for the sake of clarity, they will not be sold unless the same interest rates are given. If that happens, there will be a good surplus from this transaction and that can be applied to a new scheme for lower income Caymanians who wish to become homeowners. That will not nearly solve the problem, and that will only become necessary if the existing scheme - be it from CIBC Bank, or any other bank (we have had other banks come forward) - is not able to satisfy that sector of need.

As a companion for this scheme, Government is already considering (and has discussed with the Contractor's Association) the concept of new construction systems, whether it be prefab or pre-engineered, in order to achieve safe, suitable low-cost housing. That is the only way we are going to get it. We are not going to get it in the system that is now operating, it is too costly. What we need to address (and that is where we are

headed) is to give people in the range of \$200 or \$300 per month mortgage payments - that group of people is who I am looking after now.

I heard on Monday that this is what we should have done first. We are addressing that. It is taking much longer because people are more content to keep their money in a safe bank account, rather than put it on some low cost housing for those with a very low income. But I am determined that this must happen, and it is going to happen - Almighty God is going to help this Government get past this hurdle also. It is going to happen, it will not be easy.

Much has been said about the good interest rates charged by the Housing Development Corporation. I wonder where they got their facts? When you look at what the Housing Development Corporation is now charging for an income of less than \$25,000 - 9% interest; \$25,000 to \$30,000 - 10% interest; \$30,000 to \$40,000 - 11% interest. What are they saying, Madam Speaker? They say that the base rate will change. That is what the Guidelines and Regulations of the Housing Development Corporation say; they say it will change. All this, Madam Speaker, these figures that I have just given (\$30,000 to \$40,000 - 11% interest) this is for a maximum loan of \$60,000 (in spite of what the First Elected Member for Bodden Town had to say) to purchase land, of which at least 50% must be already owned, as well as to build a house. So how in the world are they saying that this is a better scheme than the new Government scheme? They are confused.

I want to quote some things here from the Hansard to show you how confused they are, because I do not understand this. Maybe you can tell me later on. I am quoting the Fourth Elected Member for George Town: **"To the best of my knowledge, the interest on these debentures can either be accrued or passed on at specific intervals. So, the debentures are not public to date. [Listen carefully.] Existing homeowners who have mortgages...Madam Speaker, I will not suggest (because I do not wish to be facetious) that certain problems will exist if and when this mortgage portfolio is sold, but I will ask certain questions which I think need to be clarified in order to show that any fears of that nature are unfounded."** (Hansard 19 September 1994)

If anybody can make any sense out of that statement, tell me what it means because I cannot understand that. It must be some man from Mars who wrote that. I do not know what he is talking about. It shows his confused state of mind. That was the Fourth Elected Member for George Town.

The \$30,000 to \$40,000 income, with 11% interest, is for a maximum of \$60,000 - the maximum that the Housing Development Corporation loans. And this is where at least 50% of the land must be owned. The new guaranteed home mortgage scheme presently charges an interest rate of 10.75% up to a maximum loan of \$120,000, for a maximum combined income of \$60,000. So, you want to tell me today that they can stand in this House and say that the Housing Development Corpora-

tion is better than the new scheme? It is not!

As with the new scheme, the quantum of the loan granted to a borrower is dictated by his ability to repay; that is 33% debt service ratio. That is the new scheme, and that is what exists under the Housing Development Corporation. When you look at some of the situations in regard to repayment, it is ludicrous and down right dishonest for them to try to smear the new scheme by saying that it is worse than the Housing Development Corporation scheme.

A maximum loan of \$60,000 under the Housing Development Corporation, approximately \$600 for monthly repayment (I am using their same \$60,000 for the Housing Development Corporation) for a combined income of \$25,000. For the same \$60,000, the new scheme is approximately \$600 per month repayment, but the income only needs to be \$22,000. Which one is better? Follow me closely, which one is better? When one looks at interest, for the same \$60,000 for the income group of \$30,000 - \$644. It is still \$600 with the new scheme, and they only need a maximum combined income of \$25,000 to qualify there. When you look at the Housing Development Corporation, for the \$33,000 to \$40,000, it is \$681 per month; \$60,000, it is still \$600 under the new scheme.

Madam Speaker, looking at the scheme, with an income bracket of \$30,000 to \$40,000 a borrower can get one up to \$110,000 under the new scheme to buy a home. Under the Housing Development Corporation, all one can get is \$60,000. So which scheme is better? They are shaking their heads. They should have done that when they were spitting forth all those untruths.

The Speaker: Would the Honourable Minister care to take a suspension at this time?

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.32 PM

PROCEEDINGS RESUMED AT 3.50 PM

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture continuing.

Hon. W. McKeever Bush: Madam Speaker, a closer look at what level of mortgage borrowers can obtain under the new Government Home Mortgage Scheme, in comparison to the Housing Development Corporation Scheme, is very enlightening. Basically, if the borrower is qualified he can get a mortgage for much more under the new scheme than the Housing Development Corporation's scheme. Under the new scheme a borrower with an income of \$1,800 per month can qualify for a loan of \$60,000. Under the Housing Development Corporation's scheme a borrower needs \$2,500 per month to get a loan for a maximum value of \$60,000 at 10% interest. A borrower who is earning \$40,000 per annum, or \$3,000 per month combined income, can only obtain a loan for \$60,000 at 11% from the Housing Development Corporation.

It is worthy to note that in both of these cases the borrowers under the new scheme can afford to borrow more based on a debt service ratio of 33%. The borrower earning \$2,500 per month can afford a monthly mortgage payment of \$825.00. The borrower earning \$3,000 per month can afford to payment of \$1,100 per month. Those are combined incomes. A monthly payment of \$825 can service a mortgage slightly in excess of \$80,000. A monthly payment of \$1,100 can service a mortgage of approximately \$110,000. Those are combined incomes. Yet, even though borrowers in the Housing Development Corporation's scheme are qualified to borrow more, they are only able to borrow \$60,000.

So based on these facts, when we see the trend we are bound to see borrowers under the new scheme obtaining more funding because there is more funding available. And they will be borrowing up to the 33% debt service ratio as provided under the new scheme.

I would not be surprised, based on these facts, if many of the borrowers under the Housing Development Corporation's scheme proceed to refinance their indebtedness with Canadian Imperial Bank of Commerce and other banks under the new scheme. This is their choice, if they so desire. However, as I pointed out previously (but it bears repeating), if the mortgage portfolio of the Housing Development Corporation is sold to one or more Class A banks, the existing Housing Development Corporation borrowers can be assured that the terms of their loans will not be changed. That is what we have said in the Bill. So it is ludicrous and downright dishonest for Members to suggest otherwise when the Bill says one thing. Protection of the borrowers is guaranteed.

Madam Speaker, the First Elected Member for Bodden Town continues his scare tactics about foreclosures and defaults. Let me point out again that what has been said time and time again to the Member, and to his two other colleagues, by statements in the House, by newspapers reports, television reports - but this matter has been explained time and time again. Section 4(16) of the agreement between Government and Canadian Imperial Bank of Commerce, dated 16th August, 1994, provides very adequate protection for the borrower in the event of default, if any.

Last year they said there would be many defaults; this year they are saying that there will not be any. We said last year that the default ratio in this country is very low. We continue, we will be consistent (as a Government should be) and say that it is very low, because Caymanians do not want to lose their homes - not one that has put something into it, or anyone who might get it under the housing scheme. People are too eager to have their own shelter. They are not going to just give it up, as was suggested by the First Elected Member for Bodden Town. He is living in a dream world.

While not being unreasonably cumbersome for the banks, or creating further liability on the Government as the guarantor, this particular section enables the banks to demand payments from the guarantor under the guarantee only after the banks have exercised other options. The banks cannot foreclose on the property until six months have elapsed subsequent to the first notice of

demand to the borrower. This notice is given three months after a default. Therefore, Madam Speaker, a total of nine months is allowed for the borrower to make good on his indebtedness before a foreclosure. This is very reasonable, despite the Oppositions' attempt to paint it otherwise. A whole nine months if you got into trouble with your loan, unless serious sickness has taken place, and this can be taken care of in this case. But if something normal just happens - where people get into a rut and cannot pay their mortgage for two or three months - they have nine months. Why, Madam Speaker, [should they] try to make people believe that the Government is doing something where financial institutions can just walk in and take their homes? I had to listen to those Members talking about it.

Madam Speaker, big talk came up about what is going to happen to the staff. I have never pulled punches, and I am not going to do it here today. We have six members of staff administering 121 mortgages. Out of those six members of staff, two are expatriates - and if they have to go home, so be it. I have nothing personal against them, but that is not yet determined. None of that has come up. When you consider pensions, salaries, office rental and other attendant costs, the Housing Development Corporation is costing too much, which can be done elsewhere at no cost to Government. Why should we continue with it in that light? I am saying that we must reform it and bring the costs down.

None of the staff there is going to be thrown to the wind. They are full civil servants and they will have to be taken care of accordingly. That is what would happen, if that came to that position, but the Housing Development Corporation is not shutting down completely - there will be staff needed to run the scheme.

After I met with the staff this past week, I told them to get their acts together because it is Caymanians, and citizens lawfully allowed here, that can be serviced under the Law that the Government is catering to. I am not going to have students put down, and pushed around not knowing where they are going and what they are doing, in total confusion and discouraged - our students, whom we want to get educated - and plenty of that took place in that area between Housing Development Corporation and AIDB (Agricultural Industrial Development Board), and it was our students that were given the run around and were pushed around.

I say that it must stop, and for those who do not like it, the door is there for them to go and complain to the Public Service Commission. But as the Minister responsible I am going to see that students are taken care of. I am going to see that people get houses under the two of them [corporations] that come under my administration.

If any Member of Government (the Elected Members or the Opposition) does not like it, he can just lump it. But while I have the responsibility, the people that we cater to, that we are responsible to, that we are trying to help (and you heard this morning how many people have been assisted by scholarships or loans) will be helped. This is in addition to the scholarships that the Government has given, in spite of so many things being said by the Opposition about the Government not doing

anything for the young people. We have to take care of the students and we are going to continue to do it. Those in the administration of the Housing Development Corporation and the AIDB will have to get their acts together by being more humane; being more reasonable; and generally attend to the affairs of students and customers, or else the door is there for them to walk.

I am not going to be charged with the responsibility, and then take the licks for getting nothing done while these people sit down and warm their seats and give students a hard time. There is nothing more frustrating than to go overseas and have to worry about where your money is coming from, and where you are going to get it, even though your parents are paying for it. That is the kind of situation that obtains there. And I would not have brought it on the floor of this Honourable House, except for the fact that the Fourth Elected Member for George Town, and God knows who else, had not walked into that office and talked with them. They have only heard one side of it. The public must hear the other. There is good reason for reform.

Call me whatever you like. If you want to call me a buffoon, a dictator, or uncouth, whatever you want to call me, I have a responsibility. I had a platform which would cater to the youth of this country because we needed to lift them out of the depth of the mire that they were getting into.

POINT OF ORDER

(Privilege)

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, Second Elected Member for Cayman Brac and Little Cayman?

Mr. Gilbert A. McLean: Madam Speaker, as the Minister speaking has rightly said, he has brought the matter of the department, and some serious castigation on civil servants, who have no right of reply. I think that it is improper that he should continue, since they cannot reply in here similarly.

The Speaker: I am afraid that I do not see any reason to stop the Honourable Minister if he wishes to make these remarks. I do not think there is a Point of Order.

Would you continue Honourable Minister?

Hon. W. McKeeva Bush: Madam Speaker, thank you very much.

I am not castigating civil servants. Civil servants were castigated when the other Government was in. When his colleague (the Member for Health at the time) ran them out of his office. That is when they were castigated. I was in the House and stood up for them, and I stand up for them today. They would have been castigated and would not have been able to walk freely if the Constitution had been supported and put through - the same one the Elected Member for Cayman Brac and

Little Cayman is now complaining about - and they would have been controlled. We said no! But I am not going to stand on the floor of this Honourable House and tell people that all is well within a Department when it is not.

I am not castigating anyone, I am saying that they must do their job, and that job is to act as humanly as possible; to treat them fairly and to let them generally feel welcome. If they cannot do that, then they must go, because it is our students that are going away to be educated, and if they cannot feel contented they will not be educated. Madam Speaker, I am saying that why I raised it was because one of them went to the Housing Development Corporation. I castigate no one unnecessarily, and I do not deride them. I am simply saying that they must do their job. That Point of Order is typical of what the Opposition does. So much untruth in what they spread. They are worse than old women.

Madam Speaker, the Bill before this Honourable House is seeking reform of the Housing Development Corporation - it is not closing it down. It is only seeking the ways and means to be able to sell off its mortgage portfolio and that will be done at a profit. Those people that already have mortgages do not have anything to worry about because the reform is going to be this: When they need to upgrade their homes they will be able to do it. Under the present situation that does not exist, unlike what was said by the First Elected Member for Bodden Town, in his criticism about dealing with new people. I wonder if he had the complaint from the other side of it. So, one or two have said that they want to stay there. How about the dozens that came to us and said that something must be done. You are not hearing that side of it. Only their side exists. One or two people tell them one thing and they blow it up to be a mountain: making a mountain out of a molehill.

Madam Speaker, I do not think that what we are attempting here today is going to damage anybody. It will take some time for Honourable Members of this House to see the fruition of it. Just as it took a year to get passed that hump and the criticism... many nights I lay in my bed wondering what I had done wrong by trying to assist the people of this country, knowing full well what the people expected of me when they supported me throughout this country. I wondered what I had done wrong. All I did was try to get houses for them.

The Fourth Elected Member for George Town, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman said all sorts of things about the scheme while they were criticising the Government; while they were saying all manner of evil against the scheme, and about the people that were going to get the scheme [project]; and who were going to get what out of it, just as they have said today about who they wonder was going to buy the mortgage portfolio; making inference that somebody is getting something out of it.

Who is going to buy the mortgage portfolio? Who, they wondered, was going to get it? That was the question from the First Elected Member for Bodden Town. This is what they did last year with the scheme to derail

it. And while they were doing that there were certain family members running to the Government trying to get us to agree to their housing scheme and trying to get us to give them our land for them to do a housing scheme.

They do not have the interest of this country at heart. I am here to tell them that because the attitude in George Town is that if a dollar is made somebody must make two out of it, and that one person must make it all. Do you think they have this country's interest at heart? Let them not fool anyone.

Madam Speaker, the Opposition Members should try and be more responsible and not resort to scare-tactics and doomsday prophecies, as it is a disservice to the public at large. It not only discourages and confuses the potential borrowers, but also can negatively impact on the source of mortgage funding and investments in this country. This reckless attitude can jeopardise the sale of the attractive mortgage portfolio, and will also scare off future investors and debenture holders in low income housing schemes.

Is this what they are trying to do? Is that what you want? Do you want people to run away and say we are not dealing with the country because too much is being said about this? Too much is being said about that? Too much is being said about crime and the posse, and everything else, when the truth is that things are getting better. Let us be realistic. Let us be honest. We have to live here, you know, we have nowhere else to go. This is our home. Run off the investors, scare them off and see what happens.

I doubt that any of the Opposition Members have more credibility than this present Government to bring them back when they run, because the Government that they supported ran them away. They could not get the mortgages; could not get the loans. This Government could do it.

Madam Speaker, I am proud today that the Government is on the track that it is. Yes, maybe we cannot see everybody at the same time; maybe there are people who dislike what is going on; maybe there are people who dislike me for one reason or another, or some other Member of Government. But let us be truthful; let us be careful with the country, this is where we live. We have to raise our families here. Some people do not care about that, it seems.

I can say no more, Madam Speaker. I would hope, as I have said, that Members will support this and the other initiatives when they are brought back here to this House for the lower income group. But I can say no more, I can do no more than what I have done, and that is to attempt to get proper housing in this country.

If there are any further questions at the Committee stage of this Bill, I am quite willing to have staff here to answer them. I thank those Honourable Members who spoke in support. I ask the Opposition to get off their grandstand; get off their soapboxes and stop this doomsday prophecy; get on to a good track, a clean track and support the Government in something that is worthwhile.

Thank you, very much.

The Speaker: The question before the House now is that a Bill entitled the Housing Development Corporation (Amendment) Bill, 1994, be given a Second Reading. Those in favour please say Aye, those against No.

AYES AND NOES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Second Reading.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division please?

The Speaker: You certainly may.
Madam Clerk.

Clerk: **DIVISION NO. 12/94**
The Housing Development Corporation (Amendment)
Bill, 1994 (Second Reading)

AYES:14

Hon. J. Lemuel Hurlston
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John Jefferson
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Murphy
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

NOES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert McLean
Mr. Roy Bodden

ABSENT: 1

Hon. Richard Coles

The Speaker: The result of the division is 14 Ayes, and three Noes. The Bill has accordingly been given a Second Reading.

AGREED BY MAJORITY: THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

THE TAX CONCESSION (AMENDMENT) BILL, 1994

The Speaker: Second Reading, the Tax Concession (Amendment) Bill, 1994. 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 Tax Concession Law (Revised).

The Tax Concession Law (Revised) was enacted in 1963, and was intended to provide a guarantee to exempt companies that no future taxes imposed would be levied on these companies for a 30 year period. The per-

inent section of the existing Law, which is Part III section 6(1), reads as follows: "**6(1) The Governor in Council may give an undertaking to any exempted company that makes application therefor that no law which is hereafter enacted in the Islands imposing any tax to be levied on profits or income or gains or appreciation shall apply to such exempted company or its operations.**"

Madam Speaker, as the financial market has grown in sophistication, so has its method of accruing, distributing and accounting for profits. Simultaneously, the tax authorities have become more innovative in the levying of taxes. The most pertinent to this amendment is the Withholding Tax. This amendment extends the guarantee to account for both of these changes to ensure that the original intention of the Law, the guarantee of all future taxes for the specified period, is provided for.

Section 2 (b) of the amending Bill therefore provides for the provision, as I detailed earlier, to be retroactively applied to all companies currently given the concession. Madam Speaker, this is a straightforward amendment and I commend this Bill to this Honourable House.

The Speaker: The question is that a Bill entitled the Tax Concession (Amendment) Bill, 1994 be given a Second Reading. The Motion is open for debate.

If there is no debate... the Honourable Third Official.

Hon. George A. McCarthy: Madam Speaker, I would like to thank Honourable Members for their support of this Bill.

The Speaker: The Motion is that a Bill entitled the Tax Concession (Amendment) Bill, 1994, be given a Second Reading. Those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE TAX CONCESSIONS BILL, 1994 GIVEN A SECOND READING.

THE MENTAL HEALTH (AMENDMENT) BILL, 1994

Clerk: The Mental Health (Amendment) Bill, 1994.

The Speaker: The Bill should be introduced by the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, who is absent. This could probably be put down for the following sitting.

MOMENT OF INTERRUPTION - 4.25 PM Standing Order 10(2)

The Speaker: It is now 4.25. Would the Honourable Minister for Tourism, Environment and Planning wish to

move the adjournment of the House?

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I believe it is the wish of the House that we move the adjournment, so I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

The Speaker: I shall put the question. Those in favour please say Aye, those against No.

AYES.

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

AT 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 22 SEPTEMBER 1994.

APPENDIX I TO QUESTION NO. 140 (page 475)

HEAD NO. & NAME	NO. OF ESTABLISHED POSTS BEFORE DOWNSIZING	NO. OF ESTABLISHED POSTS AFTER DOWNSIZING	NO. OF ESTABLISHED POSTS AS AT SEPTEMBER 12, 1994	NO. OF POSTS DELETED
01: His Excellency The Governor	3	3	4	
02: Cayman Islands Audit Office	12	10	13	2
03: Public Service Commission	6	5	5	1
04: Judicial 27,491	43	37	37	6
TOTAL	64	55	59	9
05: Internal & External Affairs	17	17	18	
06: Immigration	77	77	77	
07: Police	256	256	278	
08: Prison	90	86	86	
09: Personnel	84	68	63	4
10: Sister Islands Administration	37	37	63	16
11: Legislative	10	9	24	
12: Information and Broadcasting	21	19	26	1
				2
TOTAL	592	569	635	23
13: Legal	25	25	28	
14: Finance & Development	48	44	30	4
15: Financial Services Supervision	21	20	23	1
16: Customs	68	62	71	6
17: General Registry & Marine Survey	24	19	20	5
18: Economics & Statistics Office	10	6	10	4
19: Treasury	22	19	20	3
TOTAL	193	170	174	23
20: Tourism, Environment & Planning	4	4	5	
21: Fire	113	111	112	2
22: Planning	28	28	31	
23: Environment	26	20	61	6
24: Tourism	16	16	14	
(Overseas)	48	48	55	
TOTAL	235	227	278	8
25: Community Development, Sports, Youth Affairs, & Culture	30	30	17	
26: Social Services	48	44	56	4
27: Medical Health			285	
28: Labour	6	6	6	

TOTAL	84	80	364	4
29: Agricultural, Communications & Works	17	16	22	1
30: Lands and Survey				
31: Agriculture	41	41	41	
32: Postal	17	17	22	
33: Public Works	42	42	43	
	53	53	52	
TOTAL	170	169	180	1
34: Education & Aviation	37	37	22	
35: Education	350	323	337	27
TOTAL	387	360	359	27
36: Health, Drug Abuse Prevention and Rehabilitation			25	
GRAND TOTAL	1750	1655	2102	95

**EDITED
THURSDAY
22 SEPTEMBER, 1994
10.08 AM**

The Speaker: I will ask the Elected 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, Official Members and Ministers 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 Honourable Members and Ministers. Question No. 159, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 159

No. 159: Mr. Gilbert McLean asked the Honourable Minister responsible for Agriculture, Communications and Works what is the process by which Government bulldozers can be engaged for work by the public.

The Speaker: The Honourable Minister for Agriculture,

Communications and Works.

Hon. John B. McLean: The Government's bulldozer (CAT D-9) in the Sister Islands, can only be publicly used if no privately owned similar equipment is available for hire. Unavailability of any privately owned equipment is confirmed prior to rental of Government's equipment.

In Grand Cayman, Government owns three bulldozers (two CAT D6H and one CAT D-3). Only the bulldozer of the Department of Agriculture is engaged for work by the public.

Persons needing assistance to clear their land for agricultural purposes using Government's D6H bulldozers are required to complete an application form (request for Land Clearing Equipment) and submit it to the Department of Agriculture.

On receipt of the application, the officer assigned to the programme visits and inspects the premises in question and reports to the Chief Agricultural and Veterinary Officer on its suitability or unsuitability for the purpose intended. The Chief Agricultural and Veterinary Officer then either note approved or not approved on the application.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In the case of the use of the Government's bulldozer for agricultural purposes are there any fees attached to this use?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Yes, there are fees attached to the use of the bulldozer. The fee for moving the bulldozer from district to district is charged to the individual using it and also the cost of fuel. This was done in an effort to try to assist the farmers and promote agriculture in the island.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if the use of the Agriculture Department's bulldozer is limited to only a certain amount of acreage per farmer. For example, if a farmer had 50 acres he could only have the use of it for, say, ten acres?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, the policy which is put in place allows each farmer 10 acres cleared at any one time.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Is there any exception to that particular policy where, for example, a farmer might have property larger than 10 acres which really needs to be utilised and the use of the Agriculture Department's bulldozer would be ideal?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, prior to the policy (which I referred to earlier) coming into place, we did clear large areas of property for certain farmers. It was proven that those farmers with larger plots of land were having the services of the bulldozer while the farmers with smaller plots were more or less on hold. This was the reason why I thought of an acreage size of 10 acres.

However, if there is somebody who has a larger plot of property who makes a request to the Department of Agriculture, once it is checked out and it is found out to definitely be a farmer needing the assistance, no doubt we will give whatever assistance we can.

The Speaker: The next question is No. 160, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 160

No. 160: Mr. Gilbert McLean asked the Honourable Minister responsible for Agriculture, Communications and Works what is the policy concerning Government Surveyors being allowed to perform work for private citizens.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Current policy is that Government's Land Surveyors only carry out surveys for Government on Grand Cayman, but provide a service to private citizens on Cayman Brac and Little Cayman up to a value of \$1,750.00.

It is, however, intended that once revisions have been made to the Land Surveyors Law and Land Survey Regulations then Government's Surveyors will be able to carry out surveys for private citizens without restriction on value or location.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I think this reply from the Honourable Minister will be good news to a lot of people in this country. I would like to ask, if there is any idea as to when the revision and the new policy might come into effect?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

Yes, we are hoping that by the end of the year, God's willing, it will be ready for action and we are hoping to increase the survey team by three more groups so that we should adequately be able to attend to the many problems which the poorer class of people have been experiencing over the last few years.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, in looking at the reply, is there any consideration given to the fact that there are private surveyors as well, and that this will be running a parallel and not creating any undue advantage or disadvantage to those persons who are doing surveys in the private sector?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: One of the complaints I have received many times since being in office is the fact that the private surveyors have set fees which are very high, and a lot of people are unable to pay for those. If they do pay what they cannot help paying, it means that it is costing them a lot of unnecessary spending and hardships which they could do without.

What we are trying to do is to strengthen our team and, of course, we will put our rates, as always, much lower than the private surveyors. So it is my hope that the private surveyors will see fit to work along with us, and perhaps in some way try to regulate themselves and lower their rates also.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, may I ask the Honourable Minister if any comparison has been done with any other country to find out how exorbitant the fees are here?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: To answer the question the Member has just asked: Yes, I have. I have checked several areas and I must say that our fees are a little higher.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Could the Honourable Minister say, then, in reviewing the Surveyors Law, if it would not be better to keep restrictions for a certain amount so that the public will not abuse the Government's Land Surveyors? In other words, so that they will not always turn to Government if it is cheaper, and then you might find Government having to hire more Surveyors and creating another problem.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: I do not think that there will be any abuse because it will have to be done in a similar way to what I explained earlier with regard to the use of the bulldozer. It would have to be proven to the Department that an individual who is actually asking for Government's support with surveyors is really the type of individual that is in dire need and really needs the assistance. In other words, it would not swamp the Government's surveyors with work if the private sector could also help.

Take the condominiums, for example, or some big developer who could afford to go into a couple of millions of dollars, then I do not see why we should swamp the Government surveyors with their work.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, as a follow up to what the last Elected Member has asked, would it be fair then to say that the Government would offer the service to those persons or sectors that can least afford it?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: That is exactly what I am saying. We would be catering to those persons who, in recent years, have suffered as a result of only having one sector to go to which was the private sector.

The Speaker: The next question is No. 161, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 161

No. 161: Mr. Gilbert McLean asked the Honourable Minister responsible for Agriculture, Communications and Works: (a) how much Capital Works have been undertaken by Government from January 1994 to date, giving a breakdown by projects, location and estimated cost; (b) whether any other projects are planned for completion by the end of 1994 and, if so, what are they.

The Speaker: The Honourable Minister for Agriculture,

Communications and Works.

DEFERMENT OF QUESTION NO 161 Standing Order 23(5)

Hon. John B. McLean: Madam Speaker, I would like, if possible, for this question to be deferred for a later date in the Session so that I could have the answer properly put together.

The Speaker: The question is that the answer to question No. 161 be deferred until a latter sitting during this Meeting. I shall put the question, those in favour please say Aye, those against No.

AYES.

The Speaker: The Ayes have it. The answer to the question has accordingly been deferred.

AGREED. ANSWER TO QUESTION NO. 161 DEFERRED.

The Speaker: Item 3, Statements by Members of the Government. The first statement by the Honourable First Official Member responsible for Internal and External Affairs.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

DISALLOWED SUPPLEMENTARY QUESTION ON QUESTION NO. 121

¹Hon. J. Lemuel Hurlston: During Question Time on 14th September, the Chair did not allow a supplementary question which was proposed by the Second Elected Member for Cayman Brac and Little Cayman.

The question being answered was No. 121, dealing with any possible breach of civil service regulations by a senior officer. The Second Elected Member for Cayman Brac and Little Cayman asked a supplementary question if there had been any request from certain Elected Members made to His Excellency the Governor, seeking to have this senior officer dismissed from his post.

I wish to confirm that His Excellency the Governor has denied receiving any such request. There has been no political representation made in connection with this matter.

The Speaker: The next statement is the Honourable Minister responsible for Tourism Environment and Planning.

SCHEDULED VISIT TO WASHINGTON, DC, USA, RE- GARDING CUBAN REFUGEES

Hon. Thomas C. Jefferson: Madam Speaker, I wish to thank you for allowing this additional statement to be read

¹ See page 376.

this morning. It is a statement regarding a delegation comprising a number of Members of the Executive Council: The Honourable Truman Bodden; Hon. McKeever Bush; Hon. John McLean; Hon. James Ryan; Mr. Haig Bodden and I are scheduled to visit Washington D.C., early next week to discuss the problems of Cuban migrants in the Cayman Islands with British and American officials.

An initial meeting will be held with the British Ambassador and Diplomats at the British Embassy who have been in constant touch with the United States Administration on behalf of the Cayman Islands. Talks will be held with the United States officials at the State Department, Immigration and Naturalization Service and other Government Departments dealing with this Cuban migrant situation. The delegation also plans to meet with concerned Congressmen and Senators.

SHORT QUESTIONS BY MEMBERS Standing Order 30(1) and (2)

Mr. Gilbert A. McLean: Madam Speaker, as provided under Standing Orders, could I ask one or two short questions of the Minister making the statement?

The Speaker: You may, under Standing Order 30 (1) and (2). The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would the Honourable Minister say if prior to the departure of the delegation which he has named (which I think is a very progressive step in dealing with this matter), will all the Members of the Legislative Assembly have an opportunity of meeting with the delegation to express any concerns which we may have so that the delegation might be aware of the feelings of all Members?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, stepping back two or three paces, we have called for the Governor on more than one occasion to brief all Members of the Legislative Assembly on the Cuban situation. Certainly, any delegation going abroad to represent this country on this issue should take input from all Members of this House and that is the intention from the beginning.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable minister say if the delegation will be travelling with a specific set agenda as to persons with whom they will deal, and that they may present their views to the American Officials, for example, without having it done through a second party.

The Speaker: I think the Honourable Minister for Tourism, Environment and Planning outlined this, although

there were no names given. But I think this was clearly stated in the statement; "British and American Officials also with concerned Congressmen and Senators." I do not know if he can add anything further to that.

Hon. Thomas C. Jefferson: Madam Speaker, I think at this time it would not be right, or fair, or accurate to say exactly whom we are going to be talking with. Arrangements are being put in place and, hopefully, before the delegation leaves the Cayman Islands, we will be in a position to say exactly whom we will be meeting with. I believe that it is the intention of this delegation to meet with the highest authority that we can get in the door to.

The Speaker: Proceeding to Private Members' Motions, Private Member's Motion No. 23/94. The Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 23/94

DECLARATION AND DEFINITION OF FACE OF THE BLUFF, CAYMAN BRAC, AS CROWN LAND

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 23/94, entitled Declaration and Definition of Face of the Bluff, Cayman Brac, as Crown Land which reads as follows:

"WHEREAS the Bluff is an outstanding geological feature of Cayman Brac and has had continuous significance to the people of Cayman Brac over generations with access to the Bluff being of most vital significance, particularly in times of hurricanes;

"BE IT RESOLVED THAT Government officials declare that the face of the Bluff, including the 'foothills' or 'keys,' is deemed to be included as Crown land forming the face of the Bluff, unless individual landowners can positively establish that those 'foothills' or 'keys' are cultivated or otherwise used productively by them as part of their land."

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I respectfully beg to Second the Motion.

The Speaker: Private Member's Motion No. 23/94 having been duly Moved and Seconded is now open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

Hon. Richard H. Coles: On a Point of Order, Madam Speaker.

The Speaker: The Second Official Member for Legal

Administration.

POINT OF ORDER
(*Sub judice*)

Hon. Richard H. Coles: Madam Speaker, I wish to make a Point of Order under Standing Order 35(1), and bring to your attention the fact that there is a Civil case proceeding at the present time in the Grand Court, which appears to involve a dispute over ownership of certain sections of the Bluff in Cayman Brac.

I am informed that it is not a case that involves Government, I should hasten to add, it is a private case. But I understand that it has reached the stage where this matter has been set down for a hearing in the Grand Court. I make no comments on it other than to draw it to your attention, Madam Speaker, to bear in mind, of course, the sub judice rule.

That is all I have to say, Madam Speaker.

The Speaker: I would like to ask the Honourable Second Official Member if he could give me a date which has been set for the hearing.

Hon. Richard H. Coles: A date has not yet been allocated, but it has been set down. In other words, an application has gone into the Court for them to set a date. To my knowledge, they have not yet set a date but the application I am told went to the Court on 24th June, 1994.

The normal procedure is that the Grand Court judge would set the matter down as a private hearing and then the Court's Clerk would in due course allocate the date. I am not aware of whether or not a date has been allocated.

The Speaker: Thank you.

I realised that this question had come up, and on instruction the Deputy Clerk got in touch with the Court's Office last week and she was told that a summons for an injunction had been made for 29th September, 1994, and that there was a possibility that the case would not be heard until 1995.

So, in those circumstances, I cannot see any objection (if no references are going to be made to a court case or anything) why presentation could not be made by the Mover and the Seconder. Of course, it is all subjected to whether or not Members wish it passed by putting it to a vote.

The Second Elected Member for Cayman Brac and Little Cayman, would you proceed?

Mr. Gilbert A. McLean: Thank you, Madam Speaker. I would just like to say at the onset that the request that is being made in the resolve section of this Motion has nothing to do with any specific case. It refers to the face of the Bluff in Cayman Brac, which happens to be miles of land.

Madam Speaker, this Motion could be said to be a companion motion to a Motion which I moved in this Honourable House back on 20th June, 1991. That Motion was Private Member's Motion No. 12/91, and it dealt with

the reestablishment of Bluff Roads.

The situation with the Bluff in Cayman Brac is that it is the only such land mass in the Cayman Islands, and its unique features affect only the Island of Cayman Brac. The Bluff, being what it is, physically presents certain difficulties or problems with access. The Motion I referred to a moment ago was one which attempted to create, once and for all times, access to the Bluff by the people of Cayman Brac. There has always been access to the Bluff, and the original access was confined to only two roads which went along the face of the Bluff, where people and/or cattle walked to access the top of the Bluff.

Fortunately, in these times (and for some years now) there has been created, and constructed, a road which runs more or less through the centre of the Bluff east and west, and over the Bluff, north and south. Other than these roads, the only access to the Bluff in Cayman Brac is through roads that go up the face of the Bluff. Some of these Bluff roads are quite well known, as they are considered major Bluff roads. Some were not it is my understanding. Branching off from some of the major Bluff roads were also other less travelled roads that provided access to individuals' properties.

Unfortunately, when the Cadastral Survey was carried out many years ago, the surveyors did not, for whatever reason, put on the Survey Maps these roads which traversed the Bluff in many instances. In some instances there were some roads put down and some of them were only partially shown. Most of the major Bluff roads, as I am made to understand run north and south right across the face of the Bluff. For example, there is one road called Charlotte's Bluff Road, which is partially shown on the [Survey Map] of the Bluff. So, there has been since the time of the Cadastral Survey (which is now the official record), a situation that truly does cut off persons from access to their properties because no access roads are shown. For persons who have property along the road which runs centrally through the Bluff (east, west, north, and south) life is made easy for them; there is no problem in accessing those. But behind those proprieties, in many instances hundreds, perhaps a few thousand, parcels of land—which could be accessed if people walked the old original road—do not appear on the Survey Maps.

The face of the Bluff bears the greatest significance in that in all normal circumstances where the roads on top of the Bluff do not suffice, the face of the Bluff would be the passage over which persons would travel to reach the top. Because of this, I am reliably told that during the Cadastral Survey the Government treated the face of the Bluff as Crown Land. That made it possible for all people on that Island (Cayman Brac) and persons who may purchase land from the people of Cayman Brac to have an unrestricted access to reach their land on top.

Madam Speaker, I might add at this point that this Motion is not asking Government to get into any vast expenses, but simply by written word declare and define the face of the Bluff. Perhaps I can enlighten the House more clearly from the official records of the Development Plan, 1977. I read from the first page: "**These documents may be known as the Development Plan 1997 and supersede and replace all previous development plans in-**

cluding the proposed Development Plan for the Cayman Islands 1975 and all Appendices and Annexures."

And over on the inner side of the front page is an inserted statement which reads: "**The Planning Statement for the Cayman Islands, 1997, together with its Appendices and accompanying map was approved by Government Motion No. 3 by the Legislative Assembly on the 28th day of July, 1977 [signed] Sybil McLaughlin, Clerk of the Legislative Assembly.**"

Madam Speaker, I am therefore referring to an official document that has been in effect for almost 17 years.

I would like to turn to the page, which deals with Appendix I, the Development Plan 1977. It is headed "**Guidelines for Development Control in Cayman Brac.**" I would like to read a few excerpts from it: "**3. The following proposals and considerations are submitted by the Development Control Board in consultation with members of the public of the two islands for incorporation in this Statement. [being the 1977 statement I have just referred to] (b) Any person's existing rights of property must not be taken away through zoning or other regulations.**"

I understand that to include the existing rights of persons to travel freely over the face of the Bluff, as it has been for generations (and as was recognised during the Cadastral Survey), this should remain and not be restricted by any one or two or three individual persons claiming the face of the Bluff.

Madam Speaker, this document speaks specifically of the Bluff. In subsection (d) of section 3, I read: "**(d) The following GUIDELINES should be used in assessing any proposal on the Bluff: (i) It is recommended that wherever practical agricultural land (locally known as moldy land) will be retained for present and future use for pasture of horticultural purposes. (ii) Adequate road access through the whole length of the Bluff should be provided whether for agricultural or residential purposes...**"

It refers to a survey which was then in place, or was made by the Public Works Department, which I think has been at least partially carried out by the establishment of the roads on top of the Bluff. It reads: "**A survey of such a road was prepared by the P.W.D. and should be reexamined immediately for adoption wherever it is practical to do so. It is desirable that rights of way should be granted without charge to permit development on either side of the road whether for public or private purposes.**"

Madam Speaker, this Motion said in the recital that the Bluff is an outstanding geological feature of Cayman Brac, and has had significance to the people of Cayman Brac.

Sub subsection (iii) says: "**It is recommended, that the Bluff is a unique feature of Cayman Brac and an important attraction to visitors. Every effort should therefore be made to retain the unspoilt visual aspect of the cliff face of the Bluff.**" In terms of access, this document made a recommendation which is: "**(iv) It is recommended, that wherever possible that sufficient**

access be provided at the top of the Bluff to permit the public to enjoy the scenic views along the Bluff edge." And its importance is expressed in the paragraph where it says: "**(v) The people of Cayman Brac believe that the Bluff is needed for residential use in view of the potential danger of hurricanes on the low lying land and the limited amount of such lowland available for residential and other development purposes.**" Madam Speaker, I think that is much more concise and perhaps clearer than I might attempt to do myself.

I would like now to refer to subsection (r) of section 3 which reads: "**Careful consideration should be given to preserving the detached rocks known as "cays" for their scenic and landscape value when planning development anywhere in the Brac; (s) should similarly be taken to identify, protect, preserve, explore and evaluate the valuable caves on the Brac which are of importance for their scientific and tourist interest.**" Madam Speaker, the caves in Cayman Brac are just about all located on the face of the Bluff. If we could picture the floor of this Honourable House as being the lowland, say, under Peter's Cave—which is one of the largest caves in Cayman Brac and is used every time there is a hurricane and is one which the people and the Public Works Department also maintain to some extent by sanding the floor of the cave, etcetera, for persons to be sheltered in time of hurricane—if someone owning the lowland claims to own the face of the Bluff (which would prohibit persons walking on that road to reach that cave), it goes without saying what effect that would have. The face of the Bluff, I would liken to the sheer slate walls of this Honourable Chamber, they are as sheer as these walls. In some places, I am told they rise to 180 feet in height.

I would liken the "keys" to which this Motion refers, to the metal chairs which sit against the walls of this Honourable Chamber— against, attached to— and for the purposes of this Motion would draw a clear example of what the Motion refers to.

This Motion is asking the Government, once and for all, to simply declare what has been the case in practice— that the sheer face of the Bluff in Cayman Brac is Crown land— and the "keys" (like the chairs here) which are virtually attached to it, are part of that Bluff face; unless any landowner on the lowland can prove that they cultivated or otherwise used productively these huge boulders (large rocks) as part of their land.

Madam Speaker, I do not think that there would be too many people who could really lay such a claim. For while these chairs are maybe 18 inches in height, some of these pieces of rocks that have broken off from the face of the Bluff and have fallen to the ground, are huge and jagged and rise anywhere from two feet to 15, 16 or 18 feet into the sky next and are attached to the sheer face of the Bluff.

Madam Speaker, there are some huge boulders that broke off from the face of the Bluff whenever there was an eruption underneath the sea (I do not know how many thousand years ago that created the Bluff) 50 feet or,

maybe, 100 feet, in some instances— away from the face of the Bluff. This Motion does not refer to those keys, for they are also called "keys." All around those boulders and pieces of rocks is flat land and people cultivate around them. This Motion does not refer to any such keys or boulders.

If anyone gets a map of Cayman Brac and looks at the Bluff on that map, they will see that for just about every foot of the Bluff, where these huge keys and boulders exist, there is a line running down along the Bluff, east to west. That strip of land is shown as Crown land, as it logically should be. Ninety-nine point nine (99.9%) percent of the lowland on both sides of the Bluff in Cayman Brac is shown on the map as going to the foot of those keys. No one in his good sense would try to scale up those 15 or 18 feet of rocks to get on top of those jagged rocks, or would attempt to defy gravity to walk horizontally up the face of the Bluff.

This Motion is simply asking that Government declare the face of the Bluff as being Crown land, thus ensuring access indefinitely to the people of Cayman Brac as has been the practice. Anyone who might purchase land from the people of the Brac would want to know that there is some access. Because of the situation with the Bluff road not being placed on the map, the majority of the landowners there do not officially have access.

The face of the Bluff should be defined. When I say defined, again I turn to the Development Plan, 1977. It has various words in it such as "duplex," and the word duplex is defined. It says it means two dwelling units; one above the other or side by side having a party wall or being on one lot.

It defines "heavy industry" to mean any industry other than light or cottage industries. It even defines the word "law" to mean the Development and Planning Law. So all this Motion is saying to the Government is would it please declare officially (what has been the case and the concept and practice) that the face of the Bluff be Crown land and define "face of the Bluff"?

The definition which is recommended is that the face of the Bluff, including the "foothills" or "keys" I have previously explained be deemed to be included as Crown land forming the face of the Bluff. And there is a proviso here— unless landowners on the lowland which the Plan has said is in great scarcity, therefore the need for the Bluff can positively establish that the "foothills" or "keys" are cultivated, or otherwise used productively, by the person on the lowland making the claim.

Madam Speaker, that is the case for this Motion, and I leave it now to the House to decide. Thank you.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, I rise to speak to Private Member's Motion No. 23/94. There is very little that can be said to this Motion at this time.

Madam Speaker, it is my understanding from the records that adjudication was carried out by the Cadastral Survey. All plans were exhibited for a period of two months for public scrutiny and objections. The records

revealed that there were no objections filed by anyone, therefore the Adjudication Records were completed and closed. It is my further understanding that there is only one parcel that is presently causing a problem and it is between two landowners on Cayman Brac. It is a private landholding and the two individuals have chosen to take it before the Courts for a decision.

Madam Speaker, therefore, I believe it would be improper for me, or for the Government, to stand in this Chamber and go into this matter in depth. I would also like to say that on this basis, the Government finds it hard to say more on it at this time, and we will, no doubt, not support the Motion.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Madam Speaker, I rise to support Private Member's Motion No. 23/94, entitled Declaration and Definition of Face of the Bluff, Cayman Brac, as Crown Land.

Madam Speaker, I have spent most of my life in Cayman Brac. From my earliest recollection, I always knew the face of the Bluff to be considered Crown land. Further to what the Honourable Minister replying for Government has said, I was there when the Cadastral Survey put the parcels on display, and there were no claims to the face of the Bluff as it was accepted as being Crown property. Therefore, it bears out what I am saying here today. I understood, and I am sure generations before me understood, that that was the face of the Bluff.

Later in my career, serving as Chairman of the Development Control Board, I recognised that; and also as a Member of the Central Planning Authority, I also recognised that. As Chairman of the Development Control Board, I had applications for building at the extreme end of the Island to leave buildings over the edge of the Bluff, and we did not have the authority to extend this privilege as the face of the Bluff was Crown property, and not owned by the persons making the application for development.

Therefore, I do not think there is a question as to the legitimate ownership of the face of the Bluff. I think that we have all tried to preserve this, because in the early days prior to the Government building a Hurricane Shelter in the 1980s, most of the less fortunate people of Cayman Brac (and, indeed, most of the people of Cayman Brac) went to caves during inclement weather and when hurricanes were approaching, as they were felt to be the safest areas since most of them are at a high elevation. On a small island like Cayman Brac we fear the tidal waves, one of which swept the island in 1932. Being Crown property everyone has a right to go into the caves.

Some families have protected and improved the condition in certain caves, and some have a sort of priority to them. But no one has a right to refuse anyone entry since the cave, being on the face of the Bluff, is owned by the Crown—it is Crown property.

Madam Speaker, therefore, with what I have said, I feel that this Motion is only echoing what has been known as a fact, and which was borne out by the Cadastral Sur-

vey when the people in Cayman Brac valued their land. And I assure you, any one of us who would have just reason and right to claim the face of the Bluff, certainly would have filed a claim for it.

So, with these words, I support the Motion.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I do not know a lot about Cayman Brac, but by listening to the debate, I cannot support Private Member's Motion No. 23/94. In presenting this, the Mover left a lot of unanswered questions. I would like to ask the Mover to answer some of these questions that I would like to bring out here.

First of all, the number of lots was not mentioned. It says that there are several owners, but no number of lots was brought out. Secondly, how does the Mover propose that Government obtain the keys and foothills? Is this by acquisition, or does the Crown just declare and take over this land; or is there any payment of money involved in doing this?

He read from the Development Plan 1977, that the Public Works Department was to complete a survey. Has this survey been completed? If the survey has not been completed, has there been any representation made to the Public Works Department to complete it?

If I remember correctly, on travelling the road on the Bluff, I believe that this road runs north and south. I also believe that there is one road going to the east, and the Honourable Minister has mentioned that he is only aware of two landowners that are locked away. All Members of this House received a letter from a certain individual in Cayman Brac. Upon receiving this letter, I made a few telephone calls to individuals in Cayman Brac. They also supported the letter. Therefore, with these uncertainties, and with what the Honourable Minister has stated, I cannot support this Motion.

Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I have a suggestion that I would like to put forward on this Motion: It is that in a short time from now we will be reviewing the Development Plan and perhaps that will be the ideal time to settle, once and for all, the questions concerning the face of the Bluff. I say this because the Development Plan, 1977, recognised the significance of the Bluff in Cayman Brac.

The Members of the House at the time made certain that it was mentioned in the Plan. In fact, the Development Plan was the most controversial piece of legislation that I ever put through this House in the years that I spent on Executive Council. But we were not able to treat the Bluff in Cayman Brac with the fullness that we should have, in that there had been strong objections in Cayman Brac to the Development Plan on a whole. Of course, they were right to stand against the previous proposal,

that is, the Development Plan, 1975.

Despite the fact that the new Government in 1977 had given the assurance that they were discarding the 1975 Plan and putting forward a reasonable plan for the development of the Islands, the people in Cayman Brac and Little Cayman still held strong views against such a Plan. The result that was realised was that the Members, as usual, paid strict attention to the wishes of the public. All matters pertaining to Little Cayman and Cayman Brac were dealt with in a very delicate fashion. So, as far back as 1977, the Legislative Assembly was aware that cognisance should have been taken of the face of the Bluff, as indicated from the statement read in the Plan. But their hands were tied in that the will of the people of the Sister Islands did not permit the Members of the Assembly the freeness that they needed to settle the question.

I would urge the House to postpone this Motion until such time as the public in Cayman Brac and Little Cayman can have an opportunity to review the Development Plan for the Islands. That would be a good time to make whatever suggestions they have with regard to the ownership of the land, because the Development Plan itself is worthless without the ancillary legislation that will go with it— the Planning Law, any changes in the Adjudication Law, and all other matters surrounding the use of land.

I do not think we should hastily move now to settle a matter which has existed for hundreds of years without, as the Member pointed out in his own debate, a proper definition in the Plan; for the other ominous reasons which we know about, such as the case which is pending, and probably which will be settled long before we do anything about this. So I urge the Legislative Assembly not to take any action on this Motion at this time, although I believe fully that it is a matter which requires attention.

I, therefore, will have to cast my vote against this Motion. But, if I am here at the proper time in the future, I will definitely be committed to looking at this matter again.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The Honourable Minister who spoke earlier, and under whose Ministry land falls, specifically stated that a procedure had been set out under the Land Adjudication Law. That Law was to have settled all disputes relating to land and, in effect, all land in the Island was put into litigation and was litigated on. Having gone through that process, it is not just simply a matter of this Legislature passing a resolution to turn private land into Crown land.

As I understand it— and supporting what the First Elected Member for Cayman Brac said— just about all of the sheer wall of the Bluff is Crown land, and that was at the adjudication stage. Where the problem seems to come in is over Bluff land that is not sheer, but which has a gradient going up to the Bluff. Apparently, some of that has been adjudicated as being private property— not very much of it, I understand, but some has. So, the fact that the Land Adjudication Law has dealt with and/or there has been a satisfaction of the process under that 1971 Law, that effectively deals with ownership of all

property.

The Mover of the Motion, the Second Elected Member for Cayman Brac and Little Cayman, dealt extensively with the Development and Planning Law. But this does not deal with ownership of property, it deals with the use that property can be put to. While what he read would support, in many areas, parts of his argument, one cannot effectively take private property and turn it into public property under the Development Plan, nor can one take...

Mr. Gilbert A. McLean: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, Second Elected Member for Cayman Brac and Little Cayman?

POINT OF ORDER
(*Misrepresentation*)

Mr. Gilbert A. McLean: Madam Speaker, Erskine May at page 381, "Misrepresentation of a Member's Speech." He is misinforming the House. I made no statement whatsoever about taking private land and turning it into Crown land.

The Speaker: Minister for Education, can you explain please, before I make a ruling on the point of order?

Hon. Truman M. Bodden: Yes, Madam Speaker. If you look at the Motion itself, and his argument as I understand it is that it says: "...**THAT Government officially declare that the face of the Bluff, including the 'foothills' or 'keys,' is deemed to be included as Crown land forming the face of the Bluff...**" That is now partly private land, and the Motion is seeking to change private land (and this is apparently what the dispute is about) into Crown land. Unless I am reading his Motion different—if all of this land is Crown land—there is no need for him to bring the Motion.

The Speaker: Honourable Member, I am afraid that this is getting to be very misleading in all respects. I think that the Second Elected Member for Cayman Brac and Little Cayman has a point of order. One needs to be careful in their representation about what another Member has said. I cannot really accept the argument, and he has a point that there is a slight bit of misrepresentation.

Would you continue, Honourable Minister for Education and Aviation?

Hon. Truman M. Bodden: Madam Speaker, let me read this resolution because...

The Speaker: Honourable Minister...

Hon. Truman M. Bodden: I accept your ruling... I am not going on that argument at all, I will only deal with the resolution.

The Speaker: Please. Thank you.

Hon. Truman M. Bodden: The resolution says: "**BE IT RESOLVED THAT Government officially declare that the face of the Bluff, including the 'foothills' or 'keys,' is deemed to be included as Crown land forming the face of the Bluff, unless individual landowners can positively establish that those 'foothills' or 'keys' are cultivated or otherwise used productively by them as part of their land.**"

My understanding of this is that where there is property vested in individual landowners, it be declared to be included as Crown land. If the Motion does not mean that, then it need not be here—because if all of the foothills and keys are not in the Crown, then it must be in private individuals. Therefore, the only way that one can change land that is owned by individuals (owned privately) into Crown land, is to go under the Land Acquisition Law, which I am going to go on to. It has nothing to do with the question of cultivating or otherwise using the land productively. That does not, as such, give ownership to property.

As I understand this Motion, Madam Speaker, we are saying take away private individuals' land and give it to the Crown. I am saying that is impossible. I am dealing with the Motion. I am saying nothing to what the Member for Cayman Brac and Little Cayman has said, and I am making that very clear. I am now dealing only with the Motion, what he has said matters not to me. This Motion is basically cutting across one of the most fundamental rights that exist in any country, and that fundamental right is protected under our Land Acquisition Law.

I would just like to read what that Law says: "**Whenever it appears to the Governor that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be presented and the Governor shall cause copies of such notification to be exhibited at suitable places and central locality.**"

That is the only Law here by which one can take privately owned land—owned by individuals—from them, and declare it to be Crown land. There is no other procedure. The Development Plan and the Planning Regulations do not deal with ownership of land. Therefore, I am saying that the Private Member's Motion before this Honourable House is misconceived because under this the basic fundamental rights that one has is that when one owns property, the Crown just cannot take it away from them. If it does, it has to go under the Land Acquisition Law.

More than that, this could not apply in these instances because that does not then turn the land, as such, into Crown land. A process has to be gone through. And individual owners have to be paid for it. But the purpose of it does not have to be to help one individual owner get a right-of-way, or get an access over the land—it has to be for public purpose. This is the difference between the law in this country and, perhaps, the law in the United States—where one can just condemn property, and do so without proving what is set out in section 3 of our Land Acquisition Law. So, there can be no doubt.

I think two very important questions were posed by

the Honourable Third Elected Member for George Town, when she asked the question about the Motion and its referring to individual landowners. Who are they? And, secondly, how is this acquisition to be dealt with? Because, surely, it cannot be . . . and it is not, indeed, with the law of this land, or the law of England, or the Commonwealth countries that have remained under the English Common Law that one can just take land that is in the name of individual owners as private land, and make it Crown land. That is what happens in a Communist Country.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman, I am going to allow the Minister to finish his debate and at the winding up you will have every opportunity to present your views, and reply to expressions he will make.

Mr. Gilbert A. McLean: Madam Speaker, may I speak on a point of order?

The Speaker: May I hear the point of order? And it will have to be a very good valid point of order please.

Mr. Gilbert A. McLean: Madam Speaker, the point of order is misrepresentation of what is in this Motion. This Motion says nothing about taking people's land. It is asking for a declaration and a definition.

The Speaker: Honourable Second Elected Member, I am not allowing that point of order, it has already been raised. You will have every right in your reply of explaining the opposite of what the Minister is now doing. He has every right to present his view, and you will also have your opportunity.

Please continue, Honourable Minister.

Hon. Truman M. Boddan: Thank you, Madam Speaker.

What I am saying here— despite whatever sympathy this Honourable House may have with that individual landowner (whichever of the two, or whomever is claiming these keys or foothills)— is that it is impossible for this Honourable House to just pass a resolution deeming private land to be Crown land. It matters not whether it is cultivated, used productively, or anything else that is stated in here. This is an impossibility of this House, under this Motion, to achieve what is being set out.

The reasons why we cannot do it are very important. If this Honourable House could just suddenly deem the piece of land adjoining some other Government land to be included in it; or they could get around it by amending a definition to include it and take away private property and put it into Government's hands, that cannot be correct. If this is to come about, then the only way it can be achieved is either through litigation in court, in which a person proves that they own the property (and there are sections under the Land Adjudication Law that can be used)— and I do not want to get into the civil side— but I am saying that there is a civil process that can be gone through between owners.

There is also a civil process that can be gone

through between a private landowner and the Government, and that is a different matter. If the Court finds evidence to substantiate ownership, then, naturally, they can make a declaration of ownership. And this is the way people go.

Quite frankly, this Motion as it stands would be usurping the powers of the Court in this country and, by all means, it would be going clearly against the Land Acquisition Law— which has a certain process when Government acquires or deems land to be Crown land. The main principle is that there has to be compensation paid— but it must be for a public purpose. One just cannot take the law and use it for purposes for a right-of-way to get over a piece of land up to the Bluff, or wherever.

So, whatever sympathy may be there, what I am really saying is that this declaration is impossible in law. To be frank, hopefully the day will never come when this Legislature will start taking privately owned land and deeming it to be Government's without the proper process— a Court hearing under the Land Acquisition Law, with a right to appeal and all of this. The sections set up compensation and how that is dealt with and how it must be paid and that sort of thing.

What I will say is that in the previous eight years when I was in Government, we never (except on one occasion) used the Land Acquisition Law, and up to this point (thank the Lord) we have not had to use it. I am not saying that it may not have to be used, because if something is needed for public purpose and a person is not prepared to negotiate reasonably, then, naturally, it will be used. But it was used extensively by the last Government. In fact, most of the time they did not even bother negotiating, they just kept taking people's land, and that trend is wrong. The Land Acquisition Law should be used very sparingly, and then only for a very good public purpose.

In winding up, I support the Minister for Agriculture and Lands who dealt with this land matter. I believe that the Motion is impossible— I know it is impossible, in light of the Law— to be passed. It can achieve nothing and, therefore, what I feel is the proper position is for this to be left for the Court to deal with through the civil process— whether that is against the Government or between individuals. Therefore, on that basis, I cannot support the Motion.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.42 AM

PROCEEDING RESUMED AT 12.57 PM

The Speaker: Please be seated.

I would ask the Honourable Minister for Tourism, I think we had a brief discussion, and I would ask him to tell the House what really happened since we suspended proceedings for 15 minutes.

EXPLANATION CALLED FOR BY THE SPEAKER

Hon. Thomas C. Jefferson: Madam Speaker, we are very grateful to you for allowing us to have a discussion with all the Members so that we could talk to each Elected Member of this Honourable House on the delegation that proposes to go to Washington, D.C. I found the discussion helpful and I believe as we said when we read the statement that particularly all Elected Members of the House would have input into what the delegation would deal with.

I do not believe that it is necessary to go into any details, Madam Speaker, but basically to say how thankful we are to you for allowing us the time for discussion.

The Speaker: Honourable Minister, I think it is my duty to say that I knew nothing of what was happening. I had suspended the proceedings for 15 minutes, and I did not have the pleasure of being notified by any Honourable Minister or other Member about what was happening.

While I appreciate the urgency of certain matters, I think that the House is due a certain amount of respect in these matters. If I had been notified it would have been a horse of a different colour, and perhaps Honourable Members will see to it that this does not happen again. Thank you, very much.

Proceedings will be suspended until 2.15 pm.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.18 PM

The Speaker: Please be seated. Debate continues, Private Member's Motion No. 23/94. The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, when I was asked to second this Motion, I knew nothing about any civil case in court. So my support for this Motion has no bearing on any such case. Let me also quickly state that it has been my understanding, that while no individual made any claims to the face of the Bluff during the process of the Cadastral Survey, that the Bluff itself, although it is basically understood and accepted that it is Crown property, has not been legally done. While my understanding might not be correct, I have been made to understand that the face of the Bluff is vested in the Crown. Standing here I cannot, by any proof, say yea or nay; I have to go on my understanding at this point in time.

Madam Speaker, I know the manner in which many of the trails that have been used for generations by the people on the Brac have been used and by whom. One of the first things that came to mind when I was told about the situation was the fact that generation after generation of Cayman Bracers have been courteous to each other with regards to passage through property; use of roads going up onto the Bluff, or whatever, whether to till the soil, attend to cows or to go across to the other side for fishing. While Cayman Brac has not fully become like Grand Cayman, the fact is, there are foreigners who will purchase property, and who have purchased property. I

have held a great fear that where properties were passed on from generation to generation in olden times— that not being the case now— some of these properties go straight on to the Bluff, and other persons are purchasing them. I can see problems down the line with individuals not wanting other people to cross their property to use these roads. I held the view that if the face of the Bluff is vested with the Crown it could eliminate such problem.

I heard other views expressed, and I have also gathered the impression that some people might hold a view that this Motion stems from a case that may be in Court. I can only say that to the best of my knowledge, this was (and still is) not the case. The First and Second Elected Members for Cayman Brac and Little Cayman have held a view that I support.

Thank you, Madam Speaker.

The Speaker: If there is no other debate, I would ask the Mover if he wishes to exercise his right of reply.

Mr. Gilbert A. McLean: Madam Speaker, thank you.

This Motion which I have brought before this Cayman Islands Legislative Assembly was a Motion asking the Government to take certain action which is right and necessary for the people of Cayman Brac, whom I represent. It is not a Motion that asks for the Government to spend lots of money, or that they could say there were no funds provided for it; it is a Motion that was absolutely straightforward.

For several days, I have been sniffing in the wind and there were certain Members of the Government and, indeed those associated therewith, that had intentions of perverting this clear and straightforward Motion as has been done this morning. I do not intend to allow that perversion to go unexplained or unchallenged, and I am not the least bit surprised that this Motion is not being accepted.

I am aware that with all of the hot air and (as it was described yesterday by my colleague, the Fourth Elected Member for George Town) with all the "buffoonery" that goes on in here, I in particular face the greatest challenge of having any motion passed— simply because I am the Mover of the motion.

I accept the fact that the Government is quite incapable of accepting what is clearly, as in this case, a straightforward motion, and one that would help the people of Cayman Brac. This Government has sworn, Madam Speaker, to do whatever it possibly can against the best interests of the two Islands, for which I am one of the representatives. This was stated, from way back on the 23rd of October, 1992, by the person who is now the Honourable Minister for Education and Aviation, when he attempted in his usual fashion to order the people of Cayman Brac to vote for certain people he felt they should vote for. And in his usual fashion, he told them (and I quote from an article of previous times), **"Please remember that without a team behind your candidates, they are not going to be able to achieve anything. They can sit on that Backbench as a lone voice and cry for four years but, they are not going to get**

anywhere" (The *New Caymanian*).

So he and his colleagues are carrying out that threat. But, by this time that Member should understand that he has not stopped this lone voice from crying. And although he might believe otherwise, there are a lot of people who are listening to that voice, who have made certain decisions with regards to himself and his colleagues who presently run this Government.

Madam Speaker, how this Motion ever became a motion asking the Government to take away peoples' private properties could only be found in the dark recesses of the mind of the Minister for Education and Aviation. In the 1992 Election, he was part of a group that named itself— and he named himself— "dependability." As surely as I am alive, I could depend on the fact that he would have twisted, distorted, and perverted this Motion the way that he did.

I would like to quote what he said at one point, from the transcript. I quote: **"My understanding of this [speaking of the motion] is that where there is property vested in individual landowners that it be declared to be included as Crown land."** Madam Speaker, not even the most mentally retarded within this country could possibly believe this Motion to be asking for that. Not even the worst-off mentally lame in this country could believe that.

In fact, this Motion could never have made it to the floor, I am sure; for the Presiding Officer— the Speaker who allows motions— would have stricken such a Motion and, indeed, would have made me (the Mover), and the Seconder know in no uncertain terms that we were either crazy or perverted— like the Minister for Education and Aviation obviously is— to suggest it.

He went on to say, **"if the Motion does not mean that, then it need not be here. Because all that land under this Motion if all of the foothills or keys are not in the Crown then it must be in private individuals."** Whatever that means.

Madam Speaker, I do become agitated — as I rightly should— when I believe that the people of this country deserve better than such twisted misrepresentations in this House.

He then led off into the Land Acquisition Law. And this Motion says nothing about acquiring any land under the Land Acquisition Law. This Motion clearly states that the face of the Bluff— which is known as, and has always been held to be, Crown land— be so declared in writing.

The First Elected Member for Cayman Brac and Little Cayman, whom I give all credit to where it is due— indeed, in this case I believe he is one of the most informed persons on the question of the face of the Bluff (and land generally, in Cayman Brac and Little Cayman) because he is a large landowner himself and he has been the Chairman of the Development Control Board there for years.

In some of the bigger developments during the time of the last Government, he was the Chairman of the Control Board. I believe him also when he states that he was aware at the time of the Cadastral Survey that no one claimed the face of the Bluff. There was no claim to it. If

there were no claims to it, no one but the Crown could own it; and it is a matter for the Crown to say, yes, they did— for now and for the future generations.

Madam Speaker, I received a letter from a person in the Brac (as did other Members) who felt he must respond in regard to this Motion. The Attorney General raised the matter from the very beginning just prior to the debate, and I made it clear that as far as any one individual goes it does not exist. And I have no brief whatsoever with any one individual in the Brac regarding the face of the Bluff. Now I imagine the Third Elected Member, and the First Elected Member for George Town must— for that is why both of them entered into this debate. I hold no brief for anyone and if they do, that is their business and their affair. I do not.

Now the Minister for Education and Aviation refers to what the Third Elected Member for George Town had to say about the Motion when (according to him) she was referring to individual landowners and who they are. Well, the people who own land on the Bluff and at the foot of the Bluff run into the thousands. I made no attempt whatsoever to find out about all of the people, or the number of people who own land in Cayman Brac. The Bluff stretches from the sea to the east of the island down to just east of the island on the west end of the Airport. Why should I have cause to count numbers and parcels and people?

What this Motion is saying is that a situation can be helped. Help it! That is what this Motion is saying. If those two Members are talking about taking away land from any person in Cayman Brac, the only thing I could do is warn them to be careful. I do not know what it is all about, but they should be careful and mindful, because there is a Land Acquisition Law, and who knows what is in the pot of stew. Who knows what might have been decided in the last Tuesday or Wednesday evening meeting of the people who, in a majority, form the present Government?

Madam Speaker, another thing— and this is consistently the way the Minister for Education and Aviation is bent. He talks about the Motion suggesting that you take away private land from people and that it is basically cutting across one of the most fundamental rights that exists in any country; and that fundamental rights are protected under our Land Acquisition Law. How dare the Minister for Education and Aviation utter the words "fundamental rights." How dare he! When he wrote a Constitution which he and his associates imposed on this country and from which he removed the fundamental rights and freedoms of the individual. It is an irrefutable fact!

The British Government gave us this Constitution, and the first chapter dealt with the individual rights and freedoms. He came to this House and began to destroy the fundamental rights and freedoms of the individuals in the Cayman Islands that we could have had, by first removing one of those rights— which is considered the most profound— the protection of freedom of conscience. It cannot get much more personal than that, Madam Speaker. We live on top of the earth and the day we stop living we go underneath or we rot on top. But the conscience is purely within, and is totally individualistic.

The British Government, we can believe, must have

thrown its hands in the air and said, 'Well, we cannot believe this. This is too much.' And, apparently, they said as much to the Minister for Education and Aviation, who is talking about protection of fundamental rights and freedoms. What was his answer to that? He came to this House, and got this House— not with my vote I may add!— to strike from the Constitution the fundamental rights and freedoms of individuals. He dares to stand up and talk nonsense indirectly to me about the fundamental rights and freedoms?

Madam Speaker, I do not want just to see the fundamental rights and protection of deprivation of property being in the Land Acquisition Law. I want to see that in the Constitution of my country where it is more difficult for him to be able to play with it. If he wants to talk about the fundamental rights and freedoms in this country and what people need fear, I think this country needs to fear him for the fact that he will not allow a Bill of Rights to be passed in this country. And if he wants to do something about it, let him get that Select Committee of Un-fundamental Rights and Freedoms up and going, so that many of the things which are happening now would simply run afoul of the Constitution under the various sections of Fundamental Rights and Freedoms.

Madam Speaker, I am not quite sure why this Member inevitably gets going on anything, particularly anything on which I have stated my opinion on, or have debated or, certainly, any Motion— even questions which I ask. He always seems to have to create some kind of sentimentally, or try to evoke some kind of emotion (which he believes the public is hearing and believing) which might make it appear that I was devoid of such understanding, or did not support. Only last week in a question about the 600 feet of runway . . . I do not know how he got children into the flight path of the airline landing in Cayman, but he did! As if that was being done to the children.

He has another theme too, and one of his favourite words is "radical." I find him quite *radical*, because he *radically* purports the most straightforward sentence in the English language— he is capable of that.

Another thing that seems to linger in his mind always is this thing of Communism, and a Communist country. Again, with inferences and innuendoes he tries to push that accusation in the direction of certain people— including me.

Madam Speaker, let me ask the Minister for Education and Aviation, since his obsession with Communism is so great, if that is what has driven him towards applying to the Communist Island of Cuba for Cayman Airways to fly in there? I never heard of it happening in the days of the late, great Jim Bodden!

What are we dealing with here? Who has the Communist intention? Not any Motion that I bring here. Surely, not me. I have never gone to the country. I have read history about it. I know there are lots of boat people who leave here on the weekends and go to gallivant over there, or so I am told . . . piña coladas, banana daiquiris over in Cayo Largo and the likes. [*Members' laughter*]

I have never been there. I have not gone there officially, semiofficially, for pleasure or for anything else—

ever. So, where does this Communist thing come in? Or where should it rightfully be placed?

Madam Speaker, there is a hymn that says there will be peace in the valley someday, but I do not see much peace around as long as the Minister for Education continues with his perverse way. On this occasion, as on others, he loves to invoke the name of the Lord, and to thank the Lord. Well, let me inform him that were it not for my thanking the Lord on many occasions, and realising that there is immense strength in Him, I would have simply withered up and died under the assaults from the Minister and his associates since 1991 until this time.

But, like the prophet Elijah, when he said, "Lord, they have killed all of your prophets, and I am the only one left, and I am fleeing out here in the wilderness. I want to hide." The Lord said, "Get up and go back, because there are thousands that have not bowed down to Baal."

I have not bowed down to the ridiculousness so often brought in this House, and so often done by this Government, and I never will. I know that is a hard pill for them to swallow, but that is one that they must.

Madam Speaker, if this Motion were brought by another Member it would most likely have passed. But, it was brought by me. That in itself is cause for the Government of the day to refuse it. They have done nothing whatsoever to help this situation. The face of the Bluff will still go on being referred to as Crown land after today, and it will be undeclared. When foreign persons come and buy land on the Bluff . . . and one day someone from the Brac will perhaps be walking up the face of the Bluff, over a trail leading up the face of the Bluff towards that foot path to his property, he or she might find themselves challenged. There are people who will get lawyers to stop those people from walking those trails too. Where will the Minister for Education and his associates be on that day?

I went to the Brac for the first time in 1967. I visited a few times after that. I was for one year in 1980. I am now one of its elected representatives. I do not claim for one minute to know all about it, but certainly I have taken the time to look into the Development Plan to learn from the people who do know—some of them are 80-odd years of age. If we can do one right thing in declaring this, then that should be done.

I want to warn the people of Cayman Brac that they must be very watchful. The Government of the day may be out to take their property and call it Crown land. They must know something that I do not.

The foothills or keys, as I described this morning, are pieces of the sheer face that have broken off and are down attached to the sheer face at the bottom. So it is sensible, reasonable, to define what the face of the Bluff is. Just like the Development Plan defined the duplexes, and tourism property, and different zones— define it. No foreign person buying land after that, or confronting any Cayman Bracer who might be walking on what he knew as a Bluff road (or the face of any part of that Bluff which has been that way for the past 200 years) would have a problem knowing what the face of the Bluff is. But, no, that is not being done. What is being done is absurd, with ridiculous suggestions about taking people's land.

It is as though this Motion provided for people who wanted to claim some of those pieces of rock. If they can show that they are using it, and using it productively, they may lay claims to it. Let them. There is a provision there for that. But I believe it is as the First Elected Member for Cayman Brac and Little Cayman has said—there were never any claims to it. It seems to me that the only people who know that there is claim to those jagged rocks, and so on, are the Minister for Education and the Third Elected Member for George Town. They know what they claim to know—I know what I can read and understand from the people affected, as best that I can.

Madam Speaker, they can vote down this Motion, as they have done so many, and continue the pattern of destruction that this country has, unfortunately, been undergoing. I do not think it has become accustomed to that. I would just leave one thought with the Members of Government: Those who are the most verbal in support of their policies of destruction are seldom in the majority. We hear of the silent minority—they are the silent majority. They are the greatest in numbers, including some of those who write to the local newspapers and are afraid to sign their names. They also fall within that category of the silent majority.

So, let those who hold grief for this one individual that I hear about in the Brac—and, apparently, all the Bluff must be for this individual, or all the lands thereunder, and so forth, and so on, that the court is going to stand still for—let it continue; there is another day coming. There will be people who will look after the interests of the Brac, as I am attempting to do. Certainly, one such individual will be approaching from the East, like Nostradamus spoke about in his *quatrain*s— not wearing a blue turban, but wearing a big East End straw hat.

The day is coming. It is approaching. Things will not always be this way, and those who are comforted now by sheer numbers to do anything and everything that they choose, will find themselves stricken before that silent majority.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion 23/94. 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 please?

The Speaker: You certainly may.
Madam Clerk.

Clerk:

DIVISION NO. 13/94

Private Member's Motion No. 23/94

AYES: 4

Mr. D. Kurt Tibbetts

NOES: 10

Hon. J. Lemuel Hurlston

Capt. M. S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden

Hon. Richard H. Coles
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. D. Dalmain Ebanks
Mrs. B. L. Thompson Murphy
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

ABSENT: 4

Hon. George A. McCarthy
Hon. John B. McLean
Mr. John D. Jefferson, Jr.
Dr. Stephenson A. Tomlinson

The Speaker: The result of the division is four Ayes, ten Noes. The Motion, therefore, has not been passed.

NEGATED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 23/94 DEFEATED.

The Speaker: Private Member's Motion 24/94.
The Fourth Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 24/94

THE IMMIGRATION (AMENDMENT) LAW, 1994 (LAW 4 of 1994)

THE IMMIGRATION (EMBARKATION & DISEMBARKATION CARDS) (EXEMPTION) REGULATIONS, 1994

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I beg to move Private Member's Motion 24/94, standing in my name, which reads: "**The Immigration (Amendment) Law, 1994 (Law 4 of 1994) -and- The Immigration (Embarkation and Disembarkation Cards)(Exemption) Regulations 1994.**"

"In view of the many serious concerns expressed to some Members of the Legislative Assembly by certain members of the Royal Cayman Islands Police and Immigration and Customs Departments on the recent amendment to the Immigration Law, 1994, and the Immigration (Embarkation and Disembarkation Cards) (Exemption) Regulations 1994 made in Council;

"**BE IT RESOLVED THAT Government review the matter and reinstate section 47 of the Immigration Law to its original form in light of the concerns expressed.**"

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. 24/94, having been duly moved and seconded is now open for debate.

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

This Motion has been brought here with the full knowledge that it has a controversial nature. And it is fairly complicated to assess the good and bad of a situation. But after the recent amendment to the Immigration Law and the Regulations that followed, I have had discussions with several individuals regarding problems that have arisen in certain areas because of the amendment to the Law and the new regulations.

So that we may fully gather exactly what the new situation is, let me briefly go to what the old time people used to call "what used to was."

In the Immigration Law of 1992, section 47 reads (and this is all to do with disembarkation and embarkation cards— what we know as the pink slips): "**47(1) Whoever disembarking in or leaving the Islands fails to complete and hand to an immigration officer immediately on arrival or departure a disembarkation card or embarkation card, as the case may be, in the prescribed form is guilty of an offence.**

"(2) It is the duty of the Chief Immigration Officer to cause records to be kept and maintained of the entry of all persons into these Islands and of the departure of all persons from the Islands.

"(3) Without prejudice to anything in the Evidence Law, 1978, any such record shall be received in evidence in any court or in any tribunal whatsoever in the Islands as evidence, prima facie, of any entry or particular entered therein."

We had an amendment to the Law that brought about the new regulations dealing with section 47. The Explanatory Note on the new regulations reads: "**These regulations give effect to the recent amendment of the Immigration Law by exempting persons who travel under Cayman Islands passports from the requirements of section 47(1) of that Law. This section required all travellers, including Caymanians, to complete and hand to an immigration officer a disembarkation or embarkation card when disembarking in or leaving the Islands. These requirements will not apply to persons who hold Cayman Islands passports and can produce to the immigration officer their valid passport when entering or leaving the Islands.**"

I do not think that I have to make a correlation between how the Law used to read, and how it now reads because that is basically what has happened.

It is certainly not for the purpose of saying to the Government that a very serious mistake has been made in passing the Law and making the regulations that I bring this Motion. The truth is that I know from my own experiences that many of the people who live in these Islands and hold Caymanian passports, have made representation on more than one occasion to other Members—whether to the Government Bench, or ordinary Elected Members, like me— regarding the fact that the citizens of the United States are not expected to fill out these cards and wait in line like everybody else. So, it

was a move made by the wish of the public not to have to fill out these E/D cards.

When the original Bill was brought to the House, there was some debate. I think it was the Acting First Official Member who brought the Bill to the House, and in his winding up he said: "**Madam Speaker, I believe it is timely that Caymanians be treated as first class in their own country.**" (1994 Official Hansard Report, Vol. I page 91)

I understood what he was saying then, but I am not asking for them to be treated as second class by this Motion. He alluded to the fact that he had travelled on many occasions from the United Kingdom across the Atlantic, on to Grand Cayman, and after long hours of travel, his statement reads: "**I really do not feel like standing in line for half an hour or 45 minutes before finally getting through. I believe that Caymanians on a whole will appreciate this amendment and appreciate this opportunity to enjoy something that I consider would be first class in their own country.**" (IBID)

Madam speaker, the Member had every right to feel this way. I believe that many Caymanians were happy to see this amendment where they no longer had to fill out the E/D cards. It may seem at this point in time that I am arguing against myself, but I am not; I will shortly come to the point which I wish to make. I contend that, like myself, the majority of Caymanians who were happy to see this amendment are totally ignorant of the problems that this amendment has caused in certain areas. I will now state a few of those problems.

In the process of interdiction, Immigration records are, on numerous occasions, of vital importance. I do not believe that the people who sat and made their points to me are trying to create trouble. I believe that while their motives may be selfish, because it affects due process in their jobs, that maybe their selfish motives warrant our having a second look. That is why this Motion is here.

I will give a quick example, from a policing point of view, to show some of the types of problems. Policing in these Islands has now reached a stage where our department is in contact with various other countries because there is a lot of travelling between countries, especially in the area of drugs— organising pick ups and deliveries, and such the like. Before the new system was in place, if I was a known drug runner the police at all times had access of my movements by way of the records kept. The way the records were kept, the Immigration Department would advise their Department immediately (once they knew they were supposed to) and they would advise the Police Department immediately of any of my travels—going or coming.

I have been told that on the going process, because the Police knew of my whereabouts (and I am using myself as the example now), they would be able to contact the other country before I ever landed, for instance to make sure that somebody met the flight to put a tail on me because they knew that something might be going down. And they have been successful, on more than one occasion, although sometimes we do not even hear about it here in the Cayman Islands. That is one exam-

ple.

Someone is going to say now, *'Well, we have the other ways in which to trace the individuals.'* By the coming and going process, the only other record that is kept by a Government Department is the Customs card that is filled out upon arrival. The Customs card still has to be filled out; you still have to hand it to the Customs Officer; and even though you might get through the Immigration line earlier, you still have to wait in line at the Customs end before you can go about your business; and you have to fill out the card properly and hand the Customs Officer the Customs Declaration Card. Those cards are bundled up on a daily basis, not kept in any sequence, and shoved in a corner. Every few months, when the pile gets big enough, they are thrown away. That is certainly no record. That is processing the individual through the Customs to go out of the Airport terminal by way of their declaring anything that they may have in their possession at the time. So that is certainly not a record.

The other record that might be said to be kept nowadays is the passenger manifest at the Airlines. I did a test run, which I will speak about in a minute, but let me explain that while a passenger manifest may be of some help, it is certainly by no means reliable. Even the passenger manifests, which are computerised at this pint in time, are done up in the same exact way that the tickets bought for travelling are written up. So, on the odd occasion when I travel, I could have purchased four tickets for four different people in my family and each of them can be D. Tibbetts. That is a fact. There is no guideline that the person writing up the tickets has to follow regarding writing the person's full name on the ticket. So, as the ticket is written, so, too, is the passenger manifest made out. With that in mind, it is physically impossible, if you get your hands on a passenger manifest, to know who each individual is. This is certainly not a criticism of the airlines. The truth is, it is not their business. They have nothing to do with interdiction—it is simply to keep records as necessary.

I listened to a call requesting a passenger manifest, and I would venture to say that the call was placed at a most inopportune time because they were probably very busy. I was told that the call was made a second time three days later, and it was exactly nine days after the first call was made that the passenger manifest was passed on to the department that required it. Like I said, there is nothing that forces them to do it, they have other things to do. Matters of that sort might not seem that important to them. Sometimes, in fact, with the individuals we are talking about, the Police need this information immediately.

For those who hold Caymanian passports—and I have not gone into the research of getting the exact number of people with Caymanian passports (it could well be 13,000/14,000 somewhere along those lines but let us use the figure of 15,000)—the truth of the matter is that of that 15,000, I am sure that 14,800 people should have the privilege of not having to fill out that card. I have not seen another system that will assist the Police in taking care of, or trying to deal properly with, interdiction with those 200 people that are ruining our country. That is

where I have a problem.

I brought this Motion because it was the most fitting forum where I could evoke a debate regarding these problems. The Motion is worded this way because I had no other answer to ensure that a record is kept which is available for those who need it, when they need it. If there is another way, I do not have a problem. It is not that it is my wish to say that we must be strapped with a system of the pink slips. It matters not to me. I do not know of any other way for the interdiction process to have its best chance unless we have access to those records, as and when they are needed. No matter what else I have heard, there are none that are foolproof. There are none where you are assured of the right answer every time.

There are other problems. When it comes to consumption of an illegal drug, the various types, like cocaine, or marijuana, remain in an individual's system at various stages (I do not have to be exact to make the point). I think marijuana stays in the system for six to eight weeks afterwards; I think for cocaine it is some 72 hours afterwards.

I have known of at least seven cases where people have been arrested and they have had to take a drug test. Because they know how the law is, they have said (two of them before the test was taken), *'Yes, I consumed such and such, but I was off the Island.'* No matter what happens in criminal matters before the Court, the onus is still on the Crown to prove the individual guilty.

This has caused some problems, even with the passenger manifest that might be requested. A passport cannot be checked because a passport does not have to be stamped, and Immigration cannot tell the Police Department if this person really left or came back to the Island because they do not have a record. The only sure way, to the best of my knowledge, to prove cases of that nature, is to go to the authorities of the country to which the person swears that he visited; and the information that I receive is that, at best, it is a lengthy procedure and more commonly there are either no positive results, or an officer from this country has to go to the other country and search through a bunch of records in some archives to make this determination. So, there are problems.

I was speaking with an individual involved in the airlines, and he was telling me that he was totally convinced that a system can be put in place whereby the passenger manifest can act as the record that we now need which is not being kept. I am not saying that cannot work, but I am just not able, for lack of more knowledge, to point out how it can work.

If that can work, then I do not have a problem with it at all. But I really believe that there are enough problems for the authorities to warrant the Government's looking at this with a view to having some method to hold the record that is now not being kept for Caymanians (by their not having to fill out the E/D cards) both on leaving and arriving.

There are a few other matters which I can, and will, talk about, but I await to hear the reply from the Government on the Motion.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.36 PM

PROCEEDINGS RESUMED AT 3.57 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion 24/94.

The Honourable First Official Member.

Hon. J. Lemuel Hurlston: Madam Speaker, it is not unnatural when reform such as contained in Private Member's Motion 24/94 is being introduced, that doubts and reservations are noted. When the Government contemplated introducing this reform, the comments by the Immigration Authorities were invited. And the reservation noted at that time was one of concern about how does one satisfy oneself that every person who is in possession of a Cayman Islands Passport has, in addition to that, the unquestionable right of abode in these Islands. Historically, a number of persons have been in possession of passports, but not necessarily having the right of abode because we operate this rather strange and unique system which splits status and nationality. That was the only professional reservation that the Government was advised about at that time.

The decision was taken that, yes, there will be a number of persons who will benefit from this exemption whom we would, technically, not wish to benefit. However, on balance it was decided that we would tolerate a few persons receiving that benefit in order that the majority would not be inconvenienced. It was also decided then that because it was a new exemption it would have to be kept under review, and that any discrepancies or difficulties observed or noted during the early stages of its implementation would be taken note of, and at some subsequent date those reservations and observations would be taken into consideration. Like anything new, Madam Speaker, there are bound to be teething problems. We are still at that stage, where the exemption has been introduced and its implementation is being monitored.

What is rather peculiar is that the representations, which seem to have been made to the Fourth Elected Member for George Town, who is moving this Motion, have not yet been formally made to the Government—not to my knowledge. The Police Department has not reported any interdiction problems, or that any difficulties have resulted from their inability to get information quickly and appropriately.

No representation has been received from the Customs Authorities about any difficulties from their point of view and, therefore, until such time as official representation has been received at the correct level in the Government organisation, one can understand the Government's reluctance to initiate decisions based on representations made at, what I have to regard as, unofficial levels.

There may be supervisors in these departments who are genuinely concerned about the effect of these ex-

emptions, and it is possible that these concerned officers may, with the best of intention, have made representation to the Fourth Elected Member of George Town. But until the Government has had an opportunity to receive those representations at the correct level, it is difficult for the Legislative Branch of the Government to be reacting to that sort of representation.

It is the view, therefore, that the exemption will continue, and that as originally envisaged the matter will be reviewed at some point in the future, and all concerns will be taken into account and all practical deficiencies, if there are any, will be attended to. Should it be found at that time that there is any reason to amend the exemption in any way, the Government will take a decision at that time.

In the meantime, therefore, the Government does not accept Private Member's Motion 24/94. It does not intend to amend the Immigration Law as requested, but it will as originally intended keep the matter under review.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I rise to lend my support to Private Member's Motion 24/94, which is on the floor at this time.

It strikes me that the position of the Government, in denying the request made in this Motion, is doing nothing but making it more difficult for the social control authorities, and aiding and abetting those people who have a vested interest in living outside the law by virtue of their participation in illegal clandestine activities. Also, it is not greatly adding to the convenience of the Caymanian traveller.

Permit me to establish again, that what we are seeking to do (because our responsibility lies wholly and solely with Caymanians and within the Caymanian jurisdiction) is to make it easy, when the necessity arises, to keep tabs (as is frequently the case nowadays) on our own citizens.

This is one of those times when we have to make a trade off. If we are serious about intensifying the war on drugs and clandestine and illicit activities, then we have to be prepared to suffer one or two small inconveniences. I take cognisance of the fact that the Honourable Member replying on behalf of the Government gave the undertaking that the process will be under continuous review. It has, however, been expressed in some circles that this policy will tie the hands of the authorities; that it will be difficult to trace the movements and whereabouts of certain known traffickers. We have to bear in mind that these people are quick to take advantage of any loopholes, be they perceived or real.

The Mover of the Motion gave an example of how this could be exploited in that it could become increasingly difficult for the Courts (which the onus is upon) to prove that illegal drugs were consumed by some of these people—when they give as their defence that they consumed it outside of the jurisdiction—within this jurisdiction.

I am also made to understand that one of the fre-

quent occurrences which can be expected is that the people leave here by an aeroplane and return by a Jamaican canoe (as is not uncommon), and we will have no record of their departure and none of their arrival when this comes into effect. So these are the kinds of things that we have to bear in mind.

We cannot rely on passenger manifests to keep records. Every country reserves the right—every country has to, at any one time, know of these movements and these whereabouts. I am merely saying that the Government has an obligation to seriously look at this matter because it is fraught with danger. They should endeavour to ensure that the system is not further eroded.

Thank you.

[PAUSE]

Hon. W. McKeeva Bush: Madam Speaker, I move that the question now be put.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, as the seconder of this Motion I naturally support the request that is being made by the Mover of the Motion.

I think the records will show that when this Law was changed, I was the only Member of this Honourable House that voted against the change. My reasons then are the same as they are now—I could see no logical reason for changing the requirement where all persons, including Caymanians, submit a departure card and an entry card at Immigration.

At the time of the change, the Law made it possible for the Governor in Council to exempt certain types of persons from this requirement other than Caymanians. My argument was that if this was the case, if the Government wished to exempt Caymanians (as supposedly was the case), it should have said that specifically, and the other terminology should not have been included.

In these times when countries on the one hand are saying let us deal with open borders; on the other hand, these countries are realising the frequency of crime and the interacting of criminals around the world. It behoves each country to be able to keep track of its particular citizens.

As the Law presently stands, foreigners coming into this country continue to fill out the cards we are talking about; and rightly so, because the Immigration Department wants to keep a check on these persons—when they entered, how long they are allowed to remain in the Island, and that they leave the Island when they are supposed to, otherwise they could be over-stayers and in the Cayman Islands illegally. We do not have the problem of a Caymanian being an over-stayer, since this is the Caymanian's home.

I am told by persons associated with Law Enforcement in this country that one of the chief means by which they kept a check on certain individuals was by checking their names as they left and returned to the Island. Often a suspicion could be raised when one saw the frequency

of an individual's travelling back and forth in the Island, or setting up certain patterns in time intervals, where those persons in the law enforcement agencies had cause to believe they may have been involved in illegal activities. I understand that is not available anymore to the Police and it is creating quite a problem for them.

Another point, in terms of Caymanians, is a requirement under the Elections Law that a person voting in an election, or being eligible to vote in an election, has to be resident in the Cayman Islands for a certain period of time. As recent as the last election, when it was a matter of determining who was qualified, the Immigration Department had ready access to records that could show where a person who might be claiming to be eligible might not be, simply because they were off of the Island for a period of time which disqualified them.

There is also the question of disaster situations where a person, for all practical purposes, could be missing. One of two things could have occurred: the person could still be on the island but lost for a period of time; or the person may have left the Island. Because a Caymanian is no longer required to fill out an exit card, or have their passport stamped, a person could be absent from the Island, having left the Islands, and there is no means of assisting whatever parties might be interested in knowing the whereabouts of that person.

One of the biggest cases where jurisdiction was involved and, indeed, extradition was involved, was resolved because the Cayman Islands Immigration Department was able to verify that the person had left the Cayman Islands at a particular time and, indeed, the authorities in another jurisdiction could be supplied with that information. Thus the case, as far as the Law was concerned, was resolved. This particular matter involved three different jurisdictions. Again, it was the simple and common exercise of someone having to show that they had left the country.

On a whole, I think that any well-thinking person in these Islands would want to show when they may have left the country. Since this has been in place, I have travelled and, quite faithfully, the Immigration Officer advises that they do not need the exit card anymore, and neither do I need to have my passport stamped; whereupon I ask in each instance that my passport be stamped when I am going out and when I am coming in, for I wish to be able to account for where I am at any given time. Certainly, this particular amendment and change has made it possible for Caymanians to be off this Island with no record to show.

These are but some views, Madam Speaker, and some conditions. There are, no doubt, many more. I daresay, the Mover will make mention of other instances of where this affects conditions in the country. But I, for one, believe that we did not help ourselves in this country by removing this requirement. Certainly, I do not share the view that for a Caymanian to be a first class citizen, he must be able to walk through his/her Immigration without offering an entry card to Immigration to keep a record. I think that this Motion is in keeping with the reality of the times and I would hope that the Government might reconsider its position and think about reviewing

this matter with the view to reinstating the section that was removed.

Thank you.

The Speaker: If there is no further debate, would the Mover of the Motion wish to exercise his right of reply?

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Just to let you know, Madam Speaker, I do not think I will finish this afternoon.

The Speaker: Well, at 4.30 I will interrupt proceedings.

Mr. D. Kurt Tibbetts: Thank you. Unfortunately, at this point in time there may be some people who view this Motion as one that might give rise to the wrong people to start thinking about being able to do the wrong things. The truth is, the cat is already out of the bag. In fact, the cat, I believe, has had kittens.

There is also the thought that jurisdictions larger than ourselves do not use a similar system for their own native people. If we look at the United States, for instance, besides their regular Police Force and the Sheriffs, they have the FBI, the DEA, the CIA, the IRS, and I, daresay, they probably have other agencies that we know nothing about in this process of interdiction. But what we have to bear in mind in the Cayman Islands is that we have our one little Police Force, and we have access to nothing else.

I think it is safe to say that all of us would like to see crime lessened as time goes on. We would like to see our level of interdiction and success rate at persecutions to be rising. I hold the view that it is imperative that we allow the agency, namely, the Police, as much access to whatever ammunition as is possible for due process to take place with due diligence.

MOMENT OF INTERRUPTION—4.30 PM Standing Order 10(2)

The Speaker: Honourable Member, it is now 4.30. I will ask for the Motion for the Adjournment.

Honourable Member for Tourism.

ADJOURNMENT

Hon. Thomas C. Jefferson: Thank you, Madam Speaker, for inviting me to move the adjournment. I 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. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The ayes have it. The House is accord-

ingly adjourned until tomorrow morning at 10 o'clock

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 23 SEPTEMBER 1994.**

**FRIDAY
23 SEPTEMBER, 1994
10.01 AM**

The Speaker: I will ask the Honourable Third Official Member to say prayers.

PRAYERS

Hon. George 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, Official Members and Ministers 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. Cayman Airways Limited Financial Statement for Period ended 31st December, 1993. The Honourable Minister responsible for Education and Aviation.

**PRESENTATION OF
PAPERS AND REPORTS**

CAYMAN AIRWAYS LIMITED FINANCIAL STATEMENT FOR PERIOD ENDED 31ST DECEMBER, 1993

Hon. Truman M. Boddan: Thank you, Madam Speaker.

I beg to lay upon the Table of this Honourable House the Financial Statement of Cayman Airways Limited for the 31st December, 1993.

The Speaker: So ordered.

Honourable Minister would you like to speak thereon?

Hon. Truman M. Boddan: Thank you, Madam Speaker. During 1993, Cayman Airways went through a re-

structuring programme which saw its fleet reduced from five aircraft, which was then comprised of one 737-400; one 737-300; and three 737-200s, to two 737-200 aircraft. This reduction in the fleet was accomplished simultaneously with the reduction in route structure and the reduction of the airline's overhead.

In the Accounts, at page 5 Note 2, it states: "**In November 1992, changes were made in the Company's senior management and, under mandate from Government in its capacity as sole shareholder, the new management instigated a programme of down-scaling the Company's operations and, where consistent with efficient and safe operations, reducing staff levels, expenditures and fleet size. As an ongoing part of this process, the Grand Cayman/New York and Grand Cayman/Baltimore routes were discontinued shortly after 31 December 1992.**"

The impact on the Company's revenues as a result of the down-sizing was a drop in revenues of just under \$10 million. However, this down-sizing enabled the Company to effect cost reductions of over \$13 million, thereby improving its operating performance by \$3.4 million compared to 1992.

Madam Speaker, the more significant reductions were in staff expenses and salaries, which were reduced by \$2 million as a result of reducing the number of staff by over 100. Another significant drop was in aircraft rentals, where we made a savings of \$3.3 million; and fuel and oil of \$1.6 million.

We have to remember that just two years prior to this about \$4 million had been spent by Cayman Airways and the Department of Tourism on promoting the New York and Baltimore routes. It was discovered after they came into effect that, because of the low fares, the aircraft would have to had flown at 110% capacity to have made any profit. This was the reason why they were quickly cut.

The accounts will show that the loss made for this year was affected significantly by below the line and one-off costs of \$7 million. Of this, \$200,000 was a write-off of a security deposit that was held by ILFC against the B737-400. However, I should point out that we made a savings, and a refund was given of \$.5 million in relation to that aircraft when it was returned.

The most significant aspect of 1993 was the termination of the lease on the ILFC 737-400. This lease had 10.5 years to run at a monthly lease rate of \$316,000, giving Cayman Airways legal obligation to pay ILFC almost \$40 million. Bearing in mind that the previous management of Cayman Airways had agreed to pay over \$6.1 million to be released from the lease of the two 737-400 aircraft to GPA, I believe that this was a considerable achievement. I would just like to read what the Auditor General said at page 8 of the accounts, paragraph 7: "**Under the original termination agreement, GPA had**

the right to require the Company to lease two 737-400 aircraft for a three year period commencing in 1994 at a monthly rental of US\$290,000 each (a total rental of US\$20,880,000). During 1993, the Company paid US\$1,350,000 to be released from all obligations relating to this put option and is seeking to lease more affordable aircraft from other sources. The \$1,350,000 paid to GPA was in addition to the amounts noted above." [The amounts noted above are: GPA Group PLC \$6,184,115]

We found that in the year 1993, Cayman Airways had a liability of \$40 million (possibly) on the lease of one 737-400 from ILFC and, also, \$20.8 million to GPA in relation to the two 737-400s that were coming back. That \$60 million liability has to be looked at in light of the fact that for the two and a half years prior to that, Cayman Airways had lost \$34.7 million in that short period, mainly because of the high rental cost of the 737-400s.

In 1993, which is the only full operating year that we have had so far, we were able to cut our contingent liability by \$60.8 million and we were able to negotiate our way out (at a cost) from both of those leases. In fact, on the ILFC lease we actually received a rebate of almost \$1 million from ILFC over the last six months on the B737-400 lease, because they reduced the rent by one-half.

The accounts that we have before us today show, notwithstanding the below-the-line payments that had to be made out of the profit/loss account, such as the settlements on the GPA, as well as the cost of staff retirements, that the company was still able (after putting in the Government subsidy) to show a net loss for the year of \$3.988 million. But that is with the Government subsidy of \$4,761,905.

Another problem was the fact that Cayman Airways had one 737-400 CFM56 Engine which was returned to the owners. In fact, we never really paid anything on it, and the \$3 million engine was left with us for several years. That was returned, and they rolled off a significant amount that we would have had to have paid to them in interest on this amount, to the extent of about \$.9 million. I guess they were happy to get it back, so they wrote this off.

Also important is the fact that the projected loss left by the previous Board and management for 1993 had been set at \$12.9 million, without the below-the-line payments that we had to make to GPA, and on the ILFC plane. That was before taking into account the \$2.3 million which would have put it in the area where it was before (the area of \$14 million) if the projected loss had continued—and it would have continued because we would still have been flying the 400 and the 300.

Perhaps most important is the fact that in December of 1993, Cayman Airways paid to the staff in the lower-paid bracket an increase of approximately 10%. This was the first pay award to be made in Cayman Airways for almost four years. Subsequent to that there has been a further pay raise which covered all staff excluding senior management.

The staff of Cayman Airways are some of the most dedicated and, obviously, some of the most tolerant I

have ever seen—from a salary point of view. Many of them have put in very long hours there without overtime and, really, without even being paid the basic salary. I would like to publicly thank the staff of Cayman Airways and also the Chairman of the Board, the Board itself, and especially our Managing Director, who has been the person responsible for doing what has really been a miraculous turn around in Cayman Airways over a very short period of about 18 or 20 months.

I would hope that when looking at these accounts the press would be responsible in their reporting, as many times we have had to correct unfair lies which have been spread which damage Cayman Airways. If there are areas of the accounts, which may not be understood, perhaps they should seek advice from an accountant who can properly interpret them before going out to the press with these reports. In fact, we just had a very damaging report made recently by Mr. Rick Catlin. That type of report on a matter as important as the accounts could be further damaging. It was corrected because what he said was inaccurate. So I am calling on the press, in relation to this, to be fair and accurate in reporting because my tolerance is getting fairly low at this stage when reports that hurt Cayman Airways are made which are untrue.

Madam Speaker, the accounts this year are undoubtedly very healthy and fair, showing that Cayman Airways is beginning to stabilise, notwithstanding that the gains were only made in about the last three to four months of 1993.

I am also happy to report that the accounts of 1994 have continued to be very good. From January to June of this year, with a subsidy of about \$2.2 million, we showed a cumulative profit of \$1.661 million. In other words, we used about \$600,000 or \$700,000 of the subsidy. Unless we have any tragic or difficult unforeseen problems, this year should also be a good year. For the first time since 1989 (when a profit was shown), it looks like we are back on course, coming very close to making a profit; or, if we retain what we have achieved in the last six months, of making a profit itself.

Lastly, the accounts that have been laid on the Table will clearly show that the Board, the Managing Director, and Government, are now taking a conservative approach to Cayman Airways. By cutting back on routes, by not buying new planes and not coming up with fancy ideas, we have been able to make gains on the gateways into the United States and Jamaica that we now fly. That conservative approach, which I fully believe in, and I believe the Board and Managing Director fully believe in because it has been working, will continue. I would ask that staff be tolerant when they see new charters, new routes, or new planes, and we have to say 'no' to them—it is because I believe that for the first time we are getting Cayman Airways on a proper business footing and that is paying off at this stage.

Finally, I would just like to, once again, thank all Honourable Members of this House for the support that they have given to Cayman Airways, to me, and to the Board and the senior management. I would ask them for that continued support and tolerance in an effort to keep

Cayman Airways as far out of politics as is politically possible.

Thank you.

The Speaker: Questions to Honourable Members. Deferred question No. 109, standing in the name of the Third Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

DEFERRED QUESTION NO. 109

No. 109: Mrs. Berna L. Thompson Murphy asked the Honourable Second Official Member responsible for Legal Administration to state what progress has been made in respect of the revised Regulations for the Traffic Law, 1991.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: I am afraid I shall have to crave the indulgence of the House once more, because the written answer that I should have made available to your Clerk is still unavailable. But I am reliably informed that it will be available on Monday. I apologise.

DEFERMENT OF QUESTION NO. 109

Standing Order 23(5)

The Speaker: The question is that the answer to the question be deferred once more. I shall put the question. Those in favour, please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The answer to the question is accordingly deferred.

AGREED. ANSWER TO QUESTION NO. 109 DEFERRED.

The Speaker: The next question is No. 162, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 162

No. 162: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Communications and Works, what is the estimated cost given by the Public Works Department for the road to be built near the Owen Roberts Airport entrance when the present road is closed.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: The estimated cost to build the road to relocate the existing Crewe Road is \$740,000. The work necessary to provide a double spray

and chip road by 15th December is estimated to cost \$375,000.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I wonder if the Honourable Minister could say if there are any drawings available, or maps which the public might see in reference to this particular roadway?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Yes, there are maps, but they are not quite finalised, so I do not have a copy here with me.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is it envisaged that the Public Works Department will undertake this work, or will it be done by way of a contract with some road building company in the country?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: We hope to do some through Public Works, and the remainder will be contracted.

The Speaker: The next question is No. 163, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 163

No. 163: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Administration what progress is being made in producing a Law against Invasion of Privacy in the Cayman Islands as passed by the Legislative Assembly in March, 1993.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: The Ministry of Agriculture, Communications and Works has had talks with Cable & Wireless (W.I.) Limited and other interested groups, and has now given initial drafting instructions to the Legal Draftsman. The proposed legislation is included in the legislative drafting programme for 1994, and it is hoped to bring the Bill to the House in the November Meeting.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I wonder if the Honourable Member could say if input from the legal profession and the security businesses and so on is also being sought in terms of getting a comprehensive assessment and a full picture of what is necessary to be included in this law, other than Cable & Wireless, for example.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

We always try to give as much notice as possible to Honourable Members, and I fully appreciate that we do not always succeed. That is due to the pressure on my staff to produce the legislation that is required within a limited time scale. But I will endeavour that with this particular piece of legislation, we do give sufficient notice because I understand Honourable Members wish to consider the draft Bill in detail before it is debated in this House.

The Speaker: That concludes Question Time. Government Business. Bills, Second Readings.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

THE MENTAL HEALTH (AMENDMENT) BILL, 1994

Clerk: The Mental Health (Amendment) Bill, 1994.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, I beg to move that a Bill entitled a Bill For a Law to Amend the Mental Health Law, 1979, be given a Second Reading.

The Speaker: The Honourable Member would like to speak thereto?

Hon. Richard H. Coles: Thank you, Madam Speaker.

Perhaps I can begin by just reading out for the benefit of the House the Memorandum of Objects and Reasons which is at the start of this Bill: "**This Bill will amend the Mental Health Law, 1979, to enable the Governor in Council to prescribe places of safety under that Law for the detention and treatment of mentally ill people. It is intended that the first place of safety to be prescribed will be Northward Prison. Special arrangements will be made there for the detention and treatment of mentally ill prisoners, and any mentally ill person ordered to be detained under the Mental Health Law for the protection of the public.**"

I understand that this Bill has given some cause for concern to members of the public, and that has been relayed to me by Members of this Honourable House. I imagine that it is the last two sentences, particularly the second sentence, of this Memorandum that has caused this concern. I will do my best, when speaking to this Bill, to allay those concerns and fears.

Perhaps the best thing I can do before I explain what this Bill does is to tell Members what it does not do. There are two things that this Bill definitely is not introduced to do. The first is that it is not intended to be a solution to the problem of dealing with mental health in the Cayman Islands. Secondly, it is not a long term solution to the secure detention of the mentally ill in the Cayman Islands.

The Bill has been brought because the Law which it seeks to amend, The Mental Health Law (Law 22 of 1979), has been found to be defective and it is necessary for me to go into some detail to explain that deficiency and why this amendment is being brought to remedy it.

The amendment, as can be seen from the draft Bill, amends section 15 of the Law. Section 15 deals with the ability of the Governor (here meaning the Governor in Council) to make regulations under the Law. But before we can deal with section 15, we first need to consider section 5 of the original Law. I think it would be helpful for me to read out what section 5 actually says: "**Where it appears to any constable that any person is, by reason of mental disorder, an immediate danger, or is likely to become a danger to himself or others, he may take such person into protective custody and with all reasonable despatch bring him before a Government Medical Officer who shall examine such person and if such Medical Officer considers that such person should be further detained he shall direct that he be detained in a hospital or in a prescribed place of safety able to receive and care for him, there to await the decision of the Chief Medical Officer as to his further detention.**"

The salient words in that section are "be detained in a hospital or in a prescribed place of safety." There has never been a prescribed place of safety, which is being so described in this Law. As a consequence of that, the Law only provides that such a person can be detained in a hospital and, of course, the hospital that we have here is the George Town Hospital. That hospital does not have a secure facility. It is there, of course, to treat people that are ill and not to restrain people who require restraint or secure accommodation.

However, we have a further problem: What I have just outlined is not a problem with the Law, it is just the fact that no place has been prescribed under the Law. The difficulty we have to remedy is that the section (which is section 15) that gives the power to the Governor in Council to make regulations, which is the way that matters are prescribed under the Law, limits that power to prescribing procedures to be used in the administration of this Law. I do not regard that this limitation is sufficient to properly allow the Governor in Council to prescribe a place of safety under the Law—it only allows regulations

to be made for the administration of the Law. It is for that reason, and that reason alone, that this amendment has been brought. This amendment now specifically specifies in section 15 that the Governor may make regulations to prescribe any place as a place of safety for the purposes of this Law.

I already pointed out in the Memorandum of Objects and Reasons that the Government has stated that it has intended that the first place of safety to be so prescribed will be Northward Prison. Of course, that is not something that is dealt with in the Bill itself, and it is not something that is dealt with by this House today; that is a matter for Executive Council when the question of regulations goes before them. But as I mentioned, the hospital, which may be well at first thought the logical place to detain someone who is ill, has no secure facility. In fact, the only place in the Cayman Islands which is a secure facility is Northward Prison. Perhaps it would also be helpful if I explained precisely why this amendment has come at this stage, because the substantive Law has been in force since 1979 and this deficiency has only now caused some concern.

The amendment is necessary because recently there has been a case (and I have no intention of mentioning the name of the person involved, but I am sure Members will be well aware of what I am talking about), that has come before the Summary Court where the defendant had been remanded in custody—in other words, had not been given bail because the Court decided, for whatever reasons, it was not correct that he should be allowed his liberty, pending the determination of the case—but should be restrained in custody. That person was found to be unfit to plead to the charge because of mental illness. That was an opinion that was given by the Medical Officer on the Island and was, of course, quite correctly followed by the learned Magistrate in the Summary Court.

The affect is that the case proceeds no further and the Magistrate then remand the defendant in custody; and the normal order is a remand to Northward Prison. This is under the Criminal Procedure Code, and I certainly do not want to become too technical or too involved here. The relevant section of the Criminal Procedure Code (and I am going to pick out the relevant points of this) says that; **"the Court shall report the matter to the Governor who may order the accused person to be detained in any hospital or any place appointed by any Law for the reception or custody of insane persons, pending the order of the Governor in any such case the Court shall direct that the accused person be remanded in custody."** As I stated, that has already been done.

So, the next stage is that it is reported to the Governor (meaning the Governor in Council) who may order the accused person to be detained in any hospital or any place appointed by any Law, etcetera. Of course, this is where the deficiency comes to light, because as there is no secure unit at the hospital. We then turn to where else is appointed by Law to receive such persons, and the answer is: nowhere. That is why this amendment is necessary today.

I am unable to say, and it would probably be wrong of me to say, for how long a period this particular individual would have to be detained in this particular manner. That will be a question upon which the Governor in Council will be very much, if not wholly, guided by medical opinion.

There is something else that I would also like to speak to as it is something that concerns me and, I am sure, Honourable Members as well: that is, certainly, on the face of it, having an non-convicted man in prison (and I say on the face of it) and, therefore, in the same place and going through the same routine as convicted criminals. This is certainly not a desirable thing. For that reason, I gave the instances of what this Bill was not designed to do when I started my speech.

The decisions as to exactly how this particular individual will be accommodated at Northward Prison and, indeed, any other individuals that fell under this particular section, will remain with the authorities who have that responsibility. That will be the Minister for Health and the First Official Member who has the responsibility for the Prison itself.

What I can say is that every effort will be made to try and ensure that the accommodation (that will be prescribed under the regulations, when Executive Council passes them) will be adapted specifically (as far as possible) for this purpose. I cannot go into too much detail, because I do not profess to be an expert in these matters. But, I can highlight some of the things that I have already thought about and I know that my Honourable Colleagues have also thought about.

First of all, it is intended to designate in this instance a particular cell for this purpose, and it is hoped that a cell can be found perhaps on the extremity of the block so that it can be set apart as far as possible from the convicted prisoners. Alterations will be made to that cell or secure room (however you wish to call it), to make it fit for the particular purpose it is going to be used.

I want to see a regime which is designed for that patient. Of course, the input of the medical authorities will be requested for that. I think it would be desirable to have a different type of clothing, and there will be much advice from the medical specialist involved. There will be provision for medical monitoring of this person and, in any event, the Law as I have read it out to you, requires that the Governor in Council take advice from the medical officer. I cannot say at what intervals that will be done, but it will be done at intervals that are felt appropriate by the medical authorities. I can, perhaps, say at this stage that because someone is found to have a mental illness, or to be in a particular mental state at one point in time, it does not follow that he/she is going to remain in that state. Hopefully, that state can be altered for the better.

I have already said that it is not desirable that an individual such as this should be in the same place as convicted prisoners. It might, out of necessity, have to take place, but I appreciate that it is not the most desirable state of affairs. I would certainly like to state categorically, that the person detained in this way is not a convicted prisoner and would not be treated as a convicted prisoner.

Thought has been given to other alternatives, of course, and the decision still has to be made by Executive Council. Although the Memorandum of Objects and Reasons sets out what the intention is, and that is quite correct, Executive Council has yet to make the decision. But, discussion has already taken place before this Bill was introduced to the House and that is why it was felt appropriate to put that intention so that members of the public were fully aware of what was on the minds of Executive Council in trying to deal with this very difficult problem.

It is not intended that this will be a long-term solution; but there are times when a person requires secure accommodation, and it is not unreasonable in a small jurisdiction that there are limited types of secure accommodation. Whatever we might think is the most desirable state of affairs, there are other restraints that do not always make it possible to achieve that; so, this is felt to be the best way of dealing with the matter at the present time.

I want to re-emphasize that the designation, in any event, of Northward Prison is not something that is being dealt with by this House. What this House is being asked to do today, is to approve and pass this Bill which will remedy the deficiency in the Mental Health Law itself, and allow Executive Council (the Governor in Council) to prescribe a place of safety which legally it cannot do at the present time.

Thank you, Madam Speaker.

The Speaker: The question before the House is the Second Reading of the Mental Health (Amendment) Bill, 1994. The question is now open for debate.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I rise to speak on the Bill for a Law to amend the Mental Health Law, 1979. From the very commencement I wish to make it absolutely clear that I do not support this Bill or this amendment.

I listened as the Attorney General presented this Bill and I wondered to myself why was he chosen by Government to do so, since this deals with the Mental Health Law and Health is really not his subject. I would suspect that that was the decision of the Elected Members of Executive Council because they know that this Bill and this amendment is something that is politically obscene.

This Bill is asking that the Governor in Council (meaning the Governor and the Elected Ministers and the three Official Members) prescribe places of safety for mentally ill persons; and the best we can do for them in this country is to put them in Northward Prison. This request and this Bill is a shame for this country.

How in this modern, supposedly intelligent, society can it be acceptable for a Government to find it suitable to place the individual, as has been cited in this case (or anyone else), in prison to take care of their mental health? Prison cannot be a place of safety for any mentally ill person. No mentally ill person can be in a place of safety, or have their mental health attended to, in any

manner whatsoever, in prison.

Madam Speaker, the situation with mentally ill persons in the Cayman Islands is increasing—although I imagine the Ministers of Executive Council say that this is not so and that there are only a few, and we really do not have anything there to worry about either, and we should not exaggerate it. But it is increasing. Prior to these times one would have found certain mental deficiencies caused by genetic disorders, whereas at this point in time there is less of that type of individual, but more and more of the type of persons who have whacked out their brains and their senses from the use of drugs.

The priorities of this Government are wrong. They have their priorities in the wrong places. They have their priorities set to do things which are not pressing, and many things which do not help the social good, such as having a proper place to put mentally ill persons.

I am sure that in each district of these Islands there are persons who could well be in an institution where there would not be prison wardens taking care of them; but, indeed, psychologists, psychiatrists and properly trained technical people to handle them even when they have a tendency to (or do) become violent. It is not sufficient to inject people in this country with drugs which, if anything, turns them into zombies, and it has some peculiar features. I have seen in a number of people in this country where the right hand becomes skewed out from the body in a twisted fashion.

We need to provide health care for mentally ill persons in this society, not prison care. Northward Prison is, most times, overflowing. There is not enough space for the persons being sent there. That prison does not provide, to the extent that is desirable, training in trades and skills. How then, can that prison be set up to accommodate the mentally ill?

I knew of one instance (perhaps a year ago) where there were three youngsters who at the time, as described by the Attorney General, could not plead. It was felt that they were not capable. They were there for quite a long time. One of them was from the district that I represent. When is this going to stop? When is the Government going to do something that is right to help the people—particularly people in this society—who have the greatest need of help, such as the mentally ill? When?

This amendment is a shame on this country. If we can build structures in which we are housing over 1,000 foreign nationals in this country at this stage as refugees—providing accommodation, three meals a day and this morning I heard on the news that a clinic is being set up by Tent City—why can we not build 10 rooms in a purpose-built place to take care of our mentally ill and mentally deficient people? Why can we not?

We have a grave need for health care services in this country and that need is not being addressed. The possibility for improvement in that has been set back by 10 or 15 years, from back in 1992 when we were not allowed a hospital. Surely, there has been nothing done to date which is significant in the improvement in health services here.

POINT OF ORDER
(Relevance)

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order. I draw your attention to the matter of relevance. The Member is generalising on health care. This Bill deals specifically with the criminal element of mental care.

The Speaker: That is not a Point of Order because there is a relevance there. So the Second Elected Member for Cayman Brac and Little Cayman can continue his debate.

Hon. W. McKeeva Bush: Madam Speaker...

The Speaker: I have said that...

Hon. W. McKeeva Bush: [interjecting] Could you explain to the House what is the relevance?

The Speaker: I consider a relevance there. Mental health certainly deals with health care. So the Member is quite in order in speaking about it.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I know the mere mention of Health Care pushes a button on the Minister who just got up to interrupt. And it should! It is a brand that he will wear forever.

I will say to the Government on this matter, that they should provide—be it to take money from some project that quite likely is not necessary at this time, and begin some building (which they may add to as the need arises) so that they do not have to subject the citizens of this country to this kind of disgrace. There are those of us who can think of instances, I am sure, where there is a need.

There are some persons today here in George Town that could no doubt be helped if there was such a place as that. They walk around these streets, people see them, laugh at them, give them a dollar as the case may be. Madam Speaker, that is not good enough in this country, and certainly not in these times, particularly where, through the abuse of illicit drugs, so many young people (to say nothing of the middle and older) are simply having their minds smashed and need health care.

There are other instances where there are various levels of high anxiety among persons, but we have no such place here to deal with it. When will the Government get its priorities right? I think that before the Government passes this Bill—and I am sure they will, but without my help—they should really sit down and think about what this Bill is saying and what this attitude is bringing towards the people in need in this country.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I rise to speak to this Bill for a Law to Amend the Mental Health Law of 1979. I would first like to say to this Honourable House that there was no collusion within Executive Council for the Honourable Second Official Member to bring this Bill. I, personally (as I stand before this House and God), went to the Attorney General and spoke to him. It was my feeling and understanding that because of the criminal element that was coming out in the Bill, he should present it. If we look at the last sentence in the Memorandum of Objects and Reasons, it says: "Special arrangements will be made there for the detention and treatment of mentally ill prisoners and any mentally ill person ordered to be detained under the Mental Health Law for the protection of the public."

Madam Speaker, I too have had representation of concern from the public in regards to this. But this is what I told them: it is not designed for the mentally ill of the general population. As the Honourable Second Official Member said there is no provision in the present Law for a place of safekeeping for the people deemed unable to plead—specifically those who are alleged to have committed a crime.

It is not the intention of this Law to incarcerate those mental patients who are not a threat to the public at Northward Prison. I will emphasise that again: it is not the intention for those, unless they are deemed to have committed a criminal offence. As a matter of fact, those mentally ill persons who are not a threat to public safety are being addressed. As I mentioned earlier in this sitting of the House, provisions will be made in the review of the new George Town Hospital.

It is also my understanding that this facility at Northward will be isolated from the general prison population. It will be provided with a padded cell. I have been made to understand that prior to this administration, there was a padded facility at the George Town Hospital, but the previous Government used that facility for something else. I would like to let the public know that it is not the intention of this Bill to incarcerate those people unless they are deemed to be a threat to society.

As the Honourable Second Official Member said, this is a temporary step because at present there is no provision in the Law to keep a person—specifically in the instance which has brought about this Bill—to avoid the seriousness that could have come to other members of the public if this person was not taken care of temporarily. This is the reasoning behind this.

I must say again: there was no collusion of Executive Council on my behalf, or any other's, to ask the Attorney General to bring this Bill.

Thank you.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

In listening to the presentation by the Second Official Member, he explained that this is a short-term solution to one isolated case—and I think we all understand and sympathise with that case. He said that there is a defi-

ciency in the existing Law, and that there is nowhere to place a mentally ill individual who goes out and attacks someone—it was not within the Law. I understand that.

However, I understand what the Minister for Health has brought here and I agree that we have that need for this case. We also have another pressing need and I think it is time that we look at the Mental Health situation in general that exists here.

In the last sentence it says: "**Special arrangements will be made there [meaning Northward Prison] for the detention and treatment of mentally ill prisoners...**" It says that these persons would be isolated. Does that mean their meals and recreation that they are entitled to? Will they be separated for this as well? These are some concerns that I have regarding this Bill. Will they have any contact with the other prisoners there? I would appreciate it if he would explain this in this winding up.

This might be a short term solution, but we have had a need to address our mental health problem for a very long time. I sympathise with people who are mentally ill. I have experienced problems with mental health with a family member, when they were placed in the George Town lockup on more than one occasion. This is not a suitable situation, and I know that all Members of this House are concerned with the George Town lock-up; and I do not believe that this is used to any extent any longer. The West Bay remand centre is not ideal, but I feel that we will address this very shortly.

On Tuesday of this week, I visited the George Town Hospital and there were four mentally ill people being held there because there was no other place for them. I understand this, Madam Speaker, but we have to address this. I am appealing to all Honourable Members of this House to consider a suitable place of abode for the mentally disturbed.

The "Not In My Back Yard" syndrome is very popular today. Earlier last year, the then Minister for Health (the Honourable McKeeva Bush), looked at a centre on Smith Road (where the Cuban refugees are currently housed—the houses known as the Tim Thompson's apartments) to put a proper centre there for the mentally ill people; with a fence, nursing station and so forth, to be properly installed—only to be petitioned against by the residents of that area.

If this was going to be enclosed with a fence, with proper security and a nurse there, I cannot understand why those residents petitioned this when we have such a need for such a facility for our mentally disturbed people. I would like to ask the present Honourable Minister for Health to reconsider developing that same site when the Cubans are removed, because this could be a very good site for our mentally disturbed people.

There is a Day Care Centre in West Bay, and I inquired about two individuals that are (I hate to use the word nuisance, but I cannot think of another term at this point) a nuisance to the public; one is a male, one is a female. They travel the streets of George Town and West Bay interfering with individuals, stealing plants, going to their doorsteps, interfering with their dogs, whatever. I learned that these two individuals were at the West Bay Day Care Centre and I appreciate the efforts there at that

centre in working with these two individuals. But, again, this is not good enough and I feel that we need to take a look at another site for our mentally ill.

In asking at the hospital about the number of mentally ill people, I learned that we have over 300 and I believe that we have only two psychiatrists. I hope that in the near future this Law could be looked at in dealing with our mentally ill people because that is a large number for two people to try to handle on a weekly basis.

I also have another question for the Mover. In dealing with the mentally disturbed who are placed at Northward, how often would they be visited by the psychiatrist; and would they be assigned to a medical Social Worker on a one-to-one basis per day, or what would be the situation with this? According to the Mental Health Law of 1979, under section 7, where it speaks about detaining a person, it says that they can be detained for up to six months. It reads: "**...the Member in the prescribed form certifying such person to be a patient in need of treatment and stating the nature of the mental disorder suspected and ordering that the patient be kept in detention for a period not exceeding six months within which period the Chief Medical Officer may issue a further certificate in the prescribed form recommending the patient's release or further detention and the Member, upon perusal of such certificate may make an order accordingly.**"

If we have an isolated case, and this individual is placed there, does that mean that he will just go on for six month intervals, or what will be the situation for this individual? These are questions that I have before I can truly decide on this Bill. I would thank the Mover if he could answer some of these questions.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

A Bill For a Law to Amend the Mental Health Law, 1979, is (as best as my understanding has it) a stopgap measure for a specific situation which has arisen; and, given the circumstances, the Government has had to react.

While this Bill only encompasses sections of the Mental Health Law which needed to be remedied in order for Government to deal with that specific situation (and I do understand that), I would have been a lot more comfortable with its presentation if some specific outline regarding plans for addressing the situation which exists in the country (which I am sure we are all aware of) had been provided.

What I will not do is point fingers, because I remember asking a question in this Honourable House some time back about mentally disabled people and the Minister for Health did explain to some extent that plans were afoot. He mentioned this also this morning. So, I am not suggesting that he, or the Government, or anyone else, has the responsibility resting squarely on their shoulders for not doing anything. But, it is disturbing to me in that

we do not know exactly what is happening about a situation that is, to my mind, very critical.

I wish to address a few areas. The Mover of the Motion, the Second Official Member, mentioned a specific case and, if memory serves me right, he mentioned that the person (because of his mental state) was not able to make a plea. Therefore, if I am correct, there is no conviction. It may sound picky, but I wish if he would clear it up. If that person is not convicted, is this Bill, then, addressing in general when it says in its Memorandum of Objects and Reasons: **"Special arrangements will be made there for the detention and treatment of mentally ill prisoners and any mentally ill person ordered to be detained under the Mental Health Law for the protection of the public"?**

I just want to make clear in my mind that the person we are talking about is not being treated as a prisoner. That is the question that came to mind.

Madam Speaker, I live in Northward, I have lived in Northward in excess of 20 years. I will not go into thoughts regarding the fact that the Prison exists there, but it is my humble view that this is really a stop-gap measure because when it comes to mentally ill patients there are varying degrees of these individuals very parallel to the criminal element. There are those who will commit murder while there are those who will only get themselves involved in pilferage. So it goes from one end to the other with these people, and if we are going to be dealing with it, I fear that many of the wrong people may fall into this trap if this stopgap measure is allowed to extend. I simply wish to say that because (as it so often happens in life), once we take care of a given situation we put it aside because other things become important until another similar situation arises. I sincerely would not like to see this happening.

I do not think that the Prison, regardless of how isolated an individual is, is the right place for these people. I also have to disagree with two other areas I heard mentioned—I have no decision, but I have to state my case. The Honourable Minister for Health mentioned in his delivery about a section in the Hospital being planned for (if I am correct in my understanding) the mentally ill. It is my humble belief that if we are going to address this situation, or this problem, I think we have to look at it from the point of view that these individuals need to be in a locale that is by itself. I think (while, certainly, not being any expert) that it is common when we examine other institutions around the world that they are an entity onto themselves.

I have the greatest respect for the Third Elected Member for George Town, but I have to state on record that I do not agree with her about the Tim Thompson's Apartments being considered for these people. I think that while dollar constraints are being examined, and while something is wishing to be done fairly early, and the fact that this location may be convenient because it exists; I cannot agree with that being the long term solution. As I said before, it is my contention that a complex or a building to house these individuals need to be an entity onto itself. I believe that the residential area surrounding this specific location is such that, while all things may be

done properly, the thought alone creates discomfort amongst the people. As a representative of some of those people (when I say some of those people, I mean the people in that area) I have to say that I hope Government is not considering that location at this point in time. That is going a little bit further away from the main topic.

As I said before, I wish for the Mover to clear up those things that I pointed out. I would have been much more comfortable with this Bill if accompanying it was some outline as regards to exactly what is being done about a pressing problem.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.32 AM

PROCEEDINGS RESUMED AT 11.54 AM

The Speaker: Please be seated.

The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

As I make my contribution to this Bill, I would like the Government to give some serious consideration to what I have to say. I regret that I was not here when the Second Official Member presented the Bill, but I have spoken with him since and he has briefed me on his presentation.

I believe by now the Government does realise that I am staunchly opposed to this amendment. I will endeavour to give valid reasons why I am opposed to the Bill.

The Bill seeks to amend the Mental Health Law, 1979, by making provisions whereby the Governor may by regulations prescribe any place as a place of safety for the purposes of this Law, and prescribe procedures to be used in the administration of the Law. It goes on to say that; **"the Governor would have the power to make regulations under this section, including power to make such supplementary incidental, consequential or transitional provisions as the Governor considers necessary or expedient."** In the Memorandum of Objects and Reasons, it says: **"This Bill will amend the Mental Health Law, 1979 to enable the Governor in Council to prescribe places of safety under that Law for the detention and treatment of mentally ill people. It is intended that the first place of safety to be prescribed will be Northward Prison. Special arrangements will be made there for the detention and treatment of mentally ill prisoners, and any mentally ill person ordered to be detained under the Mental Health Law for the protection of the public."**

I would like all to take note of who this will apply to: It will not only apply to mentally ill prisoners, but it will apply to any mentally ill person.

I would like to say from the very beginning that mentally ill people that commit a crime fall into a distinct category. I certainly do not agree that people who are unfit to

plead should be excused, they should be punished; the place for them is Prison. But, there should be a facility in every prison to deal with this kind of person. Notice, I am referring to mentally ill criminals, mentally ill prisoners.

There should be a psychiatric facility in the prison to deal with this kind of person; a facility that is staffed and run by medically qualified people. What we now have at Northward Prison, unfortunately, falls very short of that. We have Nurse Jabulami who works there and does a very good job trying to care for the common, everyday health problems of the prisoners. What we offer externally is a weekly visit by a medical practitioner, again, to deal with all medical problems as they present, including the mentally ill patient. We have one visit per month by the Government psychiatrist. All whom I have spoken to consider that the psychiatric service being offered at the moment, to even those who have committed crimes and are incarcerated, is inadequate. I believe that it can be improved without too much expenditure.

The mentally ill persons who have not committed crimes, fall into a completely different category, and in the Memorandum of Objects of Reasons these persons are included: if the Governor feels that they should be put in a place of safety, other than a medical institution, they would be detained and incarcerated and kept in that type of facility.

Already there is a stigma to being in prison. We know very well that there is a stigma attached to being mentally ill. The mentally ill person is extremely vulnerable. After all it is his/her mind that is affected. It is these kinds of added burdens that will only make the patient worse and more difficult to rehabilitate and treat.

I could never, ever, imagine that a mentally ill person, who has not committed a crime would be sent to Northward Prison. I could never imagine our doing such a thing in this Legislative Assembly. As a doctor, and as a human being, I cannot support that kind of action. I ask the Government to seriously consider this amendment.

I would like to deal with a number of issues, and perhaps it is best to categorise those: First I will try to give this House a brief overview of mental illness in the Cayman Islands. I think that kind of information will be of great help. Secondly, I will talk about the existing facilities that we have to treat the mentally ill and the current practices in managing the mentally ill. Thirdly, I will deal with ideal conditions for treating the mentally ill, and then I will go on to talk about recommendations—not only my recommendations, but other health professionals' recommendations for immediate changes to address the problems we are faced with in the Cayman Islands. Lastly, I will talk about future plans for mental health care in the Cayman Islands.

Mentally ill people are patients, first of all. It is important for us to realise that they are patients in the very same sense as any other patient that is sick; it is a sickness of the brain, a sickness of the mind. It is as much a sickness as sickness of the heart, pathology of the bowels, or any other part of the human being. Furthermore, mental illness is extremely common. We are dealing with many, many persons in our community. The prevalence of mental illness in the Cayman Islands is presently about

1500 people for our population. That means there are about 50 in every thousand people who are thought to be mentally ill. The statistics show this and those statistics are easily available to all who would like them.

In neighbouring countries, such as the United States, mental illness is even more prevalent. In this last issue of *The American Journal of Psychiatry*, there is a discussion here on mental disorders in the United States. I will read at least two paragraphs from this, to give a bit of insight into the problem in that country: **"Far more people suffer from mental disorders than previously assumed in the United States, according to a national survey published in the January Archives of General Psychiatry. In fact, nearly one in two adults experienced a mental disorder at some time in his or her life. Almost one in three suffered from one during the previous year. The survey is the most comprehensive look at the mental health of the United States' citizens to date. It finds that roughly one-sixth of the population grapples with three or more mental disorders over the course of their lives. These people tend to sink further and further into psychological turmoil. They accounted for a majority of lifetime mental conditions reported by the national sample. They accounted for an even greater majority of disorders experienced in the previous year."**

So, Madam Speaker, mental illness is common in the United States; it is common in Jamaica; it is common in the Cayman Islands. Therefore, adequate provisions need to be made for this part of our population.

Medically speaking, mental illness is not exactly what the average person perceives it to be. Often one conjures in his mind a ranting, raving, violent person. This could not be further from the truth. That is only a small percentage of the mentally ill persons. The majority of mentally ill people are frightened, extremely timid, afraid—they are not violent. There are some that are violent, in particular the manic and the hypo-manic types of persons. But these too, need to be treated by medically qualified people who understand if there is any hope of their making a recovery.

There are about 140 chronically ill persons in the Cayman Islands who are psychiatric. By far these are psychotic people who suffer from depression and mania, or hypo-mania. Then there is a smaller number who suffer from schizophrenia. Hypo-mania and mania, and depression sometimes go hand-in-hand in the same individual so that person often has manic depression—periods when they have mania, where they are extremely volatile and apt to do anything. This is the category of persons that many individuals refer to as mad people.

The depressed individual is often the opposite and is withdrawn, timid, frightened; will often not even want to come out of their room. They are no threat, usually, to other persons. The threat is often to themselves. These people often commit suicide because they cannot continue to live in the way that they find themselves living. If there is no light at the end of the tunnel then, often, they end up committing suicide. You can see there, Madam Speaker, that this type of individual should never be put

in a prison environment. He has to be protected from himself. He has to be protected in a medical institution, properly supervised, so that he can make a recovery.

Presently, there is a Government Psychiatrist who holds regular clinics at the George Town Hospital, and the majority of psychiatric patients are seen on an outpatient basis. The number of admissions to the ward itself remains, thank God, very low. There is no doubt that these people who have to be admitted to the general ward at the Hospital pose a definite problem. They often disturb other patients and they roam around the ward and sometimes get in trouble themselves. Remember, these persons are often out of touch with reality. They are unable to taste and smell properly; they do not see properly at times; and their whole perception of the outside world is completely different from rational people like ourselves. Therefore, they are apt to behave in a much different fashion.

No prison officer is able to cope with this type of person. Therefore, I am suggesting that even for the criminally mentally insane we need to set up a psychiatric department in the Prison. There is no question in my mind that that is what is needed. For the other category that has committed no crimes, we can easily make provisions for them. The past (and possibly, this present) Government was given recommendations about how to care for these patients. We are not talking about a great number of individuals who need admission and inpatient care. A suggestion was made to modify the Nurses' Lounge on the General Ward, at minimal cost—there is hardly more than one in the hospital at any one time—that could be modified and serve as a psychiatric unit. And although it would not be ideal, the individual would be away from the other patients and, if necessary, if the person is very, very ill, they could be restrained there without disturbing other patients in the ward.

There is also Room 2 at the General Ward, that is presently used as a store room. It has been suggested that the storage room could be used for a psychiatric unit and it is easy enough to find alternative space for storage.

There is another suggestion: There is enough space where the General Surgeon conducts his clinic, and next to that is a lounge; as far as I am concerned, that would be ideal for a psychiatric unit. The lounge there is hardly utilised by the staff. Already we have five counseltoriums for doctors and it has always been my opinion that there should only be specialists in the hospital doing outpatient clinics. General practice, I do not believe, is necessary at the hospital level, there are many general practitioners in the community. What we need in the future is to ensure that we have specialists and specialist clinics at our hospital and there will not be any necessity for more than four of the counseltoriums. So, even in our present facility, believe you me, there is space to accommodate these persons. But, because of many different factors, so far no one has done the conversion and modification as required.

Patients can often be treated at home. There is no question about that. Many mentally ill patients are, in fact, better taken care of by their relatives, as long as they are

not too ill. The community nurses can go out and visit them and give them their monthly injections, as is the case with schizophrenia. But there is a problem with the Law. The 1979 Law does not empower the nurses to give the injections if the patient does not comply. The nurse could be at a disadvantage here. As far as I am concerned, we should be looking at an amendment like that, rather than this amendment that is before the House.

The next thing: there is a problem with the mentally ill juveniles—there is not enough teeth in the Law to deal with these mentally ill juvenile criminals. We need to address that problem.

The ideal conditions for treating the mentally ill, obviously, is to have the outpatient service and the community based service as we now have and proper inpatient facilities. What I have suggested is not ideal, and I would not stand here saying that would be ideal. But, it is far better than sending them to Northward Prison, where they will not be managed by medical practitioners at all, except on a visiting basis.

It is amazing the number of mentally ill patients and their relatives, who have called me asking if it is true that they are going to send these people to Northward Prison. It is amazing, the number of people who are concerned. They are frightened at the very thought that when they relapse again they are going to be sent to Northward Prison. Something like that may make them relapse even quicker, or perhaps they will be scuttled off to Miami before they really relapse and have another break down of mental disorder.

I was talking about ideal facilities. What I believe we need to address more urgently than anything else is ideal inpatient facilities. We already have a psychiatrist. That is quite sufficient to handle the patient load that we have here. He has a number of nurses and, according to him, his staff is adequate for the volume of work; it is just the facility that we need for them to operate in.

In any good psychiatric unit there has to be maximum security rooms, or a room that can serve as maximum security when it is needed and could otherwise be easily used to accommodate less ill persons. When a person is very, very ill, often we regard them as Stage I, with Stage I privileges—which is absolutely nothing—they are completely restrained and sedated. Stage II, they are not restrained, but must remain in the unit. Stage III, they can leave the unit and walk around the ward. Stage IV, they can leave the hospital, but must be supervised. At Stage V, they can go out whenever they require, but they must return at certain times. Finally, these people are well and they are sent home. They are followed up in the outpatient department and they get the moral and medical support of trained health professionals.

There needs to at least be a decent sized room where these persons can be accommodated for group therapy. Sometimes it is very necessary to give them various tasks to do as they recuperate. One of the worst things is to be mentally ill and be left alone because these people cannot even plan their day. So, they need to be supervised, they need to be given tasks. Often they do ceramics, they make belts, they do whatever can be provided for them. They even form groups where they

can help keep the unit clean—they are given various chores to keep busy. They sometimes engage in sports—of course they are usually very clumsy; these individuals often cut themselves and are very uncoordinated—so, they must be supervised. But they are given liberties to enjoy certain sports and inside games, swimming, etcetera. The important thing is, they need supervision.

We do not have a great number that need inpatient care so, obviously, we would not be able (nor would it be necessary) to provide an elaborate psychiatric unit here on the Islands. We need to have a psychiatric unit of a certain size that can cope with the caseloads that we have.

In the immediate future (in fact, in this Phase I of the new Health Plan) a Psychiatric Unit is included. This Government has felt that it is a pressing need. The previous Minister made attempts to address the problem for those who are psychiatrically ill because of drugs (and there are quite a number of them here on the Island whose psychiatric illness is drug induced), in fact we voted the monies for the purchase of the house there in Breakers. Unfortunately, nothing has been done about that as yet, and I do understand the reason why the Ministry has not pursued that. The Minister also thought that some of the vagrants (psychiatric patients) could be housed in the Tim Thompson's apartments. Frankly, I do not think that those apartments are ideal for the purpose.

Those individuals that I am talking about, those very, very chronic, violent individuals; or those who are simply withdrawn and psychotic and are a danger to themselves and sometimes to others, could easily be accommodated at the present George Town Hospital with little modification. You only have to ask the psychiatrist and he will give many suggestions, and he has made suggestions in the past.

In Phase I of the plans, I understand there is going to be a Materials Management Building; a Physio Therapy Unit; and another unit that I cannot recall at this time, but, certainly, a psychiatric facility is included in Phase I. So, before too long, we will have the ideal facilities to treat our psychiatric patients. One should hope then that the avenue to take is a minor type of modification of the George Town Hospital that can serve the purpose to take care of these kinds of persons until we get a proper psychiatric unit.

The previous Law said that: **"4. A guardian, the Commissioner or the nearest relative of any person who believed that that person to be in need of treatment under this Law may make request to the Chief Medical Officer that such person be detained for observation and the Chief Medical Officer may, at his discretion, order and require that such person be so detained."**

As far as I am concerned, this is quite in order and is being done and is working well. Section 5 says: "Where it appears to any constable that any person is, by reason of mental disorder, an immediate danger, or is likely to become a danger to himself or others, he may take such person into protective custody and with all reasonable

despatch bring him before a Government Medical Officer who shall examine such person and if such Medical Officer considers that such person should be further detained he shall direct that he be detained in a hospital or in prescribed place of safety able to receive and care for him..."

I thought that was well written, Madam Speaker. That is exactly what we needed then, and exactly what we need now—a place of safety able to receive and care for him. Certainly, what we now have at Northward Prison, or any other place I can think about, except, perhaps, the Hospital, does not meet those conditions: "6. A person detained under section 4 or 5 may, at the discretion of the Chief Medical Officer be kept in detention for a period not exceeding forty-eight hours from the time of his original detention or apprehension and, during the said period, be under the observation of the Chief Medical Officer and of at least one other medical practitioner appointed by the Chief Medical Officer for that purpose."

The Law is very comprehensive and the only problem that I understand the present Government faces is the violent individuals, and maybe one isolated incident caused the problem. I agree that should not be allowed to occur, but the thing to do is not to ask the political officials of this country to decide where the mentally ill should be put. But should be left in the hands of the doctors to care for them. Let the doctors, doctor.

Thank you.

The Speaker: Proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED 12.31 PM

PROCEEDINGS RESUMED 2.20 PM

The Speaker: Please be seated.

Debate continues on the Mental Health (Amendment) Bill, 1994. The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

Madam Speaker, this Bill has created worry, and perhaps quite rightly, among Honourable Members of this House. What is proposed and will be moved by the Mover of this Motion, the Second Official Member at the Committee stage will be two amendments to clarify and make more explicit the regulations. What it is intended is to remove the words in the Memorandum of Objects and Reason which says: **"It is intended that the first place of safety to be prescribed will be Northward Prison,"** and to add into section 15 (1) (a) after the word **"place"** where it first appears the words; *"which the Chief Medical Officer certifies"*, or words to that effect. So what would then happen is the Law would then say; *"15 (1) The Governor may by regulations— (a) prescribe any place which the Chief Medical Officer certifies as appropriate as a place of safety for the purposes of this Law"*, or words to that effect.

The objection to this, and the worry (and I think quite

rightly) was that maybe a mentally... and there are three description of a patient that the Second Elected Member for George Town, our Doctor has pointed out... But it would be a person who may be detained under section 5 of the Law to be put into a place of safety which has been prescribed but, which the Chief Medical Officer certifies is proper to receive and care for him/her.

Madam Speaker, in section 5 of the Law, —and to dispel any fears that the public may have had, I know the Second Elected Member for George Town read—specifically states: **"Apprehension of person suspected to be a danger. 5. Where it appears to any constable that any person is, by reason of mental disorder, an immediate danger, or is likely to become a danger to himself or others, he may take such person into protective custody and with all reasonable despatch bring him before a Government Medical Officer...** [And that Medical Officer has to be a person lawfully practising medicine in the islands under the definition. It goes on to say] **...who shall examine such a person and if such Medical Officer considers that such person should be further detained he shall direct that he be detained in a hospital or in a prescribed place of safety able to receive and care for him, there to await the decision of the Chief Medical Officer as to his further detention."**

So the place of safety has (by law) to be one which the Medical Officer, not the Police, deems to be a place of safety able to receive and care for him. So the Law itself, I think has seen fit to ensure that people who have a mental disorder or mental illness (and some categories I know apply only to some sections and some to others), who can be detained will only be detained in a proper place where there are proper facilities to care for him.

So in any event, Madam Speaker, I can assure the public and Honourable Members of this House that I would never agree to any type of regulation that was prescribing a place that was not a proper place for someone ill. So the Chief Medical Officer's submission to Executive Council would normally have with it a Chief Medical Officer's opinion stating that the place is a proper place for a mentally ill person to go. I think it is very important and I know many Members, especially all three Elected Member for George Town, stressed that it is important that the place be a proper one to care for them.

I will assure Honourable Members that for eight years I was the Member responsible for Health and this Law was used very sparingly and extremely carefully, because we are actually dealing with people who many times, physically and mentally, have lost their senses, as the Doctor mentioned; and really have to be very carefully and dedicatedly looked after.

I believe that this will now satisfy Members, and I guess, perhaps, it is another good way for Members of the House to get together, when Government does something that needs amending. I think one thing we have to do is to go ahead and make the necessary amendments to ensure that the largest number of Members of the House are satisfied with it. So we are happy that this has been pointed out; we are happy to make the

amendment and, hopefully, with that, Madam Speaker, I will ask all Members to please support the Bill.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

The announcement of the modification to the amendment by the last speaker certainly brings a sense of relief and, yes, it does place the business in a position where it can be supported by most, if not all, Members of this Honourable House.

I am happy that position was taken, because, otherwise, I would have found it very difficult to support. Indeed, I was prepared to ask the Government to consider withdrawing the Motion. One is left to wonder why the consultative process so often touted by Ministers of Government to exist among the National Team was not employed; why did it have to take the eminent Second Elected Member for George Town, being a medical professional, and the education (because it was an education that he left with the House this morning) to do such a thing. It strikes me that the Government could have saved themselves much by seeking his professional input before this stage.

Be that as it may, I am happy to have had the opportunity to listen to him inform us from his professional position, and I am sure that the things he left with us this morning will not be lost anytime soon.

The question of the treatment of mentally ill people is a sensitive issue, and I recall very well from studies in the sociology of deviants that the particular category of prisoner labelled the "criminally insane" poses dilemmas for countries with much more advanced techniques and many more trained personnel than we have. Many of these people have to be administered daily doses of medication; and that medication and those psychiatric evaluations have to be done by the highest and most skilled people in the profession of medicine.

So I am happy that we averted a situation where we placed these categories of prisoners (and not only these but those who were of a lesser problem) in the prison. Madam Speaker, I want to underscore this point: One of the problems of mixing these kinds of people with the general prison population is that often we have cases of abuse—sexual abuse as well as other abuses. So I am happy that by the amendment and changes we can avert the possibility of that happening.

In conclusion, I am glad to lend my support to the proposed changes.

Thank you.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I am happy that Members now find commonality in the Bill and can support it. I think in defence of the Minister for Health, Drug Abuse Prevention and Rehabilitation, that when the matter was discussed with the National Team (and it was discussed), I think his opinion was that Members had a

clear understanding of the issue. It was not a matter which was done across the board for mental patients, but I understand from him that he explained it was for this particular case. Perhaps he did not grasp the feelings of Members that they were not going to support it.

Nevertheless, there have been things said in debate concerning psychiatric treatment, and a good evaluation of the problems presented by the Second Elected Member for George Town. But it is not fair for anyone in this House to say that nothing was being done. I want to clear the air on that issue; and, in particular, the Second Elected Member for Cayman Brac and Little Cayman, in his usual fashion, went on to derail the Government about their priorities and what we do and what we have not done. As is usual with the Opposition, they throw all sort of inferences into a very important matter.

Madam Speaker, Members will recall that in June of last year, I made a statement to this Honourable House, which I am going to read for clarification because it seems that everybody wants a facility for drug rehabilitation; everybody wants a facility for people mentally incapable of handling themselves, but nobody wants it anywhere near them. In this little Island—where we only have 22 miles by seven miles of space—how can we do all that everybody is asking for without upsetting people?

Madam Speaker, I well recall last year when we were dealing with Tent City. The Government received a petition that it must not go by the Prison; Bodden Town was not accepting it, and one of the places that was suggested (and the Fourth Elected Member for George Town, was a signatory to that petition) was that it should go somewhere about on the Seven Mile Beach. It should not go by the Prison [in Northward] but it must go down in the heart of the tourist resort. And this is the kind of tripe that comes around, and the politics which are played when we have important issues to deal with.

When Members say there was no programme [in place], that is not true. There was a programme, and I am going to tell Members what happened to it. I quote: **"This Statement, Madam Speaker, is intended to inform Honourable Members as to progress being made in responding to the needs of a relatively small but most unfortunate number of our people; people whose problems are often difficult to manage. This causes them, and often their families, a good deal of distress. I am, of course, referring to the chronic mentally ill and mentally handicapped, and especially those without the means available to adequately respond to their condition.**

"Presently, our Mental Health Services are limited to outpatient consultation by the psychiatrist at George Town Hospital and regular visits (twice monthly) to Faith Hospital in Cayman Brac, follow up activities by the Psychiatric Social Worker and inpatient treatment for the acutely ill (i.e., those who are disturbed or seriously disturbed). Appropriate secure beds at the George Town Hospital for the care of the severely disturbed patients and patients who abscond will be included in the Master Development Plan of the George Town Hospital Complex.

"However, it is well recognised that the chronic mentally ill will be benefited by medical and social supervision. Some clients are difficult to control at home, some unemployable without any family supervision and some are causing a public nuisance. We need to provide a programme that can offer residential care for those who cannot be cared for at home, due to lack of accommodation or family supervision, and day care activities for the chronic mentally ill. A day care facility will relieve the burden on families in the day time, in addition to providing rehabilitation activities to the clients who are mentally ill and mentally handicapped to restore some level of functioning.

"The Government intends to renovate the Government apartments on Smith Road to provide residential care for 6 to 8 clients initially, and day care for another 7 to 8 clients. This would accommodate those known to be in most severe need. One community mental health nurse will be in charge of the residential and day care center. The Psychiatrist and Psychiatric Social worker would participate in the activities as deemed necessary. The social Services Department would be called on to assist as necessary. We would have to employ an occupational therapist, caretakers, and three aides for the management and implementation of the programmes of the residential and day care centre. Community involvement through volunteers, voluntary organisations and families will be encouraged. Initially the day care clients can be dropped and collected by the families where feasible and we would procure a vehicle to enable the staff to assist in transportation of clients. I anticipate the recurring expenditure to be around \$150,000 per year.

"The programme will offer supervision for the taking, and administering of medication, occupational therapy and life skills training and, in some cases, full rehabilitation. It is hoped that some clients will be employed. The programme will offer clinical assistance and social support to the clients and families. Clients who are acutely disturbed, suicidal, excessively aggressive or significantly disabled will not be included in this programme as they may need hospitalisation. Those recovering in the hospital from bouts of such conditions will be able to benefit from the day care programme.

"The principle of helping individuals to help themselves and one another would be the essence of the programme.

"The programme models will be flexible to meet the needs of the clients. The clients will have the opportunity to learn to cope effectively with situations in a programme where staff and patients mutually participate in various activities and will also be taught social life management and recreational skills to help them overcome difficulties in these programmes. It is anticipated that the clients will be actively involved in their daily activities; cooking, housekeeping, gardening, maintenance of grounds,

etcetera, thus providing them the opportunity to learn as well as keeping the overhead costs to the minimum.

"The activities include:

1. Treatment through staff to client; client to client; staff to staff interaction.
2. Social and recreational activities.
3. Skill training through community practice as well as formal instructions in social communication, social interaction, relaxation training, etcetera.
4. Training in daily living activities such as grooming and personal hygiene, shopping, independent living, cooking and basic housekeeping.
5. General Health and wellness promotion through information and activities such as exercise, habit control, etcetera.
6. Skill development in the management of their medications.

"It is expected that the programme will remove some of these clients from the streets thus making them less liable to be drawn into antisocial and criminal acts, give families relief and respite from the burden of responsibility for caring for them; thus providing a humane approach to the chronic mentally ill citizens of these Islands. In addition we will be employing community mental health nurses to complement the psychiatric services of the Islands.

"The proposed facility is of temporary duration of 2 to 3 years as this will be included in the Master Development Plan of the George Town Hospital Complex. I ask the members of the community to lend their support to the Government in developing this programme for some of our less fortunate [fellow] citizens." [1993 Official Hansard Report, Vol. I page 390]

Thank you, Madam Speaker, for allowing me to read that long statement. But no one can say that Government did not attempt, and that they did not know that there was a programme planned. I recall the Fourth Elected Member for George Town (who said today that it should not go in what is now known as the Tim Thompson's Apartments) coming across right to where I am now standing, shaking my hand, saying; "We think this is something that is needed because of the situation on the street with these mentally disturbed people."

All Members I believe congratulated me—except for the Second Elected Member for Cayman Brac and Little Cayman. He did not directly say anything to me, but I heard him mention that it was something that was needed. Today, they are saying that it should not be at the Tim Thompson's Apartments. Why in the world, Madam Speaker, should we not put it there? But, yet, it is loaded with Cuban refugees today. It is not good enough for our own, but good enough for somebody else's.

Madam Speaker, to say that there was not a programme, and that I was whistling in the wind—the Plan for the Mental Health Unit was done and shown to Members. It carries something like five bedrooms with resident managers' bedrooms, and also a daycare centre, a store-room, a laundry, with fencing for security. So those Mem-

bers whose memory seems to be slipping today should well stop and think. Let them stop playing politics with every issue, and every chance they get to slap the Government in the face. The election is two years down the way and they will have their say on that day—so will the people.

Do not say that the Government did not attempt a programme. Just let me tell you, Madam Speaker, if I had my way that programme would be in place, because it was not something that was going to disturb the community; it was temporary and it is something that everybody now today says is much needed. Madam Speaker, you cannot walk down the middle... and I keep saying this to Members: like me or like me not, you have to be on one side or another—you cannot pacify the Opposition and pacify the Government at the same time. Opposition is going to be against Government and Government is going to object to the Opposition's objecting to them. Madam Speaker, we have to learn that we are representatives and when national issues come forward we have to stand our ground.

If I was the only Member in Government today, if I was the only Elected Member on Executive Council, then they could blame me. But they cannot blame Executive Council because it was not the Executive Council. We have to be led by civil servants to do these things. And I say again, it was not the Government who stopped it.

The Fourth Elected Member and the other Members who objected to the programme going at the Tim Thompson's Apartments supported it last year. Do they want a facility? Or whenever we put up a facility anywhere, are they going to complain about it if it is located beside somebody's house? Let us realise Madam Speaker, that the Government does not have a lot of property all about the place just empty. We do not. So where it is going to go? Anywhere a facility or unit goes, except if it goes in the Hospital (and even that) will be an attendant problem. This plan and the proposal which I read to the House today, and last year, was not put together by McKeeva Bush; it was put together by the psychiatrist and the staff at the George Town Hospital—the same ones we depend on for medical and technical advice.

Do not say that the Government did not do anything. Do not say that there is not something in existence. If I had my way... if McKeeva Bush had his way, it would be done. Today it would have been done. But I am only one Elected Member.

I believe now, Madam Speaker, that should clear the air on whether Government had intentions and had, in fact, started to do something. And I believe the amendment that my colleague, the Honourable Minister for Education and Aviation, mentioned should satisfy the House. But I warn the House that at some point somebody is going to be disgruntled about where it is put. I hope it will not be like everything else; when we put forward the drug rehabilitation centre there was a big hullabaloo about that, motions to stop it and all sort of inferences that Government was doing this and somebody was getting something out of it; should you put the Mental Health Unit by the Tim Thompson's Apartment, no that was not good enough. Last year it was good for some Members, but it

was not good. Tent City? Do not go by the Prison with it; put it down on Seven Mile Beach.

When are we going to stick to our guns, as men and women who are elected by the people, to do something about the problems? Not to find a way around it, to kick the Government in the face when the Government presents a problem and a solution. It is time that it stop. Now, if you all want to support me any other time, go ahead; but I have had enough of it.

Thank you, Madam Speaker.

The Speaker: If there is no further debate would the Honourable Second Official Member wish to reply?

Hon. Richard H. Coles: Thank you, Madam Speaker.

Let me say at the outset that I am very happy to accept and to move when we come to the Committee stage the amendment that has been outlined by the Honourable Minister for Education and Aviation. I certainly had absolutely no intention of a place—Northward Prison or indeed anywhere else—being prescribed by the Executive Council until steps had been taken to make it suitable for the reception of the persons intended to go there. I certainly took that for granted (as far as I was concerned, it went without saying), and I am more than happy to make that specific point in the amending of the Bill and I am sure that the proposed amendment, when it comes to the Committee stage, will be seen by Members to do exactly that.

Certainly, when I spoke at the start of this debate I attempted then (albeit an outline) to state the sort of changes and structures that would be put in place at the Northward Prison. Of course, I am not a medically qualified man; I certainly do not have that expertise, and I would not claim it. It is not for me to say what those should be other than as a responsible human being. But I am happy that the Bill will reflect during the Committee stage what I have already said.

There have been a number of points and questions raised by Members during the debate. I think quite a number of these will be dealt with by the amendment which I have just referred to; so I do not intend to deal with all of those, certainly not in detail. But I will try and go through various Members' queries because some of them are still highly relevant.

The Third Elected Member for George Town mentioned a number of things that she was concerned about. I think most of those will be addressed by the proposal that the Chief Medical Officer be satisfied before any place is prescribed. She certainly mentioned things like isolation of the individuals concerned, and where they would obtain their meals; contact with other prisoners, if indeed it is at the Northward Prison, etcetera. Well, I think those are all the things that will be dealt with by the Medical Officer before the place itself is prescribed.

Of course the other thing, as the Second Elected Member for George Town alluded to, is that it is going to depend on the state of the individuals as well and not only the state of that individual when he is first put into the place, but also his continuing state whilst there because, hopefully, it will improve and certainly is likely to

change from time to time. Therefore, the regime or the particular treatment that is being offered will itself change from time to time as the responsible Medical Officer decides.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation quite rightly at the start of his debate responded to the suggestion that there may have been some collusion as to why I, as the Attorney General, was presenting and putting forward this piece of legislation as opposed to the Minister for Health. I am quite happy to confirm exactly what the Honourable Minister has said, in that the reason I chose to present this piece of legislation is because it is, as far as I am concerned, for a specific purpose (which is what I outlined in the first spoke) to remedy a deficiency in the substantive Law. It was felt that it would be more appropriate for me, as a Lawyer, to explain the technicalities of the law and why it was needed. I think that underscores the fact that this amendment was in no way designed for the Government to address the problem with mental health in this country.

The Fourth Elected Member for George Town asked some specific questions relating to the individual that I referred to in my opening speech, who was found by the Summary Court to be unfit to plead to a charge. That point is still relevant, so I will certainly answer it. At the present time the particular individual has been remanded under the Criminal Procedure Code in custody; which means that he is a prisoner. That is what the order of the Court was. But when I read out the relevant section of the Criminal Procedure Code it is not pending a decision of the Governor in Council as to the next decision to be taken for detention. Of course when that decision is taken then it will be on the grounds of a patient, and will be dealt with in accordance with the amendments.

Perhaps that clears that up. I should add another point to this because I do not want Members to be confused about the purpose for which I have introduced this amending Bill—which I have no intention of going through again because I explained it in a lot of detail when I first opened the debate. The order that has been made (and, indeed, will be made in the future by the Governor in Council) is not under the Mental Health Law or, indeed, under the amendment that is before the House today—it is under the Criminal Procedure Code.

The sole purpose of this amendment today to deal with the situation is to allow a place of safety to be prescribed under the Mental Health Law, and it is that place of safety that is then used under the Criminal Procedure Code. But any order that relates to persons found medically unfit to plead is under the Criminal Procedure Code not the Mental Health Law. The Mental Health Law quite correctly is there to deal with mentally ill people in society, and not as the Second Elected Member for George Town, correctly pointed out, the criminally insane. That is a question for the Criminal Law to deal with and it is how our Criminal Law deals with it.

So I hope, Madam Speaker, that matters have now been fully aired—and I think it is only right and proper that something that is of considerable public concern should be fully aired—that Members will feel able to sup-

port this amending Bill.
Thank you.

The Speaker: The motion is that a Bill entitled the Mental Health (Amendment) Bill, 1994, be given a Second Reading. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE MENTAL HEALTH (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994

Clerk: The Strata Titles Registration (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, I move the Second Reading of a Bill For a Law to Amend the Strata Titles Registration Law, 1973.

Madam Speaker, this short Bill is introduced as the first stage of the implementation of a reform of the Strata Titles Registration Law, 1973. The Law is 21 years old and requires reform to continue the benefit to the economic development of these islands. The short Bill makes two changes to the existing Law.

Firstly, in clause 2 it will allow the subdivision of raw land in addition to land already built on to be registered as a strata plan. The second change is in clause 3, which inserts a new Part IV A into the Law to allow the phased development of strata lots. This also will benefit the financing and marketing of developments.

Madam Speaker, this short Bill has been brought about because of complaints from members of the public, mainly developers, who no doubt have experienced hardships and problems with the Law because of its age. It is intended to revamp the old Law but in an effort to keep things on an even keel we decided to do this short amendment to rectify these two areas. I ask all Honourable Members for their support.

The Speaker: The question is that a Bill entitled, the Strata Titles Registration (Amendment) Bill, 1994, be given a Second Reading. The motion is open for debate.

If there is no debate would the Honourable Minister wish to add anything further.

Hon. John B. McLean: Thank you, Madam Speaker. Just to thank Honourable Members for their support.

The Speaker: The motion is that a Bill entitled the Strata Titles Registration (Amendment) Bill, 1994 be given a

Second Reading. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider various Bills.

HOUSE IN COMMITTEE (3.00 PM)

COMMITTEE ON BILLS

THE PROPERTY (MISCELLANEOUS PROVISIONS) BILL, 1994

The Chairman: Please be seated. The House is now in Committee.

The first Bill is The Property (Miscellaneous Provisions) Bill, 1994. The Clerk will read the clauses.

Clerk: Clause 1—Short title.

Clause 2—Charges over debts and other obligations.

Clause 3—Trusts over debts.

Clause 4—Dispositions in favour of illegitimate issue not void.

Clause 5—Legal assignment of things in action.

Clause 6—Things in action represented by bearer instruments.

Clause 7—Bodies corporate holding as joint tenants.

Clause 8—Deeds and certain other instruments no longer required to be executed under seal.

Clause 9—Repeal of Probate of Deeds Law (Revised).

Clause 10—Application.

The Chairman: The question is that Clauses 1 through 10 stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes it.

AGREED: CLAUSES 1 THROUGH 10 OF THE PROPERTY (MISCELLANEOUS PROVISIONS) BILL, 1994, PASSED.

Clerk: A Bill For a Law to Make Provision With Respect to Dispositions of Property and Related Matters.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994

The Chairman: The next Bill is the Companies (Amendment) (No. 2) Bill, 1994.

Clerk: Clause 1—Short title.
 Clause 2—Interpretation.
 Clause 3—Section 42 repealed and replaced.
 Clause 4—Section 80 amended.
 Clause 5—Section 82 repealed and replaced.
 Clause 6—Section 203 repealed and replaced.
 Clause 7—Minor amendments.

The Chairman: The question is that Clause 1 through 7 do stand part of the Bill. If there is no debate, I should put the question. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes it.

AGREED: CLAUSE 1 THROUGH 7 OF THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994, 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.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994

The Chairman: The next Bill is the Powers of Attorney (Amendment) Bill, 1994.

Clerk: Clause 1—Short title.
 Clause 2—Interpretation.
 Clause 3—Section 2 amended.
 Clause 4—Section 6 amended.

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.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 THROUGH 4 OF THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994, PASSED.

Clerk: A Bill For a Law to Amend the Powers of Attorney Law, 1979.

The Chairman: The question is that the title do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE PARTNERSHIP (AMENDMENT) BILL, 1994

The Chairman: The next Bill is the Partnership (Amendment) Bill, 1994.

Clerk: Clause 1—Short title.
 Clause 2—Repeal of section 5.

The Chairman: The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate I should put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 OF THE PARTNERSHIP (AMENDMENT) BILL, 1994, PASSED.

Clerk: A Bill For a Law to Amend the Partnership Law, 1983.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994

DEFERMENT OF COMMITTEE STAGE ON BILL

The Chairman: The next Bill is the Housing Develop-

ment Corporation (Amendment) Bill, 1994.

Hon. W. McKeeva Bush: Madam Chairman, I invited the Chairman of the Housing Development Board to appear before the Committee. He is on his way, and I am wondering if you could go to the next three Bills and come back to the Housing Development Corporation (Amendment) Bill? I think what he has to say, in view of what some Members were asking, he could explain better to the Members.

The Chairman: That is possible, except that in our Standing Orders it is the Standing Select Committee that has the power to send for witnesses. But our powers to send for anyone to speak in the Assembly comes under the Privileges Law. I think normally it is proper to ask the Committee or the House if people could come in—we do not just do it off the bat like that.

Hon. W. McKeeva Bush: Yes, Madam Chairman. If you will recall I wrote to you about it today, and I think that is the route you have to take; if the Members of the Committee have to be asked, then I think we should. But they are the ones asking the questions about the Bill. It would be good to hear him if he could get here in time.

The Chairman: Yes. Did you say he is on his way now?

Hon. W. McKeeva Bush: Yes, Ma'am.

The Chairman: May I ask Honourable Members if they have any objection to having the Chairman of the Housing Development Corporation down?

We can then move on to the next Bill until he arrives. The next Bill is the Tax Concessions (Amendment) Bill, 1994.

THE TAX CONCESSIONS (AMENDMENT) BILL, 1994

Clerk: Clause 1—Short title

Clause 2—Amendment to the Tax Concessions Law (Revised).

The Chairman: The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate I should put the question. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 OF THE TAX CONCESSIONS (AMENDMENT) BILL, 1994, PASSED.

Clerk: A Bill For a Law to Amend the Tax Concessions 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.

AYES.

The Chairman: The Ayes it.

AGREED: TITLE PASSED.

THE MENTAL HEALTH (AMENDMENT) BILL, 1994

The Chairman: The next Bill is the Mental Health (Amendment) Bill, 1994.

Clerk: Clause 1—Short title.

The Chairman: The question is that clause 1 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.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED

Clerk: Clause 2—Amendment of the Mental Health Law, 1979.

The Chairman: The next clause—clause 2; the Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Chairman.

I wish to move an amendment to clause 2 of the Bill. Because I have been unable to give the requisite notice, I should first move the suspension of Standing Order 52 (2), to allow an amendment to be brought without notice.

The Chairman: I do not think that that is necessary because the Chairman has the power to give leave without the two days' notice, which I have done accordingly.

Hon. Richard H. Coles: I am very pleased to hear that, Madam Chairman. In that case I move an amendment, which I am not sure has been circulated as yet... I have a typed copy, but I think the Legislative Assembly's staff are copying it to be circulated. Do you have a copy, Madam Chairman?

The Chairman: I have a copy, but I had hoped that all Members would have had a copy too. Could we see that all Members have this copy? If I have a copy, I am sure other Members will be able to have it.

Hon. Thomas C. Jefferson: Madam Chairman, I think it is also fair to say that this amendment was discussed with all Members of the Legislative Assembly and agreed. Certainly we would like to see the amendment, but it has already been agreed to.

The Chairman: Thank you, if we could just wait for a few seconds we will have copies for everybody. (Pause)

Honourable Second Official Member, I think you can now proceed.

Hon. Richard H. Coles: Thank you, Madam Chairman.

I will read the proposed amendment which is to clause 2 of the Bill. It reads as follows: "**In the new section 15(1)(a) of the Mental Health Law, 1979, (to be substituted by clause 2 of the Mental Health (Amendment) Bill, 1994) after the word 'place' where it first occurs, there shall be inserted the words 'which the Chief Medical Officer certifies is appropriate (in all the circumstances) to receive and care for a mentally disordered person.'**"

The Chairman: The question is that the amendment as stated by the Honourable Second Official Member be made. If there is no debate.

Mr. Tibbetts.

Mr. D. Kurt Tibbetts: Madam Chairman, just a question. The amendment that is proposed, I do not see any amendment to the Memorandum of Objects and Reasons. Maybe I do not know what I am saying, but I do not see any amendment to the Memorandum of Objects and Reasons.

The Chairman: I think you will appreciate that the Memorandum of Objects and Reasons, while it is not part of the Bill, it was stated I think by the Honourable Second Official Member that there would be an amendment to it.

Hon. Richard H. Coles: Yes, that is quite correct, Madam Chairman, there will be an amendment to it. But, strictly speaking, the Memorandum of Objects and Reasons does not form part of the Bill; so it does not fall (if I am correct) in being considered by this Committee. But I have already stated it and I will repeat it in committee that the amendment will be made.

The Chairman: I shall now put the question, that the amendment as stated by the Second Official Member be made. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT CLAUSE 2 BE AMENDED.

The Chairman: The question is that clause 2 as amended 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.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2 AS AMENDED PASSED.

Clerk: A Bill For a Law to Amend the Mental Health Law, 1979.

The Chairman: The question is that the Title do stand part of the Bill. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: The next Bill is the Strata Titles Registration (Amendment) Bill, 1994.

THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994

Clerk: Clause 1—Short title.
Clause 2—Strata and strata lots of land.
Clause 3—Phased development.

The Chairman: The question is that clauses 1, 2, and 3 do stand part of the Bill. If there is no debate. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1, 2, AND 3 OF THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994, PASSED.

Clerk: A Bill For a Law to Amend the Strata Titles Registration (Amendment) Law, 1973.

The Chairman: The question is that the title do stand part of the Bill. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

RE-COMMITTAL OF THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994

Hon. W. McKeeva Bush: Madam Speaker, the Chairman of the Housing Development Corporation Board is here. But he has one problem—he does not have a coat on, and I hope the House will allow him to come in. The purpose as I said, is for Members who raised certain questions, to have a chance to get them answered.

The Chairman: He does have on a shirt, I hope.

Hon. W. McKeever Bush: Oh, yes, he does; and a tie—best of all he has on a pair of pants.

The Chairman: Could you ask the Serjeant-at-Arms to bring him in please?

**MR. DANIEL SCOTT, CHAIRMAN
HOUSING DEVELOPMENT CORPORATION
(3.18 PM)**

The Chairman: Mr. Scott, thank you for coming in. Have a seat.

The Bill before us to be considered is the Housing Development Corporation (Amendment) Bill, 1994. There are two clauses in the Bill.

Clerk: Clause 1—Short title.

The Chairman: The question is that clause 1 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.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 PASSED.

Clerk: Clause 2—Amendment of the Housing Development Corporation Law, 1981.

The Chairman: The question is that clause 2 do stand part of the Bill. This is open for debate. If anyone wishes to ask the Chairman of the Housing Development Corporation questions, they may do so now.

Mrs. Berna Murphy.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Chairman.

Mr. Scott, could you kindly tell us when the mortgage portfolio is sold, will the same rate of interest apply? For example if someone is paying 9%, if that is sold will those same terms apply?

The Chairman: Mr. Scott.

Mr. Daniel Scott: The intention is that the Board has recommended, and it is certainly going forward, that any sale of the mortgage portfolio to an institution that is licensed to transact business in lending (most likely it would be a bank), would be on the same terms and conditions as those portfolios currently held by the Housing Development Corporation. In other words, if it is a fixed rate of interest, the banks would buy the portfolio on that basis.

I have been advised by several of the banks that that will not cause a problem because in most cases persons come back to refinance their mortgage prior to the 20 year expiration; at which point in time if they need to renegotiate they can do so. But, certainly, as it stands,

persons transferring their mortgages would have the same terms and conditions.

The Chairman: Dr. Stephenson Tomlinson.

Dr. Stephenson A. Tomlinson: Mr. Scott, will you tell us if the holders of debentures are happy for the Housing Development Corporation to divest its assets and also, about the debenture certificates; what are the terms and conditions?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, we have obviously been very wary, as far as approaching the holders of debentures on this issue—based on the fact that the Law itself, as it was previously drafted, did not allow us to do so. Nevertheless, the feedback that we have been given since the Bill has been raised in the House, is that those who have spoken to me (some whom are substantial debenture holders), would have absolutely no problem with redeeming it; mainly because they are also the banks on the island that would be participating in a lot of cases (one way or the other) in mortgage lending themselves rather than go through the Housing Development Corporation as an intermediary.

On the question of the terms of the debentures itself, basically we have to give the holder three months' notice that we do intend to redeem, and there is no penalty for other redemption.

The Chairman: Mr. Tibbetts.

Mr. D. Kurt Tibbetts: Thank you, Madam Chairman.

Mr. Scott, just a follow up on an answer you gave to a previous question. You said that the majority of the people who have mortgages usually refinance before the 20 year period is up. At which time they would renegotiate with whomever is the purchaser of the mortgage portfolio. I just want to make it clear, at that point in time, for them to renegotiate, would they relinquish their hold on that fixed rate?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, that, as I understand, would be correct. They would then be negotiating with the financial institution based on the terms that they would be offering at that stage. However, I may add that in a majority of cases now, they would not be given the opportunity to come back to the Housing Development Corporation and renegotiate terms. Normally, where you find people renegotiating is for additional sums. Right now the Housing Development Corporation is limited as to how much they can borrow. A majority of people have borrowed up to their limit.

In addition to that, with a number of cases if they were now borrowing from a bank (as opposed to borrowing from the Housing Development Corporation), it is fair to say that they would be getting a better rate of interest

at this current point in time; because the Housing Development Corporation's rates have ranged between 9% and 11%. A lot of them now are at 11%.

In the current easement of interest rates, a lot of our potential clientele were coming in to the Housing Development Corporation. They were very concerned that we were talking 11%, and they could go out to a commercial bank and perhaps get it at 9% to 10%.

So the answer to your question is, yes. They would have to negotiate the mortgage on the terms the banks are offering, but it would not necessarily be worse than the Housing Development Corporation. In some cases it could be better for the person.

Mr. D. Kurt Tibbetts: Temporarily?

Mr. Daniel Scott: That could be argued, depending on how the interest rates go.

The Chairman: Dr. Tomlinson.

Dr. Stephenson A. Tomlinson: Mr. Scott, can you tell us whether it is specified that the Housing Development Corporation can only divest with the consent of the debenture holders, debenture certificates, or not?

The Chairman: Mr. Scott.

Mr. Daniel Scott: If my memory serves me right, there is a restriction in there that we do indeed have to consult with the debenture holders and, indeed, any change to the operations of the Corporation would also have to come with the support of the debenture holders. It is our intention—and I suspect certainly at this stage now that we are exploring the idea, that we will inform debenture holders—and if there is any objections from them we will give that due consideration. I would suspect, and I do believe we will have very little. Indeed, we have recently had several requests to redeem.

So I think a majority of debenture holders have invested as a show of support for the Cayman Islands and would have no problem in getting their funds back.

The Chairman: Dr. Tomlinson.

Dr. Stephenson A. Tomlinson: Mr. Scott, as the Chairman of the Housing Development Corporation Board, what do you see as the functions of the Housing Development Corporation being once it is divested?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, it is, again, one of the considerations that the board has obviously looked at. As I see it, housing in Cayman is very broad-based, and the Housing Development Corporation today has focused on the lending. I think, certainly, in the earlier stages when it was initially established, it was done at a time when we did not have available mortgage financing for 20 year periods. So the Housing Development Corpo-

ration came in and did offer that.

In the current environment, we have any number of financial institutions that are offering that. So I think right now the focus of the Housing Development Corporation, perhaps, can switch. Right now, as I see it, it would be much better served concentrating on some of the housing problems, which to be quite honest we have not had the opportunity to address; things such as, dealing with the question of housing for the indigent; and, perhaps, looking at an overall housing plan for the Cayman Islands. It is one of the things we have suggested, that it go on and do what could be considered a mini-case study even for young people coming back that do have the need for housing. They are coming back, they have good jobs and a college education and want certain types of housing. Perhaps it could gather information on them and try to put them in touch (so to speak) with developers or financial institutions where you have a group of maybe ten people coming back and, as a result to that, certain economy scales can be recognised and realised for the potential purchasers of new homes, whether young people, or whatever the case maybe.

So in response to your question, Dr. Tomlinson, I think there is a lot the Housing Development Corporation can still do, and needs to be involved in.

The Chairman: Dr. Tomlinson.

Dr. Stephenson A. Tomlinson: Do you anticipate that you will need all the present employees?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, I think that is very difficult for me to answer, and I will tell you why. The Housing Development Corporation has been served, I think until recently, by a group of six employees. The other thing is that they have also served the AIDB (Agricultural Industrial Development Board). With the amalgamation of both, it would be difficult, from the Housing Development Corporation's standpoint, for me to try and assess the bigger picture as to what the new board is. To be quite honest, I am not even familiar with what it is planning and that I think, would have to go back to Government's policy.

So I really would not know.

The Chairman: Dr. Tomlinson.

Dr. Stephenson A. Tomlinson: Madam Chairman, may I ask the Minister a question at this point?

The Chairman: You may.

Dr. Stephenson A. Tomlinson: Would the Honourable Minister, tell the House if he has been able to negotiate a fixed interest rate with the participating banks for the new housing scheme?

The Chairman: Honourable Minister.

Hon. W. McKeever Bush: If we have been able to do a fixed... The new Government Housing Scheme?

Dr. Stephenson A. Tomlinson: If you have been able to negotiate a fixed interest rate, rather than one relating to prime interest rate, for instance?

Hon. W. McKeever Bush: The position is as I have said in the past in the House: I could not get a fixed rate.

The Chairman: Dr. Tomlinson.

Dr. Stephenson A. Tomlinson: Madam Chairman, I heard Mr. Scott say... and I think most of us realise that the Housing Development Corporation lends at somewhere between 9% to 11%, depending on earnings of the applicant; we also know what the banks lend money for, and this is the reason why I am asking... perhaps the Minister should make every effort to negotiate, if possible, a fixed interest rate so that it will not, in fact, exceed that which the Housing Development Corporation charges at the moment.

The Chairman: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Are you talking about the new scheme?

The new scheme was already negotiated. I could not do any better on the scheme. Hopefully, on the new schemes to come (as I have said in the House, there will be other schemes) we will be able to get a better rate than what we have gotten before. But I cannot give the House that undertaking. I give the House the undertaking that I will continue dutifully to press for good interest rates.

The Chairman: Dr. Tomlinson.

Dr. Stephenson A. Tomlinson: I fully understand that he has made efforts in the past. I understand further that the agreement has been finalised with only banks. I would like the House to know whether this agreement has also been finalised with the other lending institutions.

The Chairman: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Chairman, I said in the House the other day, that the only agreement signed was with Canadian Imperial Bank of Commerce—the other ones are still pending. But the Bank of Butterfield, British American Bank and the First Cayman Bank, I do not think, are going to give any better than what the Canadian Imperial Bank of Commerce gave; this is what it seems like to me. However, when we go to negotiate, because we will have to look further at the other scheme, as I mentioned also the other day, then we will have a

change. But as it stands, it does not seem that it will get any better than what we have now, unless the base rate drops.

The Chairman: Mr. Scott, you wish to make a comment?

Mr. Daniel Scott: If I may, Madam Chairman, in response to the question Dr. Tomlinson raised. I think it is fair to say that in the current environment it is virtually impossible to get fixed rates for long period of time. I think it is indicative—and it is one of the things the board realised has caused us some concerns; and it is certainly one of the things we have considered in seeking guidance from the Ministry as far as divesting ourselves of the loan portfolio, in that what we have is 20 year debentures with fixed rates of interest at 7.5%. In addition to that (which provides us with the financing so that we can match and fixed our loans) the other side to that is that we also under the debenture agreement have provided a sinking fund, which we have to fund every single year and have to segregate that in a separate term deposit account.

In recent times what we have found is that we are indeed having a net interest loss because we have almost \$700,000 that we are holding on fixed deposit for the benefit of debenture holders which we have to repay them. We are getting about 3.5% on that (\$700,000); and in turn, we have to pay 7.5% to debenture holders.

So this, again, is one of the problems that arises as a result of getting long-term money. But as interest rates swing, it creates problems. Indeed, with the Housing Development Corporation going forward, we are projecting that next year we are going to have to set aside an additional \$155,000 for the sinking fund. Currently on an annual basis we are probably losing \$26,000 in interest. Every year it will continue to mount as we spread.

The Chairman: Mr. Tibbetts.

Mr. D. Kurt Tibbetts: Thank you, Madam Chairman.

Mr. Scott touched on the formation of the new institution which would be called the Cayman Islands Development Board. Maybe you cannot answer the question, but I am going to ask: At this point in time, is that still being put together or has it been put together? Or exactly where are you with the merger at this point in time? If Mr. Scott cannot answer, and the Minister can, that is find.

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, I think that is the case to be quite honest. I have not been involved. I have only been focussing on the Housing Development Corporation.

The Chairman: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Chairman, there has been a draft Bill prepared for the Housing Development Corporation and the aid, by amalgamation thereof, and that was sent to both boards for their input.

The Chairman: Are there any further questions to Mr. Scott? Mr. Haig Bodden.

Mr. G. Haig Bodden: Yes, Madam Chairman.

If I understand correctly, you [the Housing Development Corporation] are paying 5% or 7.5% interest on debentures, and you are lending that money at 9% to 11%. Why are you losing so much on it? Is it because the expenses of operating the Housing Development Corporation are top-heavy? You are almost doubling the interest rate, are you not?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Thank you, Madam Chairman.

No, Mr. Bodden. Indeed where I was talking about us losing money—the Corporation made money last year up until (and I have management accounts here) June of 1994, we made \$122,765. So on the portion of our portfolio that we are able to lend out we are making money.

The part that we are losing interest on is the portion that we are not able to re-lend and have to set aside into a sinking fund and we are only allowed to put it on fixed deposit and not re-lend it at the 9% or the 11% interest rate. We have to set it aside on a fixed deposit and that portion is close to \$700,000 and we are only earning 3.5% on it, whereas we are having to pay about 7.5% on the debentures.

If I may, the Minister has mentioned to me that the whole suggestion of divesting the mortgage portfolio did indeed come from the Board. The Board is not into establishing policy. That has always been, in my view, the job for the Government of the day—whomever it may be—I serve simply as a member of the Board in the best interest under the Law as it is prescribed for us to do.

The things that we have to look at as board members are: 1) we have to be prudent in our management of the affairs of the corporation because, among other things, we have investors who are third party; 2) we have to ensure that whatever we do is in the best interest of the borrowers; and 3) in the best interest of the people who are lending to us and, indeed, in the best interest of the country as a whole.

So looking at all the changes that have occurred and the changing times in Cayman, what we have now, I think it is fair to say that this was where the whole assessment came to the board and thus the suggestion.

The Chairman: Mr. Tibbetts.

Mr. D. Kurt Tibbetts: Thank you, Madam Chairman.

Just one final question, depending on how it is answered. If the Housing Development Corporation was at a point of being able to lend (and I will not put a fixed figure on maybe you can assist me with that), would there

be a level where they could actually be self-sufficient? In your opinion, would the Housing Development Corporation be serving a good purpose for the Islands?

The Chairman: Mr. Scott.

Mr. Daniel Scott: My apologies. Could you go over the last part.

Mr. D. Kurt Tibbetts: Like I said, maybe you can assist me with the type of figure it would be, but if the Housing Development Corporation got to the point where what they were able to lend out, would their earnings be able to make them self sufficient? The type of lending that it does and the type of individuals that it caters to, in your professional opinion—notwithstanding what the commercial banks are doing—do you think that the Housing Development Corporation would be serving a specific, bona fide purpose for the community?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, in response to the question, it is my view (and I think the Board shares my view on this) that we are in a very fortunate position in Cayman—unlike a lot of other jurisdictions—in that we have several (close to 70) banks with physical presence in the Cayman Islands, who do have funds available in any number of them. Grand Cayman, once again, is very fortunate and has a small population by comparison.

But it has been my experience that it is always more efficient for a bank that is geared up to do this sort of lending, to do so, rather than the Housing Development Corporation. The reason why I said that is because they already have the facilities, the people in place, and they have the access to the ongoing funding—which is one of the biggest problems we have had at the Housing Development Corporation.

In my view, I think that the Housing Development Corporation does have a very important role to play, and, perhaps, it is questionable (certainly in the long term) as to whether or not it would want to get involved as far as structuring and giving guidance to the financial institution, and even overseeing the programmes that are being initiated with these institutions. But from a pure lending standpoint, I think the banks in the country can indeed provide whatever is necessary; with Government, obviously, monitoring the programmes that they want in place.

My short response would be that it would be best served by the banks, as opposed to the Housing Development Corporation, regardless of the amount of funds they have available.

The Chairman: Mr. Gilbert McLean.

Mr. Gilbert A. McLean: Thank you, Madam Chairman.

I would like to ask Mr. Scott a question. Is it correct to say that there has been at least some close and personalised relationship between borrowers and the staff of

the lending section at the Housing Development Corporation that has been working acceptably?

The Chairman: Mr. Scott.

Mr. Daniel Scott: Madam Chairman, in response to the question, I think the answer is that the Housing Development Corporation has, on an ongoing basis, dealt in a professional manner with its clientele. Having said that, we have had numerous complaints from people who are somewhat disgruntled on the other side—but you get that regardless of what happens.

So my answer is, yes, the Housing Development Corporation's management in my view has done a good job and dealt with it. I do not think, though, that any less of a job would be done by a financial institution.

The Chairman: If there are no further questions for Mr. Scott, I would like to thank him for being here and being able to answer questions to satisfy Honourable Members. Thank you, Mr. Scott.

Mr. Daniel Scott: Thank you, Madam Chairman.

The Chairman: The question now is that clause 2 do stand part of the Bill. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2 PASSED.

Clerk: A Bill For a Law to Amend the Housing Development Corporation Law, 1981.

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.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on various Bills. The question is that the Committee do now agree that the Bills be reported to the House. Those in favour please say Aye... Those against No.

AYES.

The Chairman: The Ayes it.

AGREED: THAT THE COMMITTEE REPORT TO THE HOUSE.

HOUSE RESUMED—3.45 PM

The Speaker: Please be seated. Proceedings of the House are resumed. Report on Bills.
The Honourable Third Official Member.

REPORTS ON BILLS

THE PROPERTY (MISCELLANEOUS PROVISIONS) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I have to report that a Bill entitled the Property (Miscellaneous Provisions) Bill, 1994, 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 Third Official Member.

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I have to report that a Bill entitled the Companies (Amendment) (No. 2) Bill, 1994, 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 Third Official Member.

THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I have to report that a Bill entitled the Powers of Attorney (Amendment) Bill, 1994, was examined by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for Third Reading.
The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994

Hon. W. McKeeva Bush: Madam Speaker, I have to report that a Bill entitled the Housing Development Corporation (Amendment) Bill, 1994, was examined by the Committee of the whole House and passed without amendments.

The Speaker: The Bill is accordingly set down for Third Reading.
The Honourable Third Official Member.

THE PARTNERSHIP (AMENDMENT) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I have to report that a Bill entitled the Partnership (Amendment) Bill, 1994, 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 Third Official Member.

THE TAX CONCESSIONS (AMENDMENT) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I have to report that a Bill entitled the Tax Concessions (Amendment) Bill, 1994, 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 Second Official Member.

THE MENTAL HEALTH (AMENDMENT) BILL, 1994

Hon. Richard H. Coles: Madam Speaker, I have to report that a Bill entitled the Mental Health (Amendment) Bill, 1994, was considered by a Committee of the whole House and passed with one amendment.

The Speaker: The Bill is accordingly set down for Third Reading.

The Honourable Minister responsible for Agriculture, Communications and Works.

THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1994

Hon. John B. McLean: Madam Speaker, I have to report that a Bill entitled the Strata Titles Registration (Amendment) Bill, 1994, was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for Third Reading.

Third Readings.

THIRD READINGS

THE PROPERTY (MISCELLANEOUS PROVISIONS) BILL, 1994

Clerk: The Property (Miscellaneous Provisions) Bill, 1994.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I move that a Bill entitled the Property (Miscellaneous Provisions) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Property (Miscellaneous Provisions) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE PROPERTY (MISCELLANEOUS PROVISIONS) BILL, 1994, PASSED.

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994

Clerk: The Companies (Amendment) (No. 2) Bill, 1994.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I move that a Bill entitled the Companies (Amendment) (No. 2) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Companies (Amendment) (No. 2) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1994, PASSED.

THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994

The Speaker: The Powers of Attorney (Amendment) Bill, 1994.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I move that a Bill entitled the Powers of Attorney (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Powers of Attorney (Amendment) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE POWERS OF ATTORNEY (AMENDMENT) BILL, 1994, PASSED.

THE PARTNERSHIP (AMENDMENT) BILL, 1994

Clerk: The Partnership (Amendment) Bill, 1994.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I move that a Bill entitled the Partnership (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Partnership (Amendment) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE PARTNERSHIP (AMENDMENT) BILL, 1994, PASSED.

**THE HOUSING DEVELOPMENT CORPORATION
(AMENDMENT) BILL, 1994**

Clerk: The Housing Development Corporation (Amendment) Bill, 1994.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I move that a Bill entitled the Housing Development Corporation (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Housing Development Corporation (Amendment) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES AND NOES.

Hon. W. McKeever Bush: Can I have a division, Madam Speaker?

The Speaker: You certainly may.

DIVISION NO. 14/94

Housing Development Corporation Bill

AYES: 11

Hon. J. Lemuel Hurlston
Hon. Richard Coles
Hon. George A. McCarthy
Hon. McKeever Bush
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. D. Dalmain Ebanks
Dr. Stephenson Tomlinson
Mrs. Berna L. Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna Moyle

NOES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

ABSENT: 4

Hon. Thomas C. Jefferson
Hon. Truman Bodden
Mr. John D. Jefferson, Jr.
Mr. G. Haig Bodden

The Speaker: The result of the Division is 11 Ayes, and three Noes. The Bill has accordingly been given a Third Reading and passed.

AGREED BY MAJORITY: THE HOUSING DEVELOPMENT CORPORATION (AMENDMENT) BILL, 1994, PASSED.

THE TAX CONCESSIONS (AMENDMENT) BILL, 1994

Clerk: The Tax Concessions (Amendment) Bill, 1994.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I move that a Bill entitled the Tax Concessions (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Tax Concessions (Amendment) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE TAX CONCESSIONS (AMENDMENT) BILL, 1994, PASSED.

THE MENTAL HEALTH (AMENDMENT) BILL, 1994

Clerk: The Mental Health (Amendment) Bill, 1994.

The Speaker: The Honourable Second Official Member for Legal Administration.

Hon. Richard H. Coles: Madam Speaker, I move that a Bill entitled the Mental Health (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Mental Health (Amendment) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE MENTAL HEALTH (AMENDMENT) BILL, 1994, PASSED.

**THE STRATA TITLES REGISTRATION (AMENDMENT)
BILL, 1994**

Clerk: The Strata Files Registration (Amendment) Bill, 1994.

The Speaker: The Honourable Minister responsible for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, I move that a Bill entitled the Strata Titles Registration (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Strata Titles Registration (Amendment) Bill, 1994, be given a Third Reading and passed. Those in favour please say Aye... Those against No.

AYES.

The Speaker: The Ayes have it.

**AGREED: THE STRATA TITLES REGISTRATION
(AMENDMENT) BILL, 1994, PASSED.**

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.58 PM

PROCEEDINGS RESUMED AT 4.16 PM

The Speaker: Please be seated.

Motions, Government Motion No. 8/94. The Honourable Minister for Education and Aviation.

MOTIONS

GOVERNMENT MOTION NO. 8/94

**AMENDMENT TO THE LEGISLATIVE ASSEMBLY
STANDING ORDER (REVISED)**

Hon. Truman M. Bodden: Thank you, Madam speaker.

I beg to move Government Motion No. 8/94—Amendment to the Legislative Assembly Standing Order (Revised). It reads:

"WHEREAS it is expedient that the Select Committee, established in 1993 to study the draft Part IVA of the Cayman Islands (Constitution) Order, 1972, as amended (being the Fundamental Rights and Duties of the Individual) should remain established for that purpose;

"AND WHEREAS it is desirable, for the avoidance of doubt, to amend Standing Orders to ensure that this and other Select Committees which have been established since this Honourable House was last dissolved, and which have not finished their business, continue (and shall be treated as continu-

ing in being) for the respective purposes for which those Committees were established, and to ensure that all future Select Committees remain in being until their business is finished or until this Honourable House is next dissolved after the date on which they are established (whichever shall first occur);

"BE IT NOW THEREFORE RESOLVED THAT Standing Orders be amended by the addition of a new Standing Order 69A as follows—'Duration of select committees. 69A (1) A Select Committee shall continue in being for the purpose for which it was established (notwithstanding any prorogation of the House during the period beginning on the day on which the Select Committee is established and ending on the day on which the House is next dissolved thereafter) until the day of that dissolution or (if sooner) the day on which the business of the Select Committee is finished.

"(2) Paragraph (1) of this Standing Order applies, and shall be deemed always to have applied, to every Select Committee established after the end of 1992."

The Speaker: The question is that the Motion be referred to the Standing Orders Committee. Those in favour please say Aye... Those against No.

AYES AND NOES.

The Speaker: The Ayes have it. The Motion has accordingly been referred to the Standing Select Committee the Chairman of which is the Honourable First Official Member.

**AGREED: GOVERNMENT MOTION NO. 8/94 RE-
FERRED TO THE STANDING SELECT COMMITTEE
ON STANDING ORDERS (STANDING ORDER 84).**

The Speaker: Continuing with Other Business, Private Members' Motion. Continuation with the debate on Private Member's Motion No. 24/94. The Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 24/94

**THE IMMIGRATION (AMENDMENT) LAW, 1994
(LAW 4 OF 1994)**

~AND~

**THE IMMIGRATION (EMBARKATION & DISEMBAR-
KATION CARDS) (EXEMPTION) REGULATIONS, 1994**

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Continuing with the winding up debate—having heard contributions from other Members and also the Government's position on the Motion, it appears to me that there is no question that there may be some problems. I would like to take this opportunity to briefly address parts of the reply made by the First Official Member on behalf of the Government.

In his reply the Honourable Member stated, and I read: **"What is rather peculiar is that the representations, which seem to have been made to the Fourth Elected Member for George Town, who is moving this Motion, have not yet been formally made to the Government—not to my knowledge. The Police Department has not reported any interdiction problems, or that any difficulties have resulted from their inability to get information quickly and appropriately."**

Madam Speaker, it is my understanding that at least one high-ranking officer in the force has had discussions with someone on the Fourth Floor of the Government Administration Building. I do not know what the result of that discussion was—but that is my understanding. In the Honourable First Official Member's discourse, he also said, and I quote: **"There may be supervisors in these departments who are genuinely concerned about the effect of these exemptions, and it is possible that these concerned officers may, with the best of intention, have made representation to the Fourth Elected Member of George Town. But until the Government has had an opportunity to receive those representations at the correct level, it is difficult for the Legislative Branch of the Government to be reacting to that sort of representation."**

"It is the view, therefore, that the exemption will continue and that as originally envisaged, the matter will be reviewed at some point in the future [I repeat at some point in the future] and all concerns will be taken into account and all practical deficiencies, if there are any, will be attended to. Should it be found at that time that there is any reason to amend the exemption in any way, the Government will take a decision at that time."

Madam Speaker, first of all, I am not suggesting that... in retrospect, maybe going directly to the powers that be might not have been the right approach—at least for some of the individuals—because, as I said before, some representatives from at least one of the agencies have spoken to a Member of Government. But, notwithstanding that, I believe that with the best of intentions some problems here are real and have been shown to be occurring.

Now I think we need to also bear in mind at this point in time, that, based on the nature of the reaction from the Government, it is very likely that individuals involved in these agencies may be very reluctant to come forward on their own volition to make any representation to the Government for the fact that it seems they have erred in their ways. I have to admit that when I was spoken to the thought did not occur to me that I was lending the wrong ear, and maybe I should have passed them on

to the right one. I simply listened, understood and found grave concern. So if I have sinned, I am sorry, but the fact remains—the situation exists.

Therefore, regardless of the position the Government, or for that matter the entire membership of this Honourable House at the end of the day when the vote is taken, I am saying, through you Madam Speaker, to the Honourable First Official Member, that it is incumbent upon the Government (if they accept that there are some problems) that they set about some type of exercise to have these problems heard in whatever they may deem to be the right forum so that they may genuinely decide upon the best course of action.

For, as I have said before—and I firmly believe the cat is already out of the bag—I am not very satisfied with the wording that the exemption will continue, and as originally envisaged the matter will be reviewed at some point in the future. Some point in the future gives me no indication as to when. And, as I said before, with the best of intention, that is why the Motion is on the floor of this House.

I know that the Government has already made their reply, but I reiterate that I wish for them to find cause to investigate these problems with a view of correcting them in whatever way they deem necessary, but to get the best end results.

There are other problems, Madam Speaker, which have to do with Laws that are in place in this country, and which arose as a direct result to the Immigration Law and also the new Regulations. This point was alluded to by a previous speaker, but I think that I need to point it out because this might also be something that the Government might deem necessary to have a look at.

The Elections (Amendment) Law, 1988, (Law 15 of 1988), "Oath of Qualification", in section 2, subsection (2), whereby a person swears, it reads: **"You swear—That you possess Caymanian status, have attained the age of eighteen years, are a British Dependent Territories citizen by virtue of a connection with the Cayman Islands, were domiciled and resident in the Cayman Islands at the date of your registration as a voter and either-**

"(a) were born in the Cayman Islands, or of parents or grandparents one of whom was born in the Cayman Islands, and were ordinarily resident in the Cayman Islands for a period or periods amounting to two years out of the three years immediately preceding the date of such registration; or

"(b) were ordinarily resident in the Cayman Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of such registration, and that in the three years immediately preceding the date of such registration the number of days on which you were absent from the Cayman Islands did not exceed three hundred."

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30 pm; do you expect to finish shortly?

Mr. D. Kurt Tibbetts: No, Madam Speaker.

The Speaker: May I ask for the Motion for the adjournment? The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, before I move the Motion for the adjournment may I mention that as read in the statement yesterday (22 September, 1994) there will be a delegation travelling to Washington, D.C. on Sunday with a view of returning on Wednesday, 28 September 1994. Therefore, I will move the adjournment of this Honourable House until 10 o'clock, Thursday morning.

The Speaker: The question is that the House do now adjourn until 10 o'clock, Thursday morning. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Thursday morning at 10 o'clock.

AT 4.34 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 29 SEPTEMBER 1994.

**THURSDAY
29 SEPTEMBER, 1994
10.00 AM**

The Speaker: I will ask the First Elected Member for Bodden Town to say prayers.

PRAYERS

Mr. Roy Bodden: Let us Pray.

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

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

In the absence of the Honourable Third Official Member the Oath of Allegiance will be administered by the Clerk to Mr. Arthur Joel Walton, to be Temporary Third Official Member.

Mr. Walton, will you come forward please?

**ADMINISTRATION OF
OATH OF AFFIRMATION**

OATH OF AFFIRMATION

Hon. Arthur Joel Walton: I Arthur Joel Walton, 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, so help me God.

The Speaker: Please take your seat Honourable Temporary Third Official Member, and we welcome you to the Legislature.

Proceeding with Questions. Deferred question No. 109. The Third Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION NO. 109

No. 109: Mrs. Berna Murphy Thompson asked the Honourable Second Official Member responsible for Legal Affairs to state what progress has been made in respect of the revised Regulations for the Traffic Law, 1991.

Hon. Richard H. Coles: A policy decision has been taken by Government to divide the proposed new regulations being brought under the Traffic Law, 1991, into sections. The first of these sections, the Public Transport Regulations, is being scheduled for completion and publication before the end of 1994.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I wonder if the Honourable Member could state how the remaining sections are divided?

The Speaker: The Honourable Second Official Member for Legal Administration.

Hon. Richard H. Coles: I assume that question is asking for the details of the other sections that have been brought in. I am afraid I am not in a position to say at the moment, because that depends on the drafting as it progresses. All I can say is that the new regulations will address the matters that are presently dealt with by the existing Regulations in an updated form. But rather than being dealt with and drafted as one complete unit and brought in as one complete, they are being phased in. The first phase will be the Public Transport Regulations.

I do not think that specifically answers the question, but it is the best I can do, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Could the Honourable Member state if these regulations are being worked

on at present, or is it in the near future (before the end of the year), that they will be worked on?

The Speaker: The Honourable Second Official Member for Legal Administration.

Hon. Richard H. Coles: The policy decision that has been made and the instructions—or should I say initial instructions—have been given to the Legal Draftsman. But they are not being worked on at this precise moment. They are in the programme to be done this year.

ANNOUNCEMENT BY SPEAKER

APOLOGIES

The Speaker: The next deferred question is No. 161, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman, and was to have been asked to the Honourable Minister for Agriculture, Communications and Works, who is listed as having sent an apology for absence—there were three apologies for absence: The Honourable Third Official Member and The Fourth Elected Member for West Bay.

DEFERRED QUESTION NO. 161 DEFERRED FOR ANSWER IN THE ABSENCE OF THE HONOURABLE MINISTER

No. 161: Mr. Gilbert McLean was to have asked the Honourable Minister for Education and Aviation how much Capital Works have been undertaken by Government from January, 1994 to date, giving a breakdown by project, location and estimated cost; and (b) whether any other projects are planned for completion by the end of 1994, and if so, what are they.

The Speaker: Statement by Member of Government. The Honourable Minister for Tourism, Environment and Planning.

STATEMENT BY MEMBER OF THE GOVERNMENT

(RE: DELEGATION TO WASHINGTON, D.C.)

Hon. Thomas C. Jefferson: Madam Speaker, a statement on the delegation that travelled to Washington, D.C. earlier this week.

We departed the Cayman Islands on Sunday, 25th September, 1994, for Washington, D.C. as the result of a unanimous decision by the Legislative Assembly, which was suspended. We called on Her Majesty's Ambassador, Sir Robin Renwick, and members of his staff who briefed us on discussions, which had taken place between the Embassy and various United States Government Departments concerning the refugee problem in the Cayman Islands.

We met with the Ambassadors and representatives of the Refugee Bureau and Cuban Affairs section of the Department of State, National Security Council, and the United Nations High Commissioner for Refugees. At the various meetings we strongly put forward the plight of the

Cayman Islands in having to keep the 1,183 refugees/economic migrants, and that the continuation of this problem could have serious economic ramifications—manpower burdens, security problems, severe strain on medical, courts, educational and social services facilities.

We made clear that unless the United States authorities were able to help, the Government of the Cayman Islands would have no alternative but to involuntarily repatriate those Cuban migrants who had not chosen to return home voluntarily. The United States authorities were receptive and sympathetic to the Cayman Islands and will notify the Cayman Islands Government through our Embassy of what assistance the United States Government can offer within the next week.

We wish to express our appreciation to our Embassy in Washington, D.C., especially Mr. Peter Westmacott and Ms. Pamela Mitchison, for the professional manner in which they assisted us and in securing appointments with high level United States Government officials and representatives of the United Nation's High Commissioner for Refugees.

Thank you, Madam Speaker.

The Speaker: Other Business. Private Members' Motion, Private Member's Motion No. 24/94. The Fourth Elected Member for George Town is continuing his reply.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 24/94

THE IMMIGRATION (AMENDMENT) LAW, 1994 (LAW 4 OF 1994)

-AND-

THE IMMIGRATION (EMBARKATION & DISEMBARKATION CARDS) (EXEMPTION) REGULATIONS, 1994

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

When we adjourned on Friday, I was beginning to make a few points on the Election Law and the Immigration Law, where in my view the recent regulations that were passed had some adverse effect. The first one is with the Elections Law—and just to refresh our memories I am dealing with the Elections (Amendment) Law, 1988 (Law 15 of 1988), under the section which has the heading "Oath of Qualification."

The first main point in this section is subsection (2)(b) where it reads: "**You were ordinarily resident in the Cayman Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of such registration, and that in the three years immediately preceding the date of such registration the number of days in which you were absent from the Cayman Islands did not exceed three hundred.**"

Here, Madam Speaker, I need to make a point, which in my view will be relevant to all that I am going to say regarding this section of the Elections Law and the sections of the Immigration Law.

The way I understand it is that one year after an individual acquires Caymanian status, that person may apply for naturalisation. The period during which that person applies is usually completed in a few months, at which time a Caymanian passport is issued. Also, the dependants of individuals who have Caymanian status under 18 years of age can become naturalised. I am not sure exactly how that works. They also have the ability to acquire Caymanian passports—until they are 18 years old, when the other sections of the Law trip in.

So, there are categories of people who will have had Caymanian passports, and under sections of the Law are required to be within the Cayman Islands for certain periods of time to be eligible for certain things. With the Elections Law there is a view that is held by some (and probably quite rightly so), that the application of the section that I have just read is not adhered to strenuously. Nevertheless, it is a Law, and it is our Law.

The point with the Elections Law is that if there are people who have Caymanian status, who are naturalised and have a Caymanian passport, travelling back and forth to and from our territory; if there are no records kept it is going to be, in my opinion, virtually impossible for the authorities to prove that in the three years preceding the date of such registration for eligibility to vote, the number of days the individual was absent from the Cayman Islands did not exceed 300.

I am also told that when an individual leaves the Cayman Islands and enters another territory, many of those territories stamp their passports. That in itself would be partial proof of an individual's whereabouts within a certain period of time. I am not widely travelled, so I am no big authority on it, but I am also of the understanding that not every territory operates in the same fashion. There is also the problem in that many of the territories do not stamp passports when persons are leaving the jurisdiction. So while there may be a stamp for some territories on entering the jurisdiction, there is not one for leaving.

If the person has a Caymanian passport and is told that he/she does not have to have the passport stamped on entering the Cayman Islands or on leaving the Cayman Islands, then from what I understand there is no real way of proving whether or not this person was in the islands for the 300 days that is required by Law.

When it comes to the Immigration Law (Law 13 of 1992), there are many sections. I will do my best to be as concise as possible, but there are certain subsections that I have to read to make my point. Under Part III (which has all to do with Caymanian status) section 14, the marginal note reads, **“Acquisition of Caymanian status by children of persons possessing such status.”**

As boring as these sections may be, I find it necessary to point out some problems that will occur with the recent amendment, and it reads: **“14. (1) After the day upon which the Law comes into operation, any per-**

son under the age of eighteen years who is the legitimate child, step-child or adopted child of a person who possesses Caymanian status shall, for the purposes of this Law, himself possess Caymanian status and shall continue to possess such status unless and until he loses it under any other provision of this Law.”

The key thing that I wish to point out in section 14(1) is: **“unless and until he loses it under any provision of this Law.”**

We go on in section 15, which reads: **“(1) Any person of not less than eighteen years of age who has been ordinarily resident in the Islands for a period of ten years immediately preceding his application [notice ordinarily resident for a period of ten years immediately preceding his application] may apply to the Board for a grant of Caymanian status.**

“(2) Any person possessing Caymanian status who has adopted a child in any place outside the Islands, may, if such child—(a) is under the age of eighteen years; (b) possesses such status under section 13 but is likely to lose it under section 18 on attaining such age, apply to the Board for the grant of Caymanian status to such child to take effect immediately upon such loss occurring.”

As I am going on here, Madam Speaker, the point that I wish to continue making is that each section I read has certain time limits, whereby individuals have to be within this jurisdiction for that certain period of time.

Section 15 (9) reads: **“Any person that— (a) has attained the age of seventeen years; and (b) has Caymanian status which status would otherwise expire upon his attaining the age of eighteen years, may apply to the Board for the grant of Caymanian status to take effect upon his attaining the age of eighteen years and, in dealing with such application the Board may grant such status to the applicant to take effect or to be deemed to have taken effect at the date of the applicant attaining the age of eighteen years and if such person has been resident in the Islands for at least five years out of the seven years immediately preceding the date of application.”**

Again, there is a time element involved when the individual must have been resident or ordinarily resident on the Island.

Section 15 (10)(a) read: **“In relation to the qualification of ordinary residence as set out in the foregoing subsections and in section 18 (1)(d)(iii), the following provisions shall have effect, that is to say—(a) where any question arise as to whether an applicant was or was not, during any material period, ordinarily resident in these Islands, such question shall be decided by the Board [That is the Immigration Board].”** Which means that for them to make a decision they must have access to information.

Section 18 (1) “Loss of Caymanian status” reads: **“Any person who possesses Caymanian status shall cease to possess or enjoy that status in any of the following circumstances, that is to say—(a) in any case where, having acquired Caymanian status by**

grant as mentioned in section 15 by reason of the grant of a certificate of Caymanian status by the Board or by reason of such a grant under section 18 of the Caymanian Protection Law (Revised) or section 18 of the Caymanian Protection Law, 1984, he has subsequently been ordinarily outside these Islands continuously for a period of five years;

“(c) in any case where being a person having acquired Caymanian status as mentioned in section 15(6) by virtue of being the widower or widow of a person who possessed Caymanian status or by reason of section 14 (2) or (3) of the Caymanian Protection Law (Revised) or section 18(6) of the Caymanian Protection Law, 1984, he has subsequently to the death of the spouse been ordinarily resident outside these Islands continuously for a period of five years or acquires a domicile other than a Caymanian Islands domicile;

(d) (iii) he had not been ordinarily resident in the Islands for a period of seven years immediately before he reaches the age of eighteen years.”

As I mentioned before, Madam Speaker, as boring as these sections may seem to be there is one crucial point through the entire exercise: In many sections of the Law there is proof required whether they have been ordinarily resident in the Cayman Islands for a certain period of time, or whether they have been resident outside of these islands.

In many instances, Madam Speaker, the individuals (in the majority of instances mentioned in this Law) are those who will fall under the categories that I have just mentioned, and will have a Caymanian passport. The way it is now, there is no system, no method or any record which can prove one way or the other whether the individuals will be penalised by these categories or fall in line with the categories. That is the entire point in reading those sections.

There has also been mentioned that one might wish to use another avenue to acquire this record of an individual's movement within or without the Cayman Islands, and mention has been made of using the Customs Declaration Card. I do not have a problem with that, if the method can be set up that the record is kept properly—it is certainly not being done now.

Madam Speaker, as I mentioned when I brought the Motion, the exercise here is not to say to the Government that they do not know what they are doing, or they have erred in their judgment. Nothing of the sort. The point is simple: What has been done to create a convenience which many Caymanians have long asked for, because of being exposed to it when they visited other territories, is causing problems in other areas. If the attempt is going to be to allow the convenience to continue, then I say we must find some other method to keep these records which are no longer kept.

I think I have proven that some problems have ensued. I am not here to tell the Government how or what they must do, because I do not have access to all the machinery. But I am here to say that in many instances—the last of which I have brought forth to this House—there

are individuals with status or who will eventually gain status and I am sure down the line there will be problems. I will not doubt that it will cause legal action to be taken in certain instances if we do not have some type of method to keep these records.

If the thought is that this new system needs more time to be assessed properly, Madam Speaker, the only comment that I can make from that point of view is that problems have arisen. How much time is needed to correct a situation that is not only blatant but also glaring in front of us? I think from an interdiction point of view it is of the utmost importance that it is dealt with at an early stage. And, while I remember the Government's position on this Motion, I still have to say, for what it is worth, that I believe the issue needs to be addressed.

Madam Speaker, I have to say before I close that having understood from the Government that they will not support this Motion, I have to bowl a different ball. I cannot change their views on it, but I wish to see something done. If the position is that the Motion cannot be accepted but the situation will be dealt with in a different manner, then the Motion would have served its purpose. But I will be keeping up to date with what is being done—if I am allowed information—and I can only ask that something be done about the problems that have been raised, in an expeditious fashion.

As the Mover of this Motion, I certainly support the Motion. I believe it has been proven that it has been worthwhile bringing it to this Honourable House for debate and I would ask, at least, the other Members on this side of the floor to see the merits of the Motion, and to give it their support.

Thank you, Madam Speaker.

The Speaker: The question before this House is Private Member's Motion No. 24/94. Those in favour please say Aye, those against No.

AYES AND NOES.

The Speaker: The Noes have it.

Mr. D. Kurt Tibbetts: Madam Speaker, can I call for a division please?

The Speaker: You certainly may.
Madam Clerk.

Clerk:

DIVISION NO. 15/94

[Private Member's Motion No. 24/94]

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 12

Hon. J. Lemuel Hurlston
Hon. Richard Coles
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden

Mr. John D. Jefferson
 Mrs. Berna L. Murphy
 Capt. Mabry S. Kirkconnell
 Mr. G. Haig Bodden
 Mrs. Edna M. Moyle

ABSENT: 3

Hon. John B. McLean
 Mr. D. Dalmain Ebanks
 Dr. Stephenson Tomlinson

The Speaker: The result of the Division is 12 Noes, three Ayes. The Motion therefore has not been passed.

NEVATIVED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 24/94 DEFEATED

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 25/94

AMENDMENT TO THE GAMBLING LAW

Mr. Gilbert A. McLean: Madam Speaker, I beg to move Private Member's Motion No. 25/94 entitled Amendment to the Gambling Law, which reads:

"WHEREAS large numbers of charitable and non-profit organisations, associations, clubs and fraternities engage in raffles as a means of fund-raising;

"AND WHEREAS the Gambling Law (Law 6 of 1958), makes a raffle for any purpose illegal;

"BE IT NOW THEREFORE RESOLVED THAT the Gambling Law be amended to allow charitable and non-profit organisations, associations, clubs and fraternities, registered as such with Government to raffle for the purpose of fund-raising."

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I humbly beg to second the Motion.

The Speaker: Private Member's Motion No. 25/94 having been duly moved and seconded is now open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

[The Honourable Second Official Member rose]

The Speaker: Honourable Second Official Member for Legal Administration are you rising on a Point of Order?

POINT OF ORDER

Hon. Richard H. Coles: Madam Speaker, I am rising to move a motion under Standing Order 24(9), but I am not sure whether this is the appropriate time to move it.

The Speaker: I do not think so. I think that once you have had the debate then you can move your motion. What is the Motion you wish to move?

Hon. Richard H. Coles: Madam Speaker, the motion that I wish to move is that this matter be referred to a Select Committee.

The Speaker: We have to hear the presentation of the debate. The Mover has to move that. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, this Motion seeks to have the Government correct a situation which is occurring in the country where raffles—plain, simple, non-sinful raffles held by even Churches for the purpose of raising funds for good causes—are illegal under the Gambling Law.

Madam Speaker, I wish to state straight away that as the Mover of this Motion I do not agree to this Motion being put into any Select Committee of the House—standing or otherwise. It is something that can be dealt with straight away without offence to anyone and, indeed, it would stop the situation whereby persons who for very good reasons are trying to raise funds, are unfortunately committing an illegality because of the way a Law is written. It has been happening now for years, and I believe that in many instances persons are not even aware of it.

I do not know if anyone in the House would say that a raffle is not illegal under the Law, but certainly, I have sought legal opinions to that effect. Even a raffle—be it by a Church, a service club, or wherever—is illegal. Madam Speaker, I can cite a few instances, for I try to help various [charitable organisations] and I have a few instances of what I am speaking about when such raffles are held.

There was a raffle that was held on the 12th September by the Cayman Islands Little League (which is a baseball team) which, to the best of my knowledge, is doing much for young people in the game of softball. They were raffling a 1994 Lexus. Madam Speaker, this is the flyer. I bought a ticket to support the cause. This is a piece of ticket from the Tae Kwon Do Organisation in the Island that was raffling the car for the international competition, which was held here a few weeks back (28th May, 1994). This now is a whole ticket, the same Tae Kwon Do [Organisation for the] World Cup Fund Raising Committee presents a car raffle a 1994 Ford Tempo. Price \$10.00—buy five, get one free.

I do not think that it could be said that this group was attempting to do anything illegal, or that their cause was not reasonable and just. I have here another ticket which I bought to help a football group—Yobo Rangers Fund Raising Draw—which was to have been held on 23rd September, and it offered different prizes.

It all goes to make the point, Madam Speaker, that various groups, associations, service clubs, schools and Churches use one of the most widely-used means in the world—that of fund-raising—to raise funds which are used productively and in the best interest of the society.

Where some service clubs are aware that it is illegal

and are attempting not to break the Law but still raise some funds, the way they get around it is that they have a dance at which the prize that would normally be raffled is offered as a gate prize or one of a number of gate prizes. Now what does that do, say, to a sports club, a service club or a charitable organisation, as the case may be?

Normally when a dance is held there are refreshments including alcoholic beverages. Such organisations have to go and attempt to get a licence for that purpose where they can dispense alcoholic beverages. If it is a dance, they have to go and find a band. Long gone are the days when you could hire a band for \$200 or \$300—bands now charge in the thousands. Then such a club or organisation has to find a venue. The cost of renting a venue is in the thousands of dollars.

Therefore, while a club, association or organisation, is attempting simply to be able to raise some money through offering a prize, they are saddled with certain expenses before they even begin to earn or raise any money. Naturally, they must pay for a Liquor Licence; they must make certain deposits to the bank of certain sums of money; and they must, certainly, make certain deposits to venues for them to hold the place for the particular occasion or period in time. Madam Speaker, it totally defeats the whole purpose for which such persons—we are talking about people who are trying to raise some money.

I see that the Gambling Law of the Cayman Islands 1989 was taken from the Jamaica Law, Chapter 137, which was brought into our Law (Law 6 of 1958). Straight away, it shows a time far removed from the realities of the present situation. Surely, if we claim nowadays to be so wise, so prudent, and indeed so conscious of Laws being broken—and we do not wish to see this continue—then the most logical thing is to do something about it.

This Motion suggests that something can be done very, very simply by amending this Law simply to say that charitable, non-profit organisations, associations, clubs and fraternities who register, as such with the Government can raffle for the purpose of raising funds for the body.

The Motion envisages that the amendment would state (in however many words) that any association, any club, and any fraternity who hopes to avail themselves of this provision would have to go to the Government and prove to the Government (be it whatever department or Ministry as the case may be) that they indeed qualify as such under one of these heads. Having registered with the Government, and the Government's recognising them as such, then they are in a position to go and hold the fund raising [event] to raise money without breaking the Law.

Madam Speaker, the question of the Sunday Trading Law came up about a week or two ago and that has been referred to a Select Committee. In the meantime, every time a Caymanian buys a tank full of gasoline on a Sunday or a chocolate bar or anything else, that Caymanian is breaking the Law. It would not be the same thing for a tourist. The Government has allowed that situation to continue by not dealing with it through a short amend-

ment in making it legal for a Caymanian to do so.

Surely, if this Motion is not accepted in a straightforward and honest attempt to help a real live situation in this country, these associations will go on holding their raffles, knowing that that is basically the only way they can raise funds—and they will be breaking the Law.

Madam Speaker, I think that this matter is so straightforward, and so painfully, explicitly clear that even the Government would see the folly of not accepting it and doing something about it. So, Madam Speaker, having said that, I rest the matter.

The Speaker: The Honourable Second Official Member for Legal Administration.

Hon. Richard H. Coles: Thank you, Madam Speaker.

I have listened with interest to what the Mover of this Motion has said. I certainly agree with him, that there are situations at the moment where organisations are running raffles (I think that is the word he used), which in my opinion clearly fall outside the Law as it is at the present time. Many of these events in my experience—and it is a limited experience of course—tend to be tickets for particular functions that have a gate prize attached to them; in that you purchase your ticket for the function and that automatically entitles you to take part in a drawing for a prize. I think people do believe that that particular way of giving a prize complies with the Law. In my opinion, it does not; it falls into exactly the same category as a straightforward sale of a raffle ticket for which you get no more than entry into a prize draw.

I do not want to get into a lot of technical discussion on this, but the wording within the Gambling Law, 1958, catches, in fact, any game of chance where there is a prize. But I think in the cause of common sense and good sense, prosecutions have not been brought in those sorts of instances where an organisation that is doing good work is trying to obtain funds for that purpose. And I certainly hope that the Law is not an ass and in those circumstances prosecutions have not been brought; but Honourable Members will be equally aware that the sale of lottery tickets—commercial lottery tickets—also takes place within the Islands, and that this practice is illegal under the Gambling Law, and prosecutions do take place for those offences and will continue to do so.

When I was looking at the Gambling Law, and in response to this Motion, it struck me that, yes, this Law is an old Law and was brought into force here in 1958. Since then it has been amended once in 1967. But I think it is pertinent to point out that the amendment in 1967 (and it was a very short amendment) in fact restricted even further the gaming that could be allowed under the Gambling Law. So it was not an amendment that in any way relaxed the Law, it actually strengthened it.

I do not think it is particularly helpful if I go through the amendment, because it is really not relevant to the Motion we are talking about today. But I just wanted to state that to illustrate, the only reference that I have in terms of the Law on gambling in the Cayman Islands, would seem to indicate that once the substantive law had been brought in 1958, it was restricted afterwards. That is

really one of the reasons behind my request that I will put later—that this matter be considered in more depth, rather than just an amendment being made to the Law.

I think it is a matter that public opinion needs to be consulted on, and I think it is a matter that does concern people. The whole question of gambling, albeit for the limited purposes that the Mover has mentioned, when I looked at the Law itself, that feeling seems to be reflected in the way the Law has progressed over the years.

I also have some practical difficulties with just accepting an amendment to the Law to accommodate what the Mover has requested. The Motion refers to charitable and non-profit organisations, associations, clubs, and fraternities engaged in raffles as a means of fund raising. Then it goes on to say; “to allow them registered as such with the Government.” Now at the present time there is no method of registration with Government, or indeed any other body. It is true to say that the Government receives applications for companies which have been formed by charitable organisations to trade without the word “limited” after their name. They are usually the sort of organisations that the Mover has referred to. That is used as, I suppose, a list of charitable organisations, and it is the nearest that we have to such a list. But it certainly is not a comprehensive register and the criteria tends to be the criteria under the Companies Law and certainly have nothing to do with this particular Law.

So if we were to go down, or to consider going down that route, then we would need to put in place some method of registration, some criteria for registration; and whether it was Government or a separate board that would consider it, very often gambling is dealt with in a licensing system similar to liquor licensing. If this Motion was to be allowed then we would need to put in place some form of licensing system for these organisations.

So let us assume that they have first of all satisfied the test, let us call it “charitable status by registration.” So they are now registered as such. But I think it would be very dangerous to then give them an automatic right without any further sanctions at all to engage in these activities. Normally they would then be required as a registered charity to apply for a licence for a specific function.

Regulations would have to be put in place for that licensing procedure, whether it be a board or whatever body chosen to deal with that. We would also have to then provide for some appeal procedure because not all the applicants would have their application granted. To fulfill the rules of natural justice we would need to have an appeal procedure in place if they disagreed with the decision that was made.

Madam Speaker, I am not trying to put stumbling blocks in the face of this Motion just for the sake of it, but I do honestly believe that an amendment such as this, which I think is a radical departure from our Law as it is at the present time, does require a lot of consideration. I would be very unhappy merely to see an amendment made to our Gambling Law and no further provisions at all; and in those circumstances, whilst sympathising with the Mover's motives for bringing this Motion, I do not believe that the way to address it is by the amendment he

suggested. I therefore cannot support the Motion.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I rise to offer my contribution to Private Member's Motion No. 25, Amendment to the Gambling Law.

So often we as human beings take things for granted. I really had to smile to myself when the Mover of this Motion shared with us some of the different organisations [who sell raffle tickets] in that I was actually breaking the Law and I, perhaps, was one of the individuals that sold most of those tickets.

More or less, we have grown accepting that this was acceptable, not realising that it was illegal. The Fourth Elected Member for George Town and I probably sell more tickets for organisations, not realising that it is illegal.

I feel that for something this important we should have input from the public, and we should consider a Select Committee. Gambling is a very touchy situation here in Cayman. My mother and a very good friend of our family, [the late] Miss Anne Huldah Bodden were very opposed to gambling of any sort, and there are a lot of other people who grew up from their old school with the same idea. I believe that here the idea means well. We need to take a look at the entire Law because it dates back to 1958. But something this important should have more input from the public.

If we could put this to a Select Committee and have time to get the public's feedback to find out how they would want us as representatives to vote—not how we personally want to vote, but how the people we are representing would like us to vote—I would then be happy to vote for this Motion. But I would like to see it go into a Select Committee. Thank you, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, in rising to support this Motion, permit me to summarise what I understand to be the reason for seeking this course. We have an anomaly that has been in existence for a long time and, indeed, continues to exist; and this anomaly affects all of us. Indeed I am part of a committee that will be holding a function to raise funds for the development of a public beach in my constituency tomorrow evening, God willing, which is (according to the interpretation of the Law) illegal—although we have a Music and Dancing Licence and a Liquor Licence.

Now the question is this: we are busy with a number of Select Committees—Select Committee on the Penal Code, Select Committee on the Sunday Trading Law, Select Committee on the Bill of Rights and Privileges (which is yet to assume)—so if we add this we are burdening ourselves and time is fleeing. I am of the opinion that the Government knows what is needed to set in motion the legal provisions under which charitable and reli-

gious organisations can legally carry on these needed fund raising activities. Then the onus is upon them to go ahead and do it.

Madam Speaker, may I remind the Honourable House that what we are asking for is narrow and limited. We are not asking for any Select Committee to study gambling in its broadest sense. We are saying that we recognise that a need exists for these charitable organisations to raise money from the public from time to time. We intend to go no further than that. Let us make provisions for that to be done legally so that there can be no embarrassment or regrets later. There is absolutely no need to put that before a Select Committee.

I believe that the public understands; the people from religious organisations understands; the people from civic and community organisations understands; and I will venture to say that there will be little, if any, objection to this. The Motion is calling for that *punto y final*—there is no need to take input. The mere fact that these organisations have been carrying on these kinds of exercises is reason enough to suggest that we can legalise this safely without expecting any overwhelming objections from them.

We are quite aware of the obnoxious nature of gambling, and of the existence of the game called “numbers”—and I hope that the Government can see fit to persecute and declare an inquisition on all those people who play that game—but what we are talking about is a common, simple fund raising that goes on by almost all the organisations in this country.

Madam Speaker, I do not believe, and certainly if the Government does not understand that they are saddling themselves with Select Committees, then this Backbencher humbly reminds them that as time is flying we are increasing the work load of the Parliament and in an instant like this the Government can easily do this.

I support the Motion for what it is calling for, and I reiterate from my position—there is no need to go to a Select Committee on it. Thank you, Ma'am.

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 contribution to Private Member's Motion No. 25/94, entitled Amendment to the Gambling Law.

I believe that the public knows where I stand on issues like this, and the first question that I would like to pose is: Why is this Motion being brought to the House at this stage? Have we had a problem in this area? I do not believe so. I have not heard of any such problem. And I recall that one of the first issues I had to deal with as a Freshman in the first Session of this House was abortion. The Government came saying it was a very innocent amendment that was being brought. I remember that Motion when into a Select Committee, and the overwhelming result was that the people of this community—the Churches—their attitudes were that they did not want that type of legislation in this country.

I believe that the Government's position or recommendation is a good one; if this issue is going to be ad-

ressed that it be referred to a Select Committee where we have an opportunity of getting the input from the general public. I am one Member who does not assume too many things as far as the public is concerned. I believe that in a democratic process where an issue like this is being raised, one which is so controversial, we must give the general public an opportunity to give their input on the issue.

Madam Speaker, it also makes me wonder how far we are going to go in this country. Today it is raffles; tomorrow it could be casinos, and the next day it could be lotteries. Where are we going to draw the line in this country? My position has always been that we have got to try and hold on to as many of the traditions that this country has been established on. Those traditions are fast being eroded by external influences and we have to be very careful—otherwise the Cayman Islands will become just another place where people go just to have a good time, and anything goes.

Madam Speaker, I recall visiting Las Vegas on one occasion—and it was a business occasion—that environment is so permeated with gambling; everywhere you turned there was a slot machine, all types of gambling going on. After a week of that kind of environment, I came to one conclusion: that I would never, under any circumstance, want to return to an environment like that. I am going to fight to the very last to ensure that the Cayman Islands does not become that type of environment—not as long as I am a Member of this House.

I believe that the suggestion is a good one, whereby if this issue is going to be addressed, let us refer it to a Select Committee where we can sit down and invite members of the public, that is, members from the Churches and other organisations to give their input, and then a final decision is arrived at.

Madam Speaker, I do not support this Motion. Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.26 AM

PROCEEDINGS RESUMED AT 11.47 AM

The Speaker: Please be seated.

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, as the Seconder of Private Member's Motion No. 25/94, I first of all want to make it explicitly clear that I have no underlying motives for this Motion except to be part of an attempt to bring reality in line with the Laws of this country.

For those who might misinterpret this Motion as part of any other scheme, or thought process for any further action to be taken with the Gambling Law, I wish to say very clearly that this is not so.

As the Mover of the Motion outlined in his opening debate, for many years the Gambling Law of 1958, has been broken, and broken, and broken, and continues to

be broken. I grant that this is a situation where the easiest thing to do is not to address it; but I cannot subscribe to the school of thought of leaving things alone, although nothing is happening now, when we know that something is not right.

A simple comparison is, as has been alluded to before, the Sunday Trading Law—the anomaly that exists with that. For years, no one chose to enforce that Law, although the Law existed. No one said anything about it and everything just continued. All of a sudden, someone tries to enforce the Law and everyone sees clearly something is wrong with it.

There is the fear from the Churches, because I think they stand in unison—steadfast against gambling. I certainly do not have a problem with their opinion and stance. But, I think it is well known that I have been part of a service organisation in this country for many years (almost 18 years in fact), and not wanting to stray too much, but I am totally confident that that service organisation—and that is only one of many—has served a purpose of no mean order in this community in supplementing a lot of activities which quite likely would have put tremendous pressure on the Government to supply.

There are other organisations, as I have mentioned, other service and non-profit organisations, which serve their purpose in this community. The truth is, whether we like it or not, that the way the world is today, no matter how good the cause, people are just not of the nature to support the cause unless there is a possibility of some reward. Whether that is right or wrong is another matter. I think it is fair comment to say that is the way it is.

So, for these organisations to function properly, or to have any positive effect, they have to be innovative in their approach to the community; and in so doing, many times, in order to raise funds to achieve their goals, they have to resort to functions which have gate prizes and such the like. The truth is, if we look in many of the sections of the Gambling Law, these organisations, in so doing, are breaking the Law over and over.

This Motion is not meant to be thought of as any stepping stone; it is not meant to be looked at on a wide scale, it is specific in its resolve section. It is simply addressing one area that has been of concern for many years. I know that for many, many years the Legal Department of Government has turned a blind eye to functions of this nature, simply because they recognised the goals in mind, and they recognised the value of these goals. So, in order to allow these goals to be achieved, they have simply said, "It is for the right cause so, while the Law is being broken, let us ignore it." In my view, that has happened because it is the easiest thing to do.

If there are other areas that people fear, the Second Official Member made comparison to these types of functions—the service organisations and other non-profit groups—being totally different from the Numbers Game or any actual type of Lottery. I take his point that they are different in a sense that the desired goals are different, because on one hand there is the desire to assist within the community; and on the other hand, with the Numbers Game and the Lottery, it is a commercial venture for an individual to reap personal reward. But, in the eyes of the

Law, they are one and the same. That is why this Motion is before this Honourable House today. This Motion simply asks to correct that situation.

I also take note that the Honourable Second Official Member outlined various procedures that would have to take place, and that making a simple amendment might create some difficulties. This Motion is not questioning the mechanism through which the Government would regulate the situation; this Motion is not suggesting that natural justice should not take place, that is the job of the Government—if they should accept the Motion—to put whatever has to be put in place and to do it properly.

Nobody is expecting any can of worms to be opened up. This Motion is specific about one thing. The resolve section reads: "**BE IT NOW THEREFORE RESOLVED THAT the Gambling Law be amended to allow charitable and non-profit organisations, associations, clubs and fraternities, registered as such with Government, to raffle for the purpose of fund-raising.**" If it is the view that it should be looked at from a wider base, that is up to them. This Motion is addressing nothing more than what I just read.

Madam Speaker, when it comes to Select Committees—I guess one of these days I might learn the trick, because at one time I hear that a Select Committee is no good, and another time I hear that it is the answer. I am left to wonder whether it is possible or not for good intentions to be accepted for what they are, rather than to be thought of in a fashion where people tend to read between the lines things that do not really exist.

In seconding this Motion (and if you want to call it tunnel vision, let us call it tunnel vision) the tunnel vision is simply dealing with what I mentioned before—a specific section of the community that is affected. If it is the wish of the majority of the people in this country, and if Government is so led to believe; then let us tell all of those organisations that they can no longer have any of these functions.

What is happening to us is that we are allowing things to go on and, sooner or later, we are going to find situations that we cannot handle. If something is not clear and specific in Law, somebody is going to feel that there is a prejudice against them when they are not allowed to perform certain activities. If the truth be known, as it stands now the situation is abused from time to time. The reason it cannot be addressed is that the moment someone is of a mind to say that one really should not be doing this because they are not a non-profit organisation, they will ask why so-and-so is allowed to do it and they cannot—because there is nothing in the Law. This is simply an attempt to clear this matter up.

I wish to make it clear that in supporting this Motion, it is only an attempt to go through proper legislative process to clear up a certain anomaly that exists. I consider that not only the right, but the duty of us here in this Honourable House as Legislators. I, therefore, support this Motion, and would hope that it is understood for what it is and not be put into a situation which it was not intended to be.

Thank you.

The Speaker: If there is no further debate, I would like to ask the Mover if he would like to exercise his right to reply?

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I cannot really say that I am surprised that Government did not accept this Motion, basically for two reasons: I moved the Motion and, secondly, Government refuses in instances such as this to do what is right.

I believe most seriously in the righteousness of Parliament, in the unquestionable body corporate of the Elected Representatives of the people who are elected every four years in this country to do the people's work. I have read enough and I have had enough experience in the Parliamentary field to really appreciate what a Parliament is, and what it should do—its duties and its responsibilities. It is because I have a certain sense of duty and responsibility, and because it has been brought to my attention in various instances (including instances where I was directly a participant in fund-raising efforts) about the ongoing situation of charitable organisations and the like holding fund-raising events, through raffles (which is about the only way of fund-raising) and that it was illegal.

I listened as the Second Official Member, the Attorney General of the country, confirmed this situation and I want to say quite seriously, with no jest, that I would not like to be put into his position as he has been put into today. He is the country's chief Law Officer. He, in that capacity, and with the knowledge of his job and application of Law, knows that what this Motion is saying and the debate which has gone forth is correct. Also, he is placed [in a situation] where he admits that a blind eye (as the saying goes) has been turned to this activity. I do not, for one moment, set any criticism to him; but I set the criticism to the Elected Members of Executive Council whose decision it has to be to allow this situation to continue. In my opinion, he was basically presenting what is the wish of the political directorate. I also believe that it is all because the Elected Members of Executive Council, and some of their Backbench supporters, at least believe that it is Kosher to say, *'Let us put it into a Select Committee,'* because there are certain people whom they believe might direct votes to them by so doing.

I learned something from this debate due to what the Attorney General expressed. Even the instance where so many organisations, attempt in their belief that they get around the Law so as not to break it by having a dance and offering the prizes, and so on, that that is not a breach of the Law. I know that there are organisations, some service clubs and so on that do that, because they do not want to be in the position where they are breaking the Law; and it was their belief that in so doing, they were not.

It is sad. It is a terrible indictment in this House here today. It is awful. It does not matter to me if the Government takes this Motion or undertakes to correct this by an amendment. If they have to make three or four amendments, such as to allow a situation where the various

charitable organisations may register, or whether they require an amendment to licence them or such, it matters not to me. All that I wish to see and have tried to say is that there is a serious number of organisations, which are charitable organisations, that are in breach of the Law, and they do not want to be; and the Government could correct the situation through an amendment. How big, how small, how varied that amendment needs to be, I do not know—and that is really not my business. I am saying to the Government, you have the legal expertise; you are in charge of the day-to-day running of this country; you take it and fix it the way it has to be fixed." That is the duty of all elected representatives to have such a thing done. It is not the duty of the Lions Club, the Rotary Club or Kawanis or any of those. It is not the duty of the churches, it is not the duty of any football club, it is the duty of every Elected Member of this House to do something about this.

It is quite incredible to see what has happened here today, to realise what will be happening tomorrow. That is a good example: tomorrow, two of the Elected Members of this House are spearheading an effort in their district to raise funds to provide a public beach for the people of that district, and, indeed, the people of the Cayman Islands (because it would not limit it just to the people of Bodden Town). How are they going about it? Through selling tickets and raffling a piece of property in a subdivision. That is the prize. People have been labouring to sell them. What will happen tomorrow? Obviously, they will be holding a special event (as is stated under the Gambling Law), and offering that prize—and they will be illegally doing so. Could there be a more just cause in the district of Bodden Town, or for the islands as a whole?

This morning I went and paid for some tickets. One of the people that was selling the tickets called me and said the books have to come in. I am committing an illegality because I bought the tickets to help the cause. I think it was well put by the Third Elected Member for George Town, that this is something that has gone on for years. No one wants to believe that when they are doing something like this (that is so righteously just) that they are committing an illegal act. It is a foolish, outdated Law that is letting them do it. That can be hindered by simply saying, "You are not breaking the Law, you are not gambling if you raffle something to raise funds and the organisation is a charitable organisation, a church organisation or otherwise.

Since the time I spoke, I have become aware of another raffle that is going on. It is being done by the church. It is to help the St. Ignatius High School. People are willing to buy tickets—they hope to win the prize—but, also, it is something good in the community. With the assistance of anyone who sells a ticket, anyone who buys a ticket is committing an illegal act for a just cause. We should stretch our imaginations to imagine that we are committing an illegal act for something that is helping the community, not something against it. It is only against it because a raffle is said to be gambling, even where it is for a good cause.

The Third Elected Member for West Bay wondered why this matter was brought to the House at this time.

Today, yesterday, tomorrow, two weeks from now, whatever, would be the right time if any responsible Member of this Legislative Assembly (any responsible Elected Representative of the people) who sees a wrong going on and can correct it, comes to this Parliament where it can be corrected—that is the right time. That is why it is here now. It could have come at the last meeting of the House, but with all the other things, I did not get to bring it. But, the Mover and I brought it this time because it is something that needs to be addressed.

The Seconder of this Motion is the President of the local Lions Club. I do not think that anyone would try to down play the efforts of the Lions Club in this country. Over the years, they have had many successful fundraisers—I am led to believe because of the things they have been able to do—the Lion's pool and all the rest of it. But he is one of the biggest law breakers in this country, and I am thinking that when he gets out of this building and off of this compound where he has immunity, I might attempt to do a citizen's arrest for the illegality some weeks ago where he gave away \$30,000 to the public. [Members' laughter] I understand that another Member is guilty because they drew the tickets at the Little League for the softball raffle.

There is a strong element of humour to it. But, I think it is so humorous because it is so serious, so ridiculous, so absurd, and so very absurd for us a Legislators not to correct this.

The Third Elected Member for West Bay also wondered where will it end. Well, it ends today when the Government votes it down. That is where it ends. It ended when the Second Official Member got up and spoke on behalf of the Government (of which the Third Elected Member for West Bay is a part) and said, "No go. The people can continue to do this and break the Law, and we will look the other way." What a frightening condition. That is where it ends, Madam Speaker. I would remind that Elected Member that nothing goes any further than the 15 Members (of which he is a Member) allow it to go in this House. That is how far anything goes in this House at this time—where he and his associates and his Government Executives allow it to go.

Now, I do not know if they have something in mind that the rest of us do not know anything about. I do not know if they have anything in mind about big time gambling, and when you speak of the Gambling Law there are shivers and shudders; or anyone believes that a spot light is being put on them. I do not know. But, this Motion could not be more specific. It says amend the Gambling Law so raffling for a worthy cause is not counted gambling. That is all it is saying.

To talk about the church and their position on the question of gambling; if they, including the Third Elected Member [for West Bay], had looked at this Motion carefully, they would have seen this Motion is attempting to stop gambling. So it accords to the point raised by the Attorney General (that the one amendment in 1967 further restricted it). This Motion is asking that this be further restricted by the removal of a ridiculous situation from it.

The Third Elected Member for West Bay, tells us that he travels to Las Vegas. I do not believe he was at-

tending church there. We know that Las Vegas is a gambling town and a party town where some of the liveliest shows on earth are put on. He did not enlighten us as to his mission there. [Members' laughter]

This business about putting everything into a Select Committee: One minute the Government is saying that because the Members (myself and the Fourth Elected Member for George Town included) wanted to put the matter of low income housing into a Select Committee—where the world at large could come and state their peace—we are killing it. Twice that was the song. But now, they have put the Sunday Trading Law into a Select Committee; they have put the Bill of Rights into a Select Committee; and they are Select Committin' everything of any significance that comes to this House; now they propose to also put this in a Select Committee. Well, let me say that the likelihood that it will be passed is great. If those 15 votes are carried for the amendment that the Government wishes to make, then that is how far it will go. Then, when the Select Committee has selected what they want and what they do not want on this issue, it will come back to the House and that is what the same 15 votes will accept or reject. So I say there is nothing that goes any further than that Member and his colleagues allow it to go.

Madam Speaker, I remember when the Third Elected Member for West Bay brought a Motion here to hang people. I did not hear anyone saying that we must put a Select Committee in place to see who needed to be hung from who did not. No, no. Something which was life threatening, life and death—the taking of life by the state—was decided on this floor by the same 15 Members. Fifteen? It might have been more than that, I cannot recall. I know that I certainly did not vote for it.

That was decided right here, no one had to go and decide on that in a Select Committee—let us hang them now! That is the way to deal with them—hang them. And we hang them and let them dangle in the wind for the rest to see and they will not do the same crime. Well, if that is the way it is, then why through the ages do people continue to commit the same crime? There is no answer to that.

I wonder if there is not going to be any more molestation of the little storekeepers, who open their shops on Sunday to sell a few pampers, milk and the like?

POINT OF ORDER (Relevance)

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order. I draw your attention to relevance. We are not debating, nor has anybody raised any debate on that particular matter.

The Speaker: I have noted your Point of Order, but he is making an analogy, and that is quite acceptable in the debate. Please proceed Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I can but trust that the little storekeeper will not have the police go at them for the

same type of situation as we are talking about in this particular Motion. I just hope that it remains wide open, frontier territory.

I do not, for one minute, wonder at the fact that an author in recent times wrote a book called, *The Lawless Caymanas*. It was quite a history. Why do we not stop it? Why do we not—when we find out that it is wrong—just stop it? Why do we have to go to a Select Committee about it? We know. It is evident, it is clear.

Madam Speaker, this resolve asks, and I would just like to read that once again: **“BE IT NOW THEREFORE RESOLVED THAT the Gambling Law be amended to allow charitable and non-profit organisations, associations, clubs and fraternities, registered as such with Government, to raffle for the purpose of fund-raising.”**

Thank you, Madam Speaker.

The Speaker: There are two questions before the House. Private Member's Motion 25/94, and a proposal that the matter should be referred to a Select Committee. I shall put the question on Private Members Motion 25/94, as it stands, **“BE IT RESOLVED that the Gambling Law be amended to allow charitable and non-profit organisations, associations, clubs and fraternities, registered as such with Government, to raffle for the purpose of fund-raising..”**

I shall put the question. Those in favour, please say Aye, those against No.

AYES AND NOES

The Speaker: The Noes have it.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division?

The Speaker: You certainly may.

Clerk:

DIVISION NO. 16/94

[Private Member's Motion No. 25/94]

AYES: 4

Dr. S. A. Tomlinson
Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 11

Hon. J. Lemuel Hurlston
Hon. Richard H. Coles
Hon. Joel Walton
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mrs. Berna Thompson Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSENT: 3

Hon. John B. McLean
Mr. D. Dalmain Ebanks
Mr. G. Haig Bodden

The Speaker: The result of the Division on the original Motion is four Ayes, 11 Noes. The original Motion is therefore defeated.

NEGATED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 25/94 DEFEATED.

The Speaker: The next question is now on the proposal that the matter be referred to a Select Committee. I shall put the question. Those in favour, please say Aye, those against No.

AYES AND NOES

The Speaker: The Ayes have it.

Hon. W. McKeeva Bush: Can we have a division, Ma'am?

The Speaker: You certainly may.

Clerk:

DIVISION NO. 17/94

NOES: 4

Dr. S. A. Tomlinson
Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

AYES: 11

Hon. J. Lemuel Hurlston
Hon. Richard H. Coles
Hon. Joel Walton
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mrs. Berna Thompson Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSENT: 3

Hon. John B. McLean
Mr. D. Dalmain Ebanks
Mr. G. Haig Bodden

The Speaker: The result of the Division is 11 Ayes, four Noes. The matter has accordingly been referred to a Select Committee.

I nominate the Honourable Second Official Member as Chairman of the Select Committee.

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION NO. 25/94 REFERRED TO A SELECT COMMITTEE.

The Speaker: Private Member's Motion 26/94, Review of the Maintenance Laws. The Third Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 26/94

REVIEW OF THE MAINTENANCE LAWS

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Private Member's Motion No. 26/94, Review of the Maintenance Laws:

"WHEREAS there are increasing and frequent complaining from the public whereby Maintenance Orders have been ignored by persons against whom they have been made;

"AND WHEREAS maintenance arrears continue to escalate while innocent children and their parent and/or guardian suffer as a result;

"AND WHEREAS the Government is being called upon to subsidise children and/or the single parent in cases where a Maintenance Order is in force but not being adhered to;

"AND WHEREAS the present sanctions are not serving as a sufficient deterrent and/or a satisfactory method of enforcing Maintenance Orders; and proper effective sanctions including the consideration of making provisions for a defaulting parent's driver's license to be endorsed or that a period of disqualification be attached to a Maintenance Order to be activated in the case of a default;

"AND WHEREAS the best interest of the children are of paramount consideration;

"AND WHEREAS the individual needs of the parent should be a secondary priority;

"BE IT THEREFORE RESOLVED THAT this Honourable House request the Government to review the Affiliation Law, the Maintenance Law, and the Matrimonial Causes Law and to report thereon."

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, I beg to second Private Member's Motion No. 26/94.

The Speaker: Private Member's Motion No. 26/94 having been duly moved and seconded is now open for debate.

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I feel compelled to bring this Motion asking for a review of these three laws because of the many complaints from mothers, not only from George Town, but from all the electoral districts.

This Motion is not against any individual or person in particular, but in the best interest of the children—as they are paramount in the consideration of this Motion. I am asking for a review of the Affiliation, the Maintenance and the Matrimonial Causes Laws because they are intertwined and related. I will mainly deal with the Affiliation and the Maintenance Laws as very little representation has been received on the Matrimonial Causes Law. I feel that that should be looked into at the same time.

I would like to share with the House at this time, something that was published just this Sunday in the *Miami Herald* of September 25th. It is a very interesting article. I will just read excerpts from it. The title of the article is, "Family Values Start with Mom and Dad." I am not dealing here with values, but it is relevant to our children and the responsibility that parents have toward them.

"Politicians on the right, left and center, may not be hitting exactly the same notes, but like sopranos, tenors and baritones, they are pretty much in harmony. The tune that we hear again and again is the dirge against increasing numbers of children coming into the world and growing up without two parents, especially without fathers. Even Dan Quayle and Bill Clinton have done a duet on this subject. The former Vice President, earlier this month went back to the stage where he first took on Murphy Brown." I think most of us are familiar with the series on Television where he blasted Murphy Brown for being a single parent.

"Re-writing history in his original lyrics, Dan Quayle said, 'What I was talking about then—and what I am reiterating today—is the importance of fathers. Too often fathers walk away from their children or, worse yet, they do not even know who their children are. Somebody has to say it again. It is not right. You should not have a baby before you are ready, and you should not have a baby when you are not married. We have got to turn it around.'"

"An emerging consensus across political lines is that the fragmenting of the family is the principle cause of declining child well-being. Fathers are no longer peripheral to this discussion, they are central." And if you will just bear a little longer here, Madam Speaker, one last thing here.

"The truth is that prosecuting dead-beat dads makes good politics, and policy and talking about re-connecting fathers and children makes good sense. But, it does not get to the heart of the matter—relationships between men and women. We are talking here about the failure of relationships."

"A major weakness of the current way of talking about fatherhood is that we are not having a serious conversation about how men and women find a common life—how they find it and keep it."

The reason I wanted to share that is because I feel this relates to what I want to say and to the issues that we are faced with today.

Yesterday, while I was in the MLA Office, a constituent came in concerned that her daughter's school fees were not being met. She is divorced with one child and wants to continue to send the child to a private school. The father's arrears total \$4,755. It is hard to comprehend that an individual is not accepting the responsibility for his child.

Society being what it is, we have illegitimate children as well as legitimate children. We also have irresponsible fathers who feel no obligation to their child or children. The Affiliation Law of 1973, was amended 17th November 1992, and that was actually the date of the election. It

was amended to read in section 5(2) to read, "Section 5(2) of the Affiliation Law, 1973" it reads: **"If the court adjudges the man to be the putative father, it may also, if it sees fit, having regard to all the circumstances of the case, proceed to have an order (hereinafter called an affiliation order) on the putative father for the payment to the mother or guardian of the child of a sum of money weekly, not exceeding twenty dollars a week, for the maintenance and education of the child."** That was amended to fifty dollars a week.

I believe that what happens here is that the Judge looks at the putative father (fifty dollars, or what the father can afford) according to his income. This is good, but is it being adhered to? Too often we have leniency given in sob story cases. I am sure that the Judge or Magistrate hears a lot of these sob stories, excuses, and tends to be a little bit lenient.

In section 3 of this same Affiliation Law, it states that a claim must be made within 12 months of the child's birth. In other words, if the mother fails, for whatever reason, to make the claim within 12 months of the birth of that child, then the father does not have to support that child. This, in particular, is one area where I would really like to see this reviewed and changed. Perhaps instead of the 12 months, it could be increased to 24 or 30 months. In that same section 3(c), if the father is off the Island and he does return, it reads: **"at any time within the twelve months next after the return to the Islands of the man alleged to be the father of such child upon proof that he ceased to reside in the Islands within the twelve months next after the birth of such child, make complaint, on oath or affirmation, before a Justice of the Peace alleging some man to be the father of the child."**

One mother made representation on this because she failed to make a claim within the 12 months and the child is suffering today. The father is of quite substantial means and able to support this child, but the child receives nothing from the father.

I have been provided with some statistics from the Clerk of the Courts, Mrs. Delene Bodden, and I would like to publicly thank her and Mrs. Nancy Fredericks for compiling these statistics that I asked for on short notice. I requested that the statistics be compiled on a six months basis, and this is what they provided for the last six months. In the Affiliation Law, the total number of cases was 231. Of these 231 cases, we have 55 with arrears. That is a very large number. The total dollar value for the Affiliation arrears is \$40,165. This is a very large amount of money and could well benefit the children.

In the Maintenance [cases] the statistics quoted are 242 cases and 36 of these cases were for arrears. The amount outstanding for Maintenance is \$51,105. If we total the two, we have over \$91,000 in a six month period. That would work out to over \$15,000 per month and that could go a long way in supporting these children.

We have single mothers who are working two jobs, and I believe that this is part of the reason why our children are seeing less and less of their mothers. These

mothers are struggling because they are not being helped with the maintenance of their children. This adds an additional strain to Social Services in that they have no one else to turn to; having to provide rent, vouchers for food and clothing, and lunch money. Only if our men would accept their responsibilities.

From these statistics we see that the court is lacking in collection. It says that the success rate is 75% in Affiliation, and approximately 80% in Maintenance. What about the other 25% and 20%? The arrears of \$40,000 and \$51,000 is quite steep.

The procedure in the Law is not by complaint but is normally by the way of a summons for commitment—that means jail—to deal with the putative father.

In section 6 of the Law, it states that the Court shall appoint a Collecting Officer. As far as I am aware, no one has been appointed; but the Clerk of the Court acts as the Collecting Officer and is also responsible for making the payments to the mother or guardian of the child or children, or to the person named in the Affiliation Order. No deductions can be made.

In section 7(1), and I read: **". . . in case the putative father neglects or refuses without reasonable cause to pay the sum so due together with such costs, the court may commit him to prison for any period not exceeding three months unless such sum and costs, together with the costs of commitment, be sooner paid."**

"(2) Where the court commits a putative father to prison under the foregoing provisions, then, unless the court otherwise directs, no arrears shall accrue under the order during the time that the putative father is in prison."

If an Affiliation Order is made, and if payment is 14 clear days in arrears, then the court may, upon the application of the Collecting Officer, issue a warrant of distress. When someone goes to jail, they might be paying for their actions. However, the child or children are not being supported. That really serves no purpose. If they go to court and the arrears do not accrue (naturally there is no income), what happens when they get out of jail? They are not easily able to find a job; they lost the job that they were holding before, and most of the time the former employer does not want to re-employ them. Therefore, more problems are created.

In that same section it says that the goods and chattels of the putative father can be seized and sold and put towards satisfying the arrears.

In the *Caymanian Compass* of 18 August, 1994, there was a headline "Delinquent Father Could Lose Truck for Child Support." Here the Magistrate, Grace Donalds, issued the directive for seizing the goods (the truck) of a putative father for it to be sold and the arrears to be paid. On Monday of this week, the mother involved in this case informed me that the father is still driving the truck, the sums outstanding are increasing, and the Collecting Officer is doing nothing about it. If there are no goods or chattels, or if the amount is not sufficient—but in this case the father had a very valuable truck, why was it not done? Although the Magistrate gave the directive,

why do our children still suffer? I hope this will be addressed in the review. As a result, the distress warrant was not issued and the arrears continue—again, the children suffer.

Someone put forward the argument of selling the truck, but until fathers realises that they have a responsibility to their children, I am not very sympathetic towards the father losing his truck. How can he drive his truck knowing that his child's school fees are not paid? The child may need shoes, food, or the rent might not be paid. This is where the sanction of the driver's licence may be considered. Consideration could be given to defaulting the parents' driver's licence, either by endorsement or by disqualification, and be attached to the Maintenance Order to be activated in the case of a default.

One could say that not everyone has a driver's licence. This is possible. But all of us who do have a driver's licence know that losing a driver's licence is not something that we would relish. What if the father needs the licence to get back and forth to work? I do not have a problem with their having to thumb a ride, or walk. They might then realise that they have to contribute to their children.

In the Maintenance Order, the Magistrate can order if he appears before the court an extra \$20 to \$75 per week towards these arrears depending upon his income. I know it is difficult to find \$1,500 to \$4,700 and onwards, but if it is broken down this way then it is not difficult to bring the arrears up to date. But, if it is not being done and followed through, then there is no point in adding that extra payment to the arrears. Again, the innocent victims are the children and their welfare is paramount in our society.

I believe endorsing the driver's licence is better than someone serving three months in jail and not having arrears. What about the three months? No arrears will accrue, but in the meantime the children are suffering. I believe consideration should be given to the first appearance in court, that the licence is endorsed for a period of three months; for the second arrears, it should be disqualified for six to twelve months, depending upon the amount of the arrears. I feel that no one wants to lose their driver's licence.

I shared the statistics showing the amounts of maintenance, and if they are not willing to support their children, they must suffer the consequences. I am not blaming just the father, because we do have irresponsible mothers as well; but nine times out of 10, it is the mother that is responsible for the child who is struggling.

Hon. Thomas C. Jefferson: Madam Speaker, could I just be excused to ask when we are going to break for lunch today?

The Speaker: I was hoping that the Lady Member would have finished shortly and we could have taken the break until about 2.30.

Will you be much longer?

Mrs. Berna L. Thompson Murphy: Just one more thing, Madam Speaker.

The Speaker: Thank you.

Mrs. Berna L. Thompson Murphy: If the driver's licence is endorsed, this should act as a catalyst for irresponsible parents to properly organise their priorities. Therefore, I ask that all Honourable Members consider this Motion to review these three Laws and place the interest of our children as paramount in our society.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 pm.

PROCEEDINGS SUSPENDED AT 1.09 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

The attempt to force irresponsible fathers to live up to their paternal responsibilities is a universal phenomenon. A few years ago the then Member whose responsibility this fell under, attempted to alleviate the situation that we are discussing in Private Member's Motion No. 26/94, by bringing forward some changes which will improve the situation as far as bringing the allotments or allowances up to a realistic amount was concerned.

The problem, as I understand it, has been in the consistent collection of these allowances. This has not been easy because it is compounded by several factors, and to demonstrate that this is not a phenomenon limited only to the Cayman Islands, I crave permission to draw a reference to an article appearing in *The American Sociological Review*, Vol. 25, 1960, in which one researcher quotes thus: "**Over a generation ago, Malinowski enunciated a principle which he said amounted to a universal sociological law [and this is the law]: that no child should be brought into the world without a man, and one man at that, assuming the role of sociological father.**"

William Good goes on to explain, "**The rule expresses the interest of the society in fixing responsibility for the child upon a specific individual.**" He goes on to state, "**The problem of illegitimacy is found in the United States, in the Caribbean, in Europe and, indeed, all over the world.**" That this is a serious and topical issue in the Cayman Islands is borne out in an article appearing in *The New Caymanian* for the week of the 23rd to 29th September 1994, entitled "The single parent family in crises" in which the author—and I hasten to add that this is a significant and important point—states: "**Usually, one or more putative fathers provide very little or no economic stability and no social guidance to the family. Similarly the father, divorced or separated, often supports the family only *by order* to do so** [by order in italics here, I take it to mean court order]

"In most cases, the putative father is unem-

ployed or just does not work. If he is working, he cannot give much support or does not give any support to his baby's mother because he has other babies' mothers to support. An order for support by the Court will have little effect simply because it may not be obeyed or if the court sanctions the order, the usual thirty day stint in Northward will not make the economic situation any better."

So it is succinctly put that the problem is compounded by the fact that the father may have more than one child to support—indeed, often as many as three or four—so that what is crucial and necessary is to try to arrive at a situation which we can get the father to live up to his responsibilities and obligations. While it is true that these things are usually achieved by some sort of sanction, one has to be careful what kinds of sanctions one tries to employ; because we may indeed defeat the purpose of the exercise if we employ or put into practice the wrong sanctions.

I would like to draw some references from the Affiliation Law, 1973, Law 10 of 1973. Section 6 of that Law says: "The court shall from time to time, subject to the approval of the Governor, appoint for the purposes of this Law one or more collecting officers who shall be styled 'the collecting officer' for the place to which they are appointed, and in default of such appointment, the Clerk of the Court shall be the collecting officer for Grand Cayman and the District Commissioner shall be the collecting officer for Cayman Brac and Little Cayman."

As I understand it, these collecting officers are responsible for receiving the funds, which have to go to these children by way of their mothers or their guardians. Section 9 goes on to explain "Pensions liable to attachment."

Section 11 is interesting and has some bearing and significance to the point at which I will arrive at in a moment or two. Section 11 reads: "Where by an affiliation order it is provided that payment be made to the collecting officer, the putative father or the mother or guardian of the child, if he or she changes his or her address shall give notice thereof to the collecting officer, and on failure so to do without reasonable excuse shall be liable on summary conviction to a fine not exceeding twenty dollars."

Madam Speaker, I would like to say that a weakness in the Motion that has been moved is that if we resort to the punitive sanction of defaulting the parent, ostensibly the fathers' driver's licence, we may come upon a situation where the fathers make a claim—legitimate—that he is not able to live up to his responsibilities because, being deprived of his driver's licence, he has lost his job. So we are faced with a quandary; a moral dilemma where, by trying to remedy the situation in this way, we aggravate an already difficult situation.

It is with this in mind that I crave the indulgence of the Chair to move an amendment.

AMENDMENT TO PRIVATE MEMBER'S MOTION 26/94

Mr. Roy Bodden: In accordance with the provisions of Standing Order 24(1) and (2), I, the First Elected Member for Bodden Town propose the following amendment to Private Members Motion No. 26/94, entitled, Review of the Maintenance Laws, by adding the following new and second resolve: "**BE IT NOW THEREFORE FURTHER RESOLVED that where a Maintenance Order has been made by a court, the Government consider amending the Maintenance Orders Enforcement Law, Revised to provide that the court may request an employer to deduct from an employee's wage or salary any Maintenance sum(s) as have been ordered upon such employee by the court, and that the employer shall forward such sum(s) to the Clerk of Court in Grand Cayman, or the District Commissioner in Cayman Brac for payment to the spouse, guardian or dependants.**"

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. I would like to second that amendment to that Motion.

The Speaker: Before the House is a notice of an amendment to Private Member's Motion No. 26/94, as has been read out by the Mover. Having been duly moved and seconded, it is now before the House.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Such an amendment would establish very clearly the lines of responsibility and would make it increasingly difficult for the putative father to abnegate his responsibilities; not make it impossible, but would make it increasingly difficult for the father to abnegate his responsibilities.

What often happens now, as I understand it, is that the punitive sanction is often a sentence at Northward Prison for 30 days, during which time the father is legitimately unemployed and is not in a position to pay the allowance. Upon release from prison the father is in a position where arrears have accumulated. In many instances, these people are transitory workers with no permanent and steady means of employment. He may have lost his job during his 30 day imprisonment period, so it means that he has to begin from scratch, as we say, trying to find a new job and getting himself established. In the meantime, what happens to that child or children? They are deprived. We have heard cases where these arrears can accumulate to the point of thousands of dollars.

I wish to draw the distinction that not only do these cases apply to children born out of wedlock, but, in many instances, they apply to children legitimately sired by a husband. I will cite a case that occurred in my constituency.

One evening some time ago, I was visiting with

some of my constituents in the Savannah area, when a car drove up just as I was about to leave the residence I was visiting. A young lady looking very distraught said she had to speak to me, and it was an emergency. So right there, just outside the person's fence, this lady told me that she was in a predicament—her rent was due; she was ill and unable to work; she was in the process of being locked out of her apartment by her landlord because her rent was in arrears. She has two children—a young boy, about 11 years old, and a girl a couple of years older. I asked her, as evening was approaching, what was she going to do for the night? She told me that she did not have any alternative except for the three of them to sleep in the car (she was driving a small car). I said to her that there was no way the three of them could sleep in that car, and asked her what she was going to do for sanitary facilities, and how were the children going to cope since they would have to go to school the next day. I finally said that with the state of this country now I, as a man, would not attempt to sleep in a car, and I certainly would not advocate it for a lady and two young children.

So, we discussed a number of possibilities and probabilities. Finally, I had no alternative but to go to her landlord and make good the rent. Fortunately I was in a position at that time to pay, because it ran \$300. That was but a temporary remedy. I told her the next day she should make an appointment to come and see me and I would try to arrive at a more permanent solution. I was surprised to learn that her children were legitimate children born in wedlock. Her husband had left her and did not offer any kind of child support for years.

I went to the court with the young lady to try to make some representation so that we could force this man who was legally married to this woman who needed help, only to find out that the lady did not make any report. The court was, therefore, unable, or not interested in, pursuing the matter. I was crestfallen, to say the least. I then had to scout around to try to help the young lady find some better employment.

Shortly after that, I came across a similar situation where a young lady had a child, this time out of wedlock, who was about 12 or 13 years old. But in her case no help could be forthcoming from the courts either because I was told by the officers of the court that since one year had passed and the lady did not make any attempt to establish paternity, indeed, this lady went to court and the case was thrown out because 12 years had passed and she made no attempt to establish paternity. The father simply said the child was not his and he did not know anything about the woman, and the lady was left to fend for herself. These cases are not farfetched and, indeed, they are more common than we care to admit.

The amendment which I am bringing in those cases where paternity has been determined, I would like to see the onus put more clearly and the responsibility drawn out in such a way that the only way the father can escape is if he absolutely refuses to work, and that way he will be punishing himself because I hope that no one gives him food, clothes or shelter. So what is proposed here can work, because already in the section of the Affiliation Law

(which I read), the Clerk of Courts is appointed the collection officer in Grand Cayman, and the District Commissioner in Cayman Brac.

I would like to see the onus placed so that when a person leaves a particular employer, that employer then notifies the court if a Maintenance Order has been served; "That as of the end of the month, Mr. "X" will no longer be employed by this company, or myself", so that the court will be in a position to follow up that person and it will become increasingly difficult for that person to abnegate their responsibility.

What is attractive about this amendment is that the money so ordered by the court is deducted from the wage or salary of the person before it reaches his hand. So, the excuse cannot be given that they have to put the car in the shop so the \$50 dollars they were going to give for support has to go for repairs, or that they stayed out and had a little bit more to drink than they expected and the money is gone. It is high time we move towards a more effective solution to this problem. The number of youngsters deprived in this society by fathers who work and who are in a position to do something for them is growing. Quite unrealistically, these sources are depending upon the Government, and it is taxing the social and welfare system of the Government to the point where the Government cannot be expected to bear the brunt of this burden while able and working fathers go free.

But, the ultimate solution to the problem lies deeper than this amendment. It lies in our society inculcating a sense of responsibility, a sense of values and a sense of morals; or a sense of shame, which would be so wide spread that these instances when they occur, the guilty parties would realise that they are not helping themselves when they do not exercise the responsibilities in doing for their children. But they are hurting the society and the very children to whom they had a responsibility. While we can attempt to address the problem with these kinds of amendments, we also have to find some way of educating the men and society in general as to the importance of living up to this responsibility.

That may not be as easy as it would seem because this problem, as I understand it, has its genesis in slavery and the whole notion of the settlement of the West Indies where it was taught that it is macho to have a whole brood of children outside. Indeed, it was encouraged by the Plantocracy because the more numerous they were, meant the more help they had on the plantations. This is inbred in our culture, so we now have the problem of de-programming ourselves and realising that it is not necessarily macho to have a number of children, particularly if they are deprived. So, we eventually have to find a way to reverse this cultural phenomenon.

I would hope that the Government and other members of the Backbench would see the merit of the amendment, and will see the amendment as a more effective solution than depriving someone of their driver's licence, or some other punitive sanction, and support it for what it is worth. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. I rise to speak on the amendment to Private Member's Motion No. 26/94.

I believe the Mover has a genuine concern and interest with respect to the problem that we have of non-payment of maintenance by fathers. But I have grave reservations with regard to this particular proposal, as far as salary deductions are concerned.

First of all, I believe that the responsibility should not be shifted to the courts or the employer, because in large establishments, like banks, where they have salaried employees, that may not be a problem. But we have a lot of small employers in this country and all of a sudden they are going to be faced with the responsibility of having to, first of all, remember to deduct from each person who works with them, that has a court order for maintenance, from their salary and then have the responsibility of seeing to it that those funds are then taken to the courts office, or wherever else these funds may be channelled through. I do not think that is fair as far as the small employers in this country are concerned, and I do not think it will work at all.

So, I believe that we have to find a solution to this problem, but I am not sure, I am not convinced that this is the solution. My attitude is that the responsibility should remain with the courts. If the court's office needs more bailiffs to ensure that these decisions by the court are carried out as far as maintenance of children, then let us employ more bailiffs to ensure that it is done. I do not believe that this is the answer to that problem, so I cannot support this amendment.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I also rise to speak briefly on the proposed amendment. I wish to point out to this Honourable House the wording of this amendment. This proposed amendment reads: "**BE IT NOW THEREFORE FURTHER RESOLVED that where a Maintenance Order has been made by a court, the Government consider amending the Maintenance Orders Enforcement Law, (Revised), to provide that the court may request an employer to deduct from an employee's wage or salary...**"; it says no such thing as *shall*. It says the court *may*. While I respect the submission by the Third Elected Member for West Bay, that there are some types of employers, namely, the smaller ones, who might not be able to handle this situation, the point of the amendment is not seeking that it be mandatory for employers to take salary deductions; it is simply seeking the latitudes where in instances it is deemed fit, these employers may deduct from the salaries. I just wanted to clear the air for the Motion with the amendment and I just wish to express my support for the amendment.

Thank you.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

I wish to speak, very shortly, on the amendment to this Motion in order to draw the attention of the House to certain matters.

The Members of the House may be aware that there is a Grand Court Rules Committee that sits from time to time and is comprised of the Honourable Chief Justice, myself, and two private legal practitioners in Grand Cayman. A sub-committee of that Rules Committee has been considering, for some time now, a complete revision of the Grand Court Rules. I am pleased to say that it is hoped that those rules will be ready very early next year. It has been a considerable deliberation which has taken place, and it is a fairly mammoth task. I am certainly not suggesting for one moment that I have been solely, or even to a major part, responsible for this—it is others who have done the very hard work that is involved.

Part of my responsibility in the House is to represent the Judiciary within this Honourable House, and the Honourable Chief Justice has asked me to bring this matter to the attention of the House. I acquainted him with both the Motion and the proposed amendment, and the Rules, when they come out do address this very point. They will make provision for maintenance orders to be enforced by means of attachment to earnings. All the necessary regulations and rules to enforce an order in that way will be comprised in the Grand Court Rules. In fact, it is intended that those rules will go somewhat further than what is envisaged in this amendment, insofar as any monetary order made by the court will be able to be enforced in that way. That is the intention.

I should hasten to add that those rules have not yet been passed by the Grand Court Rules Committee, although it is intended that they should be, probably around the beginning of November. But there is a further process that has to be gone through before they are actually published and come into effect. I am sure that appropriate announcements will be made nearer that time.

It seemed an appropriate time to mention to the House what is taking place and, as I mentioned, the Chief Justice is particularly anxious that Members be aware that this is something that has already received detailed consideration and is, in fact, going to be proposed within the new Rules.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, this amendment clearly falls within the present Motion. The Lady Member, when bringing the Motion itself, made it very clear that there would be a review of the Maintenance Laws. Therefore, in my view, this is only one small bit of detail of many that are caught under it. In any event, the area for dealing with this, as mentioned by the Honourable Second Official Member, will come under a different set of rules. What the Member moving it, and the seconder, can be assured of, is that this, and many other issues, will be dealt with. But, I think to attempt to state that this specific aspect of it has to be specifically into this Law is beginning to tie our hands; it is beginning to nar-

row the issue down considerably.

I can see what they are getting at, but I think that this amendment should not be passed in the form it is because it is, once again, a matter that will be dealt with under the general review, and is actually coming under rules that are made under a totally different Law.

The Lady Member made her Motion sufficiently wide so that it would be able to catch up many of the specific things coming up in relation to maintenance and, in fact, is much wider than maintenance in any event. I think her Motion should stand as it is. I do not think this amendment really does anything. I think it is merely going to restrict. It may well be that the best person to receive the payment for the employee may not be the Clerk of Courts, or the District Commissioner; these are very busy people. It may well be the accountant, or the bookkeeper or the accountant for the Social Services Department. I think the way it is now is really going to restrict and the Motion should be left wide so that we can look at all aspects and leave the freedom and flexibility within it so that the Court itself, or those who are dealing with enforcement, would be left to do this on whatever basis may be deemed to be more appropriate.

So, I do not support the amendment as it stands, as I really do not think it is good to take it in the form it is in. I understand the spirit of it, but that will be caught up under the substantive Motion itself.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

First of all, I would like your guidance on the particular condition at this time. Is it the case that I should confine my remarks specifically to the amendment, or should I include comments that would catch both the Motion and the Amendment?

The Speaker: Both matters are before the House, so you can debate either.

Hon. Truman M. Bodden: Madam Speaker, are you saying that when the amendment is put, before a vote is taken on that, that both matters are before the House?

The Speaker: Both matters are now before the House—the original Motion and the amendment thereto—and when it comes time for the question to be put, the question will be put on the amendment first and then on the Motion afterwards. Both matters are before the House for debate.

Hon. Truman M. Bodden: Madam Speaker, with respect, as I understand the procedure normally one moves a Motion and then moves the amendment. One speaks on the amendment and, if that fails, or goes on, one speaks on the substantive Motion.

The Speaker: No, you can debate on either because if you are for one you will debate that one and state that

you do not support the other one. You cannot have two debates. A person debating will say that either he/she is for the amendment to the Motion, or for the Motion as it now stands, which is now debating. You put your reasons for it. When it comes time for the question, there will be two questions—one for the amendment, those that are for the amendment and those against; if the amendment falls away the original question will be put. That is how it is proceeded with.

Hon. Truman M. Bodden: Madam Speaker, as I understand it, there should never be two Motions before the House. You must dispose of one matter before you go on to the other, because if the amendment fails, or if it is carried, it materially changes the substantive Motion. I will just leave it at that. I spoke only to the amendment.

The Speaker: I did say that there would be two Motions, because we cannot have one. The question will be put on the amendment and then, if that passes, it would be the Motion *as amended* because the amendment is to amend a part of the Motion. That would be the question put then, if the amendment passes—the Motion as amended.

Please continue the debate Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I think Private Member's Motion No. 26/94, which is before the House is addressing a matter which is of considerable concern to our society at this time. It is a Motion which invites one's attention to matters which relate to three Laws: The Affiliation Law, the Maintenance Law and the Matrimonial Causes Law. I believe that a review of these Laws, in light of present conditions in this country, is in order.

The two speakers before me cited various cases with which they have personal experience. These highlight the conditions which affect our society at this time, particularly where children are concerned—the citizens of tomorrow.

There are cases, as has been noted, where fathers do not provide for children, even where they may be a married spouse in a union that has produced the children. It is a situation where for a variety of reasons these fathers do not take into account their serious responsibility for their children. Of course, there is always the situation where the mother is a single parent and the father has simply fathered the children; and as far as he is concerned, he leaves the care and maintenance to the mother.

I really do not know of any societies in the western world where this condition is condoned or considered to be the appropriate action of fathers. Surely, as times in the Cayman Islands grow harder, in terms of cost of living and limited earnings, it is becoming more difficult for one parent, usually the mother, to raise the children without the support or help of additional finances from the father. There are many instances in this society where a father may be the father of more than one child with different women, and it compounds the problem—for here is one individual who has created a situation of social difficulty and disharmony in one, two or three instances.

I believe that one will find more cases of irresponsibility on the part of fathers in the middle or lower income brackets, and not to say that it may not be the case in instances where fathers have the ability, but simply do not have the mind to meet their obligations. Larger families, we know from statistical proof and sociological studies, often seem to be in economic brackets where raising large families can be least afforded. So this situation that we are debating here and speaking about today is really one of considerable difficulties.

While I certainly am one who does not condone this irresponsibility on the part of fathers, and, in fact, I think it is to be deplored, one should not look at their role in isolation for surely family planning in terms of how many children a woman may choose to have comes into play. I think that while we need to attempt to get a psychological change in the fathers, as to their responsibility, we also need to get in mind the fact that women have control where they can decide if they will have a child or not. In this modern age there are means and methods of controlling population; indeed, women need to take the responsibility to not have that child if they know that the father, who is so anxious to be a father, may not choose to support. In instances where a mother may have more than one child, in such a situation it also becomes iraproachable on the part of the mother, in my opinion.

So, I think we need to look at it in its wider perspective and hope that a change of thought on both sides might come about. Certainly, where the father is concerned, and where the court has ordered that he provide certain maintenance for a particular child/children, there has to be ways and means of enforcing this particular order or condition as ordered by the court. There is always the question as to how effective punishment is in any given situation. It does not seem—in the instances I have heard about, persons being sent to prison because of outstanding maintenance monies—to have the desired effect. Those fathers come out of prison and they do not pay the amount of money. Often it continues to accumulate—they pay so much then lapse into the situation of not paying again.

In the substantive Motion, it speaks of taking punitive measures against fathers who refuse to maintain their children like they should, by penalising them in terms of having their driver's licence endorsed or even a period of disqualification. I cannot agree with that particular concept as put forward because I feel that is, in effect, far removed from the whole situation of the child in the first instance; and no one is helped where this disqualification might be imposed, surely not where a father might fail to provide maintenance. The father might be a driver and for his licence to be endorsed or taken away would create a greater hardship in him earning money to pay the child's maintenance. So, I do not agree with that concept.

However, I lend full support to the amendment, as moved by the First Elected Member for Bodden Town, in that it gets right at the source of the father's earnings. I think this is true if we use the example of the Cayman Islands Civil Service Cooperative Credit Union. It has become an outstanding success, and I personally believe

that one of the major elements in its being such a success is that the members have a common employer and such deductions as they are obligated to pay are taken out by the Treasury and paid to the Credit Union. So I see this as being a very similar situation.

I understand that the Clerk of the Court now collects money from "dead-beat" fathers, and the mothers go to the court to collect. I know in Cayman Brac, the District Commissioner's office also provides this service. I do not know if at this point in time it has changed, but in both instances it is someone so designated (rather than the Commissioner or the Clerk) to collect the money. These fathers have to face entities of authority where they pay the money, and the mothers go to these locations to get this money which has been collected in their behalf.

I believe that the amendment to the Motion is one which gives an extremely practical dimension to the substantive Motion, and I give the amendment my full support. It is encouraging to know, as stated by the Second Official Member, that the Grand Court operates under certain rules or guidelines and that the court itself has taken this method of collection into account. I think the chances of collections will be greatly enhanced. For that reason also, I would think this amendment is very much in order. If it is accepted it should help.

I support the amendment to Private Member's Motion No. 26/94, and I also lend the substantive Motion my support in requesting for a review of these three very important Laws; while disagreeing with the section which makes suggestion as to certain penalties which I think are impractical.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, this is a very important matter before us. It is one which I have a lot of interest in, and it is one that I have plugged to change over the years.

The debate today highlights a number of problems in connection with the maintenance of children, and the attendant problems which exist because of fathers (in most instances) who refuse to take up their responsibility. I am at a loss, Madam Speaker, as to which Motion or amendment to debate. I thought we would dispose of one, and before we took the vote on the Motion (which is the first substantive debate), we would move the amendment and dispose of that.

I wish to thank the Mover, the Third Elected Member for George Town, and the Seconder, the Second Elected Member for George Town, for their genuine concern for the plight of children in our society. This is not a new problem in our country—that of fathers neglecting to take up their God-given responsibility. It seems that they believe that all that is expected of them is to father the child. As I said, this is not something new. This is a very old problem which has intensified over the years, but I do know that the problem exists.

Back in 1985, as a Backbench Member of the House

(a junior Member of the House), I spoke in my very first Budget and Throne Speech debate on Wednesday, 13th March, 1985, and I quote: **“Another area of discontent to me is the Maintenance Law in this country. I want to pose a question to this Honourable House—what can \$20 per week buy for a child today? These men who walk out on their wives and children and leave them unprovided for are not in any way contributing to our social stability. They, I feel, should be compelled by Law to provide for these children to help prevent them from becoming a further drain on our meagre social budget. Twenty dollars is certainly not enough and I would like to see this Law upgraded and strengthened to bring it into line with the present-day cost of living.”** (*Official Hansard Report—13th March 1985*)

By some convincing of the Government then, and some hauling and pulling from the Backbench, the amendment to the Maintenance Law came about on the 22nd May, 1985, where section 6 of the Law was amended by substituting \$50 for \$20 in the penultimate line of the Law. That move from \$20 a week to \$50 a week, nevertheless, did not correct the inequity that existed because of the court not having the wherewithal to enforce the \$50.

I know many families who have suffered for want of care and attention from fathers who, while they ran up and down, played the sweet boy, continued to have children and those continued to suffer as well.

I believe I heard one Member saying that the problem might not be solved with these amendments to come, and that is true. While these amendments are going to help, they are going to address—and when I say amendments, I am not saying the amendment now before the House, I mean amendments to come, which are being asked for by the substantive motion. We need to preach responsibility in our society. There is no use in changing the Law, if at times, in opposition to Government, you are not going to stand firm on your feet and say to that irresponsible man, look him full in the face and say; “Today, I am a legislator, you might have voted for me, but you need to change your attitude towards your children.” All of us need to say that to these men. There is no good getting up here in this House and saying it. We need to get on a public platform. Whenever we meet them on the street, it is our responsibility to say to them, “I am sorry that you feel that you voted for me and, therefore, I should not pass these laws. You have a responsibility.”

The truth is, it is causing social disruption in our country. The Laws are in place. The Maintenance Law, 1977, is a clear statement of the responsibility that parents have to maintain their own children and the children of their partners. That, in itself, could cause problems. These provisions understand the financial problems that individuals may have in fully meeting their responsibilities. But do not condone the behaviour of work-shy or irresponsible parents. The penalties are clear, and include compulsory payment of maintenance and imprisonment. Some people feel that will not help, but I contend

that there must be some sort of sentence where a parent—a father—refuses to adhere to the court. The court must have some comeback, and if that is imprisonment, so be it; but he must take up his responsibility and if he does not then he must pay the penalty.

The new legislation to come, the proposed Children's Law, would address these areas in some detail and increase the number of parties that are entitled to make application for maintenance. It would be possible, for example, for the department of Social Services to make application for a child that was wholly or partly maintained by Government's provisions. The responsibility for parents and others to maintain children continues in the Law, and the proposed penalties would not be changed under the provisions of this draft Bill. However, if Members feel that penalties are not in line with their thinking, then it will be up to them to let Government know or to offer amendments themselves.

I want to now speak from the current Social Services position. Despite these clearly drafted Laws and proposed additions to the legislative framework, the scenario described in the Private Member's Motion now under discussion is realistic. The Government, through its department of Social Services, should not continue to provide financial assistance for large numbers of children where the parents are failing to meet their responsibility. The dilemma, however, that the Department faces is that it is unclear to its officers whether the parents with this responsibility are unable or just unwilling to meet this responsibility.

When an application is made for financial assistance, including food vouchers, free school lunches, waiver of school fees, or any other financial service, the Social Worker is obliged to conduct a full financial assessment of the child's family, including parents. Often grandparents, uncles and aunts are included in this assessment before granting that service. The financial assistance includes a signed declaration that the information given is true. If the assistance requested is ongoing, let us say, beyond two weeks, the client is expected to pursue outstanding maintenance claims, or provide proof to the Social Services Department of serious employment searching, or provide a medical certificate explaining any limitation on their ability to work. In all of these circumstances, Social Workers provide advice and practical assistance to enable the client to complete these tasks.

Despite these checks and balances, many families have to receive ongoing Government assistance despite application being made to the court. There are many persons who might say to me as the Minister; “Government should not give these parents anything.” The truth is, I feel as a Government we have an obligation to these children. We just cannot let them starve or go without the education or the wherewithal to get an education. It is Government's responsibility to take up where these parents fail. It is a fact in our society.

The main problem is that parents (and almost always fathers) despite having orders made against them, refuse to pay. It may take months for the subsequent action to be completed in the court, by which time any disposable income that the father may have had has been

spent, and the father claims poverty. Too many fathers, father children and let them go—while they run around and play sweet boys. Sometimes they flagrantly run around with two and three women. I have to wonder sometimes how they can do it. I have to wonder at their conscience, if any, the love for their child. For a person to bring a child into this world and not love it is beyond my comprehension.

I have known of cases where the father of the child leaves them. He then goes and builds a beautiful home for another woman with two or three children. It is incomprehensible to allow this sort of thing to continue. We are going to have to take serious measures. All of us in this House will have to put politics aside and stand together and say; "Look, man, whether you supported me or not, you have a responsibility and it is my duty to see you pay the penalty if you do not keep the children the way you are supposed to."

Then, of course, some fathers genuinely cannot afford to meet the maintenance claims against them, and the provision for these children may have to be subsidised by the Government. One Member mentioned that there needs to be family planning. This is something that I certainly believe needs to take place. But then, we have some hard-headed women and nobody can tell them anything. They only know how to have children. You cannot give them advice. You can tie a rope around their necks and drag them to the hospital, and they will hold an argument with the doctor and tell him why they should not take birth control. I have seen it happen. As a representative I have put them in my car and taken them to the hospital—all the way from West Bay—talking my head off, and they still talk to the doctor in the fashion that they know what is best. What you do with these kinds of women, I do not know, but in these instances it is not all the man's fault.

Some Social Workers are cynical and wonder why these fathers often seem bent to continue to have many more children, but, as I said earlier, in a multitude of relationships with apparent immunity, they have to pay the price. Simply, if they want the fun they must pay for it.

Where parents refuse to make payments that have been ordered by the courts, various penalties apply, including the seizure of goods and funds by the court bailiff or, ultimately, imprisonment. The first sanction, the strength of property, seems to be used infrequently while imprisonment is favoured.

Madam Speaker, some ask why imprisonment? They say it is ultimately self-defeating, as during the life of the sentence the defaulting parent is being kept at the Government's expense while the children are still being maintained by the provisions of Social Services. But what do we do, I ask, when in or out of prison they do not take up their responsibility? Do we let them laugh in our faces and say we cannot do anything about it because we cannot put them in jail? So what do we do? We slam them in there for a long time, that will teach them a little bit of sense. Perhaps, Members will say, we should feed him bread and water. We have to be tough or else nothing we do here today is going to matter. We imprison them, they walk out and say that they do not care.

The usual sanction applied in most other countries with similar legal systems is the direct reduction of outstanding sums from wages, salaries or any kind of allowance. In our Islands, where the absence of income tax and such other matters means that income is not usually declared to the Government, powers to deduct from income, some argued, would be largely ineffective. But, I believe that we must find a way for the courts to order an employer to deduct from the salary, and in so deducting, deduct any amount that he, an employer might incur in doing that deduction. Now, I know that we are going to hear that we are creating more red tape. I do not know how much red tape this could create, because all employers carry a payroll, they know who they have employed. More and more in our community, since we have all created this society which we have, we are going to have to band together to attack some of the problems we have. As I said, I hope we do not hear that outcry if that suggestion is taken up in any Law—that we are creating red tape.

I believe the creation of new, just and very effective sanctions for defaulting parents is a challenge facing us as representatives of the people. We have heard about the suggestion of endorsing their driver's licence. That is not before the House. While it may be a suggestion, it is not before the House. The resolution that I have asks that the Affiliation Law, the Maintenance Law and the Matrimonial Causes Law be reviewed and that a report be made thereon, so, I do not believe we are voting on that. I believe that the matter has some merit, but also provides some problems.

We could say that if the driver's licence of the defaulter was suspended, then the prospects of that person finding employment are reduced. I believe that this was one of the main arguments previously put forward—I must say less convincingly against the seizure of property, particularly cars. The reluctance of usually the mothers, to pursue maintenance claims against the children's father is a very major problem. There is a suggestion in the draft Children's Bill that the Government can bring these proceedings where the Government would otherwise have to pay for the financial relief of the children. I believe that would assist to resolve this matter where mothers refuse.

As a representative, not as Minister for Social Services, but as a representative, I am confronted weekly to give money for things like pampers for small children. And when I say to the [mother] well where is the father and why do you not take this man to court, a lot of times the answer is that they are afraid of the father. Social Workers feel, however, that in their experience it is the mother protecting the father, rather than a fear of retaliation and violence that intimidates the mother from making a reasonable claim on behalf of her children.

The problems identified in the Private Member's Motion are very real to the Social Services staff. Statistical analyses have not been done so it is difficult to show clearly how big a problem this is. Social Workers in the Department feel that enforcement of Maintenance Orders through the Court is a time consuming and largely fruitless task, although appropriate. They also feel that any

legal or procedural changes that can be made to make this work a little easier and reduce the pressures on Government coffers will be welcome by the Social Services Department.

Madam Speaker, as part of the duties of the Social Worker Supervisor, he gives regular instruction in social studies to the students at the Young Parents' Programme, which is a new programme that has come on line this year. Today, Madam Speaker, I believe the programme is working well. Recently he was scheduled to speak to the group which now consists of five young parents (ages 14 to 20 years old) and he was speaking on custody and maintenance issue. The students asked that their comments be passed on to the Honourable House by myself, as this debate took place.

Firstly, all of those students were unanimous in expecting the fathers of their children to contribute to the maintenance of their children. They felt that rich parents should pay more but that there is a minimum contribution that everybody pays. Proving fatherhood through the Affiliations Law, was not regarded as a major problem, since they felt most fathers were very happy to boast of conquest. But once paternity is established, a court order should give reasonable time to start paying and that any potential penalty should be indicated at the time of granting the Maintenance Order so that there is no doubt as to the consequences of default. First choice as a penalty was Northward Prison, but with compulsory community work that brings in a minimal wage that can be handed over to the aggrieved parents for the benefit of the child. The option of just doing time should not be available. Expatriate defaulters who fail to respond should be deported and reciprocal agreements made to ensure that payments are still made. The seizure of goods was welcomed, particularly the seizure of stereo equipment, televisions and cars. The suggestion of endorsement or suspension of driving licences met with mixed feelings. Some men cared more for their cars than for their babies, was one quote.

Madam Speaker, the group wanted their representatives to be aware of their problems, and to understand that they did not want to be dependent on the Government. They all expressed the wish to also work and maintain their children personally.

Madam Speaker, the Government is concerned and has taken some steps in regards to these maintenance payments. We heard from the Honourable Attorney General, when he mentioned the review of the rules which will cover a reform of all procedures dealt with by the Courts whereby money is owed and not paid.

The Motion is very genuine and addresses this problem which we are having, and I have no hesitation in accepting it. I believe that the Motion is broad enough to incorporate what the amendment asked for. As I said, the Motion asked; **"BE IT THEREFORE RESOLVED that this Honourable House request the Government to review the Affiliation Law, the Maintenance Law, and the Matrimonial Causes Law and to report thereon."** And, as I pointed out all these things that the amendment asks for are taking place.

One matter I have concern with in the amendment is

where it says: **"AND BE IT NOW FURTHER RESOLVED THAT where a maintenance order has been made by a Court, the Government consider amending the Maintenance Orders (Enforcement) Law ...to provide that the Court may request an employer to deduct from an employee's wage or salary, any maintenance sum(s) as have been ordered upon such employee by the Court and that the employer shall forward such sum(s) or sums to the Clerk of the Court in Grand Cayman or the District Commissioner in Cayman Brac for payment to the spouse, guardian(s) or dependence(s)."**

As I said, this is being addressed already in the new Juveniles Law. The substantive Motion is asking for a full revision.

But the one piece of discontent I have with the amendment is that it is saying that we should give or forward such sums to the District Commissioner in Cayman Brac. I cannot for the world understand why the District Commissioner. If they say the District Commissioner's Office that would have been another thing. You could pay the sum to the District Commissioner and he could have some peeve on some day or another and sit on this payment as long as he likes. I believe that when these payments are made, the Courts should pay it directly to the parents or to the Social Services Department. That would be a different matter, for it is Madam Speaker, the Social Services Department who is called upon to support the children most times. Therefore, Madam Speaker, I cannot understand why the Member is asking that we pay to the District Commissioner in Cayman Brac.

We support the Motion, Madam Speaker.

The Speaker: Before I suspend proceedings for a few moments, I would like to refer to the question of what matters can be debated.

An amendment has been made to the Private Member's Motion for an additional resolve section, and the meat of the Private Member's Motion was that the review be called so that satisfactory methods of enforcing Maintenance Orders and proper effective sanctions so that defaulting parents may make payments. I am sure that Members are aware of Standing Order 33 (1) which says that no Member may, without the leave of the House, speak more than once on any question except in Committee and in the case of the Mover of a Motion, but not an amendment in reply after the other Members present have had an opportunity of addressing the House.

Further, in Mays—the amendment position—two matters can be before the House: the substantive Motion and the amendment. These can both be debated at the same time, as I said, in particular with reference to this Motion that an additional resolve section has been included. Therefore it is quite proper that a Member debating would debate the substantive Motion and the amendment thereto.

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 4.16 P.M.

PROCEEDINGS RESUMED AT 4.33 P.M.

The Speaker: Please be seated.

Hon. Truman M. Bodden: Madam Speaker.

The Speaker: Honourable Minister for Education.

POINT OF ORDER

Hon. Truman M. Bodden: Madam Speaker, on a Point of Order. I wish to address you on the ruling you recently made. I tried to rise before the break, but we adjourned.

The Speaker: Honourable Minister, I think you are aware that if you wish to bring up a matter on ruling, you have to do that on the substantive Motion. Thank you.

Hon. Truman M. Bodden: But, with respect, I did rise, and you did not see me. I got up...

The Speaker: You are now speaking on a ruling that I have made, and I said that if you wish to speak on a ruling then Standing Order 40 applies and it is not open to appeal. If you wish to do on a substantive Motion, you may do that.

Hon. W. McKeeva Bush: Madam Speaker I believe he is drawing attention to a procedural matter, and I think that it is one that you should hear him out on. It is not a question to a rule or otherwise, it is on a procedural matter.

The Speaker: Well, let me hear the procedural matter.

Hon. Truman M. Bodden: The section 25 (4) deals with the question of amendments before the House. That says: "**An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon. When every such amendment has been disposed of, the Presiding Officer shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and, after any further debate [I point that out, after any further debate] which may arise thereon, shall put the question to the House or Committee for its decision.**"

Mays, at page 321, states that, and this is in the second paragraph, ". . . **Between the proposing and putting of a main motion, subsidiary questions and amendments may be proposed and decided in the same way.**"

That basically sets out what has been the procedure in here for many years in that when a Motion is put, there is debate on that Motion. Those Members, who spoke obviously cannot speak again under 33(1), as you quite rightly pointed out. But once the Motion is then put before the amendment, the Mover of the amendment speaks on

the amendment, other Members speak on the amendment, and then the Mover of the amendment winds up and the question is put on the amendment. At that stage, under 25(4), you then put the...

The Speaker: Honourable Minister, I would like to stop you now, because you have gone into a substantive Motion debate. I drew Members' attention to Standing Order 33(1) which says that "**no Member may, without the leave of the House, speak more than once on any question except (a) in Committee; (b) in the case of the Mover of the Motion, but not an amendment.**" and you have just stated that the Mover of the amendment has the right to reply—he does not.

Standing Order 33(3) says, "**A Member who has spoken on a question may speak when a new question has been proposed by the presiding officer.**" In this case I would draw Members' attention to the fact that the Third Elected Member for George Town moved the Motion and immediately when we returned from the luncheon suspension, the First Elected Member for Bodden Town moved an amendment to that Motion.

Therefore, as said in Mays, page 336, "**The debate that follows is not restricted to the amendment, but includes also the content of the motion, both matters being under the consideration of the House....**" We shall now proceed to the debate on the Motion and the amendment before the House.

The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

The Speaker: I am sorry. May I ask you to sit one moment, because it is past 4.30, and I have to know the will of the House, if they wish to proceed to conclude the matters before the House.

Honourable Minister for Tourism.

Hon. Thomas C. Jefferson: Madam Speaker, I believe it is the will of the House that we adjourn this meeting until tomorrow morning. Two of the Ministers are involved with a groundbreaking ceremony for the George Town Courts Complex at 10.00 tomorrow morning, and, with the wish of the House and yourself, perhaps we could adjourn this meeting until 10.30 or 11 o'clock tomorrow morning.

The Speaker: Honourable Minister, I think I told Members that I would be leaving tomorrow morning. Therefore, if the House wishes to sit tomorrow you will have a Deputy Speaker in the Chair.

Hon. Thomas C. Jefferson: Madam Speaker, I believe with the assistance of the Governor that could be arranged.

The Speaker: I am afraid that I do not think the Governor has anything to do with it. The Deputy Speaker has been appointed by this House, and when the Speaker is

not present, the Deputy Speaker takes over.

Hon. Thomas C. Jefferson: That is fine, Madam Speaker. I did not quite hear what you said earlier. I believe that as we have a Deputy Speaker, we could put him in the Chair and you will not be deterred from leaving tomorrow morning.

The Speaker: Thank you, that is the reason for a Deputy Speaker. May I ask you to move the adjournment of this House, Honourable Minister for Tourism?

ADJOURNMENT

Hon. Thomas C. Jefferson: I, then, move the adjournment of this Honourable House until 11 o'clock tomorrow morning.

The Speaker: The question is that the House do now adjourn until 11 o'clock tomorrow morning. I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 11 o'clock

AT 4.41 PM THE HOUSE STOOD ADJOURNED UNTIL 11.00 AM FRIDAY, 30 SEPTEMBER 1994.

**FRIDAY
30 SEPTEMBER, 1994
11.08 AM**

[Mr G. Haig Bodden, Deputy Speaker, in the Chair]

The Deputy Speaker: I will call upon the Honourable Temporary Third Official Member to give the invocation.

First Official Member to take his seat, and I welcome him to the Chamber.

All Honourable Members, please be seated.

PRAYERS

Hon. A. Joel Walton: 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, Official Members and Ministers 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 Deputy Speaker: The Assembly is now in session, and I ask Honourable Members to remain standing whilst Mr. James Montgomery Ryan, MBE, JP, takes the Oath of Affirmation to become the Honourable Temporary First Official Member.

**ADMINISTRATION OF OATHS
OF AFFIRMATIONS**

Mr. James Montgomery Ryan, MBE, JP

Mr. 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 Deputy Speaker: I invite the Honourable Temporary

APOLOGY

The Deputy Speaker: I would like to offer apology for the absence of Madam Speaker, who is away today on some important business.

Presentation of Papers and Reports. We will receive the Report of the Standing Orders Committee to be laid on the Table by the Honourable Temporary First Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**REPORT OF THE STANDING SELECT STANDING
ORDERS COMMITTEE**

(Meeting held 29 September 1994)

Hon. James M. Ryan: Mr. Speaker, I beg to lay upon the Table of this Honourable House the Report of the Standing Select Standing Orders Committee dated 29th September, 1994.

The Deputy Speaker: So ordered.

Hon. James M. Ryan: Pursuant to the moving of Government Motion No. 8/94 at the eighth Sitting of this Meeting of the Legislative Assembly, held Friday, 23rd September, 1994, the Motion stood referred to the Standing Select Standing Orders Committee in accordance with the provision of Standing Order 84(3).

Standing Order 84(3) reads: **"84(3) When the Motion is reached, the mover shall move the motion, and after it has been seconded, the question shall be put forthwith that the motion be referred to the Standing Orders Committee and if that question is agreed upon no further proceedings shall be taken on that motion until the Committee has reported thereon."**

The Motion, moved by the Honourable Truman M. Bodden, OBE, Minister responsible for Education and Aviation, Government Motion No. 8/94, Amendment to the Legislative Assembly Standing Orders (Revised) read: **"WHEREAS it is expedient that the Select Committee, established in 1993 to study the draft Part IVA of the Cayman Islands (Constitution) Order, 1972, as amended (being the Fundamental Rights and Duties of the Individual) should remain established for that purpose;**

"AND WHEREAS it is desirable, for the avoid-

ance of doubt, to amend Standing Orders to ensure that this and other Select Committees which have been established since this Honourable House was last dissolved, and which have not finished their business, continue (and shall be treated as continuing in being) for the respective purposes for which those Committees were established, and to ensure that all future Select Committees remain in being until their business is finished or until this Honourable House is next dissolved after the date on which they are established (whichever shall first occur);

“BE IT NOW THEREFORE RESOLVED THAT Standing Orders be amended by the addition of a new Standing Order 69A as follows: ‘Duration 69A (1) A Select Committee shall continue for the purpose for which it was established (notwithstanding any prorogation of the House during the period beginning on the day on which the Select Committee is established and ending on the day on which the House is next dissolved thereafter) until the day of that dissolution or (if sooner) the day on which the business of the select committee is finished.

“(2) Paragraph (1) of this Standing Order applies, and shall be deemed always to have applied, to every Select Committee established after the end of 1992.”

In accordance with the provision of Standing Order 75(2), which reads, **“The Standing Orders Committee shall consist of the whole House with the First Official Member as Chairman,”** the following Members constituting the whole House are the Members of the Committee: Chairman: Hon J Lemuel Hurlston, CVO, MBE, JP, First Official Member; Members: Hon Richard H Coles, Second Official Member, Hon A Joel Walton, Temporary Third Official Member, Hon W McKeever Bush, JP, Hon Thomas C Jefferson, OBE, JP, Hon John B McLean, JP, Hon Truman M Bodden, OBE, Hon Anthony S Eden, Mr John D Jefferson, Jr, Mr D Dalmain Ebanks, Dr Stephenson A Tomlinson, Mrs Berna L Thompson Murphy, MBE, Mr D Kurt Tibbetts, Capt Mabry S Kirkconnell, MBE, JP, Mr Gilbert A McLean, Mr Roy Bodden, Mr G Haig Bodden—Deputy Speaker, Mrs Edna M Moyle.

Absent from the meeting with apology were: Hon George A McCarthy, OBE, JP, Third Official Member; Hon John B McLean, JP; Mr D Dalmain Ebanks

The Committee held one meeting yesterday. The minutes of these proceedings are appended to the Report hereto.

The Committee agrees that Standing Orders be amended by the addition of a new Standing Order 69A, entitled “Duration of Select Committees”, as follows -

“69A (1) A Select Committee shall continue in being for the purpose for which it was established (notwithstanding any prorogation of the House during the period beginning on the day on which the Select Committee is established and ending on the day on which the House is next dissolved thereafter) until the day of that dissolution or (if sooner) the day on which the business of the select committee is fin-

ished.

“(2) Paragraph (1) of this Standing Order applies, and shall be deemed always to have applied, to every Select Committee established after the end of 1992.”

The Committee agrees that this Report be the Report of the Committee to be tabled in this Honourable House at this current Third Meeting of the Legislature.

Mr. Speaker, I therefore move that this Report be adopted.

The Deputy Speaker: The question is that the Report of the Standing Orders Committee as detailed by the Honourable Temporary First Official Member, be adopted. I shall put the question. Those in favour, please say Aye...Those against No.

AYES

The Deputy Speaker: The ayes have it.

AGREED: REPORT OF THE STANDING ORDERS COMMITTEE ADOPTED.

The Deputy Speaker: The next item of business is the continuation of debate on Private Member's Motion No. 26/94.

POINT OF ORDER

Hon. Truman M. Bodden: Mr. Speaker, if I may please address you on a Point of Order and procedure prior to the next speaker beginning.

The Deputy Speaker: Yes, I will entertain that.

Hon. Truman M. Bodden: Mr. Speaker, first I would like to welcome you as Speaker to this Honourable House, and assure you that Honourable Members here will give you every cooperation and assistance to democratically run the business of the House.

Mr. Speaker, the present Motion before the House has added to it an amendment, and it is around that I would ask if I could set out what has always been the practise of this House in the past, also what the Standing Orders of this Honourable House states.

Before I read this, the procedure has been that a motion would be put and Members would have a right to speak on that Motion—once. Then, if an amendment is put, Members speak on that amendment and the amendment is voted on and concluded. Then the question is put again on the original motion or, if the amendment succeeds, then on the amended motion and Members then finish speaking on the substantive motion and then there is a winding up, or last speech by the mover of the motion and a vote is taken on the motion, either as amended or the original motion.

Mr. Speaker, the Standing Orders of this Honourable House are very clear. Standing Order 25(4) states: **“An amendment to a motion may be moved and seconded at any time after the question upon the motion has**

been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon. [This is the important part] When every such amendment has been disposed of, the Presiding Office shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require and, after any further debate which may arise thereon, shall put the question to the House or Committee for its decision."

So, the Standing Orders have stated first, that an amendment has to be disposed of. Then, at the end of disposing of that the question has to either be put on the motion, or on the amended motion. After any further debate on that, then the question is put at the end.

Now, I appreciate, Mr. Speaker, that the debate on this matter has apparently been by some Members on both the amendment and the substantive motion, and by some, on the substantive motion alone. It may be very difficult, if not impossible, for you as Speaker to find out who has debated what at this stage. I accept that. But I believe that it is very important that there be a ruling which complies with the Standing Orders so that, at least, in the future we will know that the normal procedure of debating the amendment and concluding it before going on to continue or to debate the substantive motion is done.

Unfortunately for me, and if you so rule, Mr. Speaker, I am prepared . . . because it is I think nearly impossible to find out who has spoken to amendments and who has spoken to the motion, or both not to speak further. Even though I spoke only on the amendment, which I point out has been the practice of this House under Standing Orders throughout the full time that I have been here.

I am very happy to know, Mr. Speaker, that you gave me the privilege to address you. Yesterday afternoon I was stopped in my address, and I believe that in a House that is democratically run, the Speaker should always listen to Members of this Honourable House on important points of procedure and order before making very important rulings.

I appreciate that the decision of the Speaker is final, and there is no appeal, as I have been told many times before. But, unless someone is infallible—and there is only one—then I believe, in life generally, that listening to someone on important points is a very important aspect. I must say, sir, that it has been refreshing to be able to fully address you on this very important point.

Thank you.

The Deputy Speaker: Thank you. This is such an important matter, I would also invite the Honourable Second Official Member, the Attorney General to make any comments he may have and after that I shall make a ruling.

Hon. Richard H. Coles: Thank you, Mr. Speaker. I have listened to what the Honourable Minister has said, and I concur with his interpretation of Standing Order 25(4).

I have always believed that the meaning of that

Standing Order was exactly that—if an amendment was moved during the course of debate on a motion, then that amendment was to be debated. And once a decision had been taken on that amendment, then the motion itself would be debated, either in its original form or as amended.

I can say, Mr. Speaker, that it is based upon that interpretation that I contributed to the debate which, in fact, is still continuing. Insofar as I can, my advice would be (and I appreciate that the Speaker is certainly not bound to follow my advice but, for what it is worth) that the interpretation that has just been given by the Honourable Minister would be the correct interpretation.

The Deputy Speaker: Thank you. Almost thou persuaded me.

If we were dealing with an entirely new matter today, I would be inclined to allow an amendment to a motion to be debated by itself, and a ruling taken on it; and then the substantive motion to be debated as amended, or as it stood originally if the amendment had not passed. However, since I have inherited what has been an ongoing debate, I am not in a position to know who has debated the motion by itself or the amendment by itself or the motion and the amendment together. If I were to allow Members to debate again to make up for lost advantage in not having debated both sides of those two questions, we would be transgressing into that established rule that no Member, except the mover, shall be allowed to debate a second time.

So, I thank the Members for clearing up this matter to their satisfaction and for the benefit of the House and also for future reference. But I am afraid we will have to continue with the debate, and the debate will be confined to those Members who have not yet spoken.

The Honourable Minister for Education suggested that this was the proper course and I thank him for that suggestion. So, I will call upon the Second Elected Member for George Town to continue the debate.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 26/94

AMENDMENT THERETO REVIEW OF THE MAINTENANCE LAWS

(Continuation of debate on the amendment)

Dr. Stephenson A. Tomlinson: I wish to congratulate and thank the Third Elected Member for George Town, Mrs. Berna Murphy, for bringing Private Member's Motion No. 26/94 to the House. She knows what it is to be a responsible dedicated parent and empathises with those children who are not so lucky to have such parents.

The problem is a very commonplace one and it is universal. I do not believe that any country in the world is

exempt from this problem and many countries have tried to solve the problem by adopting different methods and means to see that children are properly cared for and that monies are provided to maintain them.

The Member feels that the Affiliation Law, the Maintenance Law, and the Matrimonial Causes Law should be reviewed. We have heard much debate on these Laws as they now exist. We all feel that there is room and perhaps the time is now, for a review of all these Laws so that we can achieve the desired effect. Whatever is happening now is not working. Many, many children, as was pointed out, go without getting the necessary monies to ensure that they are properly taken care of.

There are hundreds of children who suffer from neglect, financial neglect, and perhaps most often it is as a result of the fathers who realise that there is this natural bond that is established between mother and child. Fortunately, it is very, very unusual for a mother to leave the child completely. But if she has to take care of the child at home it is very difficult for her to be working out and at the same time providing the care that the child needs, especially in the early years of life. Therefore, it is necessary that the father of the child to come up with the necessary money to take care of such child.

I am sure there are manifold reasons why this problem exists in the country. Some of them I believe are very deeply rooted and have to do with parental upbringing. We know that if there is lack of education and if proper morals are not taught to children, they will, in fact, go astray and often this is the result—fathering children and not expecting to provide for them.

It is very natural that as children become adolescents and then adults, they will experience sexual urges. These are healthy. But we know that it is very important that they also exercise self-control and do what is best for themselves and, in the end, the community. The necessity for adults to be responsible in all aspects of living, including this, cannot, I believe be over-emphasised. Children do get formal education in schools and other places, but really the onus is upon parents in my opinion. Parents teach us how to live and it is very important that the right values be instilled in children at a very early age so that they will, in fact, end up doing what is correct and proper and assume the responsibilities and shoulder them like men and women.

We know that it is a very common belief here in the West Indies (Cayman being no exception) and in other parts of the world that the more children one has, the more of a man it makes one. This is a sad state of affairs, but I believe it is beliefs such as this that helps to propagate the problem.

We know that there is nothing in any Bill of Rights ever established that gives anyone the right to propagate. Therefore, if a person does not have the means and cannot afford a child, he has the option not to father or to mother a child. I believe that with all the modern methods of contraception there is no excuse for individuals behaving in this fashion.

The Government provides free contraception and it is free for all living in the Cayman Islands. I believe that this even makes it more inexcusable. No one has the

inalienable right anyway to have children. It is good that we do have children, but if we are going to have them then, in my opinion, we have to be prepared to assume and shoulder the responsibilities that go along with fatherhood and motherhood.

It is because of this, the Social Services Department is overburdened. Government often, in most instances, has to come to the rescue to assist mothers who are left destitute with children. If for that reason only, this Legislative Assembly has every right to be discussing this very commonplace problem in our community.

The Courts have tried to deal with the problem. There are some teeth in the law and we know that a court order can be served. But if the individual does not pay the necessary money, deemed necessary by the court—and I believe that the maximum amount now is \$50.00 per child per week, and in my opinion this is very small and can hardly support any child with the high cost of living here in the Cayman Islands—I think that should definitely be reviewed.

We know that if they do not pay this amount the Court also has the power to dispose of property owned by the individual to thereby get the money for this purpose. Recently, it was said in the paper that maybe a man would lose his truck for this purpose, but I do not think he has lost his truck and we heard someone say that he is still happily driving his truck.

If the person does not come up with the funds, we know, too, that they can be imprisoned. But does this ever happen? A Member yesterday in the debate said that he believed that this would be counter-productive because a person would not be making the money to provide if they are in prison. I beg to differ from that point of view. I believe that it is important that such individuals be punished and I have always maintained that there is no reason why Government should be incurring such huge losses on account of expending so much money to take care of prisoners. We know that it is very possible to ensure that these jailbirds earn their keep. This is happening in different parts of the world where it is, in fact, considered the done thing that all prisoners work to earn their keep. I found this very, very interesting.

I was reading a newspaper published in Philadelphia, and it talks about jailbirds paying rent and buying food. It reads: **“The rent-free privileges of the involuntary lodgers at a Pennsylvania county jail may be coming to an end.**

“The 1,386 inmates of the county jail in Pittsburgh could be charged for their food, lodgings and medical attention if Allegheny County plans are approved by the State \$65.00 a day. ‘It is not an easy thing to do, but we think there is an obligation for government to recoup the costs,’ says Tom Forrester, a county commissioner.

“County tax payers fork out \$65 a day to house each of the inmates.

“The country would recover what it could by placing liens against property of inmates, attaching future wages and claiming parts of estates after an inmate dies.”

In my opinion, there is absolutely no reason why we should not adopt this policy here in the Cayman Islands. Let the prisoners earn their keep and they would not be a financial burden at all on the Government. Furthermore, they could still work and earn money, not just to earn their keep, but to support their children.

The Motion has many recitals. I know that all of these recitals are true. It goes a further step into suggesting that one of the remedies could be to take away or default a parent's driver's licence if the person does not do what he is supposed to do. Many people have said that this is rather farfetched and that it has nothing to do with not supporting the children. I would like to point out here that this was only a suggestion on the part of the mover, because she obviously felt that this would be effective—knowing how much most men in the community think of owning their driver's licence and how important it is to them. If they knew that this was possible perhaps they would buck up and do the right thing. Of course, there are many ways in which this could be addressed, and she did say that the whole matter should be reviewed. Perhaps when it comes to that, maybe the endorsing or taking away the driver's licence might not be the answer in the final analysis.

There are many things that could be done and in the Amendment to this Motion as suggested by the First Elected Member for Bodden Town, he gives an option of empowering the Court to serve a court order directly to the person's employer and deducting from the individual's salary, and then this could be paid for the upkeep and support of the child. That is worthy of consideration in my opinion.

Of course, there is another way in which we could enforce this. Many men hate the idea of having to work on weekends for the Government, for instance, and if they knew that if they did not contribute they would be picked up on a Friday evening or a Saturday morning; and if they have to work on Saturday and Sunday, forcibly, then I think that would put some sense into them.

I believe, too, that it is worthy here to consider some medical options. Individuals who get into this habit might very well deserve to have a compulsory vasectomy or a compulsory tubal ligation; because if they are going to indulge in this habit and be nothing but a menace to the community, then something has to be done. Believe me, it is not far-fetched at all. There are some countries in the world that do this, namely, China, and others that are more to the right even than China. So, as far as I am concerned, what can be done is almost limitless. We can look at this problem and decide what we believe would best serve the purpose here in the Cayman Islands and do exactly that. I believe the review is necessary because we know that presently many of our children are neglected and go without the necessary support.

The problem is not always due to the male. That is a fact. Quite often the mother is extremely irresponsible and she jumps from one man to another without realising that her behaviour can lead to these kinds of problems. I would never say that the problem is an altogether male problem, it takes two to make this problem. Quite often there are two who are responsible. I believe that in hav-

ing said that, it is important for me to go on to what I consider very necessary—that of proof of paternity.

Often some women in our community have no idea who a child even belongs to. That has happened in the past too, and she decides that she will blame it on the person who most likely can support the child. I believe that in some instances we have to make sure that there is proof of paternity, and it should be available to any man who feels that he is not the father. The admissibility of DNA tests in our Courts should certainly be considered here because I believe that can prove whether or not a man is the father.

It is a complex problem. It is one that will take us some time to review. The solutions are numerous. The driver's licence does not seem to appeal to many people in the community. As I said, the mover feels that the man would take it very seriously. I believe that there are some other things that they would take even more seriously than that. But, I would like to congratulate her for her deep-seated interest, and her concern for children in our community. This House has displayed much sensitivity to the problem and I thought that the debate went very well. I hope that this Motion will be accepted and that something will be done about the problem.

I must say, at this point, that I have not been very happy up to date with the way in which some Motions are passed in this House, and I would like to see more action on the part of the Government. When a Motion is passed in this House I would like to know that something is done about it and that it does not drag on forever and forever.

Thank you, very much, Mr. Speaker.

The Deputy Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Mr. Speaker, as I rise to offer my contribution to the debate on this Motion, I must first of all ask you to forgive me if during this debate I call upon you as "Madam Speaker" as the words "Mr. Speaker" are something new to all of us this morning.

The Motion before this Honourable House asks in the resolve section that "**this Honourable House request the Government to review the Affiliation Law, the Maintenance Law, and the Matrimonial Causes Law, and to report thereon.**" My interpretation of that resolve, Mr. Speaker, is that this Motion has been brought in this form so that the Members of this Honourable House can give input to assist the Government in any amendments, deletions, or changes whatsoever, when reviewing the three Laws.

This Motion has been on my mind since I was elected a Member of this Honourable House. I have done research and have gone overseas for draft copies of the various Laws that we are debating today.

It is my opinion that the reason why there is so much trouble is because of the lack of enforcement of the laws already on the books of the Cayman Islands. It is said the \$50.00 a week is not sufficient to maintain a child. I agree with this wholeheartedly. The Affiliation Law was amended in 1992, and I believe it was section 5 that was

amended to add a subsection (9) to read; **“For the purpose of calculating any sum of money to be paid under subsection (2), (3) or (5) the Court shall have regard to the means of the parties and all the circumstances of the case.”** Therefore, the Courts are provided with the section of the Law under which they can grant maintenance on the income of the father who is being brought before the Courts.

Section 6(1) of the Affiliation Law provides for the appointment of collecting officers. It reads, **“The Court shall from time to time, subject to the approval of the Governor, appoint for the purposes of this Law one or more collection officers who shall be styled ‘the collection officer’ for the place to which they are appointed, and in default of such appointment, the Clerk of the Court shall be the collecting office for Grand Cayman and the District Commissioner shall be the collecting officer for Cayman Brac and Little Cayman.”**

As I understand from the mover of this Motion, there is a provision in the estimates for a collecting officer who has never been appointed. I think it is time, Mr. Speaker, that these collecting officers be appointed, not only to collect the payments as they are brought to Court, but to ensure that if these payments are not made that they will be responsible for bringing back the guilty parties before the Court, and not the woman having to expend funds and legal fees once again, which she can ill afford, to bring a man before the Court.

Section 7(1) of the Affiliation Law provides, **“Where under an affiliation order, which provides that payment thereunder shall be made to the collecting officer, payment is fourteen clear days in arrears, the court may, upon the application of the collecting officer, issue a warrant directing the sum due under such order or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, to be recovered by distress and sale of the goods and chattels of the putative father,”** We have heard that one of the judges ordered that someone's truck be sold. I feel that the Law should be strong enough so that when a Judge makes such an order—a vehicle, or whatever it may be, should be impounded immediately until all necessary action is taken to put it up for auction.

Section 9 of the Affiliation Law gives the right, **“When an affiliation order has been made, the court, in any case where there is any pension or income payable to the person to whom the affiliation order has been made and capable of being attached, after giving the person to whom the pension or income is payable an opportunity of being heard, and provided that the court is satisfied that such person has without reasonable cause made a default under the order, may order that such an amount each week as is specified in the affiliation order, or any part of such amount, be attached and paid to the collecting officer.”**

Mr. Speaker, since I have been in this House, I, for one, have tried to fight the cause of the women of the

Cayman Islands. And I would like to make it clear that I am not a woman's liberator, but I feel that there are certain causes for the women in this country that were forgotten. When we have on the Law Books in this country laws such as these, giving the Court certain rights, I think it is time that they be enforced.

I do not believe, and as the last speaker said, the idea of taking someone's driving licence will be very effective in fighting the cause that we are trying to fight. Those people will use this as an excuse to say that they cannot get to work and, therefore, that they cannot pay the money, as there is no proper transportation system in these Islands.

I understand that there is an amendment coming shortly to the Judicature Law of this country, where anyone who is ordered to pay monies, these orders can be enforced. I applaud the Honourable Second Official Member and his Department for thinking of this because I not only feel that we should be here today fighting for maintenance orders to be enforced; any order for which monies are owed by a judgment debt should be enforced, and I feel that the amendment under the Grand Court Rules to the Judicature Law will make this effective.

I guess there will be Members of this Honourable House who will shoot me down when I say what I have to say on the Maintenance Law, Mr. Speaker. I feel that it needs to be rewritten, entirely. Section 2 states; **“Every man is hereby required to maintain his own children and also—(i) every child, whether born in wedlock or not, which his wife may have living at the time of her marriage with him; and also (ii) if he cohabits with any woman, every child which such woman may have living at the time of the commencement of such cohabitation;”**

We are here saying today that it is very unfair to the women of this country not to receive maintenance monies when the Court orders. I, and this is entirely my opinion, think it is very unfair to state, by law, that a man who marries a woman who already has six children and is probably receiving maintenance from the father of those children has to pay maintenance again. This should come from the love and respect which a man has for a woman for him to maintain the children, but it should not be compulsory by law.

The other section of this Law which gives me concern is section 3. It says; **“..... every woman is hereby required to maintain the legitimate children of any child that she may have had in the event of the parents of such children and of any man primarily bound under the provisions of section 2 to maintain such children”** Mr. Speaker, I am the mother of five children, and I feel that I am obligated to care for those children until death. I feel that if I am given the respect from the parents of the children who are not being cared for, it is my responsibility because of my love and my attention that I have for my grandchildren.

We must remember that there are women and men in this country who will marry our children and the first thing that they will do is to teach those children to disrespect, particularly, the mother-in-law. I feel that I, out of

love, would care for my grandchildren, but I do not think it is fair for us to put such things in a law.

We have the same thing in maintaining parents and grandchildren. I do not feel that my children should, by law, be compelled to do for me. They must, through the love and attention which I have paid them through the years, find that a responsibility of their own.

We can sit here and write any amount of laws that we would like for the maintenance of parents and grandparents, but we are faced today in trying to do something for the children who have been fathered by the men who are not doing anything for them. Do we really believe that by putting this in law that they are going to do for their parents and grandchildren?

Mr. Speaker, some women and girls are sometimes lured into affairs with men, and have a child to portray their love for him. The woman or the girl may choose to have this child as a means of holding on to that man without realising the seriousness of the responsibility of having a child.

I agreed with the Honourable Minister when he said that it is time for Members of this House, as we meet these people, to remind them that they have a responsibility. I do not feel that it is only the responsibility of the Members in this House, but that the time has come for schools, churches and other organisations to become involved in letting these people know that having a child is not a joke. I think it was Jacqueline Kennedy Onassis who said that if we have failed our children, we have achieved nothing. Mr. Speaker, we can continue to amend laws, but until we get to the root of the matter we will not have achieved anything.

The Matrimonial Causes Law. Mr. Speaker, I have two suggestions for the Government when they review these laws: Section 5 reads; **“The Court has jurisdiction to entertain a suit arising out of this Law where at the time of filing suit; or at a material time with reference to the suit and within on year of the presentation of the petition, either of the parties to the suit was domiciled in the Islands; or the party filing suit, being a female, has been ordinarily resident in the Islands for at least two years immediately preceding the presentation of the petition.”** If we can allow either of the parties, because they are domiciled in this country, to file this petition, why are both parties given the right if they are ordinarily resident in the Islands to file the same petition? Maybe when the Government looks at it, they can give me the reason and I will understand, but as of now I do not understand.

The other matter that gives me grave concern in the Cayman Islands is the procedure of the Court when there is a divorce. It is normal to look at the mother to be given total care and control of children and for the father to be given visitation rights. Mr. Speaker, contrary to most public opinion, I, for one, believe that there are some good fathers out there who should have the right, as much as the woman to fight for the care and custody of their children.

My father, who was a very wise man, always told me that every woman can have a child but not every woman

can be a mother. We can sit here and fight for the rights of women—which I have done and will continue to do—but as a fair-minded person I think that it is time for us to look at giving these fathers a chance.

There are mothers in this country who do not know when their children go to bed; who do not know if they have school uniforms; who do not know if they have had a meal before going to bed; who do not pick up the telephone and call; but the father is there with those children. In my opinion this matter of having to prove a mother unfit, the father has to go through the Social Services Department to prove that the children are not cared for when the children are with the father most of the time. He knows, so why not give him the right also to have the care and custody of his children. As the lady Member for George Town in presenting this motion said, the most important thing in the review is the interest of the children. They must be the ones who are thought of first.

Mr. Speaker, I have contributed the points that I have a problem with in these Laws and maybe there will be women on the outside who feel that I do not have their interest at heart, but I cannot stand on the floor of this House and speak out of the corner of one side of my mouth and feel differently within my heart.

I hope that the Government, in their review, will take cognisance and look at these Laws whereby the children of this country will be the ones who are uppermost in their minds.

Thank you, Mr. Speaker.

PROCEEDINGS SUSPENDED AT 12.10 AM

PROCEEDINGS RESUMED AT 12.28 PM

The Deputy Speaker: Please be seated.

Continuation of the debate on Private Member's Motion No. 26/94. The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Thank you, Mr. Speaker.

Before I go into the debate I would like to welcome you to the Chair. I think that you well deserve the position of sitting there.

I rise to make my comments on Private Member's Motion No. 26/94, Review of the Maintenance Laws.

Mr. Speaker, I would like to congratulate the mover and seconder for this Motion to the House at this time. I cannot say it is very timely, because it is something that we probably should have done long ago. It is a considerable problem in all three of the Islands, and something that we must address. We have the same problem in Cayman Brac, and it is growing.

Mr. Speaker, the resolve section makes it very clear that we want to review the Affiliation Law, the Maintenance and the Matrimonial Causes Law. In reviewing these, one observation that I would like to make is that very often there is a problem with children not being properly cared for, yet there is no spouse who will go and file with the Courts against the other. Therefore, the responsibility comes back to the Social Services Department; and in order that the children are not deprived of

proper diet and all the proper needs of a child, it in turn rests on the allocations of the school lunch programme and other programmes of a similar nature. This creates and compounds problems for the Social Services.

I think that in reviewing these Law we should make a provision that if a situation is found to exist by the Social Services Department, then Government will step in and take action. I have seen this happen time and time again, yet there is no provision for asking the Courts for relief. We find children on the streets not properly taken of; their education and health is impaired and they become susceptible to things that are not conducive to being good citizens in their adult years.

Mr. Speaker, I listened very carefully to the debate of all Members. Each and every Member has made a sound contribution, and I look forward to the report on the review when it comes back to this House. I hope that it will be timely for it is an urgent matter and, hopefully, something will be done to help alleviate this problem.

In conclusion, I would again like to congratulate the mover and seconder for having brought this Motion, and also the First Elected Member for Bodden Town who brought an amendment to the Motion. I support the amendment because I know of people who have the ways and means to pay their maintenance orders, but who have excuses for not having the money. This is the reason for so much arrears in the payment of maintenance. If it is paid by the employer, it will come out first before the other unnecessary items of expenditure.

With these few words, Mr. Speaker, I support the Motion and the amendment.

The Deputy Speaker: If there are no other speakers, I will call upon the mover of the Motion, the Third Elected Member for George Town, to wind up the debate.

Mrs. Berna L. Thompson Murphy: Thank you, Mr. Speaker. I, too, would like to welcome you. It is refreshing, and I like your style because I know you happen to enjoy coffee as well as I do and, therefore, we got a shorter session and were able to enjoy coffee much faster.

I would like to thank all Honourable Members for their input, and especially for their support in their debate on Private Member's Motion No. 26/94. I believe that all of us have agreed with the paramount consideration for our children and their welfare.

Most agreed that fathers have the misconception of only having to father a child, leaving the mother to raise and be responsible for the child or children. I do not have a problem with the amendment that was presented, however, I was aware of the Grand Court Rules being reviewed, and as I knew that this was taking place I did not include that as one of the sanctions to be considered. The Motion, as the last speaker said, is for a review of the three Laws and for Government to report, and I am sure that this will be included in the Report.

The reason for the sanction regarding the driving licence was that during the past several months, in being aware of maintenance and responsibility and dealing with things coming before the House, I read in an article in

one of the news magazines that this sanction is very effective in 10 states of the United States. Mr. Speaker, we are very often accused of not being like the United States which is a large country, however, if this is successful in 10 states, I thought it worthwhile for us to consider. I know that there are mixed feelings amongst Members regarding a sanction, but, again, this will come out in the review of these Laws and if there is enough input that will be included as well.

Most of us mentioned the importance of a driving licence, and I feel that some action must be taken as a result of the individual's actions. Even the Bible tells us that we are responsible for our actions. Therefore, some punishment must be included in there somehow.

Now, in taking away the licence, I am sure that men will go before the Judge and say that they need the licence in order to work. Cayman is very small, Mr. Speaker, and I, for one, do not see anyone walking to work—and if I do I sometimes I will stop and pick them up. But very few people depend upon walking to work. We have some public transportation in the outer districts and quite a few buses for West Bay. Knowing, in our community, that most people know each other, I am sure they would be able to get rides to work.

I cannot think of too many jobs that really depend upon driving licences—heavy equipment, delivery and so forth—if that is the type of work then I am sure that the employer would be willing to switch an individual around to another department if that is the case. In the case of heavy equipment, well, then he can walk. He can find another job. But something must be done for them to realise their responsibilities.

Other Members, I think, said that the mother must also be responsible as it takes two to make a child. The Honourable Minister for Health shared with us the new mothers' programme, and I am very pleased to hear that the 14 to 20 year olds are receiving some guidance and help in raising their children in their single-parenting role. The parenting skills there are welcomed and some of their suggestions and input should be included in the review as they are very good, sound ideas. I also heard that they had mentioned the idea of the driving licence as well.

The idea of the jail sentence does not solve the child's well being, being taken care of. The idea of the prisoner earning his keep—I am not saying that we must run out and do so—this is something that should be looked at and, with all the comments that we so often hear from the public, I am sure that this will be a welcomed consideration for us here in Cayman.

Let us also include in the review the suggestion of week-end working, and if that is what the public would like us to do, that would be welcomed as well. But something must be done. I am sure that we will hear, in regard to the idea of the vasectomy and the tubals, that the rights of individuals will come into play.

Mr. Speaker, in talking with someone at the Courts, this would work well for they could cite one case of a gentleman who has seven children from seven different women. Therefore, if he thinks that he is such a lover-boy and has to produce these seven different children, then

irresponsibility comes in here and the rights of that individual should go out of the window. That individual should most certainly have a vasectomy or whatever is necessary to prevent him from having an eighth child with an eighth woman. The same works for women who have five, six or eight children and do not stop to think about the child.

I so often heard when I was growing up that children are not asked to be brought into the world and their welfare and maintenance are of utmost importance in our society.

The other lady Member gave some very good points and I appreciate the thoughts that she shared in regard to the collecting officer. I, too, fail to understand, with the Law being in effect for all these years, why a collecting officer has never been appointed, and that it has just been left to the Clerk of the Courts and the District Commissioner to collect payments. They are very busy people and even if their assistants in their offices were appointed to do the work, it is not good enough. A collecting officer should be appointed because if our statistics show that \$15,000 on average per month is outstanding—and it is of utmost importance that our children be maintained—then I think it is only fit for a collecting officer to be appointed to collect these payments.

Most often when a person defaults on the maintenance, the single mother, or the mother...

POINT OF CLARIFICATION

Hon. Richard H. Coles: Mr. Speaker, I wonder if I could just rise on a Point of Order? It is a point of clarification, in fact.

The Deputy Speaker: Yes, if the Member will give way.

Hon. Richard H. Coles: Thank you, Mr. Speaker, and I am grateful to the lady Member for giving way.

My understanding is that a collector has been appointed. I know that it has been mentioned in this debate that one has not been appointed, but a collector has, in fact, been appointed. The collecting officer for Grand Cayman is the Clerk of the Court; and the District Commissioner for Cayman Brac and Little Cayman. That has actually been passed. I am unable to give the exact date, but that has taken place. So, as a point of information, I would not want the House to be, albeit completely unwittingly, misled on a point like that.

The Deputy Speaker: All right, thank you for the information.

Mrs. Berna L. Thompson Murphy: Thank you, Honourable Second Official Member. I appreciate that. I apologise if I misled the House, but I think others mentioned it, and we were not aware of that. I am happy that someone has been appointed. However, I think that those two individuals are very busy and in the review I would hope that another officer would be named, or even someone hired to do this because this is of utmost importance.

During the discussion with other Members, my col-

leagues, the Honourable Minister for Education and the Honourable Second Official Member, shared some useful information in regard to international laws where, if a maintenance order is given here in the Cayman Islands, it can be extended to other countries; and that Courts here can apply to other territories in order to have this enforced. If the father leaves the Cayman Islands to reside in another country and an enforcement order has been placed, then they can apply to that territory. So, for the listening mothers, and especially for our children, it is very good to know that they will be looked after.

Mr. Speaker, I would like to challenge the churches, the schools, and mothers to teach good morals and instil in their children the idea of relationships—the lasting relationships and something of a commitment. If our churches and schools can instil in our youth the idea of lasting relationships and commitment in a relationship, then I feel that maybe we would not have some of these problems with our children not having responsible fathers.

Again, I would like to thank all Members. I look forward to an early review. All Members stressed that need to place less strain on our Social Services Department from single parents not meeting their responsibilities. It is of utmost importance for our children, to make this paramount in our considerations. With the review of the three Laws, a lot of our children will not continue to suffer in the manner in which they do because of lack of funds and parental guidance.

Thank you, Mr. Speaker.

The Deputy Speaker: An Amendment has been proposed to the Motion before the House. It will be necessary to put the question on the Amendment before we put it on the substantive Motion.

I would like to read the Amendment so that Members will be clear on it. This Amendment has been proposed by the First Elected Member for Bodden Town. It reads: “**AND BE IT NOW FURTHER RESOLVED THAT, where a maintenance order has been made by a Court, the Government consider amending the Maintenance Orders (Enforcement) Law (Revised) to provide that the Court may request an employer to deduct, from an employee's wage or salary, any maintenance sum or sums as have been ordered upon such employee by the Court and that the employer shall forward such sum or sums to the Clerk of the Court in Grand Cayman or the District Commissioner in Cayman Brac for payment to the spouse, guardian(s) or dependent(s).**”

I shall put the question. Those in favour, please say Aye...Those against No.

AYES AND NOES

The Deputy Speaker: I think the noes have it.

Mr. Roy Bodden: Mr. Speaker, may we have a division please, sir?

The Deputy Speaker: Yes.
Madam Clerk.

ADJOURNMENT

The Clerk:

DIVISION NO. 18/94

AYES: 5

Dr. S. A. Tomlinson
Mr. D. Kurt Tibbetts
Capt. M. S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 10

Hon. J. Lemuel Hurlston
Hon. Richard H. Coles
Hon. A. Joel Walton
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr
Mrs. Berna Murphy
Mrs. Edna M. Moyle

Absent: 2

Hon. John B. McLean
Mr. D. Dalmain Ebanks

The Deputy Speaker: The result of the division is five Ayes and ten Noes. The Amendment has not been carried.

NEGATIVED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 26/94 DEFEATED BY MAJORITY.

The Deputy Speaker: I will now put the question on Private Member's Motion No. 26/94. The resolution reads: **"BE IT THEREFORE RESOLVED THAT this Honourable House request the Government to review the Affiliation Law, the Maintenance Law and the Matrimonial Causes Law and to report thereon."**

The question is that this motion be passed. I shall put the question. Those in favour, please say Aye...Those against No.

AYES

The Deputy Speaker: The ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 26/94 PASSED.

The Deputy Speaker: Before calling upon the Honourable Minister for the adjournment, I would just like to thank the Members for being so helpful this morning in helping me in this, my maiden voyage in the speakership, and to say that I am grateful for their cooperation.

It is my understanding that the Hon. J. Lemuel Hurlston, the First Official Member, will not be here when the House meets on 4th November as his retirement and leave start before that time. But it is the intention of the Leader of Government Business to invite him to come down to the Budget Session so that he will be present to hear our thanks first-hand.

I call upon the Honourable Minister responsible for Tourism, Environment and Planning, the Leader of Government Business, to move the adjournment.

Hon. Thomas C. Jefferson: Mr. Speaker, I was almost ready to start singing "For he is a Jolly Good Fellow", because I think all of us in the Chamber are grateful to you for the way in which you have carried out your duties as Speaker of the House this morning. The cooperation that you received, and I believe that you will always receive if you are ever in that Chair again, will be one of cooperation and cordiality.

I want to also make mention, Mr. Speaker, just before I move the adjournment, that we thought about the Hon. J. Lemuel Hurlston, and the fact that he would, I think, have his last day in Government on the 3rd of November, which is the day before the House is due to resume. As he is not here today to receive our remarks of appreciation, I believe that it is more appropriate, perhaps, to invite him here where he can hear from us our remarks, rather than to record our remarks and for him to read them.

With that, Mr. Speaker, I move the adjournment of this Honourable House until the 4th of November, 1994.

The Deputy Speaker: The question is that the House stand adjourned until the 4th of November, 1994. I shall put the question. Those in favour, please say Aye...Those against No.

AYES

The Deputy Speaker: The ayes have it. The House is accordingly adjourned until Friday, the 4th of November, 1994.

AT 12.58 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 4 NOVEMBER 1994.

**FRIDAY
4 NOVEMBER 1994
10.11 AM**

The Speaker: I will ask the First Elected Member for Cayman Brac and Little Cayman to say prayers.

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, Official Members and Ministers 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. Order. The Assembly is in session.

ANNOUNCEMENT BY THE SPEAKER

APOLOGY

The Speaker: First of all I have an apology from the Third Elected Member for George Town for her absence; she is overseas, but will be at the next sitting of the Legislature.

OBITUARY

(Mr. Desmond Vere Watler, CBE, OBE, JP)

The Speaker: It is fitting, at this first sitting of the Legislature after the passing of Mr. Desmond Vere Watler, that tribute be made to him.

Mr. Watler joined the Cayman Islands Civil Service on the 1st of August, 1937, as a clerk and when he retired in 1976 he had reached the position of Chief Secretary. He served as the Third Official Member of the Legislature from 1959, and he was one of the first members of the Advisory Executive Council appointed by Major Donald in 1956. After the Executive Council came into being he was also a member and he eventually became the First Official Member of this House. I deem it an honour and a privilege to have had the opportunity of working with Mr. Watler in the Legislature during those years.

Coming from a well-known and respected Caymanian family, Mr. Desmond was a loyal and God-fearing civil servant. He was among those few who today can be called a true statesmen. He took pride in all his duties, was always willing to help, and advised the younger recruits in the service.

He was a source of information, a wonderful mathematician and a keeper of the purse. In those days when preparing the Draft Estimates the Government used an old NCR, and even before the figures could be put on that machine, he totalled all the sums for the budget.

Throughout his life, Mr. Watler was the embodiment of courage and grace. All of Her Majesty's representatives to these Islands under whom he served could always count on his support, advice and help at every turn. If he did not come forward to offer these, they were quickly requested.

He was a man of self-reliance, discipline and responsibility. Of course, we all know he was a man of great humour, but he was a man of few words. He did, however, always weigh very carefully the words before he uttered them.

Mr. Desmond was chairman of the Committee that was asked to arrange a special service for Thanksgiving on the occasion of the Islands' celebration of the 150th Year of Parliamentary Government in 1982. Those who attended the service at Elmslie will remember how deeply moving it was because he had put such care and attention to all the details. This was because he was a true Christian, having the love of God in his heart, and a deep love for the people of these Islands.

I think there can be no more fitting expression of Mr. Desmond's life than what was said of the late Arthur Ashe, who was a Christian tennis player. It was said that he wanted to be seen as fair and honest, trustworthy, kind, calm and polite. He wanted no stain on his character, no blemish on his reputation.

As is customary, I would ask the Clerk, on behalf of this Legislative Assembly, to send a letter of sympathy and condolences to his son and family. And, as a mark

of respect, may we stand and observe one moment of silence to a great Caymanian - Mr. Desmond Watler.

[Moment of silence]

Pleased be seated. Continuing the Business of the House. I will have the Administration of Oath of Affirmation of Mr. James Montgomery Ryan, MBE, JP, to be the Honourable First Official Member.

Mr. Ryan, will you come forward please?

OATH OF AFFIRMATION

(Mr. James Montgomery Ryan, MBE, JP)

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 First Official Member.

On behalf of the Legislative Assembly I welcome you as the permanent Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

Presentation of Papers and Reports. The Draft Estimates of Revenue and Expenditure of the Government of the Cayman Islands for the Year 1995. The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure for the year ending December 31st, 1995.

The Speaker: So ordered. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE APPROPRIATION (1995) BILL, 1994

The Clerk: The Appropriation (1995) Bill, 1994.

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

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

The Speaker: Second Reading.

The Clerk: The Appropriation (1995) Bill, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I beg to move the Second Reading of the Appropriation (1995) Bill, 1994.

Madam Speaker, the last Budget Address delivered in November 1993 outlined, inter alia, measures aimed at restoring fiscal budgetary balance through managed revenue and expenditure growth. There was also an underlying warning of the dangers of complacency at a time when other developing countries were looking towards promoting Offshore Finance as a means of boosting their ailing economies. I am pleased to report that the Government has achieved a considerable measure of success with regards to restoring fiscal budgetary balance and, that despite the anticipated competition from other developing countries, the Cayman Islands was still able to attract a substantial amount of new business.

I would now like to mention briefly some of the challenges government has had to face during the past year. Firstly, our social, moral and Christian beliefs necessitated that we assist neighbouring Cubans who landed on our shores in a quest to flee their country. This has been extremely taxing on both the human and capital resources of the government and people of the Cayman Islands. I would like to take this opportunity to express my gratitude to all members of the community for the laudable efforts put forward to address this situation.

Secondly, the success story of the Cayman Islands in the global financial arena has led to occasional unwarranted attacks on the integrity of the financial industry. It is well-known that success sometimes leads to envy, and it is only natural to expect some form of criticism from time to time.

There has been a proliferation, in recent years, of new locations marketing themselves worldwide as offshore financial centres. This increase in competition in a growing market has stimulated innovative responses from centres globally. All of these centres make equal claims to political stability and other reported advantages of their locations. The emerging differentiating factor among financial centres, however, is the commitment and ability to uphold their reputations.

The Government of the Cayman Islands has repeatedly demonstrated its diligence in preserving its reputation and also, in deterring the use of its financial institutions for illicit activities, through the joint efforts of the public and private sectors.

In 1984, the Cayman Islands took its first step to combat money laundering by the passing of the Narcot-

ics Agreement. This Agreement provided for cooperation between the government of the Cayman Islands and the United States to combat illicit activities.

In 1986 the Cayman Islands Government further established its position against the illegal use of its financial services by the passing of the Misuse of Drugs Law, which made money laundering an offence in the Cayman Islands. The Law provided the foundation for future efforts to safeguard against banks and other financial institutions in the Cayman Islands being used as intermediaries for the transfer and/or deposit of money derived from criminal activity.

Also, in 1986 the Mutual Legal Assistance Treaty was negotiated and signed between the Cayman Islands, the United States and the United Kingdom, and came into effect in 1990. The Treaty states that the parties will provide mutual assistance for the investigation, prosecution and suppression of criminal offences. This Treaty demonstrates the willingness of the Cayman Islands to cooperate in the common effort against serious crimes of all sorts.

The Cayman Islands has supported the work of the Financial Action Task Force (FATF) and has endorsed the 40 recommendations proposed for implementation by all participating countries. The first of these recommendations was to fully implement and ratify the 1988 Vienna Convention against illicit traffic in narcotic drugs and psychotropic substances. In 1993, the Government of the Cayman Islands legislated extensive amendments to the Misuse of Drugs Law, to allow for the adoption of some areas of the Convention. The Cayman Islands has invited the United Kingdom to endorse the Convention on its behalf. In fact, most of the 40 recommendations made by the FATF were already in place in the Cayman Islands. In 1994, a self evaluation phase was completed for the Cayman Islands as prescribed by these recommendations and the next phase, a peer evaluation, is to be undertaken in 1995. The Cayman Islands will therefore be the first country in this region to open its financial regulatory system to outside scrutiny in accordance with the provisions set out in the FATF's recommendations.

As early as 1992, the advances made by the Cayman Islands to rid the region of drug trafficking and money laundering were recognized at a meeting of the Caribbean Financial Action Task Force held in Jamaica. The Islands were nominated to be the United Kingdom's Caribbean Dependent Territories representative on the steering Committee being set up to direct a Caribbean Secretariat based in Trinidad and Tobago. Justice Anthony Smellie, Q.C., was selected as the representative of the Cayman Islands and the other Dependent Territories to serve on this committee.

These initiatives are in addition to the traditional vigilance of the Islands' financial system: the Banking industry voluntarily accepted and published a Code of Conduct, which provides guidelines to reduce our vulnerability to money laundering.

Madam Speaker, bearing in mind all I have said thus far, it is clear that the occasional attacks on, and insinuations about our financial industry are totally unsubstantiated and very much un-enlightened. I am confident that through the Grace of God, these Islands will not only overcome these occasional and unwarranted criticisms, but triumph in our continued efforts to remain a leading International Financial Centre of the highest repute.

These challenges that we have faced may have come at an opportune time, in that they have forced us to look more closely at the path that needs to be taken to prepare the Cayman Islands for continued success, well into the 21st Century. The road ahead will undoubtedly be lined with many more hurdles, but these obstacles, both present and future, can be overcome through cooperation at the national level irrespective of individual, political, social or religious persuasion.

Furthermore, while it is agreed that national cooperation is an essential element in the formula for successfully negotiating this path, there are other elements which must be considered. Preserving and enhancing our image as a reputable International Financial Centre; further diversification of our economic base; and continued prudent fiscal management are all crucial to sustaining development in the long run.

Madam Speaker, at this juncture, I shall briefly review the current and future outlook of the world economy and subsequently, the impact it may have on our local economy. This will be followed by a preliminary review of local economic performance for 1994 and an economic outlook for the year ahead. I shall then address Government's Revenue and Expenditure performance for 1994. And finally, I shall present the Draft Estimates of Revenue and Expenditure for 1995.

The World Economy:- World output is projected to expand by 3% in 1994, and by 3.75% in 1995, as the global economy continues its gradual recovery. The expansions that are now clearly underway in North America and the United Kingdom contrast with continued sluggishness in Continental Europe and Japan. Growth in the developing countries is expected to remain robust on average, although disparities remain large and the short term outlook for the poorest countries remain virtually the same.

Our local economy is strongly influenced and arguably driven by international occurrences. There has been a dramatic resurgence of regionalism on the international scene, largely resulting from the failures of the General Agreement on Trades and Tariffs (GATT). GATT advocates a "New World Order" by significantly increasing market access via tariff reduction, the dismantling of non tariff barriers and the removal of some subsidies. Negotiations over the GATT have been progressing, but at a snail's pace. In the absence of a concrete agreement, many countries have turned to regionalism to improve trade relations and ultimately increase their prominence in international trade.

The North American Free Trade Agreement (NAFTA) represents a commitment between the United States, Mexico and Canada to pursue a programmed reduction of trade barriers over a twenty year period. These three economies, now linked economically, represent 30% of the world's Gross Domestic Product. With no trade restrictions in place, the added 86 million people of Mexico are envisaged to generate vast opportunities for these three countries to expand trade. Chile is poised to join NAFTA, adding a further 14 million people to this global trading force.

Emanating from a history of attempts at unification, 12 European countries signed the Single European Act (SEA) with the aim of creating an internal market without barriers. The convergence of these European countries as well as those countries under NAFTA has ramifications for Caribbean countries which rely heavily on exporting to these territories and which previously enjoyed preferential access to their markets.

In response to the thrust towards unification, 25 Latin American and Caribbean countries formed an Association of Caribbean States in July 1994. This represents the world's fourth largest economic block. The Cayman Islands like the other British Dependent Territories were offered associate membership, subject to their individual terms and conditions. Four of the British Dependent Territories have already opted to accept such membership. The Cayman Islands will need to assess, with great care and caution, the advantages that might emerge from such membership. It should be noted that Bermuda has not yet made its intentions known on this offer.

International finance has also benefited from the formation of such groupings. Global trade liberalization, catalysed by the increase in open market economies with freedom of currency movement, the resurgence of regionalism, the globalization of production and the resulting increase in cross-border transactions have fundamentally restructured the focus of international finance. This new focus has generated increased demand for sophisticated financial services. As a result, offshore financial centres worldwide are booming despite the ever increasing number of jurisdictions entering the arena.

In light of the changing focus of international finance and heightened levels of competition, the Cayman Islands must now carefully consider its position, insuring that its offerings are aligned with the demands of the international community, while simultaneously being sensitive to the preservation of its well-earned reputation.

Domestic Economic Events:- In 1994, the local economy remained robust with leading sectors showing visible signs of further expansion. The Financial, Tourism and Real Estate sectors all surpassed growth forecasts thereby increasing the level of overall economic activity in the Cayman Islands.

Financial and Business Services:- It is well recognized that the industries in this sector contribute much more than the fees received by Government. They have played vital roles in generating employment, training of the indigenous population and many additional spin-offs. During the period March 1993 to March 1994, employment in the financial and business services sector grew by approximately 9%, from 2,875 to 3,030, with the proportion of Caymanians employed growing from 63% to 73% over the same period.

It can be concluded from the preceding statements that the Financial Sector continues to grow at an impressive rate. This growth is supported by innovative amendments and introduction of legislation to ensure a modern and responsive regulatory framework. The Mutual Funds Law, 1993, has added yet another facet to the large array of financial services offered by the Cayman Islands. In just over one year, 615 funds have been registered and 100 more are currently being processed. The recent amendment to the Companies Law, the Property Miscellaneous Law, and the amendment to the Partnership Law ensure that the legislative regime is current and meets the demands of the local financial community.

Although the number of Mutual Funds has surpassed the number of licensed Banks, steady growth in numbers and assets held by these banks is also evident. As of August 31st, 1994, the value of deposits held by Banks registered in the Cayman Islands totalled US\$415 billion. The number of Banks licensed at the end of September 1994 totalled 561, with 31 new registrations, as compared to 22 in 1993. This places the Cayman Islands fifth in the world in overall terms behind London, New York, Hong Kong, and Paris.

The total number of captive insurance companies registered in the Islands amounted to 380 as of September 30, 1994. Of this total, 40 were registered so far this year compared to 28 for the same period of 1993.

Total new registrations for Companies and Trusts for the first nine months of 1994, indicate that we should surpass previous records for new registrations. A record number of 4,269 Companies and Trusts were registered in this time. This represents a 30% increase over the same period in 1993.

It is therefore evident that Government's bold decision to reduce company registration fees has yielded a greater than anticipated response. The 25% growth in company registration used as a prerequisite in the Report on the Review of the Cayman Islands Company Fee Structure was eclipsed. In fact, company registration has almost doubled since April of this year when the new fee structure was introduced. Company formation in the Cayman Islands is now internationally advertised at a cost of US\$975.00, compared to the previous figure of US\$2,200. This reduction in fees has positioned the Cayman Islands as a premium, but affordable, jurisdiction of choice. I am confident that this move was a necessary one and will continue to yield great dividends.

The Shipping Register continued to grow, albeit at a slower rate than in the previous year. This has been partially due to the increased vigilance and selectiveness of the now, Cayman Islands Shipping Registry. During the first half of the year, 77 new ships were registered compared to 81 for the same period of 1993. While this is a small decrease in new registration activity, overall the Shipping Registry has been sustaining steady growth. At year end 1993 the Shipping Registry had grown overall by 24% over 1992, and experienced a 17.5% increase from June 1993 to June 1994. The total number of ships registered as of the 30th of June was 771.

The level of success attained by the Cayman Islands has enticed not only regional countries but also European countries to enact legislation to facilitate the offering of competitive financial services. We are frequently seeing legislation which dramatically resembles that of the Cayman Islands. As the number of competitive centres increases, Government must be committed to providing the resources and guidance necessary to maintain the industry's vanguard position.

In order to converge all efforts at promoting the Cayman Islands as a premier international financial centre and to crystallize our "blue chip" status in the minds of the international community, a Coordinator of Marketing and Promotions has been appointed to the Portfolio of Finance and Development. This officer reports directly to the Financial Secretary and acts as a liaison between the private sector and the Portfolio.

One of the first duties undertaken by this officer was to arrange for, in consultation with the Government Private Sector Consultative Committee, the commissioning of a local company to develop a high quality, informative and attractive publication, with a view to providing a cohesive message to the international financial world on the services of our financial sector. This publication will be available at the beginning of December 1994, and will be distributed to an anticipated 20,000 financial practitioners worldwide.

At the core of the promotional activities being planned for 1995 are three one-day conferences on the financial industry of the Cayman Islands. These conferences are scheduled for February 13th, 16th and 21st, in New York, London and Hong Kong respectively. They will showcase the range of services offered by the Cayman Islands; enlighten the international community about the structure of our government and the sophistication of our regulatory regimes; demonstrate our professionalism at both Government and Private Sector levels; whilst correcting instances of misinformation concerning the Cayman Islands' Financial Industry that may exist within the international financial community.

Tourism:- Overall, visitor arrivals to the Cayman Islands, up to September of 1994, grew by 4% over the same period in 1993. However, growth in the number of stayover visitors outstripped cruise ship passenger

growth significantly in the second and third quarters of this year.

The performance of air arrivals or stayover visitors was exceptional throughout the year, representing a continuation of the robust growth recorded in 1993. Double digit growth was recorded in every quarter of this year with the average around 21% over the same nine month period in 1993. This is a very promising sign for the industry as a whole, based on the fact that stayover visitors generate more economic activity than cruise ship visitors. Estimates derived from the most recent visitor expenditure data available, reveals that stayover visitors' spending grew by 28%, representing \$136.2 million in the first half of this year.

Cruise ship passenger arrivals registered an overall decline of 3% during the first nine months of 1994. The latest available estimates reveal that cruise ship passengers spent approximately \$11.5 million in 1994.

It is no surprise that the tourism sector continued to show positive signs of growth at a time when the United States' economy was quite robust. There was nearly 4% growth in real Gross Domestic Product during the first half of this year with more moderate growth expected through 1995. Furthermore, consumer disposable income was up 4%, vacation travel expectations were up 16% and international air traffic had increased by 4.6%, all indicators of increased economic activity originating from the United States market.

It is also important to note the high growth rates experienced in the Canadian and United Kingdom segments of the market. The United Kingdom market picked up in the second and third quarters with the number of arrivals from that country almost doubling. The Canadian market also performed well throughout the first nine months of 1994, increasing by over 50% compared to the same period in 1993. Also, the European market for potential tourist arrivals is expected to fuel further growth in the tourism sector given the increased availability of flights from the United Kingdom. In an effort to diversify the industry, the Department of Tourism has allocated additional resources to promote the local tourist product in the European and Asian markets.

The Department of Tourism has developed profiles of its target markets by employing a technique known as "niche marketing". With the aid of a new promotions agent, the Department has pursued a more active marketing campaign aimed at potential tourists in these derived "niche markets". If the performance during the first three-quarters of the year is any indication of the success of their efforts, then the outlook for 1995 should be very promising. Investor confidence in the tourism market is also up as evidenced by the recent unveiling of several proposals for large scale hotel projects.

To reiterate, the forecast for 1995 in this sector is an optimistic one. As long as economic growth prospects for the United States remain promising we should expect continued growth. The forecast growth in stayover arrivals is between 10% and 15% for 1995, while

growth in cruise ship passenger arrivals is expected to average around 5%.

Agriculture:- The Department of Agriculture has continued its thrust towards increasing agricultural productivity in these Islands as a means of further diversifying the local economic base. Several initiatives were implemented during 1994, including training programmes for farmers, the importation of high quality beef cattle for breeding and rearing and the ongoing service of advice and assistance.

Gross sales for 1994 at the Farmers Market are expected to increase to \$0.9 million, or by 20% over 1993. This follows similar growth patterns in the previous three years. The Farmers Market continues to develop ways of diversifying its products as a means of sustaining growth.

Agricultural infrastructure was enhanced by the completion of the Agricultural Pavilion in Lower Valley, which was officially opened in July of this year. Plans are now in place for the construction of an abattoir in Lower Valley.

Real Estate:- In January of this year, Stamp Duty on the transfer of property was leveled at 7.5%. Prior to this, Stamp Duty was charged at a rate of 7.5% for property transfers below \$250,000 and 10% for transactions above this value. A review of the data on Stamp Duty revealed that \$10.1 million had been collected up to September of this year. This corresponds to a 19% increase over the same period in 1993, which is a positive sign of growth in the real estate market.

In fact, many professionals and investors in the industry believe that infrastructural and institutional development, political stability, and unrivalled professional expertise in the financial and tourism sectors are factors which will continue to fuel growth in the real estate market. Increased recreational activities available locally may also have played a role in encouraging condominium sales.

However, the uncertainty surrounding interest rates and the high cost of insurance may stifle some of this potential expansion. In an attempt to address the harsh financial burden brought about by the increase in property insurance over the past two years, Government has commissioned a review which includes a study aimed at assessing Cayman's risk position vis a vis that of the rest of the region. This hopefully should assist in determining whether local insurance companies can attract lower reinsurance rates and in turn be in a position to offer lower rates to policyholders.

A buoyant real estate market is a strong indication of growing investor confidence in the current and future state of the economy. Given the recent investor interest in major capital projects in the tourism, commercial and industrial sectors, many believe there may be another "boom" in the real estate market in the near future.

Construction:- In the absence of data on housing starts, the number and value of approved new construction has been used as a proxy for economic activity in

the construction sector. The data for the first nine months of this year, compared to that of 1993, shows significant improvements in this sector.

In the first nine months of this year approximately \$115 million of planned new construction on Grand Cayman was approved, compared to \$78 million for the same period in 1993. The "hotel" category had one application estimated at \$35 million dollars, compared to none during 1993. The value of approved residential construction increased by approximately \$8 million or 28% when compared to the first nine months of 1993. Also, commercial activity rose by 334 percent, representing an increase of \$13 million during the same period.

On the Sister Islands, 1994 proved to be a slower year when compared with 1993. During the first nine months of the year the estimated value of approved projects was 26% less than the same period in 1993.

Banking:- Loans and advances made locally amounted to \$734 million by the end of the second quarter of 1994, compared to \$711 million for the same period of 1993, representing a 3% increase. Most of the lending activity surrounded commercial wholesale business while real estate, utilities and personal loans increased modestly. Although lending activity for agriculture, hotels, retail trade and construction showed declines, these were insignificant. Overall the growth in lending activity indicates continued investor confidence essential for future economic growth.

The total level of deposits or savings was up 7% in the first half of this year compared to the same period in 1993. Higher interest rates in 1994 may have been responsible for this increase in savings, especially since good returns on savings were elusive for most of 1993.

Labour Market:- The number of registered job seekers in the Cayman Islands declined in the first half of 1994, compared to the same period of 1993, from 335 to 208. This decline in unemployment supports the previously detailed indicators of economic growth during 1994.

Prices:- In the first three quarters of 1994, inflation averaged 3.1% compared to 2.2% for the same period last year. This increase in the rate of change of prices is predominately due to imported inflation from the United States, our major trading partner. The growth in the local economy may also have created some "demand-pull" inflation. However, the United States' commitment to control inflationary pressure through tight monetary policy is expected to keep the movement in local prices down. The year-end forecast for inflation is that it is not expected to exceed 4%.

Economic Outlook:- Overall, economic growth prospects for 1995 appear promising. Not only does the United States' growth prospects favour the Cayman Islands, but the leading sectors of our economy appear to be robust. If the economy does as well as projected the only cause for concern may be inflationary pressures fueled by increased economic activity. Economic growth

for 1994 is expected to be between 4% and 5% and this is expected to move upward to approximately 6% by year end 1995.

Socio-economic Issues:- Several initiatives of a socio-economic nature were undertaken during the year. Earlier in this address I alluded to the path that would have to be taken to prepare the Cayman Islands for the challenges of the 21st century. However, Madam Speaker, so far I have dealt with purely economic developments and I feel it would be remiss of me not to mention some of the key social issues facing this country which have very obvious economic implications for future development. Developing innovative policies to address these socio-economic issues is paramount to placing ourselves in an advantageous position to successfully overcome these challenges.

In March of this year, what was previously the Portfolio of Health and Human Services was divided into two separate Ministries; the Ministry for Health, Drug Abuse Prevention and Rehabilitation, and the Ministry of Community Development, Sports, Youth Affairs and Culture.

It is very important that we recognize that the physical and emotional well being of the people of a country are of primary importance to its development process. With this in mind, the Ministry of Health, Drug Abuse Prevention and Rehabilitation has identified a number of areas in which cooperative community involvement is essential in moving towards a healthier population. Some of the areas considered include a comprehensive educational programme aimed at prevention of drug and alcohol abuse and the development of supporting legislation. Also, in recognition of the need for an improved level of health care the Ministry has produced, with staff input, a Master Facilities Plan for the new and modern George Town Hospital with phased implementation to begin in 1995.

Similarly, the Ministry of Community Development, Sports, Youth Affairs and Culture is spearheading the Government's thrust to enhance the social development and quality of life within this community. To this end, it has either initiated or further enhanced a number of programmes and policies; including the new housing scheme for low to middle income earners; new youth programmes such as the After School Programmes and National Children's Choir; new legislation on children and labour, and young persons; the manpower development initiative; a new student loan scheme; and studies on the status of the family, and crime.

By providing additional recreational facilities, through this Ministry, Government is ensuring that the youth of this country have productive activities with which to occupy their leisure time, an essential foundation on which good character is built. The cumulative impact of these initiatives should be far-reaching.

Addressing the current and future educational needs of the population is another socio-economic issue which impacts on overall development. In this regard, Government has upgraded a number of schools and has

committed itself to further programmes of this nature during the coming year. The contribution from the private sector in this field should not be overlooked, and we trust that they will continue to assist in this important area of development. As an indicator of this, if Government had to school the 1,507 students enrolled in our private schools it would cost CI\$7.2 million per annum.

Madam Speaker, it is known that human capital investment produces significant returns in the long term. Although the dividends will not be immediately visible, this should not deter us from providing the necessary funding to ensure that the people of this country are properly prepared in all areas of their physical and mental development.

Government Sector:- Overall Financial Performance; continuing the trend set in 1993, Government's financial position continued to show improvements during 1994. The Government's policy of maintaining prudent fiscal management has resulted in an overall reduction in the growth rate of expenditure while encouraging local revenue growth. Notwithstanding having to incur significant unforeseen expenditure on the maintenance of the Cuban migrants, it is likely that another budgetary surplus will be realized in 1994. While it is evident that Government's financial performance has been encouraging thus far, continued vigilant stewardship in the management of public finances through tight fiscal policy measures must be retained as a primary mechanism for ensuring the continued prosperity of these Islands for generations to come.

1994 Revised Estimates:- The Revised Estimates for 1994 indicate a total expenditure of \$156.9 million, which falls below the approved amount of \$157.2 million by \$0.3 million.

Total revised recurrent revenue is \$152.0 million which exceeds the approved budgeted amount of \$149.0 million by \$3.0 million or 2.0%. The 1994 Budget provides for loans of \$9.1 million, however, it is anticipated that only \$5.8 million of this sum will be required during 1994, with the balance of \$3.3 million being drawn down during 1995 to finance the completion of 1994 capital projects.

Honourable Members will also recall that the 1993 accounts presented in the Legislative Assembly earlier this year, set out a \$2.4 million accumulated surplus brought forward from 1993. This amount exceeded the \$0.5 million deficit anticipated at the time of preparing the 1994 Budget. Revised 1994 receipts therefore total \$160.2 million being the composite of: \$152.0 million recurrent revenue; \$5.8 million loan proceeds; and \$2.4 million accumulated surplus brought forward from 1993.

Taking into account the 1994 revised receipts of \$160.2 million, the \$0.4 million transfer from the surplus and deficit account to General Reserves approved by Finance Committee earlier this year, and the 1994 revised expenditure of \$156.9 million, the accumulated surplus at year end 1994 is expected to total \$2.9 million.

General Reserves:- The balance on General Reserves at the beginning of 1994 was \$3.6 million. This was increased by the transfer of \$0.4 million from the Surplus and Deficit Account during the course of this year. The balance at the end of 1994 will therefore be \$4.0 million, exclusive of interest. In view of continuing improvements in 1994, it is expected that there will be no need to draw on reserves. If, at the end of 1994, it is found that the realized surplus exceeds the projected amount of \$2.9 million, based on the revised figures, it is likely that a further recommendation could be made to transfer some portion of this sum into General Reserves during 1995.

Public Debt:- At the end of 1993, total outstanding public debt, excluding contingent liabilities, stood at \$54.1 million. Loan proceeds of \$5.8 million from a commercial loan used to finance various capital projects will be drawn down by year end and represents the only source of loan income for this year. No other loans were negotiated with multilateral institutions. Total repayments for the year have been forecasted at \$5.3 million which should bring total outstanding public debt to \$54.6 million by year end. Government will not be undertaking any new borrowings in 1995.

Public Service Pension Fund:- The Pension Fund balance as at August 31st, 1994, amounted to \$11.5 million (inclusive of accrued interest). Contributions and investment income accumulated in 1994, amounted to \$2.2 million. The actuarial assessment which commenced in 1993, was completed in July 1994, and a report setting out the findings of the Actuaries will be laid on the Table of the Legislative Assembly during this Meeting. Contributions to the Pension Fund in 1995 will be increased from 4% to 6% by the Government, and from 4% to 5% by Civil Servants, thus increasing the overall level of contributions into the Fund from 8% to 11% of pensionable salaries.

1995 Draft Estimates:- Madam Speaker, the Draft Budget is \$177,976,714 up 13.2% over the 1994 Approved Budget. It proposes no new borrowings, but does provide for the final drawdowns on two loans: \$1.0 million on a loan approved in 1990 for hospital improvements, and \$2,313,104 on the 1994 Capital Works Loan which will be used to fund those 1994 capital projects which continue into, and are to be completed during, 1995.

The 1995 Budget provides for revenue enhancement measures in two specific areas that are expected to provide additional revenues of approximately \$4.6 million. These areas will be discussed further at the time of moving the respective Bills. The 1995 receipts are therefore expected to total \$178,148,922, being the composite of: \$167,353,880 recurrent revenue; \$2,881,938 accumulated surplus brought forward from 1994; \$4.6 million in revenue enhancement measures; and \$3,313,104 in loan proceeds.

Total recurrent expenditure is \$138,722,161, up 11.7% over the 1994 Approved Budget. Total statutory

expenditure is \$15,266,879, up 20% over the 1994 amount, mainly as a result of the commencement of repayments on the 1994 Capital Works Loan and Government's contribution to the Public Service Pension Fund, as discussed earlier.

Total capital expenditure is \$23,291,109, up 15% over the 1994 Approved Budget. This amount has been broken down into capital acquisitions of \$4,009,240, up 22.3% over the 1994 Approved Budget, and capital development of \$19,281,869, up 13.6% over the 1994 Approved Budget.

The major capital projects planned for completion during 1995 include: Phase III of the West Bay Primary; Phase III of the Red Bay Primary; the George Town Sports Complex Upgrade; Phase I (Building I) of the Community College of the Cayman Islands; and the Bodden Town Health Care Centre.

The major capital projects scheduled for commencement in 1995 include: Phase II of the George Hicks High School; Phase I of the George Town Hospital Improvements; the West Bay Health Care Centre; the North Side Civic Centre and Hurricane Shelter; the Northward Prison Visitors Centre and Administration Block; Phase I of the Pedro St James Castle Restoration and Development; Phase II of the Queen Elizabeth II Botanical Park; Phase I of the Harquail Bypass Road; various District roads; and upgrading or new construction of the Courts Office, Customs Office, Agricultural Office and Department of Environment Office.

Total expenditure on new services is estimated at \$696,565. When taking these figures into consideration, the expected accumulated surplus at year end 1995 is \$172,208.

Madam Speaker, prior to concluding may I express my sincere appreciation to the Civil Service for its unstinted support and cooperation in completing this task. Specifically, I would like to thank my Deputy, Mr. Joel Walton; the Coordinator of Promotions and Advertising, Mr. Lyndon Martin; the Director of Economics and Statistics, Mr. Bryan Boxill; Miss Catherine Delapenha; Miss Sian Miller, my Personal Secretary; all the staff of the department of Finance and Development and all the other departments that have cooperated so well; and, finally, the Ministers and Members of Executive Council who have spent several mornings from 7 o'clock going through until the afternoon (and this had gone on for several weeks) in order to bring about this Budget that is being presented here today.

In conclusion, Madam Speaker, I recommend the Appropriation (1995) Bill, 1994, proposing an estimated sum for recurrent, capital and new services of \$162,709,835. Not included in this sum are the statutory provisions for loan repayments, pensions and gratuities totalling \$15,266,879. The total expenditure for 1995 is therefore estimated at \$177,976,714.

Thank you, Madam Speaker.

MOTION TO DEFER SECOND READING DEBATE

ON THE APPROPRIATION (1995) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I beg to move the deferral of the debate on the Budget Address, until Wednesday of next week.

The Speaker: The question before the House is, as moved by the Honourable Third Official Member, that the debate on the Second Reading of the Appropriation (1995) Bill, 1994, be deferred until Wednesday, November 9th, 1994. If there is no debate I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

The debate has accordingly been deferred until Wednesday, November 9th, 1994.

AGREED. THE DEBATE BE DEFERRED ACCORDINGLY UNTIL WEDNESDAY, NOVEMBER 9TH, 1994.

The Speaker: I will now ask for a motion for the adjournment of the House by the Honourable Minister for Tourism, Environment and Planning - Leader of Government Business.

MOTION FOR ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I have pleasure in moving the adjournment of this honourable House until 10 o'clock, Wednesday, November 9th, 1994.

The Speaker: The question is that the House do now adjourn until, Wednesday, the 9th of November, 1994.

I think Members have agreed that at this time there should be certain expressions of appreciation to the last Honourable First Official Member, Mr. Lemuel Hurlston.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

**EXPRESSIONS OF APPRECIATION
(Mr. J. Lemuel Hurlston, CVO, MBE, JP)**

Hon. W. McKeeva Bush: Madam Speaker, it is appropriate that we take time today to say a few words in regard to the previous Chief Secretary, Mr. J. Lemuel Hurlston, CVO, MBE, and Justice of the Peace of these Islands, who served this country for over 26 years in many capacities - starting as a clerk in the Civil Service and moving up the ladder to become the Chief Secretary - head of a 2000 membership Civil Service.

I believe that his tenure of service should serve as a good model to all civil servants, and young Caymanians generally, as to what diligence, good work ethics, the will to stick with an organisation through thick and

thin mean, and the heights that can be reached by any Caymanian who puts forth such an effort.

In 1986, Mr. Hurlston became the Third Official Member of this Legislature, and it was in this capacity that I had a closer working relationship with him. I can personally say that while we did not agree on every issue (and sometimes I made him understand that in this Legislature), if I had a matter in connection with a constituent which impacted on his responsibilities, I was received by him with understanding. As a good civil servant he stuck to the Government's policies. If he could help otherwise, he made an effort to do so.

Since November 1992, my colleagues and I have had the privilege of serving with him on the Executive Council. We experienced a good working relationship as we accomplished many initiatives for the betterment of these Islands. On behalf of my colleagues and I, we wish him well in any new endeavours he might undertake.

Madam Speaker, he is also a member of the Commonwealth Parliamentary Association. As Chairman of the Executive Committee, and Vice President of the Association, it is expected that we will host a farewell function in his honour.

I can only say to him what was a favourite of the late-President, John F. Kennedy, and also a favourite of mine, written by the poet Robert Frost: *"The woods are lovely, dark and deep. But I have promises to keep, And miles to go before I sleep, And miles to go before I sleep."*

May Almighty God guide and protect him and his good wife and their children in the future.

Thank you, Madam Speaker.

The Speaker: The opportunity is also given to any other Member who might wish to speak.

The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, I deem it a privilege and a pleasure to have the opportunity to say a few words on the retirement of the Honourable Lemuel Hurlston.

I have had the privilege of knowing Mr. Hurlston from the time he was very young, working with him throughout his career in the Civil Service. His father and I were both seamen, we have known each other for many years.

After the 1988 Elections, Mr. Hurlston became the member responsible for District Administration which consisted of Cayman Brac and Little Cayman, the district for which I have been elected one of the representatives. I want to go on record as expressing the deep appreciation of the people of Cayman Brac and Little Cayman for the way in which he performed the tasks of representing the district in the Executive Council, also the two-fold purpose it has served for the people of

Cayman Brac (having an Official Member of Executive Council visit the Brac and Little Cayman on regular occasions) it gave them an opportunity to be in contact with the official branch of Government as well as the elected branch.

So, to Mr. Hurlston, and his wife, on his retirement (although he is a very young man), I wish for him all the very best in the future. I look forward to seeing him around for many, many years and I wish God's richest blessings on anything that he may endeavour to do in the future.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, it is my privilege to make a few remarks on this occasion when we are paying tribute to Mr. Lemuel Hurlston, who has been the Chief Secretary for a number of years in these Islands, and indeed a civil servant that has served 26 years. Starting as a temporary clerk, he rose to the highest job in the land that a Caymanian is allowed to hold.

I have known Lem personally for many years. We worked together, we were civil servants together. I worked with him as a member of the Cayman Islands Civil Service Association, I worked with him as a member of the Cayman Islands Civil Service Co-operative Credit Union. He was a foundation member, he was its first treasurer and he served as its president on a number of occasions. To the best of my knowledge he presently serves as President of the Credit Union Association.

Madam Speaker, I have had the opportunity of working with him also as an elected representative of the people, and I can truthfully say that there has never been an occasion when I needed to see him on a matter in his official capacity that he did not afford me the opportunity within the shortest period of time. I do not know of an occasion when I called him on the telephone, and if he was not available, that he did not return my call. He paid me (in my capacity as an elected representative) every courtesy that I believe could be expected of anyone in his position.

When he became responsible for District Administration, that is, for the islands of Cayman Brac and Little Cayman, I think he served in that role to a standard that anyone would wish to emulate.

He heard the complaints of the people when he visited there; he heard the complaints of the representatives, my colleague, Capt. Mabry Kirkconnell, and I. I can truly say that he did whatever he could within his ability when he was called upon to deal with a matter.

I always found it easy to deal with Lem because I always knew what to expect. I knew first of all, that I was going to be dealing with someone who would not get flustered or run me out of his office, and that he was

going to listen to me. I also knew that I should not expect him to do anything which was not in accordance with what the books said about a particular matter; that kind of dependability, Madam Speaker, I found most outstanding.

I think he has been one of the most outstanding civil servants in this country and he is due every respect that can be shown him now, and in the future. I do not know what he may choose to do, but there is certainly no doubt in my mind that he will go on to do whatever he chooses to do in the near future. He is a young man and few people have risen to the very top in so short a period of time, which allows him the opportunity of going on to whatever career he may choose. He is certainly qualified in Management, Accounting and Audit, so I think many opportunities await him. He, in his quiet way, will make a decision and follow whatever he decides to do.

I have had the privilege also of knowing his wife and his children, and I wish for him, and for them, all that is best in the future, and certainly for Lem, the very best of success in whatever pursuits he may have in mind.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I have known the Honourable Lemuel Hurlston for more than 20 years and I have found him to be a dedicated civil servant. Every year they play "Rundown" which pokes fun at the Members of the Legislature and they usually portray Lem as one who likes to refer everything to London. They were very close to the mark because, as the Second Elected Member for Cayman Brac and Little Cayman indicated, he is a civil servant who lives by the book. He is one who will not bend the rules.

When I was elected in 1976 to the Executive Council I found Lem to be one of the most 'neutral' of the civil servants, because some of them were very political. But Lem seemed to have a neutrality, born of years in the service where he did his job, knew his job, and hell, nor health' nor high tide could sway him from his principles.

As he departs from Government to go on to what will be a better life, I assume, I would like to say my best wishes go with him. I think my own life has been richer for having known him.

The Speaker: The Second Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

It is a pleasure and a privilege to be afforded the opportunity to stand here and offer a few thoughts on the retirement of Mr. Lemuel Hurlston from the Cayman Islands Government Service.

I was familiar with Mr. Hurlston, and knew of him during my years as a civil servant. But it was only upon my being elected as a Member of this Legislature in 1988 that I came to know the man to whom we are paying tribute today.

A few months ago I had occasion to meet with him in the presence of another Member of this Legislature and at the conclusion of the meeting I remarked to him that I regarded him as the consummate civil servant - and I still do. Indeed, walking the streets of this country I am left with the impression that many people regard him as the quintessential civil servant: firm, resolute, honest and up-front.

Whenever I had occasion to call him on matters concerning my constituents or the wider public, he always afforded me the courtesies due to my office and position. Sometimes he accommodated me on the shortest of notice. I do not know if I was successful or diligent in remarking to him then, how much I appreciated that coming from someone whom I know was as busy as he was. If I did not do so, I would like it to be recorded in the Hansards of this House at this time.

There is one thing that his retirement from the Civil Service leaves us with as Caymanians (young and old), that is, the road to the top must certainly involve sacrifices, patience and hard work. I think that his 26 successful years as a civil servant should be a motivation to those young Caymanians who are entering the service as to the success and heights that their efforts can take them if they apply themselves.

I wish for Mr. Hurlston and his family God's blessings always, and in whatever undertakings he may choose I wish him success and health. I leave him with the assurance that he has left me - a positive impression. I will always have a respectful place in the inner recesses of my soul for a person like him.

Thank you.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I rise today to make a few remarks in tribute to Mr. Hurlston although I have not had the privilege of serving with him in this Legislature as other persons here have. Before doing so, however, I would like to respond briefly to your very warm welcome this morning.

I am deeply honoured to be a full member of this honourable House, having served on a number of occasions in the past as a temporary member. Madam Speaker, I will no doubt make my share of mistakes, but I am certain that I will have your guidance and your wealth of experience to draw from. In the early days I will do more listening than speaking, and I look forward to the assistance and cooperation of all Honourable Ministers and Members here.

Madam Speaker, I am very cognisant of the fact that I have stepped into a very large pair of shoes today,

those of my predecessor, Mr. J. Lemuel Hurlston, CVO, MBE, JP.

Mr. Hurlston has not been a person who physically towered over others, but his wealth of experience, his foresight and his quiet determination have indeed made him a giant in this honourable House and in the Civil Service.

I have been privileged to serve as his Deputy for two-plus years and I am therefore deeply conscious of the hard act that I have to follow. I pray God's richest blessings on Mr. Hurlston and his family as he retires, and I wish him all that is good in his future endeavours.

Thank you, Madam Speaker.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I rise to pay tribute to the Honourable Lemuel Hurlston. I said a lot at his retirement party at the Clarion Hotel on Wednesday night, but I feel that given this opportunity again I should not allow it to pass.

I met Lem in 1968 when both of us initially joined the Civil Service. In 1969, I resigned and went out into the private sector to work and returned in 1974. Lem stuck through all those years with what obviously would have driven anyone out into the private sector, because the salaries in those days were not very attractive. I thought Lem was quite happy to remain and it was quite interesting on Wednesday night to learn from Mr. Johnson that he attempted to hand in his resignation but was talked out of it.

However, when I returned to the service in 1974, I joined Lem in the Audit Department and we worked together until he was promoted to the position of Deputy Financial Secretary.

Since that time we have maintained a very good working relationship. I am happy to see that the relationship has been such that he has taken time today to come out and listen to the Budget Address. I would like to wish him and his family God's richest blessings.

As I said on Wednesday night, we are living in a very small community and Lem and myself are living within walking distance of each other. I would like to feel that as long as we know each other, we will continue to foster the friendship that has developed from those early years.

At this time I would like to digress slightly, to mention thanks to Mr. Peter Gough, the Director of Budget and Management Services, who has spent many nights in the office getting this Budget document in order. He was there last night and I am not sure what time he left this morning; also, Mr. Gilbert McLaughlin, Mrs. Dalphine Terry and the other staff within the Budget and Management Unit.

Madam Speaker, finally, I will say to Lem, God bless and take care.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I, too, wish to pay homage to the retiring Chief Secretary, the Honourable J. Lemuel Hurlston.

For the many years that I have known this gentleman, I have always found him to be a very warm person, very knowledgeable and very helpful in any matters which fell under the auspices of his Portfolio. I dare say today that he will be sorely missed by at least some of his colleagues in the Legislative Assembly and in the Civil Service.

Mr. Hurlston has served his country well and I am proud to have been associated with him in this Honourable Legislative Assembly, although it was really much too short a period of time. On a personal note, I shall really, truly miss his affable and warming personality, his guidance and his well-thought-through opinions and, most of all, the bright hallow of integrity which always cast a huge shadow over him to protect his otherwise seemingly frail structure.

I wish for him and his family every future success. I offer them my continued love and friendship and may God lavishly bless them in the years to come. Thank you.

The Speaker: If no other Member wishes to speak, I would also take the opportunity of saying a few words in respect of Mr. Lemuel Hurlston.

I think I have an advantage over everyone because I have known Lem from the time he was born - January 1951. It is not a period that I can forget because my youngest son was born the following May and they have been very close.

I wish to thank him for his extreme courtesy to the Chair, and not only to the Chair, because respect to the Chair also includes respect for the House. He has always been very respectful.

He has been involved in a number of Committees, and I think that a very important one to remember is his chairmanship of the Caymanian Protection Select Committee dealing with that business. A long time was spent on that piece of legislation and it is worthy of note.

As everyone has said, Mr. Hurlston has been a top-ranking civil servant and a Member of this House. During all this time he has held a high regard for protocol and played a leading role in many activities in the community, principally the visit of Princess Alexandra many years ago, and the visit of Her Majesty Queen Elizabeth II earlier this year. He was the guiding force in all the preparations. And, as many of you know, he was awarded the CVO by Her Majesty the Queen, personally, and that is a great distinction.

He has always had a quiet, calm and a dignified manner with respect for all, and he has always emulated a professional quality which is an example for all civil servants.

Mr. Hurlston is a Christian young man. I want to salute him. For in the midst of the difficulties in life in the Cayman Islands, he has a happy family and this augurs well for him in the future.

I would also like to reiterate that I wish the best for him and his family in the future, with God's richest blessings and relying on God always for his guidance.

ADJOURNMENT

The Speaker: I shall now put the question that this House do now adjourn until Wednesday, the 9th of November, 1994. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

The House is accordingly adjourned until 10 o'clock, Wednesday morning, the 9th of November, 1994.

AT 11.48 AM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 9 NOVEMBER, 1994.

**WEDNESDAY
9 NOVEMBER, 1994
10:03 AM**

The Speaker: I will ask the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to say prayers

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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

ANNOUNCEMENT BY THE SPEAKER

APOLOGIES

The Speaker: An apology for absence has been received from the Third Elected Member for Bodden Town, the Deputy Speaker. I know that Members will keep him in mind.

Questions to Honourable Members/Ministers.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

The Speaker: Question No. 164, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 164

No. 164: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development what is the current status of Government's attempts to alleviate the financial burden brought about by the increase in property insurance.

The Speaker: The Honourable Third Official Member.

STANDING ORDER 23(5)

DEFERMENT OF QUESTIONS NOS. 164, 165 AND 166

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 23(5), I would like to ask the leave of this House to defer providing an answer to this question and also to questions number 165 and 166 that are also on the Order Paper to be asked by the First Elected Member for Bodden Town, until next Wednesday.

The answers to the questions are presently being prepared.

The Speaker: The question is, that in accordance with the provision of Standing Order 23(5) the Honourable Member be allowed to defer the answering of these questions, numbers 164, 165 and 166 until next Wednesday.

I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The answering of these questions is accordingly deferred until next Wednesday.

AGREED. QUESTIONS NOS. 164, 165 AND 166 DEFERRED FOR ANSWER UNTIL WEDNESDAY, 16TH NOVEMBER, 1994.

The Speaker: The next question is No. 167, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 167

No. 167: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs whether any consideration is being given to providing the service of inspection and licensing of vehicles in districts other than George Town, Cayman Brac and Little Cayman.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, no consideration is being given to this matter at the present time.

The extension of vehicle inspection and driver and vehicle licensing services to the district of West Bay was considered some years ago by Government, with the possibility of similar services in the other districts in Grand Cayman. However, the proposal was not followed up for three main reasons.

Firstly, the majority of persons residing in districts on Grand Cayman other than George Town travel into the capital each working day early in the morning and do not return to their districts until the end of the day. It was not felt, therefore, that the use of an extended service would be sufficient to justify the costs involved.

Secondly, the Vehicle and Driver Licensing Department is fully computerised and if services were extended to other districts, expensive computer equipment would need to be purchased and computer links installed.

Thirdly, additional clerical staff and vehicle inspectors would need to be recruited at considerable cost. The Vehicle and Driver Licensing Department has suffered from periodic staffing difficulties from its inception. The suggestion that private garages and motor dealers be authorised to carry out vehicle inspections was put forward, but it was considered impossible to achieve this without raising the current inspection fee of \$10 to an unacceptable level. The difficulty in regulating the inspection of vehicles by private garages was also a matter for concern.

The proposals made more recently for the Department of Vehicle and Equipment Services (DVES) to take over the Vehicle and Driver Licensing Department functions was felt to have merit, particularly in the area of vehicle inspection. The recommendation was made both by the former Management Services Unit and also by the Senior Police Advisor, Mr. Lionel Grundy, in his 1994 Report following a review of the Royal Cayman Islands Police Force.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Member say, in light of the latter part of the question, then, if DVES is expected to take over this inspection and does the Member forecast, or have knowledge whether more time would be devoted to this particular aspect of vehicular inspection?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I began by saying in the answer that no consideration is being given to this matter at the present time. I cannot expand on that because that is, in fact, the position at the moment.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I would like to understand this matter, is it not being considered at this time for any changes other than what presently exists?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

It is my understanding that it is not being actively pursued at this time.

The Speaker: The next question is No. 168, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 168

No. 168: Mr. Gilbert A. McLean asked the Honourable Minister for Tourism, Environment and Planning what system of inspection exists for dredging in the Cayman Islands.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, in the Cayman Islands dredging works are approved by the Executive Council, normally subject to various conditions which are set down in a Licence issued to the applicant.

In order to verify that the Licence conditions are being complied with, the Department of Environment staff monitor the dredging works at regular intervals.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman

Mr. Gilbert A. McLean: Madam Speaker, could the Minister say, when Executive Council may have occasion to look at giving approval to a particular dredging undertaking, does the Council have the benefit of any technical information prior to making its decision, or is it done purely from an Executive point of view?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, in all the cases that I am aware of, the Executive Council acts on information and technical advice which come to it normally from the Department of Environment.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
I wonder if the Minister could explain the monitoring procedure?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the monitoring procedure in Grand Cayman is that the Department conducts periodic site visits to excavation sites, frequented by air photography.

Recently licensed to conduct dredging works have included water quality standards for suspended sediments, and light penetration.

Marine Parks staff, in the course of their daily patrol are asked to report any apparent abnormalities and periodic checks are conducted to ensure that the standards for these parameters have not been exceeded.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say if there are any ongoing dredging works now taking place in the Island which may require attention at this time?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I understand the question and I have to answer off the top of my head because I did not come with that information this morning.

I do know that there is one dredging operation going on in the area of Morgan's Harbour, which is being monitored by the Department of the Environment.

The Speaker: The next question is No. 169, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 169

No. 169: Mr. Gilbert McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation how much money has been paid to date to the Hawley Estate for the property at Breakers for a Drug Rehabilitation Centre, including principal and interest.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.
The amount of expenditure incurred to date on the property at Breakers for a Drug Rehabilitation Centre is CI\$287,052.00. This is broken down as follows:

Deposit	\$100,000.00
Stamp Duty charged for transfer	60,000.00

Stamp Duty on charge	5,000.00
Stamp Duty on collateral charge/sales agreement	40.00
Stamp Duty on promissory note	250.00
Instalment I Principal & interest	60,881.00
Instalment II Principal & Interest	60,881.00
TOTAL	CI\$ 287,052.00

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Minister say if Government is taking any steps to ensure the protection or maintenance of this property, the buildings at least, ensuring that this investment (what has been paid so far and what is intended to be paid) will be safeguarded?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.
I recently spoke with the Engineer at Public Works and asked him to look into this and do the necessary maintenance to bring it back up to standard and to control any further deterioration of the area.

The Speaker: The next question is No. 170, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 170

No. 170: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what applications have been approved by Executive Council from lending institutions or companies interested in providing mortgage financing for Government's Low-Income Housing Scheme since Finance Committee recently approved the amendment allowing this to be done.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Up until the October meeting of Finance Committee, approval in principle had been given to Government to enter into agreements with four (4) Banks as part of the "guaranteed home mortgage scheme" for the Cayman Islands. These Banks are: Canadian Imperial Bank of Commerce and Trust (CIBC), Bank of Butterfield, British American Bank, and First Cayman Bank.

On the 16th of August, an agreement was executed between Government and CIBC Bank and Trust. Government hopes to execute the remaining agreements in the near future.

To remove any doubt as to Government's openness on this matter, in October the Finance Committee was requested to and approved a variation to this authorisation making it clear that Government would be prepared to enter into agreement with any suitable institution which was prepared to accept appropriate terms. This, clearly, is not a situation of approval of applications, but one in which negotiation has to take place. No further agreements have yet been reached, although interest has been shown by a few institutions.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Minister could say if any other institutions, over and above the four that he mentioned in the first part of his answer, has shown interest in the scheme?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I just said that no further agreements have been reached, although interest has been shown by a few institutions.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I was simply asking for that to be clarified; whether the few institutions mentioned in the answer were inclusive of the other three, or whether it was separate and apart from those three.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, that could not be as the answer says that I have discussed with the four banks and I named those four banks. I further said that interest has been shown by a few institutions, which means other institutions.

The Speaker: The next question is No. 171, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 171

No. 171: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to state: (a) how many applications have been received to date under the Government Low-Income Housing Scheme; (b) how many have been approved; and (c) what percentage of guarantee has been required in each case.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

DEFERMENT OF QUESTION NO. 171 STANDING ORDER 23(5)

Hon. W. McKeeva Bush: Madam Speaker, under Standing Order 23(5), I ask the House to defer this question to a later date in this meeting.

The Speaker: The question is that the answer to question number 171, be deferred to a later sitting during this meeting. I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The answering to question number 171 is accordingly deferred.

AGREED. QUESTION NO. 171 DEFERRED TO A LATER SITTING.

The Speaker: The next question is No. 172, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 172

No. 172: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to state: (a) under what circumstances can Canadian Imperial Bank of Commerce call in any Government guarantee given under the Low Income Housing Scheme; and (b) what amount can be called in, the arrears or the total amount of the guarantee.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the answer: (a) The agreement between Government and CIBC Bank and Trust of 16th August, 1994, allows the Bank to demand payment from the guarantor under the guarantee only after the Bank has used its best endeavours to sell the property and not in any case before six months have elapsed subsequent to the first notice of demand to the borrower.

It should be noted that a client is deemed to be in default when he or she is three (3) months in arrears and it is therefore, at this point, that the first notice of demand would be issued. Therefore, a total of nine (9) months is allowed. This is viewed as being fair and equitable to all parties provided for in this agreement and a prudent buffer for Government.

In addition, the agreement obligates the Bank to adhere to the procedures set out in sections 64 and 72 of the Registered Land Law (Revised), which can be varied

by the charge. In this case the variation to the charge would reflect the nine (9) months' grace period as outlined above in the event of a default in payment by the borrower.

(b) The agreement with CIBC requires Government to provide a guarantee to the Bank for up to 35 per cent of the upper layer of the principal of any loan made available under the scheme to an approved borrower, plus any accrued and unpaid interest due on that portion of the principal sum guaranteed which is outstanding from time to time.

Honourable Members are aware that Government's guarantee liability on each mortgage will be reduced on a continuous basis through a factor of the monthly payment on a priority basis, that is, Government's guarantee liability will be amortised first and as time elapses thereafter the Bank's liability will also be reduced.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Based on the answer, I wonder if the Minister is in a position to give a brief overview as to the way in which the mortgage is installed, meaning is interest pre-calculated for these mortgages or is it simply based at the usual 13% above prime on the receding balance?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, that is information I do not have at hand.

The Speaker: If there are no further supplementaries, that concludes Question Time for today.

Government Business, Bills. Second Readings.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

COMMENCEMENT OF THE DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, as in the Motion made on Friday, 4th of November, 1994, for the commencement of the debate of the Budget Address to

be deferred until today's date, 9th of November 1994, I now move that the Appropriation (1995) Bill, 1994, be given a Second Reading.

Thank you, Madam Speaker.

The Speaker: The question is that the Appropriation (1995) Bill, 1994, 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.

Let me be the first to congratulate the Financial Secretary and this Government on the comprehensive and inspiring Budget Address delivered by the Financial Secretary on Friday, 4th of November, 1994.

This Budget shows that despite the opposition's many attempts to portray this Government as not accomplishing anything, this Government continues to do a good job in turning around the financial position of Government and in cranking up the economy.

Despite the many attempts by the opposition in and out of the House to give credit for our present success to the former Government, this country is beginning to once again do very well in all sectors of the economy.

Tourist arrivals by air are at an all time high. The Strategic Planning Exercises in Education and Health are well under way. Our sports and other social service programmes have been well formulated and are now being put in place; financial credibility and confidence in Government has been restored; and investor confidence is at an all time high resulting in a number of large projects in the pipeline, or under construction.

It is my feeling, and it is shared by many in the community, that we stand on the verge of one of the largest construction booms in our country's history.

There have also been major accomplishments in the area of agriculture with the recent completion of the Agricultural Pavilion, and works are moving forward with road construction and repairs and other essential services for the community. But there is still much to be accomplished, and we are working to deal with all aspects of our society where there are problems.

There are two areas in particular that are of personal concern and interest to me, that is, the transportation industry and the watersports industry. These are areas that affect a large number of Caymanians and more care and attention has to be taken to ensure that Caymanians continue to earn a decent living in these areas. This Government is now attempting to make positive changes in this area, and I am confident that the problems will be addressed.

Let me now attempt to outline the positive changes that this Government has brought about. In order to appreciate the extent of the accomplishments of the present Government, with only two years in office, we have first of all to compare their record to the record of the 1988 to 1992 Government, which was led by Mr. Ezzard Miller.

When our Government took office on November 18, 1992, this country was on the verge of financial disaster. Government's credibility was at an all time low; the econ-

omy was at a standstill brought about by high taxation and mismanagement by the past Government. It was a real challenge the present Government faced in order to turn the situation around.

I would first like to look at the first four years of failure, I would term it, of the 1988 to 1992 Government, and then compare that with the two years of success that this present Government has enjoyed since taking office in November 1992.

In 1988, Recurrent Revenue amounted to approximately \$85 million. The Government of the day took out \$6.8 million in loans. Recurrent Expenditure was \$71.5 million; Capital Works of \$13.6 million, for a surplus of that year of \$6.7 million.

In 1989, Recurrent Revenue was \$95.9 million, which was a 12.8% increase over the 1988 Budget; loans amounted to \$4.6 million; Recurrent Expenditure amounted to \$81.1 million, which was a 13.4% increase over Recurrent Expenditure for 1988.

At that stage we saw a trend being developed where estimated budgetary revenue was being out-paced by estimated recurrent expenditure—which is not a very healthy trend.

In 1990, Recurrent Revenue amounted to \$101.8 million. That year they had borrowings of \$900,000; Recurrent Expenditure of \$103 million, which represented a 27% increase over the estimated recurrent expenditure for 1989.

POINT OF ORDER

The Speaker: Honourable Member, I have been listening very carefully to what you have said, but I am forced to draw your 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 am afraid that I have not seen anywhere in the Appropriation (1995) Bill, 1994, or the Draft Estimates for 1995, any reference to the finances of the period 1988 to 1992.

Mr. John D. Jefferson, Jr: Madam Speaker, the only reason why I referred to that period was to really highlight the accomplishments of the present Government.

The Speaker: Honourable Member, you are outside of the provisions of the Standing Order. I must ask you to continue the debate on the general principles of Government policy and administration as indicated by the Bill and the Draft Estimates.

Thank you.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

To continue, the financial turn around experienced by this country in the past two years is only short of a miracle, considering the position this country was in as at November 1992.

Turning to the Financial and Business Sector, which was highlighted in the Budget Address, I am pleased to see that the Financial Sector continues to thrive and also the number of Caymanians employed in that sector continues to grow significantly.

What was reflected was that growth in this sector was approximately 9% (that is employment in this area), from 2,875 to 3,030 persons, with the percentage of Caymanians employed in this area increasing from 63% to 73% over the same period.

As Government, we have to ensure that despite the significant achievements in this area the financial community continues to offer its employees, in particular Caymanians employed in that area, advanced training and to also ensure that once Caymanians acquire the necessary qualifications and experience that they have an opportunity to move up the ladder of success.

This Government has been very accommodative of the financial community. For example in 1993, we passed the Mutual Funds Legislation and in just over a year 615 Funds have been registered in the Cayman Islands, and there are 100 more currently being processed. The Mutual Funds business is a large source of new business for our financial community.

I am also pleased to see that the number of banks licensed in Grand Cayman continues to increase and at the end of September the number of banks stood at 561, with 31 new [Banks] licensed in 1994.

The Captive Insurance business continues to grow, and companies registered in the Islands grew to 380 as of September 30, 1994, which also reflects a 40-company increase in this area. This is all evidence of economic recovery and Government.

What was also most pleasing was to hear of the number of new companies that have been registered by the Registrar of Companies this year, which amounted to 4,269 companies so far in 1994. This represents a 30% increase in company registration over the same period of one year ago.

What was also most pleasing was to learn that company registration has almost doubled since April of this year when this Government took the initiative of reducing company fees, to put the Cayman Islands in a much more competitive position with the other offshore destinations such as the BVI. The result of that has been very positive and we have seen a significant increase in the number of companies which have been registered in the Cayman Islands since the new fee structure came into effect.

Ship registration continues to grow at a somewhat slow and disappointing pace. I believe the reason for this is because of the onerous and impractical requirements which are being imposed by the advisors we have in place in that area, who are British. I think it is foolhardy for us to believe that the British Government is going to put us in a position where we as a destination can compete more effectively than they can for ship registration, which is also a big business in Europe.

I feel the approach that we in the Cayman Islands should take regarding ship registration is to approach the

large shipping companies and determine what their real needs are; provided that safety (which is of the utmost importance), is a condition we should be in a position to be accommodating in order to attract more large, reputable shipping lines to register their ships in the Cayman Islands.

I do agree with the decision regarding cleaning up the Register and making sure that more care is taken in regards to the registration of fishing boats, which have caused us some problems in the past. I believe we have to be more creative in this area and more accommodating if we are going to see and experience any degree of success regarding ship registration.

I was pleased to see that the Financial Secretary has moved ahead in appointing a person with experience in marketing and promotion in the Portfolio of Finance and Development. He is in a position to focus on promoting the Cayman Islands as the first class offshore destination that it is, on a full time basis. It might be time for the same approach [to be taken] in regards to the Ministry. I must add also that the police has a Press Officer for public relation purposes.

I believe it might be time for us to move forward with regard to the appointment of a press officer who would work very closely with the Ministries on a daily basis to ensure that the public is kept abreast of what is going on, and is properly informed of what the Ministers are doing in regards to addressing the many needs that we have in this country.

This could be accomplished in a number of ways; maybe weekly press conferences could be held, television appearances, or articles through the newspapers. I believe it would be very effective, and that people would be better informed and Government would also be in a position to rebuff some of the nonsense that is being spread by the Opposition.

It does not matter how fine a product or programme one has, if nobody knows about it, it is very difficult to sell that programme. As a businessman, I am required to take into consideration the need for promotions and advertising as far as the business is concerned. I think we should perhaps move forward to adopting a similar policy regarding each

Let me now turn to Tourism. Overall, visitor arrivals to the Cayman Islands for the first nine months of 1994 were up by 4% over the same period in 1993. As far as tourism is concerned, the year 1993 was the record year when we experienced a 19% increase in air arrivals over 1992. The year 1994 is even better than that. At the present time, the average increase for the year is about 22%. This is very positive because this affects so many areas of our economy. I am not sure how many have attempted recently to catch a flight out of, or into the Islands, but most airlines are running practically full at all times, even in the off season. So this has been good for our national airline, Cayman Airways.

People who arrive here, spend money. The spending by our stay-over visitors rose by 28%, representing \$136.2 million in the first half of this year. On the other hand cruise ship passenger arrivals were down by 3%.

That does not alarm me too much because I do not believe it is the numbers that count in that area, but rather the quality. I believe what that reflects is that the Ministry has taken a much more hands-on approach with regard to selecting what [cruise] lines to allow to come in here. If this means that we have to drop a few ships whose passengers were not spending any money here, then let us do that. There is a long waiting list of cruise ship lines that want to make the Cayman Islands a destination point on during their cruises.

As far as I am concerned, the Cayman Islands is probably one of the most important stops for a cruise ship. It is estimated that cruise ship passengers spent approximately \$11.5 million in 1994. I believe that in order to maximise the return from cruise ship calls to the Cayman Islands, we have to make some decisions regarding what we are going to do; where we are going to allow them to land, in order to ensure that our people who are employed in the transportation [industry] can benefit.

The problem that I have (and I was involved in the industry for a year and a half), is that when they come into Hog Sty Bay, this puts them in a position where they can just walk off the ship, walk into the duty free stores, walk around town, cause congestion and basically spend very little.

I believe it is time for Government (and they are looking at this) to look at other locations with regard to cruise ship landings, like West Bay. Also, I have advocated and recommended for years that we consider Spotts as an alternate landing. I understand that the Government, through the Port Authority, has recently moved to acquire control over this area and proper bathrooms and other facilities have been put in place. I look forward to the time when the cruise ships will eventually be required to come into Spotts or West Bay, in addition to landing in George Town.

One of the problems that we face in this country as a result of cruise ships, is transportation. The cruise directors go out and pre-sell a number of tours (sometimes at exorbitant prices). And, to make matters worse, rather than saying that whoever does not book a tour with us is free to go aboard and make their own arrangements, they in turn bad-mouth the independent taxi and bus operators. This then makes it difficult for them to pick up a fare or a tour. This has been an area for problems for some time.

I know the present Minister, who is also the Chairman of the Port Authority, is attempting to address this issue. He is meeting with the cruise ship operators and I am quite sure he will have something to say further on this issue, that the cruise ships are cooperating with him to ensure that the business is more fairly distributed between the big buses and the independent taxi and bus operators.

I found it somewhat amusing, but at the same time a little distasteful, the attempts by the opposition through their newly designated minister of tourism, Mrs. MacPartland, to give credit for the present success in tourism to someone other than the present Minister. But the track record of the past Government in this area is well docu-

mented (and out of fear of being ruled again out of bounds, I will not get into that), it is well documented, the track record in tourism of the past Government, that is the 1988 to 1992 Government.

Without a doubt the present success in tourism is as a result of the present Minister of Tourism, Mr. Thomas Jefferson, and his Government who has taken a much more personal and hands-on approach to tourism. The results speak for themselves.

I was recently in Dallas and persons with whom I spoke who asked me where I was from, when I mentioned the Cayman Islands, they had heard of them and were positively impressed. So the present Minister for Tourism is doing a good job in this area and he must be commended for the success that we have experienced and enjoyed in tourism over the past two years.

For many years we talked about trying to diversify our tourism product as far as where tourists come from. The present Minister with the support of the present Government, have been successful in convincing Caledonian Airlines, with effect from this winter to begin weekly non-stop flights from London to the Cayman Islands.

It is very positive indeed, because it is important for us to diversify the destination from which our visitors come. We will continue to depend and rely heavily on the United States' market, but it is prudent to move on to encourage tourists from Europe and Asia to visit.

Madam Speaker, what is very evident as well, is that investor confidence is back as far as this economy is concerned. For a while, huge investors were sitting on the fence waiting to see what new policies the present Government would put in place, because of the experience they had with the former Government regarding high taxation. Now the investor is confident that he can move forward and the result has been that we have, in the tourist area, a number of large upscale hotels which are scheduled to be constructed here in the Cayman Islands.

This is very positive, Madam Speaker, because we want to be in a position to attract visitors in the upper sector of the market. In order to do that we must be in a position to provide them with the class of services that they are accustomed to receiving when they visit other destinations.

Just recently they broke ground for the new Marriott Hotel, and I believe that is a 350-room hotel. In my opinion it is going to be located on probably the best piece of beach land along Seven Mile Beach, that is, the old Galleon Beach Hotel site.

Madam Speaker, this is also positive from the standpoint of employment, because one of the areas that has lagged behind has been the construction industry. So those Caymanians who are still unemployed in that area should soon be in a position to pick up a job when this large hotel comes on stream.

Real Estate: One of the first things that the present Government did after taking office, was to reverse the decision of the former Government (that is, the 1988 to 1992 Government) who had increased the stamp duty on real estate sales of \$250,000 and over, from 7.5% to

10%, which virtually killed the real estate market; by reducing the stamp duty back to 7.5%. If you talk to anybody now who is employed in the real estate industry, things are beginning to move—large sales, and many sales, are taking place. The results have been that Government is also collecting their fair share of stamp duty on these transactions. I believe that the figure mentioned was something like \$11 million that had been collected so far in 1994 in stamp duty on real estate sales.

Things are looking good as far as the economy of this country is concerned, and I think we have every right as Caymanians to be proud.

It is important to this country that the real estate industry is healthy because this is a good sign, as I mentioned before, that investor confidence has returned and things are moving forward.

In the area of construction, the first nine months of this year approximately \$115 million of planned new construction on Grand Cayman was approved, compared to \$78 million for the same period in 1993. Among those that were approved is the large hotel that I mentioned before which is estimated to cost in the region of \$35 million once it has been completed.

The value of approved residential construction had also increased by approximately \$8 million (28%), when compared to the same period in 1993. Commercial activities were also very strong with increases in this area amounting to 334%, or \$13 million. So it shows that the economy is moving ahead in all areas—tourism, commercial sector and also the residential sector of the industry.

What I believe is important, and would be in our best interest, is if somehow we were in a position to stage these large developments to ensure that our Caymanian people who are employed in these areas are kept fully employed and are able to accommodate the labour demands over the next two or three years. I believe that we are on the verge of a large construction boom. I believe also that the construction industry is another area where a lot of our people are employed and it would be prudent for Government to look at putting [in place] a moratorium regarding the licensing of any new contractor, especially if they are foreign contractors.

We have had representation from local Caymanians in this area and these are some of the things that they are recommending. I do not believe that we can continue with a policy of just allowing anyone to enter whatever area [of business] he wishes without having some concerns regarding the effects it will have on the others who are employed in those areas. There are many people who are calling themselves contractors. I believe that it is time for Government to pay a little more attention to this area ensuring that we do not have an excess capacity, and that Caymanians continue to thrive and succeed in the construction industry. I would recommend that it also be considered that any new licence in this area be only to Caymanians or companies which are 100% owned by Caymanians.

On the labour situation the Financial Secretary mentioned that unemployment had declined from 335 regis-

tered persons to 208. I called the Labour Office this morning and they told me that as of yesterday (I think it was) the number now stands at 140 persons who are unemployed. Out of the 140 who are unemployed I think there are approximately 84 who are Caymanians; the other are foreign persons who are married to Caymanians. So the unemployment situation is improving and this is expected because of the economic activity which is presently being experienced by this country. My concern is that within a year or two, if we are not careful, we will be moving at such a pace that we may have to once again consider bringing in foreign persons to meet the [labour] demand in this area. I believe that if we find ourselves in that position, those persons should be allowed in only for specific jobs and for specific time periods after which they are required to be repatriated to wherever they came from.

The Speaker: Would this be an opportune time to take a suspension, Honourable Member?

Mr. John D. Jefferson, Jr: Yes, Ma'am.

The Speaker: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.24 AM

PROCEEDINGS RESUMED AT 11.55 AM

The Speaker: Please be seated.

The Third Elected Member for West Bay, continuing the debate.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

For quite a long time the Cayman Islands have been considered a leader in this region because of the policies and steps adopted over the years in an effort to clean up our image and to discourage unlawful activity in this country. To name just a few of those efforts which have been highlighted by the Financial Secretary in his Address: In 1984, the Cayman Islands took its first step to combat money laundering by the passing of the Narcotics Agreement. As I understand it, the architects of that agreement were the present Honourable Minister for Education and the Honourable Minister for Tourism.

In 1986, the Cayman Islands' Government further established its position against the illegal use of its financial services by the passing of the Misuse of Drugs Law, which made money laundering an offence in the Cayman Islands. Also in 1986, the Mutual Legal Assistance Treaty was negotiated and signed between the Cayman Islands, the United States and the United Kingdom, and came into effect in 1990.

So our success has been built on a reputation of a clean environment, outstanding expertise as far as the financial community is concerned, and also the image of political stability.

I would now like to turn to Socioeconomic issues. Despite the many financial successes we have experi-

enced and enjoy in this country, if our people are not healthy, then it amounts to very little. The Ministries of Health and Community Affairs are moving forward to address the social issues and needs in this country.

In keeping with our promise to the people of this country to provide them with a first class modern health facility. As I understand it, in 1995 we will start the construction of our new hospital on the site of the present hospital. I have learned that the concept is a very modern one and once completed, our people will be proud of it. It will be done in stages, in keeping with the available finances, but I am very proud and pleased that the new Minister for Health is doing so well in this area.

Maybe now the Opposition can come off the hospital-in-the-swamp issue because this Government is moving ahead to address the health care needs in this country by constructing a new hospital.

The Minister for Community Development, Sports and Youth Affairs has also been very busy putting in place programmes and policies which the Government feels are in the best interest of our people. One of those decisions was the establishment of a new housing [scheme] initiative which I understand, despite the opposition attempts to discredit, is doing very well indeed. The persons for whom it was intended are beginning to benefit from the programme.

The Minister has also moved ahead in initiating the manpower development initiative and the role of this committee will be to assess the labour needs in this country. I believe that it is time for us to ensure that training is available for our Caymanians in the Financial, as well as the Tourism Industries, and other industries that we have in this country and that once they are qualified they have an opportunity of moving up the corporate ladder or in the areas in which they are employed.

I believe it is also time that we look at the labour needs in this country, that is, the needs of foreign labour, in a very objective, realistic, and practical manner, by saying to the employers: 'Let us know what your labour requirements are, as far as persons being brought in for the next two or three years.' Once that programme has been developed, then the Immigration Board is in a position where it gives out a two/three year work permit on the condition that in the meantime Caymanians are going to be identified and trained in those areas so that eventually some of these work permit [holders] can be replaced by a Caymanians who are qualified to take over in these areas.

The present system of approving permits on an ad hoc, or on a demand basis, is very unfair not only to the country, but also to the Immigration Board members who are obligated at probably every meeting to review 400 or 500 applications for the renewal or issuance of work permits. With that kind of volume it is impossible for any board to do a thorough job, as far as screening to be sure they are making the right decisions regarding approving persons who are allowed to come in to work in these Islands.

I also commend the Minister for Community Development for his initiative in establishing a new Student

Loan Scheme because this is very necessary. I recall a number of occasions where persons from my district would approach us seeking our assistance for their son or daughter who had a desire to go away for further education. It has been very difficult in the past for some people to get the required financing in order to further their education. We have come a long way in this area.

Many years ago (when I was thinking about going off) unless one had the right surname, or right contacts, no scholarship or financing was available. Today, if a young person has the desire and the ability to further their education, there is no excuse for that person not to move forward because the financing is available for scholarships, loans, and grants.

I am also pleased with the progress that has been made regarding the establishment of proper sporting facilities in this country. It was a shame for a country like ours—that can boast of the financial position it has—to have had in place that type of facility for sporting activities for our young people. On many occasions visiting teams from other countries remarked about how bad our sports facilities were. I firmly believe that it is important for any country to make available to the young people, healthy and wholesome activities, and there is no better way to do that than through the medium of sports.

I understand that in the Budget this year there is provision for the appointment of international coaches in the areas of football, basketball, netball and cricket which seem to be the major sports that our young people participate in. This is good because what is now happening is that we are moving forward to increasing the level of international competition. This past year we hosted some international tournaments in basketball and football. Our boys did very well, indeed. What was evident was that the other foreign teams had paid personnel who accompanied the teams because their countries had committed so much in finances in the area of sports. As a result, it was very evident that the investment had paid off.

I was very proud to be able to attend a football game at the West Bay Sports Complex where I could sit in comfort and enjoy the game. I think that Complex is something that we can all be proud of, and the Minister is moving forward to establishing similar facilities in the other districts so that young people and spectators can be encouraged to attend more sporting functions, and be in a position to enjoy themselves because of the type of facilities that we have available.

One of the things that I am pushing for, and Government has agreed that we should do, is a proper modern indoor sporting facility for games such as volleyball, netball, basketball, etcetera. To a certain extent that facility would be in a position to accommodate track and field events. I have seen these multi-purpose complexes used in other areas and I see no reason why we cannot utilise it to the same extent here in the Cayman Islands. So, I look forward to a proper indoor facility being built so that our young people can enjoy competing in very modern comfortable surroundings.

The Minister has also initiated a crime study (which he spoke about) even though the opposition tries to make

a lot out of the crime situation that we have in this country. I believe that this Government has taken some very positive initiatives in order to address the issue of crime.

We looked at the Firearms Law; we stiffened the penalties and increased the terms of convictions in that area. Today, if one is found in possession of a firearm (and there are still too many in this country in the wrong hands) one can get up to 20 years in prison for that offence.

We also established the Special Task Force that would patrol the districts particularly at night to discourage illegal activity, drug peddling and otherwise. They have been very effective indeed. I recall on one occasion while driving through George Town, seeing the unit on foot patrol with their batons in hand, walking as a group. Let me tell you, Madam Speaker, they were not only very impressive, but also very intimidating.

Just recently we were finally able to put in place a proper marine patrol service. We have a very modern vessel, I understand (I have not seen it) that is well equipped, and they are doing a good job interdicting and intercepting illegal drugs and firearms being brought in from the outside.

The Education Ministry is also moving forward with its programmes. A number of schools have been upgraded, much money has been spent in that area. Also, the present Minister has done much in assisting private schools regarding building needs and needs for equipment. The strategic planning initiative in education is well underway and I look forward to that process being complete and seeing some of those recommendations being put into place to ensure that our young people get the type of education they deserve; an education that will be practical and useful and, place them in a position where they can go out and find jobs either with Government or in the private sector.

I have always contended that in the area of Education the real secret to success lies in the number of Caymanians we can attract into that profession and be successful in keeping them there. We seem to have had a problem with that in the past because we have people going off and [gaining] qualification, coming back home only to be attracted away from the profession by other departments in Government or by the private sector. I trust that this strategic planning process will look carefully at the salaries and benefits made available to our teachers, and that the Education Council will look at increasing the dollar amount available through scholarships.

I know it is a policy of full scholarships for anyone going into education, but it is my understanding that the amount is limited to something like \$12,000 per annum. The cost of education has really increased in the United States, where most of our students go to school. So even with the assistance of \$12,000, if they do not attend the 'right' schools they find themselves digging into their own pockets to supplement their education.

I am also pleased to know that by this time next year a young, qualified Caymanian will take over as Principal of the John Gray High School. I believe this is very positive, and I look forward to that appointment and the re-

sults that will come about, as well as the influence that appointment will have.

The Draft Estimates for 1995 reflects a Budget of \$177 million which, according to the Financial Secretary, is up 13.2% over the 1994 approved Budget. What is significant about that Budget is that it includes no new borrowing. For us as a Government to be in a position in only two short years to present a Budget of \$177 million without borrowing, speaks well of the Financial Secretary and his Portfolio and the Government of the day. This Budget also has a provision for some \$23 million for capital expenditure and that is 15% over what the approved budget for capital was in 1994.

The major capital projects planned for during 1995 include: Phase III of the West Bay Primary; Phase III of the Red Bay Primary; the George Town Sports Complex Upgrade; Phase I (Building 1) of the Community College of the Cayman Islands; and the Bodden Town Health Care Centre.

The major capital projects scheduled for commencement in 1995 include: Phase II of the George Hicks High School; Phase I of the George Town Hospital Improvements; the West Bay Health Care Centre; the North Side Civic Centre and Hurricane Shelter; the Northward Prison Visitors' Centre and Administration Block—which is badly needed and has been in the Budget for a number of years but was unable to be built. I trust that this year they will be able to at least start the construction of that new block which is so badly needed, not only for the visiting families, but also for the security of the Prison.

Capital projects also include: Phase I of the Pedro St. James Castle Restoration and Development; Phase II of the Queen Elizabeth II Botanical Park; Phase I of the Harquail Bypass Road.

The influence the partial third lane had on the traffic situation along Seven Mile Beach is very evident. I believe with the addition of the Harquail bypass that we will go a long way towards eliminating even further the traffic congestion along Seven Mile Beach.

I believe that this Government has been in a position to put together a very good Budget. It is within our means, that is, we do not have to go and borrow money to fund recurrent and capital expenditure. I believe that this is prudent because I have always been of the persuasion that we should live according to our means. This has been a policy in place over the years, except for the period 1988 to 1992.

We have to be very careful how we saddle this country with debt because I would hate to see the Cayman Islands go the route of so many of our Caribbean neighbours, where the foreign lenders come in and dictate what the policies are.

So in closing, I want to congratulate the Financial Secretary and the Government on a good Budget. I believe that we are poised for a good future and I believe that the people of this country can be well satisfied with the type of Government they elected in 1992.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I am grateful that by the choice of the people, I am honoured to debate today in this honourable House the Budget of Revenue and Expenditure for the Cayman Islands for the sixth time. I continue to be mindful of the fact that the people of Cayman Brac and Little Cayman have given me that opportunity. It is something that I take very seriously, that is, representing the people of these Islands, and the political district of which I am but one Member.

This time of year, every year, is considered one of the most important for it is the occasion when the Government of the day accounts for its stewardship in handling the finances of the country, by putting forward its policies in terms of what they intend to spend money on for the ensuing year. Having done my best to understand and decipher what is not so clear to me since receiving the Estimates on Friday, and inquiring of those who should know, I tend to believe that this book of Estimates of Revenue and Expenditure for the year ending December 31, 1995, could be shortly titled as the 'National Team Cook Book for 1995'.

I say that because I think the Government is trying to show itself, with great effort, in the very best light of its financial performance when that is actually not the case. I do not think that the management of funds is in favour of the Government of the day. In fact, I am convinced that monies have been spent in areas that do not serve the best interest of the people at large or, for that matter, the country at large.

Numbers have been juggled around, not that I am suggesting that there is any attempt whatsoever in causing money to be short, or indeed, causing money to be more than what it actually is; but I think they are very interested in it [Budget] appearing to give a very beautiful picture.

I will cite but one single example, which I will speak further on in my debate: the question of the Cuban refugees in this country and what it is costing—projected and to date—has really not earned itself any true position in these Estimates. I contend that if that figure were there, it would hardly be showing a situation where there is any accumulated surplus. It would, indeed, have wiped that out and removed that. I do not believe that it is good policy for any government to fail to deal with what is the greatest financial liability pressing and bearing down on us on a daily basis.

There are other instances that I will cite where I think the Government failed to show a true picture of the financial standing of this country.

I would like to take the opportunity to look at some items in the Estimates departments and subheads, not necessarily all of them, and offer my view as to how these funds could have been better allocated and, where I think priorities have been misplaced. I would like to first refer to the Government Information Service and Broadcasting—which is now a combined department as they

have been amalgamated. I think this department is due all the consideration that it can be given in terms of allocation of funds for its present functioning and future development. Monies that are spent on Radio Cayman and the Government Information Service, which is a smaller entity in terms of staff, is well spent.

Radio Cayman serves a most vital role in these Islands and has been serving that role for close to two decades—more, in fact. I believe because of the fact that it has worked so well, it should be given the opportunity to function more within its own rights and its own domain and its own economy. I believe that Radio Cayman or the Broadcasting Department, could be made a statutory board which gives it more impetus to take care of its own business without being constrained or encumbered to the normal extent that it must be, being within the regular governmental structure. It is nothing new, I have said this before, and I still believe that this should be the case.

I am very happy to see the building which houses both Government Information and the Broadcasting entity has been improved in its physical facilities. This was the foresight of the last Government and whatever improvements there may have been in the past two years would have been a follow up by the present Government. It has sufficient space, and I believe it should be given its normal course to develop into a television broadcasting entity; a public television broadcasting entity owned by Government, whose main purpose would be to give information to the public. It could give the hard facts to the public through Government, similar to the Public Broadcasting Service (PBS) in the United States.

For that matter, I would believe that just as PBS gets certain funding from various agencies and companies and so on, it is conceivable (even though on a smaller scale) there may be those businesses smart enough in Cayman to realise the value of the electronic audiovisual media and they may sponsor some programmes. I am not necessarily thinking that it would run 24 hours a day, but I think it could run for some hours of the day, every day.

It could develop its own magazine with various information on any given subject. I visualise this as being practical and commonplace as teaching the public the proper attitude and behaviour when driving a car: stopping at a stop light, moving away from a stop light—road courtesy. It could certainly educate the populace in what their fundamental rights are, such as when a person is arrested they really do not have to give a statement until they have seen their lawyer, and that they can ask to see their lawyer—education which would improve the quality of our lives as a people, which is the duty of any good government. There is no better medium known on earth than television.

Some of the persons who work in Radio Cayman already are broadcasters on the local television station. I believe that in this day and age, if the Government in its public duty, is to overcome the great mountain of what we do not know as a people, television (public broadcasting) can be a shortcut to achieving a desirable end.

The fact that I have suggested this leads me to be-

lieve that surely this will not come to pass, at least between now and 1996. But, so be it, times change and so do faces and places.

One of the services that Radio Cayman carries out is the broadcasting of the debates of this Legislative Assembly. Many years ago, through the foresight of the forefathers in this legislature, it was decided that there would be public broadcasting of the debates, a delayed broadcast, but verbatim. I think in this regard the management, or should I say, more correctly, the Government, should see to it, as a policy, that they hand down to the radio the times which it chooses to broadcast the debates from the Legislative Assembly. Quite often, the broadcasts go on to one o'clock and later in the morning.

As far as I can tell, there are three FM frequencies. I cannot see why, when the Legislative Assembly is in session four times a year, a specific time cannot be set for the broadcasts to begin and end. Everyone would know that is the time and it would end at a particular time at night.

From what I can calculate in terms of how we have suspensions and lunch and breaks, at best I think we are talking about four or four and a half hours of debate in the Legislative Assembly on any given day. I believe it would be prudent, good, wise, helpful, and it would be something that the public would appreciate if the broadcast time was set at seven o'clock in the evening and cut off at 11 o'clock. Most people are working people, and if they stay up until 11 o'clock to hear the broadcast—fine. But when it goes on to 12 o'clock and beyond that, I think what is hoped for to be achieved is lost.

I do listen to Radio Cayman a lot, and I listen to certain debates of Members of this House that I may have missed. I listen to it sometimes at night and I believe that is something which could be done quite easily, with whichever one of the FM stations. But I really do not see how one station can play music at a certain time, or Open Line at 8.30... it is just not practical, nor is it good management, in my opinion.

If we look at the money which is voted for Radio Cayman and Government Information Service, it is not really staggering. It is within what one could consider reasonable limit. If one takes into account that Radio Cayman is a revenue-earning department of Government, then they are due for some consideration. I think greater allocation of funds, the development of staff and the development of its functions are a great necessity. My country, the Cayman Islands, is not as informed as it should be about itself. Government does have a medium by which it could help the situation.

As time goes by and Government grows, the bureaucracy grows; larger sums of money are spent each year in the Budget, large sums are increased through supplementary expenditures, unusual demands occur which fall to the Government to meet.

It is right to have in place the best that is possible in terms of an audit office. This small island spends a lot of money. Money is spent by Government in numerous ways. If one just look at the various sums for the various items, the number of calls made on the Government, and

the areas where Government pays out money for one thing or another is really amazing. As it becomes harder and harder for countries to raise revenue to meet the many demands (and the Cayman Islands is no different), we have to ensure that every opportunity is taken to see to it that we get value for money; that we have persons who can audit the situation and see whether that is functioning in the best way to get our money's worth. Indeed, we can think of audit as purely looking at numbers on ledger sheets, but it goes beyond that in that we can see where there is inefficiency and make recommendations to correct it, because one way or the other it eventually reflects in cost to the public first.

I believe at this stage that there is a considerable demand on the Audit Department. I know the time I was in the Civil Service (almost 10 years ago) there was immense pressure on it. If one looks at the growth in staff at this time, it certainly has not tripled and quadrupled and all the other increases that one would expect in this particular area. I am glad to see that the Department has made a move to increase its staff complement and, indeed, the Government seems to be minded in putting this forward in the Estimates.

I believe what the Government needs to ensure is that each and every officer within this department is keyed in to the Mission Statement, is sure of its objective, receives formal training as to what is required of them and that they, without fear or favour, go forward and do what is required of them. Not to say that is not happening now. This is an area where I believe if the Government Policy could be directed to upgrading, improving and developing that, it will ultimately be in the best interests of this country now and, surely, in the long term. There are too many instances of questions being raised, questions raised by any reasonable person, as to how Government funds are being allocated and spent. There has to be a strong watch-dog to stem what seems to be a runaway train under the present Government administration. So, I most surely support this department's request for the additional staff.

Madam Speaker, it might seem a bit novel, but I am going to suggest that where they find losses in Government; that thought might even be given to allowing audit staff who discovered it to be personally compensated, say up to 10% of the loss. This might create a motivation that would do every good in the world.

Another area that has been sorely lacking for a long time, is the Judiciary of this country. I perceive that there is a lack in staffing and in the building which houses our judiciary. I am convinced that having accommodations to house the judiciary and its support staff (technical, professional staff) in a right a proper order is 100 times more necessary a pursuit at this time than a stadium. Certainly the Courts of Law are used on a daily basis and it is the place where people go to seek justice.

I really cannot conceive people spending the same time inside of a stadium in this country. But, when one looks at it, the Stadium development gets millions, and the Court is told to do what it normally does—sit. I believe that monies need to be allocated to this department of

Government to whatever extent it takes.

We boast that we are in the international world and that all the wealthy people of the world come here to invest and do business, and so on. It naturally follows that there will be legal matters which will have to be dealt with. If this development is true then, naturally, it is continually impacting on the judiciary in whatever way, shape or form.

One cannot forget for one moment where we are going in the world of crime—full speed ahead. It is the one thought that I think is constant with just about every conscious citizen in this country, including those who are committing it.

It is a matter of getting the priorities right. That is one priority that I think any reasonable person would agree with. We know that even athletes find themselves on the wrong side of the road and end up before the courts where the motivation of becoming physically fit, or striving in a particular area of sports was not all that encompassing, and that is the place they must go with the hope that they will find understanding, reason, compassion and justice.

So, Madam Speaker, my views are that when it comes to doing for the judiciary in terms of allocation of funds, what has been done when there is a known need, versus what is going to build places (for one game) supposedly going to thrust us into international fame, I do not really see the logic.

The Speaker: The proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.59 PM

PROCEEDINGS RESUMED AT 2.31 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

When we took the suspension for lunch, I had been speaking on the subject of the judiciary. At this time I would like to turn my thoughts to the subject of the Police.

I see in the Estimates certain sums of money provided for the Police which will go towards providing their services in the country. This is something which I think everyone in the country is talking about, complaining about, and asking for at this time. I think there is a central concern in this society at this time that there is the need for police or protective services because of the way conditions have grown as far as crime goes.

I share the view that it is important to have a well-trained and a well-functioning police force, one which has the equipment it needs, the trained personnel that it requires, and one that can see clearly both sides of the coin in their function in the society and who understand the citizens who might be in breach of the law but who have certain rights which must be respected. I think it needs to be clearly understood that the two have to go

side by side, that is the ordinary citizens and the people who are given authority under the law to enforce against them where it is necessary.

I believe that there are certain difficulties in policing the country the way it should be. I also believe that these conditions can be overcome by placing sufficient money to achieve this objective. I would just like to read the Mission Statement in the Head dealing with the Police. It says:

"To preserve public peace and tranquility, prevent crime and, where crime is committed, detect and prosecute offenders; interdict against the supply and consumption of illicit drugs and maintain safety on the roads."

Madam Speaker, all of that goes hand-in-hand with what the Police are supposed to do. We have a relatively limited number of police officers to carry out the various tasks, and we do not have that many specialised units. Where we do have specialised units, there are not that many members of staff within it, to the best of my knowledge.

In recent times, however, I have seen so many instances of police along the roadside parked in someone's yard or by someone's shop waiting to come out to stop someone who may be going a few miles over the speed limit. I think that particular aspect of the police service can be better handled if their presence is seen along the roadway, driving, rather than sitting somewhere to pounce out on some unsuspecting citizen, someone who is really not intending in any way to break the Law, but who might be doing more than the speed limit—albeit a few miles over the limit. I think that there are many areas where uniformed police officers can be better utilised on an hourly, daily basis, not to say that they should not enforce speed limits and the like.

I noted with interest the section of non-achievements in this particular section, and I observe in subsection (2) where it says; "Some new vehicles were supplied but not to Police specifications and our vehicle situation remains poor."

Madam Speaker, I am convinced that if the police are to do the job that all of us expect of them (the public in general) I believe most, if not all, the Members of the Legislative Assembly believe they need the equipment and the means to do the job. Again, I believe that this is so important; if the police need cars, they should get the number of cars which they need.

There is only one pie, but one needs to set priorities—which is obviously not happening—or they would not be in the position to state and complain as to what is happening in this regard.

There are thousands of cars on the road of Cayman (in all three islands there are cars), even the smallest of the islands, Little Cayman, to the point where there are even now available a certain number of rental cars. So how can one expect the police to deal with the vehicular side of things if they do not have a car? They cannot get on a horse or a bicycle and chase the cars.

Madam Speaker, I think that the Government could

wisely look at this problem and correct it. And if these cars are supposed to have certain specifications, why get less if that is going to place them in a position where they cannot do the job? I see in a section of the Estimates as well where radios are required. Certainly, we need supply them with the number they need. If there is equipment—surveillance equipment, whatever it may be—and they need it, the need is justified. If they are to perform the way they are expected, then I am convinced that the priority needs to be set.

For many years it has been my opinion that there needs to be a vigorous, all-encompassing, ongoing training programme within the Police Force. I am not speaking of specialised courses where police officers may be sent to in Canada, the United States, or the United Kingdom (as the case may be). I am talking about a properly functioning unit which is training them in ever-improving techniques and knowledge of the Law and the duties which they are to perform. Not just taking them in as cadets and training them to the level where they pass their examinations and become police officers. It needs to be ongoing. I would certainly like to see such priorities being set and I do not really see where large sums of money are earmarked for such things in this Budget.

In the performance of the duties of a police officer, I believe it is very necessary for [there to be] proper supervision and control. As they are semi-disciplined force, or military force, they have a great leaning towards the various levels of chain of commands; that is what makes them different from most of the other services. To succeed, I think that money has to be found to improve the service, or there should not be the matter of complaint.

If the money is not provided for the officers to do the job, then it cannot be expected. The various ranks need to be changed so there is upward mobility in the Police Force. How real that is now, is a question in my mind. For we often hear of some officers rising to a higher rank, but how well-tuned is the whole organisation so that the opportunity readily exists? I think it could take a serious looking at.

Promotions should be forthcoming, where that is in order, and officers should ever be trained or encouraged to do extra training in specialised areas, even at their own expense, be it a course in Public Relations because they are the people who meet the public in any given day, I dare say, than any of us.

Madam Speaker, I think that we need to arrive at a situation as to what we can realistically expect and require from our Police Force. I believe this should evolve out of the demands and concerns from the public, what the public hopes and would like to see in terms of feeling secure and safe. Politically, I think it is necessary for the Government to respond to the demands of the public by letting the official who is responsible for the Police to know this and, while there is going to be the technical side of things to be looked by the Police Officers, there is a role to be played by the public and the public's representatives in getting the overall picture in sync.

As far as I can tell there is an increase of 21 officers in the Police Force (or a request for 21 officers), I have

not really seen any great detail as to where these persons will fit in or what precisely they may be required to do. However, that needs to be made clear, for in the Estimates which provides the money for the Police we are looking at close to \$9 million.

I trust that as the Police Boat changes captains—another is expected in the first part of the coming year—every opportunity will be taken to let the new captain have an opportunity to interact with the public, be it groups, organisations, associations, individuals or whatever. We, the elected representatives of the people, would also like to have an opportunity to talk with him, giving him ideas and letting him hear our concerns. Hopefully, from that there can be a means of improvement.

I do not know if the increase which is requested is a hard and fast need or whether, if we equip the number of officers that we have and train them to a higher level, they could do the job. Apparently, that is not the opinion of the persons putting forward the request. So, to a large extent, I will have to be led by this particular request made in the Estimates. But, as usual, I know that I have the right to ask why, and I certainly would hope that in the course of this meeting, even in the Finance Committee, there is an opportunity to discuss this matter further.

I think deployment of the Police Force needs to be a priority. And if it is the case where police officers can be better deployed to do a better job, I do trust that someone is going to look at this particular aspect of things.

I also observed that in some of the outer districts there are improvements to be made in the Police Stations. That, in itself, is good. But, as I read it I had to wonder: If we are not going to reach the point where we have 24 hour coverage in the substations, what is the use of making them so modern and efficient? Are there not going to be police around to really man them the way so many Members of the Legislature have expressed their desires to see happen? I do hope that with the request for an increase there will be some steps taken to rectify the particular situation.

Madam Speaker, considerable money is being earmarked for the prison. I know certain recommendations were made this year by Judge Tumim. I think many of them were very practical and attainable. When the Report was brought here by my colleague, the First Elected Member for Bodden Town, a motion was moved to debate it and each Member had an opportunity of expressing his concern, his endorsement and acceptance and, oddly enough, the Government voted against it. So where it stands at this point in time in its totality, I really do not know.

Prison is a place where, I think in any society, the members of that society would rather not know it was there. I dare say, that society would accept that it becomes almost an everyday necessity, for part of the society will always be breaking the Law, committing some crime, and the only thing that can be done for the safety of the majority is to put away such persons—lock them away from society.

We have had some very serious crimes committed

in this country. I do believe, once and for all, that Government needs to make up its mind that the Prison—with whatever level of population it may have—is here to stay. Make plans for modern facility for those persons who are to be locked away for life, and who commit crimes which are utterly objectionable to society, so they can be kept there without too many chances of leaving those premises.

I think of modern facilities as being able to be locked down electronically; in the case, for example, of murderers, those persons are locked away for as long as the court may prescribe.

There is, of course, the other side to it where our prison also has to attempt, to whatever extent is practical, to help offenders find some worthwhile skills while in prison. So education needs to be a part of the process.

I believe that while we are doing something in this regard, for the number of young people that are going to prison, we need to look at this particular aspect of it more closely and look to providing more money in the direction of education where these persons may be helped. I am told that there are some young people who are in prison who have little or no chance of rehabilitation and they are of a mind-set that they do not really seem to want that, in some instances that I have heard about.

Madam Speaker, if we have to build larger prisons, I think the Government has to find persons who know about prison services, who can use statistical data to find what might be the number in the next five, six or ten years (as the case may be), and plan for it. Buildings and structures that do not have in their design future expansion should not be built. There are times when expertise is needed and surely the world at large has to cope with prisons. So there are those persons who, like in everything else, specialise in designs, we should see in this country what can be done to find such persons where it is necessary.

There continues to be various complaints that I hear from time to time about conditions at the Prison. And I do subscribe very much to the view of Judge Tumim, who said that a well run prison is a place which has nothing to hide. The public can feel free to visit it and see the facility and to know what is going on there. I think that if there can be more light shone on the conditions there, the facility itself, it might help to dispel some of the suspicions and, indeed, might even prove that some of the stories one hears from inmates from time to time may not even be true, or may not be the way it is told in the first instance.

I think a playing-field is necessary, certainly, the Judge felt that way and he made the recommendation. I think this is something where Government might well solicit the help of persons who can help both with equipment and money towards it because the business of prison and prisoners seems to get close to most of us in this society one way or the other.

Madam Speaker, there is a section in the Estimates where life seems to have gone completely different to what should have been the case when the Government took office and declared its intention to see the Civil Ser-

vice cut. The Budget pays out like 51% in salaries to civil servants. And in 1993 the speech given by the Financial Secretary on behalf of the Government said in paragraph (4), I read: **"As part of the measures currently underway to contain costs, the Governor, in consultation with Executive Council, has established a Committee to effect certain retrenchments throughout the entire Civil Service where such cutbacks will not impair the effectiveness of the Service. The overall goal will be to attempt to reduce the size of the Civil Service by 7.5% and thus the cost."**

Madam Speaker, I criticised this hasty move and as it turned out, 7.5% could not be cut. The Government was only successful at cutting 5%, and I understand that some of those were persons who were reaching the retirement age and so on. On the matter of retirement age, I think that even where the Government may take steps to retire a person from a cost effective point of view (they would not have to pay pension based on a longer period of service), I do not believe we in these islands can afford, simply because a person reaches the age of 55 or 60, to cut them loose. Our manpower resources are much too small, particularly when these older persons are healthy and willing and able to work.

This House did approve a motion brought by the First Elected Member for Bodden Town, that persons can go on to work and this was passed on to the administration and it happened in some instances. But, I believe Government needs to keep a careful watch on this situation, because of the growing number of non-Caymanians, when we have those who are reaching retirement age, particularly in the skilled and semi-skilled areas that do not pay a lot anyway, and where they need to work, and if work is available, they be given the opportunity of doing so.

If I am correct in my examination of this Budget, we see the Government (before it has achieved the exercise of getting rid of 20 people in total) has now set out to hire 108. I think that this is a very good example of what can happen when enough time is not taken, and I think haste, generated from political pressure, caused certain actions regarding the retrenchment of civil servants.

I still believe there is opportunity for a proper study to determine the number of civil servants that are necessary. It can be done. I understand that there is some ongoing exercise within Government that is looking to evolving job descriptions and evaluations for each post and also an evaluation. Ultimately, classifications, as is my understanding, is the way it should be. It is the way each officer—each employee in the service—can understand exactly where he fits in and can then endeavour to work towards performing those duties and responsibilities that may be assigned to him, at whatever level of employment. But hasty actions can damage the service and I believe that civil servants are under intense political pressure at this time—undue political pressure. I think they have been victims in this whole process, and among them, I believe, has been the gentleman who was the head of the Civil Service who went into early retirement.

In this country we need to do more than talk about

Caymanianisation of the Service. I sometimes get the impression that we, as a people, feel a reluctance to promote our own welfare by discerning that rightfully, Caymanian people should have the first opportunity where a job is concerned, and where there is a person who is qualified, willing, ready and able to work.

In recent years I do not believe as much has been achieved as could have been. I can think of the time in the 70s when there was meaningful, hard-driven efforts to Caymanianise, and it is from those times that the higher officers in the Service evolved. If we are not going to do so at this time, when these officers in higher posts leave, who will come to take over for them? That is the question that we better address seriously.

Again, one of the things that was done in those times (back in the 70s when there was less money and all the rest of it) was inservice training, external services. I know there is some of that, but I believe it can be intensified, and I think it needs to be intensified.

The most recent statistic that has been released should cause any sensible person to wonder when will we reach a plateau where there will be a catching-up of the indigenous people, to the persons whom we have to employ on work permits. The Civil Service should at least be the model, or the guiding light, in evolving a policy that other private sector organisations could take a serious look at.

The birth rate is there, but, of course, is not fast enough. There are not enough Caymanian people to fill all the jobs that are coming about.

I would think that the Government Service would be the guiding light, as I said, to look carefully at growth and to make sure that the needs are clearly there when a job is created and, certainly, wherever possible, that the job be filled by a Caymanian.

Madam Speaker, at this point I would like to mention that there has always been the concept of security of tenure within the Civil Service. It is something which I was taught about, and something that I passed on to persons when I was in the Service. It went largely then on the fact that civil servants were not as well paid as persons in the private sector. So it was like a balance—you have a job and you are secure in your job. You would have to do something really bad, like misconduct, to lose your job. But times have changed.

I believe that the concept now of security of tenure has become more relative and that, indeed, if we have someone in the lower skilled jobs (in the lower cadre of the Service), who may not be performing as well as they should, it should not be a situation where simply because they are there that they cannot move on. It might be the case that they are actually performing well, that they could move on into the private sector. Someone from the private sector can move into Government. I think that is something which needs to be looked at by the powers that be, where the employment within the Civil Service and the terms and conditions of service are taken into account.

Madam Speaker, the Public Works Department has always been the spending department. It is not the earn-

ing department, but it sure earns itself criticism from the day I heard about it right up until this point in time. Some criticism is due some is not. In this island it now has, according to the Estimates, 52 staff members . . . and I would imagine that what we are speaking of here and what it is showing there is established staff because the wage scales are normally dealt with under other vote heads.

Madam Speaker, I looked at the various staff named, and I see engineers; quantity surveyors; executive architects; graduate engineers; graduate architects, and the likes. I do not know to what extent their time is engaged in doing the work for which they are employed, for I do not have any real idea as to what projects are going on. It would normally be the larger projects that would catch my attention, and I suppose that would be the case with most persons. So there may be other things that are not really visible. But, if I am to believe some of the instances that I have heard about where Public Works is drawing the plan, and it is not drawn, then I really have to wonder.

Since these technocrats are employed specifically by that department and, specifically by the Government, if they are not getting the jobs demanded by Government done, then what is the problem? Does the department need a complete audit and investigation as to performance? If that is the case, most surely we should do it, because I am sure everyone in this honourable House has heard that story—'*we are getting such and such for the district, the Public Works Department is drawing the plans*'. And you hear that *Public Works Department is drawing the plans*, and the plans are supposedly never drawn. If they are drawn, there are problems.

I think that perhaps next to the Police, the department which functions specifically on a set and rigid chain of command (because of specialised and technical skills in that department) should be the Public Works Department. I say to the Government that if this needs to be done, do it. Spend money to have it done. For heaven's sake do not start a strategic planning to do it. Get somebody who knows what they are doing. Get an expert who can do it quickly, decisively, and get it done. I think something needs to be done. If it is the case that the work is more than the ability of the persons who are there (the number of staff) to complete, then the logical thing is to get more staff—even if there are no Caymanians available to do that job. And where it might be possible, for greater efficiency, for the Government to get some of the technical work done by technical persons outside of the Service, it would also seem to make sense.

Time is money and, surely, in this Budget so many projects are written down that were supposed to have been done which, apparently, were never started, I should think would inspire someone to do something about it. I take aim at no individual person because nowadays I only know a few of the older persons who are in the Public Works Department (maybe that amounts to three or four—half a dozen at the most) because I understand that there are some younger engineers and architects there now.

Because that is a Government service department, that is where Government has to go for its technical advice. It is where they have to depend in evaluating certain things that come into play—particularly where technical fields such as the ones these persons are involved in. The money that is assigned to that department each year inevitably runs in the millions. So, if we are going to get value for money, if we are going to get efficiency, we need to deal with it in a way that is realistic.

I know that times have changed but, surely, there is one beacon to follow in terms of doing what it is authorised to do against what it is not authorised to do. I hope that persons in that department know of something called the Public Finance and Audit Law, and that they would not attempt in any way to do things by misappropriating funds, or otherwise, as is being suggested at this particular time.

In fact, this morning I saw the Minister responsible for Public Works on television speaking to such matters. Indeed, the civil servant is the one, to the best of my knowledge, who still signs the payment vouchers. They need to be smart enough not to sign any pay vouchers where they know they might be allocating or spending money in an area and for something that was not approved in this Legislature or in the Finance Committee; that would be my heart-felt message to any such person, even though I am very much aware that the normal course of Government's political pressures are brought to bear to have something done, but the smart civil servant really does not have to do one where he will be found wanting.

There is good news, Madam Speaker, in this particular Ministry where the Postal Service is concerned, and I, as a member of the public, feel extremely good when I go into the General Post Office now. It is not as if you are stepping into a cave of gloom. There are nice, bright lights which stimulate the workers to greater motivation—they move faster, their countenances have changed. Simply because Government, after 40-odd years, has put in some good florescent lights, counters that are brightened up by the colours, and has painted the building to make it look alive. I am sure if one was to take a poll as to the level of satisfaction before that happened, it would be, at least, about a 500% difference. I certainly compliment the Minister and the Ministry, and all those involved, who brought about a change that has been a glaring need for so many decades.

I understand that there is to be another Post Office or another building built which will deal with a specialised area of postal services somewhere in the vicinity of the Airport. From what I understand it seems to make a lot of sense. In the years when I did have dealings with Postal Services I realised that postal services entailed much more than simply stamps and letters; it very much involves International Law which impacts on postal services and the mail went on its merry way—no matter what the particular definition of the Government—to any country of the world.

It simply goes to show that human beings can be civilised after all and they can extend certain considera-

tions and courtesies—keep the mail going whether it is in China, Russia, North Korea, the United States, Canada or wherever.

I believe that the new building will bring about improved services. But, again, I would say to the Government: balance the act, you are getting a new building for the Post Office—fine—do something about the Courthouse too, put it in the right place. Put the priorities in the right place.

I must express my shock, however, to see that a new Post Office is to be built in West End, Cayman Brac. I could not be more delighted to know it. But I do believe that it would have been plain decency and common courtesy for someone to have informed me, as one of the representatives from that island, that such was taking place. I inquired if my colleague knew of it, and he told me he was not aware of it either until he saw it in the Estimates. Upon inquiry, I understand that it is supposed to be built somewhere down on the beach. Our beach land is too good for that, I think, and of course salt spray does not help the windows or anything inside the building. So if that is the case, I hope that whoever is doing it will indeed place it somewhere in the West End where it would not be so subject to salt spray if, indeed, what I have heard is the case.

I am very pleased and very grateful to know that in this instance Cayman Brac did come in for a consideration in having a post office. However, I would believe that it must be a very small one if about \$60,000, or so, is supposed to build it.

That is one of the cases where I spoke about the cook book. I think it is going to cost more than that if it is to be—it has to cost more than that—but there was some cooking so that the Budget could look good and the bigger numbers would not have to show.

I think it is well to give priority to the Postal Services, for, indeed, it is one of the revenue-earning departments of Government and it is a means by which the Treasury earns money.

Madam Speaker, in that regard, that is, of being supportive of what is good in Government, I am, and I will continue to be. But, I do not have to play the same tune as the Government because I am not the Government, and I do not propose to do so. There are surely certain basic courtesies that are supposed to be extended among this fraternity of people chosen by the majority of people of this country to serve in this Chamber.

Perhaps it is well that I comment here and now about the number of instances I hear about Ministers of Government leaving Grand Cayman to go to Cayman Brac or Little Cayman, to deal with public matters—matters which I am definitely a part of as I am one of their representatives. I never hear about it until someone says; *'Well, you know so and so was up on the Brac.'* And the way it is done these days, too, is that everybody charters a plane. No one goes anymore by the regular flight, like I have to do. So it becomes more difficult to keep in touch with what is happening.

But if the idea that me not knowing should in any way impact on me negatively, such persons are mis-

guided because I simply tell the people who elected me the truth; "I do not know, I cannot tell. I was not told." And they, like myself, find it most unacceptable.

Madam Speaker, again on the matter of savings and cost cutting, here again is what the National Team Government said it was going to do as put forward in the Budget address of 1993. It says under (e) on page 17: **"Across the board reductions of up to 50% in operating expenditures such as, overseas travel and subsistence costs."**

Madam Speaker, each one has his own opinion as to whether things like that happen or not.

The department that perhaps has come under the most intense pressure in this country in the past four or five months is the Immigration Department. This has been the case ever since we have been subjected to the illegal migration of Cuban nationals into this country. By what I read, it seems as if the whole Immigration Department has had to reconstruct itself to keep up with the situation which is ongoing.

I can certainly sympathise. I do not know if they have the same concerns as I do, but I have the gravest concerns for this situation which is upon us. What is happening with that I am not quite sure. The Immigration Department can only be further taxed as long as the numbers of non-Caymanians keep growing. Every time there is a person who comes to take up employment, to live, to reside or whatever, there is that much more to be done by Immigration.

I know that for over 20 years there has been a situation in the Immigration Department, in terms of money expended, where some of the highest amounts of money paid in Government have been in overtime to Immigration Officers. I know of instances where it has been tackled at different times by different Principal Secretaries of Personnel, by Heads of Departments from time to time, and never has anyone come to grips with it and really changed the situation where officers could virtually make as much in overtime as from their substantive post.

I know that over the years it has brought about dissatisfaction of other departments where that was not available to them, albeit they are working extra time, but it is not available in other departments. So when I heard the new Head of Immigration say that he could actually do something about that and correct it, as he did here a few weeks ago in the Finance Committee, by increasing the staff, I, for one, was delighted to hear that. As far as I can tell there is a request for eight new members of staff. If I remember correctly, I think he said he needed about a dozen, I am not sure, but it is something that I will take the occasion to inquire about.

This has my support, because I believe that it needs to be done. I think it is right. If that amount of money has to be paid out it should go to employ more people. If it can be corrected now, I do think that it is something that all Members can feel good about.

Madam Speaker, as I am on the subject of Immigration, I wish at this time to comment on the situation which, to the best of my understanding, is giving the Immigration Department its biggest task, that is, the situation of the

Cuban nationals in the Cayman Islands. I suggest that if the facts are known, since about July or whenever the great influx of Cuban nationals started [to arrive] in this country, it is now a few million out of pocket, money that cannot be collected, and it is something which the Government has to deal with and deal with quickly.

I say that fully understanding that there are certain international laws that have to be dealt with, certain international agencies, certain international media that is prepared to find the most heart-rending scene and put it on television, be it in the United States, England or wherever, that is big time emotion worldwide where refugees are concerned. But the Government has to deal with this situation or it is going to bring financial ruin to these islands. I have to feel concern as a citizen, as a legislator and for my relatives, friends and the people of this country on a whole.

What I have observed, Madam Speaker, is true to the way the media world wide works on this matter. Considerable emotion evolves out of this. Indeed, the place nearest and dearest to Grand Cayman (which could not be Cayman Brac and Little Cayman) is Miami. I think all of us know the influence of the Cuban community there in the media, economically and otherwise. There are people who I understand have seen immense hardship—politically, socially and otherwise.

The story is well-known around the world, for, unlike the Cayman Islands that has to go and pay to get itself known around the world, that is not true of the island of Cuba. So the situation is known worldwide.

I watch the letters in the newspapers here, Madam Speaker, and I wonder how well the people who write some of those letters understand, including some merchants. People who say let us give them employment and all the rest of it. I wonder if in some of those instances employment would not be similarly seen to be for a lower wage than what would be paid to the locals or the Caymanian persons, and would be a source of cheaper labour. And that is where that interest begins and ends.

Recently I read a letter from someone who calls himself Henry Morgan. I did not figure that he had come back to this place and time. Whether or not that is the name of that person, I think it is right to look at what the argument might bring forward, which might cause the Government not to do what it should do and thus continue the situation of a policy where these islands are paying for the maintenance of these persons. It is absolutely impractical and ridiculous to talk about 1800-so-and-so, when Capt. Kirkconnell's boat took 40 Caymanians to Cuba, and so forth and so on. Look at the situation in the world and the Cayman Islands now in 1994.

First of all, the Caymanians were admitted legally by the Immigration of Cuba. They went there not to take jobs or jeopardise jobs, they went to work in lower [paying] jobs that they needed labour for—working on the roads, domestics, plantations and the like. This is not so real to us in comparison at this time. So when someone tries to bring on an argument I believe it is the duty of the Government through whatever means, to counter that argument to show our people (the Caymanian people) that we

are not without sympathy, but we are obliged to live with the facts, with the truth.

Who are more sympathetic in the world than Caymanians? Caymanians are sympathetic. They will go out of their way to do something for a stranger when their next door neighbour will not do it for them in many instances, that is the way we are, and I speak as one. I do not need any paper for that because I have been around here—I trace my ancestry back five generations. That is the way we are! So it is not a question of feeling sympathy. We do! That is why there has been the response there has been from the public.

But how much is the public being told about the cost? How much money should be reflected in this Budget right now, where it would not balance or anything else if it was known? And, indeed, if it was earmarked for a year's expenditure at what we have found out to be the monthly expenses, it should be here, Madam Speaker.

The Speaker: Honourable Member, could you have some sympathy on the other Members and take a suspension now for 15 minutes?

Mr. Gilbert A. McLean: Indeed, Ma'am.

The Speaker: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.46 PM

PROCEEDINGS RESUMED AT 4.04 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman continuing the debate.

Mr. Gilbert A. McLean: Madam Speaker, when the House suspended I was commenting on the situation with regard to the serious financial commitment that these islands have imposed on us due to the fact that we have a large number of Cuban nationals now on the island, as illegal immigrants—non-immigrated persons—into the Cayman Islands.

Madam Speaker, I have serious concerns with this situation. I have had many people talk to me about it with differing views; some who believe that we can and should simply take these persons into our country and, in effect, offer this as their new-found country of choice. I believe that anyone who sits and seriously thinks about the situation would take into account that we as a country—from the time we became peopled to any significant extent—are looking at between 150 to perhaps 200 years at the most. And during that time with births and deaths, Caymanians migrating to different part of the world, and so on, it took us to reach what the most recent statistics tell us—and this is counting those persons here who are indigenous coming from the first settlers, and those who by law have been given what we all know as Caymanians status, a combination of that—it took us 200 years to arrive at 19,215 people.

Now I say to the people who believe that in five months we can increase the indigenous population by approximately 7%, to think seriously about that situation. And if we take the whole number of 30,500 we are still looking at 4%. It is, in truth and in fact, quite impossible.

We are in a situation where our Government says so much, but yet very little. We do not know what is the actual situation between what the United States is saying or doing. We hear from our Government about the position of the British Government on the matter. But what is the truth of the matter?

Our Government went to Washington and spoke with officials there. We understand that on a daily basis our Governor is in touch with the United Kingdom, and we hear and understand that legally it is possible and, as a last resort—and, certainly, it has to be the least acceptable—the Cuban nationals who are in our country would be forcibly repatriated.

What I believe we need to know and hear, is exactly what the offer made by the United States to the Cayman Islands was—if, indeed, there was one. And, it is my understanding that, yes, there was one. The information available to me is that the United States would consider accepting the Cuban nationals who are here to either Panama or to Guantanamo Bay, but that they would require of the Cayman Islands \$10 per day per person and they want that paid one year in advance.

Now, Madam Speaker, we are attempting to balance a budget where—albeit with all the noise that past administrations and all of us like to talk about having all the wealth and riches—we provide a financial environment whereby we understand large sums of money move through here. It blips on a computer screen, or whatever the case may be, but the money that many people mistakenly believe is here is not the case.

The average income of the middle earning person in this country is an average of \$1,002 per month. Now when we think that the average apartment here is \$650, \$700, and \$800, where is all the wealth that we are supposed to have as a people? It is not true. But we ourselves perpetuate the story—we are so wealthy, we have so much money. It is not true! I believe the truth needs to be told. We need to tell the Cuban nationals who are in our country the truth about ourselves. We need to let the United States understand that when they say that in the Cayman Islands, there are all these millions and billions going through here every day, it is something on paper. The spin-offs that we get are strictly a fee that is charged for operating a company, or a "B" Class Bank, or a Trust Company here. And so it is not possible for this country to bear the cost indefinitely.

The United Kingdom has been providing materials but they are not providing money. Of course, money is what is needed. Money is what can make the difference, and we do not have that. So, my position to the Government is that it is time that we deal with the truth to all parties. Let the truth be known. Certainly, the United Kingdom should know, but, then again, they are so far removed... how many thousands of miles from here? They have thousands of things to worry about on a daily basis

and certainly they have problems to deal with that do not make ours become their greatest priority. But a solution has to be found.

I believe it can be found, but, Madam Speaker, we are at a point where it cannot continue this way indefinitely. This is the biggest liability we have. This is the biggest problem that we have to deal with, and what makes it so difficult is that it is people. We are dealing with people, not machines, not merchandise, not produce. It is people, and it makes it that much more difficult.

Madam Speaker, I do not know what is the perfect solution. It is my understanding that the Cuban nationals who are here would wish to go on to the United States where they have family, some I also understand have some relatives here in some instances, but there is not too much we can do about the Presidential policy in the United States that has brought this situation about, except to negotiate. I believe we have to convince the United States that all the money they claim we have just is not so.

A solution has to be found. The solution does not lie with me, for I am doing the most that I can do—talk about it. speak about it. It is the first time as such that it has ever been spoken about this way in the Legislature. But a solution has to be found.

Madam Speaker, having covered that particular aspect of immigration as it relates to us, the situation of the Cuban nationals, I would like to turn next to the subject of Planning.

The Planning Department has to be one of the departments in Government that impacts the most vitally on the development process in this country. It is the Department, having gone through various changes over the years in terms of people who have filled the post of director and changes on the various boards, that has guided the development of these Islands to where it is today. Although there are many criticisms and many complaints, I think that generally the country has developed with some order and practical being since the time we had our Planning Law. The problem seems to be that the process of getting a consideration or a plan approved (as the case may be) takes unreasonably long—so I have heard and experienced in some instances.

I believe that it is something which can be corrected. If we were to take a plan for example, for a house, and submit it to the Planning Authority, that is but the focal point from their various agencies; Fire, Water, the Water Authority, various authorities have to give their approval to that plan.

I have often wondered if it is not possible that the plan be sent to all the various agencies at one time for their comments to receive an answer about the same time. I was told that it does not happen that way, each one does its own process somewhat individually.

I certainly believe that there is greater efficiency to be gained where it is done as I have suggested it might be done. I think, too, that the Board, for there are two sides to the planning process as is my understanding, looks at the plan generally and approves it to whatever extent and way it does. The technical side of it is dealt

with by the various planning persons within the department who check it, approve it, and so on.

I know that the Minister presently involved with Planning has taken some steps to speed up the process. I do not know how well it is working for I have not had cause to deal with the Planning Authority in a long time. Where certain powers were given to the Director that he could act independently, I think perhaps it could, and it should speed up the process. But I do believe this needs to be done, for when plans do not go through quickly it means that the whole process, which might include a person's getting an approval from a bank and the possibility of that person losing that approval if it is not forthcoming within a certain time period affects a person's finances.

Where the Government can make a difference is when the process is monitored carefully and regularly, always with the objective of improving the present situation. How well this is done I do not know, and how well the member of staff are coping with the work load (which I understand is immense), I am not quite certain. I do see that there is an increase and a request for two more posts within the Planning Authority. If these will make a difference, I think, by all means, it should be supported.

There is also money in the Budget for improving the present accommodation for the Planning Department. I am told that needs to be done because there is serious problems with space and this is affecting efficiency. I would wonder, however, if it is not possible to relocate the Planning Department into a building of the Government, or into a building it might rent—I do see money in the Budget for rental as well—where the Department could be more accessible for one thing, by being on the ground level. Right now it is in the Tower Building some floors above ground level. But I think that this is something which needs to be examined and to be kept in focus.

Coming on to the Ministry for Tourism and Environment, is also the subject of environment. And this has come to be a huge department with different and specific functions since the Department of Environment grew out of an amalgamation of the Mosquito Research and Control Unit (MRCU), the Marine Research section and the Sanitation section of Government. At least the Mosquito Research and Control Unit had a Head of Department, a Director (I do not know if that individual is still there), but it was my understanding that when the contract was up the person would then be leaving and the man immediately below would become a section Head and it would no longer be a Head of Department in that position.

Madam Speaker, again this was done for cost efficiency. I trust that this has indeed proven to be the case.

The Sanitation Department is one that is vital to the community, the tourism trade, to hotels and all the other hospitality industries which do exist in this country, to say nothing of individuals' homes.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30 PM

would you be finished shortly?

Mr. Gilbert A. McLean: No, Madam Speaker. I have much more.

The Speaker: May I ask for the motion for the adjournment, Honourable Minister for Tourism, Environment and Planning—Leader of Government Business?

ADJOURNMENT

Hon. Thomas C. Jefferson: I am happy to move the Motion for the adjournment, until 10 o'clock tomorrow morning.

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

AYES.

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

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 10 NOVEMBER 1994.

**THURSDAY
10 NOVEMBER, 1994
10.13 AM**

The Speaker: I will 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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

Suspension of Standing Order 14. The Honourable Minister for Agriculture, Communications and Works.

SUSPENSION OF STANDING ORDER 14

Hon. John B. McLean: Thank you, Madam Speaker.

I beg to lay on the table of this honourable House a copy of an independent audit of Caribbean Utilities Company which was carried out by this Government.

The Speaker: So ordered. Honourable Minister.

**PRESENTATION OF
PAPERS AND REPORTS**

REPORT ON CARIBBEAN UTILITIES CO LTD.

Hon. John B. McLean: Thank you, Madam Speaker.

On September 16, 1993, I informed this honourable House by way of a Government statement of this admini-

stration's decision to exercise its right for an independent audit of the financial affairs of Caribbean Utilities Company Limited, in accordance with section 7(9) of the Licence Agreement dated 17th January, 1986.

This action was taken as a result of Caribbean Utilities Company Limited, implementation of a 2.5% rate increase effective from August 2, 1993.

CUC has been granted a licence which exclusively authorises it to generate, transmit, distribute and supply commercially electric current for public and private purposes throughout Grand Cayman. The Licence currently used as a basis for adjustments in traffic rates is a 1992 revision of the original licence. This has been signed on behalf of Caribbean Utilities Company Limited, but partly owing to a change in Government in 1992, has not yet been signed by the Governor of the Cayman Islands.

In the event of the company's final rate of return being less or more than 15% per annum, the Licence Agreement provides for CUC, to increase or decrease its rates without Government's approval.

Invitations for an audit assignment to be commissioned by the Cayman Islands Government and related to CUC, were sent to firms in the United Kingdom and the United States, as well as advertised in a local newspaper.

On June 30, 1994, Peat Marwick which is a leading firm on the Island was one of the applicants and was given instructions to carry out the audit on behalf of Government.

The outline of the programme of work was as follows:

1. Review of Caribbean Utilities Co. Ltd., external auditors and Cayman Islands Government's files and records to familiarise themselves of the background of the licence conditions.

2. Examination of Caribbean Utilities Co. Ltd., accounting records and policies. Interviewing employees of Caribbean Utilities Co. Ltd., and the Government to ascertain whether accounting practices had been complied with in conjunction with the licence conditions.

3. Audit test to determine the correctness of figures used in calculation of the rate increase, for example, ascertaining correct figures of total revenue; verification of amounts used in operating expenses; comments on their eligibility and their reasonableness given the nature and size of the business; special emphasis on major costs such as fuel; examination of staff and costs and use of consultants; verification of assets values; reasonableness of depreciation schedules; utilisation of assets on site; physical verification of main assets; write-off and disposal of assets policies; construction work in progress similar to

(c) above; value of allowable inventory; repayments and deposits; allowable cash working capital.

The overall conclusion of Peat Marwick is that, in their opinion, subject to the limitations and work relating to the completeness, accuracy and existence of fixed assets as discussed in section 6 of this report, the final Government return for Caribbean Utilities Co. Ltd., for the year ended 30th April, 1993, was correct in all material respects and the firm supports the increase in electricity rates of 2.5%.

It should also be noted the Mr. Peter Thompson, President and Chief Executive Officer of Caribbean Utilities Co. Ltd., has advised that the company is preparing, and in the future will maintain, a formal fixed asset register.

The Government wishes to publicly thank Caribbean Utilities Co. Ltd., and their independent auditors, Coopers & Lybrand, for their full cooperation in allowing the examination of working papers, accounting records, et cetera, for the audit.

Also, I now take this opportunity to thank Mr. Gordon Bird, Chief Internal Auditor, Finance Department; and Mr. Philip Tatum, Assistant Secretary in my Ministry, for the manner in which they handled this matter.

I am now laying on the Table a copy of this report and I trust that this will put to rest the many different views with regard to the rate charged by Caribbean Utilities Co. Ltd., and what Government would do to make sure the people of this country receive the right rate.

The Speaker: Proceeding to Questions. The first question is No. 173, standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 173

No. 173: Mr. Roy Bodden asked the Honourable Minister for Tourism, Environment and Planning to make a statement outlining the steps which Government proposes to take to alleviate the concerns of Taxi Drivers as expressed during their recent demonstration.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The Government will make a statement to this honourable House or to Members if the House is not in session when we have reached an agreement between the parties concerned.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I wonder if the Minister is in a position to say whether the group making the petition to the Government was representative of all the taxi drivers, or was the group representing only a segment of the drivers?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I am sure that the persons who came forward to make their representation were not representing 260 or more taxi drivers. Basically, they were trying to represent the number of taxi drivers who are operating, and who are licensed to operate, from the Port.

The Speaker: The next question is No. 174, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 174

No. 174: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation what programme has been instituted to ensure that Caymanians will comprise a larger portion of the Government's teaching staff.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Government has two initiatives underway to encourage Caymanians to train as teachers. High School graduates can gain experience in the profession by signing on as a teacher's aide for one year prior to taking up formal training.

Under the internship programme, these students and others can gain valuable experience in the schools during the summer vacation until they complete their undergraduate degree.

The other initiative is that the Education Council awards a full scholarship, that is, \$12,000 per year (maximum), to those qualified applicants who indicate that teaching is their chosen profession.

In addition, one of the nine strategies developed under the Strategic Plan relates specifically to teaching. It says, "We will ensure the continuous development of all staff, with emphasis on elevating the status of the teaching profession." Action plans which detail how this strategy is to be carried out will shortly be submitted to the Ministry.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I wish to ask if the Teachers' Aides programme is continuously throughout the year or if it only operates during a certain portion of the school year?

The Speaker: The Honourable Minister for Education

and Aviation.

Hon. Truman M. Bodden: Madam Speaker, it operates from September to July, the full school year.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Minister in a position to say how many young Caymanians are abroad on teacher's training?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I can get this and give it to the Member, but I did not come prepared to get into scholarships.

The Speaker: Thank you.
The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Minister could say if any thought has been given, or any action taken with regard to assessing the salary scales of professional teachers with a view to seeing if there are any inadequacies in that area?

The Speaker: Honourable Speaker, I am afraid that is far out of the ambit of the original question.

If there are no further supplementaries, the next question is No. 175, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 175

No. 175: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation if the Cayman Islands Marine Institute is registered as a school under the Education Law.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, the Cayman Islands Marine Institute is registered as a school under the Education Law.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Does that then mean that the members of staff for this institution are all qualified and licensed teachers under the Education Law and Regulations?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Ma'am.

The Speaker: The next question is No. 176, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 176

No. 176: Mr. Gilbert A. McLean asked the Honourable Second Official Member for Legal Administration how many licensed attorneys are there in the Cayman Islands with a breakdown by firm, length of practice and nationality.

The Speaker: The Honourable Second Official Member.

DEFERMENT OF QUESTIONS NOS. 176 AND 177 STANDING ORDER 23(5)

Hon. Richard H. Coles: Madam Speaker, I am afraid I am going to have to ask for the leave of the House under Standing Order 23(5) to defer the answer to this question and, indeed, to the following question, number 177. I had sincerely hoped to have the answers to both of these questions available to the House at the sitting today, but regrettably, they are not ready. I would ask that both these questions be deferred until later on in this meeting of the House.

The Speaker: The question is that the answers to questions 176 and 177 be deferred until a latter sitting during this meeting.

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The questions are accordingly deferred.

AGREED. QUESTIONS NOS. 176 AND 177 DEFERRED.

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

No. 178: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what is the total strength of the Airport Security Unit and its general daily deployment.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The total strength of the Airport Security Unit at Owen Roberts International Airport is 23. A rotation of four shifts is provided with an average of

five officers on duty during normal operational hours and three officers during the late night shift. This allows for an average daily deployment of 13 officers.

The total strength of the Airport Security Unit at the Gerrard Smith International Airport in Cayman Brac is six, with a daily deployment of three officers.

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if there is a head person, a commander or a chief among the security unit at the Owen Roberts airport?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Honourable Minister say if the number of persons now employed are the same total number at Owen Roberts as when this unit was set up and, if not, what has been the increased difference?

The Speaker: I do not know whether the Honourable Minister could answer that, it all depends on the year when it was set up. This seems to be beyond the scope of providing an answer at this time. If he could provide an answer at a later date, I presume that would be acceptable?

Mr. Gilbert A. McLean: Yes, Madam Speaker. I would like to ask a supplementary.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is the Minister satisfied, or is he finding that the number of persons at the airport in Grand Cayman is sufficient for the amount of security coverage they are required to give?

The Speaker: That is an expression of opinion that is being sought and one would assume that if the Minister was not satisfied he would make representation to Finance Committee for additional staff.

Does the Minister wish to add anything else to that? [pause] If there is no further supplementary, the next question is No. 179, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 179

No. 179: Mr. D. Kurt Tibbetts asked the Honourable Minister for Agriculture, Communication and Works

whether there are plans to undertake road repairs in the immediate future in the areas commonly known as the Swamp and Templeton Pine Lake Subdivision.

The Speaker: The Honourable Minister for Agriculture, Communication and Works.

Hon. John B. McLean: There are some funds for maintenance of roads in the Budget from which the repair of roads in the areas commonly known as the Swamp and Templeton Pine Lake subdivisions will be made. Because of the susceptibility to flooding caused by inadequate fill and a high water table, an effective storm water management plan will have to be devised before any road works can be undertaken. To undertake reconstruction of these roads (which are currently in a poor state of repair) without addressing storm water management, would only exacerbate the situation and result in flooding of homes in these areas.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if, not misunderstanding the question, the Honourable Minister would be in a position to give a commitment with regard to the time frame in which this might be done?

The Speaker: The Honourable Minister for Agriculture, Communication and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

Taking into consideration the unforeseen problems which have arisen this year with regard to road works, it would put me in an awful position to commit myself as to how soon I could do it. But I will try, as much as possible, to get it done.

The Speaker: The next question is No. 180, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 180

No. 180: Mr. D. Kurt Tibbetts asked the Honourable Minister for Agriculture, Communication and Works what is Government's present policy in processing applications for street lights.

The Speaker: The Honourable Minister for Agriculture, Communication and Works.

Hon. John B. McLean: Government's current policy for the processing of street lights is the same as has subsisted for the past decade. All applications are channelled through the district representatives who are asked to prioritise their lists. These lists are dealt with by the Ministry and, based upon the availability of funds, instruc-

tions are given to Caribbean Utilities Co. Ltd., for installation through the Public Works Department.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Thank you, Mr. Minister, for the answer. I wonder if the Honourable Minister could advise this honourable House if at present there is any tremendous backlog in applications for street lights from the various districts?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, I would not like to say there is a back log, because we are constantly working on trying to light the entire Island. We have been trying to attend to the areas where we have had crime most noticeably especially here in George Town.

So it is an ongoing arrangement with Caribbean Utilities Co. Ltd. I realise that some of the Members in the House have passed on various lists which will be attended to as soon as we can.

The Speaker: The next question is No. 181, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 181

No. 181: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for External and Internal Affairs to state: (a) what is the present average daily cost to the country for upkeep of the Cuban refugees at Tent City; and (b) what has been the total cost since the influx of these people began a few months ago.

The Speaker: The Honourable First Official Member.

DEFERMENT OF QUESTION NO. 181 Standing Order 23(5)

Hon. James M. Ryan: Madam Speaker, under Standing Order 23(5), I would ask the leave of the House to defer the answering of this question until a later date as the answer is not ready.

The Speaker: The question is that the answer to question 181 be deferred until a later sitting during this meeting. I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Question 181 is accordingly deferred.

AGREED. QUESTION NO. 181 DEFERRED.

The Speaker: That concludes Question Time for today. Government Business, suspension of Standing Order 14. The Honourable Minister for Education.

SUSPENSION OF STANDING ORDER 14

Hon. Truman M. Bodden: Madam Speaker, I beg to move the suspension of Standing Order 14 to allow the debate to continue.

The Speaker: The question is that Standing Order 14 be suspended in order for the debate on the second reading of the Appropriation (1995) Bill, 1994, to continue.

I shall put the question. Those in favour, please say Aye...Those against, No.

AYES. The Ayes have it. The answering of question 181 is accordingly deferred.

AGREED: STANDING ORDER 14 SUSPENDED.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of the Debate thereon)

The Speaker: Debate now continues.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I would like to speak to the matter of Tourism as mentioned in the report on the Budget Address.

Since it can be proven statistically, we are aware that there is a very large increase in tourism arrivals in the Cayman Islands. There is a large number of visitors, and this has been ongoing since 1993, up until this time. There are various reasons for this. The fact that there are many international carriers flying into the Cayman Islands has direct influence on tourism arrivals in that these airlines advertise the routes and instead of people connecting with the smaller carriers that used to fly to the Cayman Islands out of Miami, they are flying directly now from points where the new carriers come from. Of course, a large part of it is as a result of advertising that had been done over the years, and is ongoing.

I take a difference in the view of the Third Elected Member for West Bay when attributes this success—which is short of a miracle, as he stated—to the present Minister of Tourism. I really wonder if one could logically attempt to attribute such praise? Taking into account the

Government of the day took office on, or about the 23rd of November 1992, it would surely have been a miracle brought by one person who would have had powers much greater than mortal man to indeed entice the people who have come here during 1993, in such a short time. The advertisers for the Department of Tourism, to the best of my knowledge, continue to be who they were and I dare say, are largely doing what they were doing prior to that. If any claims and praises are due, surely the former Member, Mr. Norman Bodden, should be coming in for 1% or 2% along the way for such achievement.

One of the things that is clearly changing in tourism in this country is, we are not catering exclusively to the upscale type of tourist, as had been done over the years. More and more we see arrivals here by charter or package-tourism. We need to be very mindful that we are not counting numbers to the exclusion of being able to count the money that visitors are spending.

We should not get lost in believing that this Island has grown like some of our larger neighbours. It is limited and the accommodation we offer is limited. If we should double or triple that, it will impact on the infrastructure in the country as it is, indeed, doing.

We could get lost counting numbers when we really have not benefited equally in terms of the money generated. It has usually been the case where we have attempted to attract those types of persons who are in the higher economic brackets, who would spend more. This was noted by a recent letter in the press by Mrs. Lott-McPartland, and I think she put it very well, what have been some of the causes of our recent (over the past two years) success here in the Cayman Islands. I would think that there were about a half a dozen other women in this country who would write letters to the press expressing their views and most of all, actually using their names instead of becoming those faceless entities called "Name Withheld by Request."

When we drive along the Seven-Mile Beach area we see the large area cleared out next to the Governor's residence on which I understand a 300-odd room hotel is to be built. The Third Elected Member for West Bay noted that it is being built on the best piece of beach land in West Bay. I wonder if that is such a very good thing, for that was like the one piece of beach where everyone went and enjoyed themselves, to say nothing of the thousands of trees that gave it a nice shaded condition. Every single one of them has been ripped out of the ground. I hope there was permission for so doing, as I understand that the approval for that particular hotel went through some of the quickest examinations and approval there have ever been in the Planning Board. I guess that points to the fact that it can be done. What we have to find out is what is the motivator for such outstanding performance and apply it full time.

Tourism is labour intensive. If there is going to be a 300/340 (whatever is the correct number) room hotel, the rule of thumb is one employee per room. Of course it is many more than that, for a hotel operation hires a manager right down to the man who cleans the yard, moves the garbage, the laundry—everything. So what we are

talking about is increasing the number of people in this country automatically when that hotel is built. Is that such a good thing? I wonder.

I am by no means against progress, but, certainly, one has to understand that when hotels of that size are built, particularly in the western peninsula, it means the statistics (which were recently released), will surely increase.

It comes back to the question that needs to be asked: Who is the Cayman Islands developing for? Is it developing for its own people? How could that be when allegedly just about all of our people who are willing and able to work have employment? Does any country in the world strive to create jobs within its borders over and above what it needs to employ all its employable citizens? Maybe we will find some sweeping answers for that in the process of things coming from the Government.

The Tourism scene has dramatically changed life in the Cayman Islands in every which way. It has brought improvements because brought money. As a result there have been development in the restaurant industry... although none of us eat tourism, we eat the food which is sold in the restaurant which comes about as a result of tourism. [*Members' laughter*] Tourism hardly pays the bills for people, but it offers employment so that people can work—there is a difference to my mind. But it has changed life here and affected it so much that we would wonder what part of the deep south some of our own people are from when they speak, because it even causes us to adopt a new accent. [*Members' laughter*] So, it has had its effect. I think it was ably pointed out this year, if I remember correctly, by Jacques Cousteau when he came to the Island and clearly stated as an authority some of the thoughts I am putting forth at this time.

I believe that a moratorium should have continued on the western peninsula of this Island as was sensibly done by the last Government, the last Minister for Tourism, so that investors who want to invest in hotels are encouraged to invest in the eastern districts of this Island, where surveys have shown the largest numbers of those who are unemployed are found. It would offer opportunity to some of the older persons in these districts who, for one reason or another, are not going to get in a car and drive to West Bay beach to work in the hotels; it would have also allowed, as was done by the last Minister for Tourism, development in Cayman Brac and Little Cayman; and, it has been dealt with as seriously as having no customs duty charged on material coming in to build hotels in the eastern district and Cayman Brac and Little Cayman. That has changed now and we see the trend continues in West Bay.

Advice that was given in the Tourism Plan (which has been suffering from two years of consideration by the present Government), is that the Island should look to upgrading its standards, to creating standards, making the product as attractive as possible, and going for high quality and high service. I sure subscribe to those things. We find numbers on paper and it gives those concerned with its efforts an opportunity to say, "Look at the num-

bers." But, looking at the effect and the result is a different thing.

As has been recommended through a study, I believe we need to look at the improvement of the standards and the property; the improvement of the quality of service through properly trained people within the industry and give a breather to our people catching up and being able to find employment there, instead of simply finding in most of these properties nationalities from every part of the globe except our own. I do not buy the fact that Caymanians are not naturally inclined towards service.

Labour is one of the areas where there is always the greatest opportunity for complaint. The Labour Office, with extremely limited staff, is doing a good job, although I hear scores of complaints from persons in my district about inadequacies and what it is not doing. I honestly believe that those officers (and I know several of them) do their utmost to do what is right. However, there are areas which have been pointed out where changes need to be made in the legislation to give greater force to causing certain conditions to come about, and these have not yet come to the Legislative Assembly.

I think the Labour Office needs to be expanded in its function. It needs to become a place that deals with manpower resources for this Island with all the natural statistical data, that it would come up with.

In my opinion, more persons are needed within that department; persons who should all have an opportunity at some time to do certain studies in labour management, industrial relations and personnel management. One cannot take a greenhorn and put him in such a position and hope that he will function. One has to select persons who have the ability and who would have the opportunity of studying to learn more about it.

I do not believe there is the political will in place to support some of the tougher actions that the Labour Office has to take. Labour relationships in any country are not easy to deal with—certainly, it is not that way here in Cayman. But I think when dealing with matters which arise, and the problems in labour, it should be dealt with objectively, with an arm's length distance between the Labour Officers who are supposed to do so, and the employers or employees. It is not the best practice to solve labour disputes in the hospitality industry or elsewhere, through lunch with management and a big wave through the disgruntled employees when those individuals who presume to do so are leaving.

This department needs great support for it to function properly because the number it is dealing with is large and ever growing. Naturally, where there is a situation with such a large number of non-Caymanians, and Caymanians in the work force, there will be difficulties and conflicts. They need to be resolved in a better fashion, with less political interference and more political will to support the efforts of the department.

The Social Services Department is one that is vast in terms of the needs it is supposed to meet. I think it has come under intense pressure at this time as it also has to deal with the situation created by the Cuban refugees in

the Cayman Islands. It deals with a very wide spectrum of services.

What I wonder is how every few weeks there is some new thing that is set up and put in place to give to those persons who are getting out there in the public and talking about it, the opportunity to be heard. Where is the time coming from to actually get something done? Is it simply this constant evolution of new things that are to be attended to in some particular manner?

I believe what needs to be done is to give the staff in that office the number [of officers] it needs and let them get on with the job, give them the opportunity to make the hard decisions and to say "no", when it is necessary and to leave it to Social Services to determine by its means test where the assistance will be given.

I am aware that there are many instances where persons who have been receiving assistance—and I can think of one where a lady called me (she is 80 and her son is 64 with both legs gone) and they were getting about \$100. There was a query as to whether they would still need this because the Government needed the money. I just want to make this statement clear for the Government to know that if we can provide to the extent that we are doing for the Cuban refugees in this country—every single need of theirs—without question as to the cost (and that cost is undoubtedly mounting), make sure that nothing less is offered to the needy of these Islands. Do not think about taking away from those persons a measly \$50 a month, or \$25, \$75, \$100 per month, when that type of money is being spent on a daily basis on the maintenance of the Cuban refugees here.

I trust that the situation has been resolved, where Cayman Brac and Little Cayman are concerned, as to what is the organisational structure of Social Services. There is a Head here in Grand Cayman and the persons who are appointed in the Social Services in Cayman Brac are the representatives of the Director here. The decisions made by the officers there are the final decisions. I do not want to hear the allegations of the Minister of Social Services about me knowing that some civil servants out there are blocking the efforts of Social Service—because I do not know of any such instances. If that is happening by any officer in any department of Government, if I were the manager or the Principal Secretary or Minister of Government, I would know what to do about it because my approach to that type of thing is very straightforward and it is what proper management would demand. So, I leave that with the Minister for Social Services to deal with it and those are the persons who are, indeed, involved.

The Government needs to look at creating some sort of fund, or better yet, we need a programme or a system of social security in this country and we need it right now. It cannot go on indefinitely with the Government attempting to give this person \$10 or \$15, and the next one \$25, and so on. It is not the right way. We need a system of social security. It is a fundamental right, written down in International Law and subscribed to by England as well, which is the administrative authority for the Cayman Islands.

If the Minister for Social Services wants to do something dramatic, I would say to him, *See about a proper social security system. And the millions of dollars going into a stadium and sports this, and sports that, let it go into creating a fund to help the people of this country.* All of the people can be helped that way, including the youth.

One of the things that creates a drawback for many Caymanians is that we do not have among us a large enough number educated in the various areas where educated persons are needed. To my mind, education is what should be first and foremost in any country, immediately followed, or working hand-in-hand with proper health services. Education (good education) makes any nation a better nation, for it trains the minds of people. Trained minds are known to act, behave, discern better than those who are uneducated. We have many living examples of it in this country—in high places and elsewhere. Education needs to be one of the greatest priorities in this country.

I am pleased to know that although the Minister for Education and the National Team as a whole found that the Caribbean Examination was not good for this country, and that it could only cater to 30% of the student population that the Caymanian children have proven that theory utterly wrong. I salute the teachers who took up the challenge to prove otherwise, and the children who showed that not only their elders in this House have the ability to learn; that there is no brain deterioration. They have done remarkably well taking the examination for the first time with some of the best results in the region.

I say that one of the reasons is that the syllabus used in each of the subject areas of the Caribbean Examination has meaning to the children of this country like no examination has before; except, perhaps, that one we were familiar with many years ago, the Jamaica Local Examination.

So, according to what I see here in the Budget, someone is to be appointed to become the Registrar for the CXE examination in the Cayman Islands. I hope that does not mean registering it out of existence as I think was the plan, to strategically plan it out of existence.

I say to this Government, *Use the Comprehensive Education Plan that was done by eight of the best educators in the region and some of the best in the world.* If they want to toss in persons from the European side, the man who headed the team is a UNESCO advisor and is also on the British Council of Education in England. Use that plan and get on with the job, instead of playing around not wanting children to study for examinations which are good and meaningful for them.

Place money into the George Hicks School to create a second high school, as the plan called for, and stop taking the money that should go for that and making sure that private schools are in a position to compete with the public schools using public money.

There have always been public schools and private schools in this country, and long may they be. But, irrespective of what the Minister for Education says, or any of his supporters or colleagues, that the Government must subsidise education because education is compul-

sory in the Cayman Islands, and if the private schools did not provide that education, Government would have to provide it. That is the same as saying that insuring one's car is comprehensive and if the car owner decides that he is not going to pay the premium the Government will pay.

Government has its obligation under law. Government should see to its obligation and the work on the schools, for example the Red Bay School; the George Hicks School, et cetera. That should have been done last year. It is only just now beginning to get underway according to the estimates. This Government needs to stop playing with the lives of the future of this country.

We have to allocate money for training of our teachers. It is one of the most serious areas of need in this country. Caymanian people need to be encouraged to enter the field of teaching. I think, generally speaking, the salary is attractive and there is some fulfilment in it. There needs to be an all-out effort to get people to enter the teaching profession.

I am glad to see that there is some money allocated for scholarships and I trust that every penny of it will be used. I would be happy to see the Minister come to Finance Committee asking for more money for scholarships for Caymanian children instead of coming to Finance Committee asking for money for other things.

Civil Aviation is an area that has been associated with some of the largest expenses in this country, if we bring Cayman Airways into the ambit of civil aviation. I think it is correct and I think we should. I do not quite understand aviation because I see in the Estimates where the Civil Aviation Department is expected to earn \$11 million this coming year when this has not been the case in previous years. Indeed, Government has had to subsidise this through loans and guarantees—Government giving guarantees for monies to be borrowed for this particular department.

I, therefore, do not understand where the large sums of money will come from where this particular department is concerned. Where it will earn that kind of money I really do not know.

Another thing that I seriously wonder about is, we are giving \$4 million in subsidy to Cayman Airways and, in addition to that, we see an amount in Table 2(b) of \$2,176,590 as money for recapitalisation. Only last meeting the Minister for Aviation was here saying how Cayman Airways showed a profit and was making money. Therefore, I have to wonder: Why is it necessary to further recapitalise Cayman Airways at this time?

There is surely no doubt in my mind that if the last Minister for Tourism and Aviation had had close to \$30 million available to him and the personnel then; I believe there may have been many more improvements to be seen in Cayman Airways. But that did not happen and Cayman Airways did not succeed to the extent that it could have. Now, when we hear that it is supposedly making money, we find a situation where it is receiving \$2 million more to recapitalise and an additional \$4 million in the normal subsidy—\$6 million altogether.

Madam Speaker, at this time I would like to com-

ment on the subject of health. Here I want to say without hesitation that I think one of the worst things that has ever happened in the history of this country is the fact that the people were denied the right to have a new medical facility.

The situation with health services in this country is lamentable and there is an ever ongoing demand for improvements in service in this area. There is demand now—numbers and diseases to deal with like never before in many instances. There are conditions which require medical assistance that were not there before. And look at what we have to deal with in terms of our antiquated, little hospital that is about 50 years behind what we actually need. This country has lost \$4,508,645—no hospital. It will eventually have to be paid in relation to the stopping of the Dr. Hortor Memorial Hospital. But our medical services are lamentably inadequate.

When I say that, I want to make it absolutely clear that I am talking about the physical facility and the equipment to do the job. I marvel at how the doctors and the nurses function so well in that hospital and in that emergency area. In recent times I have had occasion to go there daytime and night-time; there is an ever ongoing stream of people who go to Emergency (or casualty department as they used to call it). I have seen people from all walks of life there—lawyers, people who I know work in the banking sector, people who have money that they could go to private practitioners. I see them at that hospital. So the argument that some people prefer to go to the private practitioners, I agree with, but the government health service is absolutely 100% necessary.

It is a tragedy which has occurred by us not having a proper medical facility. It is therefore, incumbent on this Government to change that situation. Changing it cannot be through sitting down and talking about it for two years through strategic planning. It cannot be sensible to attempt to build on that old compound, as it has proven not to be the thing to do.

There will be additional cost to knock down what is now called the MRCU (Mosquito Research and Control Unit) and will add to the \$4 million; that we know (and in these Estimates we see that in 1996, \$6 million is to be spent). The reckless design of this Government, as far as the Health Services is concerned, is costing this country in every way—human suffering and money.

As for the stories told in this House about no instances where people need beds and so on, they can always get them when they are needed, that is untrue. It is not so. I remember going to the Casualty Department a few weeks ago and a man coming in bent over in pain saying that he was supposed to have hernia surgery and he was told there were no beds. I said, "That cannot be true; you know what the former Minister, the destroyer of health services, said." The man said, "It is not true. Gilbert, look here [at the bulge in his belly.]" Too much of that is happening. This Government is talking nonsense about they are going to have this and what they are going to do in the next year and when people need a hospital."

There is only one sensible place to put the hospital and that is where it was designed to go, which has now

become a refugee camp. Something has got to be done, and done fast. I ask: Where is this Master Facilities Plan for the hospital? Why is it not being made known? Is it because the numbers for doing that in that place are so large that it is going to be an embarrassment? I am told that is what it is.

We must not forget that for \$11.7 million, the almost completed physical structure of the Dr. Hortor Hospital would have been completed. For \$16 million it would have been equipped. Let us count the numbers when this exercise is over. It will frighten everyone, I hope. It will shock the population of this country into understanding what happened to them when they elected a Government which really did promise to stop most things. And, indeed, they did—but how? Negativism affects their lives!

We have another loss, and that is in the Drug Rehabilitation effort. There are those persons in this House, and here prior, who said in every which way, shape, and form, that they support a drug rehabilitation institution in this country because we need it so badly. I agree, we need it extremely badly. It seems like the numbers are growing for those persons who are getting whacked-out on drugs, and conditions are changing so dramatically. Where we had one policeman who was all out to at least stem some of the usage, we hear now that he is leaving. So the druggies have won again!

In the meantime, victims of drug abuse are being piled up in this country. So many of them are young and have not even seen life yet. And, regrettably, so many older ones, who we figure know better, are also falling. So it is one thing wasting \$600,000 to buy the Hawley Estate, but having now bought it, one would believe that some effort would be made to do something about the buildings that are now falling into disrepair to wood lice, so that they can be used. The priorities of this Government are wrong.

If the Government is impotent to do what it should do, at least they could use money (and, surely, I would support it) to assist the church group associated with the Canaan Land effort. Many, if not most, drug rehabilitation programmes always have some church-related side to them in any event. These people, on their own, have gone out and gotten a structure underway, begging funds and so on. Help them, then. Work out a mutual programme between them and Government, but something needs to be done.

It does no good to strategically talk about it because if strategic planning was, indeed, the thing it is supposed to be, then it would be clear that it makes sense to do something to help the situation now.

The Speaker: Would this be a convenient time to take a suspension?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.33 AM

PROCEEDINGS RESUMED AT 12.02 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, when we took the suspension I was speaking on health services and drug rehabilitation. I dare say, that at some point the Government will get up and respond to what I have said. I suspect that response would be: "Oh, he was against building the hospital too." I would just like to take a few seconds to make clear what factually happened in that situation, that is, that I (in association then with the so-called Backbench) argued that we could not afford a hospital at that time.

I personally felt that it was possible to have built it on the present site, using steel frame, block structure. I believed that we should have let the health insurance, which was being brought by the then Minister, get into play before we entered into that situation that we could clearly show we could pay for it. I was also gravely misled into believing that one could not adequately engineer a hospital into an area that was originally swampy.

Since that time I have looked at Governor's Sound, Governor's Harbour, the place behind the 19-hole Hyatt, the whole lot, and I see that I was mistaken. That is not the real point I wish to make. The point I wish to make is that I stood and stated my position in this House but when, by majority, that motion passed, I saw that as the will of the people, the will of the majority.

When the Minister (who is now Minister for Social Services and who destroyed the opportunity for this country to have a hospital) wanted the House to breach the contract that was in place for that hospital, for this Honourable Legislature to withdraw, in effect, the guarantee, I was the first one to rise and say; "Not me." That is on the record. That was the finding of the Commissioner and I want that to stand for I may err (I am not perfect), but, surely, when I see the process taking place, I am also able to stand and support that system, which I certainly did.

I know now that it cannot be a question of the hospital being wrongly located, for at no time was it designed to have 1,000 patients and I have not heard of any of the present 'patients' (if I may so term them) having gotten drowned, or anything else, there; it has held up under the winds and the rains that we have had here in recent times.

So, I make clear to this Honourable House that that is now my clear understanding of the situation and I stand where I stood in not wishing Government for the first time in its history to withdraw its guarantee, to stop something such as this hospital, which has been done.

As I think of this and I look at the Estimates here, I do not see any figures at all for the 1993 medical services when it was the Health Services Authority. I wonder where the accounts for the Health Services Authority are? My information is that those accounts looked so

good that that is one of the reasons why they have not made it to the light of day. It would prove that even with less than a year of operation, that authority was functioning in a way that the Department of Health now should be functioning. I wonder where those accounts are, and I wonder where the numbers on the Master Health Care Facility are. Where are the drawings, and where are the numbers? I hear it is over \$30 million. Let the people know those things.

Surely, the former Minister for Health might now want to be remembered as being the Minister for Sports but I trust that the present Minister for Health will be imbued somewhere along the line to make it clear to all of his colleagues—because I imagine he knows the problems that are there—he is going to act, and act seriously and swiftly to change the situation now and not be led down any garden path by those who came before him and left him the destroyed situation.

Madam Speaker, sport is one thing; it is normally for healthy people, except for what exercise unhealthy people might have to do to regain their health. But, surely, the need for health and for education far outweighs immense expenditure for building effigies (monuments) to one's self.

Everyone wants a stadium. But the question is: Do we need one? I believe that we have adequate large-seating capability in West Bay, at the Ed Bush Sports Centre, and at the Middle School facility. I really do not see this country needing a stadium for 15,000 people. I do not really think that anyone would expect the whole population of Cayman to go to watch any particular game.

We have proper playing-fields with some seating capacity (bleachers) in each district for the youth to use for sports. If we have proper sports' programmes and a coordinator who will see that is happening, that is what we need at this present time.

I wish to speak on the matter of taxes. The National Team government went from one end of this Island to the other and to all of these Islands talking about the last Government and the fact that it supposedly taxed them so very much—taxes this, and taxes that. Well, I can truthfully say this about the last Government: they were the boldest and most hard-nosed when it came to a situation where they believed they needed to raise revenue, and they brought it in this House as a money bill and they took the beatings and the kicking and the pounding and accusations and everything that the then Backbenchers laid on them—day after day they got it.

What is true is that the last tax package of \$10 million (passed in 1992) went to raise revenue that this present Government is presently using. This Government said that for one thing it was going to take 25 cents off on duty for diesel. Where is it? Why do they not do it? They said they were looking at alcohol and tobacco and getting all sorts of representation from the hospitality industry with a view towards reducing it. Where is the reduction? The truth is, they cannot—where are they going to get the revenue? The last Government had the guts to come here and take the beating for doing it and they are now

enjoying the sweets.

They talk about taxes; last year there were taxes. How did that come about? Behind closed doors in Executive Council the government of the day brought taxes on the country in work permits. When you learned about it was when you went to pay. That is how they did taxes. And on taxes, Madam Speaker, I cannot fail to remind this House that the Financial Secretary, speaking on behalf of the elected Government, says that they wish to bring tax enhancements. But we know what has happened until now—we have not seen any tax bill. We are in effect being asked to approve these estimates here, which have built into them \$4.6 million in taxes and we do not know what those taxes are to be. Until this moment in time, we do not have the ability to see the tax bill that we can debate here in this House.

That is one of the reasons, Madam Speaker, I will not be voting for these Estimates. It will pass, but I will not be voting for it, for I believe that as a representative of the people I have the right to see any tax measures. In fact, it is the elected representatives of the people who have the right to bring about taxes—all of the elected representatives, not just the five on Executive Council. So I want to know where the \$4.6 million in taxes is supposed to come from and whether this Government is going to be making those taxes again in Executive Council and imposing them on the country. They need to tell this country because one thing with taxes, all of us feel the effects of those.

Where are the taxes going to be placed? Is it another closed door session where it will come out that such and such has been increased in taxes? Where is the bill to show this situation? It is not here.

As we are talking about Government finances, it also leads me to refer back briefly to the situation relating to Civil Servants where there is going to be an increase in contributions for their pensions.

Prior to the time of Mr. Ezzard Miller, the former Minister for Health, who had a study done and found out what it would really cost to fund it, and the Government of which he was a part increased the tax to pay an increase in the Civil Service, they in effect paid the Civil Service 4% that they took back. It was a known quantity.

Up until now, civil servants pay 4% deducted from salary and Government matches it with 4%. Now, the Government says that it is going to increase the amount that civil servants pay by 5% and the Government is going to increase its payments to 6%. There is one thing that I wish to point out about this little exercise, that is, civil servants are going to lose 1% of their salary. I do not know whether they were consulted on this. I do not know what their Association said or whatever, but that is a fact. They will lose 1% of their salary.

What else I wonder about at this time, is the fact that there was an actuarial assessment. Again, the former Minister, Mr. Ezzard Miller, got them down here and he made sure that every single one in this House and elsewhere got copies of the actuarial study that was done to determine if there should be an increase in these taxes and these revenues here. We have not seen it.

In fact, how far under-funded is the pension of civil servants? We should see that study, we should know who did it. Were tenders invited? That thing that the National Team Government talks so much about—'tendering to the private sector' and all the rest of it—was it tendered? If it was, we have not heard anything about it. Who did it? How did they arrive at it? Should the public not see this to know? Because it is the public who is affected: it is the public's money.

Civil Servants should be aware that prior to these times nothing was deducted from their salaries. This is something the public needs to know and should know. For whatever help it may be, I raise these points at this time.

Taxation is on its way—\$4.6 million worth of it and we do not know where it is going to be applied or how it is to be applied. That is the way taxes are applied by the Government of the day. So, when they begin to rail and talk about the taxes of the other Government, that is somewhat of a joke. Everybody was aware. Everybody paid, and the people are still waiting for tax discounts that they were supposedly going to deliver when they were elected.

The truth is, the National Team Government could not be spending the way they are if they did not have the benefit of those taxes from alcohol, tobacco, gasoline and diesel. They certainly could not have the benefit without those.

When it comes to their accounting and what they say and what is fact, there is considerable discrepancy because I am sure that all Members of this House must remember the claim that the country was broke. The country had no money but the first thing they could do in 1993 was to take \$8 million out of nothing in Treasury. It is remarkable—eight million dollars from nothing. It was not true. They took it out of the almost \$11 million that was left in reserves by the last Government.

Time never stops running and I have a few other remarks I wish to make. I wish to turn briefly to the Capital side of things.

I see that in the total for the coming year there is to be expended \$2,880,000. Within this amount is the construction of the Harquail by-pass road. Now, I do not for one minute believe that any road to by-pass Harquail leading to the Airport can be built for \$560,000. That is simply money that was put there and we will again hear, unlike what the Government said it would do, that we have to approve supplementary money for them to spend.

In the Elected Government's opening policy on finances, as presented in their behalf by the Financial Secretary in 1993, they said: **"The Government has observed that one of the main causes, if, indeed, not the main cause, has been the too frequent use of Supplementary Appropriations over the past three years."**

Talking about the last Government, it says in another part: **"However, while supplementary appropriations are a necessary backup mechanism, and may be inevitable in many cases, reliance on, and too fre-**

quent a use of this mechanism undermines the discipline necessary to restore budgetary balance and fiscal stability. To make this point more strongly, Madam Speaker, reliance on supplementary appropriations not only tends to encourage fiscal indiscipline in planning and preparing budgetary submissions, but together with too frequent a use of supplementary appropriations, these practices must be considered 'concealed time bombs' that threaten restoration of budgetary balance and ultimately fiscal stability."

Well, Madam Speaker, those time bombs have been exploding since 1993. They exploded this year too, like \$6 million worth of it. Those time bombs have gone off. One may attempt to create an impression that the electorate, or the business of facts and running Government is very different indeed. I think this year there has been nearly \$12 million in supplementary appropriation we had twice.

This is an exercise where this little amount is put in to cook that little figure there to make it appear that is all it is. It is not. Maybe it is \$2 million. Why not cost it and why not put it in? It would not make the estimates look good. While a by-pass road is being built for the West Bay traffic congestion, traffic congestion is being set up for everyone who lives east of Jose's Esso—children of a lesser God.

Beyond doubt, the Minister for Tourism said that road would be closed, immediately following the Minister for Education who said it would not be closed. No decision was taken to close it. The Minister for roads said nothing about it.

Mr. Roy Bodden: [laughter]

Mr. Gilbert A. McLean: Now, we hear from the Minister for Education that, indeed, the road is going to be closed and a \$1.5 million job it is.

That road is not going to help traffic from the east. It is going to back up that 7.30 traffic which now backs up to Savannah. It is going to back it up to Breakers and further on. Who would want to drive down Smith Road with the 21,000 cars moving on Smith Road that were not there before to turn around and drive back east to the airport gate to turn around and drive back west to go to meet the stop light by Graham's Esso?

It is a disaster. They should have extended that runway into the North Sound. That \$2 million or \$3 million should have gone to extend it into the North Sound.

What is certain is that no one is going to escape hearing about it. The first day that road is closed and the people from the eastern districts are coming west in this country to reach George Town they are going to remember, indeed.

I wonder if the plane flies over a particular section of road, if that road becomes the subject for the Minister for Education? I really do not believe so. That is the subject for the Minister for Agriculture, Communications and Works—inescapably, unless the Governor reassigns it. That is what is happening in the eastern districts versus

the by-pass road at the Harquail Theatre.

The other thing that I notice in this section of the Estimates is that there are two sections to this construction of roads. For on the construction of roads from local loans, we see number 8.10, construction of driveways in West Bay—which we will hear more about in due course—and construction of roads in private subdivisions in West Bay. That is shown here as revised amounts in 1994. If revised means changed, then that would be correct because no such funds were earmarked in the 1994 Budget. But, strange enough, there is nothing in these areas that is shown going on into 1995.

Now, I see also under this section, on page 375, that job being "**1405 Plan and design new private access drives and roads in other districts.**" I wish to point out that I do not wish to be any party to any situation where the Government is going to attempt to allocate public funds for private access or private driveways in my district. If there are roads which need to be paved, widened and straightened—and there are those—if they are gazetted in the proper fashion, fine. But, I will not become a party to any \$140,000 exercise for private driveways in other districts.

The Speaker: Honourable Member, that comes under anticipation. I think there is a matter coming up about that later on and you would have to refrain from debating that.

Mr. Gilbert A. McLean: No, Madam Speaker, I may have led the Chair to believe that, but I was referring to page 375, which has this amount for Planning and Design—new private access drives and roads in other district—an amount of \$140,000.

I was simply commenting that I wish to be no part of this part of the Budget.

The Speaker: All right. Thank you.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

The other thing that I noticed in this construction of roads is that there are block amounts for West Bay, \$400,000; for East End, \$400,000; George Town, \$400,000; Bodden Town, \$400,000; construction and repairs to various roads up in North Side, \$400,000; Cayman Brac and Little Cayman, \$320,000. The difficulty that I have with that is that if these amounts are simply left as block amounts and no specific road works are assigned for the money presented therein, then it means that someone in the Government Executive will determine how and where and which roads these are. That cannot be correct procedure, and it has never been that way. When the estimates come they can be clearly identified—10 roads in North Side, 10 in Cayman Brac, 40 in George Town, or whatever the case may be. So we are voting monies, as required under the Finance and Audit Law specific to certain undertakings.

This is a brand new situation here. So, again, I do not want to be any part of what is coming in as apparently some new deal as best as I can tell.

As one looks in these estimates, one can easily see

that pieces exist in one place and pieces in another. I wonder why. Purchase of lands: I see in the revised 1994, there is \$200,000 from local loans. Which land does this refer to? Is it the purchase of lands for the corridor that is supposed to go down at the Harquail Centre? I look and I see Sports Centres and Parks. What was approved in 1994 was \$712,000 and that was changed to \$2.4 million in 1994.

What is so alarming about this is that we are talking here about money. When it comes down to things like purchase of land, we are well aware of the situation in that regard—where sports and parks are concerned.

The most outstanding example at this time that should lead all Members of this House to caution is in another section of the Estimates page 359 showing the approved amount of \$800,000 for the purchase of lands. It was revised to \$3,043,150 and it is estimated for this year \$1 million.

I think it is prudent for all Members of this House to be aware of how things are placed in the Estimates and to wonder why. Seek explanations in Finance Committee. I trust I will not run into any road blocks there because the Minister will say that he has said enough about a particular thing that I, as a rightful Member do not have the right to call for any documentation, that the House at large can be privy to.

The example that I refer to is this situation at Spotts, where a sports facility, a stadium or centre, whatever it is called (it changes from time to time depending upon what is being said when and where). In that instance there, something seems to have gone seriously wrong in terms of value for money. It is a fact that one parcel there in that area, parcel 25B/494, was advertised for 476 days in the Cayman Islands Real Estate Brokers Listings and it was not sold. It was listed as 27 acres for \$315,000.

From October, Parcel 25B/431, directly across, was listed by Cambridge Real Estate for \$55,000, being 5.1 acres. Grand Cayman Golf Resorts was selling parcel 25B/469 for \$75,000, which worked out to \$8,999.50 per acre. Parcel 25B/495 was selling for \$50,000, which showed a value of \$6,925 per acre, for a total of \$125,000.

Now, Government agreed to purchase these parcels in June 1994 for \$584,350, when collectively it was being offered for \$125,000. That is 4.67 times higher than the price I quoted previously.

Crighton properties registered the property (25B/497) on June 20, 1994, for US\$140,000. On the same day it was sold to Government for \$880,850. That is approximately 7.67 times higher.

What I just said happens to be the painful facts. Anyone who chooses to go to the Land Registry, unless the records have been changed, for whatever reason (and I suspect not), it is all available to be seen. The other data is also available in the CIREBA Land Listing Records.

I do not blame people when they can sell something for one million, two million, or three million, and it is only worth one hundred thousand—that is the way free enterprise goes, sell it for as much as you can get. I wonder

what the situation is with this particular situation in the purchase of this land. As I said, in the Estimates it shows that \$800,000 was approved, the revised was \$3 million and the estimate for this year is \$1 million, plus there is \$200,000 shown in another section to come from local loans.

In the broadest sense, we are all Government here in that we are elected representatives of the people and we are dealing with the finances of the country. All does not appear to be well.

There has been money provided for capital works for Cayman Brac and Little Cayman. I am happy to see that. I have not been privileged to know what the intention is with these block amounts, as there is no indication here. What I would say, if, indeed, \$320,000 is spent in Cayman Brac and Little Cayman, is that it will have a kind of effect in that small community that maybe \$800,000 would in Grand Cayman. It would mean some business in terms of material sales and certainly it would provide some employment for the labour force there.

I hope that it does come about and I trust that the Government might condescend, even if it is by the furthest stretch of the imagination, to ask me, or at least my colleague, if he has any ideas about which roads might be the greatest priority.

Madam Speaker, to support what I said earlier in reference to Health Care Facilities, according to the Estimate in the coming year the Government proposes improvements at George Town Hospital to a total of \$1,257,349; in 1996 \$6,075,751. Again, what these improvements are we have not been privileged to. I contend that we should be. If not me, take it to the television station and let the people of the country see it then. But we should know. The Government should stop holding this Master Facilities Plan we hear about and let the people know what the numbers are and what it is supposed to be.

In coming to the end of my remarks, I see much in this Budget that we need to concern ourselves with. Of course, among those things are matters that I have raised: the question of the purchase of land; the question of roads where almost \$3 million are applied; the fact that we do not know where these roads are; the fact that according to the explanatory notes here, monies may be allocated to purposes which have never been Government's policy—the design and planning of private driveways. I do not understand that at all.

On that principle I simply make the point: Were it possible that the Government, any government, could provide the money to fix the driveways of private homes, how wonderful it would be. But it cannot. . . . and from the time the Government does one, two, half a dozen, 15, 41...

Hon. W. McKeeva Bush: *[interjecting]* You should know because you got more than anybody else. Or have you forgotten?

Mr. Gilbert A. McLean: Madam Speaker, I do not know what the Minister is talking about, but I am sure he does

and he will tell us when he gets up to speak.

Hon. W. McKeeva Bush: Oh yes.

Mr. Gilbert A. McLean: The basic principle is that if it is done for some, then every citizen of this country has the same unquestionable right to expect it to be done for them.

Hon. W. McKeeva Bush: It will be done for them.

Mr. Gilbert A. McLean: This Budget, as it stands, increases taxes to \$4.6 million, which we do not know about. It increases the public debt this year to \$54.6 million. In 1992 it was \$40.8 million which is a tremendous increase over that period of time.

This Budget sees the reduction of the National Reserves by almost 75% during the same period and Cayman Airways continues to take money—\$2 million-odd more recapitalisation, \$4 million-odd more as subsidy and there still seems to be considerable uncertainty about its future.

Civil Servants will be losing 1% of their salary that they were not losing before, and there are many areas here in these Estimates that are open to question. I trust some answers will be forthcoming, but as it presently stands I would not support these particular estimates as I see them and understand them to be. I will have an opportunity in the Finance Committee to vote by subhead where I can support or not support.

Thank you, Madam Speaker.

The Speaker: Proceedings will now be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.32 PM

The Speaker: Please be seated.

Debate continues on the Appropriation Bill. The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Thank you, Madam Speaker.

I would first like to welcome the Honourable Chief Secretary, our Honourable First Official Member, to this Honourable House, and to pledge to him support and assistance as he sits in this House as well as in the Executive Council and Government. It is very good to have a very capable person, again, in that position.

The Budget presented by the Honourable Third Official Member, our Financial Secretary, is indeed an extremely good Budget. I would like to congratulate him and his staff for producing this Budget. It is so good that it has baffled the Second Elected Member for Cayman Brac and Little Cayman to such an extent that in his debate he started to use the words "the apparent position", or the "alleged position", because if you look at the Budget, the true position is very clearly set out.

This is the first time in many, many years that this

country has seen a Budget that is balanced. That is very clearly shown where you have a situation that until the Budget last year was not existent for many years before. The recurrent expenditure when deducted from the recurrent revenue shows a current surplus of \$13,364,000 (table 2(b)). This was elaborated on in the Budget Address.

This is a very good position because there is sufficient revenue on the recurrent side to produce \$13 million which can be used in relation to capital expenditure. I am certain that that is the largest current surplus that this country has seen with the exception of one year when I was in Government previously.

What is important is simply this: It is the equivalent of a person receiving a certain amount of income and having a surplus left. In other words, spending much less than what they are making so that they have money to set aside to use for capital purposes, such as to buy a house or office or that sort of thing. It is very different from what we saw in the immediate past, where all of the capital expenditure in the country was borrowed. In other words, we are living within our means. This is something that did not happen under the previous two governments.

The small amount of borrowings that are in here are brought forward from loans that were approved and committed for 1994 which cannot be spent. In fact, some of that relates to two of the school buildings that will only be partially finished this year.

So, the Budget is a very prudent Budget; it is one in which Government is living within its means; and it is one which has to be looked at by people in the financial sector as being a total turn around for the economy of this country.

It is not that this Government cannot borrow money if it wishes to. When we came in two years ago, the Government could not borrow money because nobody will lend money to a person, or a government, who is squandering and going over its budget and wasting money. That is different this time—we have a surplus for the second year running, and that surplus covers a very substantial part of our capital. It is like building a house out of the money you are making in your salary, rather than borrowing it over a period of time, and \$13.364 million is coming out of the recurrent revenue as a surplus, and will be going into capital works, which are assets that the country will own. That is what baffles the Opposition to this Budget.

But, as we know, their duty is to try to put things into the worst light. In this instance we heard statements like the "apparent" position, whereas if we look and see what the true position is, the Budget itself is an extremely good one.

We have taken this country from a stage of economic depression, from a stage of economic recession, back into an economic boom. With this Budget the country is now poised to go into very good financial times. This is what the people of this country want to see. They want to see a Government that manages and lives within its means. The means are the means of the people; when it is squandered and wasted, then it is the people who suffer as a result.

The containment of expenditure is an important aspect. Indeed, it is more important, perhaps, than increasing the revenue. In these areas we have been very successful in so doing.

What has contributed to that success has been the ability and, more importantly, the discipline in the Legislature itself—the National Team seeing that the country's finances are properly run. It is well known that where a country borrows, and borrows, and borrows... and, Madam Speaker, we have about \$140 million of debt that we are just now beginning to repay that this Government did not borrow. The heavy payments that we are now making are also shown on table 2(b)) of the Statutory Expenditure (\$15.2 million) of which approximately \$12 million plus is on the repayment of loans from the past.

Because of the inability and the lack of living within one's means and the squandering of the public's money, we now have these massive loans. I stress once again that this Budget is going forward and the small amount of loans shown for this year are actually a carry-over of some projects from the previous year. I would like to come back to that in more detail, but I would like to now go on to correct a half-truth that was put forward just a few hours ago by The Second Elected Member for Cayman Brac and Little Cayman. The Member responsible for this will further elaborate, I am sure.

The press has a funny way of putting forward only one side when it suits them and when they can make a little bit of money. I have a very interesting quotation that I will pass on for what it is worth. It comes from The Wall Street Journal, 8th of November, at page 1. It is a statement made by a man named Conrad Black. He is referred to in this as a press baron, who lists the *Caymanian Compass* as one of the companies within his holding company. The article states: **"London: 'My experienced journalist', Conrad Black once wrote, 'authorises me to record that a very large number of them are ignorant, lazy, opinionated, intellectually dishonest and inadequately supervised.'"**

I thought that somewhat funny because on page 10 it lists the *Caymanian Compass* as one of the companies that he owns. [*Members' laughter*] I am not saying that I hold that view, and I would just like to make that very clear. But on page 10 it says: **"Most of these publications are small and cater to local taste. The *Caymanian Compass* in the Cayman Islands has a 'Bathing suit' issue every week."**

Having said that, I will go on to deal with what the Second Elected Member for Cayman Brac and Little Cayman spent some time on.

It is written by one of those journalists (who was referred to by the owner in that statement that I just read), Mr. Rick Catlin. He wrote an article on the sports complex land purchase and he made all sorts of statements which the used-to-be a teacher or professor (whatever the Second Elected Member for Cayman Brac and Little Cayman calls himself), has adopted. What is very clear is that the article is a half-truth. That is the most dangerous and vicious sort of lie you can have because it gives a bit of the truth but does not tell everything.

What they did not tell was that the transfer of a parcel of the land that was referred to as \$100,000, \$500,000, \$600,000—whatever—that was purchased, or agreed to be purchased by Government—the newspaper, as well as the Second Elected Member for Cayman Brac and Little Cayman stated was transferred in June of 1994. What they did not tell the public was that that had been purchased under an instalment agreement on March 8th, 1989. It was a 1989 purchase. That is why the price of the land was less in 1989 than it is now. It just goes to show you—because there are two stages to a transaction, the contract and the transfer of land—they chose only to take the transfer of land because it would make it look worse. All right?

We have a situation where that has now been taken out of context, first by Mr. Catlin, and then repeated by The Second Elected Member for Cayman Brac and Little Cayman. What is also very funny in this is that Mr. Catlin is relying on a broker who has no name. Throughout this there is reference to a broker who has valued this and valued that, but he has no name. I suggest that he made this up, as he has done on so many other things towards Cayman Airways. The man has a fantastic imagination for producing half-truths.

As I said before, nothing is as dangerous as a half-truth because one looks at it and says, 'yes, there was a land transfer in June for "X" amount of dollars', but they do not say it was a piece of land purchased five or six years ago when prices were lower than they are now. It is not unusual for people in this country to enter into a contract on a purchase/instalment basis (as do many Caymanians), and they do not take the transfer until five years—and I have seen some go up to 10 years, later. Obviously, the price of the land 10 years before is a lot less than the price of the land now. That is one of the half-truths.

The second one is that this has been checked out officially and what is very clear is that if either Mr. Catlin or the Second Elected Member for Cayman Brac and Little Cayman had taken the time to inspect the type of land, they would see that there is a difference between the property that is compared in the newspaper—which is underwater, or, to use the official phrase, it is "perpetually flooded", which basically means it is a lot of swamp—compared to land which is dry land and good land in the area.

In the article itself, Mr. Catlin quotes past private sales—and this is very amusing because I can see why Mr. Black (the owner) made that reference to journalists—he quotes past sales of block 25A, parcel 175, at \$50,000 per acre. We remember that Government is purchasing at \$38,000 per acre. He quotes another parcel 498, which the Land Registry says that number does not exist, but he quotes it at \$120,000 per acre. It is all here in his newspaper. He then goes on and quotes another one at \$45,000 per acre, parcel 506. This is very clearly set out here.

Also in his article he has stated that land in the vicinity has been sold by much more per acre—some of it nearly four times the amount, \$120,000, when you multi-

ply the fact that .275 of an acre, which here in the fourth column gave a worth of \$30,000.

I think another aspect of this is that the Government is not paying cash for this land, the land is being transferred to the Government and it is financed over five years at 3% interest per annum—3%—which is undoubtedly different from a situation where full cash is paid up front.

One last thing on this is that even more ridiculous is his calculation of the Cascades subdivision lots at \$79,000 per acre. What I am quoting here is what I have been given as a professional valuation. According to Government's information that is incorrect, and the lots are generally 19,500—20,000 square feet and sell for \$70,000 upward per lot. This equates to approximately \$155,000 per acre, which is twice the figure that Mr. Catlin quoted in his article. He is so misguided in what he is doing that I am really amazed that someone we expect better of, would pick it up and quote it in this Honourable House.

So, I hope that this will now rest as it is. Swamp was bought beside the Civic Centre by the First Elected Member for Bodden Town at quite a price. So swamp is bought elsewhere, but this was not all swamp.

POINT OF ORDER

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, Honourable Member?

Mr. Roy Bodden: The Honourable Minister is deliberately misleading the House. I bought no swamp beside the Civic Centre in Bodden Town.

Hon. Truman M. Bodden: Madam Speaker, I withdraw what I said. He asked that it be bought—same thing.

The Speaker: He had a Point of Order. The Member has now withdrawn that.

Proceed, Honourable Minister.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

This is a storm in a teacup. It is just another way that the Leader of the Opposition, as he appears to be, and his single follower are trying to disrupt the country and the Government and to stop the youth of this country. This is what is so important, they are trying to stop the youth of this country from getting the benefits from sports and other matters that could keep them off drugs and the streets and out of other things. What a thing to attack! I could see if... and I should be careful here, I really cannot say the First Elected Member for Bodden Town is going to attack this. I should say the Second Elected Member for Cayman Brac and Little Cayman because, while I know that one follows closely behind the other in certain matters, I do not want to anticipate the position there.

[Interjection:] You'd better not!

Hon. Truman M. Bodden: Here we have a situation with the Member for Cayman Brac and Little Cayman trying to stop something which could assist the youth of this country. He should, quite frankly, level it at other areas.

I am not saying that we should not be criticised in certain areas, but the one area where I think we definitely have shown that we are very much aware, and the Minister for Youth Affairs is very much interested in seeing that the youth of this country get what they have not been getting for the last decade or so, and that is, a fair shake at good facilities that will assist them.

We have had other areas that the Second Elected Member for Cayman Brac and Little Cayman went into and one of them was the Post Office in George Town. I was very interested to see the way that through implication he basically destroyed Mr. Linford Pierson who was responsible for the Post Office and I endorse what the Second Elected Member for Cayman Brac and Little Cayman said. That Post Office in George Town was the most dismal, rundown place that I have ever seen. Basically this was the implication he made.

The new Member, the Honourable Minister for Agriculture, Communication and Works, has now got it pulled out of that dismal stage. Mr. Linford Pierson kept it in darkness, as he kept this country and other areas of his Portfolio. This was left to a stage where trying to actually upgrade that Post Office has taken vast sums of money. It was left in that state while money was wasted in other areas, such as looking in the Budget and the comparative, some of which go back to 1991, that related to the Master Ground Transportation Plan and the other systems which laboured on until a couple of years ago where this money was put.

Actually, the \$900,000+ spent on a quarter of a mile of road was money that could well have gone to sports for the youth of this country—referring to the Dr. Roy's Road, which is probably the most expensive road that this country has ever seen.

The tone of this Budget is to get back to reality because it is unrealistic to believe that we can build roads 120 feet wide that are super highways, with another road running beside it because you cannot come on and off except for every two miles. To have run the country in debt to the extent it has been run . . . and this is just the comparisons that are in the Budget. The money that was being spent there was ultimately going to commit this country to \$200 million for a Master Ground Transportation system. Our system on the roads is realistic. We have said to Public Works that there are areas where two lanes in a road is sufficient—why build four or six—and I guess 120 feet would have built probably eight lanes. What in the world would we have done with it?

We understand about living within our means. We are phasing in what we do, rather than trying to do it all at one time. What was very interesting was that all the money disappeared and there is nothing to show for it other than a lot of reports from experts which are just gathering dust on the shelves that were left by the last

two governments.

Madam Speaker, reference has been made to roads and this, once again, has come out in the debate and also in the Budget. More recently there was some criticism in the New Caymanian that dealt with the traffic problem and these situations. Indeed, the Second Elected Member for Cayman Brac and Little Cayman dealt with the problem of the traffic in George Town.

Of course, there is traffic in George Town and in The New Caymanian of 28th October, Mrs. Bridget Lott-McPartland spent some time talking about the roads and the traffic in a letter which looks to me like it has the type of political penmanship she is not capable of. Of course there is a traffic problem: it was left in this country by Mr. Linford Pierson.

[Interjection: by a Member: Hear, hear!]

Hon. Truman M. Bodden: Instead of repairing the roads and phasing it like we are doing, he spent \$1 million on a quarter mile of road he named Dr. Roy's Road. Only Dr. Roy could have afforded it because I do not know how many dollars per square foot it is. I have the utmost respect for Dr. Roy, but, quite frankly, I think his name could have been put on something better.

The criticism on traffic. . . and I am going to deal with roads in our own district, is a direct criticism by Bridget of the Member who sat by for four years and did nothing. When we asked how much it would take to repair the roads—just repair them, not build new roads—in Grand Cayman, we were told \$10 million. That is where the problem arose. All I can say is that one catches a tinge of the company one keeps and perhaps one's letters have the slant of the company one keeps, as we saw a certain two-some in the Gallery on the Budget day.

This is a clear example, a clear criticism, I think, both this letter and the Second Elected Member for Cayman Brac and Little Cayman when he talks about traffic. Yes, traffic is a problem. We have done a lot with it, and I am going to list what it is, but it was left by the last Government, specifically by Mr. Linford Pierson who failed as badly with roads as he failed with that Post Office in George Town that was so appropriately described by his colleague, the Second Elected Member for Cayman Brac and Little Cayman.

On the question of land valuation and land purchases and spending money, when hundreds and hundreds of acres of Government's land was turned into a 99-year lease (from about a 55-year lease), for \$1 million, and \$1 million paid over 10 years with no interest, Madam Speaker, that is what I would refer to as financial rape of the country. A piece of land which was admittedly worth some \$100 million for a matter of \$2 million—\$1 million of it over 10 years was given back to a full lease of 99 years. That type of valuation is what the Second Elected Member for Cayman Brac and Little Cayman, and his friend, Mr. Linford Pierson who masterminded that upgrading of the lease, should look at.

I do not know whether I need to remind the Member about the water contract and their issues of water—

about \$4 million—that there was an extension of about \$7 million to it without going out to public tender. The contracts were signed by the Minister of that day (relating to the Motorola and the communications equipment), without the authority of the Finance Committee. These are things that one does not find happening in this day and age.

Whenever one has to look and criticise, I believe that there is so much that was done in this area that was just a simple squandering of the public's money by the previous Government, specifically the two masterminds of it, Mr. Ezzard Miller and Mr. Linford Pierson. We do not now have instances of drugs missing from the pharmacy as existed in the days when Mr. Miller was a pharmacist in Government, nor the large consultancy fees that were paid out by him to Mr. Conti and others during his short period in Government before he was rudely ejected by the North Side electorate, and quite rightly, they put a very capable lady Member in his place and may she remain there for ever and ever.

Turning to the question of the districts, I would like to just state some of the things that have been done in George Town in relation to the road works. The road shoulders in the White Hall area, the shoulders on the North Church Street/South Church Street/North Sound Road have all been done. We have put the third lane in the West Bay Road leading from the Treasure Island up to the old Pageant Beach area which has helped traffic. With all of the ingenuity of the last Government, they were not capable of painting a third white line on that West Bay Road. We have completed road surfacing from Caribbean Utilities Company, Ltd., to the North Sound Bacadere; we have completed a certain amount of repairs on the roads in the South Church Street and the South Sound area; we have done the surfacing of a parking lot by the jetty on the South Sound Road. By the way, these are all works that were requested by the George Town Members which we felt were important enough to be done.

There was marl patching on the Middle School Dyke Road, and this is in line under the Budget to be upgraded so that people will be able to go in at Bob Thompson Way and they will be able to come out (as they do now) at the Middle School and be able to reach the other schools in the area. There was some re-sealing and patching in certain other areas. I do not want to go fully through all of these, but there were repairs to Shedden Road, Mary Street, Eastern Avenue and Walkers Road. Shoulders were also repaired on Elgin Avenue, Hospital Road; there was a further re-construction with marl to what I refer to as the Middle School Dyke Road; and there was also an old hot mix seal programme on Eastern Avenue for approximately one mile.

Also, going on now—and I know this has come under a bit of comment—the Minister for works is dealing with the road that circumvents the left side of the Airport and I would like to just point out that anyone driving on the old road that now goes to the west of the Airport will find that it is probably one of the worst pieces of road. In fact the whole of Crewe Road is very bad and would have

needed redoing in any event. I would like to go on record as thanking the Honourable Minister for Agriculture, Communications and Works for all the help that he has given. I really must say that within the last three months, Public Works has done more works for us than they have done in the past two years. What they did in other areas I am not commenting on.

I would like to thank them again for what they did in getting through the school building within the four-month period, substantially within the Budget, and without any extensions. Also for the refurbishing and rebuilding of the other school building at the Middle School and the Campbell Building. When a certain other document comes to this House, there are going to be some comments relating to the valuation of the Campbell Building. So, if the Second Elected Member for Cayman Brac and Little Cayman would like to see how it used to be done, let him look at that document and comment on that when it finally shows up—not that it has not been in this House, not that it is irrelevant, because we paid last year to strengthen that building (because it was unsafe). But that was not bought for \$38,000 an acre, I can assure him of that. The real estate commission was far more than that probably.

In relation to the schools, I would like to thank all who participated in the strategic planning. We have had a cross section of some 300 people who took part in it. It was really good to see the process of strategic planning in operation and so many people giving of their valuable time. That is why I was very surprised to hear that there had been criticism on television by the First Elected Member for Bodden Town. That was followed by further criticism in the *Newstar*, which is partly owned by the gentleman, Mr. Black (who said all the nice things about the journalists).

Why I am amazed that that Member criticised strategic planning, is because in a very nice letter (which I appreciated), he wrote to me dated November 23, 1993 I appreciated it, I would just like to quote paragraph 3 of it in which that First Elected Member for Bodden Town said: **"The choice of strategic planning, while not new to educational administration, was, in my opinion, timely and relevant to the Caymanian educational establishment."**

Oh, how being an Opposition Member tends to let one forget the real nice relevant statements one makes when one scuffles to find criticism on something that one previously endorsed in such a very full way. He said that "in his opinion, it was timely and relevant." How in the world, a short time later, it has become irrelevant, I do not understand.

In one of the first publications of the *Newstar*, under the new ownership, on the cover appears Mr. Desmond Seales, which I guess... Well, I will not comment on that... One can wonder what the contents will hold. On page 13, there is an article that we were not told about, or the Minister for Health and I could have prepared a timely reply to it. But it is written by a Henry Mintzberg, who is apparently a Professor at McGill University. He is making comments on things, like, 'General Electric and Texas Instruments did not use this.'

The idea of strategic planning, which the First Elected Member for Bodden Town and I fully agree on, is a very good thing, is one in which it cannot be applied to every private company and every situation. What makes it good when used in relation to health, drugs and education, is that it involves a very large cross section of the public—200 or 300 people are involved and they give their input.

The result is a document which is about as perfect and complete as one can get. It has been arrived at because the Ministers have been prepared not to hold on to power the way the last government did—especially Mr. Miller and Mr. Pierson. They are prepared to put it back where it should be—with the people; with the school teachers; people in commerce and private industry—and ask them what they would like to see. Few politicians would do that, but The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation and I have been prepared to do it. I would have thought that that would have been a very sensible and acceptable thing.

The comments made in this article by Mr. Mintzberg who, by the way, is a professor and obviously has never sat in the seat of management, and does not understand what it is all about. This is a man (as we have heard from the two Opposition Members in this House) who comes up with a lot of theories, but the theories are not really based on experience. If he had been the Chairman of General Electric and commented on General Electric, I would have taken that as carrying some weight. But anyone can sit and write a lot of theories, which is what he is doing. He has been a professor and has never really been in the real world.

Of course, if I owned General Electric, I would not go out to the public and ask what I should do. If I were that smart, I would make my decisions and move on. But it is a private company: so are the other companies that he refers to. He goes on to state the way they operate. Of course it is different from what we do: they deal with their money, we are dealing with the public's money. We are dealing with services which affect the public as a whole.

Texas Instruments produces computers. That does not affect everyone in every aspect of his life. That is why I would ask the public to just disregard this because this is just another hurdle that is being put in the way of trying to do something for the youth of this country. The test of this is going to be in the eating—we will show that these will be the three best plans that this country will have ever seen because it will be exposed to the public at large when we finish.

I fully support what the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation is doing. I stand fully behind him. I am satisfied. I am a fellow of the British Institute of Management so I am not unqualified in management. Unlike Mr. Martin's professor, I have been in the seat of having the practical experience and looking at a sizeable organisation. I would not apply it to a large organisation I am a director on either. But, to what we are doing, it is very relevant.

With all the criticism levelled at education, I would think that once again the tests are really in the results.

Look at the Caribbean Examination Council's results. I hope that the First Elected Member for Bodden Town will get up and say how good they are because they are really fantastic. If the Government is doing what is wrong, then why are the results so good? The public is not stupid. What I found interesting is that at the stage where we have had extremely good results in the school, there is a *Sunday Gleaner* report of October 23, 1994, for Jamaica, headed "What Went Wrong? School's Baffled by CXE Failures."

What I want to point out here is perhaps (and I say perhaps, not just singling out Jamaica) in other countries the reason why failures are so high is because they have a lot of theorists, like the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, who are incapable of having the hands-on experience and ability to run the system. To be frank those two have been out of teaching—one for about 12 years and the other for about 20, and they are defunct in that area. So, one has to think very carefully before one ends up accepting theories which they put forward.

In these other countries, a lot of theories have been put forward but the results actually come where one can see the children passing tests and where one sees things moving on.

I would like to thank all of those involved in strategic planning. We have had very good help and assistance from the public. I think that what we have is going to be very good.

Why I referred to the question of being defunct, is because on the 15th of September, 1994, I made a statement to the Second Elected Member for Cayman Brac and Little Cayman in a supplementary to a question, saying: "**Madam Speaker, the largest entries for examinations are, naturally, on the Caribbean Examinations Council. Advanced level is Cambridge and Welsh Joint.**" And it goes on—"Mr. Gilbert A. Mclean: "**Madam Speaker, I did not quite understand what he said. I think he said something about Welsh Joint. Are we talking about the GCSE examinations here, or is there another type? I did not quite get his...**"

I then said: "**No, Madam Speaker. It is a Welsh Joint Education Council.**"

It goes to show that I, at least, know what exams are current because these have come into operation within the last 20 years, since that Member went out of the teaching profession. I am only going into this because of the comments that they are making on the other side, to show that they are out of touch with the education system of this country. They are coming up with nothing but theory—the same as the gentleman in the *Newstar* on strategic planning. The Welsh Joint Council Exams are very much current, they have been current for about the last 10 to 12 years in our schools.

Anyone who is good at his profession stays in it. I will not say anymore than that in relation to...

[Inaudible interjection]

Hon. Truman M. Bodden: *[addressing the voice inter-*

jecting from across the floor] In reply to whatever comments the Member has made, I have been a lawyer for 25 years, and I practice as a lawyer, and I am still a professional lawyer. I challenge the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little Cayman to tell the public in due course how long they have been out of the education system. When did they last work inside of a classroom? They are now trying to tell me how to run the education system where I am getting extremely good results. I am not a defunct lawyer, I will say that.

No, Madam Speaker. I think that the reason why some of the education results in the other islands were never good is because of some theorists who never made a go of it in their private lives or in their professional lives, and are producing theories that are really messing up the education systems elsewhere, and I am only speaking generally here.

Going on further with education, I have tried to do as much as I can to ensure . . . and, indeed, we have improved the system in relation to maintenance and minor works in the schools. Most of the things scheduled for this year which the principals and Members of this House had asked to be done have been done and I thank Public Works for that.

There were some orders of books where two of the companies went bankrupt and there were delays. That is being cleared as quickly as we can. At present about 95% to 98% of the books and equipment are here. There has been upgrading of computers and equipment generally, and the phases in relation to the West Bay and Red Bay Primary schools will be moving on. The George Hicks Phase has been completed.

One of the things that I would like to see this coming year—and I think the figure in the Budget for it is approximately \$50,000—is now that we have assisted many of the schools with getting buses, that the bus shelters I have asked for will be going up in this coming year. This will assist the children when we have inclement weather.

We have good teaching staff and very tolerant staff within the Education Department who sit down and spend hours, sometimes days, researching and trying to produce the information that the two Opposition Members ask for in relation to the schools. Several of the questions are coming up in this sitting. What I would say on that is that there has to be some sense of how much time the education system or Cayman Airways should waste on questions which seem irrelevant, like asking how many passengers we have carried in 10 years. I do not see the relevance of some of these, but I just ask the Members, even though they are running out of questions, to try to ask something which is sensible which does not waste too much of my Education Department's time.

Madam Speaker, I can never thank the Minister for Agriculture and Works enough for the many lights he has put up in George Town. He has really done a good job and it has helped [deter] crime. He has put them all over the Island, but especially in relation to George Town.

The time, effort and money that the Honourable Minister responsible for Community Development, Sports,

Youth Affairs and Culture has assisted us with in the sports in George Town and all over the Island, I think is really excellent.

There will always be criticism—you cannot do good work unless you spend some money. I think this is a realistic approach, but his heart is in it and I look forward to the day when we can have further proper football fields, soft ball and the other 15 or 20 different fields. I refer to those two mainly because of the use of the school fields for it and I am very grateful to the Ministry. Previous Governments were very happy to do this as well, but I think that in due course they should have their own fields and that those adjoining, like the Annex or those in the Middle School, could be dedicated to the schools themselves.

Madam Speaker, the cost of buildings, building roads and whatever, could never match the \$400 a square foot that the Post Office Building in North Side cost. I am at a loss to really see what explanation could be given by the Second Elected Member for Cayman Brac and Little Cayman, who is obviously the expert of the two in square footages and costs; or maybe he could consult Mr. Ezzard, who came up with that little building at that very large price.

I would like to turn briefly to the Airport and the Civil Aviation Authority. That has operated very well. As Members can see it has a very good surplus, it contributes quite heavily to Government. While I am against statutory corporations with a lot of power, such as the Hospital Authority that we dismantled, because I believe that sometimes that power is abused and has been abused in the past, the Civil Aviation is a quasi type of statutory corporation because it is one of the older ones that does not have the power, a lot of what exists there is vested in the Government. That is why I think it has made money and it has run well. I would like to thank the staff and especially the director of Civil Aviation, Mr. Sheldon Hislop, who has really been exemplary in producing a well-run, profitable, efficient, safe airport and air traffic.

Notwithstanding the bit of criticism on the roads surrounding the airport, I know the press got somewhat frustrated because neither the committee nor myself would speak to them when we were negotiating, but we never could have achieved a settlement if the press had been involved. As Mr. Black said, some of those journalists are just as he described them—some words that I need not even try to remember they were a little bit big for me.

Perhaps the area that I would like to see dealt with are two safety areas: one was the road, which I think we are getting in place now and all of the flights will be able to use it. There is also the deal with the Little Cayman Airport, which has been put off for 25 years. We need to get it upgraded where it is, or arrange for somewhere else so it can be lengthened and made more safe than it is at present.

Having said that, and despite that there will always be problems in the Airport because there are four or five other departments—Customs, Immigration, Civil Aviation, Security, the Airlines—it runs very well. I am very grateful to the Civil Aviation Authority and I would like to thank all the members of that authority as well as all members of

their transport authority, both of which do a lot of work and sit for long hours.

There has been some criticism levelled at tourism by the Second Elected Member for Cayman Brac and Little Cayman, criticising the fact that there is another hotel being built. But this Government has been capable of getting another hotel, that is something the previous Government was not able to do. All I would say to the public is that tourism in some of the other islands has been destroyed by taking the approach that tourism is bad for the country—the socialists, the communists . . . I remember specifically a Minister for Tourism, 10 or 12 years ago, going to a conference in Miami and specifically saying that new hotels were bad and tourism was bad.

When the Second Elected Member for Cayman Brac and Little Cayman gets all this money for Cayman Brac that the District Commissioner will not spend and just sits there while the Cayman Brackers go without jobs, it comes from tourism. It is the main pillar of our economy and there has to be controlled expansion. Yes, we are going to get some side effects with it, but overall, the economy has to continue to expand. I think we should wipe away socialist fantasies because Russia is gone, the Soviet Block is gone. They were the people who said no capitalism, no tourism, no large hotels, no this no that. So, let us get back to capitalistic reality and forget about socialistic fantasies.

It is good that we have been able to see money put in for the extension to the Court House as well as to begin a new Court House. I agree with the Second Elected Member for Cayman Brac and Little Cayman in his criticism of the fact that something needs to be done in that area, the same as he criticised the Post Office in George Town and implied that Mr. Linford Pierson had left the place in shambles.

The Court House itself needs to be expanded, it is too small. It was built 20 years ago when there were two courts, there are now sometimes six courts sitting and I fully support the Honourable Attorney General, the Second Official Member, in his efforts to upgrade that and to upgrade the system.

The Speaker: Would this be an opportunity to take the suspension?

Hon. Truman M. Boddien: Yes, Ma'am.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.46 PM

PROCEEDINGS RESUMED AT 4.06 PM

The Speaker: Please be seated.

The Honourable Minister for Education and Aviation, continuing the debate.

Hon. Truman M. Boddien: Thank you, Madam Speaker.

The Community College has functioned and expanded and developed and is now offering more and more courses and subjects while continuing with the adult education that it started sometime ago.

The College itself operates under a Board of Governors and I would like to express my appreciation to them, and also to the Director, Mr. Basdeo, for his continuing effort and ability in expanding the College.

We are now planning on getting accreditation for the College over a period of time from different colleges in the United States, Canada and the United Kingdom so that within a few years we should have sufficient accreditation from the different colleges or universities elsewhere so that we can begin giving Associate Degrees.

Until that time comes, students still have to go abroad at a very large expense to do degrees which in due course, in two years, can be done in the Cayman Islands then that will be an asset to the country. It is not beyond the realm of possibility because we have seen with the Law School, which I am extremely proud of, the expertise and technical ability within the country to produce a very good institution of higher learning with very high standards.

One of the things that has always baffled people, both educationalists within the Caribbean and in the United Kingdom (when we were over there discussing, for example, with the University of Cambridge Overseas Examination Syndicate, the question of external exams), is how we have managed in this small country to produce such a very high standard in what has been referred to as possibly the third oldest profession in the world—the legal profession. The standard is high, to the extent that it now offers the Honours Bachelor of Laws Degree from the University of Liverpool. That speaks for itself.

I know that we have the ability to also get the accreditation we need for the Community College. I believe that the success we have shown with the College thus far, within a few years we would be able to do the Associate of Arts Degree and then students can go on for another year or two (depending upon the degree they are taking) to universities that will accept two years of accreditation.

We have also completed to a large extent, the next phase of the Community College and I am hoping that in this coming year we may see the beginning of a road from Walkers Road going into the College itself which would ease traffic in the area. The College is run very efficiently from a monetary point of view, and the Director exercises very careful and prudent control over the funds that are there.

Linked to this, and to education overall, is the Education Council. I have worked with the members—in fact, most of them were appointed by the last Government, as were the members of the Community College—and the continuity of it is important. I have worked with them and have found them to be very able and capable. They have given a lot of very good advice and dealt with some very difficult areas of education—discipline within the school system, of looking at aspects that may be going wrong. We spend many long hours in there trying to ensure that the education system is dealt with in a timely and efficient manner.

The Budget this year is one that the silent majority (as one letter referred to them) will clearly understand because of the prudence in spending—the restraint on spending that is in it. While we have had very extraordinary expenses, such as the heavy payments that have had to be made in relation to the Cuban refugees, we have been fortunate, thank God, that the country has been able to produce sufficient revenue to still show a very good position.

The system itself that we are now putting in place relating to expenditure and the reduction of [loans]—in fact no new loans will be coming out this year, is extremely important. We have found that on the offshore side there have been very good and efficient policies brought in by the Third Official Member—our Financial Secretary. He has outlined in the Budget the his-

tory which has led up to this, much of which was begun by the present Minister of Tourism and the groundwork laid many, many years ago, back in the 1980s, before that by his predecessor, Sir Vassel Johnson.

I think our Financial Secretary has taken the right approach and we cannot sit by and expect the offshore business to continue without the necessary motion that is needed to ensure that we hold on to the very important market area that we have. The consistent upgrading of the laws, which I know has many times put the Second Official Member and his Legal Draftsman under a fair amount of stress, has been necessary to ensure that we remain competitive. Most important has been the move to reduce fees in relation to companies and it is now beginning to pay returns.

The success here has also been with the communication and the openness that we have had through the Financial Sector Consultative Committee with members of the International Financial Centre that we have created. I think it was very fitting for the Third Official Member, in his very able Budget Address, to begin with this and to outline in it the necessary steps and initiative to advance it. It is our second largest income next to tourism, and it is one that we have to continue to pay a lot of attention to.

There is so much happening in the world that it is sometimes impossible to keep up with all the developments. There are new countries, and old countries that bring in new incentives that either update their laws, or deal with tax relief. There are countries that have the double taxation agreements in which the competition continues to try to whittle away as best they can at what has been a very leading successful business by the Cayman Islands. I would say that, notwithstanding the Bahamas, perhaps we can well be said to be pioneers in this industry.

The sections and the growth of tourism in this country are astounding. At times when the country was moving into recession—North America was in a recession—the figures continued to grow and I would like to commend the Minister for Tourism in his ability, not only to continue in the orthodox markets in North America, but to spread into Europe and the Far East. As time goes on I think we will see the benefits of spreading the risk of tourism over many countries because like financial risks, the wider it is spread, the less the chance of having a very sizeable dip in the market. Many times North America may be in a bit of recession and we may have Europe in a bit of a boom and this movement is very good and the niche marketing and the 'Yours and Ours' campaign is, in my view, going to pay off good dividends in the long run.

I think what is really outstanding is that during the stage of North America's recession, we continued to have people travelling to Cayman. That is something that has taken a lot of effort and promotion. In fact, one of the letters, the letter by Mrs. Bridget Lott-McPartland, attempted to say that all of these benefits that we are now seeing came from the last Government. Madam Speaker, that statement is about as lost as the last Government is. If they were such geniuses, they would not be—all of them—out there in moth balls now, running around, scrambling, getting people to sign their letters that they put in the paper. *[Members' laughter]*

Anyhow, this aspect and the growth of tourism is such that it has come as a result of the direct efforts of the Legislature and the Government. I want to make it clear that the Legislature is an integral part of the Government—the National Team—and continues to be a very close-knit team. Our members have their independent views, but we always work together for the good of the country.

Really there is not much of an Opposition when you think of it. The misguided misrepresentation to the public that we have had—that tourism, two years later after the Government

has come in, is a result of what some other Government did in the past—is a real joke, and I do not think that anybody would take this seriously.

The campaign that was put forward has hit on the right note—the 'Yours and Ours' campaign—because in many of the islands the approach to tourism has been that it should only be 'ours' the 'yours' never comes into it and they believe that, notwithstanding how they treat tourists, that they will continue to come in. That is not so. That is why I think putting in that campaign, to let local people, the Caymanians, show the importance and the relevance of the fact that it is not just a one way street and we have to smile and give the necessary service in the relevant tourist hotels or restaurants.

The increase in banking referred to by the Third Official Member is very astounding and we have seen a considerable decline in unemployment in the labour market.

Some reference was made by the Second Elected Member for Cayman Brac and Little Cayman about hotels—why have a hotel when you have over-employment. But we always have had over-employment, it is the nature of the type of economy that we have. It is good to be in a position where we can continue to say that we have over-employment, but we are capable of attracting the type of controlled—and I stress that controlled—development needed to move the economy forward. If we do not continue to advance the economy, and we get unemployment of any scale, I think it has been one of the things in many of the other little islands that has helped to destroy the country which otherwise would have been better off with the side effects of more development.

In fact, many of them ran tourism away about 10 years ago when the West Indian socialists were preaching gloom and doom and that Russia, which by the way, is defunct too, was actually putting forward the major areas of development and theories.

There is one other area that I will perhaps touch on tomorrow morning relating to private schools that I would like to deal with in some depth to show the misguided views that have been put forward in that area.

The Budget Address the Honourable Third Official Member put forward, while it was short, it was one that was powerful, well-thought out and very capable and understandable. It dealt clearly with the important pillars of the economy. Perhaps one area in it that is never really looked at as deeply as the public should look at it, is in the area of prices and inflation that he has dealt with in this. Notwithstanding the fact that we are into an economic boom, we are not expected to exceed 4% inflation this year, the year which he forecasts in here. Keeping this down keeps the local prices down and it really is what is expected of a good Government that it will not do anything that will rapidly cause hyperinflation or developing inflation as it is called from time to time, where this gets out of line. The movement upward for 1995 he forecasts at approximately 6%, which is still a very low and uneventful inflation for the type of economic boom that we are in.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30, Honourable Minister, I would ask for the Motion for the Adjournment.

Honourable Minister for Tourism.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to move the adjournment of this Honourable House until 10.00 tomorrow morning.

The Speaker: The question is that the House do now adjourn until tomorrow morning at 10.00. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10.00 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 11 NOVEMBER 1994.

**FRIDAY
11 NOVEMBER, 1994
10.07 AM**

The Speaker: I will ask the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to say prayers.

PRAYERS

Hon. 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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

Deferred question No. 164, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION NO. 164

No. 164: Mr. Roy Bodden asked the Honourable Third Official Member what is the current status of Government's attempts to alleviate the financial burden brought about by the increase in property insurance.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: As reported to this honourable House in June of this year, Government has established a Task Force to deal with this issue.

Following the recommendation of the Task Force, Government has entered into a consultancy agreement with the Risk Management Division of KPMG Peat Marwick, London. The agreement calls for the provision of two studies: the first being an evaluation of the probable maximum loss which may be suffered Island-wide following a major windstorm or earthquake; the second being a review of Government's own insurable risks with recommendations as to how these might be best insured and managed.

These studies, covering both Grand Cayman and Cayman Brac, are to be presented by the 30th of November this year. Of the two, the former, the probable maximum loss study, is most relevant to the current high cost of insurance issue.

The result should enable the Government to pursue discussions with the local insurance industry with a view to determining the prospects of obtaining reinsurance at lower costs and for the resulting savings to be passed on to local policy holders, particularly home owners.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if the terms of reference include the Firm's recommending to the Government strategies which can be adopted towards ensuring that the problem of high property insurance in the future does not become an over-burdening problem?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I have been made to understand that the study will not request specific recommendations. What the study is requesting is that the findings as to the local insurance industry be set out in such a manner that will enable the Government to arrive at specific determinations as to what strategies will be adopted.

The Speaker: Next, the deferred No. 166, standing in the name of the First Elected Member for Bodden Town.

DEFERRED QUESTION NO. 166

No. 166: Mr Roy Bodden asked the Honourable Third Official Member what circumstances prompted the Government to acquire the services of a Customs Advisor/Consultant.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: In view of the Custom Departments expanding role in relation to revenue collection and drug interdiction, Management considered it timely to review and update policies and procedures. Although the Customs Law was revised and updated in 1990, the Departmental "Procedures Manual", which was produced in March 1985 by the former Customs Advisor, was not updated to reflect the relevant amendments to the Law.

It should be noted that the "Procedures Manual" is an invaluable guide to officers in the performance of duties.

Additionally, over the past few years the production of fraudulent documents appears to be on the increase. Whilst the imposition of penalties in accordance with the provisions of the Law for such offences seems to be a reasonable deterrent, the Department considers that the more serious and blatant offenders should be prosecuted and dealt with through the Courts.

However, to effectively investigate fraud cases, Officers require specialised training. Management determined that such training could best be provided in-house by a trainer with experience in commercial fraud techniques. This individual would also be readily available to assist and guide our own officers during preliminary and subsequent investigations.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say what the length of the contract for this officer is, and when can we expect such a person to take up this duty?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the duration of the contract will be between nine months and one year. This officer will be taking up office in January of 1995.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will this officer be giving any special training in the detection of fraud to a particular group of Customs Officers singled out for such exercises, or will such training be to Customs' Officers generally?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, to respond to that question I will read the terms of reference for this officer:

"The consultant will be engaged to provide the fol-

lowing services to Government:

- 1) Review the existing enforcement procedures and organisational structure of the Department of Customs;
- 2) Develop new and/or amend the procedures and the organisational structure necessary to implement the said procedures in consultation with the Collector of Customs;
- 3) Determine training needs in all areas of Customs work with special emphasis on matters relating to revenue fraud;
- 4) Conduct training seminars designed to meet the needs as identified in accordance with number 3;
- 5) To familiarise the staff of the Customs Department with the implementation of procedures referred to in item 2."

Item 2 specifically states: "Develop new and/or amended procedures and the organisational structure necessary to implement the said procedures in consultation with the Collector of Customs."

"Together with the Collector of Customs and other senior staff members of the Customs Department to development policies for the Department in respect of issues being raised by other local law enforcement agencies and international bodies."

That is the listing, Madam Speaker.

The Speaker: The next question is No. 176 (deferred), standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

DEFERRED QUESTION NO. 176

No. 176: Mr. Gilbert A. McLean asked the Honourable Second Official Member for Legal Administration how many licensed attorneys there are in the Cayman Islands with a breakdown by firm, length of practice and nationality.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

The total number of attorneys admitted to practise in the Cayman Islands is 128, made up as follows: (a) 119 attorneys licensed in private practice; (b) Four attorneys admitted to practise, but do not do so due to failure to pay practising fees; (c) Three Attorneys admitted to practise at the Legal Department; and (d) Two admitted to practise at the Court House.

A breakdown by firm, date of admission, and nationality is attached (Appendix I).

SUPPLEMENTARY

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 is any quota, as such, placed on the number of attorneys in the Cayman Islands, whether in totality or by firm, as a policy?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: There is no quota, as such, that I am aware of, Madam Speaker. Every application for an attorney to be employed in the Cayman Islands that requires a work permit comes before me as a matter of course and is referred to me by the Immigration Board. The purpose of that is for me to establish that that attorney is suitably qualified to be admitted to practise in the Cayman Islands.

The Speaker: The next question is No. 177 (deferred), standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

DEFERRED QUESTION NO. 177

No. 177: Mr. Gilbert a. McLean asked the Honourable Second Official Member what has been the cost for overseas legal counsel since January 1992 to date, with a breakdown by year, amounts and territory.

Hon. Richard H. Coles: Cost for overseas legal counsel since January 1992, is as follows (prices quoted in CI dollars):

For the year 1992:	
Counsel in the United Kingdom	\$ 126,321.34
Counsel in the United States of America	143,317.75
For the year 1993:	
Counsel in the United Kingdom	42,566.96
Counsel in the United States of America	142,835.68
For the year 1994: (to date)	
No expenditure for United Kingdom Counsel	
Counsel in the United States of America	\$ 110,832.04

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Member say if these amounts reflect only fees paid for work done, or do they also include a fee factor for the retaining of these attorneys or firms in the two countries named?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: All of the fees that are disclosed in this answer are for work done. The Government pays no retainer, as such, to a law firm. Each account that is submitted through my office for payment has to identify the actual work carried out by the firm and the rates charged for that work and it is on this basis that it is

paid.

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 any consideration is being given to the retention of attorneys or a firm, for example, to be on stand-by for matters relating to, say, our financial industry, or otherwise in these two countries, since in these two countries matters impact heavily on the Island here?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: There is a particular firm of attorneys in Washington that has been used by the Government for some time, and continues to be used. They certainly do advise Government on a whole range of issues, including financial matters as it affects the United States. I suppose to that extent you could say that they are retained by Government because they have been used by Government over a number of years. But, we do not pay a retainer, as such. They are only paid for work that they actually do.

They have, I suppose one could say, a roving brief to identify matters that they feel are of interest to the Cayman Islands and bring them to our attention. Then it is a matter for the individual Ministry, or myself, to decide if those matters should be taken further and we instruct them to carry out more work on them.

As far as the United Kingdom is concerned, we do not have a firm in that way; we tend to instruct individual counsel in the United Kingdom on specific matters. I think that is mainly because the members of the legal profession in Government themselves have considerable experience of the English Legal System and, of course, the English Legal System is very much mirrored in the Cayman Islands as well.

Again, if specific advice is required from United Kingdom Counsel, then we ask it.

The Speaker: The next question is No. 182, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 182

No. 182: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation to provide a breakdown by school of the amount of money given by Government to private sector schools since November 1992.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker. Grants to private schools since 1992 are as follows:

St. Ignatius Preparatory	\$169,334.41 (Recurrent)	\$150,000.00 (Capital)
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Cayman Preparatory	\$139,679.70 (Recurrent)	\$175,000.00 (Capital)
Wesleyan Academy	\$ 57,293.37 (Recurrent)	\$200,000.00 (Capital)
Triple C	\$81,814.01 (Recurrent)	\$38,075.00 (Capital)
Truth For Youth	\$60,094.80	
Edmer Academy	\$36,949.66	
I.C.C.I.	\$35,000.00 (in 1994 only, because the previous Government did not support ICCI).	

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say how these grants are awarded?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, it is a formula that relates to the number of pupils and whether it is prep or high school, and also the number of teachers comes into it. As the Honourable Member will see in a later question that is asked, those with the heaviest grants are normally those with more pupils.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I would like to ask the Honourable Minister if we are to assume that the Capital Grants are based on the formula of the size of the project undertaken, or is there a different formula for the Capital Grants?

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, the Capital Grants were given to these schools because of projects that they were going on with. For example, the Catholic School and the Prep School were constructing extra buildings. The savings to Government, for example, on the \$175,000 to the prep school, totals in the area of about \$1.5 million recurrent per year. I point out recurrent, per year.

So, for example, over 10 years the Government will save \$15 million by investing \$175,000. That is very good economics. In fact, in my debate later on I will refer to the fact that the private schools save the Government \$7.2 million every year by schooling children which Government would have to school because of the compulsory education system that we have.

The Speaker: The next question is No. 185, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

No. 185: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what kind of programme, if any, exists locally for the training of Caymanians as teachers.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: No recognised initial teacher training exists locally at present. The programmes which are available at the Community College, through UWIDITE, are for the upgrading of persons who are already certified and experienced teachers.

Teachers have participated, or are currently participating, in two such programmes called 'Textbooks for all' and 'The Certificate of Education.'

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: A few years ago, the Legislature unanimously approved the idea of initiating teacher-training within the Island. Is there any consideration being given to this, or is there a pilot programme started which would allow teacher training, at least, partially or in whole, here on the Island?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The answer to that is yes. The Community College is looking at this. That motion was passed when the previous Government was in and they did nothing on that, like they did nothing on everything else in the line of education, other than to create chaos.

So, we are now trying to move on with this, but what is very important with this is that when the course is initiated it carries the necessary accreditation and status to ensure that the teachers will have a very high standard that will be acceptable.

For example, if two years of the course are done here, we will have to make sure that the University of the West Indies or colleges in the United States would accept those two years.

They are well advanced in dealing with this, but accreditation is a very slow process. It is no good of saying that we are going to get it overnight. It took the Law School nearly five years to get to the Honours Degree stage with the University of Liverpool. There we were dealing with a single university; here we have to deal with accreditation in Jamaica, colleges in the United States and the United Kingdom.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister state if any consideration is being given as to whether persons interested in becoming teachers could enter with the qualifications which they would earn coming out of the high school here, or would they have to do some type of preparatory course prior to entering it?

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, I could only give an opinion on that and I would say that the entrance to the course here would have to be on parity with what is accepted, for example, in Jamaica or North America or in the United Kingdom, because if the standard to enter is not sufficiently high, the chances of success would be greatly diminished.

The Speaker: The next question is no. 188, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 188

No. 188: Mr. D. Kurt Tibbetts asked the Honourable First Official Member if Government has conducted an investigation to ascertain what effect, if any, the new system instituted for Caymanian passport holders leaving and entering the Cayman Islands has on the Police and Immigration Officers in their interdiction process.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

There has been no such investigation, and no reports by law enforcement agencies that any interdiction efforts are being affected by the new exemptions.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Am I to understand, then, that Government at this point in time has no intention of conducting an investigation?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Both the Commissioner of Police and the Chief Immigration Officer have reported that this policy has had no adverse effect on the functions of their respective departments and it is therefore felt that there is no need for any further investigative work on this.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member could state how long after the system was instituted

that these reports were made by the Heads of both Departments?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, this information was supplied late last week by both departments.

The Speaker: The next question is No. 189, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 189

No. 189: Mr. D. Kurt Tibbetts asked the Honourable First Official Member what is Government's policy regarding royalties being paid by Westar.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Westar, as a management company, is not liable for the payment of royalties.

CITN and CTS are television licence holders, and under the terms of their licences are obliged to pay royalties.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder, then, if the Honourable First Official Member would be able to explain the additional fees patrons of this so-called cable television are being charged which is said to be royalties being charged by Government?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Perhaps I should answer that question by saying that this general area is a shared responsibility between the Minister of Agriculture and my portfolio.

I have responsibility for what is commonly called over-the-air channels, the broadcasting side of it. The Minister for Agriculture deals with the cable channels and since the question is asking for information on the cable channels, I do not think I am in a position to answer that.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, the purpose of this question was to inform the public of a fee that has been added in recent months to their monthly bill regarding the cable television.

I am asking, if there is another Minister in a position to answer, if a position can be established so that the public may understand because there was no information passed on to them, officially or unofficially, about this extra charge.

The Speaker: Honourable Minister for Agriculture, Communications and Works, I do not know if you are in a position to answer that now, or could you do it at a latter date?

Hon. John B. McLean: Yes, Madam Speaker, I can answer it now. I am aware of the matter which the Fourth Elected Member for George Town is speaking about. It has been brought to my attention by various subscribers and the Government did not in any way authorise this fee. Therefore, we are taking the necessary action to have it corrected.

The Speaker: The next question is No. 190, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 190

No. 190: Mr. D. Kurt Tibbetts asked the Honourable First Official Member for Internal and External Affairs, having issued a permanent licence to Cayman Islands Television Network, is Government totally satisfied at this time that all legal requirements for re-broadcasting have been met.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, in accordance with the provisions of the licence it is the licensee's responsibility to ensure that all programme material is legally obtained for broadcast.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I wonder if the Honourable First Official Member would be able to say if any questions arise or any legal action is forthcoming about a matter regarding re-broadcasting, is the Government of the Cayman Islands in any way liable, or in any way involved in such matters regarding re-broadcasting on the Island?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The licence clearly absolves Government of any liability or responsibility with owners of broadcast material and the liability is squarely with the television company.

Thus far, Government has had no complaints from the producers or owners of broadcast material in regard to any of the television licences.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

It is not a suggestion on my part that there is a problem, but my question emanates from the concern that if the Government has to issue the licence, and the terms and conditions of the licence issued by the Government involves certain strict regulations with re-broadcasting, how then is the Government out of the picture if the Government's licence is the one which establishes the criteria under which re-broadcasting can be done?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. If Government receives a written complaint from the owners of material which is being broadcast, and if it is not being broadcast legally, Government will deal with the matter. There are certain sanctions in the licence that the Government can effect if it is proven that re-broadcast is taking place illegally and there is a complaint about it.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just a final supplementary, Madam Speaker, I just wish some clarification. Are we simply saying then that the owners, or those responsible for these programmes, have two options if there is a problem? They can either deal by legal action directly with the licensee or they can ask for the situation to be sorted out through the Government?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. If a complaint is received from a company in the United States that controls a particular programme that is being broadcast illegally, then Government will deal with CITN—in this case we are talking about CITN—in accordance with the sanctions that would be used under the agreement of their licence.

The matter of the owners of a programme dealing with, let us say, CITN, would be a matter for the owners to address. But, as a Government, we would deal with the matter if it comes as a formal complaint.

The Speaker: That concludes Question Time for this morning.

Statement by the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS

DR. HORTOR MEMORIAL HOSPITAL CONTRACT

Hon. Anthony S. Eden: Thank you, Madam Speaker. I am grateful to have been given your permission to make a statement to this Honourable House on the subject of the 1994 Master Planning Study for the George

Town Hospital.

Honourable Members are aware that the Dr. Hortor Memorial Hospital contract was terminated in December 1992 because of a number of very serious concerns about the project expressed very clearly by the electorate in the General Election of November 1992.

Two major problems were identified at an early stage by concerned citizens, professional health care workers, both Government and non-government, and by electoral candidates, many of whom, thankfully, make up this Honourable House.

The first of these concerned the location chosen (namely the 'swamp') and the resultant split site situation (that is, the Dr. Hortor Memorial in the swamp and the present George Town Hospital). This led to duplication of cost in providing essential services and a cumbersome and expensive system of moving basic necessities such as laundry, medical records and pharmaceutical items between the two sites. Increased personnel to adequately staff the two sites would also have led to an unnecessary increase in recurrent expenditure.

The second major concern about the Dr. Hortor Memorial Hospital was the capital cost of the construction of the new site and the additional cost of developing the George Town Hospital into a centre for Ambulant Care, Clinical and Public Health Services. Taken together the cost of this undesirable split site was estimated to be:

Hortor Memorial	\$16,500,000.00
Re-development George Town Hospital	10,631,000.00
Total of:	\$27,131,000.00

One can only speculate on how much extra would have been spent on access and proper landscaping.

Madam Speaker, it has been the declared policy of this Government to provide our people with the best medical care possible and, with this in mind, a local firm, Chalmers, Gibbs, Martin, Joseph, in association with APEC Consultants Incorporated, were instructed to proceed with the preparation of a Master Planning Study for the improvement of the existing George Town Hospital.

The resulting report is detailed and comprehensive and in marked contrast to the Hortor project contains considerable input from both public and private health care professionals and others working at the George Town Hospital.

Madam Speaker, everyone knows that the present George Town Hospital is sadly deficient as a modern health care facility in terms of its old buildings and haphazard lay out. Fortunately, this is offset by the very high quality of care provided by the hard-working and dedicated staff. But it is not fair to them or the people of these islands to allow this situation to continue. I am therefore very happy to be able to announce today that Executive Council has given its approval to the extensive redevelopment of the George Town Hospital site. Those buildings which are functioning satisfactorily will be retained and modified where necessary. Those that have a limited economic life, or do not meet international standards for the functions they are used for, will be demolished and

replaced by new buildings. Construction will be carried out on a continuous, phased basis with construction activities in each phase being carefully planned in order to maintain operation of the hospital with minimum disruption.

The resulting facility, Madam Speaker, will provide, on a single, functionally well-organised site, the physical health care facilities required to meet both existing and future needs in terms of clinical functions, ancillary functions, support functions and administrative functions.

A total of 86 beds will be provided in Patient Care Units and a further 46 beds in other Care Units, making a total of 132 in all.

Madam Speaker, while very considerable savings on recurrent expenditure will be made possible over the years because of the single site location, the situation as regards capital expenditure is even better. As compared to the Dr. Hortor Memorial's total capital cost (including the George Town Hospital redevelopment) of \$27,131,000, the total capital cost of the intended facility is approximately \$21,719,514. This figure includes capital construction, furniture, fittings and equipment, and a sum of \$1,450,000 for professional services, fees, and expenses. It is important to note, Madam Speaker, that this expenditure will be carried out in a phased manner, one that is affordable to the country. And, may I add at this point also, Madam Speaker, that the cost of this capital development is not affected in any way by the current strategic planning exercise.

Madam Speaker, a ground-breaking ceremony will take place in January and a Project Manager and Steering Committee appointed to oversee this important project. This Government is determined to honour its pledge to our people to provide them with an excellent health care facility and in such a way that it does not mortgage our children's future.

I am confident that this major development will be welcomed and supported by Caymanians and residents alike. The Country needs it, the country deserves it and, Madam Speaker, with God's blessing, the country will have it.

Madam Speaker, I thank you for granting me the opportunity to speak to this Honourable House.

The Speaker: Continuing with Government Business, continuation of the debate on the second reading of the Appropriation Bill.

The Honourable Minister for Education and Aviation.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of the debate thereon)

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I would now like to turn to the Sister Islands of Cayman Brac and Little Cayman.

I have a very special place in my heart for those two islands, and these days we, the Government, have been attempting to have tourism turn towards those two Islands to keep dollars in the country so that instead of having persons going to Miami or Cuba for vacation, they could travel to Little Cayman or Cayman Brac, then those dollars are being kept in the Islands.

I do not get there as often as I should, but several times a year instead of going abroad somewhere, I go to one of those two islands for a short vacation. My time goes back to Barclay's Bank when I spent six months there as second in charge of their branch at the time. I am very distressed to see what has been happening in some areas up there.

We have a situation where the Legislature—Finance Committee appropriates money to be spent on the Sister Islands and we are finding that substantial parts of it are not being spent. Money that could go out to help the people of Cayman Brac and Little Cayman is just not being used, it is not being spent, and perhaps between a quarter and one-third of the money in the Budget still remains there while the people of Cayman Brac and Little Cayman are not getting the benefit of it.

This seems to me that the vote control rests with the District Commissioner. The responsibility must therefore lie with him and his friends such as the Second Elected Member for Cayman Brac and Little Cayman, to see that the people...

POINT OF ORDER
(Misleading the House)

Mr. Gilbert A. McLean: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order?

Mr. Gilbert A. McLean: The Minister is grossly misleading the House to connect me with the expenditure of any amount of Government funds in Cayman Brac, as I am not authorised to do so by law.

The Speaker: Honourable Minister...

Hon. Truman M. Bodden: Madam Speaker, I did not intend to impute that. I will withdraw anything that...

The Speaker: Well, please do so, because it did have that connotation.

Hon. Truman M. Bodden: I guess what I am saying is that the Second Elected Member for Cayman Brac and Little Cayman is a good friend of the District Commissioner, which I am sure he will not deny.

The District Commissioner is holding up the spending of funds over there. He has to be persuaded to help

the people of Cayman Brac and Little Cayman because this money could be spread around and spent to help them. At the end of the Budget the money is going to lapse.

The projects are very good. I am sure they are supported by both the Members. I know that the First Elected Member for Cayman Brac and Little Cayman is doing all he can. He has done this for many years in the past and as a good legislator he is doing everything that he can. I have heard him mention from time to time certain projects that he would like to see go on, but the money is just not being released from the votes.

What I am saying is that perhaps the system is wrong. Why should one man (the District Commissioner) have all this power and bureaucracy to cause the people over there not to get this money released? There is a lot of money for them in the Budget at this time, but what hope do they have when we appropriate it here if it is not released?

I am very pleased to have the First Elected Member for Cayman Brac and Little Cayman as the Chairman of the Education Council Committee of Cayman Brac and Little Cayman, and I pledge him my full support because I think education in Cayman Brac and Little Cayman will now see many good changes as soon as he begins his role as Chairman of that very important body.

While related to Cayman Airways, which I will deal with later, we have put in an additional flight on Saturday, and this has really benefited the Islands. We at Cayman Airways are doing everything we can for the two Islands to ensure that their economy moves well, but something has to be done quickly to ensure that funds are released and spent after they are appropriated.

The results that we saw in the Caribbean Examinations Council (and I now have some details of this) of having 100% passes in five subjects and between 80% to 90% passes in a further six subjects, are indeed fantastic results. I would like to thank my Permanent Secretary, my Assistant Permanent Secretary, the Chief Education Officer, and the Department staff. Yesterday I thanked all of the teachers and the staff involved in the schools. The results are there and nobody can criticise that. The same as this Budget—the results are there and the Opposition is in a quandary and flustered trying to find some way to criticise such good results.

When the results are good, then it is obvious that the system is too. I have put a lot of effort into education, and more into Cayman Airways, but my heart has been with education for many years because I have quite a few degrees myself. The Manifesto (our National Team Manifesto), set out several very important factors in relation to education. There has been criticism by the Second Elected Member for Cayman Brac and Little Cayman about the money that is paid to private schools, but I know that the First Elected Member for Bodden Town cannot agree with him because he supports... and I am going to read from a document...

POINT OF ORDER
(Imputation)

Mr. Roy Bodden: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, please?

Mr. Roy Bodden: Yes, Ma'am. The Minister is imputing false motives to me and misleading the House because I gave him no undertaking, either orally or written, about my position on any statement made by the Second Elected Member for Cayman Brac and Little Cayman.

The Speaker: Honourable Minister for Education, perhaps it would be better if you were not to make suggestions about what some Member may be doing in relation to a statement by another Member because that really is out of order.

Hon. Truman M. Bodden: Well, Madam Speaker, what I will do, without making that statement, is to read from a document that shows that his views (held in that document) are totally opposed to the Second Elected Member for Cayman Brac and Little Cayman. I am entitled to do that, while not saying what opinion he now holds.

The Manifesto of the National Team, at page 10 (and this is relating to Education which was criticised yesterday), paragraph 4 says:

"Increase where necessary financial assistance to private schools and colleges including International College of the Cayman Islands (ICCI)." Further in that we said: "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."

It is this part, as well as the \$7.2 million referred to in the Budget as what Government would pay for private school grants, that I now wish to dwell on. Those statements were accepted by, because the front of the National Team's Manifesto has his smiling face, the First Elected Member for Bodden Town who was, at that stage, deemed (at least by some of the Members) the shadow Minister of education. He totally endorsed the concept that it is better to put a small amount of money into private schools and have them save Government \$7.2 million per annum.

The statement is abundantly clear, and I am reading again from the statement that the First Elected Member for Bodden Town has adhered to, in fact he wrote quite a bit of what is in the Manifesto relating to education. This is what happens when one jumps the fence because there are statements like this in writing that remain like ghosts to haunt one when one changes.

I will just read it again, it says; **"...save Government substantial expense of providing school facilities and staff for students attending private schools who would otherwise have to attend Government schools."** I am saying that those statements, those views, are totally opposed to the leader, the Second

Elected Member for Cayman Brac and Little Cayman, who is now trying to say that we should not give money to private schools. I say that that is totally short-sighted because the small amounts of money that we have given out for the savings that we have is good economics.

If we had to take back all of those students, we would probably have to spend \$25 million to build schools and we would spend another \$7.2 million every year. So, I hope that the Opposition will better synchronise its views when it is dealing with these matters because I know that the First Elected Member for Bodden Town has a lot of his heart in education and he would not have made that statement unless he held those views.

[Inaudible interjection]

Hon. Truman M. Bodden: *[addressing the voice across the floor]* Well, I have really never jumped the fence, so I do not know how the frustration is when that happens.

The Speaker: Order. There will be no cross-talking between Members in the House.

Hon. Truman M. Bodden: Well, through you, Madam Speaker.

Now, I would like to touch on one other area, which is some criticism that was levelled at preschoolers by Mr. Steve McField, whom we know is a close friend of the two Opposition Members.

In the Budget is half a million dollars for preschoolers. I want to now tell Members of this House how this quandary about preschoolers came about. The education plan that the Second Elected Member for Cayman Brac and Little Cayman endorses cut out preschoolers. Preschools were abolished in the Government system and over 200 children were put out of the Government schools and the classrooms were used for the extra year that was put onto the primary school by the last Government. There were not sufficient private preschools, Madam Speaker, to take them. I think it was probably one of the worst things that the then Member for Education did in relation to the school system.

These young, innocent, children were put out of the preschools and I could not do anything when I came in because the space had been used for an extra year in the Primary School. What I had to do then was to pay private preschools, many of whom were not registered—another failure of the previous Government. I think there were only about four or five schools registered.

We had questions being asked by the Second Elected Member for Cayman Brac and Little Cayman, or the First Elected Member for Bodden Town, about the number of children in school. They were put out and there were some 15 preschools that were not registered. The Government was having to pay substantial sums and this year the sum has doubled.

So, all I can say to Mr. McField, is to look at the Budget, talk to his two friends in here and he will see that I am doing what I can on preschools. I am not a magician and there is no way, even though I think the decision is

wrong, that I can reverse it short term because there is no space in the schools to do it. This is the system that the Second Elected Member for Cayman Brac and Little Cayman is telling me that I must move on with. It was a disaster. If I had not intervened and did what I did, one would have really seen a disaster in the education system. But, the results speak for themselves.

I know it must have hurt when they saw the results of the Caribbean Examinations Council. It had to hurt. They were so good.

Mr. Gilbert A. McLean: They hurt you. You said the children were fools they could not pass the exam.

Hon. Truman M. Bodden: There were 11 subjects that came out between 80% and 100%. They are the results. If I am not doing what is right and good for the system, how am I getting the results?

Mr. Gilbert A. McLean: You are not.

Hon. Truman M. Bodden: Madam Speaker, there has been some comment about the school's budget. The budget in there now for schools, is what has been requested and what I think is adequate. There are modest increases in equipment and supplies. Some of the staff that were in there, for example, counsellors that were removed, there are very substantial savings in posts in the John Gray High School, which has reduced its population by 200 plus students. These are the posts that are vacant and will be used to ensure that the extra staff needed will be gotten.

So, I want to put it beyond doubt, and assure Members of this House that the budget for education is a full one. There is sufficient money there for anything that is necessary—and I point that out—that is necessary. If for any reason any area of the Budget falls short, I have always found this House to be very sympathetic, extremely sympathetic, in grating money for schools. I believe that a very small (and I use the word small) supplement will always be supported by this House. So, I would like to assure the Education Department and the public that the school's budget this year is much bigger than it was last year. There is sufficient money there and sufficient posts coming from the John Gray High School where we will ensure that there are adequate staff.

I noticed that this question of strategic planning, which I can assure the public will be as big a success as the examination results were this year, seems to continue to bother the Opposition. It also has caught the vicious swipes of Mr. Gordon Barlow in one of his recent articles an article that I would regard as one of the most damaging articles I have seen, in which he alleged, among other things (and I will deal with this under Cayman Airways), that drugs were rampant in the country—here, there and everywhere. In the course of it he also referred to planning and he said that no one should be wasting time on dealing with strategic planning.

He, once again, is another unemployed theorist. Most of these big theses that we find and all of this criti-

cism is normally done by people who have failed in the society. He is in no position to criticise strategic planning because he does not have the ability to understand it. I would like to refer back, very briefly, to the article that was written in the *Newstar*, merely to state that what Mr. Mintzberg is talking about relating to big corporations is quite right—it does not suit everybody. But, what it does suit is the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation. It suits what he is doing with it and it suits what I am doing with it. We are involving a large number of the public and they are deciding how best to spend public money.

As I said yesterday, I think that Mr. Mintzberg, who probably did not even know where Cayman was, should really have tried to find out a bit more about how good this is working, before making what I regard very off-hand and irresponsible remarks on something which he—another theorist—has written a book about.

The Second Elected Member for Cayman Brac and Little Cayman had quite a bit to say about the Police and the Prison. This Government, and I am speaking for myself, fully supports the police and the prison service. They have a very difficult job to do. A policeman has to make split-second decisions whether to arrest someone, while lawyers and a judge can spend days arguing in court whether it was correct or not. He does not have that time. They have to act on the spur of the moment. Yes, they make mistakes. Anyone who has to act on the spur of the moment will make mistakes.

What would be more helpful—instead of the constant criticism of the police and the prison, which seem to be pet subjects of the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town—is if they would spend their time constructively trying to help the police and trying to help the prison officers. The country would be much further ahead. Every session we have barrages of questions put in which either humiliate, or criticise, or dig at the Prison system or the police. Here the Member is talking about having more radios or police cars. This is a bit of a joke because that is the one good thing said about them for the run of the year. The rest of the year those two members are just simply pounding upon the police.

This is the reason why the necessary co-operation has to come from Members of the House to help the society stand behind essential services, such as the police and prison, to ensure that they can properly function. I am not saying that everyone in there is perfect, because nobody in any organisation is perfect. But, by and large, we have very good people in there.

We are doing all we can to try to put the Civil Service pensions on a proper footing by having the proper reserves put in the Budget. This year we are adding a very substantial amount to that. I believe that the money for pensions is money that is earned as a right; it should be segregated. I actually moved to have the Constitution amended so that politicians could not have access to pension funds. I think that was supported by the majority of members here because it is money that is earned by the Civil Service.

The reason why I moved that was because at one stage this fund was included as part of the reserves of the country by the last government. That is wrong. This money has to be segregated for the payment of pensions. I will repeat that I believe that having an efficient and a lean civil service is most important. Whatever is due to them in the form of pensions, or otherwise, should be segregated and kept away from politicians because we know that when all of the money is spent, politicians have a way of going into funds and getting in there, which they should not. When you go through \$56 million lost in three years, and then you begin to put the pension fund into the general reserve category of the country, you are reaching a desperate stage. That is what the last Government did after losing \$56 million—they tried to throw in a few million dollars that were really not sufficient to pay but a small percentage of Government pensions. I believe they would have used that money which legally belongs to civil servants.

The Hospital in the swamp has continued to draw a lot of attention and I am always very surprised when I hear the different twists given by the Second Elected Member for Cayman Brac and Little Cayman when he is trying to support his mothballed, colleague in politics—Mr. Ezzard Miller. I know that the Second Elected Member for Cayman Brac and Little Cayman opposed what was being done at the time.

Let me say that we were all together at that time. I have nothing with any Member changing his mind, that is fair enough, and maybe the views are different now. But, there was total opposition to this. We came in here and brought motions to this House, normally he or I would move it or second it. Those were the days when the Member was with the Opposition as we were at that stage, to such an extent that the Second Elected Member for Cayman Brac and Little Cayman brought in someone who was prepared to do a hospital on the present site. So, I know that we were totally opposed to the hospital in the swamp. He was quite helpful at the time, but I think that Member needs to think back to those days when we bitterly opposed this.

I do not understand how it has become right, because nothing has really changed in relation to the mess that we had with the situation at the time—splitting it, paying maybe \$20 million at the site in the swamp, and probably another \$10 million or \$15 million. The last Government estimated \$10 million to renovate the facility, we could probably double their figures.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation is very capable and has moved as quickly as he can considering he has come in mid-term. The public has to appreciate that the task of the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation is really a very heavy one because he had to come in mid-term and try to do in half the time what most of us will have had the full four years to do. He has my total support and I am sure the support of all the Members of this House.

What he is proposing makes sense. In fact that Manifesto which the First Elected Member for Bodden

Town assisted in writing and subscribed to, specifically states on page 12, paragraph 1: "**We are against the building of the new hospital in the swamp...**" I know the First Elected Member for Bodden Town will fully support the Minister for Health in his efforts to continue what was agreed to in the National Team's Manifesto, and he will do the right thing of building a good facility on the present site. There are eight acres plus another one and a half—nine and one half acres. There is a lot of space to do it there, there are good buildings and some will remain, but some are very old and may have to be demolished.

I think that notwithstanding the little bit of opposition to it, the Second Elected Member for Cayman Brac and Little Cayman knows that when that Manifesto was put out the First Elected Member for Bodden Town fully subscribed to what the Minister for Health is now doing.

The country was headed for economic disaster and we have managed to turn it around. It is so interesting sometimes, to hear those who took one view not very long ago do a round-about and take another one.

Before going on to Cayman Airways, I would like to just touch on one other area. There was a statement made in relation to paying 10% to auditors who were keen enough to find where money had been wrongly spent. I do not have the statement, but words to that effect, made by the Second Elected Member for Cayman Brac and Little Cayman. Indeed, it is quoted in the newspaper today.

To put an auditor on commission is absolutely ludicrous. It goes totally against the system and the common sense of having people within the service who are honest. Once we begin a 10% approach, which was the hallmark of many commissions past—vast amounts, millions of dollars went out—once we get the 10% mentality, it has to be wrong. How can we pay independent auditors a percentage according to what they find?

Even in law, the system of paying a percentage to a lawyer for court work, depending on whether they succeed or do not succeed, is totally against the rules of etiquette and professionalism because it puts that person in a position where he will go to extremes to find or to sometimes even set up a series of things whereby he would make this 10%. They are paid salaries.

The only way that civil servants can, and should function, is if they are paid a salary to do their job. If you have people (auditors or otherwise) who are not doing their job, you cannot pay them 10% to do something they otherwise should be doing. It goes totally against the Civil Service principles. It goes totally against any professional principles to try to say that you should put auditors in the 10% category.

This is what has destroyed many of the other Caribbean Islands, this 10% mentality. We have seen some of it in this country and that is why I am speaking strongly on this because there was a stage in this country when 10% was the run of the day. It hurt this country. The auditors' profession is supposed to be independent from this type of thing. In fact, our Constitution brings in the independence of the auditors. They are on a level with the

judges and the police—well, the police are not specifically set out in there, but the judges are set out in there. That independence is very important.

I would say that this is not only misguided, but very dangerous. It is something which can bring corruption into this country that we must keep out.

Madam Speaker, Cayman Airways has been very much like Education in that the results that we have seen have been quite good. I would like to begin by thanking the Chairman, the Managing Director and all the directors and staff at Cayman Airways: they are a very dedicated group of people. Some of them worked for about four years without any raises. They remained with Cayman Airways through the hard times and I am happy we are now in a position to be able to start to give raises to them.

It was really touching to be able to go into a meeting where people were so appreciative of something such as a raise, which all of us in the civil service and other institutions take for granted. These are people who have worked three and four years with no raises—some had their salaries reduced. I am very pleased to say that we are now getting a very good staff with a lot of team work in there and as long as Cayman Airways continues on the course that it is going, I will endeavour to see that the staff get their fair share of raises and ensure that they are treated in the way that they should have been during the three or four years that the last Government squandered the money on jets, new routes, \$14,000 cocktail parties and that sort of thing.

The position at Cayman Airways is one where, at least for the time being, we have been consistently showing a profit just about every month of this year, taking into consideration the subsidy. I think the Second Elected Member for Cayman Brac and Little Cayman mentioned something about the amount of subsidy paid, but I would just like to remind this Honourable House that it paid \$35 million over two-and-a-half years for losses that were incurred by Cayman Airways during an 18-month period. It is a considerable turn around to now be able to say that we have not used all of the subsidy that was given. It does not mean that that subsidy can just be cut. We need some reserves because the airline industry is very fickle—today it is one thing, tomorrow it is another. Airlines go in and out of business like a child runs in and out of a toy shop.

It is important that we get some reserves built up in Cayman Airways because we are going to hit problems from time to time. The airline business is never out of problems. It is one of the most difficult industries to predict. But we have applied the orthodox and usual principles of management to it, not the strategic planning, because it does not apply to Cayman Airways, but proper principles of management have been applied to it. The results have been very good.

I would just like to remind this Honourable House that out of the many people involved in Cayman Airways during its disaster of losing \$35 million in that short period, the only people that have changed within the directorship area have been the Managing Director and the Minister for Aviation.

If I am getting the results with the few changes that have come about, it has to show that the airline was being badly run. The burden for that running has to clearly fall on the shoulders of the last government.

The Speaker: Honourable Minister, would this be a convenient time to break?

Hon. Truman M. Bodden: Yes Ma'am.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.38 AM

PROCEEDINGS RESUMED AT 11.59 AM

The Speaker: Please be seated.

The Honourable Minister for Education, continuing the debate.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The rapid and catastrophic losses that still show in the accounts of Cayman Airways from past years were a direct result of having the undue interference of the Executive Council Members in the running of Cayman Airways. I am happy to say that the present board operates as a board and makes its decisions very clearly to find what it can do and the Managing Director makes his and those parameters are clearly defined and the Government has its role very clearly defined.

It was sold on the basis of what was referred to as 'sweetheart' deals, touted by Mr. Linford Pierson and those sweetheart deals we know cost this country \$35 million and it still shows in the books of Cayman Airways. I believe that the course we are now steering is totally different from the course that Cayman Airways steered—as a direct result of interference by persons who were qualified to know better (that is, perhaps, the underscoring point) and who tendered bad advice for these sweetheart deals, as Mr. Linford put it, that were being entered into. We do not have sweetheart deals anymore, they are straight, orthodox, honest, simple transactions that we enter into. Most importantly, Cayman Airways, like this Government, now lives within its means.

That is very important, it is very hard for the two Opposition Members in this House, or their colleagues from the past Government, to understand. But, if you follow the normal course that is taken and keep away from these sweetheart deals, then you normally end up having a much better Government. And we have, I believe, a much better Cayman Airways.

Madam Speaker, in a report on Cayman Airways in March of 1994, the Chamber of Commerce said that 29% of the persons polled rated Cayman Airways as excellent; 46% said they were good; 17% said it was satisfactory; and only 8% said it was poor. I guess that 8% is the past Government and their colleagues and at least one of the Opposition in the House. They had this to say: **"The handling of Cayman Airways received the highest**

appraisal by respondents of any issue. Positive comments included: 'It has been professionally run for the first time', and 'Great efforts were made to save our Airline and our National pride.' The few negative comments focused on the continued belief by some that Cayman Airways is still a financial burden."

I am reading the full statement because I believe in being fair. There is some financial burden, but it is to a large extent far better off than days when we were losing \$14 million. At least the subsidy so far this year (and it is in for next year) has been sufficient.

I do issue this warning: The airline market is volatile and prediction of future trends is not easy—not that I am qualified to make those predictions, but even by those qualified it is not easy.

What I would like to say is that I believe that the promises made by this Government, and specifically by the National Team in relation to Cayman Airways, have been fulfilled—long before our four years are up.

I would just like to move briefly through these and relate it to the present budget and the present subsidy to show the public that the National Team has come through on their promises because this is what I think the silent majority that Mrs. Bridget keeps referring to—who mothballed a lot of her colleagues—actually looks at. They look at a good budget, a balanced budget, and they also look at what we have done with the problems of the country. I do not think anyone—even previous governments—would not admit that Cayman Airways has been the biggest problem that the Cayman Islands has seen.

I will be brief on this, and it is on page 4 of our Manifesto: **"Our policy: We support Cayman Airways (CAL) and regard it as valuable to the Cayman Islands economy and to our people.**

"Our objectives: 1. We believe that in accordance with paragraph 3.1 - 'Main Conclusion and Recommendation'—of the report of consultants Airline Services Ireland (ASI), CAL should 'consolidate and optimise its present position in terms of market share, load factor, revenues and costs. In pursuance of this strategy every effort should be made to contain major financial and marketing exposures such as would be created by further fleet expansion...."

That has been done, we have reduced down in accordance with their report. This was a good example of hundreds of thousands of dollars being spent on consultant's reports that were never carried out, they were just put on the shelf. We have carried that out and we have downsized.

"2. CAL should have followed ASI's recommendation and should now by legal means reduce its fleet back to three suitable jets at reasonable lease rates.

"3. Review CAL's routes where serious losses are made."

We have done that and cut back. It is astronomical the amount of money that was lost on some of these routes which we cut. The New York route, for example, some \$4 million between tourism and Cayman Airways which had

been spent in promoting it for a very short period. I think at one stage the losses on that route were running at \$2 million a year. Yet, for politics, it continued on. Mr. Linford and Mr. Ezzard and whoever else was supporting it then.

"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."

Well, Cayman Airways was under the Member for Tourism. But this has been done, a Board has been set up, there is accountability.

"5. Abolish the Executive Committee as recommended by the consultants and reduce the Managing Director's powers and review this position."

The first thing we did was to cut the Managing Director's power all the way back to what a normal Managing Director has and the Executive Committee was abolished. Let me say this, I... Well, he is going on, so...

Normally an Executive Committee is not a bad thing in principle—if it is done right. There are many large institutions that have them, it is just that this Executive Committee had basically, literally all of the powers of the full Board. That is where the danger comes in.

"6. Institute better management, staff communication, participation and team work ethics and review CAL's reservations system."

The communication has really improved and we have found that staff are more open now in what they have to say, and I try at least once a quarter to go in with the members of the Board and sit with all the staff and let them have their say. Some of them say some very hard things at times, but we have done some hard things in Cayman Airways to get where we are, and I accept that. While I remain Minister I will continue to go in to full meetings of all the staff.

I also go to the meetings of the Directors. I sit with them and get their input and listen to them. In fact, a lot of what has resulted in Cayman Airways has come from the staff. They knew the many areas of waste and problems and we have corrected many. There are still others that will have to be corrected, but many of them have been dealt with.

As you know, the reservation system was reviewed, and I think it was reduced by nearly one-half of the personnel, many of whom were not Caymanians, in fact one of the persons who went from there was my first cousin, but in this position one has to learn that what applied to the public generally, has to apply to one's family.

"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."

That has been done. We negotiated out of it for \$1.5 million. We also had to pay the \$6.5 million judgment from when they had grounded the two 737-400s.

"9. Ensure that there are regular, practical flights to, from and between Cayman Brac and Little Cayman which are convenient."

I think we have done that. In fact, we have added an extra flight on Saturday, which I mentioned earlier. We

have some very good support from Island Air in this area and they have done a good job in many respects in assisting the Sister Islands with their service.

In thinking back a few months, at one stage there were about 550-odd flights per month to Cayman Brac and at one stage it peaked at 700 to Little Cayman per month. That is hard to believe, but it is so.

The National Team, in my view, has discharged the duty in Cayman Airways that it set out to do. I will endeavour to the best of my ability to ensure that Cayman Airways continues along the lines that it is going. There are going to be problems. We still have to face the Bermuda II Negotiations in air rights, we still have to face very stiff competition from airlines such as American Airlines, but I think the National Team's approach—that the Cayman Islands has to come first, and Cayman Airways is secondary to that—has to be applied. It rarely conflicts, but occasionally it does. In instances like that it is better to subsidise it some, as we do on the Cayman Brac route, than to have people in the Islands suffer.

I noticed in the newspaper that there is to be a meeting dealing with the 'tax borrow and waste' government. The person holding the meeting is an expert in this because it applies fully to the last government. So we will hear, perhaps tonight or tomorrow night (Tuesday the 15th) exactly how that Member engineered the tax borrowing and waste of Government funds in the last four years to the tune of \$57 million. I am sorry... A former Member for Health, Mr. Ezzard Miller, is what I am saying.

One other short area before I leave Cayman Airways is that we now have put out a job description within Cayman Airways for the Assistant Managing Director. We will be endeavouring to look both within the company and outside the company for a Caymanian to fill that position. It is very important that whoever sits confirmed as Managing Director of Cayman Airways is capable of handling it because it is something that can wreak economic disaster in this country in a very short period of time. The evidence of that is plastered in red over the last four years.

It may well be that we will be able to find within the Island someone capable of sitting there. I am sure we will. If necessary we will give the proper training. We will have some continuity in relation to the present Managing Director who unfortunately is going in the middle of next year—I had hoped it would have been closer to November of next year. He is very capable, very experienced, and he has really taken Cayman Airways to the heights it has now reached in what has been (and this is the one time I believe I am changing sides) a total turn around and change of sides and approach that we have taken there—this time for the better.

I think that I need to clearly say that if the Board is not satisfied that an applicant—be he Caymanian or otherwise—is competent to fit or hold that position, then he should not get it. It is just too critical and too expensive a position to be filled by someone unless he is fully capable.

The comments in today's *Caymanian Compass* on

the Budget Address debate by the Second Elected Member for Cayman Brac and Little Cayman, has as its headline "The Budget Has Been Termed a Cookbook". Well, Madam Speaker, I am going to speak for a minute or two on 'cookbooks'.

What the National Team has cooked was the last Government's business. They are out there burning up in the fire now and unfortunately the leader of the Opposition can not get them back out of the fire. If there is any cooking that is being done, it is not being done by this Government.

When you look at the \$57 million in losses in three years, they did not cook the books, they basically raped the country economically.

Hon. W. McKeever Bush: Hear, hear!

Hon. Truman M. Boddin: They are the hard facts that are laid down—the accounts of this country which are on the Table of this House.

So, I would suggest that the Second Elected Member for Cayman Brac and Little Cayman go and listen to the Tuesday meeting and he will find out all about cookbooks and how they did the massive losses the last time.

On a lighter note, the *Caymanian Compass*, on Tuesday, 8th November, 1994, had an editorial report that I believe is the shortest editorial in its history. Why that is short, and in fact it is about one-third of a page, is because it is headed "**Good News on the Economy.**" If that had been headed *Bad News on the Economy* they would have written four pages on it. Maybe this is the mentality of Mr. Black who made all of those bad statements against journalists. They had to admit that the economy is moving upwards and that there is good news.

What I would say is that they should go back and look at this and really try to do a bit better on the news because I believe that Mr. Black, who owns the newspaper, would be very unhappy if he found the good profits that he says are coming out of the small newspapers, reduced as a result of their not trying to assist the economy in the interest of business continuing to develop.

What I always find a bit strange . . . and I am not really criticising the *Caymanian Compass* here, but they do their little cartoons of me and other Members at times, and every now and then they need to be told a few things. I would not go as far as their owner did in that article in the Wall Street Journal. Only to say that when they do get some good news, try to give us a bit of good coverage on it.

What always amazes me is why anyone in the world would take and advertise in *The New Caymanian*, which has 'gloom' on the front page, and inside of it they are trying to sell their piece of land. I think the classic [example] was a headline that said "People who dive get heart attacks quicker" and inside someone was trying to sell a dive business.

So, maybe people who advertise should find out what the headlines are going to say before they put their good money into the newspapers. They should tell the editors to print some good stuff when it is there, because it helps the people who pay the bills that pay their sala-

ries.

Now, the Budget presented by the Honourable Third Official Member is one that cannot be criticised fairly by anyone. It is one that has no borrowings for this year. We have taken \$13 million of recurrent monies and that is being put towards capital. It is the same as having a situation where out of one's salary one buys one's house. It is the best position one can get in. It is not that the Cayman Islands Government cannot borrow money, the last government could not. In fact, to borrow the \$20 million for Cayman Airways took us more than six months. Not until the first Budget came out, so that the banks were convinced that the policy had changed radically, were we able to borrow the \$20 million that had been attempted to be negotiated from June of 1992 for Cayman Airways.

We have been prudent. We have kept down expenditure, and we are living within our means. If there is one message which this Budget sends to the public and private sector, it is that the National Team understands what it is to run a country in a proper way; to run it efficiently; and not to take and do the massive borrowings which left this country with contingent liabilities of nearly \$140 million which included the \$56 million of losses over the last three years when the last Government was in. And really they had brought this country to a stage where it was totally bankrupt. We are paying back \$12 million a year now for debts which we did not incur.

So, the message we have sent is very clear, and I hope that all of our supporters will echo that. The National Team lives within its budget. We live within the means we have. We will continue to do that because that is the only proper way to get this country back on an even keel.

Let me just issue one word of warning and that is that if they believe that the economic wreckers of the past three years—the last government, Mr. Linford, Mr. Ezzard and those—will not come back and continue to wreck the country to the extent of another \$57 million in three years, then they make a mistake of even thinking of supporting them. To those who are connected with them—their colleagues, (like the letters we have seen in the paper which I commented on earlier), they have to understand that they carry the same burden as the people who wrecked this country. If they keep company with them, they must take responsibility for what they have done. I do not know who in the world going in to politics would want to associate with the economic wreckage of the last Government.

So the message we have to give to the public is that we are living within our means. I believe that is all we can be expected to do, and that we account to the public. We have kept our promises: I read from the Manifesto on Cayman Airways; I read in relation to education. We are an honest Government, we are doing our best and we are asking the public to help us; we are asking for God's help.

Thank you.

The Speaker: The Honourable Minister for Tourism.

ADJOURNMENT

Re: Tropical Storm "Gordon"

Hon. Thomas C. Jefferson: Madam Speaker, just on a point of procedure, if I may.

I understand that the National Hurricane Committee has declared Phase I of an action this morning and intends to do Phase II at 4.30 this afternoon. I would make a suggestion that the House adjourn at this time until 10 o'clock Wednesday morning.

The Speaker: The question before the House is that the House do now adjourn until 10 o'clock on Wednesday morning. If there is no debate I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until 10 o'clock Wednesday morning.

AT 12.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 16 NOVEMBER, 1994.

**WEDNESDAY
16 NOVEMBER, 1994
10.03 AM**

The Speaker: I will ask the Honourable Minister for Tourism, Environment and Planning to say prayers.

PRAYERS

Hon. Thomas C. Jefferson: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

The Speaker: Questions to Honourable Members/Ministers. Deferred question, number 165, standing in the name of the First Elected Member for Bodden Town.

DEFERRED QUESTION NO. 165

No. 165: Mr. Roy Bodden asked the Honourable Third Official Member to provide a progress report of the review

by the Task Force into the alleged under declaration of duties by Cayman Cement Distributors Company Limited.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Findings as to possible under declaration of duty by this company have been passed to the Attorney-General's Office. Follow-up meetings have commenced between the Attorney-General, the Collector of Customs and other appropriate officers with a view to arriving at a decision as to what action should be pursued.

Madam Speaker, I should point out that the providing of any further information on this question other than what has been given could prejudice any suggested follow-up action that may be recommended by the Honourable Attorney-General.

The Speaker: The next question is No. 183, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 183

No. 183: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation to state: (a) the number of students suspended from the George Hicks and John Gray High Schools from September, 1993 until June, 1994; and (b) to provide a list of the offences for which the suspensions were granted.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The answer: (a) a total of 42 students (29 boys and 13 girls) were suspended from the George Hicks High School between September 1993 and June 1994. At the John Gray High School, 109 students (87 boys and 22 girls) were suspended during the same period.

(b) At the George Hicks High School, students were suspended for the following reasons: endangering the safety of other students; gross rudeness and disrespect to a member of staff; continual disruptive behaviour; refusing to behave while in detention; causing a major disruption in the school; and fighting.

At the John Gray High School, students were suspended for the following offences: fighting/violence; abuse to teachers; continual serious disobedience/disruption; possession of offensive weapon; refusal to accept punishment/sanctions; thefts; and drugs (including alcohol).

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what percentage of these students come from the Primary Schools with a history of this type of behaviour?

SUPPLEMENTARY DISALLOWED

The Speaker: Honourable Member, I do not think the Minister would be in possession of such a figure because it was not part of the original question. The question concerns the suspension of students from the George Hicks High School and the John Gray High School. There were no references at all to the number coming up from the Primary School.

If the Honourable Minister could give something later on, fine. If not, I cannot allow that question.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

May I ask the Honourable Minister then, what kinds of psychological tests or counselling, if any, these students get?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, all I can say is that there are three Educational Psychologists and about another three Counsellors who deal with these matters. But there is no way that I can try to tell him on a case to case basis what psychological tests or otherwise are done at this stage.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister give the undertaking that if not presently administered, that these students be administered some tests which will determine whether or not they suffer from attention deficit disorder?

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, I cannot give the Member any sort of undertaking where he is just standing up and putting some test in limbo to students. The students who need testing get tested, and we have qualified professional people who deal with those tests. I am not prepared to put any type of test that this Member comes up with out of theory to any of those students.

And I want to just point out that this is a very important and a very personal aspect of schooling. He

should not be attempting to pry into the personal lives of these children.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I am just asking the Minister—since he says that there are Educational Psychologists—if the psychologists administer tests to determine if any of these students suffer from attention deficit disorder and, if not, would he enquire if the psychologists think that would be a worthwhile practice to adopt.

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, unless I venture into giving an opinion that I am not qualified to give, I cannot answer that question. All I can say to him is that we have professional people and he has to rely on the fact that this is a very personal matter for these children. They are children who have problems and they get the proper professional help.

I can go no further than that with it, Madam Speaker.

The Speaker: The next question is No. 184, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 184

No. 184: Mr. Roy Bodden asked the Honourable Second Official Member for Legal Affairs to provide a breakdown of the students at the Cayman Islands Law School by programme of study and nationality.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Thank you, Madam Speaker.

During the academic year 1994-95, in the Honours Degree Programme: Year One, a total of 11 students, 4 Caymanian, 7 non-Caymanian; in Year Two, a total of 9 students, 7 Caymanian or married to a Caymanian, 2 non-Caymanian; and in Year Three a total of 10 students, 8 Caymanian, 2 non-Caymanian.

The Professional Practice Course: A total of 8 students, all Caymanian or married to a Caymanian.

The Ordinary Degree Programme: there is 1 student, Caymanian.

The Diploma in Legal Studies: Year One a total of 4 students all Caymanian or married to a Caymanian; Year Two—3 students, 2 Caymanian, 1 non-Caymanian; and Year Three—2 students both Caymanians.

In addition there are General Students who study out of interest but for no particular qualification and there are 4 students: 1 Caymanian, 3 non-Caymanian. So the total enrolled number of students is 52, of whom 37 are Caymanian or married to a Caymanian and 15 are non-Caymanian.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Member say if there exists any quota for non-Caymanian students in any of these courses?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Not that I am aware of, Madam Speaker. There is no quota.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Member say if there has been a recent change or ruling in the Law School that non-Caymanian students are allowed to pursue legal studies? Certainly, the original intention of the school to the best of my knowledge was that it was catering specifically to Caymanian persons to be trained in legal studies.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Caymanians, of course, are always encouraged to participate at the School. But it has always been available for non-Caymanians to study there. The essential difference is that it is only Caymanians who are entitled to go further and qualify to be admitted to practice law in the Cayman Islands. So to obtain an academic qualification non-Caymanians can do that in certain circumstances, but only Caymanians can go on to be admitted as Lawyers and Attorneys in Cayman; unless the dispensation of the Governor is given. That has not been given.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Member explain or give some detail as to the general students studying out of interest. Will they eventually end up with a degree or a diploma or what is the situation in that course of study?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: No, Madam Speaker. They will not end up with any qualifications at all (not formal qualification). They are students who, as a matter out of their own interest, come to the Law School to study a single subject, rather than a complete course. Maybe they have an interest in a particular area of law that they want to

study and they come there for those lectures. But they do not go through the whole course, so they will not get any qualification.

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

No. 186: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation for the total number of Flight Attendants employed by Cayman Airways Limited, with a breakdown by length of service and nationality.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The answer, Madam Speaker, is that Cayman Airways has 34 Flight Attendants. The breakdown follows:

Total No.	Nationality	Length of Service
10	Caymanian	Since 1981: 1
	"	1985: 1
	"	1986: 3
	"	1987: 1
	"	1988: 2
	"	1990: 2
12	Jamaican	Since 1985: 1
	"	1986: 1
	"	1987: 3
	"	1988: 3
	"	1989: 1
	"	1992: 3

The 1992 that I am talking about is June of 1992.

5	American	Since 1983: 1
		1990: 1
		June 1992: 3
1	Nicaraguan	Since 1986
1	Canadian	Since 1992
1	British	Since 1992
1	South African	Since 1992
1	Scottish	Since 1992
1	Honduran	Since 1992
1	Bermudian	Since 1992

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if any effort has been made to recruit

even a few more Caymanians for Flight Attendants on Cayman Airways, to change the pattern of this international line up?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the policy of Cayman Airways Board is to Caymanianise as much of Cayman Airways as is possible. But as the Honourable Member will see, all of the foreigners originated with the last Government and the Government before, which had the policy of just employing foreigners instead of Caymanians. I want to point out that all of these were employed prior to this Government coming into [office].

We have been attempting now to change over as best we can and indeed, and some of the Flight Attendants who were foreigners were terminated. Some resigned. So a lot more have left since that period of downsizing.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Honourable Minister say what has he been doing in the past two years specifically to change this situation of foreigners other than those that have been laid off? There are still many here. What is being done? Is there any advertisement to change these posts or is he simply going along with the way he found it?

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, the disaster of Cayman Airways arose because the former Member dabbled into the workings and the daily employment of Cayman Airways staff. I am not going to fall into that trap.

It is a decision that has to be made by the appropriate authority. It is not my duty to recruit staff for Cayman Airways and the reason why we have gone from this loss of \$35 million in two and a half years (that the last Government got into by recruiting extensively), is because the Board and the Managing Director have very clear parameters within which they operate and we do not overlap.

However, the decision of the Board is to Caymanianise Cayman Airways as far as possible. And to that effect we do so within the proper and orthodox channels of the Board and the Managing Director.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Honourable Minister spoke about what the last government did, indeed at this time he is Government. What I would like him to tell the House is if he has set any policy (being

Government) about hiring of non-Caymanians and Caymanians in Cayman Airways which the Board of Directors must adhere to.

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, I, as a Member of Government representing the shareholders of the company, do not set policies in relation to staff for Cayman Airways. And I want to get this very clear—the policy for staff of Cayman Airways is set by the Board and in certain circumstances by the Managing Director. As Members know, shareholders of a company are not the directors of a company and do not run it.

It is this failure to understand the difference between a shareholder and a director, which is now displayed by this Honourable Member, that caused the disaster of a \$35 million loss to Cayman Airways in two and a half years—a failure to appreciate how to run a company. I am not going to interfere into areas as a shareholder that I am not legally qualified to go into and indeed, which does not fall directly under me.

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

No. 187: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what consequences are projected for Cayman Airways Limited due to the charter proposed by Caledonian Airlines and other Airlines which may be flying approved charter services into the Cayman Islands.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the total number of seats provided charters, including Caledonian, is less than 10 per cent of the total seats in the Cayman market. Furthermore, Caledonian operates from a United Kingdom market which Cayman Airways Limited does not serve. That United Kingdom market is less than 5 per cent of total traffic to Cayman. Therefore, charter traffic is not the major threat to Cayman Airways Limited. The real threat is provided by scheduled carriers operating on the same United States of America/Cayman routes as the national carrier.

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if any traffic is lost to charter flights into the Cayman

Islands that Cayman Airways once had prior to these charters coming on line?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, common sense, dictates that with the charter flights there is some loss of passengers to Cayman Airways. Also it must be remembered that in downsizing to put the company back in a profit we had to cut routes such as New York, Baltimore, Turks and Caicos and, obviously, we do not carry passengers on those flights. So charters in those areas will hurt Cayman Airways, but, notwithstanding that, we continue to make a profit in Cayman Airways with the subsidy.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Minister say if Cayman Airways at this time undertakes any charters itself?

Hon. Truman M. Bodden: Madam Speaker, it takes a few from time to time. But to keep Cayman Airways in a profit—I want to stress this—to keep Cayman Airways in a profit we only have two aircraft and the question of new routes is a position for the shareholders and Government (unlike the staff matter that the Member mentioned earlier). To keep the profit in Cayman Airways, we have only taken charters from time-to-time. I would hope this policy would continue for some time to come.

The Speaker: The next question is No. 194, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 194

No. 194: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation how many students are in the Primary, Middle, and High School and Community College respectively in each of the Government and private schools.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The number of students enrolled in the Primary Schools are as follows:

West Bay Primary	429
George Town Primary	331
Red Bay Primary	316
Savannah Primary	175
Bodden Town Primary	114
North Side Primary	42

East End Primary	58
West End Primary	3
Creek Primary	45
Spot Bay Primary	59
Lighthouse School	65

The number of students enrolled in special schools are as follows:

Sunrise Adult Training Centre	22
Alternative Education Centre	12

Number of students at George Hicks High School: 721
 Number of student at the John Gray High School: 567
 Number enrolled at Cayman Brac High School : 109

Number of students enrolled at Community College:
 In full-time programmes 138
 In part-time programmes 78
 Customised contract courses (projected) 300
 Extension courses (projected) 700

The number of students enrolled in the private schools is as follows:

St. Ignatius Catholic School	395
Cayman Preparatory School	356
Triple C School	293
Truth for Youth School	234
Wesleyan Christian Academy	140
Edmer Academy School	89

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if in the two Government High Schools (if indeed that is what they are) if the numbers there are above what was recommended by the last Education survey as being an acceptable number at the schools?

The Speaker: I do not know if the Honourable Minister could answer that. Perhaps he may do so at a later time.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, those numbers were 500; the Minister claims to know so much about education and the plans.

The Speaker: Please, no statements.

Mr. Gilbert A. McLean: Madam Speaker, I would like to ask if the Honourable Minister could explain exactly what are the customised contract courses and the extension courses at the Community College?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Borden: Madam Speaker, these are courses that the College runs for the private sector. For example, the Chartered Institute of Bankers Examinations.

The Speaker: That concludes Question Time for this morning.

Statement by the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

STATEMENTS BY MEMBERS/MINISTERS OF THE GOVERNMENT

STRATEGIC PLANNING

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Members of this Honourable House may have been made aware of an article appearing in a recent edition of a local magazine, in which a Professor of Management in a Canadian University, Henry Mintzberg, makes critical comments about strategic planning based on adverse experiences resulting from its misapplication in large foreign corporate organisations such as General Electric and Texas Instruments. At no time in the article, nor in his book on strategic planning, does the professor give any evidence of any knowledge whatsoever of the Cayman Islands, its culture or what we are achieving through strategic planning. Quite the opposite in fact.

I have no intention, Madam Speaker, of getting into the details of the article or Professor Mintzberg's book on strategic planning. Suffice it to say, the external facilitator for the Cayman Islands three strategic plans, Dr. Bill Cook, believes that the professor's views, in so much as they relate to corporate strategic planning, are fundamentally correct, but not relevant for what we are seeking to achieve in Education, Health, and Drug Abuse Prevention and Rehabilitation here in Cayman.

With your indulgence, Madam Speaker, I would like briefly to remind this Honourable House why I chose a strategic planning approach to the formulation of plans for my Ministry.

When I took office earlier this year, it was clear to me that the provision of first rate services in Health and Drug Abuse Prevention and Rehabilitation was going to involve the expenditure of considerable funds. In order to ensure that value for money was achieved, I decided that we must have a structured approach and systems in place. The strategic planning process impressed me for a number of reasons: First, it is a highly systematic approach to developing plans for the next five years, with a focus on the best interests of providers and clients.

Secondly, it involves wide community participation, inter-sectoral collaboration and decision making by con-

sensus, key ingredients in getting the staff and the general public's ownership of the plan.

Third, it provides for letting the public know what is happening at each stage of the plan's development.

Fourth, at the implementation stage, it clearly assigns accountabilities. And, last but not least, it provides for an annual update to allow for fine tuning, deletions, or additions to take place, again by input from the community and by consensus.

Madam Speaker, I remain unshaken in my confidence that this orderly, structured approach to planning, which involves a cross section of our society and capitalises on their concerns, ideas, good will, expertise and commitment to improve important aspects of our society, will produce excellent plans for implementation which in turn will assist us in our drug abuse prevention and rehabilitation efforts and with the provision of an excellent health service.

The very many Caymanians and non-Caymanians involved in strategic planning should not be discouraged by this irrelevant and irresponsible article. On behalf of the Government, I salute them for their efforts and promise unwavering support as we carry these plans through to implementation.

It is my firm conviction and belief that if the people in our communities are not involved in an approach to solving our drug problems we cannot be successful! This is one of the major strengths of strategic planning which, in our case, is being applied to a service-oriented enterprise as opposed to a corporate entity designed to make a profit.

Thank you, Madam Speaker.

GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDERS 46 AND 47

The Speaker: Government Business. Bills. Suspension of Standing Orders 46 and 47.

The Honourable Minister for Tourism, Environment and Planning—Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, I move the suspension of Standing Order 46 and 47, in accordance with Standing Order 83, to allow the Marriage (Amendment) Bill, 1994, to be taken this morning.

Madam Speaker, at present the Marriage Law under section 21 (a) (ii) requires that a person who is visiting the islands (in other words a tourist) needs to reside in the Cayman Islands for three days. And the amendment which we seek to put forward this morning is to remove the three days and just substitute that both of them have disembarked in the Cayman Islands and have complied with the provisions of Part IV of the Immigration Law, basically to ensure that the Immigration Department

administers proper control over the individuals and to ensure that they are legally landed in this country and the Immigration Department knows about it.

We are competing in a competitive market, Madam Speaker, against other islands in the Caribbean, and I move the suspension of Standing Orders.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman are you rising on a Point of Order.

Mr. Gilbert A. McLean: Madam Speaker, I would like to speak on the question of the suspension of Standing Orders.

The Speaker: There is going to be no debate. Our Standing Orders are silent on that. You cannot have a debate on the suspension. But if there is anything else you wish to raise I would have to put the Motion and if it is carried you can debate the business.

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, I would like to make a Point of Order.

The Speaker: Let me hear the Point of Order, please.

Mr. Gilbert A. McLean: Madam Speaker, the House has suspended the Standing Orders to allow their ongoing debate of the Budget Address. We are talking about suspending the Standing Orders to bring in an amendment to a Law, and this amendment came into the House three minutes ago.

I think this is really an abuse of Standing Orders.

The Speaker: Honourable Member, I have said that there should be no debate on that. I will put the question and the House will decide whether Standing Orders should be suspended further.

I shall put the question. The question is that Standing Orders 46 and 47 be suspended in order for the House to deal with the Marriage (Amendment) Bill, 1994. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended.

AGREED BY MAJORITY. STANDING ORDERS 46 AND 47 SUSPENDED TO ENABLE ALL STAGES OF THE MARRIAGE (AMENDMENT) BILL, 1994, TO BE TAKEN.

FIRST READING

THE MARRIAGE (AMENDMENT) BILL, 1994

The Speaker: First Reading.

Clerk: The Marriage (Amendment) Bill, 1994.

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

SECOND READING

THE MARRIAGE (AMENDMENT) BILL, 1994

Clerk: The Marriage (Amendment) Bill, 1994.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I move the Second Reading of a Bill entitled the Marriage (Amendment) Bill, 1994.

The Bill before this Honourable House proposes to make one small amendment to the Marriage Law. Section 21 of the Marriage Law empowers the Governor to issue a special Marriage Licence to visitors of the islands who wish to get married here, provided that at least one of them has been resident in the islands for three days.

In recent times there have been a number of requests from cruise ship passengers for the Special Marriage Licence to be issued. As it stands today that is impossible, since cruise ships are only in port for less than 12 hours. However, to permit this, it is necessary to remove the residency requirement for these persons. I should hasten to point out that this special Marriage Licence is not available to Caymanians and, therefore, the amendment will have absolutely no effect on them.

Madam Speaker, the number of Special Marriage Licences issued thus far for 1994 total 410. The revenue from each licence is CI\$150.00 and there is a \$10 charge for the stamp. The total revenue therefore is \$61,500.00 for 1994. As said earlier there are about four other jurisdictions in the Caribbean that are issuing Special Marriage Licences, and the Cayman Islands, because of the three-day residency requirement, is losing a considerable amount of business. We therefore wish to remove that residency requirement, and instead simply have the visitors complete the Embarkment/Disembarkment Card showing that they are legally landed.

Madam Speaker, I commend the Bill to this Honourable House.

The Speaker: The question is that a Bill entitled the Marriage (Amendment) Bill, 1994, 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, ever so often we hear these claims about this Christian society of ours

where when it comes to question as to whether a shop can sell a pamper instead of a bottle of milk, or something of the sort, it has to be referred to a Select Committee. When one tries to correct an ongoing illegality—with raffles, because of our Christian society and the threat to it by gambling, that has to go to a Select Committee. Now three minutes ago a paper was passed around to amend the Marriage Law. The Standing Orders were suspended to permit this, and here we are from debating the Budget Address, now amending the Marriage Law to suit cruise ship passengers.

Madam Speaker, I think that the business of legislation in this House is being taken to positions that are questionably dangerous, and is being made to look ridiculous. Standing Orders are strictly there to be suspended at every whim and fancy, and for any frivolous purpose it would seem. I just want to make a few observations as I have not had any opportunity to look at the deeper implications of this Bill, for there has not been sufficient time. But I do want to make the point about all of these claims of religious fervour.

I wonder Madam Speaker, if the Cayman Islands is suddenly getting into a new tourism market—selling marriages here. What, indeed, is the purpose of that? Is it supposed to bring us some particular image abroad, or sell our name abroad, and, indeed, if it does, what type of image is it going to be?

Persons who are travelling on the cruise ship—their conscience is bothering them, or whatever, about what they may have been doing prior to marriage—step ashore in the Cayman Islands, the Immigration Embarkment/Disembarkment Card is taken and it says: Yes, you are "X" and you are "Y" now we will marry you and make it right. Is that the service that we are now taking on?

Madam Speaker, I understand that it does not apply to Caymanians. But why should we choose to change our Marriage Law, with all the hype about marriage being a holy institution and so forth, and made in heaven, to cater to persons stepping off on our shores and being here for five minutes or 10 minutes or whatever time it takes. That is ridiculous.

It is absurd, and I can see no justification whatsoever for this particular exercise. From a purely practical and common-sensical point of view, I think that this particular amendment to the Marriage Law is questionable.

Indeed, if persons wish to be married while they are on a cruise, it is my understanding that under the Laws of the sea most Captains can perform funerals and weddings—persons could be married on board the cruise ship. Why do they choose to say that they are married in the Cayman Islands? as this is suggesting. Would this bode well for us as with our financial services, where the people say they step off the plane, run in here, do business and go back on the plane and their company is made and they can do business? I do not see how this can help the Cayman Islands.

Madam Speaker, as I have said I received the Bill three minutes ago, so I can offer no more than those immediate thoughts on it. But I will not support this.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, obviously I rise to support the Bill. I believe some people think that they know all the facts, but I would question some of the statements being made.

The honeymoon travel market is no small item in the travel world of tourism today—it values \$5 billion—and we are in competition for that market. People are going to get married whether it is in their own jurisdiction or somewhere else. The growing trend today as we understand it, is that many people particularly from the North American continent want to have a special marriage in a special place that they have selected. It may be in Aruba, it may be Jamaica, it may be in the Bahamas, it may be in Barbados or it may be in the Cayman Islands. God knows that we are getting honeymoon traffic to the Cayman Islands, but in our attractiveness there is a lot left wanting.

In many of the Caribbean countries one needs to be there for 72 hours. That is sometimes easy because either they stay in a hotel room for that period of time, or their cruise ship ties up for that period of time, or it may even be that they bend the rules to fit. Our views are that if we are going to do marriages in the Cayman Islands, we want to ensure that all legal authority is in place. That is the reason why we brought this amendment to the House—to continue to have authority as to who gets married, and that the Immigration Department is satisfied, and they have to fulfill the requirements of section 21 (a) (ii) among other part of the Law that deals with visitors being married.

I see nothing dangerous about it, Madam Speaker. I see nothing unreligious about it. Maybe some people would like them to come and stay in a room and live for three days. Is that religious? I think that is the unreligious aspect of it. What we are trying to do is to maintain the religious characteristics of the Cayman Islands by saying that we are building all the controls we need, but let us do it in a moral and proper way.

Some people say that in the Bible, there is Sodom and Gomorrah, and we remember the religious aspect of that. But I see nothing wrong with removing three days and inserting an amendment as we have put forward in the Marriage (Amendment) Bill, to deal with the requirements of the Cayman Islands and to cause us to be more competitive for this line of business. For what are we in the business of tourism for, if not to make some money and to be competitive against other countries—while at the same time holding on to our beliefs that things must be done properly, from a legal point of view and from a moral point of view.

Nobody is selling any marriage, Madam Speaker. The marriages are under the Law. God knows that you do not sell marriage for \$150.00. What we are doing is basically placing the Cayman Islands on a competitive level with other destinations which are catering to this market. It is very simple: Just remove the "three days" and put in the amendment that we are seeking, which gives the Immigration Department the control to ensure that persons who are married in this country under this Special Licence are landed properly with Immigration Authority.

Thank you, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Certainly, I must confess my consternation that the National Team, which touts its members as respectable, Bible-thumping people, would have the temerity to bring this Motion here suspending Standing Orders to turn the Cayman Islands into a haven for marriages of convenience and whatever else at short notice. If this is an indication of things to come, I am most concerned.

Now, Madam Speaker, the Minister has spoken about catering to people who want to spend their honeymoons, but he has the situation wrong. Because the honeymoon comes after the marriage—not before the marriage—and if these people are coming here, stepping off cruise ships to get married, then they certainly will not be spending their honeymoon here if they intend to continue on the cruise.

I have to ask, Madam Speaker, because the reputation that we are getting in the international world and some other areas is not good. Are we compounding that problem by bringing this kind of notoriety on ourselves like Mexico and the Dominican Republic? Believe you me, we are not that destitute in these islands that we need any portion of that five billion. What about the moral aspects? Who, Madam Speaker, is going to perform these weddings? What self-respecting and serious man of the cloth is going to marry someone who steps off the cruise ship saying that he is John Doe, or Miss "X", whom he does not even know and has not even met?

Madam Speaker, as I understand it, marriage is a serious business and most marriage officers certainly require counselling of the candidates; counselling that goes on over a period of days, sometimes weeks. They have to satisfy themselves that both parties are aware of the seriousness. And, Madam Speaker, even with that precaution, some still have misgivings.

In this country we have always subscribed to a certain moral and spiritual position. This is not enhancing that position, and I wonder what we are going to gain that will be worth the reputation that we are going to lose?

We are talking about not opening stores on Sundays because it is our day. We are so moved spiritually and religiously that we want to distinguish ourselves by

setting aside a particular day when everything goes kaput! Dead! Bam!

On the other hand, we are talking about marrying people—allowing people, who we do not even know, who may be criminals, who may have any reason in the world other than the legitimate reason of love to enter into a union. Then we say we are going to allow them to just step off [a ship] and get married.

It does not matter that our own people are excluded from this, Madam Speaker, it is still wrong. I stand here proudly saying that I will not be supporting this Bill.

Madam Speaker, I would like to know who will be marrying these people, because I am sure that no self-respecting preacher is going to marry someone whom he has only known for the length of time that this Bill has been before the House—three minutes.

Madam Speaker, it will not get any support from this Member, and I shall listen and observe with interest. Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Madam Speaker. I rise in support of the amendment to the Marriage Law.

Listening to the Opposition speak, reminds me of an advertisement that I saw with regard to the firms on Wall Street. It said: "When E.F. Hutton speaks, people listen." I believe that is the position the Opposition thinks it finds itself in. All its members have to do is get up here and thump their chests, and people will take in all they say—which is nonsense, Madam Speaker.

This amendment is a very simple one. It is basically intending to put the Cayman Islands in a competitive position with other destinations. Just because the persons who intend to get married here in the Cayman Islands land here for only a couple of hours does not mean that they have met two or three hours before [landing]. Some of these persons have probably known each other for years. So that argument about us getting away from religious traditions here in the Cayman Islands is total nonsense.

This Government encourages marriage rather than shacking up, which is probably what the Opposition is proposing or encouraging. And we have to be in a position...

POINT OF ORDER

(Misleading)

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. The gentleman last speaking is misleading the House and casting aspersions on the Opposition that did not come out in either of our debates. Madam Speaker, I request the Chair to take the matter into consideration.

The Speaker: I have listened very carefully to what the Member has said and I think he used the phrase that "this is what the Opposition is *probably* advocating", or something to that effect. That does not really say that they are, in my opinion. So I will not agree with that Point of Order.

Honourable Member, would you continue please?

Mr. John D. Jefferson, Jr.: Thank you, Madam Speaker.

Between now and November 1996 they are going to jump up many times because we are going to have some things to say. As I said, Madam Speaker, we in the Cayman Islands have to be in a competitive position. The other day the Financial Secretary took the bold decision on behalf of Government to put the Cayman Islands [back] in a competitive position with regards to some of the other offshore destinations, like the British Virgin Islands, by reducing company fees. What has the result been? Since April when the amendment came into effect, company registration has basically doubled here in the Cayman Islands, which is revenue.

You can imagine the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town as Ministers of Executive Council, wanting to run a country, having all these demands that calls for money, but having no concern whatsoever as to where those funds will come from. I commend Government for the bold decision to address this issue, and I look forward to the revenue from this source increasing substantially.

It does not mean that we are encouraging marriages of convenience. Madam Speaker, that is nonsense! And I believe that this is a step in the right direction. I do not see the relevance it has to the issue of Sunday trading or any other issue that has recently been brought to this House, including gambling, which the present Government does not support, and from all indications a majority of the people of these islands also do not support.

So, Madam Speaker, I support this amendment. I think it is a good one and I commend the Mover.

Thank you.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I will be very brief.

I do not see this amendment calling into question the moral aspects of marriage. The position today is that persons from overseas can come to the islands, and within three days those persons can be married.

As the Honourable Minister for Tourism has pointed out, this aspect of tourism is a growing business—over \$5 billion dollars—and we are not doing anything to the country to say that the Cayman Islands can be put in any bad light as has been suggested by the First Elected Member for Bodden Town.

Madam Speaker, marriages of people from outside is not something new. This is something that happens. In fact, from what I can gather—and I am a marriage officer—it is a thriving business here in Cayman today, marrying these people from overseas. If the Ministry can make this much more feasible, much more desirable, then why not? Even if we have one percent of the business, whether it be from a cruise ship or whether they came in by plane. Nobody is saying that it is going to come through the cruise ship.

We know that because of weather at times people are put at a disadvantage. They plan their marriage to be performed in the British Virgin Islands, Barbados or some place else, and a hurricane develops and the cruise ship has to be diverted through the Cayman Islands. Why should we not take the opportunity to make some revenue? Even if we only receive one percent of that business, how much would that be, Madam Speaker? One percent out of \$5 billion, or even half of a percent.

I feel that the Cayman Islands, being the good destination that we are, the Minister is doing the right thing.

As far as counselling for days and weeks is concerned, it is true that most marriage officers like to do some sort of counselling. But I can tell the world that the people who come in for three days are not asking for any counselling, and the people who are performing the weddings—and I tell the world this—it is not McKeeva Bush, and if I do (just in case, Madam Speaker), I do not charge to perform any wedding. But those people who come here for three days are not coming here to receive a lot of counselling. It is a pity that it could not be done sometimes.

As for their remarks about the National Team touting themselves as Bible-thumping Christians, Madam Speaker, we do not say that we are the best Christians: we certainly are not black Muslims. But we believe that there are situations in this country that we have known all of our lives, like opening shops wholesale on Sunday. Why should we bend to the wishes of the two Elected Members that spoke on the Bill?

Mr. Gilbert A. McLean: For the same reason you bend to marrying people in three minutes.

Hon. W. McKeeva Bush: Madam Speaker, it is a lot of rot to say that the two are the same. We are a changing world, but we do not have to change to every whim and fancy that the Opposition wants us to. And I, for one, do not agree with their position on the Sunday Trading Law, whether they call me a Bible-thumping Christian or an idiot (sometimes they do), I do not care.

My position is that we are doing too much on Sunday; that we should all be taking a rest and taking time to contemplate on what the Almighty has done for us. It is time that this country realises that as a government we do not have to do it, and we are not going to do it. I think enough is said on that.

For people who have been through several marriages, they have a lot of gall to get up and talk about the moral aspects of marriage, preaching religion. You know what that Bible says about that? I wonder what kind of counselling they took on that!

Nevertheless, Madam Speaker, I do not think that we should stifle tourism in any shape or form. And this certainly is not doing anything to harm it. It is enhancing what everybody has been talking about for the last couple of days in the letters and the media, and in the speeches that have gone on so far.

I support the Bill.

The Speaker: If there is no further debate, I will ask the Honourable First Official Member to conclude the debate of the Second Reading of the Marriage (Amendment) Bill, 1994.

Hon. James M. Ryan: Thank you, Madam Speaker. Madam Speaker, I wish to thank all Honourable Members who have spoken, both for and against the Bill. I would simply like to say that there is nothing questionable about it.

The original intention of the three-day waiting period was to facilitate civil servants dealing with [the special marriage licence]. Removing that requirement, in my view, speaks well for the improved efficiency of the Civil Service. If a licence can be dealt with in a day instead of having to wait for three days, it saves time.

Madam Speaker, as I mentioned earlier, 410 licences have been issued thus far this year and the removal of the three-day waiting period is not going to adversely affect the quality of these licences. The applications will still be scrutinised with the same degree of care as has been done up until now. I do not see any problems coming out of it.

My Portfolio processes the paper work and prepares the licence for signature and it simply means that the paper work will be moved through faster than before. Madam Speaker, I commend the Bill to its next stage.

The Speaker: The question is that a Bill entitled the Marriage (Amendment) Bill, 1994, be given a Second Reading.

I shall put the question, those in favour please say Aye...Those against, No.

AYES.

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. 19/94

Ayes: 12

Hon. James M. Ryan
Hon. Richard Coles
Hon. George A. McCarthy
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden.
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mrs. Berna Thompson Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna Moyle

Noes: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

Absent: 3

Hon. Truman M. Bodden
Dr. Stephenson A. Tomlinson
Mr. G. Haig Bodden

The Speaker: The result of the Division is 12 Ayes and 3 Noes. The Bill has accordingly been given a Second Reading.

AGREED BY MAJORITY: THE MARRIAGE (AMENDMENT) BILL, 1994, GIVEN A SECOND READING.

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

HOUSE IN COMMITTEE AT 11.21 AM

COMMITTEE ON BILL

The Chairman: Please be seated.

The House is now in Committee to consider the Marriage (Amendment) Bill, 1994. The Clerk will now read the clauses.

THE MARRIAGE (AMENDMENT) BILL, 1994

Clerk: Clause 1—Short title.

Clause 2—Amendment of the Marriage Law.

The Chairman: The question is that clauses 1 and 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.

AYES.

The Chairman: The Ayes have it.

AGREED BY MAJORITY: CLAUSES 1 AND 2 PASSED.

Clerk: A Bill for A Law to Amend the Marriage Law.

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.

AYES.

The Chairman: The Ayes have it.

AGREED BY MAJORITY: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on a Bill entitled the Marriage (Amendment) Bill, 1994.

The question is that the House do now report. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: THAT THE COMMITTEE REPORT TO THE HOUSE.

HOUSE RESUMED AT 11.22 AM

The Speaker: The House will resume.

REPORT ON BILL

THE MARRIAGE (AMENDMENT) BILL, 1994

The Speaker: Please be seated.

Report.

The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I have to report that a Bill for A Law entitled the Marriage (Amendment) Bill, 1994, was considered by a Committee of the whole House and passed without amendment.

The Speaker: The Bill is accordingly set down for Third Reading.

THIRD READING

THE MARRIAGE (AMENDMENT) BILL, 1994

The Speaker: Third Reading.

Clerk: The Marriage (Amendment) Bill, 1994.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I beg to move that a Bill entitled the Marriage (Amendment) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Marriage (Amendment) Bill, 1994, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

The Bill has accordingly been given a Third Reading and passed.

AGREED. THE MARRIAGE (AMENDMENT) BILL, 1994, GIVEN A THIRD READING AND PASSED.

The Speaker: Proceedings will now be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.23 AM

PROCEEDINGS RESUMED AT 11.50 AM

The Speaker: Please be seated.

Debate will continue on the Second Reading of the Appropriation (1995) Bill, 1994.

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of the Debate on the Budget Address)

[Long Pause]

MOTION TO CLOSE THE DEBATE

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I move that the question be now put.

The Speaker: The Honourable Third Official Member, would you close the debate on the Second Reading of the Appropriation (1995) Bill, 1994?

I take a very dim view of having to sit here for five minutes with Members refusing to get up. This is part of your responsibility as Members of the House.

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I rise to offer my contribution to the Budget for 1994, delivered on the 4th November, 1994. I would like

to commend the Honourable Third Official Member, the Financial Secretary.

This is a conservative budget. I believe that compared to three years ago he was very concerned about the route that expenses were taking, and that we have made a turnaround and have gotten expenses in hand. We are also correcting the wrongs of the previous Government.

In the Budget there are many good things that will be taking place for next year, and I would like to share a few of these with the listening public to make them aware of some of the systems that are being put in place.

I am pleased to see that the civil servants are receiving proper training, and that their salaries are in line with the private sector. Of course, the Opposition has said that we are going to take back one per cent of the salary. I would like to state that this is not correct. Last night I received a call from a constituent saying that this is the propaganda that is being put out, and maybe I can share a little bit on what will take place.

In the private sector most pension schemes operate 50/50—with the employer contributing 5% of the salary and the employee another 5% to go toward pensions. In the Civil Service it is even better than in the private sector because the Government will contribute 6% and the civil servant will contribute only 4%. So that is a lot better than even in the private sector. It is not the case where we are taking away 1%. I think now they were paying 4%, and this is the type of propaganda that they are putting out. But this is not the case.

I see no reason why they should be upset because they will benefit from those funds upon retirement. So again, I would just like to correct this; we are not taking away 1% from the civil servants.

We have some very dedicated civil servants, and I think we are all appreciative of the services that a lot of them put in. I think that most of them do a very good job.

The shipping registry: I have had different members of the public ask me why are we continuing with the Shipping Registry. I asked the Third Official Member, the Honourable Financial Secretary, to share with me some of the expenses and to discover some of the operating surplus, if there was one, and he gave me a breakdown. Not only is the ship being registered, but it also spreads out that there are companies to be formed and licensed. So this has a domino effect, as we might say, in that it is not only registration but also in extending other services and that means added income in our community.

In looking at some of the accomplishments of this present Government, we have under the Social Services, the Children's Law [(Revised)], and the Young Offenders Law [(Revised)], which will be brought and looked at. We have the expansion of the after-school programmes, and for those in George Town, I know that we have been working with certain church groups in trying to get this organised. Finding a site in George Town has been our biggest problem. However, I think we have now identified a Government building and it is being assessed to see if

this can be used, or whether we should have a purpose-built building.

Hopefully, by the end of next year we will have an after school programme and a youth centre for the youth of George Town. One of the Rotary Clubs is assisting us and I would like to thank them for helping us.

We are also working on a [Halfway] House for abused women and children. Earlier this year, on behalf of my two colleagues from George Town, the First and Second Elected Members, I made a proposal to the Ministry for [Health, Drug Abuse Prevention and Rehabilitation], for someone to man a house to deal with abused women and children. We have been able to identify a house and I would like to share at this time that we are proposing to purchase the late Annie Huldah Bodden's house, and donate it to the Government to run as a home for abused women and children.

I have been working with the Business and Professional Women's Club, and they have a hotline set up to help abused women and children, and they are prepared to assist. However, we believe that if we can have a full-time worker from the Social Services Department to man the house it would be better, rather than depending upon volunteers to help.

Madam Speaker, the Business and Professional Women's Club is prepared to assist us in manning and answering the telephone, and supervising the house and doing different things. Hopefully within the first three months of the year we will be able to get this up and running.

During the past year the Finance Committee was aware of the lower-income housing project that was launched, and I have worked with a lot of my constituents in trying to assess their income to know what type of housing they can afford. I think that it is finally beginning to work. Some of them feel frustrated, but, as the Honourable Minister who brought the Bill said, it would be what an individual can afford. Like the Government, I agree that individuals must live within their means, and not purchase a house they cannot afford to pay for even though they would like to have something larger and better.

Madam Speaker, the Government's guaranteeing the first 35% of the mortgage will help people who do not have a deposit to put down. From that same department the Minister has promised the Crime Study, and I am happy to hear that will be done and, as I understand, this will take place very shortly. I am pleased to hear this.

In the Ministry for Health, the Minister shared with us that by May of 1995, the Health Insurance Scheme will be put in place. I believe that, unlike what the previous member for Health was proposing—which was not affordable for a retired person living on a \$200 or \$300 pension to be paying out \$170 per month on health insurance—that the Honourable Minister and the Permanent Secretary from his Ministry will work together with the Committee and come up with a very good insurance scheme that our people can afford. Then the Government

will have to look at another type of plan to cover those people who are unemployed.

Looking at the Hospital, I am sure the collections of accounts department has a difficult time in collecting [these outstanding amounts]. I hope that with the insurance scheme in place it will help to correct the attitude that, "Oh it is Government, we do not need to pay."

Community health clubs in each district are planned, and if people can become healthier and fit then we will have a healthier community. These clubs will help in eliminating some of the stress, and weight problems that our community faces. Here, again, Madam Speaker, we are working hard to do things for the islands.

I do get concerned at times when I hear that the National Team is not doing this or not doing that. But, if those individuals would just stop and look at where we are coming from, the mess that we were in. We did not promise them any miracles, but I feel that we are working. When we see something that needs to be done, we address the issue—like the Bill that was brought and passed this morning. We are doing many good things.

Moving on to the Education field: The John Gray High School was reduced. In the Budget there is almost a quarter of a million dollars for internship and teachers' aid.

Questions are posed in the House as to what is being proposed. We can put out the funds and we can encourage our Caymanian children to go into the teaching field, but we cannot force them. Listening to some of these questions by the First Elected Member for Bodden Town, in asking about internship and what is being done, I feel that the Minister and the Department of Education is encouraging our children, but if they do not want to become teachers, then there is very little we can do. We can only put the system and the money in place and hope that they will take advantage of it.

This coming week we will be hosting a Teachers' Conference again, as we did this same time last year. It is good to get all of our teachers together from the public and private schools to be able to put on a workshop like this, to share with each other. I think it is very good, and I am happy to see that the Department of Education is encouraging this.

In the Department of Environment, I am extremely happy to see the Recycling Programme taking off. Several years ago when an individual in the private sector was proposing to do this, the National Trust wanted to do it as well, I felt that the private enterprise should have priority, and if they were prepared to do it then Government did not need to extend that service. I think the private company who started it brought about an awareness of the need for recycling. I know that he has had some problems and I think he is still prepared to help with the programme. I hope that all households in the islands will contribute to the recycling programme starting off with aluminium cans. It would be very surprising to learn just exactly how many cans are used in one day.

The Department of Environment also has the oil spill response equipment. About a year ago there was a little oil spill out by the Harbour House Marina. I remember the concerns that were expressed by individuals about the damage to the marine life. I am happy to see that something is going to be put in place in the event of a larger oil spill, especially in relation to our tourism having to rely on the cruise ships coming in, also that our beaches would not be destroyed, and the marine life really suffers. So I am very happy that is also going to take place.

There is also a relocation of the Agricultural Department to Lower Valley with the existing site being sold. That, Madam Speaker, is a very good move. It will be relocated to the Pavilion in Lower Valley, and with just one site it will save time and money for the Department not having to go back and forth and they can supervise their crops. I think this will be a very good move on behalf of the Minister.

I notice that the Abanks Diving Lodge will be converted to a marine base station. Madam Speaker, that is also very good.

We have the upgrading access control of the Court's Building. For some time now I have been very concerned about the security of the courts, and the accommodation in general there for justice and order to take place. We are all aware that if we have good working conditions we do perform better. I believe that in the Judiciary Department the working conditions will be improved with the accommodation and they will perform better. I noticed also, that there is an increase in staff and that will help in the Department considerably.

I think a Motion is being brought about bus shelters. Madam Speaker, there is over \$50,000 budgeted for bus shelters for the islands. Shortly after the general election when a few parents mentioned bus shelters for our children, especially in the George Town area, I approached the Rotary Club about purchasing some of their bus shelters, or placing them in the areas where the children were waiting to catch the bus. They said that they had additional shelters that were being purchased and they said they would consider putting them on the sites where the children waited for the buses. They are still waiting on those bus shelters, but I think the Government will move on in building their own shelters for the school children. But this is being addressed and we will have that early next year.

The Lighthouse School is being expanded. The Lighthouse and the Sunrise Center [attendees] work in very cramped conditions. I would encourage all Members of the House to pay those two facilities a visit. I am pleased to see that the improvements in these two facilities are being spread out over the next couple of years so that they will have new and expanded facilities.

There are plans for a new mail sorting Post Office at the Airport. This has been needed for many, many years, but the previous Member for that Portfolio somehow could not see that need. I am happy to say that the

Minister for the Portfolio now has taken the bull by the horns, and is addressing the mail sorting office. Again, that will be in the works for early 1995.

There are funds in the Budget, for public parks in West Bay and George Town, and we will be working towards developing either the park in Spotts or another site in George Town. But we will have a public park in George Town in 1995.

I have heard some rumours that we are spending lots of money on a hospital. But, Madam Speaker, when I explained to the two individuals who were complaining, that what the Minister proposed was a \$21 million [plan] and the former member for Health had proposed \$27 million, and showed that we would have a better hospital for \$6 million less than what the former member was planning on spending and that we would not have two sites with added costs for operating and not getting the proper facilities, they were quite happy when they walked away.

Madam Speaker, I am pleased with the progress that is being made with the Strategic Planning. That seems to be a dirty word for the Opposition. While we were campaigning one of the things that we promised was accountability, and the Minister said that accountability was the main reason that he was so enthused about the strategic planning. I agree that the Ministers for Education and Health are both committed to making sure that we have the right plan.

The Bible, tells us (in the book of Luke, I think) that we must know the cost of something and that we should have proper plans and money in place before we commence anything.

Madam Speaker, this is what is taking place with the strategic planning. We must know where we are going and work towards that goal. But the best thing about the strategic planning is that it is being written and designed (if we would like to call it that) with input from the people in the community. It is what they feel our community needs and not these experts that we have had in previous years coming in on short notice to tell us what we need. For example the previous study that was done for the Education Department was not really what was best for our children. With this strategic plan, with the input from the locals and the teachers that will be operating it (the same thing with the hospital, the doctors, nurses and staff members) then I am sure we will all be much further ahead with the plans.

In looking at the early paragraphs of the Honourable Third Official Member's Budget Address, he touched on the Cuban [situation]. Madam Speaker, I know that all citizens of these islands are concerned about the expenses, but we are all humanitarians and want to make sure that their needs are being met.

I feel that within a very few short weeks something will come up with the United States Government that will help with the burden that we have in trying to help the asylum seekers.

On the construction side of the economy in the islands, the increase has been very dramatic and I am

sure that the boom predicted for next year will certainly help our economy in that the money will go around and our people will benefit.

When we took office in 1992, the construction industry was down, there was a lot of unemployment and our economy was suffering. But, with the help of the Good Lord, I am happy to see that we have been able to remove restrictions such as the 10% on real estate. In looking at the figures it must have surely helped because there is quite an increase and that was the right thing to do.

So, Madam Speaker, contrary to the Opposition I am not leaving the Team. We do not always agree but we work together as a team and the majority rules. But, Madam Speaker, we do it behind closed doors and with whatever the majority rules. That is democracy at work. If I do not agree, I let them know, and if I agree, I also let them know. But we work together as a team. And this is why we have been able to accomplish and get a lot of things done over the past two years and hopefully more in the next two years, as good representatives.

The saying is: '*Unity is strength*', and if we are pushing and pulling then we cannot accomplish a lot for the people that we are representing.

I would like to publicly thank the Director and the staff of the Museum, as I am Chairman of the Control Board for the Museum. A lot of good things have happened this past year and in the coming year we will be looking at new storage for all the collections that the Museum has. New exhibits will be on display. We would also like to have an education co-ordinator in the schools working and teaching more about our history and culture. The Librarian and staff at the George Town Library and the committees from the Museum and the Library, will also participate by giving help and support.

We are looking at a long-term plan for the Library. We, and I am sure many people on our Island, would love to have a new library because the present one is very cramped. We must live within our means though, and work with what we have. Hopefully, we will be able to expand and have an additional reading room and do it in stages whereby we would move along without long term borrowing so that we will not be strapped for funds.

I would just like to thank all the people who have assisted at the Library and the Museum this past year for their help and support.

Madam Speaker, I think with what we found two years ago, and what we have today, we have made a turn-around and are working diligently so that we do not have a bankrupt government. I am very pleased that we were able to do the things that we have done and will continue to do in the next two years.

I would like to congratulate the Honourable Third Official Member and his department again for their hard work, and all the controls in spending the public's funds.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

Madam Speaker, I say that to debate a Budget of the magnitude that we have before us in this Honourable House, should make the Members of this House feel proud just to know that they have played a part in it, regardless of how small it was.

We all should commend the Honourable Financial Secretary, and staff for the job that they have done to bring forward this Budget Address.

I know that the Budget has surprised a lot of people on the outside, and also some of the Members in this Honourable House, for the Budget shows that the Government is not what some of the critics say about it—that it is not any good and it is not doing anything for the islands.

Madam Speaker, one just has to go back to 1992, and look at the financial condition that this country was in. This country was in a financial dilemma at that time. Now within two years we have a budget of \$178 million. To produce that kind of budget without any major tax increase is almost a miracle.

Madam Speaker, someone has done his homework well, and I hope that he continues to do that. With the plans for the coming year, one can only say: 'Well done'. We hope that it will continue to be that way.

Our tourism industry is still in a growing form and that means that revenue in our Treasury Department will always be there. Because tourism is one of our biggest income earners, we should do whatever is needed to keep it growing. The tourism industry is the one thing that we should not play around with. Every consideration should be given to it, to keep it in a healthy and growing condition.

The tourism industry, like everything else, gets its criticism, but there is one thing that we should realise and it is that if it was not for tourism we would not have what we are enjoying today. So let us strive to keep it in a growing and friendly atmosphere.

If more accommodation is needed then we will have a part in getting it. Let us try to build it instead of tearing it down. There may be something about it that we do not like, but that is the way of life—we have to accept both the sour and the sweet.

There have been some remarks about the new hotel being planned for Seven Mile Beach. Well, that reflects on what I said about accepting the sour and the sweet. Let me say that the Seven Mile Beach is the main attraction that brought the tourism here, and that we as Caymanians paid very little attention to it before the tourist and the developers came into effect. I feel that the Seven Mile Beach has played the greatest part in tourism here because if it was not for the attraction of the Seven Mile Beach, we might not have had what we have today.

We should remember that the site that is now being cleared was just cocoplum bushes and shrubs before the tourist industry. Very few Caymanians paid any attention to it, if any of them did.

When the old Galleon Beach Hotel was first opened by Mr. Benson Greenhall, he chose that area because he saw the prospects and it was cleared for a hotel. It was the first hotel site and then it was used again for the new Galleon Beach Hotel. That is gone and now the developers have decided to put their hotel there. This is the place that they wanted.

If a developer comes to a place and spends his money, he sees an area that he likes, or feels it is the attraction that is needed, he buys it. We cannot tell him not to. I am sure if he did not get that site he would not have spent any money in the Cayman Islands. He might have gone somewhere else.

So in spite of these grunts and grumbles we are still forging ahead and I hope we will do it in the spirit of hand and heart together—not fighting against one another because, as they say now, it helps the National Government or builds a face for them. No! It helps everybody and the Islands. Even the Opposition is helped by it. So that is why we should join hands together and push for what we are striving for.

There have also been some remarks about Members spending so much money on sports. Now here it goes again. During the campaign everybody was crying for sports. I have been pushing for sports development for three years and I could not get anywhere with it. I never could. I kept pushing and plugging and hoping that one day some Member would really see the need for sports development. Thank God, I feel we have got one now. I have to tap him on his shoulder.

Sports in any country is life because it is the youth that we are helping. The youths are always the future for a country. I only pray that this will succeed. What I would love to see is facilities for certain sports, such as indoor sports, placed in every district, not just one, so that we can have cross-country tournaments.

We need sports and we need the stadium. I also hope that the Minister will find it in his mind, that we cannot leave out the Brac any longer. I think it is high time for us to move in there with sporting facilities. I have mentioned it to the Honourable Members, and they probably tried. But I also had representation from Cayman Brac asking me to try and bring sports, at least boxing, over there. And I think it is a worthwhile thing.

I say: Let us get together, Members of this House, Opposition and all, join hands and try to get these things going.

Madam Speaker, I say that things are going well. The Cayman Islands has turned around and has come a long way in two years. We have a long way to go in the coming years, but I beg one and all to join hands and hearts together, and strive for the betterment of our Islands.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.45 PM**PROCEEDINGS RESUMED AT 2.35 PM**

The Speaker: Please be seated.

Debate continues on the Appropriation (1995) Bill, 1994. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I rise to speak on the Budget Address as presented by the Honourable Financial Secretary, the Third Official Member, and to take a look at the 'cookbook' which, I think, includes some very good recipes for this Government and for this country.

I would like to take this opportunity to welcome our new Chief Secretary, the First Official Member and I look forward to a long and continued relationship with him and his Portfolio. I must say that in my first few months as the new Minister for Health, I have found it very enjoyable working with him and also with his predecessor.

Once again, I would like to say how proud I was of our Financial Secretary, in the way he was able to go about presenting this Budget. I think he is probably the envy of many Caribbean countries, and I feel sure that President Clinton would not mind having someone like him in his Cabinet.

Madam Speaker, under the management of the Financial Secretary, despite the great difficulties we have experienced recently with the influx of the Cuban [refugees], we have been able to provide a balanced budget to this country. We know the difficulties that have been experienced with these [refugees] and I must say that, but for the Grace of God, there go I.

With careful planning we have maintained, or otherwise improved, our excellent structure so that we can continue to reap the benefits from the two main pillars of our economy: tourism and finance. Much credit must be given not only to the Government and the civil servants that have worked so well to implement policy, but to all members of our community who have contributed in one way or another.

I would like to now go through some of the points that were brought out in the Budget Address by the Honourable Financial Secretary.

We know the great criticism these islands experienced recently by some bad publicity in the United Kingdom. I know efforts have been put forward by the financial industry in an effort to counteract this detriment and apparent jealousy perpetrated by other territories toward the Cayman Islands. I know the efforts that have been made to rid us of these bad images in regard to narcotics and other things where the Cayman Islands has subscribed to agreements for co-operation between the Government and the United States to combat illicit activities.

As he said: "In 1986, the Government further established its position against the illegal use of its financial

services by the passing of the Misuse of Drugs Law. Also in 1986, the Mutual Legal Assistance Treaty was negotiated and signed between the Cayman Islands, the United States, and the United Kingdom which came into effect in 1990. This Treaty states: that the party will provide mutual assistance for the investigation, prosecution and suppression of criminal offences."

Madam Speaker, this shows the efforts that have been put forward by this country wherever possible to clear up the idea that the Cayman Islands is the place where undesirables may wish to come and [invest] their funds. As early as 1992, the advances made by the Cayman Islands to rid the region of drug trafficking and money-laundering were recognised at a meeting of the Caribbean Financial Action Task Force held in Jamaica.

In regard to the drug situation, I would like at this time to pay tribute to one of the gentlemen who successfully and diligently worked in this area. He is none other than Chief Superintendent Trevor Cutts. After I took over the Ministry in March of this year, I had the great opportunity of working with him. We have learned in recent days he will be returning to the United Kingdom for personal reasons.

I know that in some situations in the Cayman Islands, questions have been asked, but I have been assured by Mr. Cutts—even before he went away he came and explained the situation. It revolves around the fact that his elderly mother, who is in her 90s, and his wife's parents who are also elderly, were experiencing great strains. He did not think it was fair for his wife to be undergoing these difficulties by herself.

I assured him that the effort he has put forward in this country and with what we are trying to do in keeping our families together in the Cayman Islands, it would not be fair for us to expect him to stay here while his wife was thousands of miles away experiencing difficulties. So I could not, in all good conscience, try to keep him back. We all know the tremendous job he has done and the effort he has put forward in [eradicating] drugs. I would venture to say that what he has accomplished in his short period of service here was a lot more than has been accomplished in all prior years.

I look forward in future times, once this gentleman has gotten things straightened out, and if the opportunity develops, that we could once again utilise his services. We know that he has been an asset to these islands.

While I am still on the drug situation, I would also like to take this opportunity to thank CASA and the many other organisations that have worked so diligently, and so selflessly with the youth and in trying to educate the community regarding the dangers of drugs.

Recently a lot of us attended an occasion which came up during Drug Free Week. Once again, this was an effort put forward to try and bring our communities closer together to let our young people see the dangers of drugs. I must commend CASA and the other organisations, CODAC, and the Youth-to-Youth [group].

On many occasions I spent [time] with the Youth-to-Youth group (who are young teenagers), and I really enjoyed myself with them because they are the future of this country. The time we spend with them and the efforts that we put forth are what I term investments. Time cannot be too valuable; there can be no better time spent than what we spend with these young people.

Back to the financial and business services. As we look at the increase in the financial services sector we see that this sector grew at about 9%. But the very key point in here is where the proportion of Caymanians employed grew by 10%. That makes me feel real good, because there is not much use in us having all of these benefits from companies here, if our own Caymanians are not receiving the end result of these improvements.

Last year the Mutual Funds Law was brought into effect—once again another innovation by our Financial Secretary—and there are over 700 of these funds contributing probably close to \$.5 million or more dollars. And as we look forward to next year we can imagine the great contribution this will bring to our economy.

Another increase in our financial services is the registration of new banks. The Financial Secretary noted in his Budget Address that at the end of August 1994, the approximate amount on deposit was \$415 billion dollars.

Madam Speaker, when we talk in these terms it is very difficult for the man on the street to really comprehend that a little dot of an island in the Caribbean has been able to manage itself so prudently and has brought the confidence of international investors back. And, as we see, banks have increased by over 41%.

Further on we look at the insurance companies that were registered in 1994; once again that figure is up over 40%. This avers very well for these islands. As the companies keep coming we know the spin-off benefits that will come to our people in the financial industry; the benefits they get by improving their standards of living, et cetera.

Once again I must pay tribute to the idea which has brought forward and into Law, the reduction of companies fees. Many companies have now been registered because of the reduction in these fees. As a matter of fact, it has almost doubled from the period in 1993. So again, we look at the leadership within the financial industry, it is the way in which we do not have to tax our Caymanians directly. These are benefits that are coming to these islands because of providing a conducive area to companies from far away to perform and operate their businesses.

Recently, the financial industry and the Financial Services of Government appointed a Co-ordinator of Marketing and Promotions. Madam Speaker, as a matter of fact, through you (this gentleman is sitting in these chambers), I must give credit to him for his efforts in working along with the financial industry to help promote our Cayman Islands. I think for the first time in our history, the Cayman Islands Government will promote our

services overseas. This will be done through conferences to be held next year in New York, London and Hong Kong.

Madam Speaker, this is a very bold move, and I know, as with other moves, it will only benefit these islands and, certainly, improve the well-being of this country. The benefits that our people can receive without being taxed directly, as was done by previous Governments, such as tax on diesel and gasoline and so on, this is the difference, Madam Speaker, with this Government. We look for ways to help our people, by promoting our industries within, without [taxing] directly; creating a climate that will draw and attract these multinational companies to our islands.

Madam Speaker, when we look at tourism, I must say what the Honourable Minister has done is probably nothing short of miraculous. I know that people try to decry the effort he has put into this, but if we go back and track the history [of tourism] prior to six years ago, there was a gradual coming down. For whatever reasons people may try to justify, I say that it was when the new Minister took over that we saw an upturn (and a constant upturn) where through this year there is well over a 20-odd percent increase in our tourism industry.

These are new strategies being put in place. He did not come in and sit down and say: 'Well, you know, let us hope they come.' If things were slow, he looked at new ways of creating things in these islands to make people want to come here. And I must say, that during the time of depression in these islands back in 1980 and 1989, it has saved us much difficulties, because tourism has certainly increased dramatically in 1993 and now into 1994. As we all know construction had come to a grinding halt and if it were not for tourism, things would have been much more difficult.

We see that projected through the end of this year, we will be bringing in approximately \$275 million through tourism. Once again, I must say, 'hats off' to him for this great accomplishment. I know with the plans that Ministry has, there are many, many good things to come. There will be many more developments on these islands, many more innovative things providing an infrastructure when the tourist comes here—he is not just stuck down on the Seven Mile Beach. The creation of the Botanic Park, the projection for the St. James Pedro Castle, all of this avers well for this country.

And once again, we take these moves to not only stay on top within the tourism industry, but to increase and provide more desire for people to come here.

Madam Speaker, I would like now to look at Agriculture, Communications and Works. Once again, I must commend the Honourable Minister for his able leadership, especially over the last few months when his Departments were called upon to literally do super-human efforts. I know, with the influx of the Cuban refugees, that an unbelievable amount of stress and strain has been put on his department, specifically the Public Works Department. It is amazing how they have coped with it.

I know in the past great criticisms have been levied against these [departments]. Being in Government and seeing how they have functioned with limited personnel—every time he turned around someone was calling here and calling there, there were demands for roads—on the whole, this was all handled quite well.

Under his leadership during the last two years we saw the Agricultural Show brought back into function in these islands, which was something the people in our islands were accustomed to for many years, except the four years of the previous Government when they were unable to attend these functions. We saw what could be offered in these islands—cattle, vegetables, and fruits—and all we need to do is to continue to encourage our farmers.

Another dramatic and far-reaching effect of this Government was when we removed the 10% tax on transactions over \$250,000. The figures are there to bear this out. There was over a 19% increase in real estate transactions. We know, once again, that real estate is one of the very important areas in which the Cayman Islands derives many benefits.

Madam Speaker, it does seem, though, that we are being inundated with real estate men, and I hope that more Caymanians can be used instead of foreign expertise being brought in for this area, because this is good, hard currency that can be left here.

Another thing I must comment on is the Financial Secretary's initiatives in looking into the insurance situation. I see here that a Committee has been commissioned to review insurance, which includes the study aimed at assessing Cayman's risk position vis a vis that of the rest of the region. This, hopefully, should assist in determining whether local insurance companies can attract lower re-insurance rates, and in turn be in a position to offer lower rates to policy holders.

When it comes to insurance we know that this is one of the things that has put a hold on development in this country. As these young families try to build their houses and in the meantime they also have to find the money to pay the premiums for these overly high rates. I hope that we can come to some resolution of this because once we can do this, I know it will only mean that we will see a lot more young people building their homes.

It is hard to believe that the Cayman Islands not having been hit by a serious hurricane in many years, are grouped with countries and other territories that have to pay these exorbitant fees. I certainly hope that we can get this resolved to the benefit of this country.

When we look at new construction, it is very heartening. There is an overall increase in construction of 48%, with commercial activities increasing by a whopping 334%. We must now stop and ask why this has come about. We know why. It is once again, the complete confidence that investors have (local and foreign) in this Government; the stability that has been brought back; a Government that believes in the free enterprise system; a

government that believes in capitalism and no other "ism's"; and above all, Madam Speaker, no moratoriums.

Some people may try to make us believe that it was a slow down in the United States, but I put it to this Honourable House that the grinding halt in development was brought about by that dreaded word, "moratorium".

As we know, economics, and the history of supply and demand, there is no way that we as a small nation, having investors coming here with multiple millions of dollars (\$50 million or \$60 million) that they want to spend on a hotel, we cannot tell them they cannot put [a hotel] here, they have to go somewhere else. That is their money, Madam Speaker. We cannot tell them how to spend their money.

For those who may think that the economy is not moving, when we look at the banking section and see loans and advances (made locally) amounting to \$734 million by the end of the second quarter of 1994, this was up by 3% over 1993. Once again, it shows the movement of our economy, the gradual move, and we know that when we took over at the end of 1992, construction and other things had almost come to a halt.

When we look at unemployment we realise how dramatically it has been reduced. In the year 1993 it was 335, and the most recent figures show unemployment at 208. This has been brought about by the robust way in which our economy is going. People are able to find jobs and have been able to work; they are constantly improving their standards of living. I would ask that as these buildings continue to be built, that more of our Caymanian labour force be employed and paid a fair salary.

I know that this is very important to some of our people working out there, making just barely the minimum of \$3 to \$4 per hour. It is no good to develop if our basic Caymanians are still wanting and can hardly afford to buy the things that others are in a position to buy when foreign labour is brought in and paid such high fees. We must make sure that in the boom that is coming upon us (whether we want it or not), that our Caymanians are taken care of.

I would like to look at the Ministry of Community Development, Sports, Youth Affairs and Culture. We know the able leadership of this Minister, and a lot of times the Ministry comes into heavy criticism. Much of this criticism would not be there if provisions for sporting facilities had been provided for our young people in the past. We would not now be having such great expenditure. Who else can we better provide for, than for our young people?

I know that under the able leadership of the Honourable Minister, many good things will be coming to these islands. We know that if we can keep our young people occupied, we can certainly keep them off the streets, keep them out of mischievous things, and, above all, keep them from dabbling with drugs and other serious crimes.

Madam Speaker, the next thing I would like to look at is Education. The unparalleled success that we have

attained in the CXC examinations has been brought to the attention of this House. I know that these were adopted by the previous Government, but the mechanics and the infrastructure for teaching our children were put in place by this Government. I know that under this Government many scholarships have been offered. I do not think that there is one person who has made an application for a scholarship who has not been granted his wish. I know that this will continue to happen.

Madam Speaker, I would also like to thank the Honourable Minister for the tremendous assistance he has given to the two schools in my district, the Bodden Town Primary School, and the Savannah Primary School. There was nothing, no matter how small or large, when it came to the schools, that I did not get support for.

I know my colleague asked last year about the school bus, and I must say that this has triggered an onslaught from the other schools. But where can we spend our funds better than in helping our children and young people, transporting them in a safe manner? I also know that in the coming budget that there is over \$154,000 provided for the two schools in my district for further improvements. For this I would like to thank the Minister for his assistance.

Madam Speaker, I know we may feel today that we must take great pride in a job well done. We are mindful that our economic position is not such that we can expect to have an over-abundance of revenue in 1995 and the future years. Much consideration must be given to the actual needs of the country. We must seek to prioritise these needs and to apportion the estimated revenue accordingly.

I would like now to touch on things in my area of responsibility. As we know the former Portfolio of Health and Human Services was divided into two Ministries. The Minister for Health, Drug Abuse Prevention and Rehabilitation, for which I am responsible, was created. For the first time in the political history of these islands, drug abuse prevention and rehabilitation has been elevated to Ministerial level and given the emphasis it deserves.

The drug rehabilitation programme, which includes Cayman Counselling Centre, was assigned to the new Ministry along with the Health Services and all the other associated complex issues. My Ministry has been established for eight months; we started first with one Permanent Secretary on the 2nd of March. The Ministry has now grown to a total complement of five. It has been greatly blessed with a small staff of highly qualified and experienced individuals, who are committed public servants giving unstintingly of their time and effort on many occasions. Many nights I have left there after seven o'clock or later, and those people are there working. There is excellent team spirit, and it comes as no surprise to me that we are often referred to as the 'beautiful Ministry'. I am proud to be associated with these people.

One of the earliest initiatives of the Ministry was the approval given to us by Executive Council in regard to formulating two separate strategic plans; one for the Drug

Abuse Prevention and Rehabilitation, and the other for Health Services.

Madam Speaker, this was under the direction of Dr. Bill Cook, from Alabama, and he has been in this service for over 20 years. He has facilitated in over 300 different areas of education, public service in 36 different states, and nine international countries.

So, when I see former politicians, like Mr. Ezzard Miller, who get out there and try to decry this Government, I know where we are coming from and I know where we are going with this system. And with the input from the public I know that we will succeed.

Under strategic planning there are certain guidelines that show us where we want to be (or the objectives), it shows us where we are now (the internal analysis): what factors affects them, the external analysis, and how they are going to get where they want to be, which are the strategies.

Madam Speaker, these are the strategies that we are now working on. We have well over 130 people working on the drug abuse prevention and rehabilitation strategies. These are dedicated people. With your permission, Madam Speaker, I would like to read out the names of some of the people who are working on the No. 5 strategy (the Prevention and Rehabilitation Centre in Breakers), which I know this Honourable House has expressed quite a bit of concern about. I will read the strategy: "We will guarantee treatment and rehabilitation services and facilities to meet the diverse needs of individuals." At the moment we have at least 14 persons working on this strategy—persons like: Chief Nursing Officer, Eloise Reid; Dr. Stephenson Pickering; Lionel Armstead, from CIMI (and we need not question his ability to assist us in putting together a programme on this with the vast experience he has had from organisations in the United States working along with youths), Dr. Kumar, Dr. Margo Koeman, Mr. Mitchell Ebanks, and Miss Judy Brandon. These are just a few of the people we have, who are dedicated and putting in many hours.

My colleague on the Backbench, the Elected Member for North Side, will be able to tell the House about the tremendous amount of effort and time were put in by the planning team when we first started this programme. I would like to thank her and also the Second and Third Elected Members for George Town who have put a lot of effort into this and given us the moral support as we went along.

On the whole, I would like to thank this entire House for the support that they have given me in approaching this very serious problem. If it is not addressed it will have the possibilities of bringing this country down.

Through you, Madam Speaker, I ask and urge all Members and the rest of the people out there to support this, and work toward a common goal in assisting our young people.

Madam Speaker, it is my firm belief that in successful organisations the outmoded, autocratic leadership style has been done away with, and participative

decision-making now prevails. In a small country such as ours, with a limited revenue base and the major expenditures which we are expecting to embark upon in upgrading the physical facilities and the delivery of health care, we cannot afford to arrogantly ignore the input and support of health care professionals and the wider public.

No model of health care systems which may have worked successfully in other jurisdictions can be uprooted and transplanted into the garden of the Cayman Islands.

The people of the Cayman Islands have entrusted Honourable Members with the prudent management of their resources, therefore we are duty-bound to respect their wishes. Time and again the people have dealt with those politicians who chose to do otherwise. Who, with their way of thinking, it has to be their individual way or no way at all, we must respect the wishes of the people who put us in here and do what they tell us—not what we want.

In the area of drug abuse prevention, a fragmented approach is about to be effectively coordinated and a national alliance of governmental agencies and voluntary organisations established. Through collaboration and a joint effort, we expect to succeed in our fight against drug and alcohol abuse and its ill-effects which have plagued these islands for so many years and threatened our very future.

I was pleased to learn very recently that the efforts that we have undertaken in the Ministry of Health, Drug Abuse Prevention and Rehabilitation has been highly applauded, and we have received great praise in a recent report released by the Dependent Territory's Regional Secretariat in Barbados. The report, which dealt with drug demand reductions programmes in the British Dependent Territories, commended the Cayman islands for having made considerable progress towards the formulation of a national strategy on drug abuse, doing so on its own, without the benefit thus far of formal contact with the United Nation's Drug Control Programme.

Also, at this point, the leader of the United Nations' Drug Control Programme was invited to our planning meeting which was held back in September, and she said that she was so wrapped up in the meeting, even though she was there as an advisor, she could not believe the high [level] of input from such a broad cross-section of people. Madam Speaker, coming from a person like that, this really made me feel good.

The report also went on to point out that: "Cayman has put in place a range of services for drug abusers including detoxification, counselling and educational programmes, some of which are innovative and have wider lessons to offer." I know that some of these are things that I inherited from the present Minister for Community Development, Sports, Youth Affairs and Culture, who had put these in place out of his concern for the young people. I must applaud him at this time for his foresight in assisting our young people.

In this report it is also noted that this coming year the United Nations' Drug Control Programme will make funds available to the Cayman Islands (I think the figure I saw is in the region of \$45,000 (US)), because of the steps that we have taken in trying to take care of ourselves as we have independently done before. We do not wait on the mother country, or anyone else, to help us. We plunge in, we see our problems, we face them and we try to do something about it. And with our ability to provide and show a plan we will be offered financial assistance.

Just after taking over the Ministry I had the great opportunity of meeting the head of PAHO (who is stationed in Jamaica), and when we told him of our approach to developing solutions and the way forward within the new Ministry, he said that the idea of strategic planning was the way to go, and he really gave us some great praise for this.

As I mentioned earlier this week, we will begin implementation of detailed cost plans of strategic planning. Once again, I would also like to thank the hundreds of people who have been working with us on this.

Madam Speaker, as I said to this Honourable House in September, when the question came up in regards to assistance for our seamen, the Honourable Minister for Community Development and I met with the local Seamen's Association and agreed tentatively to a satisfactory solution for medical assistance to members of their association.

We are now in the process of talking with the Cayman Brac Seamen's Association to reach an amicable solution for assistance to them. Madam Speaker, their members are in a slightly different situation from those in Grand Cayman.

I must say that I was very impressed with the dedication of people like Mr. Walsham Conolly, and Mr. Dicky Hurlston, the great efforts that they have put forward to assist their fellow seamen in making things a lot easier. The Cayman Association was very happy with the approach that we planned to use with them, and at a later date this will be made public.

As said earlier in another Sitting of this House, Madam Speaker, a review of the Health Services Department is now under way with interviews soon to be concluded and a report from the Inspection Team with its recommendations. Hopefully, this will be presented by the end of November. It is anticipated that matters which may be negatively impacting on patient care and staff moral will be addressed in a timely manner.

Madam Speaker, I remember looking at a report recently from those persons who were requested to look at the overall operation of the hospital. Some of the things they came up with included the restructuring and a complete professional approach in doing business at the hospital. This is something that has now been developed, and we look forward to putting in place a vehicle whereby this can be made easier with better accountability, and responsibility.

I would like to take this opportunity to thank the many dedicated professionals who we have working at the hospital. They have done a magnificent job under very difficult circumstances, at times. I would like also to thank the Cayman Counselling Centre where things are now falling in place; personnel issues are being cleared up and a more logical approach to the delivery of services is being addressed. Hopefully, arrangements can be made where they can be put in different facilities because the space there is very limited. Being so close to the Airport, when a client is in with them it becomes very noisy. So I look forward in the not too distant future of being able to assist them in finding a new place to work.

We look forward to continued counselling services at Northward Prison. These will be resumed and will be extended to the Cayman Islands Marine Institute.

Madam Speaker, earlier this year a tertiary health care services contract for overseas was initiated, once again, by the former Minister (who is now the Minister for Community Development, Sports, Youth Affairs and Culture), with Baptist Medical Hospital in Miami. This has been a very positive thing for these Islands. I continue hearing some very good things about this institution, including reports from patients saying that the treatment is superb, outstanding, and sometimes almost royal. This makes me feel good when we have a facility like this taking care of our Caymanians, who, as we know, expect nothing but the best. I am made to understand that this is the kind of treatment that they get at Baptist Medical Centre.

Madam Speaker, we are ever mindful of the great cost of high quality health care in the United States, as well as the high expectations of our Caymanian community that they should have access to such health care, therefore we must find ways of containing those health costs. To that end we have put in motion a committee of insurance persons whose names have been approved by the Executive Council, and they will be meeting to look at a solution towards health insurance in these Cayman Islands.

Madam Speaker, within the Ministry we look forward to the improvement to our district Health Centres. This is now under way in Bodden Town. I know the land is in the process of being bought for the centre in West Bay, we also hope to improve the facilities in North Side and East End once this has been finalised. I know that our people look forward to this, and they deserve nothing but the best.

Madam Speaker, an accomplishment of major proportions within the Ministry and, once again, with the assistance of my colleagues on Executive Council, is the Master Facilities Plan for the George Town Hospital which has been formulated with full input from the staff and repeated consultations with them to provide necessary feedback and make adjustments as required.

The plan has taken into account the identified need for more space, improved functional relationships of departments and sections, improved, as well as new, ser-

vices, and the need to conform to international safety standards. The plan is designed to meet these needs well into the 21st Century, and at the same time make provision for intermediate and future expansions.

It confirms that with the new design the existing site can be fully utilised with construction of new facilities, demolition of some and the retention of others such as areas, the Dental Clinic, the Eye Clinic, some Wards. Madam Speaker, all of this will be accomplished with minimum inconvenience to staff and patients.

Yesterday afternoon I took the opportunity to visit the site that we have been looking at behind the present Paediatric Ward at the Hospital, and I am amazed at the amount of space that is there, land (good land, level land) where we can save lots of money. When we look back at some of the projections under the previous Government, where new staff alone was supposed to be increased by 29%, or 69 personnel (figures produced by Ellerbe Beckett Chalmers Gibbs) . . . If we were to take some of these figures and project them forward, we would see the tremendous amount of expenditure that we would now be incurring in 1993. As a matter of fact, the Cayman Islands' Health Services Authority forecast statements showed that in 1993 expenditure would have reached \$31.77 million and toward the projection of the year 2011, expenditure would reach \$45.28 million.

Madam Speaker, it baffles me as to how we would have been able to fund such grandiose schemes as these put forward at the time. These could never have worked. Once you talk to the personnel at the Hospital who operated it, as I have said before on many occasions it would have been a logistical nightmare for them in trying to operate a split-site facility in central George Town and going up to the swamp.

So I must say that I am very pleased that we have been able to use the very same architectural firm that did the background work (the Master Facilities Study), who told us that there is adequate space there for expansion.

The Second Elected Member for Cayman Brac and Little Cayman, in one of his debates, did support (at the time) the present site where we plan to do our expansions and new buildings. I look forward to the support of all the Members of this House as we work forward to the improvement of our health facilities. Madam Speaker, as I have said, this is something I have waited on for a long time. This is something this country deserves and must have.

Madam Speaker, another move we have initiated in the Ministry is making an application for securing a Medical Chief of staff. Just after going into the Ministry, this was one of the highlights that all the people brought to my attention. There was one person, the Medical Director who was expected—with all due respect—to carry on his practise and also be a supervisor. He sometimes puts in 18 or 20 hours a day. We hope that in 1995 the new Medical Chief of staff will certainly make a difference in the operations of the Hospital since he will be able to dedicate the time to looking and monitoring overseas re-

ferrals, and the day-to-day running of the Hospital, leaving the present Director to what he is best qualified to do, that is, to practise in his speciality.

We have now appointed a new person as a Genetics Counsellor, and I know this is something that was battered around and around. We have now found a very fine person to fill this position and I know this is something many Caymanians will be glad to hear. We can go back to the days when we were doing the research to look at the many peculiar things that happened in our islands and to see how we can benefit our people and try to assist them.

Madam Speaker, at this point I would like to speak briefly on Cayman Brac. I have had the opportunity in recent times to talk to some of the people of the Brac about the depressed state of their economy, the difficulties that they are enduring with minimal work and minimal construction development. I look forward to getting together and sitting down to talk to these people, because if we do not address the Cayman Brac situation I see an inherent danger with so many people out of work that could cause a problem downline if we do not assist them by improving their infrastructure—not that they really have at this time a good infrastructure—but to get some businesses over there to encourage investors to go there. So I urge this Honourable House, through you, Madam Speaker, to look forward to coming up with a programme to assist and allow Cayman Brac to benefit from some of the prosperity that we are now experiencing in Grand Cayman.

Madam Speaker, I know that there is a handful of organised critics of this Government out there trying to put us down every chance they get. It is hard to believe that people could have such short memories. As we know, it is less than two short years since this present Government inherited this financial chaos. We inherited the construction and other developments almost at a stand still, unemployment for the first time in recent history was running rampant. Our few critics try to come up with every excuse in this world to try and justify their failure. But it boils down to one cold hard fact: the inability of the leaders and policies they instituted.

Yet, today we have these same people, Mr. Miller, Mr. Pierson—who led this country to the brink of financial ruin, doing their best to get themselves established as candidates in the 1996. But I would like to say to the people of these islands: "Beware of wolves in sheep's clothing." We must not be blinded by their sweet talk whenever we think about wavering or giving them another chance. Remember their years in office (the years 1989 to 1992)—these years were possibly the most traumatic and controversial in the history of these islands.

Madam Speaker, there is talk about a silent majority and their actions in 1996. We know about the silent majority. We saw what they did in 1992, and this was in no uncertain terms, when this country witnessed the most lopsided election in history.

I will list some of the things that the silent majority will remember in 1996: They will remember Motion 3/90. What I termed at that time one of the most drastic things that turned the tide of this country around since 1932, when Finance Committee was taken away from the Elected Members of this Parliament and this House was controlled by a minority of five elected members. I must say, thank God, that with this now entrenched in our Constitution, we no longer have a fear of Finance Committee coming out of the hands of responsible elected members.

The silent majority will remember the Cayman Airways situation, the debacle that we almost experienced when we got into the deal with the [Boeing] 737-400 aircraft. Cayman Airways almost went down the tube, it was almost forced into liquidation. But, thank goodness, this has now been turned around and we look forward to Cayman Airways continuing to grow with the support of this Government and the present subsidy of \$4 million a year. We know what this means to Cayman Airways, as in years past, other foreign airlines left this country overnight: we cannot afford to be left without our own airline.

The Speaker: Honourable Member would this be a convenient time to take the suspension?

Hon. Anthony S. Eden: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.44 PM

PROCEEDINGS RESUMED AT 4.05 PM

The Speaker: Please be seated.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, continuing.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

When we took the break I was giving a few points in regards to a letter that was trying to remind us of the silent majority and the actions which they will probably take in 1996.

To reiterate, we experienced in 1992, in no uncertain terms, what the silent majority did. The silent majority will remember the construction of a Post Office in North Side at a cost of approximately \$400 per square foot by Mr. Ezzard Miller and his government. This is approximately three times what will be required to design specialised areas of the new hospital that we are going to build. People do not easily forget these situations.

Madam Speaker, the silent majority will also remember the attempts of the last government to ram a constitution down our throats which the majority of people did not want, as was evidenced in the 1992 Election. This constitution, if it had been put through, would have put in place a Chief Minister who would have had unlimited

powers and would be almost impossible for us to remove. This we did not need.

They will remember the \$0.50 cent tax that was placed on diesel and other fuels which triggered a multiplier effect on about everything that we used in the Cayman Islands and affected every man, woman and child, the cost of living went up. This we will all remember.

We remember the slow days when there was no construction going on, no work and, as I have said before, unemployment. People were discouraged and upset, and I am pleased to say that things have certainly improved and people, once again, have a smile on their faces.

The final thing I would like to talk about, which the silent majority will remember in 1996, is the summary of the Cayman Islands Government—the Financial Summary 1984 to 1994. When we look at the period 1989 to 1992 there was an accumulated annual deficit totalling \$52.6 million. There is not going to be too many Caymanians out there who will forget these figures.

A lot of this deficit had to be covered by taxing our people. In the last two years, as a matter of fact, there were approximately \$20 million of direct taxation that went on our Caymanians.

The civil servants were given a raise on the one hand, and on the other hand there was this 'taxation' taking it right back from them. They benefited nothing. When you go back and look at last year there was nothing in our budget that directly affected Caymanians.

We have to remember where we came from in less than two years and what this Government has accomplished without over-burdening our people. How can the public have such short memories, when they know what we found when we took over office and what has happened in the last two years?

We have created an atmosphere that is conducive to companies coming in here and feeling comfortable. The confidence has been restored, and I look forward to a fantastic year in 1995.

When we look at the measures being put in place and the action that is being taken under the direction of our Financial Secretary, I am pretty sure that when they come back from their tour in February, we will be pleasantly surprised at the feedback and the results of such a trip, making the public know that the Cayman Islands is the place to come to—to be welcomed, where they will not be ripped off, and where they will be treated as decent human beings without being taken advantage of.

Madam Speaker, when we think of the new hotel that is scheduled to commence shortly on Seven Mile Beach—I understand this is in the range of \$30 to \$50 million—when we look at that, using a multiplier effect of three, that is well over \$100 million that will be going into this very small community where people will be able to get jobs once again, and improve their standard of living without being taxed (as I have said before) to pay for necessary Government services. Madam Speaker, this is what the silent majority will remember in 1996.

Madam Speaker, I would now like to turn to things within my electoral district of Bodden Town.

Last year, and during this year under the able leadership of the Honourable Minister for Community Development, Sport, Youth Affairs and Culture, we were able to see the Bodden Town playing field upgraded. Through the assistance of the Rotary Club, and Mrs. Monica Gore, we were able to get some lights for the field and we also purchased approximately one acre of land at the Civic Centre in Bodden Town.

In recent days clearing of land has started on this property adjoining the Civic Centre, and we look forward to further development of this in the coming year where, like West Bay, George Town, North Side and plans in hand for East End, our youth in the district of Bodden Town will have the proper facilities on which they can expend their youthful energy.

Madam Speaker, recently there has been the acquisition of the public beach behind the Spotts Cemetery. I must truly thank my colleagues on Executive Council for their support. This is something the people of Savannah, Newlands, and the lower end of the district of Bodden Town have been waiting for, for over 30-odd years. They had just a tiny strip of a 12 foot right-of-way on the east side of Coral Bay condominiums. I have been made to understand that they will have a decent place where they will be able to go and swim and enjoy themselves in the close proximity of Spotts. This I am truly grateful for, we have been instrumental in getting this for them.

I would also like to thank Messrs. Kearney Gomez, Alan Jones, and Philip Tatum, who negotiated very capably in the acquisition of this land.

Madam Speaker, there will be further development of the Breakers Civic Centre (ceiling, lights, roofing) and I know that the Minister for Community Development and Sports has approved funds of \$10,000 to work on the playing field in Breakers. It is not a very big community, but we have some fine young men there who most of the time have to go to Bodden Town or North Side playing field to practise with other football teams. This provision, once it has been finalised, will allow them to literally play in their back yard in the proper facility.

In the Budget for 1995, there is a total of approximately \$3.5 million for capital development in the district of Bodden Town. I think this is a very handsome sum of money and once we can get this going I know it will be of benefit to the people of Bodden Town.

Not to take away from the Minister responsible for Communications, Agriculture and Works (I know he will talk in more detail), but there are plans to relocate the Agricultural Department and offices to Lower Valley. This alone is close to \$300,000, and I note that this will certainly provide much needed work in the district.

The construction of a modern abattoir, which will not only benefit the district of Bodden Town, but will go towards improving the health and the continued support for people who do their butchering, not having to worry about picking up germs or diseases.

As I mentioned very early in my debate, there is well over \$150,000 for improvements at the Savannah and Bodden Town Primary Schools, for things such as tiling porches, fixing of bathrooms, air-conditioning the halls which are used specifically for Christmas programmes, at which time the halls are full to capacity. It gets very warm and this is great to know that finally the children after much hard work in school will be able to enjoy themselves when they have their programmes.

Many of us have seen in recent times the dramatic improvement to the Otto Watler curve where numerous accidents have taken place. We have also acquired the land that goes toward Northward Prison and in this coming year we plan to develop it (as we know it comes to a "V") because it is very difficult for big vehicles to manoeuvre.

There has already been commitment from the people who live in the area and close proximity to put in some gardens with flowers and this is the beauty when we have the community working collectively to improving their surroundings.

Madam Speaker, the biggest undertaking of a development within the district is probably the restoration and development of Pedro Castle. Most of us legislators here saw certain renditions and projections for this area and this means a bit more to me than probably anyone else, as my great, great grandfather was born in that castle. So when we look at \$1 million going into a project like this, once again, to develop and improve the facilities that we have to offer the tourists not just coming here to enjoy the beach but to get out there and see a part of our history and culture. We know that Pedro Castle is filled with that—culture and history. They say the first legislature... the first of many things went on there.

It is great to know that this is being undertaken, and I look forward to assisting, and the people of the district of Bodden Town will also look forward to assisting on such a project of this magnitude.

Madam Speaker, another project we hope to work for in the district of Bodden Town, is the building of a new Post Office. This is something that is greatly needed because the little one that we have is literally on the edge of the road. It is very small, very dusty, and it is not air-conditioned and the Post Mistress has done a wonderful job in keeping things going. But we look forward in this coming year to providing the people of Bodden Town with a nice but not too grandiose Post Office. Something that we can afford Madam Speaker, without taxing our people to the hilt but providing services for them and making things better and more convenient.

There will be work done around the cemetery at Pease Bay and other places. There will be new vaults built and this is all coming up in 1995.

One of the most pleasing things for me, Madam Speaker, is the construction of a new health care facility in Bodden Town. I have been made to understand that the tenders for this will be closed in less than two weeks and hopefully, as soon as this is finalised construction will

begin immediately. This is something that Bodden Towners have looked forward to for many years. The little cramped facility that we have there has done its job well, but it is time that the facility be improved where there is less danger for the elderly, who I know on occasions have come close to being hit by vehicles because of its close proximity to the road.

So, with it at the Civic Centre in Bodden Town, which I am pleased and proud to say has now been renamed the James Manoah Bodden Civic Centre, another great tribute to our outstanding national hero. This was facilitated through the assistance of the Honourable Minister for Communications, Agriculture and Works, where he was able to organise and have everything put together. We hope that when we get the brass plaque finalised we can have an official opening that will be done hopefully by his father—God spare his life.

Madam Speaker, I am also pleased to say at this time that the work on the Bodden Town channel is finally at a stage where I am quite comfortable with the belief that it will start. Just yesterday I was in a meeting with the people from the Environment Department and the company who will be doing the work and we will be going off from the public beach in Bodden Town and clearing up in front of the beach and opening a channel in that area where the people of Bodden Town have waited for about three decades to get this done. And I look forward to this being completed.

We also look forward to the lighting of the main streets in Bodden Town, and the other areas (small communities) in Savannah. This undertaking has now been given to me where the street lights will be placed in areas that have requested lights for some time now. I understand the delay with this was that there was a great demand for security reasons to have George Town and other areas lighted as quickly as possible. I am sure we can all see the result of this where the commission of crime, I think, has gone down.

I think the continued lighting throughout the districts will be of great benefit to our people and the police, taking some of the pressure off them. As we know, if an area is lighted properly it is highly unlikely that we will have people of disrepute in these areas.

I have also asked and have been promised assistance in filling the roads in Belford Estates and Plantation Village. These roads are private subdivisions, and I have told the people to go back to the developers and impress on them that it is their responsibility. But, in the meantime, we look forward to giving some assistance by putting some fill in the worst holes and bringing them up to a situation where the roads can be used.

Madam Speaker, I must say that I am very pleased with this Budget, and I know that as new measures have been initiated by the Honourable Financial Secretary, when they come on-line in 1995, it will be much easier for us to work and get much accomplished for our people. We will be able to do this, once again, hopefully, without directly taxing our people to any major heights.

Madam Speaker, I read in the newspaper yesterday, that a political meeting is being held by Mr. D. Ez-zard Miller. He is inviting the public to 'Come and hear what the National Team Government is not doing—the tax, borrow, and waste government'. I do not know which islands he is living in, but I think if he goes back and looks at the last two budgets they cannot give him support for the advertisement that was in the newspaper.

Finally, in closing, Madam Speaker, I would once again like to thank my Permanent Secretary, who has been a right-hand woman— she has been extremely diligent, worked very hard and has been a great support to me—a rookie and freshman politician—especially in coming to Executive Council. Our new Senior Assistant Secretary, the Assistant Secretary and the other two Clerical Officers in the Ministry have worked long and hard hours and this is a tribute to our Civil Service.

Thanks also to the Financial Secretary and his Deputy, Miss Sian Miller (who was able on many occasions to come and give me assistance, guidance and understanding of things within the financial operations of this country). Thanks also to Mr. Peter Gough, the manager of Budget and Management Unit.

Madam Speaker, I look forward to a very exciting and promising year in 1995. Thank you.

MOMENT OF INTERRUPTION

Standing Order 10(2)

The Speaker: It is now 4.30 PM. May I ask for a motion for the adjournment of the House?

The Honourable Minister for Tourism, Environment and Planning—Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased 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.

I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

The House is accordingly adjourned until tomorrow morning at 10 o'clock.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 17TH NOVEMBER, 1994**

**EDITED
THURSDAY
17 NOVEMBER 1994
10.17 AM**

The Speaker: I will ask the Fourth Elected Member for George Town to say prayers.

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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

Questions to Honourable Ministers. The First question is No. 191, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 191

No. 191: Mr. Roy Bodden asked the Honourable First Official Member to state: (a) The number of complaints against the Police during the past twelve months; and (b) what was the nature of these complaints; and (c) how were they handled.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: In the past 12 months, that is from the 1st of November, 1993, to the 31st of October, 1994, there have been 25 complaints against the Police.

The nature of these complaints were as follows:

Delay in providing medical treatment to a person in custody	1
Discourteous behaviour during a search	2
Assault whilst in custody	2
Assault during investigation of a traffic accident	1
Assault during arrest	4
Improper treatment whilst in custody	1
Threatening behaviour	1
Verbal abuse whilst in custody	1
Lack of police action and discourtesy on the telephone	2
Lack of Police action and discourtesy at the scene of an enquiry	1
Improper Police action or procedure	4
Refusal to provide identification and discourtesy	2
Failure to appear in Court	2
Offensive remarks during a traffic stop	1
Total	25

Of the 25 complaints received: Three were substantiated; 14 were unsubstantiated; Eight are still under investigation; the Three substantiated complaints were handled as follows:

(i) Delay in providing medical treatment to a person in custody: The complainant was arrested following a domestic dispute, during which he and his wife were injured—she being the more seriously hurt of the two. The complainant requested medical treatment at the Hospital for his minor injuries. The Sergeant on duty delayed sending the complainant to Hospital as he was concerned that a quarrel would break out again between the complainant and his wife, who was already at the Casualty Department receiving treatment for her injuries.

During this delay the shifts changed and the information concerning the complainant's request was not passed to the Sergeant taking over the shift. The complainant had not been taken to Hospital up to the time he was bailed.

A letter of explanation and apology was sent to the complainant. Both Sergeants were interviewed by their Chief Superintendent and given advice and guidance on the need to provide prompt medical treatment to persons in custody.

(ii) Refusal to provide identification and discourtesy: A CID Officer in plain clothes, carrying a bolstered firearm, entered the lobby of the Government Administration Building. The Officer, who was on a Currency Escort Duty, was correctly challenged by the receptionist in the

lobby and politely asked to identify himself. He refused to do so and was discourteous in his response. The Officer was seen by his Chief Superintendent and reprimanded for his unprofessional conduct. A letter of apology was sent to the complainant.

(III) Lack of Police action and discourtesy on the telephone: The complainant telephoned to report loud music coming from a next door apartment. Instead of taking her report, the operator transferred her to another Officer. She was then transferred back to the operator, who insisted that she give her name before he would accept her report. When she was reluctant to do so and asked why the information was necessary, the Officer was discourteous and unhelpful.

The investigation revealed that the complainant did not receive the response and service to which she was entitled. The Officer was seen by his Chief Superintendent and given suitable advice and guidance. A letter of explanation and apology was sent to the complainant.

In all the other unsubstantiated cases, the complainants were notified in writing of the outcome of the enquiry.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say who comprise the Board receiving complaints against the police?

The Speaker: The First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. There is a complaints committee set up within the Police Department. It is a three-man committee. I am not sure just what the Honourable Member would like by way of an answer, but simply to say that, as I recall, it is the Superintendent, a Sergeant and a Constable.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if any thought has been given to the establishment of a civilian complaints board, meaning that there might be representation for the Police, but it certainly would not be comprised entirely of police officers?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I am not in a position to say whether thought has been given to this or not.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Member could tell us what is considered im-

proper police action or procedure?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I am afraid I cannot give the actual definition. I think in cases where complaints are made the investigating committee will determine that. I am sorry that I cannot be more helpful.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Would the Honourable Member be in a position to give an undertaking that he would investigate into the possibility of setting up a complaints commission that has some civilian members represented, seeing that a complaints commission made up entirely of police officers could convey the impression that civilians complaining about the police might be somewhat at a disadvantage?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. We had a recent inspection carried out by the Police Inspector and every aspect of policing has been examined. No recommendation to this effect was made. I do not know if there is any evidence that there is the need for this.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Member could state if he is aware of a complaint made earlier this year about police officers shooting birds in the Frank Sound area? (I think it was in July). They targeted the birds, shot them and just left them there. I complained to the former Chief Secretary on two occasions. I notice that it is not listed here. Could you please follow up on this, or could you please make sure that this does not continue?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I am aware of the incident that the Honourable Member is referring to. The fact that she did not make a complaint directly to the police is probably the reason why it is not recorded here. This list reflects actual complaints made to the police. I did have the assurance of the Commissioner that the matter was looked into at the direction of the former Chief Secretary and no evidence of this was forthcoming. There was the complaint to the Chief Secretary, but it could not be substantiated.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I am aware of an incident where a wallet was lost and a complaint was made that when it was handed to the police station it contained cash. That cash disappeared on arriving at the police station. I see nothing here which reflects that complaint. I wonder if the Honourable Member is aware of improper police action in this matter?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

No, Madam Speaker, I am not aware of that particular incident.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I would like to ask the Honourable Member how current this list is because I noticed that there was at least one report of unlawful entry by the police at premises in my constituency. I notice that report is not contained in this list.

The Speaker: Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. The report covers the period up to the 31st October of this year and the information was supplied to me late last week, if memory serves me correctly.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member please state for the information of the House, the correct avenue to take when making complaints against the police?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, the Deputy Commissioner normally receives the complaints, but if the Honourable Member would wish me to do so, I could actually have that in writing for his information.

The Speaker: The next question is No. 192, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 192

No. 192: Mr. Roy Bodden asked the Honourable First Official Member to state the number of persons aged 17 to 25 years who have been convicted of criminal offences since January 1994, and the categories of these offences.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

A total of 118 persons between the ages of 17 and 25 have been convicted of 242 offences in the categories listed below during the period 1st January to 27th October this year. The discrepancy in numbers reflects the fact that some offenders were convicted of more than one offence.

Offence against public order	6
Offence injurious to the public	14
Offence against the person	24
Offence against property	49
Malicious injury to property	4
Forgery and counterfeiting offence	22
Attempts and conspiracies	3
Misuse of drugs (ganja)	61
Misuse of drugs (cocaine)	9
Miscellaneous drug offence	17
Breach Police Force Law	13
Breach Marine Conservation Law	13
Town and Community Law	2
Miscellaneous offences	5
Total	242

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Could the Honourable Member say, in the cases of the misuse of drugs and miscellaneous drug offences, if all of the convicted persons were subjected to any form of drug awareness counselling?

The Speaker: The First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. I am afraid that I am not in a position to state that.

The Speaker: The next question is No. 193, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 193

No. 193: Mr. Roy Bodden asked the Honourable First Official Member to state the total number of work permit holders employed by hotels and restaurants in the Cayman Islands and the positions represented.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The total number of work permit holders employed in hotels and restaurants in the Cayman Islands as of 31st October, 1994, is 1,108. The positions represented in this figure include: Activities Coordinators; Engineering Directors; Food and Beverage Directors; General Managers; Rooms Division Managers; Dive Instructors; Bartenders; Boat Captains; Boat Mechanics; Entertainers; Chefs; Executive Housekeepers; Food and Beverage Server; Front Desk Supervisors/Clerks; Greens Keepers; Concierges; Housekeep-

ers; Kitchen Helpers; Landscapers; Maitre d's; Night Auditors; Parasailers; General Restaurant Staff; Waiters and Waitresses.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Member in a position to say if in any of these positions, which presumably there were no trained Caymanians to fill, are there any Caymanian understudies?

The Speaker: The First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Madam Speaker, the Immigration Board has a policy of requiring employers to carry out training programmes wherever possible for replacing work permit holders with Caymanians.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Am I to understand the Honourable Member that in all of these positions occupied by overseas workers, there are Caymanian understudies, or Caymanians training for these positions?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. No, Madam Speaker, that is not what I said. I said that there is a policy for employers to carry out training where possible when there are work permit holders employed, with a view to having Caymanians take over.

I cannot say that in all cases there is a Caymanian understudy.

The Speaker: The next question is No. 195, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 195

No. 195: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation what is the total cost and cost per student (a) for recurrent expenditure in each of the Government Primary, Middle and High Schools; and (b) cost based on a present valuation of the school and equipment in the Government, Primary, Middle, High School and Community College.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The total recurrent cost for operating the schools, based upon 1993 unaudited figures, is as follows:

John Gray High School	\$3,340,604.31
George Hicks High School	1,944,306.01
Cayman Brac High School	733,784.32
Primary Schools, Grand Cayman	3,614,646.07
Primary Schools, Cayman Brac	570,814.84
Lighthouse School	467,084.82
Sunrise Centre	89,806.06
Alternative Education Centre	296,847.03

The cost per student is as follows:

John Gray High School	\$4,551.23
George Hicks High School	4,145.64
Cayman Brac High School	6,380.73
Primary Schools, Grand Cayman	2,524.19
Primary Schools, Cayman Brac	3,755.36
Lighthouse School	7,533.62
Sunrise Centre	4,726.63
Alternative Education Programme	24,737.25

(b) The present valuation of school buildings in the Government's Primary and High Schools is as follows:

John Gray High School	\$7,604,100.00
George Hicks High School	4,103,400.00
Cayman Brac High School	2,199,750.00
Primary Schools, Grand Cayman	9,293,337.50
Primary Schools, Cayman Brac	1,468,950.00
Lighthouse School	500,850.00
Sunrise Centre	108,150.00
Alternative Education Programme	101,850.00

Note: These valuations were supplied in early 1993 and more current figures could not be obtained.

The total cost per student based upon present valuation of school buildings is as follows:

John Gray High School	\$10,359.80
George Hicks High School	8,749.25
Cayman Brac High School	19,128.26
Primary Schools, Grand Cayman	6,489.76
Primary Schools, Cayman Brac	9,664.14
Lighthouse School	8,078.22
Sunrise Centre	5,692.10
Alternative Education Programme	8,487.50

The cost of equipment in the Islands' schools is not reflected in the valuation figures presented because it is not the normal policy of the Government to insure equipment, the reason being that overall it is more economical to replace equipment rather than to pay insurance premiums.

Please note that administrative costs for the Education Department have not been included, nor have some utility costs (electricity and telephone) and maintenance of building costs which were unavailable at short notice. The total cost, and cost per student based upon a valua-

tion at the buildings at the Community College is as follows: Buildings and equipment costs per year \$157,753.08; buildings and equipment costs per student per year \$682.91.

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, this question was the identical question asked by the Member in 1990 to the then Education Minister. I note in his reply that in 1994 it is stated that it is not the normal policy of Government to insure equipment.

Because some equipment in schools now include computers which are expensive items, and one would hope that they are used as long as is possible, although the technology in that area changes so much, my question is, Has Government simply taken the policy of not insuring the equipment, or have they actually gone to insurance companies for tender in terms of cost?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the question does not deal with insurance and, quite frankly, I do not have it. I gave the Member as much information as I could give him in this very long and exhaustive question.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, in the answer it is also stated that the administrative costs for the Education Department have not been included, nor the utility costs for the maintenance of the buildings and so on.

Does this not comprise a part of the actual cost of education, and would this not then change the figures here in the determination of the cost? Does the Government not include this as a policy?

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, I believe that if the Member had tried to listen to me trying to catch my breath giving him all this information, he would have realised how long it would take to put this together. There simply was not enough time for us to put together the information beyond this. The answer is yes, it would increase the cost per student.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, it appears that this is an extremely good basis of costing within the education system, something that would have statistical

value. Would the Honourable Minister give an undertaking, as a follow-up and using this as the basis, to include this other information and arrive at what I think is valuable statistical information?

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, this type of question wastes a lot of good time where the staff could be teaching the children rather than building up a lot of statistics...*[In reply to voice across the floor]* Would you please shut up?

The Speaker: Honourable Minister, please address the Chair.

Hon. Truman M. Bodden: Madam Speaker, with all due respect, through you, the Member over there is muttering into the microphone. Obviously you did not hear him and I drew your attention—through you to him...

The Speaker: I am afraid you did not because you addressed him, telling him to shut up. In the future please bring it to my attention by the words you say.

Hon. Truman M. Bodden: Sure, Madam Speaker, but...

The Speaker: Please continue.

Hon. Truman M. Bodden: Could I also ask you to listen carefully to what people like him, that Member, are saying into the microphone?

The Speaker: I am afraid that I can only hear one person at a time and you are the person who is talking and I have to pay attention to you. I would not like to deviate my attention from what the Honourable Minister is saying.

Hon. Truman M. Bodden: I will bear that in mind, Madam Speaker.

The time that has been wasted in this Honourable House by the Opposition Member, asking this question and the follow-up supplementaries by the First Elected Member for Bodden Town are such that if the staff have sufficient time and they are not detracted from their normal duties of teaching the students of this country, then I will undertake to get the information that the Member has asked for.

The Speaker: Thank you, Honourable Minister. The next question is No. 196, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 196

No. 196: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation how many aircraft arrivals have there been at Owen Roberts Airport since January 1993 to date, with breakdown by month and

type of flight, that is, commercial or private.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: There were 16,570 aircraft arrivals at the Owen Roberts International Airport between 1st January, 1993, and 30th September, 1994. Eleven thousand, three hundred and eighty-six (11,386) of these were commercial operations and the balance of 5,184 were in the private category. The attached table shows the breakdown of flights by month and category.

1993	Private	Commercial
January	272	508
February	255	480
March	313	533
April	236	549
May	233	467
June	326	525
July	229	497
August	164	508
September	188	476
October	190	515
November	196	567
December	318	563

1994	Private	Commercial
January	280	516
February	245	495
March	258	660
April	264	667
May	244	690
June	372	538
July	173	495
August	251	634
September	177	503

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if the Civil Aviation Department collects the fees for landing and any other relevant landing fees for the private and commercial flights at the airports, or is there in addition any private agency that also does collections?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I find it difficult to see the relevance of this to the question. He is asking about fees, the question only dealt with the number of aircraft. I am not in a position to answer it.

The Speaker: I think it would have been reasonable to assume that if we are talking about aircraft arrivals that the matter of fees might also come in. But if the Minister is not in a position at this time, perhaps he might wish to supply it at a latter date.

Hon. Truman M. Bodden: Not really, Madam Speaker. I do not have it available and at present the staff are at the Caribbean Meteorological Organisation Council's meeting. I just do not have it available.

The Member asks so many questions, I am sure he will ask that of me next time.

The Speaker: Honourable Minister, I am sure that no one expects that to be answered today or tomorrow, but in the foreseeable future.

The next question is No. 200, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 200

No. 200: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation if the Wesleyan Christian Academy is registered by Government under the Education Law.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, the Wesleyan Christian Academy is registered as a school under the Education Law.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say when this registration took place?

The Speaker: The Honourable minister for Education and Aviation.

Hon. Truman M. Bodden: In September of 1977.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Has there been any recent incident in which the registration of this school as an authorised school has taken place?

The Speaker: Perhaps the Member might indicate the incident he is referring to if the Honourable Minister is to answer that.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I would not wish to refer to any incident of this matter being up for renewal if the Minister for Education is not aware of it. Perhaps at a later date. Thank you.

The Speaker: That concludes Question Time for today.

ANNOUNCEMENT BY THE SPEAKER

Standing Order 39

The Speaker: Before proceeding to other matters I would like to refer to the section in Standing Orders dealing with rules of debate, in particular Standing Order 39 which deals with rules for Members not speaking:

"Members present in the Chamber during a debate shall- (a) enter and leave with decorum; (b) not read books, newspapers, letters or other documents unless they relate to the business before the House; (c) maintain silence while other Members are speaking; and not interrupt except in accordance with Standing Orders; and (d) in all other respects conduct themselves in a seemly manner."

I think Honourable Members know that these Standing Orders have been made by the House. This is not a school, and I do not propose that everything that happens and goes wrong I am going to notice. It would be impossible to still listen to whoever has the floor for debate.

There is one point I would like to make, however. It has been normal in Parliament for other Members not speaking to make comments, but comments are not to be made into the microphone of the House. This is very interruptive to the speaker. I think it would be rather foolish of Members who have some comments to make to not do so in a soft voice. I think those of us who have visited other parliaments see this go on. Sometimes, when it is not done in a decorous manner, it can be very disruptive.

I thought I would bring that to Members' attention. Those persons not speaking should not have their microphones on. I ask for your indulgence in the future. We continue with the business of the House.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of the Debate on the Budget Address)

The Speaker: Debate continues on the Appropriation (1995) Bill, 1994.

I would hope that we will not have to wait five minutes again today before an Honourable Member takes the floor. If not, I shall have to call upon the Third Official

Member to wind up the debate.

The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Madam Speaker, I rise to make my contribution to the debate on the Budget Address and the Appropriation (1995) Bill, 1994.

I would like to congratulate the Honourable Third Official Member, the Financial Secretary, on the able way in which he presented such a comprehensive Budget Address to this Honourable House on the 4th of November.

Before going into that Address, I would like to join other Members in welcoming my fellow Cayman Bracker, the Honourable First Official Member, the Chief Secretary, to this honourable House. Although he has visited us on many occasions as the Temporary Member, he is now here permanently. I welcome him and I look forward to his support as the Member responsible for District Administration for the Sister Islands, the district which I have been elected to represent.

I would like to thank the people of my constituency for enabling me to have a seat in this Honourable House since 1980, and to have had the opportunity on many occasions to make a contribution to the Budget Address debate.

During the time that I have been in this honourable House, I have seen many changes and the economy of this country has grown. I am very impressed that a country with such a small population can actually stand and present a balanced budget of approximately \$178 million. The history of the development in recent decades is indeed a credit to the Government and the people of these Islands. We have made great strides in our economic development. And I want to congratulate the Financial Secretary in his moves to further enhance the growth of the financial industry—the reduction in the companies registration fees, and also, the promotion which is being carried out throughout the world is to be congratulated.

I also want to congratulate another fellow Bracker, Mr. Lyndon Martin, on the position he now holds which will help to promote the financial industry to the rest of the world.

We, today, are privileged people. We often forget our blessings and prefer to complain and criticise. If we would use as a guide many of the other industrialised nations and the problems that they face, we would realise that the Cayman Islands are head and shoulders above many.

Many of the great decisions being taken by world leaders, such as GATT and other things, will have a direct or indirect effect on the economy of the Cayman Islands. So to some extent, our success depends on the leadership of the great nations of the world, and the economy of the United States of America, in particular. It is important that we realise that we do depend upon outside influence to keep our economy buoyant.

During this year we have had a great influx of Cuban migrants coming to our land. During my sea career I

traded with the Republic of Cuba, making literally thousands of trips in and out of that country when it was a free, democratic country, and I saw the turn of events from a capitalist society to a communist society when we stopped trading there. I realise that it is because of good government that we are successful and it is because of the change of government in Cuba that those people are fleeing their shores. I sympathise with those people, but, nevertheless, the terrific financial responsibility which it is placing upon such a small population is something which we all must take due consideration of.

We have all seen major changes around the world—in Africa—we have seen the peaceful invasion of the Republic of Haiti. It is my hope that that will be successful and also help this region to become more successful. From personal knowledge I realise that the people of that country have been a forgotten people for many, many generations.

I would now like to turn to Tourism. We all accept tourism as the primary leg of our economy. I want to congratulate the Minister responsible for Tourism for what has been achieved since he assumed that responsibility. I am very thankful to him on behalf of the people in my district for the emphasis he has placed on the Sister Islands, for the advertising and including us in the overall promotion of the Cayman Islands.

Although our hotel rooms are small in number, our economy is even more heavily dependent on tourism than Grand Cayman. So, I am most grateful for what has been done to encourage the travelling public to visit Cayman Brac and Little Cayman.

We look forward to the construction of additional hotel rooms and condominiums in the Brac which will afford more opportunities for visitors to visit our shores and also more employment for our people as additional rooms are provided.

While on the subject of Tourism, I feel that if small cruise ships will use the port of Cayman Brac, that, too, could offer us some assistance. I know the Minister for Tourism is working to achieve that goal.

We look forward to continued growth in tourism and that is why only yesterday another step in providing the necessary tools to make this a successful tourist honeymoon/marriage destination was achieved with the passing of the Marriage Law (Amendment) Bill.

We are going on a steady course and much is being accomplished, but we must never reach the stage where we forget that we must be a friendly people. If these tourists do not enjoy their stay in the Cayman Islands—word of mouth is by far the best advertisement, and it certainly can be the most discouraging. So, I appeal to all to have a smile, give good value for money to all who come to our shores and thank them and wish them a speedy return.

I turn now to the Department of Agriculture. The Department of Agriculture has made great strides, and I would like to congratulate the Minister and his forward-moving programme which includes Cayman Brac as well. The opening of the Pavilion where cattle shows and Agricultural shows can be held has enhanced that pro-

gramme and will allow us all to become better acquainted with what is possible and what is being done in the farming sector of our country.

Also, the vigilant eyes of the Agriculture Department in trying to prevent any animal or plant disease from coming into our country is of great importance. We must endeavour to keep a healthy country.

The institution of an abattoir where animals can be slaughtered in a proper manner will be a great enhancement to the beef production in Grand Cayman, and I look forward to the time when a small area—I do not think that we would go as far as to call it an abattoir, maybe a slaughterhouse—could be established in Cayman Brac where the animals could also be slaughtered under proper health conditions.

The Public Works Department has had a very busy year, and they have come under criticism, but they must come in for praise. I am quite impressed with the progress they are making on the diversion road around the Airport. I realise it is a certain amount of inconvenience it is under construction, but once it is completed it will afford an additional safety factor to the Airport and a properly engineered road for the travelling public.

I shall have more to say on Public Works when I deal with my own district.

Madam Speaker, the Honourable Financial Secretary also spoke of the buoyant real estate market that now exists in these Islands, That is indeed encouraging because not only do we look forward to the sale of land, but we look forward to the development of the land after it is purchased which will have a roll-over effect on our economy.

The construction industry is rebounding. I think that is important, as many of our native Caymanians are involved in that industry and we need to see construction grow in order to provide employment.

On the Sister Islands 1994 proved to be a slower year when compared to 1993. During the first nine months of the year the estimated value of approved projects was 26%, less than the same period in 1993. Statements of this nature are true but alarming to those of us who love the Sister Islands and realise that employment is absolutely necessary there if the population is to remain with us. If employment is not available in Cayman Brac and Little Cayman, they must move on.

I think we should be extremely grateful that inflation has remained under control. Inflation averaged 3.1% as compared with 2.2% for the same period last year. An inflation rate of 3.1 % is still an extremely low rate when we consider that we have to import 90% or more of what we eat and wear. I think we have been very fortunate.

I am somewhat disturbed that the interest rates are being moved up by the Federal Reserve, that will make it more difficult for Caymanians seeking to get homes. Nevertheless, if the experts feel that is necessary to keep inflation down, then I guess it is a cost we will all have to pay.

I am grateful that we do have a low-cost middle income housing scheme in effect with the Government guarantee. I advocated that this was something which

was absolutely necessary here long before I entered into the political arena. I am glad that the Honourable Minister has seen fit to negotiate a scheme whereby Government will not directly get involved in the lending of the money but will be simply guaranteeing it. This has been successful in other countries and I feel certain that it will be a great success here in the Cayman Islands. It will allow people who do not have the money to make a down payment on a home. Once they own their home, they will make the payments to guarantee their equity and not have to fear having it foreclosed.

The secret of the success of some of the commercial institutions has been their firm, hard policy if one did not meet their requirements they had regulations to foreclose. With the guarantee from Government, the banks feel more comfortable, the interest rates can probably be more attractive and certainly more funds will be made available to those who need them.

So, again I congratulate the Honourable Minister for moving in this direction. After this is better established, I look forward to seeking consideration for those who do not qualify under this scheme who may need help from the Social Services for building very small homes.

It is the responsibility of those of us who are more fortunate to provide for the less fortunate. This is one time that the Government is showing that they are prepared to guarantee. Our Government has guaranteed loans for the utility companies. Today our Government sees fit to guarantee housing for lower income persons. I think it is definitely a proper step.

I also want to speak on the sports development. Having been involved in athletics during my younger days, I know the benefit of physical training and the spirit of cooperation. The idea that one has to depend upon team work plays an important part in how one lives his adult life. One realises that one is not an island to one's self, but realises that it takes more than one to accomplish anything. Therefore, I think the benefits that properly organised sports will bring to this country in the long run will have a very beneficial effect. I do not think we should look at what returns we will get at the gate from an individual match. That is not the idea. It is what it will do for the social development and for the youth of this country.

I am grateful that it is the intention of the Honourable Minister to create district sports fields because practise and keeping in shape is so important in sports. If one only sees the playing field on the day of competition, he is not ready for competition. His desire to have the districts (which will include the district that I represent) is most appreciated. Not only is it appreciated, but it is going to show the beneficial effects for generations to come. It will help us realise how important team work really is.

As I said before, in this country we have had a phenomenal growth in our financial sector. The economy of this country is great. But what I want to say today is that I feel that it is high time that the community as a whole should help the Government of the Cayman Islands with the social burden that it has. I am sure that all of us are

familiar that in more densely populated countries they have the United Way, the United Fund, the Community Chest (call it what you may), organisations which take care of most of what our Government has to fund from the Treasury and our Social Services programme. This is an Organisation which is set up as a non-profit Organisation, therefore it can benefit from contributions from individuals and companies doing business in nations where there are taxes and they can deduct that from their taxes.

I believe that we could set a goal and reach it. We could set a high goal and, therefore, many of the companies doing business within the Cayman Islands are subsidiaries of multi-national corporations doing business around the world, many of them paying enormous amounts of taxes to their home countries, whereby a substantial contribution to this fund would be deductible and not really be coming from their treasury, it would only be money that they would be paying out in taxes to another nation, and that would benefit the Cayman Islands. Likewise, companies doing business within the Island could make contributions. That fund could then be administered by a Board where a certain amount of money would be channelled to meet the needs of the less fortunate. It could help sports and many avenues, but the important aspect of it is that it be organised in a proper manner so that it could be a tax deductible Organisation and benefit from countries who have high taxation.

I feel that this would enhance our Government's care for its people and afford all of us who have had success within the Cayman Islands to contribute in a more genuine manner. We would probably prevent the increase of taxation across the board as we have had to do on many occasions since I have been a Member of this House, realising that some of the taxes would touch people who could ill afford to pay them, but neither can the country afford to do without the services which would be benefited by the tax package. Therefore, I had to (and I did) support many tax increases because of the need for revenue. If this revenue that we are talking about could be a substantial amount, it would alleviate the social requirements and the charitable requirements on this country's Government.

Madam Speaker, we have seen the plan for the proposed Port Development. We have seen many forward moving steps since we have come into the House this year—the development of Port Facilities has proved itself very beneficial to the Cayman Islands. I can remember back when we only had the rocks to tie up on here in George Town. If the ship you were on was shallow draft enough to get in, you had to worry about going aground, you had to worry about getting out before the Nor'wester caught you.

Today we have proper facilities. Many people said at that time that the expense was too great for the country, but it has certainly paid its way. It is showing a profit, and it has allowed Cayman to develop. Without the Port Authority we would never have seen the development that we have seen in the Cayman Islands. So, forward

planning, looking ahead, is an absolute necessity if we are to continue to stay abreast of the needs.

I am not sure just how to address the cruise ship mooring problem. I, for one, prefer to see them moored at anchor, but that is not my job to say. Nevertheless, we need to be a forward thinking country and move to keep abreast of the needs of the industry.

Madam Speaker, we are proud of the health facilities that we now have in the Brac. We have come a long way over the years—from a District Nurse to what we now have.

Madam Speaker, you, and all Honourable Members, are aware that we have attempted to construct a rest home. We have the building now completed, and we are attempting to work with the Minister of Health in the operation of this facility. We feel it is too much of a risky business for us as individuals to attempt to operate this on our own. We could not construct it on our own, because when the money stopped flowing, we stopped the construction. That could not be so after we have made the rest home operational. When we have residents in there we must know our source of revenue, where the meals are coming from each day. I stand here today very disappointed that we have not received the support of many of my very close friends who promised major support when we started the construction, but as of today we await the first penny from some.

So, Madam Speaker, that has been discouraging but we will not accept defeat. We intend to get it operational and supply the need that is so desperate. Every day that I am in the Brac I get at least one call asking when it is going to be ready. I wish I had the answer.

Again, this morning, I want to express on behalf of my Committee—The Sister Island Community Care Association—a very grateful appreciation to this Government for its strong support, the contribution for construction, the advice and guidance we receive from the medical staff in Cayman Brac and the cooperation from the Minister of Health. But I do look forward to an early decision from the Ministry of Health as to how we can best get it operational. The one thing that my Committee and I are concerned about is that when it is operational the rate will be so that the people who need it can use it—that the fee will not be such that the people who need it will not be able to afford it and it will only go to people who can afford it. That was not the intention when it was started; that is not the intention today. Therefore, we seek the cooperation of the public and private sector to help us to operate this, so that we can supply that very much needed facility for the people of Cayman Brac and little Cayman.

I would now like to turn to Cayman Brac and Little Cayman. Little Cayman has been moving at quite a rapid rate when we consider the developmental history of that island. It is moving much faster in its development than Cayman Brac, and I know that the Minister for Education and Aviation is exploring the possibility of improving the airport landing facilities on Little Cayman. I look forward to seeing this implemented in the not-too-distant future. It is unbelievable to me, but the District Officer tells me that

it is not unusual to sometimes have 39 flights per day out of Little Cayman. That is hard for me to believe, but it does take place. So it is not just a little island that time forgot.

I also know that the Minister for Aviation has provided us with an extra flight on Saturday afternoon out of Cayman Brac which has been a flight that has historically been very beneficial to tourism development and the local travelling public. It has certainly helped to improve the tourist arrivals on Cayman Brac and that is greatly appreciated I think it has done more to help build up our occupancy rate than anything that has been done. So, to you, Mr. Minister, we would like to say a great big 'thank you'.

I would also like to express gratitude for the keen interest the Minister of Education has taken in the education facilities in Cayman Brac and also in implementing their strategic plan. I look forward to the report on that Strategic Development plan and the future development listed in the Capital Works for this year in Cayman Brac. I think the schools will be enhanced and brought back up to the condition we all would like to see our children go to school in, and we are grateful for that.

We would like to see some bus shelters provided, particularly in the highly populated areas of Watering Place and Spot Bay, where a large number of children get together to ride the school bus. We do not have that much rainfall in the Brac, but when it does, it usually comes at the time when the children are preparing to go to school and it makes it very inconvenient to arrive at school not prepared to attend classes. It is a necessity.

One item that I have long been a great advocate of is the National Health Insurance Scheme. I feel that this is a must. We need to provide some type of insurance for our people. We need also to have a National Health Insurance Scheme in order that Government itself can know what its liability for its civil servants and pensioners and others is going to be. With health costs rising at such a rapid rate, it is baffling to see some of the bills coming in from some of the institutions. Once we have a National Health Insurance Scheme, at least we will know what the premium will be and we can quantify that.

I want to say today, that the premium for insurance will be controlled by the cost of health care in the Cayman Islands. Unless we can keep the cost of health care in the Cayman Islands down, our health insurance rates are going to escalate, they will bill us according to what they have to pay out. We can do nothing about the overseas medical, they are controlled by factors beyond us, but we do have, through the Ministry for Health, a controlling factor on health care in the Cayman Islands.

On a more personal note on the Sister Islands, Cayman Brac and Little Cayman, during the 14 years that I have been honoured to be in this honourable House, we have always had very close cooperation between the Members responsible for District Administration; District Administration itself, Public Works and the Elected Representatives. I have always considered us a team, all trying to accomplish a task and each one of us had a part we could play with certain responsibilities

placed upon each one of us. As an Elected Representative, elected by the people, I feel that my duty has always been to represent the people. I have always tried to provide employment by getting allocations in the Budget and with the cooperation of the District Commissioner and the Member responsible, supplemental expenditures, if necessary, to provide this continuity of employment due to the very slow pace of employment within the private sector.

During the year 1993-1994, situations have changed. We have had considerable problems in getting our projects implemented and I stand here today not flinching for one minute from my responsibility to my people—I have made it very clear that I have never attempted to take the responsibility from the civil servants. I fully know how Government works. I know what I can do and what I cannot do and after 14 years, you do learn a little. But, unfortunately, today in my district there is really no lead being given for respect for Elected Representatives. The Elected Representatives in Cayman Brac and Little Cayman just happen to be around. They are not shown respect.

I will give you an example, and it may be a bit petty, but nevertheless, these things sometimes hurt. We had a Memorial Day Meeting on Sunday at the Aston Ruddy Centre. I was told that there was a seat there for me as a Justice of the Peace if I wanted to sit in it. That said something, there was no seat as a Member of the Legislative Assembly. That is the type of respect that is now being shown. Unfortunately, if my colleague had been there, there would have been no seat for him at all since he is not a Justice of the Peace. That is the kind of respect that is being shown to both of us.

This is not conducive to good representation. I am not trying to play politics. I have never campaigned before nomination day and I do not intend to do it at this stage. I am here, simply stating the facts.

This year has been so different from most other years, and I think the Financial Secretary will bear this out. Many years we have come crying for supplemental expenditures in June and July when the funds are finished. This year, the year is finished, the funds are there but the work has not been done. Our people have been unemployed. There is a policy that they have retired many of the older people—and I agree with the retirement policy—but I also agree that if you cannot get the young people to work and the old people prove to you that they can work, they should be given an opportunity. They are not being used.

I do not want to cry in this honourable Assembly, but I want to set the record straight. The Budget has come to the Budget Committee without everyone seeing it. I have seen it because it is published in this black book and I have been talking to the Honourable Elected Members of the Executive Council to see if there is anything which can be changed around in it that may make it better.

Unfortunately, that privilege was always given to us in prior years, whereby we could hear what the people wanted, It is not possible for them to speak to all of the public, it is our duty to keep in touch with the public and

we could then say this is what we feel is best. Not dictating how Public Works does the work, but just what we feel is most essential.

I am a person who will not hesitate to tell you what I mean, but I will not tell you what you want to hear. That is one of the reasons I have not been asked by them because if I would have said 'Sure you are saying what is right' I would have been acquainted. But I have my ideas, I came here to represent the people and I will go out as a representative of the people. I am not trying to buy friends, I am not trying to buy enemies, I am simply trying to do my job.

Cayman Brac and Little Cayman, as I have said so many times in this House, depend very heavily on continuous employment by the Public Works Department for our people who cannot get employment elsewhere. It really hurts me to know that money will not be spent and hardships and unemployment have existed in the district during the last 12 months. I really hope that this does not continue, because the district cannot afford it.

I said in a public meeting in Spots Bay, some months ago, that this was not a year in which we had the largest Capital Expenditures, but it certainly was not the least. It was not the fault of the Elected Government, we had the appropriations—the fault was not spending the money that was appropriated to us. I want to repeat that again here today. I am not talking that the Elected Government did not appropriate funds to Cayman Brac and Little Cayman—District Administration did not spend those funds as they should have been spent, otherwise they would not be in the treasury today.

The economy of Cayman Brac is such that people try to make due with what they have. But, after they are unemployed after a certain period of time, naturally, they have to leave. When they leave most of them come to Grand Cayman and it is very obvious, there are literally tens of millions of dollars which originated in Cayman Brac which are invested in Grand Cayman. Right here in the city of George Town one can see millions of Cayman Brac funds invested because we did not have an opportunity to keep our young people there.

That is really where my concern is. I want to see something in Cayman Brac that will increase the population. When I traded here in Grand Cayman (when Grand Cayman had about 7,000 people), we were still bringing aviation gasoline in 55 gallon drums. Grand Cayman could not develop. It just did not have the volume of business. So, the infrastructure in Cayman Brac is far better developed today than Grand Cayman was when its population was around 7,000. It took the extra initiative to get it going.

We are underpopulated and until we can encourage additional population, some type of development in the Brac—tourism has helped us immensely, but we have to look beyond tourism to something that will encourage people to come and settle within the two Islands.

As I said, Little Cayman is having major development for a small island. Unfortunately, it is a construction boom. When the construction is over, where are we going to be after that? It is not something that will continue.

I do not think the construction boom part of it can last more than another two years at most. Most of the developable property will be developed and then they will be back to what Cayman Brac is facing today—no permanent population or a small permanent population. I would ask this Honourable Government to help us look for some ways and means by which we can generate an interest in people doing business within Cayman Brac and Little Cayman. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation touched on it yesterday and I was grateful for his remarks. I will deeply appreciate, on behalf of the people, anything that can be done. We do not like the idea of being a drag on Grand Cayman, if that is the word we should use. Nevertheless, until such time as we can have a buoyant economy, we will continue to need employment provided by the Government.

The Speaker: Honourable Member, would this be a convenient time to take the suspension?

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.49 AM

PROCEEDINGS RESUMED AT 12.14 PM

The Speaker: Please be seated.

The First Elected Member for Cayman Brac and Little Cayman, continuing the debate.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

When we took the break, I was talking about my constituency, Cayman Brac and Little Cayman, and the concern I have for the lack of private sector employment there I am grateful to be looking at the Estimates for 1995. I have extracted all of the capital expenditures that will be made in Cayman Brac and Little Cayman. It comes to approximately \$1.5 million for capital works in addition to the recurrent.

Out of the recurrent budget there are fees for maintenance of playing fields—\$20,000; maintenance of boats—\$10,000; fire equipment—\$1,000; buildings—\$175,000; radio transmitters—\$1,500; office equipment—\$6,000; school buildings—\$80,000; other equipment—\$10,000; cemeteries, \$13,000; public parks and gardens—\$25,000; harbours and channels—\$50,000; drainage wells and hydrants—\$10,000; road maintenance—\$200,000; traffic lanes and signs—\$18,000; vehicle and equipment—\$135,000; which is a total of \$754,500.

This will provide a considerable amount of employment. It is my hope that the necessary arrangements will be made once the Budget is approved and expenditures can be started early in the coming year we will not have this type of problem, as I have spoken about here today,

come the latter months of 1995, that money will remain un-spent and people will have been without employment.

This is a very serious thing. It is not like you can walk down the street and get a job from someone else. There is just not anyone else in a position to employ you. It is hard for me to stand here and really express to you, Madam Speaker and Honourable Members, how important the capital expenditure is to Cayman Brac and Little Cayman.

If our workers do not find work within that district, there is no other district for them to drive to. I want to try to emphasise that. If a person from East End does not find work in East End, he can go to Bodden Town or any of the other districts. The same way with West Bay and George Town. But being two separate islands it is even difficult if work is going on in Little Cayman to get there to work. That is one of the problems we are having with the development of Little Cayman—the majority of people in Little Cayman are people on work permits. It has been established for years that anyone from Cayman Brac going to Little Cayman to work was paid from the time he left home to the time he returned and paid for his food and accommodations while there. It makes it extremely expensive. So, many of those working now charter an aircraft to take them there in the morning and bring them back in the afternoon in order to avoid the accommodation. It becomes very expensive when you live on one island and try to work on another. And it is impossible to pay \$78.96 on Cayman Airways if you fly everyday, on what a common labourer earns. It is physically impossible for a person living on the Brac to get employment in Grand Cayman.

Coming towards the end of what I have to say, we have in the Budget a sports grant of \$4,800. This, I understand, is a fee that is divided up amongst the different sports associations in the Brac. Each year we seem to be getting more sports minded and there are more associations being formed. So I ask the Honourable Minister to look at that and see if he can help us with a total amount of that figure.

Mr. Minister, I was saying sports grants are \$4,800 and that covers all the associations, it is divided up into all the different sports—volleyball, soccer, softball, etceteras—and it comes out to a very small sum when it is divided into the different associations, so I would ask if you would look at that.

Madam Speaker, I do not believe that we all truly appreciate the many benefits which we enjoy living in the Cayman Islands. I think it would do us all good if we could travel to the less fortunate places and see how life is in some of the other countries. We could then appreciate our islands much more.

In my parting remarks, I want to say that I think everyone of us wants what is the very best for the Cayman Islands; we want the very best for our youth; the best health facilities, and truly, in every sense of the word, we want the best. In order to get the best, we all have to contribute to it.

I want to speak again on why I feel it would be advantageous for the Government to look into this United

Fund. I do believe it would be a means of relieving a lot of the pressure that is now on Government and providing funds that are really necessary.

Even a country with all of the assets of the United States cannot undertake all of the social benefits that the Cayman Islands offer today. A lot of it comes through the United Fund, United Way, whatever you want to call it, and it is divided by a very competent group of individuals to best suit the needs of that particular district. Millions of dollars are raised in that respect that will not have to come out of revenue earned by the country. I am just asking the Government to give this some consideration. Madam Speaker, I look forward to discussing the Estimates in Finance Committee and I support the Appropriation (1 995) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I begin my contribution to the debate on the Budget Address by first welcoming the Honourable James Ryan as the First Official Member of this honourable House. He is a gentleman who is no stranger to any of us; one who has already made a significant contribution to the people of Cayman Brac and Little Cayman, in particular. I have no doubt that he will serve the country well in his new position.

I believe it is also proper to congratulate the Honourable Financial Secretary and his team for the excellent budget delivered so ably almost two weeks ago. I say excellent because the budget is balanced; it is projected to deliver a surplus in December 1995; it meets all of our loan repayments—all of the \$12 million plus of it—which this Government did not commit.

I note that Mr. Ezzard Miller states that we committed the Government for 30% more public debt. What he did not say was that the Government, of which he was a major player, contributed to and created that debt, namely Cayman Airways—\$35 million, which they lost in just a few years.

When they tried to borrow the \$20 million (US) from the bank (which is what I think he is talking about the 30%) to pay off the creditors before they shut down Cayman Airways, in their effort to borrow the money to pay off these creditors to keep Cayman Airways in the air, on that Government's financial performance, they could not get any bank or any group of banks to lend them that \$20 million (US).

It was only when we took office and demonstrated to officers of our local banks our commitment to sound, fiscal management that we got their approval. The \$20 million was received in 1993. Yes, received during our watch! But the losses were created during Mr. Ezzard Miller's time as Minister for Health, together with the other Executive Council Ministers. We know who they are. They all lost their seats with the exception of one who decided not to run for re-election. The \$35 million loss on Cayman Airways was created by the former

Government. That is why I said all of the \$12+ million in statutory expenditure which we are having to pay back. We committed only a small portion to this year in order to have sufficient money to deal with capital expenditure, in order to begin the stimulation of this economy. Everybody is now asking who we are developing for. I heard the Second Elected Member for Cayman Brac and Little Cayman say that.

The Budget is an excellent one. It holds the current expenditure in check. It provides for a small amount of essential new services. It provides many millions in capital expenditure to provide the necessary infrastructural development and maintaining our facilities for the people of these Islands.

I have always been delighted and encouraged about what the future holds for these Islands. When I experience Caymanians reaching the top level in Government, or in the private sector, I believe that all we need to do is to give Caymanians a chance to take on the responsibility. We can search our mind, those who have gotten that chance, you can just watch their growth as professionals and as people who care about the community in which we all live. What all of us need to do is to practise what I call positive attitudes and tell the world the positive accomplishments that we have achieved.

Which country in this world, with a population of 31,000 people can fund a budget of CI \$178 million, or roughly US \$200 million? And no major borrowings, Madam Speaker—just completing the draw down on the funds that I referred to earlier—approximately \$3.3 million.

I repeat what I said: Which country in this world, with a population of 31,000 people can fund a budget of approximately US \$200 million? Today I am going to say, None. Let someone prove me wrong. I challenge the Second Elected Member for Cayman Brac and Little Cayman, or the First Elected Member for Bodden Town. They seem to do a lot of research.

Which country with 31,000 population ranks higher as a world banking centre than the Cayman Islands? None. Which country in the world with 31,000 population has better telecommunications? Again, I say, None!

Hon. W. McKeeva Bush: Hear, hear!

Hon. Thomas C. Jefferson: I could go on, Madam Speaker.

Which country in this world, with 31,000 population, has a more reliable supply of electricity to their people? Again, I say, None.

Tell the negative guys over on the other side to make that negative.

Which country in this world has a better quality of life and social atmosphere? I say, None. Let the researchers prove me wrong. Everyone, it seems, who comes to the Cayman Islands would wish to stay. Why is that? It is the type of living in the Cayman Islands that they cannot find anywhere else.

Hon. W. McKeeva Bush: Hear, hear!

Hon. Thomas C. Jefferson: Why is that? Because we live in islands with strong religious beliefs, even though I think the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town do not agree with me, based on their comments yesterday.

Mr. Gilbert A. McLean: Is that why you are selling marriages?

Hon. Thomas C. Jefferson: [addressing the Second Elected Member for Cayman Brac and Little Cayman] I should have sold you one. [Members' laughter]

Although there are Members of the Opposition who would like to open more stores—like the same two Members—perhaps even the cinemas and other places on Sundays, maybe they might want to do a little dancing at the night club as well, I say to the people of these islands, remember our Biblical teachings. There were false prophets in Biblical times too.

Hon. W. McKeeva Bush: Hear, hear!

Hon. Thomas C. Jefferson: Madam Speaker, because the Opposition makes speeches, writes letters, like Mrs. Bridget Loft-McPartland—and I put her in the Opposition given the company I saw her keep in the gallery the morning the Budget Address was given—so, while they make speeches and write letters, that does not mean that their constant negative and (in some cases), rumours that they tend to spread are true. We know who the main players of the Opposition are—all those who previously served in the Government and took a thrashing at the poles in 1992. Plus the two or three Members in this House and the two who were in the gallery that morning when the Budget Address was delivered.

I believe, as I read my Bible, I found an appropriate verse. With your indulgence, Madam Speaker, I want to be able to read that this morning for the Opposition Members and for Mrs. Bridget Lott-McPartland. It is taken from the book of Matthew, chapter 13. It was a time when Jesus was at the seaside and a multitude gathered together. He spoke to the multitude and his disciples. The disciples questioned why he (Jesus) was speaking in parables. In verse 13 he said: "... because they seeing see not; and hearing they hear not, neither do they understand."

Madam Speaker, the verse that I led up to reading is Chapter 13, verse 15. This is read to the same group: "For this people's heart is waxed gross, and their ears are dull of hearing, and their eyes they have closed; lest at any time they should see with their eyes, and hear with their ears, and should understand with their heart, and should be converted..."

Mr. Gilbert A. McLean: Not everyone that says; "Lord, Lord shall enter into the Kingdom of Heaven."

Hon. W. McKeeva Bush: [Laughter]

Hon. Thomas C. Jefferson: Madam Speaker, I have the Second Elected Member for Cayman Brac and Little Cayman reading his Bible now. That is a good start, a very good start. [Members' laughter]

As a youngster I wanted to say this: We had some preaching at young people's meetings on Friday nights. One of the persons who generally spoke (and I spoke on occasions) referred to some hard-hearted people. He made an expression, which I believe relates to this group—the heart must be made of canvas, it is not a normal heart.

Hon. W. McKeeva Bush: [laughter]

Hon. Thomas C. Jefferson: Yes, Madam Speaker, if the Opposition Members see, listen and understand, they too will be converted to the truth in their hearts; although I wonder if their hearts are normal, or are they like what my colleague said, made of canvas.

Generally, in Cayman the people you associate with—your peers—can either steer you in the right direction or the wrong direction. In Mrs. Bridget McPartland's case (who writes letters), I believe she cannot even see nor hear that I am the only Member of Executive Council responsible for Tourism who has recognised all his predecessors. That is why I think that scripture is appropriate. I recognised all of my predecessors for their contribution to tourism development by presenting them with the Golden Thatch Award, at last year's and this year's Tourism Awareness Week Function at the Lion's Centre. I do not know where she was. By the caption in the *Caymanian Compass*, she infers that I am in the right place at the right time, and I agree with, her fully. Thank God I am the Minister for Tourism today.

She wants me to publish all of my strategies and my policies that are different from my predecessor's. If one is in competition, should one go and tell one's competitor(s) all the details as to how one does it? He would be a blathering idiot! But I will give her this much information to let her know that what Mr. Norman Bodden left is not the same place today in reality.

When I took over the Portfolio in 1992, all of the overseas staff were reporting to the Miami Office Headquarters. The Department of Tourism here at the Harbour Centre was not in complete control of the overseas staff. We changed that very early in 1993. We lost one of the major players in early 1993, whom I think was in conflict with the Director of Tourism on occasion. I believe that when we changed it and took early control in 1993, all of the staff in the Department realised that they had to report to Grand Cayman. The mechanism, the promotional machinery and the strategies that some people referred to then, were implemented.

The results are what they were in 1993 and what they are today. The visitors just kept coming and coming. So many of them came that the Second Elected Member for Cayman Brac and Little Cayman does not believe that I did it. But when December ended in 1992, there was only a 2% increase for the whole year. At the end of

September, this year, we were 16,000 visitors over the whole year of 1992. But he wants me to give that to some previous Government. I give the former Minister credit for all that he has done, but I will not give him any credit after November 1992.

I want to say that I believe that the Second Elected Member for Cayman Brac and Little Cayman has a very keen interest in the 10-year Tourism Development Plan. And I say that honestly, because he has asked more questions about this than 1, as the old saying goes, 'would want to shake a stick at.' But I want to tell him too that 'you realise the former Government was not following any plan...'

Hon. W. McKeeva Bush: He did not know that?

Hon. Thomas C. Jefferson: I wonder if he knew. Yes, I think he knew that.

We took control of the overseas offices, we caused them all to report properly to the Department of Tourism in the Cayman Islands in early 1993, and we took the decision to change the advertising programme of 'Ours and Yours' and by all accounts so far, it has been warmly received by visitors and potential visitors. We changed the advertising programme because the world of travel is now interested in more than sun, sand and the sea. But from the contents of Mrs. McPartland's letter, she does not even seem to know that there is a new campaign—even after we launched the new campaign locally at the Hyatt on the 30th of September. We did this to cause everybody locally to realise the new campaign, and we displayed the pictures that we were going to put across the newspapers, magazines and the television screen. In addition to that, we launched the same advertising campaign at the Brac Reef on the 14th of October. I think the Second Elected Member for Cayman Brac and Little Cayman had some trouble with reservations, he just could not make it.

Mrs. McPartland must realise that if she enters the political arena—which she appears to have done—and she attacks me, or any Member of the National Team, she can put one thing in the bank—she is going to get answered, and answered well. We will answer her call. These are not days to allow twisted facts and political manoeuvring to go unanswered, for the public needs to hear the truth as well. I will come back to this.

She asked me in her letter to publish my Government's policies. While that request was made with what I would call a little bit of sarcasm, my answer to her is: If you have eyes and can see, keep watching. If you have ears and can hear, keep listening. It is going to happen soon. I am going to give her a good Christmas present, Madam Speaker. It will be my Christmas present to her, and I question if she deserves it. But, Christmas is a time to be generous.

I say to her: Keep writing letters so I can tell the public, or maybe I should correct that statement, Madam Speaker, on advice from my learned friend, let her keep signing letters so that I can have the full justification to tell the public what this woman is capable of. I am now

going to rest my case with her.

The Speaker: Would the Honourable Minister take the luncheon suspension at this time?

Hon. Thomas C. Jefferson: It is a very appropriate time, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: The Honourable Minister for Tourism, Environment and Planning continuing.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

When we took the break, I think my words were, "I was resting my case", on this lady who had wrote letters to the press. So I will move on.

I noticed this morning though, as I was looking at the *Caymanian Compass*, I saw another letter by D. Ezzard Miller, and he keeps talking about this strategic planning. Obviously, he objects to it—at least he infers that in his letter. I might have to come back to that. He goes on to talk about the cost of health care services and that the 1995 Budget does not show the true effect of the cost of health care because in it there is no money for recruitment, advertising, entertainment, money to pay telexes and facsimile and no money for the payment of water, telephone and electricity. He says that this figure should be \$250,000 or something along those lines. Madam Speaker, he knows better. That is why I said, 'not everything they say, because they said it, it is correct.' He has been in Government long enough to know that the majority of departments, if not all of them, (with minor exceptions) their electricity, telex and telephone bills are paid for by the Department of Finance and it has been that way for 20-odd years.

So I do not know what kind of message he is trying to convey here in an attempt to mislead people. But I come back to this point about strategic planning, and he makes reference to this ... I think he made reference, if he did not make it in this letter he made reference to it on Daybreak, this eloquent professor who, I think the Minister for Health, Drug Abuse Prevention and Rehabilitation dealt with.

I do not believe you can apply strategic planning for General Motors as it applies to the public in any one country. Where I take Mr. Ezzard Miller on this issue about strategic planning and his apparent non support, I only need to refer to the document which I was talking to the Second Elected Member for Cayman Brac and Little Cayman about, the Ten-Year Tourism Development Plan which was accepted by his government, obviously endorsed by him (Mr. Miller). Otherwise it could not have been laid on the Table here in 1992. I do not want to bore the House, but this document has on many pages

those same words "strategic planning."

On page (ii) it talks about "a strategic approach to choice is recommended". And the first line under that paragraph talks about, "this is a strategic management plan". Now he is trying to tell people that he does not accept strategic planning. But he approved this one. I mean where is the truth?

On page (vii) it talks about "a strategic approach to marketing is the next step for the Cayman Islands". Where Madam Speaker, is Mr. Miller's ability to deal with the truth?

On page (viii) it talks about the "human resource strategy" and it listed a number of bullet points (I would call them).

On page (ii) of the document it talks about, "to provide a clear set of policies, strategies and implementations guidelines."

What is strategic planning? All we need to do is to just look at Exhibit 1.2, which talks about situation analysis; the work plan and all the graphs and boxes underneath it which demonstrates that this document is heavily strategic-planning oriented. It even talks about "to prepare implementation plan, organisation plan for the administration, monitoring and evaluation model and ongoing planning process". It also talks about advisory committee workshop to review strategy and implementation planned recommendations etcetera. Well what in his view is strategic planning? That is exactly what the Minister for Education has done. It is exactly what the Minister for Health is doing and it is exactly what they should be doing. Because they are on the right track.

He would like to confuse them if he can by telling them that they are not, as well as some of the other Opposition across the floor. A tourism management strategy for the Cayman Islands, all through this document that he (Mr. Miller) approved to be laid on the Table of this House is the word "strategic planning". So he should go home and shut up about strategic planning. Perhaps he does not know anything about it. He reads the word but he does not know what it means.

Madam Speaker, anyone who believes that he is in authority on every subject, should be careful and watch out.

I recall earlier in the debate, the Second Elected Member for Cayman Brac and Little Cayman was commenting about planning and the—I would put it Central Planning Authority's activities. He asked some questions which I am going to try to provide some answers for. He asked about a delegated authority which we did in September of 1993. We brought the Bill to the House and the amendment was approved. We delegated the authority to the Chairman of the Central Planning Authority and the Director of Planning, to deal with what we called routine applications: houses, signs, swimming pools and things of that sort. I think that delegated authority is working well. I think it enables the Central Planning Authority more time to review complex applications, simultaneously requests for COs (certificate of occupancy) for houses. After the houses are built you should have a certificate of occupancy before you move in. Those can

be processed quicker by that same delegated authority.

On an average, it appears from a random sample taken from the three-quarters of 1994, reveals that the average amount of time for an application (in this case it is a house), to be approved was 16 calendar days. I think we are getting there Madam Speaker. This is 16 calendar days with a shortage of staff. So when we have the full complement which is just about now, I am sure the Director of Planning will simply try to reduce the length of time for the approval to be given—the 16 days.

There are other types of applications Madam Speaker, commercial, industrial, etcetera, and the average processing time for those according to the information provided by the Director of Planning is 37 days, seven days more than the normal month of 30 days. But the thing to bear in mind also is that applications of this kind have to wait 21 days as a minimum because of notices to adjacent landowners. If for example some advertisements have to be done, or are required under the Law to be done, then that time is five weeks because you would do the advertisement for two weeks and wait three weeks for any kind of a reply.

I think the Second Elected Member for Cayman Brac and Little Cayman made a comment about this as well. We have given the other departments namely: the Water Authority, the Public Works Department, Fire Department and the Department of Environment, once the application arrives in the Planning Department it is then farmed out to these various department for their approval and they are given 14 days to reply. If we receive no reply, we take the view that they have no comments to give and the application is supposed to move forward to the Central Planning Authority for consideration.

Madam Speaker, last year the Opposition was licking us left, right and centre because the construction industry was down. Now that we have begun to get it going they are saying, "Who are you developing this country for?" Where is the logic in all of this? I was happy to see that working almost 18 months in dealing with development, that the figures had substantially improved.

The Honourable Financial Secretary quoted on page 18, of his Budget Address that in the first nine months of this year approximately \$115 million of plans for new construction on Grand Cayman were approved compared to the same period last year when we had \$78 million.

Some people were saying last year, when I made the comment in my contribution that I believe that what this country needs is a new four or five star hotel. I heard snippings too. I heard challenges issued, it cannot be done. He cannot get it done. We broke grounds a few weeks ago. Now they are asking who we are developing the country for. We are developing the country to ensure that all of those people who called for help last year in the construction industry have a job and can provide for their families. Any country that stands still, loses.

It is easy for people to write letters to the press talking about development and how we should be holding on to this and that, and sometimes—look who is writing the letters! They have already made their millions! Who ca-

res about the little person who is trying to make it? But this is democracy: everybody can write letters. We do not have to share the same views. They talk about the old Galleon Beach project so much so that the Opposition and their rumour-mongering are going around saying that this Government—the National Team Government—gave away all that land that used to be the Galleon Beach site. Because they said it Madam Speaker, does not mean that it is true. There are facts about this. There is a document here, an agreement signed by His Excellency Sir John Huggings, Knight Cross of the most distinguished Order of St. Michael and St. George on the 14th day of April, 1950, leasing this land (all seven plus acres of it) to Benson Greenall. I wonder where the National Team was then in 1950, that they want to blame us for it.

Madam Speaker, you know sometimes you ignore some of this rumour-mongering, but sometimes it can be very dangerous. The other day I walked into a bank and the receptionist stopped me. She said "Mr. Tom, I want to have a word with you." I said, "Okay, what would you like to tell me?" She asked a question, "Why did your Government give away this land—the old Galleon Beach?" That is no false story Madam Speaker. I can name the person if I have to, but I will protect her, it is not necessary.

That is the rumour-mongering that is going on in this country in trying to degrade the National Team Government—trying to make it look as if we did what the previous Government did when they gave away the land over at SafeHaven.

I want the Opposition to talk about that. And I want the former member of Executive Council, responsible for Communication and Works to tell this country how much money he got out of it, for extending the lease agreement which had 40-odd years to run, back to 99 years. I heard a figure of \$1 million and another million over a 12 month period of time. But I beg to ask this question Madam Speaker: Is that anything near the value he gave away? And Ezzard gave away? And Benson gave away? And Norman gave away? I say no! They are trying to say that the National Team gave away the land at the Galleon Beach to cover up this activity by them in 1991 or 1990, I do not remember the exact year.

That little lady [the receptionist] said to me, "But are you not going to help us with some public beach?" I said to her, "Yes. The National Team will ensure that we have public beaches in this country for our people, and you can put this in your bank and draw the deposit soon."

Another person wrote a letter to the press talking about... And I think even the Second Elected Member for Cayman Brac and Little Cayman made this remark - 'destroying all these trees down on the Galleon Beach site'. Madam Speaker, as the document that I just talked about mentioned—as a little boy I used to go to the bathhouse on Seven Mile Beach where this document mentions, that I just talked about. What were the beautiful trees there? Just like the Fourth Elected Member for West Bay said, Cocoplum bush and shrubbery. It did not have all these Casuarina trees on it as it does now. Was

this what the lady and the Second Elected Member for Cayman Brac and Little Cayman were talking about? All those Calamel trees that I see growing on it? Are those the beautiful trees they are talking about?

He asked questions about how the delegated authority is working, how the Central Planning Authority is getting on, and how many days it is taking for this approval? But when we get big projects like the old Galleon Beach site (the Marriott or whatever it is going to be called), they approach us and we say to them, "Now before you do anything in a final form, go to the Planning Department and be sure you speak to the Planning Officers; be sure you get all their input on your plan before you finalise it." If you do that, I bet you there will be a faster approval. That is the fast track he talked about. He said, he wondered how we could fast track this one. But that is improvement in the system, my friend.

Madam Speaker, I have spoken to my Permanent Secretary and the Director of Planning, and I said to them that all of the people responsible for planning in Cayman Brac and Little Cayman must come under the Planning Department. Those staff members must be controlled by the Director of Planning, not the District Administrator. You will find that in the 1995 Budget.

I am in sympathy with the First Elected Member for Cayman Brac and Little Cayman, because he really has a concern. This House and the Finance Committee provided money for the people of the Brac so the Brac people could have some work during 1994. What happens? It is still there. It has not been carried out the majority of it. And who is to blame? It has to be the District Administrator—he is the Controlling Officer. So let us lay the blame where it belongs—right at his feet, Madam Speaker!

But I want to assure the First Elected Member for Cayman Brac and Little Cayman, and the people of Cayman Brac and Little Cayman that the National Team will take action to ensure that development happens in their islands too, not just in Grand Cayman. We are going to help the people of the Brac, not just from a tourism point of view, but all around.

Madam Speaker, let me back up two steps just in case some people believe that the Marriott that they see on Le Jeune Road in Miami, or the Marriott that they are going to see on Seven Mile Beach is the average Marriott. I want to share a little bit of information.

The Marriott chain has won more awards internationally than any other chain in recent times. Even the information that has been provided to me here in the 1994 Reader's Choice poll from the official Hotel Guide says; "The best value hotel chain in the Americas is the Marriott." It goes on to talk about other things Madam Speaker, the Four Diamond Award, the Five Diamond Award—its all there. But it is not just the Seven Mile Beach that we are looking to develop.

I understood the Second Elected Member for Cayman Brac and Little Cayman to say that he believes that a moratorium should have continued in the Western Peninsula of this island, as was sensibly done by the last Government. I think he went on to say that this would

stimulate development activity in Cayman Brac, Little Cayman and the other parts of Grand Cayman. I want to ask him: After three years and the expiration of the moratorium, where is it? Where is the evidence? This moratorium, Madam Speaker, which expired in the summer of last year. That expiration was one of the best things that happened to development in this country.

We really do not need a moratorium for the Government to decide what type of hotel it wishes to have in this country. I believe you control the development by making sure of the quality that you are going to accept. While we may understand what a moratorium along Seven Mile Beach is, or may be, it does not necessarily mean that some developer in the United States interprets it only to be along Seven Mile Beach. Perhaps his or her interpretation may be that it is a moratorium on the whole Cayman Islands. So, I am not for moratoriums, Madam Speaker, and I want to make that point before I move on.

On second thought, Madam Speaker, I am going to share a little more information about the Marriott, now that I have found this piece of paper which I was looking for. Recognition and Awards for 1994 and 1993 earned by Marriott lodging hotels; Mobile 5 and Five Star, AAA4 and five Diamond Awards earned by Marriott Resorts in the past year. Two recent awards given to two of our resorts by Golf Magazine. I could read out the entire list, but I do not believe that is necessary.

When I look at some of the statistics for tourism, I see that in 1991 the total number of visitors was 237,351; in 1992—241,843 an increase of roughly 4,500; by December 1993 a total of 287,277 or an increase of 45,434 --a credit to the National Team. The Second Elected Member for Cayman Brac and Little Cayman talks about numbers rather than money something to that effect. He forgot to read the Budget Address.

On page 14 of the Budget Address it clearly says: **"Estimates derived from the most recent visitor expenditure data available, reveals that stay-over visitor-spending grew by 28%, representing \$136.2 million in the first half of this year."** He is talking about numbers? Tell him to go to the Hyatt Hotel and pay the room cost at night, or the Radisson or the Holiday Inn. I think what he meant by numbers, was that there was a lower quality—we are not now dealing with the upscale visitor. I would challenge him to prove it.

In April of this year [visitors from] Europe was down by 3%. I do not know if he wants to give this credit to the former Government as well. We did our journey and did our major promotion in Europe in May, and we did promotions in Frankfurt, Germany; in Munich; in Vienna, Austria; Milan, Italy and Rome and we are beginning to see a change in these figures. The September figure for Europe is 18.2% over last year's. And they are the ones who say that the Minister for Tourism is travelling too much. How in God's name are we going to get the job done? I am not a person who sits in the office and expects it all to fall into my lap, Madam Speaker. My style of management is hands-on, not hands-off.

At the end of September, 1994, the number of visitors from Austria had increased by 27%. From Germany

by 9%. From Italy—4%. Certainly a change from the 3% down in April. To what does the Opposition contribute that? Good promotional work by the Minister and his team in the Department of Tourism. I might have made this statement before, but the total number of visitors in 1992 was about 241,000. At the end of September this year we have received more than 257,000 visitors. But they want to give that to the previous Government. I say to them, Think again! I am not going to agree.

I have another little story for them. The preliminary figures for October—and I emphasise: "preliminary"—reveal that the total number of visitors to the island at the end of October was 281,972. If these figures prove to be correct when they are finalised, we are still over 20% above last year's figure for January to October. I do not know who they want to give that credit to.

We set up a representative in Spain in September of this year and we have slated in the Budget, promotions in Spain for May of next year. We also have promotions planned (I am talking now about the promotions that I will take part in), in the United Kingdom to assist the traffic coming from Europe. We started out last year saying that we were going to make a serious attempt to diversify tourism so that when North America catches a cold, we do not get pneumonia down here. But we have another source, the European continent which, I think, on mass is one of the wealthiest areas of the world (I could be corrected on that) but it is not by much if you find another source.

The reason why we are going to be doing promotions in the United Kingdom is to assist with what the Opposition lambasted the Minister for Aviation and myself for—the flight of Caledonia once per week. I said then, one week now but look at what the potentials can be. So in less than a month's time we are going to have two flights a week until the end of March. Then British Airways is going to have scheduled services directly to the Cayman Islands from Gatwick, London. I wonder what they are going to say now.

The National Team is going to take credit for this, Madam Speaker. It is a break through in attracting European traffic to this country that no other Government has been able to accomplish. That is no 'Anancy' story; it is a fact. What we seek to do in 1995 as we started out on 30th September, 1994, is to 'upgrade' the awareness among the populace of the Cayman Islands of the contribution tourism makes to this country. We want now not only to promote in North America and Europe, we want now to promote that industry within these Cayman Islands. For I believe that a change in attitude needs to take place among young people seeking employment in the hotel industry.

Most of us know that from about 1966, the great social esteem was to work in the banking industry, an accounting firm, a law firm or an insurance company as happened since 1979. It is not just changing the attitudes of the children: we have a job to change the attitude of the parents who influence those children into those areas because of the lucrateness as they see it for careers in the financial industry. All we are going to do in 1995, is to

try to give the Honourable Financial Secretary's industry a little competition and grab some of those good people who are coming out of the High Schools. Get them scholarships where they can be awarded four-year Hotel Management degrees from Cornell, from Michigan, or other good universities.

But we are not going to stop there. There are other young people who are not academics, they too need training; they too need to find a job in this country. I believe the hotel industry—let me broaden it to say the hospitality industry—is the vehicle that can provide that for us. We have talked to the hoteliers about it and they have agreed with us that forming a partnership to accomplish this is the right road to go. Some of them have agreed to serve on a committee and the committee is going to get together as soon as we can find some time when this House adjourns.

Madam Speaker, with great respect, this training is more on the job training than it is academic, granted that the theoretical portion needs to be there. But is it not a two-year degree that you are taking at the Community College? It is not a six-month course that you take at the Community College. In my view (and I am no academic although I hold many degrees, I do not profess to be a specialist in this area) what needs to happen is that we need to have a short theoretical portion and heavily laced with hands-on training at the Front Desk in the hotels, in the bedrooms as bed maids, in the bars as bartenders, as bellhops, wherever they may be needed; to cause, as I have said on many occasions, this Caymanian flavour to come across to the visitors to our country.

It is not an easy task, Madam Speaker, and all the Members of the Opposition need to join us in this task. It is a national issue, not a political one. It is an issue where some young people have not been able to find a job since they left High School. Or they find it for a short period of time and then they lose it and end up unemployed for a long period of time. We need to change that. We need to ensure that we can provide the training to cause that person to feel like he is part of the labour force and have some pride in what he or she is doing on the job.

Many people will say that it is a simple job; it is not important. I would say to that person, "If you think that the person who comes around on the garbage truck twice a week is not an important fellow, let him not come for four weeks and see what you will do." It takes all of us to make this country work well and be appreciated. Not specifically by the visitors, but by us who live here continuously. We are also going to be picking up the pieces. We saw the editorial in the *Caymanian Compass* about Pirates Week and indeed for us to rethink. I believe they are right; it was established a long time ago. Let us have a re-look at it. Let us see if the original objective has been achieved: Pirates Week (as I recall it way back in the late 70's)—to attract tourists in the slack periods to this country. Initially it was attempted to be done in September, but was moved to October. I do not remember the details as to why that took place.

Madam Speaker, whatever we do with Pirates

Week, it is not necessary that we move the date back to September, and I say that because if your hotels are running 80-odd per cent occupancy, they need to catch their breath one month to do all the renovations to keep the property at the right quality for service. So I would not say, move it to September. But the Committee will look at it and make its report to the Ministry and to the Executive Council.

In 1995, we are going to be looking at how we can provide additional attractions for our visitors. We are going to enhance the Botanical Park; we are going to restore Pedro's Castle (that's what we call it; the correct name is St. James Castle). The birth place of democracy, they say, in the Cayman Islands, where the vote was taken that we shall now from this day forward have an elected body within the Cayman Islands.

I do not need to go into great details, Madam Speaker, because not too many months ago Members of Finance Committee were briefed on these two projects as to what we were looking at as Phase I of the Botanical Park and Phase I (more or less) of the Pedro Castle. Dealing mainly with the restoration of Pedro Castle, but realising that we have to construct another building to be the visitors' reception centre where you get all the background history of that building which has not been designed as yet. We do not want to design a massive building for that purpose and take away from the attractiveness of the main feature which should be Pedro Castle, let me call it that.

Members were somewhat, concerned (as I am) about taxi operations in this country. My responsibility only deals with the Port, but of course I have a national responsibility as well. We have put before this Honourable House the Port Authority Licensing of Vehicles, 1994 (Draft Bill). This Bill tries to incorporate and to bring legal authority to the present guidelines that have been in operation at the Port since about May of this year. We believe that in order to properly deal with taxis and tour bus operators (everyone who operates at the Port), there should be legal authority for it. We want to ensure that the persons arriving to take passengers are presentable and sober; their cars are clean; the air-conditioning is working, and that they are behaving responsibly in this country.

The worst thing in the world is to have a taxi driver who does not have accurate information when he is asked questions—sometimes telling visitors that the reason why the cliff in Hell is black, is because they burnt slaves there. How ludicrous! I am just mentioning this because I do not want to talk too much about the Bill that will be presenting in due course in the House.

I notice that there have been some comments about sport development in this country. Madam Speaker, that is a National Team's promise. We have to develop our sporting facilities for our young people and we have to continue to move it as we are doing on a phased basis, so that no particular facility causes a serious crunch on that year's budget. But the Ed Bush Sporting Complex was built—no serious crunch on the Budget. The George Town Sporting facility is going to be enhanced—no seri-

ous crunch on the Budget. The Eastern District Sporting Complex is going to be done without any serious crunch on the budget. I think we need to provide these facilities to allow our young people to have wholesome activities in this country.

It was probably ten years ago in delivering a Budget Address when I made the remark, and I think I was talking about Social Services at the time, in those days it was not really a lack of facilities per se. The greatest lack in those days were programmes. The Minister for Sports has put those programmes in place and he continues to enhance those programmes. believe he is doing a good job and everyone of us should support him, not try to tear him down.

I have come across many politicians in my days Madam Speaker, I do not believe that any were above the Minister for Sports, who has an interest like he has, in the people of this country. I give him full marks for that. We are not talking about lip service Madam Speaker: we are talking about genuine interest! We see it here almost every time we come to the House; my colleagues and I see it every day in the Glass House. So we know about that interest; it is alive and kicking well. I do not have to defend his subject Madam Speaker, I was just making a point about it. There is no person more able to defend it than himself. But I wanted to echo my chorus of approval to what he is doing.

Before taking my seat I want to say that the Budget Address, which was presented by the Honourable Financial Secretary, although not a voluminous document, was quite comprehensive and broad-based. So much so, Madam Speaker, that this document and the 1995 Budget is so good that some of the Members of the Opposition do not know how to deal with it. They did not debate this! They went to the Draft Estimates to pose their arguments because they simply could not find anything in the Budget that they could fault and be justified in faulting it in the eyes of the public.

I want to commend the Honourable Financial Secretary, the Third Official Member, for the bold steps he has taken in dealing with the financial industry. It is not easy for a Financial Secretary to come to an Executive Council and ask for revenue for companies [registration] to be reduced or anything else. Generally, politicians need more money than they presently have and we are all skeptical about giving up money. But, his case that he put forward to us as they say, spelled sense. And the evidence is, it is still sense.

My view is that it will always be sense because in this world of competition, not only for tourism, but also for the financial industry, we have countries that are competing and they do not mind seeing us fall on our face. They would like to tell the public in any country how expensive the Cayman Islands are and say, 'Just come to mine, I am only charging \$500, when the Cayman Islands charge \$1,500.' I know that some of the firms in the financial industry have reduced their fees. I am somewhat disappointed that more of them have not done so. But that is their business decision. I believe the ones that have reduced their fees just might be getting much more

business than those that failed to reduce theirs.

I think it is appropriate too for me to say how very pleased I am to be in this Executive Council with Ministers and Official Members such as we have. I think the teamwork and the support are the key to the future of this country. I would hope that all of us from time to time, on national issues, can forget about the politics and the sniping and the back-biting and the rumour-mongering just because they cannot find something wrong with what the Minister is doing, they then spread these malicious rumours trying to degrade him in the eyes of the public saying all sorts of malicious things. But one of these days, somebody is going to agree to be a witness and we are going to have a court case because all of us take our reputation seriously; we have spent all of our lives building it, the first chance we get with evidence and a witness, we are going to ask the person who is spreading these malicious rumours to justify them in a court of law. They are totally untrue.

It appears that some of the people want to judge others by some of the things that they have done in their lives. If they have a problem with themselves, they must sort out their own lives. Madam Speaker, the Opposition also talked about the real estate market last year and when we brought the amendment to take it back from 10.5% to 7.5%. There were all sorts of comments—it was not going to work; we were giving up too much money; you promised the people to do this all sorts of mixture of comments. We said this was what we were going to do.

The First Official Member is quoted in the *Caymanian Compass* yesterday as saying, "We are going to deal with it." Do you want us to deal with? We are going to deal with it, and we dealt with the real estate amendment. We dealt with the stamp duty amendment. What is the result? The real estate market is booming. I do not hear any complaints anymore that they cannot sell land. Do any of you? The National Team Government got it right. You know what the problem is? The Opposition is getting frustrated. They have to now try to make up some false argument to try to tear us down.

There is one thing about Caymanians. They have a lot of common sense. They know all of us—strong points and weak points. While you might try to sell yourself as somebody respectable, if you are not that type of person, they know that too.

That old silent majority, Madam Speaker, is what they sometimes refer to. I want to tell them one thing: That silent majority that they talk about is the same majority that caused us to give the former Government a thrashing. They were with, and still are with, the National Team. Sure, we live in a small community. Sometimes they tell you what you want to hear. Everybody in this country knows who is who.

I want to say that all that has gone on and all that will go on, the one thing we have to remember is that we have to behave in the best interest of the people of these Islands. Look all around us—north, south, east or west—which country in this hemisphere, or any other hemisphere, is better off than the people of the Cayman is-

lands? So much so that we are getting all their jealousy. What do you think the BBC's "Dirty Money" article was all about? Its all jealousy.

To me, the "Dirty Money" tape is not any big thing to me. We have the machinery in place to deal with any criminal activity in our country and we are going to do it.

The articles, the television shows that came on when I took the Financial Chair in 1982, those were the days! Everywhere you looked it was coming at you. But some investigative reporters start out with an agenda and they come to various islands and they move through with that agenda and select the parts that they want to show in order to prove their agenda to be correct.

In any financial community, in any banking arena you are going to have crime. The Exchequer in London cannot hold his hand on his heart and say in truth that there is no crime going on in the banking system in London. The President of the United States cannot do that either, that it is not going on in New York and Chicago, among other cities. Neither can the Emperor of Japan. So a small little country like ours, which is the fifth largest banking centre in the world, what do they expect. We cannot be squeaky clean—they are not squeaky clean. But they want to paint us as though we are a bunch of rascals, when, in essence, we have more control in this country than they have in many of theirs. But the first thing they want to tell you about is your per capita income, your gross domestic product yours is three times mine. That is at the seat of it—envy, jealousy. When you are at the top in the industry, you can Make books, people are going to shoot darts at you, try To pull the rug out from under you, but I say to the Honourable Financial Secretary: Steady as it goes, my friend, it is looking good to me. Just hang on to the reigns. We will support you. Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.42 PM

PROCEEDINGS RESUMED AT 4.03 PM

The Speaker: Please be seated. Debate continues, the Second Reading Debate on the Appropriation Bill.

The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker. I wish to applaud the Third Official Member, the Honourable Financial Secretary; his dedicated staff and any other persons involved in the preparation of this Budget.

A study of budgetary trends since 1990, I found most enlightening and I would like to share that experience with you by starting with 1st of January, 1990, at Port Fantasy, Cayman Islands. Travelling out to sea later taking a brief stop at Port Reality in November of 1992, and then finally arriving at Port Hope as of now, as we discuss this present Budget.

The time is 1st January 1990. The ship is well fitted,

properly staffed; the weather conditions are fair and the forecast is excellent. It sets out to sea for business as usual. What happens? Between January 1 1990, and December 31 1992, the vessel makes \$335.4 million in revenue, but spends \$386.8 million to maintain and improve itself.

The Speaker: Honourable Member, may I draw your 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 do not think that the Bill or the Estimates have any bearing on the year 1990 or 1992.

Dr. Stephenson A. Tomlinson: Madam Speaker, this is just an introductory remark—

The Speaker: Honourable Member—

Dr. Stephenson A. Tomlinson: . . .and it will lead—

The Speaker: Honourable Member, please. It does not matter what sort of introductory remark you wish to make, but your debate must be confined to what is contained in the Bill and the Estimates. Thank you, sir.

Dr. Stephenson A. Tomlinson: Madam Speaker, the Bill does in fact tell us about expenditures that took place in 1993, and in some instances in 1992, and it is for this reason that I wanted to do an historical review of what went on in the financial affairs of this country. I am asking you to kindly consider that fact.

The Speaker: I am afraid that I am not allowed to under the provisions of the Standing Order. You can deal with 1992, the latter part as indicated by the Bill, up to whatever time in 1995 you can. But you must follow what the Bill and the Estimates contain and not go outside the ambit of it.

POINT OF ORDER

(Procedural)

Hon. W. McKeever Bush: On a Point of Order, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you.

I believe that there are a few Members left to speak, and most Members who have spoken have traversed from the years 1991, 1992 and last year. I believe that the Second Elected Member for George Town should be given an opportunity, since those years have been brought into the debate, to just state even slightly what

his position is as introductory remarks.

The Speaker: I said that the Member can deal with 1992 onwards. This is what I stated before when another Member rose on the same subject and I am afraid that I cannot change that.

The Second Elected Member for George Town, would you continue?

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker. I will begin then, in 1992.

In 1992 the accumulated deficit before financing in this country was \$21.1 million and Capital Expenditure was \$16.9 million, therefore, \$4.2 million more was spent than was earned. This was an ongoing thing as a trend had been set. Everybody knows that if we continue to spend more than we earn, it can only go on for so long; one day the bucket's bottom must fall out.

The Financial Sector remained relatively buoyant in those years that I referred to, including 1992, and it, in fact, showed some positive growth every year. Therefore the weather conditions cannot be blamed for what was going on and what went on during those years aforementioned.

Loans and advances showed steady increase as did savings activity. Surprisingly, savings increased despite falling interest rates, which is, of course, very remarkable. Even more remarkable, inflation dropped from 8% in the year before to 2.4% in 1992, that is from 800 basis points to 240 basis points. In the face of falling interest rates, there was such a drop in inflation. This, of course, is not the usual thing that happens in any economy. One wonders if this could have been due to the state of the economy in the United States, the main source of all of our imports. And, of course, it is impossible to import inflation, and this was not the situation, then it could be one of the reasons to explain what was going on in that area.

Tourism in 1991 went into a slump because of the Gulf War. But, in 1992, this sector showed signs of recovery and the average occupancy rates rose by 2% to 58%. Cruise ship arrivals increased by 20% compared to 1991. Construction activity was perhaps at an all time high due to increasing demand by the public and private sectors.

Of note here, we will remember that some very notable Government projects never materialised and I believe that this will be proven to be in the interest of posterity.

Construction workers were in greatest demand in the third quarter of 1992. There was, however, no increased demand for workers in tourism or in the wholesale and retail industries and Government, in fact, showed a decline in demand due to the freeze on filling vacancies.

The import sector showed vigorous activity showing 42.6% increase in imports in the fourth quarter of 1992, as compared to the previous year.

My question is: Why, in such favourable conditions was this ship in such serious financial trouble? What was wrong with the Government? Why did it incur such defi-

cit, necessitating such huge loans? We know, we no longer have to guess what the problem was and the electorate answered it in 1992.

Despite the favourable conditions (generally speaking), the past Government failed miserably and that is a fact. Any amount of explanation will not change that. Their proponents argued that we are just fortunate that we find ourselves in the right place at the right time. I would like to point out that what has been going on in the last few years did not happen because of chance or mere coincidence. It occurred because of definite positive steps made on the part of this Government. I will be highlighting some of those as I continue to contribute to the Budget Address.

It was in 1992, that the previous Government increased company registration and planning permit fees and increased import duty on diesel fuel, alcohol, cigarettes and tobacco in order to raise an additional \$10.4 million. And with all of that the Budget could not be balanced, but incurred a deficit of over \$21 million. It is a pity that the joke was on us and the people of the Cayman Islands.

In fact I have said over and over that I believe that they should be charged for mismanagement. The Government could not even get enough loans at the end of 1992 to wipe out the deficit; they managed to borrow \$4.2 million from external and local sources; they drew down \$4.4 million from the Accumulated Balance and Deficit Account and transferred \$3.5 million from the General Reserves, still leaving a deficit of \$8 million (which was later revised to \$7 million). We inherited that deficit when we were elected.

Madam Speaker, it was at this time that the ship stopped at Port Reality—the Cayman Islands. But, before going on, I wish to point out that the present Leader of Government Business, who was then the Financial Secretary, repeatedly pointed out the dangerous trend which the Government was trekking at that time. I remember listening to debates of this House and I clearly remember him giving very prudent advice to this House, but I do not think it was taken very seriously.

The Honourable Financial Secretary did say in his Budget Address in 1992 how his predecessor had made every effort to inform the then Government of the serious road they were taking towards financial and fiscal instability.

Madam Speaker, when the ship stopped in Port Reality, it changed crew and that crew immediately took stock. The Third Official Member presented all the foregoing in his Budget Address and this is why I thought I would do a brief recap of what he said in the Budget Address here on the 4th of the month.

How much money was in the General Reserves when we [boarded] the ship. It was \$10.2 million to be exact. We needed to clear off the \$7 million deficit which we inherited. We did so by using \$7 million from the General Reserve.

We had also inherited a public debt of \$40.8. Later in 1993 (that was revised to \$42.9 million). In addition the previous Government had committed itself to \$18 million,

but failed to secure the funds. The amount of \$16 million had been approved in July of 1992 to recapitalise Cayman Airways; \$1 million had been approved in 1990, for the Health Services Authority and, \$2 million (the balance) in a CDB loan approved in 1991 for the resurfacing of the Owen Robert's International Airport runway. This \$18 million was obtained by our Government and shows up as part of the gross receipts in 1993.

The Third Official made it clear in March 1993 that it would no longer be business as usual and, to quote what he said in his Budget Address:

"No longer will recurrent and statutory expenditure consume 100% of recurrent revenue without any contribution being made to financing the cost of capital programmes! No longer will departments of Government continue to mushroom in growth by providing services, which, if deferred, will not impair the effectiveness of Government! No longer will statutory authorities be held to less stringent standards of accountability than line departments of Central Government!"

He went on to say: "...commencing in 1994, the Budget will reflect not only the requirements of Central Government, but the budgets of all the authorities with particular attention being given to their capital expansion programmes." The budgets of Cayman Airways, Cayman Islands Turtle Farm, and the Housing Development Corporation would be excluded, but their budgets would be submitted for Government's scrutiny and all managers in Government would be made fully accountable.

He mentioned that at that time all attempts would be made to cut the Civil Service by 7.5% in order to contain its expenditures.

He suggested that we should avoid spending what had been saved in one Department of Government, in another department, because by doing so, nothing in fact would be saved.

He warned against wanton supplementary appropriations, stating that these would be regarded as conceivable time-bomb leading to fiscal instability.

The estimated gross receipts for 1993 were \$153.3 million (which included the \$18 million loan proceeds mentioned before), and the recurrent statutory and capital expenditure were \$116.6 million; \$8.2 million, and \$10.1 million in addition to the \$18 million loan proceeds making a grand total of \$152.9 million.

Therefore, Madam Speaker, the estimated accumulated surplus at the end of 1993, was said to be \$0.4 million. We know that this later proved to be in excess of \$2 million.

The Financial Secretary outlined a five methods to be employed to ensure restraints on expenditure. would like to do a brief recap and really give some consideration as to whether we have in fact, met our objectives; whether we accomplished our goals in 1993. So let us take a look: The total recurrent revenue for 1993 excluding loans and transfer from General Reserves was \$133.8 million; external and local loan financing were \$17.5 million and \$7 million which were transferred from the General Reserves, making the total receipt \$158.3 million.

On the expenditure side, recurrent expenditure was

\$115.6 million; the statutory expenditure was \$10.1 million; and the capital expenditure was \$8.5 million, a total of \$134.3 million.

The loans which flowed through were \$17.5 million which give a grand total of \$151.7 million. Therefore the recurrent expenditure was slightly below the estimated amount and statutory expenditure was approximately \$2 million more than estimated, and capital expenditure was less.

There was an accumulated deficit of \$0.5 million instead at the end of 1993, of the estimated surplus of \$0.4 million which had been predicted. However, \$1 million less than was provided for in the Budget was transferred from the General Reserves, which means that we were on target.

Earlier this year, Madam Speaker, we learned that we had even done better than this: we learned that there was a \$2.4 million accumulated surplus from 1993. It is very important to realise that all of this was done without taxation; without any new revenue enhancement measures. I believe that says a lot for the government that is in power.

I believe, in fact, that even the Opposition would agree with that statement, Madam Speaker.

I shall now take a look at the public debt. At the beginning of 1993, it stood at \$42.9 million, but by the end of 1993 it was \$54.1 million. Cayman Airways recapitalised loan of \$16.6 million, and CDB loan for the Civil Aviation Authority of \$0.7 million were added during the course of the year, increasing the public debt to \$6.2 million. But loan payments of \$6.1 million were also made during the year making the net public debt at year-end, \$54.1 million. It is however, noteworthy, that this was \$11.2 million more than the previous year.

Of course, I am not happy with that, Madam Speaker. But I dare say, that there was hardly anything else that could be done, especially inheriting what we did.

Madam Speaker, as I have said earlier, the past government was not even able to secure the funds for the \$18 million approved in this Legislature in 1992.

The Pension Fund balance as at 31st December, 1992 was \$6.2 million inclusive of accrued interest and receivables. The sum of \$2.5 million had been paid to this account during 1992. A preliminary actuarial study to assess Civil Service pension liability, I understand, was approved in 1992. As at January 1989, this was estimated to be \$32.4 million.

I regard this as a sorry state of affairs for the Pension Fund, but it was in a rather sorry state when we were elected and every effort is being made to increase contributions to the Pension Fund.

The Pension Fund balance as at 30th September, 1993, was \$8.3 million, inclusive of accrued interest. The balance as at 31st August, 1994 was \$11.5 million, inclusive of accrued interest.

MOMENT OF INTERRUPTION 4.30 PM
Standing Order

The Speaker: Honourable Member, it is now 4.30 pm. I do not expect that you will be finished shortly.

Dr. Stephenson A. Tomlinson: That is correct, Madam Speaker.

The Speaker: May I ask for a motion for the adjournment? The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I 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 tomorrow morning at 10 o'clock. I shall put the question. Those in favour please say Aye ... Those against No.

AYES.

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

**AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 18 NOVEMBER 1994**

**FRIDAY
18 NOVEMBER, 1994
10.45 AM**

The Speaker: I will ask the Honourable Minister for Agriculture, Communication and Works to say prayers.

PRAYERS

Hon. John B. McLean: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers of Executive Council and Members of the Legislative Assembly that we may be enabled faithfully to perform the responsible duties of our high office.

At this time we also pray for the Fourth Elected Member from Bodden Town that he will have a speedy recovery.

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. Order. Proceedings are resumed in the Legislative Assembly.

Questions to Honourable Members/Ministers. The first question is No. 197, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 197

No. 197: Mr. Roy Bodden asked the Honourable First Official Member what criteria exist for selecting candidates from the Royal Cayman Islands Police Force for

overseas training.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Overseas training of Royal Cayman Islands Police Officers tends to be in two categories: Command or Management Training, and Specialist Training.

Command Courses are undertaken at the Jamaica Police Staff College and all Inspectors attend this course. More senior Officers attend the Senior Command Course as and when places are available.

Officers are selected for specialist training according to the skills it is necessary to enhance, and subject to available finances. In addition to monies available from the Police budget, a United Kingdom grant of 30,000 pounds sterling has been given over each of the past two years enabling the attendance of Officers on United Kingdom courses which otherwise would not have been funded.

Skills related courses are also attended in Canada and the United States of America. The criteria for selection of candidates are aimed at ensuring the relevance of the course to Royal Cayman Islands Police requirements, the suitability of the Officers nominated, and the value for money of the courses on offer. At the debriefing of Officers returning from courses, all of these factors are discussed to ensure that future selections are appropriate.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Regarding specialist training, can the Honourable Member say if candidates selected for this training are limited to, and exclusive of, Caymanians or status holders?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

It is my understanding that the requirements for training, and this goes for all types of training in the Police Department, are looked at, so it may be that non-Caymanians are included in training. But, certainly, Caymanians are being considered for training.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Honourable First Official Member

would divulge how persons are chosen within the system to go on training?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The selection of officers for overseas training is dictated first by the training need in the force. When these needs are identified in specific departments of the force, the Head of that department will recommend an officer of suitable rank to the training department and, with the Commissioner's approval, this officer will be selected for the course.

The Speaker: If there are no further supplementaries, the next question is No. 198, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 198

No. 198: Mr. Roy Bodden asked the Honourable First Official Member to make a statement detailing the use and effectiveness of bicycle and foot patrols by Royal Cayman Islands Police Officers around George Town.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The bicycle patrols commenced in 1991, but had to be phased out due to their ineffectiveness. Traffic conditions in the George Town area are such that Officers riding bicycles were obliged to concentrate on their safety to the detriment of being in a position to observe what was going on about them.

Foot patrols are effective for two main reasons: They act as a deterrent to criminal and anti-social behaviour, and they are reassuring to members of the public who are able to see and speak to Officers on patrol.

With the increase of available Officers from late May of this year, extensive foot patrols were mounted in the George Town area and the positive benefits referred to above accrued from such deployment.

The frequency of such patrols by both ordinary Officers and those attached to the Special Task Force has become spasmodic due to commitments to Tent City. Despite an increase in private security guards on duty at Tent City, there are regular occasions on which Police must be deployed there to assist with problems.

Notwithstanding this impediment, every effort is being made to mount foot patrols and to this end the George town area is prioritised to ensure that those areas which would most benefit from foot patrols do have Officers deployed according to the set priorities.

To supply details of those priorities would be counter-productive, but the criteria on which judgments are made include crime levels, congregation of youth, disorderly bars and traffic problems in the daytime.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Member in a position to name any of these areas that patrols extend to in George Town?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: No, Madam Speaker, I do not have the specific areas. It is my understanding that it is generally done in the George Town District.

The Speaker: The next question is No. 199, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 199

No. 199: Mr. Roy Bodden asked the Honourable First Official Member what the total number of Caymanian versus non-Caymanian Civil Servants is, broken down by nationality and departments.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: The total number of Caymanian versus non-Caymanian civil Servants, broken down by nationality and Department is as follows:

DEPARTMENT	CAYMANIAN	NON-CAYMANIAN
HE the Governor (3 British)	1	3
CI Audit Office (1 British; 1 American; 1 Jamaican)	7	3
Judicial (3 British; 3 Jamaican; 1 Trinidadian; 1 Nicaraguan)	26	8

Mr. Roy Bodden: Madam Speaker, it is not necessary to name the nationalities, Ma'am, just Caymanian and non-Caymanian.

The Speaker: If you would like to shorten your reply, please do so Honourable Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

DEPARTMENT	CAYMANIAN	NON-CAYMANIAN
Internal & External Affairs	14	3
Immigration	73	1
Police	163	116
Prison	37	48
Personnel & Management -	43	16
Services & Public Service Commission Cayman Brac & Little Cayman Administration	47	14
Legislative	12	2
Information & Broadcasting	18	6
Legal	8	18
Finance & Development	26	3

Financial Services Sup	17	4
Customs	68	-
General Registry & Marine Survey	14	6
Economic & Statistics	7	2
Treasury	18	2
Administration Tourism, Environ- ment & Planning	5	-
Planning	20	9
Fire	111	-
Environment	35	20
Tourism	14	-
Administration Community Devel- opment, Sports, Youth Affairs & Culture	9	6
Social Services	29	13
Labour	5	1
Administration Agriculture, Com- munications & Works	15	4
Lands & Survey	21	15
Agriculture	8	12
Postal	39	2
Public Works	31	9
Administration Education & Avia- tion	15	6
Education	133	197
Administration Health, Drug Abuse Prevention and Rehabilitation	8	3
Medical Health Services	125	128
TOTAL	1,222	679

The Speaker: Before other supplementaries are allowed, I will point out that it is now 11 o'clock, when questions should end. It should be noted that we did not commence proceedings until 10.50. Under these circumstances, would an Honourable Minister wish to move the suspension of Standing Orders to allow the remaining questions?

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

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

Hon. W. McKeeva Bush: Madam Speaker we move the Standing Orders to allow the required number of questions for each Member to be answered.

The Speaker: The question is that Standing Orders be suspended in order for remaining questions to be asked.

I shall put the question. Those in favour, please say Aye...Those against No.

The ayes have it. Standing Orders are accordingly suspended.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTION TIME TO CONTINUE.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

From the answer given by the Honourable Member, comparatively speaking, it is noted that the two departments, Police and Prison, have not shown any signifi-

cant increase in Caymanianisation.

Is the Honourable Member in a position to say what ongoing efforts are made in these departments to ensure that more Caymanians are recruited, or at least made aware of vacancies when they occur?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

When vacancies arise in the Civil Service the posts are normally advertised. If there are no suitable Caymanians available for the posts, then it becomes necessary to recruit overseas.

The Government is certainly committed to the Caymanianisation of the Service, but I think we have to recognise that in some instances, and in some particular professions, this is not an easy task.

The Speaker: If there is no further supplementary, the next question is No. 201, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 201

No. 201: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture how Government proposes to reinstate "Free Medical" to Caymanian Seamen, as recently announced by the Minister for Community Development, Sports, Youth Affairs and Culture.

DEFERMENT OF QUESTION NO. 201 STANDING ORDER 23(5)

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the answer to this question is not yet prepared, and I respectfully ask the House to allow it to be answered at a later sitting.

The Speaker: The question is that the answer to Question No. 201 be deferred until a later sitting.

I shall put the question. Those in favour, please say Aye...Those against No.

The Ayes have it.

AGREED. QUESTION NO. 201 DEFERRED UNTIL A LATER SITTING.

The Speaker: The next question is No. 202, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 202

No. 202: Mr. Gilbert A. McLean asked The Honourable

Minister responsible for Community Development, Sports, Youth Affairs and Culture what criteria is used for selection of contractors under Government's Low Income Housing Scheme.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the answer is as follows:

Section 2.2 of the Agreement between Government and CIBC Bank and Trust which governs the guaranteed Home Mortgage Scheme, as it has thus far been put into operation, empowers the guarantor (Government) to specify a schedule of approved contractors and developers and supply same to the Bank from time to time.

The criteria are set out in a simple set of guidelines produced by the Ministry, which are as follows: 1) must have majority Caymanian ownership; 2) must be in possession of a valid business licence for this jurisdiction; 3) must be reputable, with a good track record; 4) have suitably priced land for this scheme which meets the requirements of the Central Planning Authority, et cetera; 5) be prepared to sign a standard/approved contract or purchase agreement with the potential homeowner for an agreed fixed price. This will usually be done after confirmation from the borrower's bank that mortgage financing will be provided in support of this contract; 6) be able to secure the construction or bridge financing for each dwelling to be constructed until it is taken possession of by its owner (usually upon the issuance of certificate of occupancy).

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In the answer, guideline number 4 says that the person must have suitably priced land for this scheme. Is it the intention, or is it the programme, that the contractor will build a house on land owned by him/her or the company for sale to the person who wishes to purchase a low income house?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, that is possible, but not necessary.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say if the scheme allows a developer to offer low income houses for sale, but that they must be built by a contractor ap-

proved by the Ministry?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: That is correct, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Could the Minister say if the answer is in truth saying that the contractor must build the house prior to being able to get a draw down from the prospective homeowner from whom the financing will eventually come?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, bridge financing is provided by the contractor or the developer unless otherwise agreed to by the bank.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is it then a fact that a contractor may not receive funds from the bank which are guaranteed by Government until they have delivered a completed house for whatever amount of money?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Yes, Madam Speaker, unless the bank otherwise provides bridge financing.

I should add that all of that information is available for the public's knowledge in the guidelines of the scheme. I would urge Members to collect it if they have not yet done so.

The Speaker: The next question is No. 206, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 206

No. 206: Mr. Gilbert A. McLean asked the Honourable Minister for Tourism, Environment and Planning when Government expects to establish the post of "Complaints Commissioner", as provided in the 1993 Amendment to the Cayman Islands Constitution.

The Speaker: It is observed that the Honourable Minister for Tourism, Environment and Planning is absent at this time.

Mr. Gilbert A. McLean: Madam Speaker, could I ask that my question No. 206 be withdrawn and re-submitted at a later date, when an answer may be had?

The Speaker: I think it is reasonable for it to be put down for another day, unless the Minister has determined that he will not reply.

That concludes Question Time for this morning. We proceed to Government Business, continuation of the Second Reading Debate on the Appropriation (1995) Bill, 1994.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of the Debate on the Budget Address)

The Speaker: The Second Elected Member for George Town continuing.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

The Honourable Third Official Member, the Financial Secretary, gave a very thorough, a very objective, Budget Address on 4th November, and I believe that it is one that should be very reassuring to the public. He has always taken a very objective position on Government matters and, lest by any chance that I gave the wrong impression yesterday that he took sides in his Budget Address, I would like to state clearly that that was not what I implied. What I, in fact, said was that he, in his maiden address, had pointed out that his predecessor, Mr. Thomas Jefferson, had, in fact, warned Government that problems were being experienced in balancing the budget.

In fact, just to quote him, he said that: "there are indications that we should stop and make an assessment of where we are going. If we were to select a point in time to be noted as when actual expenditure began to seriously outpace actual revenue, we should definitely have to choose 1990, when the cumulated deficit for that year amounted to \$14.9 million before financing."

This development in Government's fiscal position was also observed and highlighted in the 1992 Budget Address in this honourable House. So he is not taking sides and he has not entered into bipartisan politics.

When the House adjourned yesterday afternoon, I was dealing with the pension fund. I showed where the pension fund had been virtually doubled since this administration took office in 1992 - increasing from \$6.2 million to \$11.5 million as at 31st August 1994.

I was also very happy to hear that the actuarial study that was put in motion in 1993 was completed and that it will be laid on the table of this House during this

meeting. I, of course, expressed some concerns that the preliminary actuarial assessment done earlier showed that the civil servant liability as at January 1989 was something in the region of \$32.4 million when, in fact, there was only \$6.2 million in the pension fund.

The financial paucity of the pension fund does give me some concern, and I will support the increase from 4% to 6% by the Government, and from 4% to 5% by the civil servants. I think that increase in contributions is in order. I certainly feel that these funds should continue to be earmarked for pensions. Many countries have had problems by not doing so, and the end result is that when people require their pension they have to be issued IOUs. So I would certainly suggest that the funds be earmarked and that we avoid this kind of problem which could occur. What if the entire Caymanian labour force was eligible for pension? This would be a completely different picture. While I agree that social security is desirable, I encourage the Government to devise an effective, well-thought-out plan before initiating it.

Many countries, including the United States, are grappling with the problem, even at present, of meeting social security commitments mainly because monies were not earmarked in some instances and as the baby boomers retire, the baby busters are unable to support the payments of pensions.

I will go back now to the public debt. I believe it is heartening to hear that the public debt should only be \$54.6 million, at least for this year's end. At the end of 1993 it was \$54.1 million, and a commercial loan of \$5.8 million will be drawn down by year end to finance various projects. Repayments are forecasted at \$5.3 million and this results in a net position of \$54.1 million being the estimated public debt at the end of this year.

I would like to congratulate Government in limiting our borrowings this year to \$5.8 million. The 1995 Budget includes no new borrowings, and I would like the public, and all of us, to take pride in that - there are no new borrowings planned for 1995. Therefore, I expect that at the end of 1995 the public debt position will be improved and that we should be able to make contributions towards the public debt during 1995, thus decreasing our public liability.

I believe that it is very important for us to make every concerted effort to increase our pension funds and decrease our public liability.

General Reserves had \$3.6 million at the beginning of 1994, and we know that the sum of \$0.4 million was transferred to the General Reserves during 1994. That adds up to \$4 million that we should have in our general reserves at the end of 1994.

Healthy general reserves are absolutely essential in any country and we should have general reserves in place, not just to make draw downs to balance budgets, but in case of disasters and unforeseen events that can in fact occur in the country. I feel rather comfortable knowing that we have general reserves in place. Therefore, I believe that we need to do everything possible to build up our general reserves during 1995. The year 1994, is about over and I doubt that we would be able to

contribute any more to the general reserves this year.

The Financial Sector continued to thrive in 1993. Inflation dropped from 2.3% in 1992 to about 2.2% in 1993. Interest rates also dropped, which I believe may have been responsible for the fall of 1.6% in savings, as compared to 1992.

We know that the Federal Reserve has increased the interest rates in the United States for the sixth time this year. As their economy improves the Federal Reserve tries to prevent overheating of their economy and increases interest rates to keep things in check. We know the effect that this normally has on Wall Street inflation on in the United States.

It is interesting here that despite the very slight increase in interest rates it has not had any adverse effect on our local economy. Instead what we have seen is continued growth.

Tourism boomed in 1993, with air arrivals increasing by about 18%. I think that is remarkable. Cruise ship arrivals dropped by about 1%, but this was largely offset by the huge increase in air arrivals.

The financial and business sectors, we were told, have shown tremendous growth in 1994 employing 9% more workers. It is important to me that there was a greater percentage of Caymanians employed. It grew in leaps and bounds in 1994.

We remember the articles that were published by the newspapers and I believe that if the public is paying attention they must realise the way tourism has grown. I believe that most people will admit that this too did not happen by chance or mere coincidence. It is largely attributable to efforts being made by the present Government. I will touch on this later on. There was a 21% increase in air arrivals and that is of even greater significance when we consider that marketing efforts were enhanced during this period. Therefore, it must have been the result of this increased aggressive marketing effort.

Even of greater importance, I believe, is the stay-over visitor spending which grew by 28%. This should dispel the rumour that is going around that we are having more tourists, but they are not spending any more money. The facts show that overall spending by the tourists increased by 28% and this amounted to \$136.2 million in the first six months of 1994.

This is extremely welcome news to know that tourism, which is one of the main pillars of our economy is doing so well. I certainly would like to congratulate the Minister for Tourism for the hard work that he has put in, his staff and all of the workers in the tourism industry, without whom this would not have been possible.

I believe that stayover arrivals are expected to increase by 10% to 15% next year. We have shown a record of passing our expectations, outstripping our estimates. So I have no reason to believe that this figure too is just a very conservative estimate and we will, in fact, see even a greater increase in our tourism arrival especially with the availability of more rooms and increased marketing efforts.

We know that construction was slow in 1993, but the picture has changed in 1994, as pointed out by the

Honourable Financial Secretary. There is \$115 million worth of new planned construction approved, if my memory serves me right, in the first nine months of this year. During that same period in 1993, over \$70 million had been approved. That shows a remarkable growth and I believe that not only were these approved, but we see evidence where construction has actually taken place and more construction workers to work and gain the benefits.

I noticed that in the Sister Islands construction was down. I believe that we need to make every effort to boost the construction industry there. The Sister Islands depend heavily on Government projects and I certainly support and encourage efforts to boost construction there, even if it is to support Government's ventures there. I believe that there was to be a solid [waste] plant built in the Sister Islands, for the disposal of garbage and that was in the Estimates for 1994. As far as I know that has not taken place and that is one of the things that we can make sure is done in 1995. I am sure there are other things that we can do as a Government to promote the local economy in the Sister Islands.

Real Estate has taken off in 1994, and the market is now active and has surpassed predictions. Real estate figures have skyrocketed sales. Agriculture has also shown positive growth with sales in the Farmers Market increasing by 20%. All of this is the result of decisions which were made during our tenure.

Unemployment has decreased from 335 persons in the first half of 1993 to 208 in the same period in 1994. All figures released by the Financial Secretary in his debate were extremely encouraging, extremely positive, and I, for one, is extremely reassured and I believe that the public should be also.

All of the indicators show positive growth in the economy. There is no doubt that the economy has made a complete turn around and we are out of the doldrums of 1991 and 1992, thanks to the cooperative effort. I would like to congratulate the private sector because in many instances they have also assisted in making this all come to pass. It has only been two years since we were elected, and all of this has occurred and has been accomplished. I really think that we have done a remarkable job.

The 1994 Revised Estimates are nothing short of a windfall. The expenditure is \$.3 million less than estimated and revenues are \$11.2 million more than budgeted. The budgeted revenue was \$149 million and the revised revenue is \$160.2 million, comprised of \$152 million recurrent revenue; \$5.8 million of the \$9.1 million loans provided for in the Budget and the \$2.4 million accumulated surplus brought forward from 1993.

Transferred earlier this year to the General Reserves were \$400,000 which left the balance of \$159.8 million in the revenue.

Revised expenditure for 1994 is \$156.9 million which leaves an accumulated surplus of \$2.9 million at the end of this year.

The 1995 Draft Estimates show expenditure to be \$177,976,714, and revenue to be \$178,148,922 - com-

prised of Recurrent Expenditure of \$138,722,161 and Statutory Expenditure of \$15,266,879; Capital Acquisitions of just over \$4 million; Capital Development of \$19,281,869 and New Services of \$696,565.

The receipts are comprised of a recurrent revenue of \$167.3 million; local loan financing of \$3.3 million and revenue enhancement measures of \$4.6 million. The accumulated surplus that was brought forward was approximately \$2.9 million as previously stated. This makes the total revenue of \$178.1 million. The anticipated accumulated surplus at the end of 1995 is estimated to be \$172,000.

The major capital projects planned for 1994, were the Phase II construction of the Community College and this is well underway. I go to the Sports Centre at least three times per week, so I see that that building is nearing completion.

Also planned was further development of the George Hicks and John Gray High Schools, Red Bay and West Bay Primary Schools - and I am speaking now of Capital Projects for 1994. I know that extensive work has taken place at the George Hicks High School, I do not know if the same thing can be said of the Red Bay, West Bay and the John Gray Schools. Perhaps the Financial Secretary will let us know if this work has been completed or even started.

The beginning of the first phase improvements of the George Town Hospital and the construction of new health centres in West Bay and Bodden Town were also projects that we hope to complete, or at least begin in 1994. While we have a master facility plan for the future hospital, we know that, unfortunately, the construction of the first phase was not started in 1994 and to be honest, this does not please me at all.

I know the reasons why it was not started and therefore can accept what has gone on, but I would certainly like to see something happen in this area early in 1995. I believe that the Minister did tell us that this was exactly what the Government plans to do, that this project will be given some priority, and we shall see the implementation of construction of the first phase of the hospital. Of course, I always put medical matters at a high priority and I believe the public does also. I will be behind the Government to get this project started and to see its completion in 1995.

I do not believe that the West Bay or Bodden Town clinics were touched. Again, this is a disappointment and I certainly hope that something will happen in that regard in 1995.

Substantial road improvements in all districts were planned, including the new road corridor from the Harquail leading to the airport area. We have seen evidence of many road improvements throughout the Island and I believe this is how it should be, we have to develop a roads infrastructure to cope with all the development that is planned. This is one area that I regard as a priority and I would like Government to continue to do as much as possible in the upgrading of our roads.

I do not believe that the land was bought in 1994 for the corridor for the new highway that is planned from the

Harquail to the airport, and I know that this entire matter is being considered. I have attended at least two meetings about where would be the best place to put this road and I believe a decision will be made soon and we will see some action on this. It is long overdue and everybody knows that I like action and I want to see something happening.

Sports centres and parks development throughout the Islands and the commencement of a development of a national sports centre on Grand Cayman was also one of the capital projects that we set out to undertake in 1994. There is no doubt that much has been done in this regard with the upgrading of the Ed Bush playing field and we know that the Sports Centre behind the school is now being upgraded so that we can host the CARIFTA Games in April 1995 and so that our people - young and old - can have this facility to use.

I think most people know my stand on sports development in the country. I have told the Minister for Health and I told all and sundry who approached me how I feel about this. I feel that once we complete the Ed Bush playing field and upgrade the sports centre behind the Middle School and complete the sports centre for the eastern districts and upgrade the districts playing fields that will be sufficient.

I will not support, at this time, any monies to build a national sports stadium in Spotts. That remains my position. I will not be supporting it. I realise that we are not planning to build a sports centre in one year and I am fully knowledgeable about that. I know that it is to be done on a gradual basis until we have the sports stadium. I also know that there are many other priority issues, and I shall not be supporting any money for a national sports stadium at this point in time until more important matters are addressed.

I know that every Minister in Government is interested, and should be interested, primarily in his Ministry. I know that monies have been voted by the Finance Committee. Monies have been voted for development for example for the Minister of Health. It is easy for a Minister to say that he is in no way compromising expenditure in other Ministries and should therefore be allowed to continue to do what has been budgeted for in his particular Ministry.

But how things actually pan-out at the end of the year shows that the money spent ... and that yes there may have been accomplishments planned for one Ministry and accomplishments for other Ministries may not have been as effective in being enacted. Therefore, what I am saying is that come the end of the year, the money is spent and although a Minister might argue that he has not, in fact, encroached or imposed on expenditure in other revenues, the fact remains that particular Ministry has achieved, whereas the other Ministries cannot say the same. It is important to see the forest, and I believe that the Ministers will listen to us Backbenchers.

The development of the Agricultural Sector and the construction of a new animal slaughter-house facilities was also planned for 1994, in particular the abattoir in Lower Valley. We know that there has been consider-

able development in agriculture; farmers have been trained, high quality beef, cattle have been imported and there is ongoing advice and assistance to farmers and other workers. These are all in place.

But, the fact remains that we still have no abattoir, and this was in the Capital Works planned for 1994. I believe that a slaughterhouse is very essential and that we should get it. So, I encourage the Minister for Agriculture to continue to push ahead so that this abattoir becomes a reality in the very near future.

We know that the Agricultural Pavilion was completed and we can all say that the most successful agricultural fair was hosted there earlier this year. I also would like to point out to the public that this will not be the only function for the pavilion, as the Minister has informed me. It will be used for other purposes - hopefully not for housing Cuban refugees - in the future.

I think I said that the solid waste disposal site for Cayman Brac was also planned for 1994, but this did not take place. Therefore, we see from all of this that there are a considerable number of projects that were planned for 1994 that did not become a reality. Frankly, this was one of the things that I have been disappointed about and I have made this known to the Ministers involved and, as far as I am concerned, this was one of the reasons we have a healthy Budget to present. The monies need to be spent if these various projects are regarded as priority and as essential. Clearly all of the capital projects were not started and, like I said, expenditure was, therefore, less than estimated.

I would like the Financial Secretary to also tell this House whether all of the funds used from the Capital Expenditure vote in 1994, were applied to the Capital Works undertaken, or were some applied to offset the Recurrent and Statutory expenditure? I hope that he has the opportunity to tell us this in his winding up.

The capital projects scheduled for 1994 are all priority issues, with perhaps the exception of the prison visitor's centre. They all have my full support.

I hope that capital works gets off the ground faster than they did in 1994. In particular, Phase I of the George Town Hospital improvements. We must regard this as a number one priority and do something about it in the early months of 1995. Of course, we are now in a position to start it, and I believe that the Minister will see to it that this is done.

The Bodden Town and West Bay health centres must also be given priority. These districts are heavily populated and deserve much better health centres. I will be pushing along with the Minister to see that we are not distracted in any way and that these things are accomplished in 1995.

The Budget is very promising and very realistic and I believe it is achievable. I would like more funds transferred to General Reserves and also to the Pension Fund if they are available.

Positive changes such as I have just described are the result of collective measures that were taken by Government. They did not just occur by coincidence. I know that; I keep saying this over and over, because it is

a point that I would like to leave with the public - they did not just occur because of coincidence. It is not because we are in the right place at the right time, as some want to purport.

We saw for instance the wisdom of enacting Mutual Fund Legislation. This was done in July of 1993, and it is certainly paying off. We dropped company registration fees and since then we have virtually seen a resurgence in company registration. I believe it doubled since April of this year.

We augmented the administrative framework and the legislation to ensure modern and responsive regulation of the financial industry. That, too, is paying off.

Recent amendments were made to the Companies Law, the Properties (Miscellaneous) Law, the Partnership Laws, and that is also paying dividends.

The Financial Secretary told us that a Coordinator of Marketing and Promotions has been appointed and one of the first things that person will be doing in consultation with the Government Private Sector Consultative Committee, is to come up with a publication of high quality, high profile, in order to help market our financial industry. I believe that measures like this are extremely important, especially in light of broadcasting shows like "Dirty Money". We have to stay on the cutting edge and we have to market ourselves - nobody else is going to do it for us.

The Government has also done a considerable amount in promoting the financial industry during the years. They have done so on all fronts. They promoted it through high quality publications; they have attended financial conferences abroad; they have hosted them locally, and these are just some of the methods that the Government has employed with obvious results. The Financial Secretary informed us about the conferences planned in February 1995, in New York, London and Hong Kong. They have my best wishes. I believe that they will serve to promote our product.

Our Minister for Tourism has also been very active in promoting his Ministry and encouraging diversification of the tourism base, and Cayman now has more to offer than just sun, sea and sand.

We know that we hosted the conference on Ecotourism here, in fact we got two awards in ecotourism. There has been more co-operation than at any other time between the Government and the private sector in the field of tourism. Without this, tourism will not be a success. We have seen co-operation like never before between these two sectors in trying to promote tourism, hence the results - tourism has taken on new dimensions. A more aggressive marketing policy has been adopted - 'niche' marketing is the "in-thing". We are seeing more and more tourists coming from continental Europe, the United Kingdom and as far away as the Far East.

I feel sure that the Financial Secretary and the entire Government and, of course, the Minister for Tourism, will continue to thrust forward and we will see continued growth in tourism in the following years.

Tourism is the main contributor to our national

economy and efforts like these are truly commendable. Many people benefit from tourism in these Islands. Tourism Awareness Week is yet another measure that the Government has taken to enhance tourism. We have to be prepared and trained, we have to know how to stay on the cutting edge and be competitive if we are going to make it in tourism. Obviously, we are doing something right because the figures indicate that we are.

We dropped stamp duty on transfer property and BAM! real estate started. It was in the doldrums before that. We were the ones who took the bold action of dropping stamp duty on property transfers from 10% to 7.5%.

We did not think that we knew it all; we listened to the realtors. I hope that we never see the day where any one, or any Government, fails to seek advice from those involved in any industry and be guided by them in steering the country right.

Government fully understands the implications of high property insurance. I believe a task force was set up a year or so ago to look into this matter and in his Budget Address, the Financial Secretary told us that he has commissioned a study of Cayman's risk position and hopefully this will bear fruit and be able to attract the kind of insurance that will be much more appreciated than what is available now. We realise that high property insurance does impact negatively on the economy, particularly construction and commercial activities, and development in general. I look forward to this exercise being completed and tangible recommendations given to improve the situation.

The Speaker: Honourable Member, would you take a suspension at this time?

Dr. Stephenson A. Tomlinson: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.58 AM

PROCEEDINGS RESUMED AT 12.23 PM

The Speaker: Please be seated.

The Second Elected Member for George Town, continuing the debate.

Dr. Stephenson A. Tomlinson: The Government realises too, that in order to continue to grow economically, to prosper, the problem of crime has to be addressed. It has been doing so many things in combatting crime.

The Government fully supports Cease-Fire, and I believe that every person who does have an unlicensed firearm should take the opportunity to turn it in. I urge the public to do so.

Crime has a devastating effect on progress and therefore it has figured high on the Government's priority list. Attacks on this problem have been multifaceted. They include increasing the penalties on firearms, which

we know went through this House not long ago; getting The Protector, the Coast Guard Boat, and increasing surveillance at ports of entry. The Police Force has been increased, special training courses have been set up for law enforcement agents, and many other things have been done in the last two years to try to combat crime. So the Government has been up and doing, trying to address the problem of crime. I believe this is the single most important factor that, if allowed to deteriorate, will destroy us here in the Cayman Islands and we will no longer be the prosperous little country that we are now.

The presence of the United States Radar Station has helped us with drug surveillance and interdiction. I had hoped that the United States Radar Station would have been at least one bargaining tool that we could have used in trying to get the Cubans relocated. I understand that they are moving on now and that they are trying to sell the radar station as President Clinton cuts expenditure.

We are most fortunate. The same way that the storm (Gordon) missed us, many of the economic problems that other countries are plagued with, also missed us. Therefore, we are certainly a blessed country and I believe hard work merits a certain amount of blessing. I thank God for all of the many blessings that we have experienced here in the Cayman Islands.

The Financial Secretary told us about the Association of Caribbean States which was formed in July of this year. He told us about these major trading blocks - NAFTA and the European Community and others. I have been thinking seriously about the invitation we have to join the Association of Caribbean States. I believe that four other overseas British Dependant Territories have opted to join, and that only Bermuda and the Cayman Islands have not joined as yet. The more I think about it, the more I recommend that we adopt a wait-and-see approach. I do not believe that we should bother to join the Association of Caribbean States.

Many improvements have been made in the last year in George Town. We have seen the installation of the new street lights, and credit goes to the Government and Caribbean Utilities Company, particularly the Minister for Communication and Works. I believe all persons in the public really appreciate these new street lights and I believe that they will impact positively in reducing crime.

The next big improvement that comes to mind is the Post Office renovation. I would like to again congratulate the Minister responsible, and Mrs. Corrine Glasglow. This is a hard working young woman and I am really impressed with what is going on at the Post Office, and the public is extremely pleased about the renovations and the services that are being offered there.

I would like the Government to consider installing traffic lights in various intersections around George Town. I know that it has been discussed before, but the matter is becoming urgent at some intersections. I can think of the Eastern Avenue/No Name Road intersection. There is such a hold up of traffic there, especially when people are going to work. There are other intersections

where it is becoming quite urgent and pressing to have traffic lights installed. Also, I believe plans are afoot to install bus shelters here for the children and for people who wait for the bus in rainy weather. These will be greatly appreciated, I am sure. I hope to see some action taken on this in the coming year.

We also really need some improvements in the road system in the Swamp and the Windsor Park/Templeton area. If we do not get it soon we are going to have problems. So, as a special request - from me to the Government - let us try to do something about those two areas. I know that a number of improvements have been made in even those two areas, but they really need more upgrading and let us pay attention.

There is another road too, where something needs to be done to increase the width, and that is the Meringue Town Road. That is a very, very dangerous road. In the area just before you get to the South Church Street intersection, accidents have occurred there and it is very dangerous. I really believe that that road should be widened. I do not believe that the owners of the land there would object. They have a lot of money and I do not think that they would renege in giving Government a little bit of land, even if they want to sell it. I, for one, am just a small-fry and I am actually building a sidewalk on the hospital road near the entrance to the hospital out of my own funds, just to improve the aesthetics in that area. So, I am sure the millionaires who own that area would donate the land to Government. Let us access them and see to it that that road is changed and no further accidents occur there on account of it being so narrow.

The Ministry of Health has been conducting a strategic planning exercise and it continues to come under heavy fire. I believe that if we can only see so far and if we only have an incomplete understanding of any subject, it is very likely that the wrong conclusions will be drawn. I am certain that in the next few months we will see results from strategic planning and I certainly hope that those who have been shooting it down will be man enough then to stand up and say it was just on account of their ignorance.

Some of these little points might seem trivial, but I believe in addressing the small things. If we attend to all the small matters, the big ones will take care of themselves.

I would also like to see Government pay off Mr. Val Hurlston, who was shortchanged by the previous Government. I know that the Third Elected Member for George Town has been urging Government to look into it and I believe that the last word I heard was that the monies were made available to pay off this man, a former Vestryman, and I trust that this will be done very soon.

Another subject: We need to investigate allegations of police brutality. There was a question in the House directed to the First Official Member. I read the answer and obviously there were charges and the matter is in hand, and it is being investigated. But, I have had reason to examine at least seven of these people who said that they had been beaten up by the police. I think that the

problem needs urgent investigation. We know that the police have a difficult job in dealing with criminals, and we certainly are not suggesting a soft approach. On the other hand, we cannot support a violation of civil liberties.

A Select Committee also to study the Bill of Rights has been formed and I would like to see it enacted in the not-too-distant future, certainly before...

The Speaker: Honourable Member, I hate to interrupt you, but I really must ask you to keep within the general principles of Government's policy and administration laid down by the Financial Secretary in his Budget Address and what is contained in the Estimates.

When the Speech from the Throne is delivered by His Excellency the Governor, this is the time when any subject can be brought up, because at that time Members can indicate with regret that this or that subject was not touched on, but this is really not the time to talk about payments to a certain gentleman, or a select committee.

Please, would you continue with the debate as outlined? Thank you.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I appreciate that word of advice, and I would like to point out that I am a rookie, like others here, and I will certainly try to abide by what is correct.

Monies have been allocated for a central park here in George Town - at least a certain amount of money, perhaps not sufficient to purchase land for a central park, but that too is very important for the Capital, we need a central park and it has been needed for a long time. At least we are doing something about it and I hope that very soon we will be able to enjoy a central park.

I believe that the Cuban situation is relevant to this debate because monies are being spent on them and I believe others have touched on the Cuban crises. I would like your permission to...

The Speaker: I do not have to give permission for that, because that is outlined in the Financial Secretary's Budget Address. You can quite safely discuss that.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

The Cubans, these unfortunate people, arrived on our shores and Government, as we know, has been doing everything in its power to deal with the problem. I will not waste the time of the House going over what has been done.

What I would like to say about it is that the one thing that really peeves me is the reaction of the British Government in this respect and I am extremely peeved. I am very dissatisfied and put out at the response and the so-called help that we are getting from the British Government. I say this because I understand that the only offer that we had was \$60,000 worth of tents, and they

have been of some assistance at arranging meetings in Washington. Apart from that, I do not think that there has been any tangible effort to assist us here in the Cayman Islands with the Cuban crisis. We are but a small country and our standard of living and our economic resources are reasonable, but when we consider the number, as compared to our population, it is overwhelming. The Mother Country, in my opinion, can and should be doing a lot more to assist us - especially in the light that the Mother Country signed the International Treaty on Refugees - and we have to abide by that treaty. As a British Dependant Territory we shall abide, and we are abiding by that treaty. But, surely, they owe us some sort of financial assistance in helping with these people - seeing that they are not even Caymanians.

I remember that very recently a request for \$131,000 came before Finance Committee for approval of payments made to Transmedical Corporation. I tried to ask a question in the Finance Committee which was to show that the original value of that contract was far in excess to the \$131,000. The Government had, in fact negotiated the contract down to this meagre \$131,000. Congratulations to the Legal Department and some of the advice of the doctors.

Do you know, Madam Speaker, that many Senators were lobbied in the United States and they put pressure to the United States Government and the Foreign Commonwealth Office. The Foreign Commonwealth Office in turn put pressure on the Cayman Islands Government about this matter. To not have a similar thing happen in the reverse at this point in time with the Cuban Refugees, I think is ludicrous. It is very upsetting.

Why can the Foreign Commonwealth Office not put pressure on Washington to try to help us out of this situation? I would like to congratulate the National Task Force and all the hard workers trying to deal with the Cuban crisis. I hope that the public understands that we are limited in what we can do. We are limited by treaties, such as I have mentioned. We just cannot offer these unfortunate people food and gasoline and send them on their merry way; we must abide by a treaty.

Now there is no forthcoming help from the United Kingdom Government. What is the use of the United Kingdom Government, Madam Speaker?

I would like to touch on a few things that are now going on in the Ministry for Health. Some of these things certainly need money for them to operate. We know for instance that there is presently a Health Practitioners Board whose purpose is to register and discipline health professionals. The Law was enacted back in 1974 and has served us well until recently. We know that we have had serious problems recently because of the very nefarious past Minister of Health, Mr. Ezzard Miller, realising that there was a loophole in the Law and taking advantage of it for his own gain.

The Ministry put regulations in place that would, in fact, control the practice of medical experimentation here in the Cayman Islands. I think the Ministry along with the Legal Department deserve some credit for taking this action.

We are presently vigorously pursuing enabling legislation to ensure acceptable standards of medical services in both the private and public sectors. We will be hearing more about this in the future on how the various councils will be set up and how it will regulate and ensure that medical and other related health care professionals serve this country in an acceptable manner for the benefit of all. As we know, without a healthy population, we will not have a healthy economy.

There will be more teeth in the laws that effectively administer and monitor standards of medical services. There will be a review of the Pharmacy Law (which we know was passed by the previous Government) and I understand the regulations had not even been approved.

The Public Health Law will be updated. We have a problem, Madam Speaker, Public Health Inspectors do not fall within the umbrella of the Ministry of Health, they fall under the Department of Environment. These people are responsible for inspecting beauty salons, barber shops, restaurants, to ensure that there is an acceptable standard and no risk of infection to persons, etcetera. But there is a problem because the Public Health Inspectors are under the Department of Environment. True, their duties overlap, but I believe that something needs to be done about this.

Many endeavours are being made to encourage the development of tertiary medical facilities on the Island. We know that sending patients abroad for medical treatment is a heavy drain on Government. It is an increasingly heavy drain despite attempts to limit expenditure in this area, it is ever increasing. Therefore, I believe that the Government will, and I think it has endorsed sensible efforts in this direction.

What I am now about to say does not follow usual conventional wisdom. I have never put a lot of trust in conventional wisdom, and we know that pack-journalists and many newspapers constantly write articles telling us about other economies of the world, what their situations are.

I remember back in 1980 reading about the predictions that Russia would be marching on Afghanistan, Africa and Latin America. I remember reading that the Dow [Jones] was at 1,000 and would be stuck there. I remember them saying that gold was king and that in a few years it would be worth \$2,000 per ounce. All kinds of reports were brandied across newspaper headlines.

At that very time, I remember reading in the Exclusive Insider that Germany would reunite (this was 1980), they were saying that the Soviet Union would crumble, that it did not make all that much sense to put money in real estate. Almost the opposite of what pack-journalists were saying. Which one was right? As it turned out it was not the pack-journalists, and not those who professed to have so much conventional wisdom.

I think it behoves us in this House to take what we read in many of these sources with a grain of salt. They obviously have some truth, but like the Minister of Aviation said in his contribution, half-truths are sometimes the most dangerous because they fool so many people.

I shared some things with the Financial Secretary

recently that I read in the Exclusive Insider, The Elitist and Tiapan, and I think it may be enlightening for us to look at some of these things because they affect not only the global economy, but some of them are very relevant to our own economy here in the Cayman Islands.

This is from the [Spring] 1994 issue of Exclusive Insider. It is talking about Mutual Funds. It says: "This year you will not get rich investing in any of the thousands of over-priced mutual funds on the market.

"This is going to come as a terrible surprise to people who believe that mutual funds are the safest place to put their money now...and who think they're `doing the right thing by investing like everybody else.'

"Last year over \$1.7 TRILLION [U.S.] was invested into mutual funds, more than one-quarter of American households own a mutual fund.

"Unfortunately most people do not know that you lose out big time over the long term by investing in mutual funds rather than investing in stocks.

"In fact, a recent study showed that you lose practically \$400,000 (US) in profits over a 25-year period on a US \$100,000 portfolio if you invest in mutual funds instead of stocks.

"The reasons are numerous - big loads, high management fees, tax liabilities (which almost no one talks about) and so on.

"The conclusion? Anyone with just US\$10,000 - or more - will do better - much better - buying individual stocks.

"Still, investors hand money over to mutual fund managers, thinking they need "professional management." Sadly, in any given year, 2 out of 3 fund managers don't even do as well as the market. Your mutual funds are likely to UNDERPERFORM the market - to do LESS than average.

"This spring, more mutual funds will crop up...like weeds in an empty parking lot. And the inevitable result. It's a case of simple economics.

"When interest rates rise, the buying trend will reverse - and people will start investing less money in mutual funds. When that happens it will trigger a market sell off that will rival the crash of 1987.

Why? There are a lot of first-time investors who think a mutual fund is like some kind of CD. You just deposit your money and make 15% or 20% per year. They are going to get the shock of their life when they find the market can go the other way. And there is no protection for mutual funds investors.

"We're going to see a run on mutual funds that will be a lot like a run on the banks. The banking system is based on the assumption that not everybody is going to show up and demand his money at once and the mutual fund system operates much the same way. There is less than 10% cash on hand - the rest is invested in stocks.

"If too many people show up demanding their money at once, the fund has to sell stocks, even at a loss, to meet the redemptions. If there's a run on all the funds at once, the market is forced down.

"The selling cycle will feed upon itself - prices will begin to fall as soon as people stop buying, and lower

prices will many investors who will start to sell. Fund managers will dump the stock to pay investors clamouring for cash. Share prices will start heading down as a result. More investors will panic and sell their shares. Prices will fall farther and faster until the mutual fund bubble bursts."

Luckily for us, Madam Speaker, I believe that we will get many of the benefits of mutual fund investments before such a thing happens. But I believe that it is important to know these kinds of things and to prepare. We need to prepare.

One of the things that will help us is the lack of tax liabilities here in Cayman, because this is one of the reasons why in the United States, for instance, it is not as profitable to invest in mutual funds. I am not trying to say that at the moment mutual fund investment does not make sense, all I am saying is that this is a prediction and this is what could happen in the future. Therefore, I believe that if we give this any credence we should be making plans, at least.

The Speaker: Honourable Member, could you take the luncheon suspension at this time?

Dr. Stephenson A. Tomlinson: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 12.54 PM

PROCEEDINGS RESUMED AT 2.34 PM

The Speaker: Please be seated.

The Second Elected Member for George Town, continuing the debate.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

The point that I was making just before we adjourned for lunch about mutual funds is that mutual funds have been thriving, especially since the enactment of the Mutual Funds Legislation in 1993. In light of us not having certain taxation in place, which exists in other places, it is quite likely that they will continue to do well, at least in the medium term.

But, I also pointed out that it is the opinion of at least one reputable authority that mutual funds may not always be what they are now, and it behoves us then to at least take this into consideration. I invest in mutual funds and I intend to continue investing in mutual funds until such time as it does not appear to be the wise thing to do.

I would also like to sound a word or warning at this time regarding the business and financial sectors and also the Government, hooking up to international computer [network] systems, such as Internet and CompuServe. I understand at the moment that it seems to be in the embryonic stage of planning, but various private organisations, including banks, may be considering the

advantages of hooking up to these international computer networks. We all know that it will serve a great purpose, it will increase the efficiency of business and I am sure that there are reasons why such organisations would consider this.

I also believe that Government is looking at instituting E-Mail and all of these things which have certain advantages and they come with sophistication and development.

It is absolutely prudent to have the safest data encryption in place so as to avoid invasion of privacy. I believe that this is extremely vital in an offshore financial centre such as ours.

The next subject that I would like to touch on is concerning import duty and the Government collection of duties. We know that the Government has tightened up procedures in regards to import duty collection, but I believe that in spite of all that the Government has done there have been examples of various persons and companies evading import duty. I understand that some of them are presently under investigation. I am all for Government getting its due, and what is good for one company is good for the other. Unfortunately, I understand, there has been a significant amount of alleged import duty evasion. I understand that an individual known as Peter Savill has evaded import duty and I believe the Government is investigating this matter, but it seems to be taking an awfully long time before the matter is brought to a conclusion. There are other individuals I understand, such as Island Paving, especially with regard to the runway project that there were some import duties that were never paid. Similarly, Cayman Aggregate has been brought to my attention, they have not paid up. The same thing applies to Cayman Cement Distributors, I am told; they have not paid their import duties in all instances. I think it is high time that the Government either write off these import duties or collect them, and the investigation should be brought to a conclusion before too long.

We have been told that Avalon has also been guilty of this, but I believe that people like Avalon who might end up having to pay up quicker than those larger organisations and I contend that what is good for Avalon, is good for the Peter Savills in Grand Cayman.

I would also like to reiterate what the Honourable Financial Secretary said in his maiden Budget Address regarding excessive supplementary appropriations. I believe, like he said, that if used wrongly they are like concealed time bombs. I would like us to stick, as far as possible, to the Budget. I realise that there are instances where supplementary appropriations are absolutely necessary and I have voted for some, but I do not want to see situations arise where it gets out of control because I believe it can have an adverse effect on the budget and fiscal stability.

In summary, I would have to agree that very much has been accomplished in the past two years - just two years since we were elected - and accomplished by the present Government. The prosperity of the country is starting to show once again. I believe with the coopera-

tion of the public and even more importantly, the cooperation and team work inside Government, we can be assured of continued prosperity in these Islands. I will do all I can to assist in attaining the prosperity that we all look forward to.

I believe I started yesterday evening by saying that I was taking the House through a budgetary virtual reality ride. I would like to remind us that we have incidentally just stopped at Port Hope, Cayman Islands. We will stay at Port Hope until Christmas, and we will enjoy ourselves. I wish everyone a very, very prosperous New Year and Christmas; may we have a very good Christmas.

I do not believe I congratulated the First Official Member. I certainly would like to extend my welcome to the First Official Member who joined us in Parliament. I look forward to all of us working together for the future benefit of these lovely Islands.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, first of all I would like to congratulate the First Official Member on his new appointment and welcome him to this Legislative Assembly. I would also like to congratulate the Honourable Financial Secretary on the presentation of an excellent Budget. The Honourable Financial Secretary has presented the true financial position of the Cayman Islands.

Reference has been made to a cook book budget, which I felt was in very bad taste because it throws a bad light on the integrity of our Financial Secretary. Even though there may not be a definition of the words for cook book, or a cooked budget in the dictionary, I believe we all know what the general meaning put to these words is.

It was said in this House that the budget is like a recipe. To me, the end result of a good recipe is a tasty meal, and this is exactly what the Honourable Financial Secretary has done for this country.

The opposition inside and outside this House are constantly referring to the 1995 Budget. As a matter of fact, the former Member for North Side, if I am not mistaken (and I stand to be corrected), said on television that they have "cooked the books." I would like to make it very clear to that gentleman, and anyone else who may believe in such statements, that I will be no part of a Government that cannot give the proper financial situation of the country where I am representing the people. I know that the National Team - and I will go on to say the Members of the Opposition - truly do not believe that the books have been cooked; but, as has been said, everyone is electioneering so I guess they are electioneering also.

The Budget Address as presented by the Honourable Financial Secretary is so good that it could not even be debated. Members had to go to the actual estimates which will be torn apart and put back together in the Finance Committee's meeting right after this meeting. We have been given a budget that will have a surplus at the

end of 1995 with capital projects being carried out in almost every district, if not all.

We are not borrowing money to carry out these projects, Madam Speaker. We are not known as the waste-and-borrow Government, like the past Government. There are going to be major capital projects completed during 1995: Phase III of the West Bay Primary School; Phase III of the Red Bay Primary; the George Town Sports Complex upgrade; Phase I of the Community College of the Cayman Islands and the Bodden Town Health Centre. There are going to be major capital projects commencing in 1995 which includes: Phase II of the George Hicks High School; Phase I of the George Town Hospital Improvements; the West Bay Health Care Centre; the North Side Civic Centre and Hurricane Shelter; the Northward Prison Visitor's Centre and Administration Block; Phase I of the Pedro St. James Castle restoration and development; Phase II of the Queen Elizabeth II Botanical Park; Phase I of the Harquail bypass road; various district roads and upgrading or new construction of the Courts Office, Customs Officer, Agriculture Officer, and Department of the Environment Office.

I would challenge the past Government, and those who are in this Parliament who support them, to go back through the years and give us a Budget such as has been presented here today.

I would now like to go through the Budget Address, and I will deal first where the Honourable Financial Secretary has told us: "The Government... has repeatedly demonstrated its diligence in preserving its reputation and also, in deterring the use of its financial institutions for illicit activities, through the joint efforts of the public and private sectors."

I congratulate him for this, but as we all know, the Cayman Islands are still getting some extremely bad publicity and this extremely bad publicity is being brought about by the one or two people in this country who have no respect for law and order and no respect for the policies of the Government. I am certain that under the good leadership of the Financial Secretary, and backed by the very good Government of the National Team, we will weed out the one or two and bring our Islands to where no one can point a finger at them.

He spoke about the Banking Industry voluntarily accepting and publishing a Code of Conduct which provides guidelines to reduce our vulnerability to money laundering. I personally believe that it is time the Government put this code of conduct into legislation because, as I said before, the vast majority of the banking industry in this country sticks to the policy and there are one or two who have no respect for the policy. Should we put this banking code of conduct into legislation it will give more strength to it whereby the other banks under the Cayman Islands Bankers Association can deal with the ones who are tarnishing the reputation of these Islands.

On the section on the world economy, he is saying that under the expansions, "that are now clearly underway in North America and the United Kingdom contrast

with continued sluggishness in Continental Europe and Japan. Growth in the developing countries is expected to remain robust..." Madam Speaker, I would like to say to the Honourable Financial Secretary that we have no worry about the United States economy collapsing because the former Minister of Health told me that he advised President Clinton on his Health Plan, and we know what happened to that - he is no longer advising on the economy, so I feel certain that it will remain robust.

Under Financial and Business Services. The one sentence in that paragraph that gives me a bit of concern is where it says: "They [speaking about the Financial and Business sector] have played vital roles in generating employment, training of the indigenous population and many additional spin-offs." I feel that more can be done for our people. I have personally had the experience of seeing jobs advertised which were blown out of proportion to basically keep Caymanians from applying.

They ask for 14 and 15 years of experience in the particular field. They employ someone from overseas and when those people arrive here they are not even capable of sending a fax. I am not asking about this, Madam Speaker, I have been in the situation where it happened, the young lady sent the fax upside down and the company it was being sent to was constantly calling, saying that they were receiving a blank sheet of paper. I feel that the Government must put in place legislation which can deal with false advertising of jobs; that legislation must put the fine of not \$100,000, but a fine that will deter other people from making it hard for our people to get jobs. Jobs that are advertised for basic typists who sit all day with earphones in their ears need 14 and 15 years experience. Maybe the manpower study will deal with this problem and we will have an end to it.

I agree with the Honourable Financial Secretary that the recent amendment to the Companies Law has given us more registered companies in the Cayman Islands. But I still feel that the Government needs to do some public relations to sell this overseas because there are still those one or two [businesses] selling companies in this country for \$8,000, even though the Government has lowered its fees. It does not make sense for us to sit in this House and bring about legislation which can help us and let our revenue grow, when there are those out there who have no respect for what we are doing.

Much has been said against the proposed Phase I of the George Town Hospital improvements. The Second Elected Member for Cayman Brac and Little Cayman said that he was misled on the Dr. Hortor Memorial Hospital being built in a swamp, that was why he opposed it back in 1992. He has since looked at other developments in this country, such as, Periwinkle Restaurant - I think he said Governor's Sound, or Snug Harbour - and that the hospital should have been built no where else. I do not see that Honourable Member being misled. I have had great respect, and have considered him a leader, but I see leaders misleading followers, but I do not see a leader being misled.

I would like to congratulate the Honourable Minister

for Health, Drug Abuse Prevention and Rehabilitation for carrying out the strategic planning that so much has been said about. At a public meeting the former Minister for Health who, as the Honourable Minister for Tourism pointed out, agreed to the Ten-Year Tourism Plan, which was all strategic planning.

It comes as no surprise to me that the former Member cannot tell the truth about anything. Some weeks ago there was a letter in the newspaper about the strategic planning of the hospital and in that letter he said the Member for North Side was not even there. I saw him, and I said to him, "You knew I was in Canada at a conference." His words for me were, "I have no respect for the truth." It is so sad that they are prepared to carry down this country, not just this Government, by telling untruth.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation is going about his upgrading of the hospital in the right way. He has brought his own people in to help him produce a plan for a hospital for the people of these Islands. In the past it was a norm for the Government to bring in experts from overseas to tell us about every section of life in the Cayman Islands and charge us hundreds and millions of dollars to tell us this, when we had our own people who were capable of doing the same thing - maybe a better job.

I am certain that the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation will achieve his goals in providing a medical facility for the people of this country that we can afford, a medical facility that the Cayman Islands population can be proud of. He is willing to take advice and I congratulate him for this. He may not be a long-winded speaker, as the former Minister for Health, but there is one thing that I must say about this gentleman: he has the ability to relate to his people. He may not have the arrogance of the former Minister, but he has the ability to speak the truth - cost him what it will - and his people appreciate him for this.

Just yesterday we saw a letter - and sometimes when I see these letters and [attend] these public meetings, I get a bit confused - am I in 1996 campaigning for the elections (today is the 18th, it would have been today), or am I in 1994, debating the Budget for 1995? This former Member speaks about the zero percentage for many things for the hospital. This gentleman has said that I was part of dismantling the Health Services Authority. I say that is true, Madam Speaker. When I stood for elections in 1992, I campaigned on this issue, the people of North Side gave me that right because they knew what I stood for. Even though he says that he always tells them what he is going to do, and that he did what they asked him, I wonder if I am from the same district.

They told him in no uncertain terms that they did not want the Dr. Hortor Memorial Hospital prior to 18th November, 1992. He did not listen. But on the 18th of November, 1992, they told him in no uncertain terms that they did not want it. He must now accept that and let the Government get on with its business.

We know the role of the opposition in any Parlia-

ment or outside, is to bring down the Government of the day. But, do not bring down your own country so that at the end of the day we have nothing. This is what these people are about to do.

I would like to congratulate the same Minister for Health on his strategic planning for drugs. I happened to have been one of those persons attending the strategic planning [meeting] and that was an education in itself. He had people from every walk of life across this Island attending. The people appreciated it, I appreciated it and we did not come up with a mission statement formed by the gentleman running that strategic planning exercise. We had to come up with it on our own. His words to us were: "You are Caymanians, you want a policy for drugs, you must bring that about. I cannot tell you what you want, you must tell me what the Cayman Islands need."

This Honourable Minister recently took over the Portfolio of Health. I feel that he is doing an extremely good job. The Honourable Minister of Community Affairs who had this Portfolio before did bring about legislation to stop the loopholes whereby AIDS patients were being brought to this country - 10 to 15 of them - to be treated by the former Minister of Health (Mr. Miller) without the Government having any knowledge of such things going on. Can you imagine, bringing 10 to 15 AIDS patients to this Island to be treated and put in hotels with no control? What would be the result? And the Government only learned of this through someone who attended a conference and understood that such a thing was going on.

Mr. Miller claimed that he had a professor who was in business with him. When that professor was contacted he said he knew of no such thing. He had talks with him, but no more than that. These are the things that these Ministers must be ever so vigilant to stop from taking place in this country by people who wish to destroy it.

I will now turn to Tourism. Tourism, which is one of the main pillars of our economy has grown by leaps and bounds since the General Election in 1992. This was not (as has been insinuated) a case of being in the right place at the right time. The Honourable Minister, because of his ability to see the needs of his country to promote tourism, has done a fantastic job. We see from the Honourable Financial Secretary's Address, that; "visitor arrivals... up to September of 1994, grew by 4% over the same period in 1993." We see that; "double digit growth was recorded every quarter of 1994, with the average around 21% over the same nine month period in 1993."

He also told us that: "Estimates derived from the most recent visitor expenditure data available, reveal that stayover visitors spending grew by 28%, representing \$136.2 million in the first half of this year."

Madam Speaker, even if the opposition wanted to give the laurels to the former Minister of Tourism for the growth in 1993, certainly, they must have enough common sense to know that that is not what has caused the tremendous growth in 1994. What has caused the tremendous growth is the planning, the advertising, the appointment of a new Public Relations Company.

When the Minister saw that this country was not getting its worth for the money it was spending on public relations, he bit the bullet and replaced [the company] with another. It is now unbelievable what is happening in this country as far as tourism is concerned. He has included his own people in the advertising of these Islands and I commend him for this because shortly after the election, when he got that Portfolio, I spoke to him and told him it was time that this country was advertised with pictures of our own people. He has done a fantastic job.

I attended the show the Minister had at the Hyatt and I was impressed by the number of our older people who have been in the hospitality field of this country when there was nothing to be made from it and their pictures are all now appearing on brochures, advertising the Cayman Islands that they helped to build.

He has seen the need to provide other attractions to the tourists coming to the Cayman Islands. For a long time we have advertised sea, sand, sun and smile. We are now seeing that there are people in the tourism market who we can get by diversifying and going into things such as the Botanical Park and the St. James Castle project. I commend him for going about this in the right way, phasing these in over a period of time.

It has been said that the Cayman Islands are only receiving peanut butter sandwiches. This, again, comes from those people out there who are in opposition to the Government and who are incapable of speaking the truth at any time. When we check the figures, the percentages of hotel occupancy in this Island (and when I say hotels, I speak of the Hyatt, which we all know is not a cheap hotel) running at 80% to 90% capacity, how, in the name of God, can they say that these people are considered peanut butter tourists?

We will always have opposition when any of the things that we are trying to do for the Cayman Islands are advancing and our people are once again able to live to a standard that they were used to prior to the last eight years, and the economy is on a rebound and they now have a dollar in their pockets at all times because of good Government.

I am certain that under the leadership of the Minister for Tourism and his colleagues on the National Team this country can look forward to many more bumper years in tourist arrivals.

The first time that we put in a budget any money for awareness and promotion of tourism locally is this year and we put in \$170,000. We know we have to promote outside, but in order for the tourists to continue to come here, we have to educate our people as to what tourism means to this country. We have to get more training for our young people because a stigma has been put on jobs in the hotels in these Islands.

I said for many years prior to coming into this Legislative Assembly, and maybe it would be something for the Honourable Minister for Education to look into, I think it is time that we put an arm on one of our High Schools that caters to students who are not academically inclined to go on, but who are able to go into the hospitality field. Let us turn them in the direction of that section of the

High School that will deal with all sectors of the hospitality field, waitresses, bartenders, bell boys, whatever.

Our Caymanian people are very proud. If you take a child at the age of 13 or 14, and tell him and his parents that the child is not academically inclined to go on and come out with six or seven CXC's, but we feel that they will advance in the hospitality field and we would like to send them to this section of our school which is providing the training, I am certain that the number of our own people coming out to fill positions in the hospitality field would be tremendous.

Maybe the Honourable Minister for Tourism can look into the Audrey Palmer Scholarship that I think is granted by the Caribbean Hotel and Condominium Association, whereby children from the Cayman Islands can also compete to receive this scholarship.

That scholarship entitles person to attend Cornell University. My son had the opportunity through the previous manager of the Hyatt to apply for that scholarship. They have to do an essay. He did an essay on the Cayman Islands. He did not get the scholarship, but it was between him and a girl from Trinidad. So it means that our Caymanians who are in the hospitality field have the ability to compete for such scholarships.

Madam Speaker, sitting in this House and listening to the debate on the Budget Address, I find it unusual that nothing has been said about Cayman Airways. It has been a topic of discussion ever since I came in here, and prior to that. Because the Honourable Minister has done such a fantastic job in turning that Airline around, there are no laurels thrown at him in this Budget Address. There was a lot of negative things said to him before he got the Airline turned around whereby it is no longer a drain on these Islands as it was before.

I congratulate that Minister because had he not had the guts to do what he did with the Airline, it would have either taken this country into bankruptcy or there would have been no jobs for a number of our people.

I would also like to congratulate that Honourable Minister for having the guts to stand up and say what he found wrong with the CXC examinations and to take the speedy implementation to correct it. He did not do that only by himself. The changes that were brought about in that CXC examination in these Islands, from what he found, were done with the assistance of the National Team. He discussed every aspect of it with us, including my Honourable friend from Bodden Town. I personally remember that Minister suggesting, at a National Team meeting on a Tuesday evening, certain things and turning to the First Elected Member for Bodden Town and saying; "Don't you agree?" and that Member said, "Yes, that is right, that is what must be done."

There are Members of this House who will stand up and say the CXC examination was the best thing that happened to this country in the last two years. But they are only going to say that now because of the excellent results that have come about. Those excellent results would not have come about had the last Minister for Education continued in that Portfolio. The Education system in this country would not be a disaster today. But

because the Honourable Minister did not just go in there and say; "Do this and do that", he went through it, he investigated what was wrong and he brought about an examination that our children have passed with honours.

What else can we expect from a Minister who has the education system and the children of these Islands at heart, like the Honourable Minister presently does? It has been my opinion, and I will stand by it, that once the previous Ministers of Education got their children educated, they did not care about the rest coming along.

Hon. W. McKeeva Bush: Hear! Hear!

Mrs. Edna M. Moyle: But this Honourable Minister has two young ones who have to come up through the whole system - Primary, Middle, High School. He wants the best for his children, and he wants the best for the children of the Cayman Islands also.

I would now like to turn to Community Development. Much has been said about the Honourable Minister handling this Portfolio. Much has been said by the opposition, that he is uneducated. But God help us, if that young man was as educated as some of us claim to be, this country would be in a different position now, having spent 12 years here prior to this. He has his people at heart. He believes in sports and I congratulate him, having been a sports person myself.

Sporting facilities in the Cayman Islands are long overdue. Had something been done each year by that someone who had the responsibility for sports, we would not be in the situation we are today, which this Honourable Minister has to take the licking for because he is trying to get something done.

In the Budget we speak of sports centres in each of the districts; I think this is very good. We see where coaches are going to be placed in districts and it is long overdue that not just providing a facility in a district puts our young people in the right direction thereby taking them off the streets, from getting into trouble that they should not be into.

I say to him, North Side desperately needs a coach. We desperately need facilities, upgrading of the playing field. We need a walking track because a lot of our people are now into health and fitness. I know I can depend on this Honourable Minister to put in place programmes that will assist each and every one.

From the opposition that we have had on the National Sports Stadium, I believe they have now left the feeling with people that this Government is embarking on a facility such as the Orange Bowl. I would like to stress, and I am certain that the Honourable Minister in one way or the other will stress this also, that this is not so.

What this Government is proposing is a sensible centre which will have over 10 acres of parks that will have amenities for the entire family where they can take their young children and spend some quality time with them. They can also spend time with their teenagers and maybe discuss problems in a different atmosphere. It will be a family facility.

This Government has taken a lot of blows because

we are into sports. I say, where better to put our money than in our young people. The last Government was prepared to spend \$200-\$300 million dollars on a road programme.

Hon. W. McKeeva Bush: Yes, that is the truth.

Mrs. Edna M. Moyle: Fifty million dollars on planes which this country does not have now; \$340,000 on a Post Office which cannot rent all of its boxes; \$680,000 to pull teeth. Why can this Government not put money into an area that is going to help the entire country in the long run?

But, Madam Speaker, that comes as no surprise to me. When the former Minister for Health, Mr. Ezzard Miller, stood on the floor of this House and said; "We must be prepared to lose an entire generation to drugs..." to save 5 or 10 of our young people, it is worth spending the money we are spending on sports.

[Honourable Members: Hear! Hear!]

Mrs. Edna M. Moyle: I know that since I have been elected in North Side, I have been instrumental in saving one young man from drugs. He was a constant user and he got on the telephone one night, in the wee hours of the morning, and he said; "Ms. Edna, I need help." I am proud of that young man today. He has gotten his life back together, he is working. He is carrying home money to take care of his family. Prior to that, this young man sold everything he had. So, I am one who is prepared to vote any amount of money that can be earmarked for our young people to change their style of living as far as using drugs is concerned.

I would also like to congratulate that Member on the half-way house for battered women and children. This is much needed because this type of behaviour is escalating in these Islands. We are aware of a lot of it, but there is a lot that goes on that we do not hear about. I would say to that Member that providing one facility in George Town is not going to suffice. We will have to go into the Districts and provide such a facility.

The Human Services have been divided into two Ministries: the Ministry for Health, Drug Abuse Prevention and Rehabilitation, and the Ministry for Community Development, Sports, Youth Affairs and Culture. It is my intention to bring a Motion to this House in early 1995 to add Women's Affairs to one of those Portfolios. I am hoping that every Member of this House will support me.

I feel that women in this country make up 50% of the voting population. They have many major problems that are not looked at which I feel must now be directed to one Portfolio. I congratulate the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture for the very controversial Housing Scheme for low to middle income earners. I say to him: do not be deterred by opposition. The opposition is there because there is something good being done for our people.

I congratulate him on the new youth programmes,

such as the After School Programme, the National Children's Choir, the new Legislation on Children and Labour, and Young Persons, the Manpower Development Initiative, the New Student Loan Scheme and the Studies on the Status of the Family and Crime.

If I may retract a bit, I know that the Honourable Minister for Education is constantly upgrading the schools, and he has committed his Portfolio to further programmes during the coming year. I say to that Honourable Minister: do not forget the North Side Primary School because the number enrolled at that school is very small. It is my dream that one day that school will be brought up to a standard where parents of every child in that district can be proud to have their children attend and not bring them into George Town for their education. I know the Head Mistress is doing her best, she is doing a fantastic job trying to turn the school around, and I intend to give her every assistance that I can during my time in this parliament.

Prior to my entering politics and coming into this Chamber, that school was forgotten. The piano for the school music was bought by the Pirate's Week Committee when I was the Chairman. The last bus was bought by the PTA with the assistance of funds from that same Pirate's Week Committee. Thank God, through the new Minister, I was able to get a new school bus for the North Side district, and also a garage where that bus can be parked and protected from the salt air.

I have asked the Honourable Minister for an additional teacher for that school and I am certain that he has taken care of it.

For the National Team to have come into this parliament in 1992 and turned this country around the way it has, I think everyone in this country should thank God that we removed that stagnant Government that was here in 1992 and put in a forward-looking Government.

Hon. W. McKeeva Bush: Hear! Hear!

Mrs. Edna M. Moyle: When we look at the General Reserves of this country, at the beginning of 1994 it was \$3.6 million, we were able to transfer "\$0.4 million from the Surplus and Deficit Account during the course of this year. The balance at the end of 1994, will therefore be \$4.0 million, exclusive of interest. In view of continuing improvements in 1994 [in the words of our Honourable Financial Secretary], it is expected that there will be no need to draw on reserves." This is such a difference to the last Government who was constantly drawing down on reserves.

"If at the end of 1994, it is found that the realised surplus exceeds the projected amount of \$2.9 million, based on the revised figures, it is likely that a further recommendation could be made to transfer some portion of this sum into General Reserves during 1995."

I will now turn to my district of North Side.

Much has been said that 'because Edna is a woman, the men walk over her and she cannot get anything done for her district.' I would like to inform those people who think that because my body is slender that I

can be walked over easily by anyone, that they are mistaken. I agree that not much was done in my district in 1994, not as much as I would have liked to have seen done, but I am a big woman, a mature woman, this Government came in here with nothing to spend in 1993 and in 1994, we were matured enough to spend what we had on Education before moving into other projects. The majority of the money spent on Capital Projects in 1994 went to the schools and I am very proud that the National Team stood behind that decision.

A lot of money went into road works which had to be done because the roads in this country were left to deteriorate and nothing was spent on them. I will not get into money spent on roads in North Side prior to 1992, as I bow to your ruling, Madam Speaker. But on road works, the total road works carried out in North Side in 1992 was zero.

In 1993, \$90,750 was spent on the re-sealing of the Frank Sound Drive and repairs to the Frank Sound Drive. A total of \$45,100 was spent on the Old Man Bay Junction realignment.

In 1994, \$33,000 was spent on the re-sealing of the Rum Point Road; \$9,090 was spent on repairs to the Finger Keys; \$4,680 plus \$2,603 was spent on the Old Man Bay Junction clean up for the Royal Visit; and \$63,000 (I stand to be corrected on this figure, Madam Speaker) was spent on the road to the Botanical Park.

So I do not know what this good gentleman means when he stands up in a public meeting and says that North Side got nothing in the last two years, but they are going to get everything this year and next year (1995 and 1996).

When I look at the Budget that I have before me, and I see the figures; I see \$400,000 for a Civic Centre and Hurricane Shelter in North Side; I see \$400,000 for construction and repairs for various roads; \$40,000 district health centre construction; \$8,000 standby generator for the Police Station and new signs; \$48,000 for air-conditioning of school halls and purchase of 100 chairs and renovation of the North Side Town Hall; \$20,000 storage for North Side School; \$35,000 for upgrading of Old Man Bay School playing field.

I read the newspaper, I see for 1995 and 1996 North Side is going to get an allocation of \$400,000 for 1995, in the Budget for roads; \$290,000 for a district clinic; \$620,000 for a Civic Centre and air-conditioning for the school hall. This plainly goes back to what I said previously, he does not have the ability to tell the truth. He looked at the same Estimates that I looked at and he constantly wants to mislead the people (which the opposition is trying to do a good job of) unfortunately for them, the people of this country know when it is good.

There are two things; one thing for the North Side Primary School that I see missing from the Budget that I would ask the Minister for Education to see if something can be done, that is, the fire exit doors. I feel very strongly that every Primary School in these Islands should have fire exit doors. It would really be sad if our children were caught in a fire and, due to lack of oversight, there were no way for them to escape. So I would

impress upon that Honourable Minister to deal with this as quickly as possible.

The other thing that I see lacking in this Budget, is a facility for the mentally ill in this country. I implore the Honourable Minister to do something as soon as possible.

We had a plan because I remember in my first debate in this House on the Throne Speech, it was one of the things that I impressed upon the new Government - a facility needed to be provided. This plan was drawn up, but unfortunately, it was not enacted or brought about. But the Honourable Minister is saying to me from across the room that this facility will be included in the Hospital programme.

The Speaker: Would the Honourable Member, in the midst of her debate on provisions for the mentally handicapped, take a break now?

Mrs. Edna M. Moyle: Madam Speaker, I have about five minutes left.

The Speaker: All right, please finish then.

Mrs. Edna M. Moyle: When I read the Honourable Financial Secretary's Address, I honestly cannot see where any Member sitting in this House cannot see that this is an excellent address, that they cannot see that this Honourable Member, together with the Government has put in place things that have caused this economy to turn around.

Construction was dead prior to the National Team's coming into this Parliament. We have seen the number of plans that have been approved. We have seen an increase in tourism, an increase in company registration, an increase in the number of insurance companies, an increase in the ship registration, an increase in the number of banks and mutual funds.

Madam Speaker, there is no way any politician can honestly stand on the floor of this House and say that this happened by chance. This happened because stability has been returned by this Government being put in power by the people whom the Cayman Islands elected in 1992.

Investor confidence has returned. There is no more victimisation. We hear that there is so much victimisation in this Government, why do these people not come forward and say that they are being victimised? That they cannot get work permits, that they cannot get plans approved? We would like to know who they are because if it is happening, we want to help them.

Had this Government walked into this Chamber and continued with the 10% [stamp duty], these Islands would be no better off today in 1994.

Hon. W. McKeeva Bush: Hear! Hear!

Mrs. Edna M. Moyle: There are two things for the benefit of my people in North Side that I forgot to mention.

The Honourable Minister for Agriculture, maybe I did not say much about his Portfolio, but I want to say that this gentleman - no matter what my need was for the district, whether it was big or small - he was there to assist. I just want to say that I thank him for the number of street lights which have been put in the district to make it safer for our people.

I want to thank him for seeing to the purchase for the land for the North Side Civic Centre which will now, at the very beginning of 1995, become a reality so that the people of North Side can say at the end of 1995; "Edna got us much more in one year than the last Member got us in eight sittings on the Executive Council with the power."

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.45 PM

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated. [pause]

We have just over fifteen minutes left before the moment of interruption at 4.30. Would any Member wish to utilise that time to continue the debate?

The House could adjourn if it so desires.

MOTION TO CLOSE DEBATE

Hon. Thomas C. Jefferson: Madam Speaker, I would move that the question now be put.

The Speaker: If the question is put on the Second Reading that means that the Honourable Third Official Member will have to rise and start his closing debate.

[addressing the Honourable Third Official Member]
Are you prepared to do that, sir?

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I was hoping that the Government would have sympathy on us grubs on a Friday afternoon at 4.30, but it is obvious that they do not. Seeing that I have a great respect for the Financial Secretary, I would not want the wind up delivery on the Budget Debate to start at this time of the evening. Again, I will have to play night watchman.

First of all, the Honourable Financial Secretary who is the Third Official Member, and his Deputy, are two individuals with whom I have had years of friendship with outside of this forum. They are two individuals for whom I hold high regard.

I have seen on more than one occasion their abilities manifested in various ways and while in my contribution to this Budget Address, I will raise some matters, I have to say to both of them and the other staff whom I am sure have played a great part in the preparation of this Budget, that it is obvious from the content they have

spent much time and effort and have utilised their abilities to the fullest.

The Budget Address itself, while not containing too many specifics, has obviously given a broad overview of the state of affairs of the country from the Government's point of view. I think that there are certain sections of the Honourable Financial Secretary's Budget Address which need some comment.

If you will pardon me, I will try my best not to get into any real content this afternoon, but I will try to live within the parameters.

In his address, the Honourable Financial Secretary touched on the fact that as the years have gone on, an earnest application has been placed towards making the Cayman Islands one of the finest (if not the finest) financial centres in the world. There are those people who, for fairly obvious reasons to us here at home, find it necessary to try to discredit the integrity of the Cayman Islands. I know that the Honourable Third Official Member takes much of this very personally. And I cannot blame him, because I know that he has spent many long, hard, dreary hours utilising whatever resources he has available to him to assure that we are, as someone said earlier on, squeaky clean.

My only comment on that area is simply for us to keep on doing what we are doing, and do the very best that we can to ensure that we cannot get caught. By offering services we cannot determine from the very beginning who will be coming to our shores to seek those services, that is where the problem sometimes comes in that people of ill-repute may wish to utilise these services and as a result the bad name rubs off on us. I am confident that the Honourable Third Official Member and his team are being very watchful and they will continue to do their best to ensure that no one is able to use the services that we offer for any ill gotten means.

It is not something that will go away. It is something that because of the nature of these services will naturally attract some types of people who we care not to attend to. Nevertheless, checks and balances are in place and I am sure other checks and balances will be put in place as time goes on and there will be a continued effort to prevent such happening from occurring.

Having these problems occur, and foreign media causing us to have the jitters, if we were to take the view that some people can talk about it and take advantage of it and others have to take the full brunt of it, I think that is insular thinking. As I stand here this evening, with my different ideas from the Government in certain areas, it is very incumbent on us to take cognisance of that type of problem because it is not one which will bring any advantage to anyone of us here. It is one that any ill effects of it will spare none of us. So from that point of view, I have to look at it as the Fourth Elected Member for West Bay said, in those areas we have to join hands. I will certainly join hands with him to speak out and do whatever I can to discourage this type of bad publicity which is totally unnecessary, totally uncalled for and totally unfair.

[addressing the voice across the floor] It is not over

yet, sir.

Madam Speaker, the Honourable Third Official Member gave some projections on world economy: He expected world output to expand by 3% in 1994 and 3.75% in 1995. It is the view of most qualified people in the industry that the global economy is gradually recovering. He pointed out that the North American and United Kingdom expansions are in contrast with Continental Europe and Japan who are still experiencing sluggish economies. There is a point which I wish to make in regard to what he spoke about in the growth of developing countries.

The view of the Honourable Third Official Member is that growth in developing countries is expected to remain robust on the average. "Growth in the developing countries is expected to remain robust on average, although disparities remain large and the short term outlook for the poorest countries remains virtually the same." I wish to parallel locally, within our economy and just say a few words regarding disparity.

I am not into the big world of finance, but for many years I have observed and continually gain apprehension on what I view as the disparity of the earning power of the people of this country. This can be a fairly long topic to discuss; I will only venture on the periphery this afternoon. I will simply touch on the fact that it is all well and good for us to be able to report that tourism is on the rise; the banking sector is stable; the inflation is in check and all other matters seem to be kosher. The fact is, however, that people below a certain income level multiply faster than people over and above a certain level. They not only multiply faster by natural causes (that is by more births), but they multiply faster because all of the socioeconomic factors which prevail with many of those families do not act in a conducive fashion to allow them the growth that we would all like to see. If more money is made, and it is not made there, it is only natural that it will be made elsewhere.

It comes back to the old saying – *the rich get richer and the poor get poorer*. I care not to be called a socialist for saying this: I simply wish to make a point, hoping that it is taken by one and all.

Many of the problems that we experience in our country today emanate from the social and economic surroundings under which large numbers of our population, both indigenous and otherwise, are surrounded. I do not stand here with all of the answers and I do not stand here with a great plan. But while this may seem jargon, it seems that a majority of the problems and solutions that we have to try to find at a national level, surround the problem I just identified. The answers cannot be looked at short term, because it is never good to advocate a welfare state. The way the world is going today, one has to be properly prepared in order to be accepted in the job market. I think that this is where we have not made great strides.

The question is not necessarily one of having programmes in place, or trying to institute new programmes, I think the question is ensuring that those good programmes that are put in place are used by the people

who need them. I draw reference another old time saying about *taking the donkey to the well, but not being able to force the donkey to drink water.*

In the instance of what I am talking about, we no longer can subscribe to that way of thinking, because the truth of the matter is that where we have problems in our society and the same people that we as representatives continue to talk about who we wish to help, we have to provide them with the right tools, the right atmosphere, and the right impetus in order to get them on the right track.

MOMENT OF INTERRUPTION - 4.30

Standing Order 10(2)

The Speaker: It is now 4.30, Honourable Member.

Mr. D. Kurt Tibbetts: I am so happy, Madam Speaker, that it is 4.30.

The Speaker: Honourable Minister for Tourism, will you move the adjournment of the House until 11 o'clock on Monday morning?

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, as I understand it, all Members have been invited to the Opening Ceremony of the National Teachers' Conference at 9 o'clock on Monday morning, and you will excuse me for not saying that Madam Speaker is also invited. I would move that the House adjourns until 11 o'clock Monday morning.

The Speaker: The question is that the House do now adjourn until Monday morning at 11 o'clock

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Ayes have it. The House is accordingly adjourned until Monday morning at 11 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 11.00 AM MONDAY, 21 NOVEMBER, 1994.

**MONDAY
21 NOVEMBER 1994
11.08 AM**

The Speaker: I will ask the Fourth Elected Member for West Bay to say prayers.

PRAYERS

Mr. D. Dalmain Ebanks: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

Suspension of Standing Orders to enable questions to be taken after 11 o'clock. The Honourable Minister for Tourism Environment and Planning, Leader of Government Business.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

In accordance with Standing Order 83, I move the suspension of Standing Order 23(7) and (8) to allow the questions to be taken after 11 o'clock this morning.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to allow the questions to be taken

after 11 o'clock this morning.

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE QUESTIONS TO BE TAKEN AFTER 11 O'CLOCK.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: The first question is No. 203, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 203

¹No. 203: Mr. Roy Bodden asked the Honourable First Official Member to provide a list of those members of the Royal Cayman Islands Police Force currently enrolled at the Law School as follows: (i) nationality; (ii) rank; (iii) years of service; and (iv) type of programme being pursued.

The Speaker: The Honourable Minister responsible for Internal and External Affairs.

Hon. James M. Ryan: Madam Speaker, the answer.

Nationality	Rank	Years of service	Type of programme
Caymanian	Chief Superintendent	25	Bachelor of Laws (Honours) Degree (LLB)—2nd year
Caymanian	Chief Inspector	12	Bachelor of Laws (Honours) Degree (LLB)—Final year
Jamaican	Inspector	11	Bachelor of Laws (Honours) Degree (LLB)—2nd year
American	Constable	5	Bachelor of Laws (Honours) Degree (LLB)—Final
Jamaican	Woman Constable	5	Bachelor of Laws (Honours) Degree (LLB)—2nd year

SUPPLEMENTARIES

¹ Also see: "Statement by Member of Government," page 866

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if the Government is underwriting the cost of studies for these students?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Yes, Madam Speaker, as far as I am aware, Government is underwriting these costs.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say what arrangement exists for the Government to recoup the money spent in the cases of the education of those students who are not Caymanian?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

I do not think there are any plans in place to recoup the costs. It is fair to assume that even those officers who are non-Caymanian have served here for a fairly long period of time and in some instances it is likely that they will continue to serve until a Caymanian can be found to replace them. Therefore, there is no plan that I am aware of to recoup the costs.

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 these non-Caymanians were chosen, that is, whether there were no more Caymanian applicants, or were these persons chosen on a competitive basis even from among Caymanian applicants?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

No, Madam Speaker, I am not in a position to say how these were chosen. Most of these have been working for some time on their degree programme.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Member say if there is any policy in place that prohibits the Government from paying for the studies leading up to a law degree for Jamaican and American police men in the Royal Cayman Islands Police Force?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

There is no policy in place to my knowledge, but what I can say is that in the near future the whole aspect of training, including training at the Law School will be reviewed.

The Speaker: The next question is No. 204, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 204

No. 204: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications and Works to provide a list and the estimated cost of the outstanding road works in the Constituency of Bodden Town.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

There are currently two outstanding road works in the district of Bodden Town that were approved in the 1994 budget. These are: 1) The Roy Bodden Farm Road which is slated to commence shortly, the amount budgeted was \$110,000; and 2) The Poinciana Drive curve reconstruction which is nearing completion, \$72,000 was budgeted.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I would like to ask the Honourable Minister if the road he called the Roy Bodden Farm Road is going to be a phased construction, or if the \$110,000 is the amount estimated for the completion of the project?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker. I was only referring to the road as I saw it in the Budget. As I understand it, that will be the first phase of it.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister elaborate on this road, the Roy Bodden Farm Road, and tell the House whether this road is built on any farm of Roy Bodden's or is this a road which moves down through the properties leading to farms elsewhere?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

As I know this road, it goes through a farm, which

butts and binds the properties of Roy Bodden. I guess that is why it is referred to as Roy Bodden Farm Road.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

On a point of clarification, I would just like this Honourable House to know that I am the owner of no farm. I am certainly flattered, although I think it is inaccurate that somebody would name a road the Roy Bodden Farm Road when I have no farm. So, I would just like to make that clear.

I would also like to ask the Honourable Minister if he is in a position to say when this road work may be undertaken?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

It is my understanding that the work is slated to begin this month.

The Speaker: The next question is No. 205, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 205

No. 205: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications and Works what is the present procedure regarding laboratory testing of materials bought by the Public Works Department for road construction.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Materials bought by PWD for roads projects and requiring testing fall into two main categories: Bituminous materials and aggregate.

Bituminous materials for the manufacture of hot mix, for tack and prime coats and for spray and chip works arrive on the Island with a test certificate date. This testing is the standard testing required for all supplies of bituminous materials in the United States of America, and is carried out in accordance with their standards.

Aggregates used for sub-base, base hot mix aggregate, and chip and spray and chip work are visually inspected by PWD staff. Periodically, laboratory testing of these materials is carried out.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I noticed on the answer that it says: "Periodically laboratory testing of these materials is carried out." Can

the Honourable Minister elaborate on what this laboratory testing consists of and also, is he in a position to give the House some idea of what time frame the description "periodically" takes in place?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

It is my understanding that these lab tests are carried out on larger jobs and it is done through a private company. I think mostly Tomlinson Engineering.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Am I to understand that the Honourable Minister is saying that the Public Works Department is not equipped to conduct laboratory tests?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

To a certain degree, he is correct. It cannot be done on a large scale.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say, in light of the Government announced aggressive roads policy, is any consideration being given to the PWD developing their own laboratory testing?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

The reason why PWD does not have a full scale testing facility is simply because we have a young Caymanian who is presently abroad training. It is hoped that he will take up the post next year and at that time we will have a full fledged laboratory.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Minister say if PWD has not had a full-fledged laboratory for years and, if so, why has it been allowed to reach a point where it is not performing as it did in the past?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: This is something that was prior

to my taking over the Ministry, but it is my understanding that it was more cost-effective to do it through private labs and it was for this reason that the position was taken. I think also at that time we had our own asphalt plant which was also abandoned some years ago prior to my coming in.

The Speaker: The next question is No. 207, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 207

No. 207: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Communications and Works if Government has put to tender any works being undertaken on the diversion road in front of the Airport entrance.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

All work being undertaken to relocate the portion of the Crewe Road by the airport is being carried out in house by Public Works. There are, however, a number of pieces of hired equipment and operators on the project. This is necessary as Public Works is currently involved in road projects in at least four districts.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, if I remember correctly, the Minister said a few weeks back that the work at the Airport entrance would be done in two phases, the base work and the finishing work. Is PWD also going to do the finished surface of this road?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

The Member is correct. I did make that statement, and if it is that we are using the hot mix on the road, which I think we probably will considering the amount of traffic that will flow on it, we will definitely have to use a private company.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, can the Minister say if this work will be tendered or will it be undertaken by PWD?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

As I understand it there are only two companies on the Island that actually do the hot mix and both will be asked to submit tenders.

The Speaker: The next question is No. 208, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 208

No. 208: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Communications and Works to state: (a) How much capital work, including road work, has been undertaken by Government from January 1994 to date, giving a breakdown by project, location and estimated cost; and (b) What other projects are planned for completion by the end of 1994.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

The answer: a) The Public Works Department undertook numerous capital projects in 1994. An update project report detailing the projects and status of each, along with associated costs, is provided with this answer. As there are over 166 capital projects which the Department is involved with, I am circulating copies in the interest of time; and b) the projects that are not currently completed, but which are expected to be completed by the end of 1994 are:

Building Works:

1. Improvements to Director of Broadcasting Office
2. Frank Sound Jetty
3. Renovations to Licensing Department
4. Courts Building--fire walls to staircase and new ceiling
5. Legislative Assembly Building—security upgrade
6. Refurbishment to Central Post Office
7. East End playfield
8. West Bay cricket pitch
9. Phase 2—Community College

Road Works:

1. Hot mix surface to Crewe Road at the Lions Centre
2. Second application spray and chip in Bodden Town at Drive-in location
3. Spray and chip old hot mix at Eastern Avenue, George Town.
4. Crewe Road relocation
5. Sidewalk to Middle School
6. Commencement of work on Roy Bodden Road
7. Commencement of work Half Moon Bay realignment

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Minister say if it is envisaged that these various works which are not completed will actually be done within this year or is there a possibility of a carry over?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

We are going to try to do as much as is humanly possible, but I believe that there are some that will have to be carried over into 1995.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Minister say, if these works are carried over, if they would be charged against the next year's estimates, or would money be available now to pay for them?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

The usual procedure is if there are funds which would come to an end at year's end, we would ask for a re-vote. The remainder would have to be what is budgeted in the 1995 Budget.

Also, I would like to point out, and this should have been in addition to the question a while ago, while we are hoping to get as much of the road work finished as possible, the problem has been that we have been held up several times due to rain which we cannot help.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I noticed that conspicuous by its absence, is mention of the controversial road works undertaken in West Bay, the so-called private roads. I would like to ask the Minister why was that not included on this list?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

I did point out that I had appended to this question and I think it is on page 11 where he will see that it was not left out, it was included.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister say if any of this work is still ongoing or has it ceased at this time?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

I think most of the jobs that were tendered have been completed.

The Speaker: The next question is No. 212, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 212

No. 212: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what has been the cost to date for the Strategic Planning involving the Health Services and Drug Rehabilitation including any professional or franchising fees.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The answer: To date a total of \$79,495.45 has been spent on Strategic Planning for the Health Services and Drug Abuse Prevention and Rehabilitation. There are no franchising fees. Professional fees amount to \$47,713.36.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Can the Honourable Minister say what is included in the professional fees?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The professional fees include training of six local facilitators (that is, people who are resident in the Cayman Islands). Also, the bringing down of most of the training and briefings during the process.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister elaborate a bit, if possible, on what constitutes the \$79,000 spent on Strategic Planning, what did it really involve to arrive at this total?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

As I said, the professional fees for the training of the

Caymanians was \$47,713.36; consumables, such as office supplies, papers and things which had to be photocopied; hotel rental and accommodation \$22,557.10. This amount which seems to be quite sizeable was for the three days spent at the Clarion Hotel when the Planning sessions took place. They were on two separate occasions which is the biggest amount on here. Air travel, \$4,616.64; Car rental \$258.44; Travel subsistence of \$2,356.31.

As a matter of fact, there is a balance of \$29,455 which remains available for Strategic Planning in the 1994 Budget, which made up the total, as we requested, of \$108,950 for the year.

The Speaker: That concludes Question Time for this morning.

Continuation The Fourth Elected Member for George Town of the debate on the Appropriation (1995) Bill, 1994.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of the Debate on the Budget Address)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

First of all this morning I, too, would like to congratulate and welcome the new First Official Member. He has some large shoes to fill, but I am sure he is quite capable of doing so.

I would also like to say that my heart and my prayers are with the Third Elected Member for Bodden Town in his time of illness and his family; I can only say that I wish the best for them at this time.

Continuing my contribution to the Budget Address, this morning I would like to start by touching on a few areas of the address by the Honourable Financial Secretary, and then make a few points which I note in the Estimates.

In the Budget Address on page 9, under Financial and Business Services, I have to raise a question, which I am sure the Honourable Third Official Member will address. He says that the financial and business sector "...contribute much more than the fees received by Government. They have played vital roles in generating employment, training of the indigenous population and many additional spin-offs."

One of the statistics that he quotes is: "During the period March 1993, to March 1994, employment in the financial and business services sector grew by approximately 9%, from 2,875 to 3,030, with the proportion of Caymanians employed, growing from 63% to 73% over the same period."

As much as I wish not to be confused, I do not think that the number of work permits in this area has declined, so a simple clarification would let me understand that.

The Shipping Register continued to grow, as he said. I know that over the past few years there has been some debate regarding this Department. I simply wish to know, while the growth rate is a bit slower than last year, what type of subsidy has had to be forwarded for this department to function. If it is at all possible, I would like to know what type of projected break even point we are looking at, and in summary, what benefits have been derived, either directly or indirectly, and what benefits are envisaged. It is all well and good for us to deem it necessary to have this register. I simply say that at some point in time we have to see some light at the end of the tunnel. This may well be the case, I just do not know, and I would like to know.

Madam Speaker, on page 12, paragraph 9, the Honourable Third Official Member also informed us that "In order to converge all efforts at promoting the Cayman Islands as a premier international financial centre and to crystallize our "blue chip" status in the minds of the international community, a Coordinator of Marketing and Promotions has been appointed to the Portfolio of Finance and Development." I will not talk about this appointment very long, I just think it is very fitting and in order to congratulate the young man in his appointment and I am totally confident that the Government and the Portfolio of Finance and Development will be that much better off with his appointment. I have followed the young man's career and hold him with high regard. I know that under the guidance of our goodly Third Official Member he will do more than is expected.

The Honourable Financial Secretary goes on in his delivery to speak about the promotional initiatives being planned for 1995, within the financial industry. He says these promotional initiatives will "showcase the range of services offered by the Cayman Islands; enlighten the international community about the structure of our Government and the sophistication of our regulatory regimes;"... Outside of the political arena I am pleased to see the stalwart efforts being initiated by the portfolio led by the Honourable Financial Secretary and I am sure that the good results that he has mentioned in his delivery will continue. I have every confidence in that department and I thank God that we do not have to deal with it from a political point of view. I think it is incumbent upon us to allow the portfolio to perform its task to the benefit of us all.

The Honourable Third Official Member made some notes in his delivery about tourism and visitor arrivals being up. I will deal with that area a little bit later on as a combined effort with some other points which I wish to make.

There is a very important point that I wish to deal with for a few minutes. On page 15 of his delivery, the Honourable Third Official Member notes that "The Department of Tourism has developed profiles of its target markets by employing a technique known as "niche marketing." With the aid of a new promotions agent, the Department has pursued a more active marketing cam-

paign... If the performance during the first three quarters of the year is any indication of the success of their efforts then the outlook for 1995, should be very promising. Investor confidence in the tourism market is also up as evidenced by recent unveiling of several proposals for large scale hotel projects." We know of one that is already started.

The good part of that will be talked about, and has been talked about, but there are some problems which I envisage, and I just wish to share my concerns at this point in time.

The first word that I wish to speak about is "infrastructure." The Minister for Tourism and other Ministers have spoken about capital projects and other Government-spending towards infrastructure. What I have not seen—and I cannot work on the premise that it exists simply because I have not seen it; no one has promised to let me see it—is any type of long range planning from the point of view of infrastructure.

If it is the view held by the Government that we have the ability to expand our tourism markets, we have the ability to provide more rooms and fill them. Then while I have heard many things talked about, every time we got into trouble in the past it has been because of a lack of long term planning.

I remember a few years ago there was something which now has a sour taste in the mouths of many, called the "Master Ground Transportation Plan". I happened to have been a member of the Central Planning Authority at that time. I listened carefully to the presentations regarding the plan.

I accept that there were problems with that plan, but while we cannot divorce and throw away the costs from the plan itself, I thought at that time, and I still think, that the end result of the plan itself, whether it be the year 2050, or the 22nd century, was sound.

The point that I make is not that we should simply develop plans that we cannot afford, or we should simply deal with plans as we wish to see it and not take any consideration with the fiscal aspects of the plan, I am simply saying that we need to make that type of plan.

It is very obvious to me that establishing connecting road corridors and making for fluent movement at the end of the day is something that has to be planned. If we deal with this matter as we see fit, when crises arrive, it is going to be just like the many marl pits that we have in this country... if we imagine it as someone once mentioned, to be a human body – I am out of shape as I am, how I would be with all of those marl pits dug all around me.

The parallel is: If we intend to see this country right, as legislators at a national level, we cannot deal simply with the political aspect of making things sound right. We have to do things that we know are right, even at the risk of immediate criticism because it does not please some individuals. It is going to happen daily, more so now by the mere fact that the country seems to be running nicely—to put it in loose terms, money is flowing.

We only have to check our history to know that we run in cycles and at some point in time we get back to where we start over again. We have to depend on many

outside factors; we have a history of going up and coming down. My point is: now is the time for us to deal with long-term planning (I am now speaking about infrastructure) and maybe some of the things I am speaking about are already being done. My point is that I do not know about it; I am simply airing my views.

There is another matter regarding the tourism sector. I heard the Minister for Tourism mention in his contribution about training locals to fill positions. This is something that I have advocated for a long time and daily I become a stronger advocate of it.

We mention the rate of unemployment dropping; that rate that is statistically produced is based on the number of job-seekers who go to the Department of Labour to seek a job. I accept, and I look over at the goodly Statistician, but that is the only statistic that can be provided. There are hundreds more [job seekers] who those statistics do not take into consideration because they cannot. And I accept that they cannot. But, there are hundreds more who either do not care, are too proud, are ashamed, or are simply out of it, who are chipping away at the society—many of them without even realising it – and causing us problems that we wish did not exist.

I have had a few conversations with some of the managers of the hotels, in fact, there have been occasions where I have had conversations with one or two of the owners. Let me say this: A year ago, when, supposedly, there was a "clamp down" on work permits in the tourism industry simply because we wanted more Caymanians employed, many of these hoteliers resigned themselves to the fact that in order to appease the situation, they would have to decrease efficiency by 25% to hire Caymanians.

I am not suggesting that is wrong, but it is a lot deeper than that. We stand up and we boast of our up-scale market (that is with our left hand we throw that in the air). We stand up with the mighty right hand and tell the people that we are going to make sure that they are employed. There is a gap. We all want to achieve the two things, but to bridge that gap in order to keep the hotels running efficiently and literally forcing them to employ Caymanians, Caymanians must be capable of doing the jobs that are available in those hotels.

This is not a "today" problem, Madam Speaker, this is not a problem for which one should point fingers, but it is our problem. I make that statement simply to do my little part so that the political directorate and whatever other Government agencies are involved, will look into this matter.

Someone thinks that there should be a proper first class hotel training school. I do not know if we have the capacity to deal with it in that fashion. It seems to me that with the number of visitors we are talking about and with additional hotel rooms coming on line, it might be something to consider.

What I also know for a fact is that the hoteliers are prepared to assist, because whether individuals involved may have their own ideas about it, the truth of the matter is that the costs of work permits and repatriation fees and such the like today, they are almost prohibitive. If we

have people who can do the job locally, it is obvious that somewhere down the line they are going to get used to hiring local people. But we have to equip those local people.

If we look at the numbers, the majority of numbers in that industry are the lower paid individuals, not everybody can be the manager. I understand that. The truth of the matter is that we have to devise a method to work hand in hand with that industry so that we can have available methods to train our people so that we can continually fill the posts that become available. If we are going to have new rooms, we are going to have new jobs available.

It makes no sense for us to have new rooms coming available, having the market going in circles—people changing jobs because the new ones seem to be better—it is going to create chaos for us. The person without the employee is going to make application for a work permit and will rightly say he has no one else, and what would they like him to do? Close down? This is what happens to us and we find ourselves in a quandary. It is a market that many of our individuals within this society can find decent jobs, but unfortunately many people do not take kindly to the educational process at an early age and it is only when they realise that they cannot walk in as they please, get up a job and put money in their pockets, that they say, "Oh my God, I wish I had known what I know now when I was in school." It is nothing new. It is possible that some of us in here have gone through that experience. It is possible that I did—I might be speaking from experience. Nevertheless, the point that I am making is that training is very important. Whatever we are doing, my impression there is more that can be done.

The new hotel which comes on line in another 12 months (and this is just to close this line of argument, Madam Speaker, just to draw what I think is a relevant situation) if my understanding is correct, and even if my numbers are a bit out of whack, the principle is still going to apply, it is my understanding that if it has 350 rooms, it is very possible that there will be somewhere between 800 to 1,000 people employed at that hotel. The exact numbers do not really matter. Twelve months from now, how are those positions going to be filled? As a representative of the people, I will sit in the MLA office and I will hear people come in and say; "Kurt, what is my country coming to?"

I will say; "What do you mean?"

"Well, I am trying to get a job at this new hotel, but they are telling me that I cannot get a job."

"What do you know how to do?"

"Well, really, nothing."

This is what we face as a country today. I am not overemphasising this point to make it sound like my people do not have sense. That is not what I am saying. I am saying that there are many among us—and they multiply daily—who have either no chance, or no type of retraining in order for them to be able to support themselves properly.

We cannot look and say who we are going to blame. If they examine their lives and their history, it is very possible that the majority of the blame lies within themselves.

Having them in that position does not help us. These are the things that we have to take pointed steps and make efforts in order to have jobs for our people.

It is a situation of many tiers, I would say three tiers, but it may well be more than that. If as our people come out of school at what I call that tender age; if they have an opportunity (and it is not good enough just to provide it, sometimes you have to go get them and sit them in there) and we get them to where they can see a way of life within themselves, all of the arguments we are having about the police will lessen; all of the arguments we have about the prison will lessen.

When we talk about the police and we talk about the prison, if we take two steps backward, we can stop it before it gets to that point. I may not have said that in the nicest way, but I believe that what I am saying is totally true.

In a statement which the Third Official Member made as part of his contribution, he said; "*In fact, many professionals and investors in the industry believe that infrastructural and institutional development, political stability, and unrivalled professional expertise in the financial and tourism sectors are factors which will continue to fuel growth in the real estate market.*" I believe what he said, and I agree with what he said, that is why I said what I said earlier.

He mentioned in his delivery the uncertainty regarding interest rates and the high cost of insurance, having the ability to stifle some of this potential expansion. He is so right. While I know that it is not easy for me, the Government, the Members of the Backbench, or even the Official Members to actually have any controlling prospects in those two areas, there are players in the game and I also know that there are discussions which are continuing and I can only say to him to ride hard and see what can best be achieved.

I understand the difficulties and I would not be speaking truthfully if I tried to say today that we must be doing something about this and we must be doing something about that, especially in the field of insurance. I do understand the difficulties and I am sure that with continued efforts and a bit of nationalistic thought from the players in the industry, we might be able to find some relief in that field.

The Speaker: Would the Honourable Member wish to take the suspension at this time?

Mr. D. Kurt Tibbetts: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 12.13 PM

PROCEEDINGS RESUMED AT 12.36 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

During the short break, I realised that I had not quite covered two areas and I want to clarify my thoughts with the hope that they will be understood a bit better.

The first one was the possibility of a hotel training school which I mentioned. I knew that one existed in the past. I just wish to quickly explain that the type of facility that I am talking about might be one that Government might well be able to work hand-in-hand with the movers and shakers in the industry whereby a small facility might be created and actually used for the purpose of tourist accommodation. While providing the necessary services at a very reasonable rate, this would also involve continual training. That is the type of facility that I envisage. I am sure with the demands prevalent today in that industry, that the proprietors of the various hotels may be quite happy to share in this type of venture.

The second thing which I had just briefly touched on was insurance. Specifically in the area of property insurance, I have had several discussions with individuals in that industry and I understand some of the problems that exist. I think that if one were to take all factors into consideration, these people in the industry may well be able to operate in such a fashion whereby they are able to reduce rates reasonably as time goes on, assuming that we do not have any major catastrophes. I do not think that I will bore the Honourable House this morning by trying to be a professional in that area, but it is fairly obvious to me that as time goes on, rates, if they had the will to do so, could be going down on a graduating scale. I rest my case in that area.

When it comes to the Sister Islands, I think everyone knows that I am originally from the Brac and regardless of turns in life I still retain a close affinity. As the First Elected Member stated in his delivery, Cayman Brac needs some type of growth stimulus. I know that there are many obvious reasons why growth has not taken place in the Brac, but it is my view that the Brac has much to offer in tandem with Little Cayman. I think it could be looked at for both islands

I am going to make a brief recommendation to the Government. There may have been ad hoc situations created, like the one I was talking about before, but I believe that Government might do well to create a joint programme involving the Government and the private sector to examine the possibilities of growth in the Sister Islands – growth that would be pleasing to the inhabitants. I believe there is scope for that growth once it is looked at in a fashion whereby both investors and the inhabitants can benefit. I think that while there has been a lot of lip service about it, maybe if they got the right parties interested we could see some positive end results. I would hope that Government and the two elected Members for Cayman Brac and Little Cayman may take credence to what I just said so that we might see something forthcoming in the near future.

As I mentioned before regarding the labour market, where the Honourable Third Official Member mentioned in his delivery that "the number of registered job seekers in the Cayman Islands declined... from 335 to 208." It is

my view that what he said was quite true and these figures reflect the number of "registered" job seekers, not necessarily the number of unemployed. I just make that point to strengthen some of the arguments I tried to put down before.

His economic outlook for 1995, as he states, "*the growth prospects*" appear promising: "*If the economy does as well as projected the only cause for concern may be inflationary pressures fuelled by increased economic activity. Economic growth for 1994 is expected to be between 4% and 5% and this is expected to move upward to approximately 6% by year end 1995.*" Good!

Others may view my job to be different, but I consider it incumbent on me, as a representative of the people, that while all economic indicators may point towards a good year, I think it is important that I point out some difficulties that will come naturally along with this economic growth.

A few years ago when I was on the Central Planning Authority, there was a team from the University of Tennessee who came down as part of an exercise to do some studies. Their projections showed that if our economic growth rate continued the way it was going then (we have had a lot since then), in the 7.5% range by the year 2005 Caymanians would be outnumbered in this country.

That sparks some frightening thoughts in the minds of people, and quite rightly so. It is not that I am trying to suggest that this is something that we should shut off all the valves, get scared about and lock ourselves up in the house and hope for the best. What we must accept at all levels in this country, in every area, is that we cannot have the cake, and eat it too. Every one of us who has direct access to policy making does our best to ensure that there is a reasonable growth rate in order to sustain economic activity, keep people working and hopefully everyone will keep happy.

If we check every statistic that has been produced within the past five years, it will prove me right. I cannot stand here and say when it is going to happen, but eventually there will be more non-Caymanians on these three islands than Caymanians. We will not be able to stop it. Those who vary from this view will have to prove me wrong. I do not base my thoughts on what I dream.

The reason why I make this point is because I have noticed in my going about on a daily basis, that slowly but surely we are creating a society where we have "us" and "them", and there is no worse poison for any society than for that to be allowed to happen.

I will stand here today and say (and mean it) Cayman for Caymanians. But the growth rate that has been sustained, while it fluctuates, has naturally caused the indigenous population in this country to be watered-down. Integration is a natural phenomenon in any part of the world and the Cayman Islands is no exception. If we look around at each of us in this honourable House today, we will see integration. If we check each extended family that exists in these Islands today, we will find that there has been integration. The point is, it is something that we have to accept and plan for. It is something that

we have to make work, because I am of the view that there is no turning back.

While that point may not seem to be too relevant, the truth of the matter is: If we do not gear our policies to encompass that integration of which I am speaking about, we will be a failure as a small nation. We will find ourselves in turmoil with hypocrisies and prejudices that we thought were not possible in the hearts of our people. We have to act responsibly in that regard.

If we, as legislators, go through a Budget of \$177 million today, and do not take note of this phenomenon in our policy-making and in all other aspects, we are going to have a problem for which there will be no solution.

It is easy for us to say that the other physical things are more important. It is easy for us to say that we must build roads to accommodate the growth. I say that too. But, the intangible point that I am speaking about, I personally feel is as important as any other decision-making process that we take part in within this Government today.

I have long used as my passwords, law, order, and social harmony. These are the keys to the success of any country. I mention those two keys because the problem which I just pointed out is one of the major players which will cause law and order and social harmony to disintegrate—"us" and "them".

I will not mention specifics—not out of fear, but because I do not want to stir up a hornet's nest. But, we only have to look around us and see certain problems with certain types of labour. If you talk to the players in the game this is what you begin to hear—"us" and "them".

It goes on further into Immigration. I know the answers are not simple, but I say today that we can take these estimates, add all of the figures up and make them look right. Each and every one of us can throw the political thoughts through the window and say that this is the biggest budget we have ever had and according to all safe projections it will be balanced; but if we leave matters alone like the one I am talking about now, \$177 million will mean nothing.

I do not wish to be a precursor of doom, but these are social aspects in our country that we have to look long and hard at. It is not for me, in fact it is not right for me to stand here and find an individual or a group to blame for it. There are many reasons why it has happened. The fact is, it is here. It is not approaching us, it is here, and it is not like [tropical storm] Gordon who saw it fit to wave us bye-bye before it came—it is here and it is not going to disappear.

I mentioned Immigration because that is a part of the problem. As a country we have brought many people to our shores. We have entertained their presence for many years. Many of them eat side by side with us and rub shoulders with us daily. Many of them we consider our peers. Many of us right here in this Honourable House take advice from them on a daily basis. What have we done with them? I leave it at that.

That is just one of the areas that I speak about when I talk about the integration that has taken place and

the problems that have arisen and will continue to arise unless we look carefully into these matters and deal with such matters rather than living in the hope that many people before us lived—that these problems will disappear. They will not.

The Speaker: Would the Honourable Member take the luncheon suspension at this time?

Proceedings will be suspended until 2.30 pm.

PROCEEDINGS SUSPENDED AT 12.58 PM

PROCEEDINGS RESUMED AT 2.34 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Continuing, and making my comments in relation to the Budget Address, I also noticed where the Honourable Third Official Member made note in his address about the Ministry for Health, Drug Abuse Prevention and Rehabilitation. I see where this Ministry has identified a number of areas in which cooperative community development is essential in moving towards a healthier population. Some of the areas considered include: *"a comprehensive educational programme aimed at prevention of drug and alcohol abuse and the development of supporting legislation. Also, in recognition of the need for an improved level of health care the Ministry has produced, with staff input, a Master Facilities Plan for the new and modern George Town Hospital with phased implementation to begin in 1995."*

I also paid very close attention to the Minister in his delivery and I have a few short comments. There will be overlapping in some of my statements, but there is hardly anything I can do about that because some of the areas that I will talk about do overlap other areas. In the area of prevention of drug and alcohol abuse, the two things come to mind quite readily are the Education system and the Prison.

We have heard about initiatives from time to time being put into place, especially up at Northward Prison—and I am not quite sure exactly how the programme through the Ministry ties in with the operation of the prison facility—but, I hold a view that while prison is a necessary facility, I think that there is still much that can be done after the fact, meaning both in the field of education and also in drug abuse prevention.

I know of a few individuals who have actually complemented the workings in the prison system in the field of education by giving of their time freely. It is my view that if this has not yet been considered, or is not yet in place, a constructive programme can be developed and it has to be during and after incarceration. I give full marks to Mr. McIntyre and the people assisting him in the prison system in the field of education. But because of constraints I do not know of any programme in place for job placement after someone who has committed a crime

against society and has paid his dues, completed his tenure in prison.

On many occasions people become repeat offenders. Many times I have had people come to me and say that they have just come out of prison and have been to the Labour Office trying to get a job, but people are very afraid to hire them. I understand that and I think it is fair comment to say that anyone, including myself, would have apprehensions about hiring – what should I call them – ex-convicts?

But, if a system were in place where programmes were set up which involved the Chamber of Commerce; or with businesses that are of high labour intensity; if people were able to be recommended by those involved in this programme; I am sure that employers would be more willing to take the risks if they were followed-up afterward, by those people initiating the programme checking on the ex-prisoners to make sure that they are doing all right and making sure that the necessary counselling and backup services are in place.

These are not new initiatives, but I believe that as a society we should be concentrating on doing all that is necessary to ensure that people who get caught in the trap (and the majority of them are simple users, there are some who go to the other level where they become pushers and they are of a different kettle of fish because most of the time they do not actually use it, they look at it as a commercial venture) and who we find being real problems in our society are those people whom I am saying that more can be done for. Not everyone will be successful, I accept that. But I am sure that if we are able to have something firmly in place, not something that is a voluntary exercise, but something that is in place where there is a natural transition period, many of these people might not be the repeat offenders they are. The statistics prove that the majority of cases in Court which are drug-related, either directly or indirectly, are committed by repeat offenders.

So I think it is important that we head in that direction, not on a basis of we will see what we can do, but put a programme together because I believe that that money would be well spent in that direction and it would cause us not to have to spend money in other directions in the long run.

The Honourable Third Official Member spoke about the Master Facilities Plan for the new modern George Town Hospital. As I listened to the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, I recall and if I am to be totally honest today, I am still not 100% sure which one of the proponents is totally right and which is all wrong, or exactly what conclusion to come to. There is one thing I know: This country lacks facilities, terribly. I think it is a fair statement to say that the people of this country, both the residents and those who pass through these shores, deserve a facility that is much better than the one that we have. The Government of the day has spoken about the Master Facilities Plan and from all indications, implementation will begin in 1995.

The way that I have to look at it is that I cannot be

fair to this country and speak forever about the wrong, about what is to be done, or the right about what was to be done, or visa versa. I just know that we need it. I have a few problems that come to mind that I am assuming will be addressed, but I will nevertheless make mention of them simply for the powers that be to take what I say and throw it aside or pick out of it what makes sense. I think that it is worrisome in a phased project at the existing facility of how the facility is going to function properly during this time. I have not seen the plan so I do not know how it is going, but I am hearing what I think are valid and genuine concerns.

It appears to me, from smaller experiences, that whenever you have to go about doing renovations within a confined area, disruption is a natural occurrence. How much disruption, or how able the construction crew will be, is another matter. I just hope that it is looked at and the disruption will be contained as best as is possible.

The other point I wish to make, which is not really a separate issue, is one of traffic. I do not know if anything has been discussed with regard to having any other entrance to the new facility when it is completed. I find the location of the entrance where it is now, frightening. And as time goes on, more and more the ambulance and other vehicles have to be in and out moving at a fast speed. That four-way intersection, while drivers are very careful, to me it is a very difficult situation for the long term. If a new facility is going to be done in that location, I am sure that we are looking at a long-term project and one which is going to cater to the people of this country for years to come. I think it is very important to look at that area of traffic. It would be ideal in my mind to have something of that nature decentralised. But, if that is what is going to happen, then we at least need to try to look at it in order to do the best we can.

I also hope that whatever construction there is, the fact that 600 feet of runway is going to be able to be used now, will be under serious consideration. I have not seen it, but I understand that there might be some multi-storey building involved in the renovations and the Master Facilities Plan. And I think it is only right for the people of this country that any structure of that nature be put as far as possible away from the path of the planes. It is a simple point, but I do not know what is being done, so I simply have to say it.

The other area that I wish to touch on in the Budget Address is the fact that we have a total budget in excess of \$177 million and to my mind we have not looked at increasing our reserves to any mean proportion.

While statements that I make may seem to be contradictory to each other, let me say this: As a representative of the people I will be crying out for services in different areas for the Government to look at doing this, that and the next thing, to make sure that people of the country get what we rightly deserve and I know that that costs money. But, at the same time, I also hold the view that while you must *'make hay while the sun shines'*, you should prepare for a rainy day. I cannot quantify a figure, but somewhere a few years ago I heard (I do not know if this is exactly true) that the best position a small develop-

ing country can be in is to have in reserves what its recurrent expenditure would be for approximately three months.

In this day and age that is a fairly large sum of money and I do not necessarily subscribe to the belief that that is a realistic figure to look at today. But, I do believe that we should be looking at making real contributions to our reserves so that we feel a bit more comfortable, especially in light of the fact that all budgets presented at any time give subjected figures. While indicators may run true on many occasions, there are times when short falls will occur and although we have the blessing of having capital expenditure involved and we have the ability to cut short on capital expenditure, if the money is not flowing in the way that it is projected to flow, we can still find ourselves in some problems if we are not careful.

So, as I speak to the Honourable Third Official Member, I am certainly not trying to pretend to know his job, but I only base my thoughts on a national level on my personal experiences. Maybe he will clip my wings when he replies, but at least I will have a better feeling for his thoughts on the matter.

At the beginning of 1994, the General Reserves was \$3.6 million and at the end of 1994, it is expected to total \$4 million, exclusive of interest, of course. He has outlined some possibilities where there will be some small increases in those General Reserves, but in the meantime they are still hypothetical. Maybe we would feel a bit better if we had an exact figure to look forward to.

There is the issue of the Public Service Pension Fund which was mentioned. I could take whatever stand I wish, but not being as powerful as I would like to be sometimes, I have to resort to my safe zone on matters such as this.

What I do know for a fact, is that the pension fund balance for many years has been nowhere near what it should be. The fact that Government has taken the initiative to increase that fund at a higher rate than has been, I would have to say is in the best interest of the country. It can be argued that the fact that Government is putting an additional 2% of civil servants' salaries out of the coffers towards the pension and taking 1% more from the civil service salaries to make the total from 8% to 11%, and I am not waffling on this issue, I am simply stating that the fact that Government is doing twice the amount of the 1% additional that is being taken from the civil service salaries is a step in the right direction in my view. What is in the fund is certainly disproportionate to what is liable. While we expect normal life spans and retirement ages and such the like which affect the draw down on that fund, the truth is that it needs to be more on par with having the fund with the ability to pay out more if necessary.

Now we come to the issue that Honourable Third Official Member will be making many notes about, before I am through. I will do my best to deal with it.

I notice that the 1995 Budget provides for revenue enhancement measures in two specific areas that are expected to provide additional revenues of approximately \$4.6 million. Since the debate on the Budget Address

started, I have seen a bill which appears to be one of the two areas expected to provide this additional revenue; that is the Amendment to the Hotel Accommodation Law (I cannot remember the exact name, but it has to do with hotel accommodation tax).

That means to me that there is another area which there will be another bill for. But the real problem that I have with that is: As one-fifteenth of the collected vote in this honourable House, what I am being told here is that the Government is totally confident that these measures will pass. That when a Budget was created it did not matter whether these measures were brought and debated beforehand or not.

Now, whatever reply comes, I am sure that it will be plausible. I have to speak on what I consider a matter of principle. As one of the representatives of the people of this country, I have not had an opportunity to examine closely this bill or the other one which I know nothing about—and I have not even been able to hear marl road rumour. So I have no idea what it is about—it says to me that the process of national legislation...

POINT OF ORDER (Anticipation)

Hon. W. McKeeva Bush: On a Point of Order, Madam Speaker.

The Speaker: May I hear the Point of Order?

Hon. W. McKeeva Bush: I am rising on the Point of Order of anticipation. The Member is continuing about this bill that is before the House. I do not think the Standing Orders allow him to carry on in that vein.

The Speaker: The Point of Order is well taken.

Fourth Elected Member, would you continue your debate and omit any discussion on the bill that is coming before the House?

Thank you.

Mr. D. Kurt Tibbetts: My apologies, Madam Speaker. That was done totally out of ignorance. However, I wish to continue on the Budget Address delivered by Financial Secretary. As I said before, plausible explanations may come, but I have to speak on what I see and have to work with.

I think that if revenue measures are to be part of projected income for a budget those revenue measures should be brought to this Honourable House, discussed as they usually are, go through passage of law and then they can become a part of the Budget.

I am not alluding to any editorials from any newspapers. Before I saw any editorials, I had the thought that I am expressing now and the fact is, I have already expressed that thought to some people across the floor from me.

Madam Speaker, my point is not whether the revenue measures are all in good order. My point is that I am expected to debate: If I am a good citizen and expect to

play my part in the approval of this Budget, and in all honesty I do not know what I am approving (others may know and I do not have a problem with that), then I have to discuss the matter while I stand here.

Let me just back up for a second. If I do not have a problem with this, it means that whatever those revenue measures are that come to this House I cannot have a problem with those when they come. It means that I have to run the risk of saying to people that I represent, that I knew nothing about this thing but it was all right with me. Call it what it may, I have to deal with it as I see it and I am saying that I believe that this matter should be dealt with in a different fashion.

The revenue measures may well be in order, but, as I said, I do not know what they are, what they represent, and as a result – on a matter of principle – I have a very serious problem with that.

Moving on to some of the areas which we have to vote funds for: On page 61 of the Estimates, and if I may ask before I get caught in a trap this afternoon, am I allowed to discuss any parts of the estimates, like the Mission Statements? I am asking if...

The Speaker: I think you would be in order to do that.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

The basics to one of the estimates under the sub-heading of the Police, the Mission Statement is an all encompassing one which reads: *"To preserve public peace and tranquillity; prevent crime and where crime is committed to detect and prosecute offenders; interdict against the supply and consumption of illicit drugs; and maintain safety on the roads."*

In the section of non-achievements, number 2 reads: *"Some new vehicles were supplied but not to Police specifications and our vehicle situation remains poor."*

Madam Speaker, all a matter of opinion: Everyone else holds theirs, but I wonder seriously if we should not be looking in this area with a bit more information to assist.

I notice a very small point. The Honourable Third Official Member may be able to rectify it since it is so small. I noticed that the Drug Task Force also requested a microwave which costs \$250. I can well understand the need for that because I know that on many occasions they work odd hours and many times they have to put their meals down for hours on end and then try to get a chance to eat it. Unless I am reading it incorrectly, the request has been denied. It is only \$250. They do have weird working hours and I think that small creature comfort, might well assist in making their life a bit more tolerable.

When I get to Head 20—Fire Service—there is nothing much to say except that as usual that department is being run efficiently. I know the Chief Fire Officer over the years has had many politicians to deal with and I think every one of them can attest to his forceful manner to get his needs satisfied. I think that department is well on track. I think we would all be minded to get a good understanding of how he has been able to have a full comple-

ment of Caymanians.

Madam Speaker, under Head 22—Environment—I wish to personally applaud and congratulate the Head of that Department. I noticed recently that there are some people employed by that department driving the garbage trucks, some working on the back of the garbage trucks, who one might well have said would never fit back properly into our society. I know several of them personally. To see them everyday, willing to go, ready and able, I feel nothing but pride. I think that everyone involved should be congratulated because it had to be a bold step. I make mention of this not just to congratulate the individual or a department, but to say that it is initiative and innovation of this order that will make the difference in our country in the future.

It seems like a small number of people, but it is that number less that we will have to worry about. It is that many more who will make positive contributions to our society, just by example, if nothing more; just by being an ordinary somebody who works for a living.

I mentioned earlier on about retraining and I also mentioned unemployment. What I forgot to mention was that while the unemployment rate may have lowered itself (thank God for that) by way of the statistics this year, it is a fact by study that between the ages of 15 and 24, unemployment in this country is approximately 20%. There is where our problems lie. Whatever we are doing, whatever policies are being put in place, that is what we have to home-in on if we are going to reap benefits now and down the line.

I also notice under the objectives for 1995 for the Department of the Environment, that one of them is to reduce odour nuisance at the sanitary landfill by March of 1995 at a cost of \$100,000. I thank God and all concerned that that is recognised as something which needs to be attended to. It is certainly a nuisance to some residents and I think that while it is debatable who existed first, if both can coexist and become compatible that is certainly the best solution.

Under the Ministry responsible for Community Development, Sports, Youth Affairs and Culture, let me say first of all that at whatever risk it may be, or even if sometimes that Minister and I are at opposite ends of the pole, I do support sports. I have firm beliefs in the merits of sports programmes and facilities. I have tried my best to keep up with what the Ministry is doing. I certainly do not have it all 'down pat' with regard to the total expenditure on sports and any questions of prioritising, but, as a basic concept, I certainly support sports programmes and initiatives and I will continue to do so, within reason.

Under the 1994 achievements, the Ministry has initiated, the Government guaranteed mortgage scheme for low to middle income Caymanians. I stood in this House on more than one occasion and I had battles of words. Depending on what occurs, they might come again. One thing that I feel that I can rightly say, is that my concerns were justified. What I have seen as the end result has involved some changes and if questions are answered, and people are informed, sometimes less conflicts may occur.

The Member for North Side made a statement regarding this to the tune that there was opposition to it initially, only because it was something good. I do not take great exception to the statement, but I wish to categorically state that I differ with that statement because I can assure her and everybody else that if I am in my sound senses and have full knowledge of any programme that Government is initiating for the good of this country, I will certainly not try to block it just to be heard.

Under the Social Services section, in the objectives for 1995, number nine is to facilitate the completion of study on the causes of crime in the Cayman Islands. Number 12 is to examine and advise on the propriety and effectiveness of present arrangements for rehabilitation of prisoners. Number 14 is to plan provision as necessary for serious young offenders, both in terms of remand and rehabilitation including work toward development of a programme or national youth service.

These are the objectives for 1995, and I can only say in pointing those three out, that I trust that they will come to reality because the three areas that I mentioned are of tantamount importance to me and society.

In the non-achievement section of Social Services, the provision of Drug Rehabilitation Residential Services to 30 clients was not met due to transfer of Cayman Counselling Centre to the newly created Ministry of Health, Drug Abuse Prevention and Rehabilitation in 1994.

I understand the statement, but at some point in time I would like to fully understand the new role (if it is a new role) of the Cayman Counselling Centre. One might say that I could easily ask the Minister. But I think this is something that while it may have been talked about before, it might well serve a good purpose for public knowledge.

Under Trade and Labour, one non-achievement of 1994 was improved compliance with the Labour Law was burdened because of manpower constraints. That is something that I would like to hear about.

Under the objectives for 1995, one of them is to improve compliance with the Labour Law by 50% by December 1995 at no additional cost. I would also like to hear about that. Another one is to establish a service for counselling for lesser skilled, or unskilled persons by October 1995 at no additional cost.

That objective is all well and good and that may serve its own primary purpose, but a service for counselling for lesser skilled and unskilled persons is only a temporary relief; we need those persons trained to do some type of job.

The next objective is to improve the job placement system by June 1995. I mentioned the two together because any counselling can only be temporary relief, as I said before, we need to find jobs that these people can perform.

Under the Ministry of Health, one of the 1994 achievements was the establishment of staffing the new ministry and I am confident that the staff in that Ministry are doing a good job. It is also embracing the Cayman Counselling Centre. I mention that to tie in what I said

before simply as a matter of our understanding exactly what is happening.

Under the objectives for 1995, number four is to implement with the approval of the Legislative Assembly a revised National Health Insurance scheme by November 30, 1995.

Under the outlined programme for 1995, number four reads: *"In collaboration with Government Information Services and Health Insurance Providers, initiate publicity on revised national health insurance scheme by May 31, 1995; adapt operations at the George Town Hospital and train two cashiers in new collection system by November 30, 1995."*

Under the performance indicators or targets, number four reads: *"National Health Insurance scheme operational by November 30, 1995."* Thank God.

For whatever the difficulties were and the differences philosophically, I think each and every one of us accepts that a National Health Insurance scheme is vitally necessary for this country.

I need not go into much of the gory details, but suffice it to say that the longer we drag on without a national health insurance scheme, the longer it is going to take us to have proper medical facilities in this country. After all of the good ideas come to mind it all comes down to money—and it does not grow on trees. It never did.

I dare say that the now Minister would almost wish that he had come into his ministry with a National Health Insurance scheme existing. That has not been the case. I do not envy his task. I would love to be able to say to him that I want to see it before then, but the fact is that for nearly two years we have been asking about it, simply because we all want it. Those who have to put it in place properly have the headache of making sure it is done right.

Let me say this, for what it is worth: I respect the fact that it might not be all right when it comes into place. I know the Minister may have fears and apprehension about making sure that it is right. But if I may be so bold as to give him a simple word of advice: It will never be right when it starts, but it will never start if you wait until it is right.

I say that to be quoted. Let that Minister know that even if I find things that are wrong, it has no bearing on whether he should get it going. It must get going. We can talk about the wrong things afterwards. We can see what else we have to do to make it right, but I say let us get it going because the country needs it.

Under Health Services the one point that I would like to quickly touch on is one of the non-achievements in 1994. Staff training was not met due to lack of funds. I hope that that has been taken into consideration this time around.

The Ministry of Agriculture, Communications and Works. Under the review of the 1994 achievements of the Ministry, number five says: *"The Ministry successfully negotiated street lighting programmes with Caribbean Utilities Company."* It would be unfair for me to say that a lot of street lights have not been put up, especially in the general area of the George Town district and other dis-

tricts. But, I have a wild scheme, I have had it for a while and I have talked about it before, I am going to say it again – maybe one of these days when everything else fails, someone might think it makes sense. I know that there are approximately 15,000 customers of Caribbean Utilities Company Limited. These people are both private and commercial and they get bills every month. I do not know about other representatives, but on an almost daily basis, I have requests from individuals in the various subdivisions and other areas for a street light. Many people feel a lot safer with a street light near them and most of the requests to my mind are genuine, because *'an ounce of prevention is better than a pound of cure.'*

The scheme that I am talking about involves \$1.00 per month. If an agreement was made with individual subscribers paying \$1.00 per month and the commercial subscribers paying \$2.00 per month, added onto their bills, but separately indicated, and people knew what they were paying that money for, that would probably net close to a quarter million dollars a year.

If that money were directly allocated to street lighting, in my humble view it would not take long before we would be caught up and very soon we would be in a position as development continues, to also bring in line the necessary lighting. It is not a complicated scheme, it is one that others may have difference with, but it is a simple one and I believe that it just might work if one were to use it.

There is also a second point that I would ask the Honourable Third Official Member to clarify for me. Under the summary of existing 1995 proposed establishment, both under the Ministry of Youth, Sports and the rest of it, and under the Ministry of Agriculture, there is a post of the Manager of the AIDB. I do not understand whether that is an error or whether half of the funds for that post are being paid by each Ministry – I see it showing up twice and I just wondered about it.

The Speaker: Honourable Member, would you take a suspension at this time?

Mr. D. Kurt Tibbetts: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.06 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town, continuing.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

To continue, under the Head of Agriculture, I see in the objectives that there is a plan to relocate the existing Department of Agriculture to a new site, at the Lower Valley Farm by December 1995. There is also a plan to reinstate a Tree Crop Husbandry Programme, which I think is

very good, and the improvement of services at the Farmers Market is also a step in the right direction.

The Farmers Market by its co-operative effort is one that I think is very good to act as the holding tank for the produce of the farmers in the country. I am pleased to see that the local supermarkets now support local farmers and I think that with proper management there is room for more produce being taken. I also believe that as volume increases, so too will prices stabilise and these prices will come more in line with the prices that the wholesalers are able to import the same goods for. I think that has been the main problem and the initiatives of the Farmers Market are slowly but surely bringing that matter in line which will naturally be conducive for farmers to farm more and reap more.

The Postal Department deserves mention. I think that the objectives for 1995 are certainly well in line. For those who will listen, the objectives are simple, straight forward: 1) To reorganise the Postal Service in the three Islands; 2) To reclaim market share lost to international couriers; 3) To improve public relations image with the public; and 4) To improve working conditions for staff. These are all pertinent areas for the service to be looking at. I think the lady who is at the helm is very capable. I know she is hard-working, she has dedicated staff and if these objectives can be met I am sure the service will be improved and in doing so while it means money spent, revenue will also improve proportionately. If we look at the statistics from the Post Office, we will see that it is a fairly good revenue earner as it is. I am sure that with the new initiatives this will be enhanced even more.

Education: I was at the opening of the Education Week ceremonies this morning and was very pleased to hear of some of the ongoing initiatives. I am especially pleased to understand that there are plans to initiate the training of a Registrar for CXC by September 1995. Also under the objectives for 1995, it is intended to develop and maintain a relationship between the Ministry, the Education Department, the Caribbean Examinations Council (that is the CXC Council), establishing a point of reference for up-to-date local sources of information on the CXC examinations.

I would not be truthful if I did not say that at one time I had some fears regarding the CXC exams—not fear about the exam, but fears about the life-span of those exams. It is comforting to note from these objectives that there must be long term plans for these exams. I think they are very relevant. I am proud to know that the students did so well in the first year of sitting. I think it is obvious from those results that we can move from strength to strength. These exams are recognised, so we do not have a problem in that area.

There are two points I wish to mention in the field of education. It is an old song of mine and I am going to sing it again. I am very close to the QUEST Programme, which has been instituted and is ongoing in the public school system. But I feel strongly that there should be some further initiatives at primary level with drug education. I do not know whether the answer is to amalgamate it with the programme that I mentioned before, or whether

it is one which the Department and the Ministry can involve other agencies on a more regular basis. I guess it is something to think about. I honestly believe that at the primary level today the children are ready for drug education on a regular basis.

I noticed, not too long ago, I think the Customs Drug Task Force was doing some visiting in some of the schools showing different ways in which they operate. I think the message was clear, that is, the danger of drugs. That was well received by one and all. I heard parents and children talk about it – my own children talked about it. I have also heard a few teachers talking about it. Point in hand: it may be something that can be done on a more regular basis involving other agencies dealing in the same way. This is food for thought.

There is one frightening statistic. I do not stand here today having a cure for it because I am certain that the problem is much further reaching than where it has identified itself. But in an answer to parliamentary questions given recently, it manifested itself to me, and it concerns me greatly, at the John Gray High School, where the number of students enrolled is 567, between September 1993 and June 1994, 109 students were suspended. This is nearly 20% of the entire school. That is frightening.

I do not know of any other previous statistics; I do not know whether that is a decrease from last year, or from years before, or whether it is an increase. But the fact is, it is frightening and it points to me more so on things that I spoke about earlier on where we have problems.

While I do not have the answers today, I think it is something that needs to be seriously looked into. There might have to be issues taken to task beforehand, because certainly, at the age where this is happening, impressions have already been made, dies have already been cast and certainly any curative measures at this stage have become more difficult.

I am not suggesting that teachers are at fault at this level, but I do know for a fact that this is a problem that we cannot leave alone. We can talk about all of the good results, and I feel good when I see good results, especially in the public system—it gives me faith in that system. But a statistic of this nature is a frightening one.

I was not able to get previous statistics. As I said before, whether or not they show a decrease or an increase, the fact is that it displays the social problems which are frightening. Our adults of tomorrow—20% of those that are in the public system—have said that the society is wrong.

These end results tell me that it is a rebellious nature which causes situations like this to arise and the disciplinary actions having to be taken. It sends a clear message to me that somewhere along the line something is not being done right. It might take someone with access to other facts and figures to be able to pinpoint exactly how to deal with this, but the point that I am making this late in the afternoon is that this is something that is not to be hidden, covered up or afraid to be discussed—it is here and it is frightening.

The paradox in that situation is that we have had

great results at the exam level, but here we have almost 20% of the students having to be suspended. Chances are (and I am guessing here) that several of those students suspended may have done well in the exams. I bring this point out just to create an awareness that it is something that needs to be addressed.

It is probably something that simply at the education level at the high school is not really the answer, because I am sure that the students getting into those problems at the high school did not start with those problems entering high school. It may be a state of affairs at home. It may be a way of life that the growth and the economy has created that has caused parental guidance to be lessened, thus the lack of discipline. It may be that, and more.

I would venture to say that I have only touched the edge of the reasons. I wish not to speculate because I do not know all the facts. I pointed out the fact that it is there and I think we need to have a serious look in that area.

I am pleased to note in the Objectives for 1995 (I also heard the Minister this morning in his delivery at the opening of Education Week discuss it), that the first objective is to establish a School and Pre-School Inspectorate by December 1995. He touched on the pre-school inspectorate and I think that positive results are showing.

In the Outline Programme for 1995, number three is: *"Liaise with Public Service Commission and the Personnel Department regarding recruitment of staff; Action by Senior Education Officer Monitoring and Planning; Chief Education Officer to monitor and review."* I am not 100% sure that I quite understand what this means. There is probably something else that it leads up to, or from, that I do not have a full grasp. If it is to deal with teacher recruitment, then I would like to know exactly what the policy for recruitment is based on the external examinations that we are dealing with at this time.

The other point that I would like to mention has to do with an answer to a question wherein the Minister for Education outlined full scholarships for qualified people who wish to qualify as teachers. I think there are full scholarships available for anyone locally who qualifies for tertiary education in that field. I do not have all of the statistics regarding local teachers compared to foreign nationals who have been hired, but I am glad to hear that these scholarships are available.

I would like to go a step further. I think that our own people, once they are qualified, are definitely the best to be able to impart the knowledge to our students. I think that would go for anywhere. I understand that we have not had as many locally, to fill the posts, and overseas recruitment is done on a regular basis. I also take my hat off to several of the foreign nationals who have been here for many years, who have made themselves part of the system and who continually excel in their fields as teachers. But I believe that we need to do more to get our people motivated to become teachers.

The scholarships available a year ago totalled 103. Fifty percent of those were business and 16% were in the field of education. That is a rough estimate. I say that while we are doing the right things to motivate Caymani-

ans to become teachers we must find other means to increase this percentage. I will not try to suggest that the salary scale is not in line. I do believe that there might be some disparity with professional jobs in the private sector and teaching.

But there is one thing that I feel we can do, and it is my thought—not necessarily to be subscribed to, but hopefully—I am of the understanding that when overseas recruitment takes place, there are perks which are deemed necessary which are over and above what local teachers get as salary. This view may be slightly radical, but I believe that if it is necessary to put the local staff on line with the overseas recruited staff in that regard, then let us do it.

I am told that from long ago, the concept was that if we were going to expect people to leave their country to come here to do a job, there has to be some special incentive. I do not know if we have ever compared with the other countries from which we recruit, what the salaries are to ours, compared to the cost of living, et cetera, to really see if what we offer, ordinarily speaking, is sufficient or not. But I subscribe to the thought process that whether the person is coming from somewhere else or whether the person is from this territory, that it might well be sensible for us to be thinking that all the salaries and the other benefits derived are on par.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30, Honourable Member. I do not expect you will be finishing this evening.

Mr. D. Kurt Tibbetts: No, Madam Speaker.

The Speaker: May I ask for the Motion for the Adjournment? The Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I 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 10 o'clock Wednesday morning. I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Wednesday morning at 10 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 23 NOVEMBER 1994.

WEDNESDAY
23 NOVEMBER 1994
10.08 AM

The Speaker: I will ask the Honourable Second Official Member to say prayers.

PRAYERS

Hon. Richard H. Coles: 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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly. Questions to Honourable Ministers and Members. Question 209 stands in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 209

No. 209: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works what provision Government has made for the services of a Roads Engineer since the termination of the services of Mr. Noel Mowbray.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: The post of Roads Engineer, which was occupied by Mr. Noel Mowbray, has not been filled. Two (2) road engineers have been taken on short-term (six month contracts) to assist with the supervision of roads projects. Some design work has been carried out by the private sector. This has been necessary because of the current heavy workload in the Roads Department.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town

Mr. Roy Bodden: Can the Honourable Minister elaborate on what sources in the private sector this design work comes from?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Yes, Madam Speaker. The design, as I understand it, has been done by Quarry Products.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister elaborate on the arrangements between Quarry Products and his Ministry with regard to this design work, and state specifically who in Quarry Products was responsible for this work?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker. Absolutely no one in the Ministry. The Department of Public Works made whatever arrangements have been made.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say which officer/officers in the company of Quarry Products took part in the design work, and is he in a position to elaborate as to the quantity of work?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Absolutely not, Madam Speaker. The Roads Department of Public Works happens to be the professional area that deals with this sort of thing. I do not get involved in the day-to-day operations of Public Works.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: One would assume that it falls under the Honourable Minister's Ministry... I am asking, Madam Speaker, if he is in a position to give the House some idea as to what this design work included—which roads were taken into consideration, which roads were worked on and also the amount involved?

The Speaker: I am afraid I do not think the Honourable Minister assumed that this would be part of the supplementary and would not at this time, I am sure, be in a position to reply. But perhaps he may undertake to do so if he wishes to reply.

Honourable Minister?

Hon. John B. McLean: Madam Speaker, you are quite correct. I do not see the relevance of the supplementary. But I would like to say that it is my understanding that most of the engineering work was done by the Public Works Department and it was only a certain part of it that was sub[contracted] out to Quarry Products.

The Speaker: Second Elected Member Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if the engineer of Quarry Products who did some of this work, was the former Public Works Department engineer, Mr. Noel Mowbray?

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Madam Speaker, I think the Honourable Member knows this as well as I do, that this is the same Mowbray, as I understand it, who worked for Public Works Department. However, I would like to point out, again, that the contract/arrangement is with Quarry Products not with Mowbray.

QUESTION NO. 210

The Speaker: The next question is No. 210, standing in the name of the First Elected Member for Bodden Town.

No. 210: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works if he would make a statement regarding the Government's proposed independent audit of Caribbean

Utilities Company Limited.

The Speaker: The Honourable Minister for Agriculture, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker. The answer is yes. I have already made the statement.

QUESTION NO. 211 DEFERRED

The Speaker: The next question is No. 211, standing in the name of the First Elected Member for Bodden Town.

No. 211: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the Government's position regarding increasing the amount of assistance offered to the indigent.

The Speaker: I observe that the Honourable Minister has not yet arrived. If he does so before the end of Question Time, we will revert to Question No. 211.

DEFERRED QUESTION NO. 171

The Speaker: Deferred question No. 171 also stands in the name of the Minister who is absent.

DEFERRED QUESTION NO. 181

The Speaker: Deferred question No. 181, standing in the name of the Fourth Elected Member for George Town.

No. 181: Mr. D. Kurt Tibbetts asked the Honourable First Official Member for Internal and External Affairs to state: (a) what is the present average daily cost to the country for the upkeep of the Cuban refugees at Tent City; and (b) what has been the total cost since the influx of these people began a few months ago.

The Speaker: The Honourable First Official Member.

DEFERRED QUESTION NO. 181 (*Second Time—Standing Order 23(5)*)

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, I would like to seek leave of this honourable House under Standing Order 23 (5) to further defer this question. There was a problem with the officer dealing with it in getting an answer. The person has been ill, and the information was not ready in time for this morning.

The Speaker: The question is that the answer be deferred until a later sitting during this meeting. I shall put the question, those in favour please Aye...Those against No.

AYES AND NOES.

The Speaker: The Ayes have it.

AGREED. QUESTION NO. 181 DEFERRED (A second time) UNTIL A LATER SITTING DURING THIS MEETING.

DEFERRED QUESTION NO. 201

The Speaker: The next question is being asked of the Honourable Minister for Community Development, Sports, Youth Affairs and Culture, who is absent and accordingly will be [further] deferred.

QUESTION NO. 206

The Speaker: The next question is No. 206, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

No. 206: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Tourism, Environment and Planning when does Government expect to establish the post of "Complaints Commissioner" as provided in the 1993 Amendment to the Cayman Islands Constitution.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: The National Team recommended to the United Kingdom Government that the amendments to the 1972 Constitution should include a provision for a position of Complaints Commissioner. That recommendation was accepted by the United Kingdom and is now part of our Constitution. The post of Complaints Commissioner will be established in due course.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Has the Government as of this time made any attempts to investigate this particular area of work, that of a complaints commissioner as set down in the Constitution, to see whether there are persons who might take up such appointment?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the matter has been discussed among ourselves, but we have not dealt in great depth with it.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if there is any accurate definition in time for the term "due course"?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, in all humility, it is when we decide that it should be done.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Is it not correct, Honourable Minister, that the purpose of the MLA Offices was to meet the needs in having complaints taken to the different MLA offices in the various areas?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the answer to the question by the Third Elected Member for George Town is "Yes." We have established MLA offices in a majority, if not all, of the districts in order to hear complaints from our constituents, and we act accordingly.

The question of Complaints Commissioner is a formal position within Government and that decision has not been taken as yet.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: As a matter of clarifications, can the Honourable Minister say if the elected representatives in George Town, or within the National Team Government, are assuming the role of Complaints Commissioner?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the answer is obviously not! We cannot ourselves be the Complaints Commissioner under the Constitution. But we can make ourselves available to a constituent who has complaints which they want to air, and we can hear those complaints and take action accordingly.

The Speaker: That concludes Question Time for this morning.

Government Business, continuation of the debate on the Second Reading of the Appropriation (1995) Bill, 1994. The Fourth Elected Member for George Town continuing.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1995) BILL, 1994

(Continuation of debate thereon)

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

In continuing the final lap of my contribution to the Budget Address and the Estimates, as I go further into the Estimates I see where there are provisions in 1995 for construction and repairs to various roads in all the districts. For all five districts in Grand Cayman there is a sum of \$400,000, and for Cayman Brac and Little Cayman there is a figure of \$320,000. The principle I see being applied here is certainly not one that I have any gripes with, but I wish to make an observation regarding the way the amounts have been determined.

It seems to me that requirements in the various districts will vary in quantity, and I wondered if it might not have been better suited for the entire country to look at these allotments parallel to the population within the constituencies. I am not trying to take away anything from any district. I am simply saying that, for instance, in the district of George Town (which I represent), these roads are used the most on a daily basis and many of the inhabitants of the other districts travel these roads on a daily basis going to work and taking children to and from school, et cetera. I thought that the allotments might vary according to the righteous needs that may possibly be considered.

Madam Speaker, I notice also that there is an amount of \$80,000 for the construction of a concrete docking or bulk-head at the George Town Bacadere. I think this is a needed improvement: I hope that this is really done. And when it is done, I trust that via Customs and/or the Port there can be some use put to the facility whereby it becomes an income earner. I am sure this can be achieved as there are many vessels which use the North Sound at present which would wish to utilise proper docking facilities in this location.

Madam Speaker, when we reach the section on the Estimates that tells us about work to be done at the Northward Prison, I notice that there is in excess of \$600,000 worth of capital works being proposed. As the amounts are divided and explanations are forthcoming with the notes, I think that the majority of things I see here to be done are in order. But I have to repeat a statement which I made earlier in my debate regarding training of inmates and follow-up services with job placements afterwards.

I do trust that while the physical needs of the Prison Service are being attended to, that parallel to that will be attention paid to the other needs which I personally consider as important or more important than upgrading of

the physical facilities.

Madam Speaker, there is an amount in the Estimates also for the renovation and remodelling of the Court's Office Building—\$560,000. I just wish to draw two things to the attention of all Members. One deals with dollars and cents, and the other I will deal with as soon as I am completed with [number one].

If we look in the [Estimates], the areas that deal with Law Enforcement: Convictions and incarceration (which are basically from the beginning of a crime being committed, the person being caught, going to court and being sentenced) it is nigh on to \$15 million that this country spends, or is spending, in this budget for that type of activity.

The point that I make is certainly not trying to say that these amounts are not necessary. I am simply drawing to the attention of all concerned, including myself, that \$15 million is what we will be spending. I do not anticipate in any future budget for it to lessen, unless we have some other results in other areas which may cause for less needs, this amount tell us that the wrongs in our society are multiplying. It sends us a message. It is my opinion that we need to backtrack to determine the causes, not just try to stem the flow by way of punishment and interdiction. We need to go back to really determine why these things are happening in our society.

In another area, we look at the answer to a recent Parliamentary Question in this House, where the question asked what the total number of Caymanians versus non-Caymanian civil servants broken down by nationality and department was. When we look at the total figures we see that of 1,901 civil servants there are 1,222 Caymanian, and 679 non-Caymanian. If we bring a percentage to that it means that approximately 36% of the civil servants in this country are non-Caymanian. I am not suggesting that these non-Caymanian civil servants are not deserving of their posts, certainly not. I know many of them, and I have high regard for many of them. The point that I wish to make here, Madam Speaker, is: Are we on the right track for our indigenous population in the area of training?

Madam Speaker, as growth takes place in this country on a continuously steady basis, there will be more employment; there will be the need for more individuals not just in the civil service, but in all areas. But at this particular time I am addressing the civil service. If we look back historically (and I do not have all the figures at hand), I think it is fair comment to say that this ratio has not decreased tremendously in recent years. I will not go so far as to say that it has increased tremendously because I really do not know. But I think it is fair comment to say that it has not decreased tremendously.

Now, this means for us, that growth has taken place and we have found the need for specifically qualified services and we have not taken time out to put ourselves in gear so that our own people can deal with it. We are dealing with this matter after the fact. This is not a today problem. This is something that has continued for many years.

I understand the difficulty of dealing with it because

on the one hand we wish to enhance and upgrade efficiency continuously, and at the same time we are wondering how we are going to slow things down enough so that our people will be on track to fill these posts. I understand the difficulty. But I suggest here today that if we do not take a serious look in that direction and make seriously positive steps to have a situation where the balance continues to be in the favour of our people, then we are only creating problems over which we will soon have no control.

I simply make that statement with the hope that the powers that be see merit in the thought process and will, should I say, act accordingly in the near future.

I understand that this is not a process that one can turn around overnight. But I also believe that unless we are thinking in the same way continuously, we will not lean towards having that situation regularised. I think that in developing countries the accepted norm for situations like this (where we have what we call a healthy one, namely, a healthy ratio of foreign nationals in the labour force including the civil servants) is acceptable at somewhere between 17% or 25%.

Our situation may well be unique because our indigenous population has not grown in the same strides as the demands that have been made because of our growth. Nevertheless, while we cannot physically put ourselves to where we would like to be (because we do not have breeding farms for Caymanians), I do not believe it is a situation that we should leave alone. I think we should do everything physically possible in all areas in order to ensure that each and every one of us has ample opportunity for moving on.

I am not suggesting that there are not situations in place where our population has opportunities to upgrade themselves educationally and otherwise. I am saying that we as a people need to develop a way of thinking where it becomes a must. I am saying that if we have to use legislation let us do it, because I know that there are many people out there (local Caymanians) who do not realise today the need to upgrade themselves to fit better into society.

I am not blaming a careless Government or representatives who sit in here, I am simply saying that if we have to change our mode of operation, if we have to go out and get these people—and I am very serious when I say if we have to use legislation to do it, I do not care how—we have to tap into these people because *'the Devil finds work for idle hands'*. And this is what is causing the problem where we have to spend \$15 million in law enforcement areas in the Budget in order to stem the flow.

Madam Speaker, I am pleased when I look at the Appropriation Bill and see that the largest single figure is that of Education—\$17,665,565. Unless I am mistaken, that does not include capital works. As far as I am concerned, to me that is a step in the right direction for this country. That is going to be the key to the success of our society; our people being educated and the majority of them being able to fill the required roles. In layman's terms—to have the opportunity and the ability to make

something of themselves.

There are other areas which have fairly large amounts. I notice that the Health Services have just in excess of \$15 million. One could stand here and debate on what real benefits the country is deriving from our Health Services, although the costs continue to increase. But, in all fairness to the new Minister, I have to take the position and give him some time and I will wait patiently to see the end results.

In Tourism we are spending in excess of \$15 million, and that is separate from the operations on a day-to-day basis. There is a separate figure for the Ministry. I think this applies to the department and its workings, its advertising campaigns. If we look at statistics where tourism is on the rise (and I am not qualified to say whether this proportion of nearly \$16 million of the budget is one that is correct) I can only ask that the Minister continues to look carefully to make sure that the country's money being spent in this direction reaps the best benefits.

Madam Speaker, just to finally close off on the area that I seem to have made my theme song "Training", there was a time not long ago when it was the norm for many Caymanians to be quite willing to take very lightly their jobs because they could walk from one job into another within a matter of days. I think it is fair comment today to say that the Caymanians understand that is not the case nowadays.

I have constant requests from people seeking assistance in finding jobs. I am sure all the other elected representatives have these same requests—not that on many occasions we can physically do anything about it, but sometimes we are able to help. To me that says that people understand that the job market is not what it used to be. In saying that, I wish to finally reiterate that this is the right time to deal with our people by having them placed in positions where they can sensibly do these jobs. And the only way we are going to be able to do that is to force them to learn something so that they can sensibly fill a post.

We say that 'we can take the donkey to the well but we cannot make him drink water.' We cannot apply that principle today with our people. There are hundreds of people, especially young people, who are out there, many of them have no sense of direction and if we leave them alone, I do not even know the words to use for what will happen.

So I trust that as the elected representatives of this country we can find the ways and the means to home in on this area to make it of vital importance and innovative to the point where we not only attract our Caymanians to want better for themselves, but literally (I have seen the word in the *Compass* used in a different context recently) if we have to *'entrap'* them to do so, certainly I advocate that because it is to their benefit and ours.

In summary, as we look at the budget that has been presented to us, a budget of approximately \$178 million indicates an increase of a total recurrent expenditure of 11.7% from the 1994 Budget; an increase in statutory expenditure of 20% from the 1994 Budget; an increase

in capital expenditure of 15% from the 1994 Budget. And it seems that we as a country are rearing to go.

Madam Speaker, as a representative I will cry out for the new services, sometimes not the new services, but enhanced services, for the people. Insofar as I know that it is not an easy task to balance a budget of this magnitude, I still wish to send a message that I believe we should be looking at increasing our reserves even if we have to move at a slower pace when it comes to capital expenditure. When I say capital expenditure, I also have to make the short comment that, for whatever reason, it seems we have not been able to complete the capital expenditure that was proposed for 1994. I think, I heard someone mention that the Queen's visit distracted a lot of the ability to do some of the work, and the national problems that we have had recently with the influx of the Cubans has not helped any. But notwithstanding those two items, first of all we really do not know if, and when, the most recent problem will go away. I wonder if we will be able to complete \$23 million worth of capital expenditure this year. I guess time will tell.

I think that I am winded now. Some of the points that I have discussed may not be considered important; but I will make my last repeated appeal that Government, (including the official arm, the elected arm, and grubs like me, on the Backbench), must look at the ways in which it is steering the course for, not only generations to come, but the existing generation insofar as all of us finding our place in the society. We must do whatever it takes to find the ways to make our Caymanians fill their rightful roles. I know that individuals have to be responsible and do their own part for this to happen, but I believe that if Government is innovative enough, we can reap much more benefits, especially with our young people.

I also believe that we have to be looking carefully at our growth compared with the population of this country and how it is made up. I also believe that while we talk about money and how well our country is doing, we need to seriously look at our immigration. We need to decide a specific direction in which we are going to head. We seem to have a good ability to 'hedge' on the real problems simply because we run the risk of being popular or unpopular. I think that all these factors are very necessary if we are going to continue to reap success as a nation.

As we go through the individual items of the Estimates in Finance Committee, I am sure all of us will have more specific comments. I can only say to the Government at this point in time, that they will find me differing in certain areas, or maybe trying to add a few more things in certain areas. Whatever I say or do is what I consider to be in the best interest of this country.

Finally, I would like to ask if we as elected representatives in this honourable House can find a way to disagree and still move forward with positive steps to serve our people best.

Thank you, Madam Speaker.

The Speaker: If no other Member wishes to continue

the debate, I will ask the Honourable Third Official Member if he would like to exercise his right of reply, which will then close the debate on the Second Reading of the Appropriation (1995) Bill, 1994.

The Honourable Third Official Member.

Hon. George A. McCarthy: Thank you, Madam Speaker.

I would like to wind up this Budget Debate by thanking all Honourable Members for their very favourable comments on the 1995 Budget Address. Additionally, I would like to reiterate my thanks to those Members of the Budget and Management Services Unit, whom I failed to mention by name earlier.

While looking at Government's economic performance for 1994, and making certain projections for 1995 and beyond, considerable efforts were committed to informing the community of the initiatives taken over the years to ensure that we have in place the best possible regulatory regime for ensuring the effective and efficient management of our financial industry.

Madam Speaker, we are all aware of a BBC Documentary aired in September of this year which attempted to suggest that the Cayman Islands was a haven for condoning nefarious activities, such as money laundering. While the local news media expended great energies and efforts in propagating what they knew was misleading information, they seemed quite reluctant in disseminating the facts as provided. For example, Madam Speaker, I would like to draw your attention to an article by Mr. Robert DeAngello under the caption of "Financial Secretary Still Fuming."

According to the Co-ordinator of Promotions and Advertising, Mr. Lyndon Martin, Mr. DeAngello of The New Caymanian called the Financial Secretary's Office to say that he would like to do an article on the Cayman Islands' financial industry. Specifically, he wanted to get an outline of the regulatory initiatives taken by the Government in guiding the activities of this industry. He even went on further to state that in developing the article he was working on, no reference would be made to the recently aired BBC Documentary, as his objective in this exercise would be to focus on the merits of the regulatory regime as currently obtains within the Cayman Islands.

In keeping with his request, he was the one who undertook to provide the assurance – this was not sought for. The following article was prepared and faxed to his office. I quote:

"In terms of the responsibilities of governing specific to the financial industry, a major role is the issuance of bank, trust, insurance and mutual funds administrators' licences. The ultimate decision on an application rests with the Executive Council. Applications for licences are submitted to the Executive Council through the Financial Secretary acting on the recommendation of the Inspector of Financial Services.

"In an effort to protect the reputation of the Cayman Islands as a legitimate base for international financial operations, strict safeguards are applied to this licensing

procedure. The high quality of banks, trusts, captive insurance companies, and mutual funds administrators now operating in our Islands is testimony to this assertion.

"Further, the general acceptance of these safeguards also attest to our sterling reputation as a leading financial centre and serves as an unequivocal endorsement of our uncompromising policy.

"The Government is heavily committed to an effort to educate consumers, investors, other regulators, government, and especially journalists about the financial industry of the Cayman Islands. A particular aim is to always ensure that the Cayman Islands is recognised as an efficient, well-regulated and progressive financial centre where most of the world's top institutions do business.

"A significant milestone in the commitment to instilling responsibility and maintaining integrity in the financial industry dates back to the Narcotics Agreement of 1984. This agreement subsequently evolved into what is now known as the Mutual Legal Assistance Treaty between the Cayman Islands, the United Kingdom and the United States. The Treaty states: that the parties will provide mutual assistance for the investigation, prosecution and suppression of a range of criminal offences.

"This Treaty represents the Cayman Islands' boldest demonstration of its willingness to co-operate in the common effort against international crimes of all sort."

"We went on further to state: "In 1989, the Cayman Islands introduced legislation making drug money laundering an offence. In this regard we are the first country in the region to take this step. As a result the Cayman Islands is playing a leading role as an active participant in the Caribbean Financial Action Task Force, in coming to grips with the many issues involved in the introduction and implementation of the relevant policies and legislation necessary for the suppression of illicit activities in the region's financial centres. In fulfilling this role, the Cayman Islands represents the other British Dependent Territories in the Task Force executive meetings."

We went on to say that "in April of this year [but that should have been in November of 1992], Cayman's Justice Mr. Anthony Smellie, served as a discussion leader at the Task Force Workshop in Trinidad dealing with constitutional and jurisdictional issues. It is well recognised that while it is important to implement laws and policies necessary to guard against illegal activities it must be achieved in a way that does not compromise the confidentiality and unanimity of legitimate business. So far, we seem to have achieved this delicate balance. We have found that in spite of concerns at the outset, the initiatives we have taken have served to more firmly establish the Cayman Islands as one of the world's top leading international financial centres.

"Evidence of this is the 30,000 companies, 572 banks and trust companies, 560 mutual funds and over 700 ships on our register."

Madam Speaker, that was the article that was provided to the Journalist, Mr. DeAngelo. Now, to my surprise, I have never spoken with this gentleman, in fact, I

do not know who he is. If I were to see him on the street, he and I would walk across each other as total strangers. Then he deduces from this article, "Financial Secretary Still Fuming," "Fall out from irresponsible BBC continues" and he quoted me. I would like your permission, Madam Speaker, to quote a few sections from the article he wrote. I quote:

"Fallout is still occurring as a result of a British Broadcasting Corporation (BBC) Documentary alleging money laundering and other financial crimes are rampant in the Cayman Islands. The latest salvo is from the Financial Secretary, the Honourable George A. McCarthy who two weeks ago blasted producers of the documentary as "irresponsible." McCarthy told The New Caymanian this week, "the country is trying to maintain a difficult balance between passing laws to safeguard against illegal activities and keeping confidentiality codes in place."

He goes on further to say: *"Government Officials have put in the position of defending their record of sniffing-out financial crimes and erecting barriers to prevent its spread because of the documentary and recent stories of major money laundering operations involving the Cayman accounts."*

He goes on further, Madam Speaker. This would suggest that an interview took place, this was not the case. He asked for an article. He said he wanted to get some information on the measures introduced by the Government in order to guide or put in place our regulatory regime. We provided this on a very objective basis and I cannot reconcile this article to the information that we provided.

This suggests, Madam Speaker, that certain individuals are not being as honest and as truthful as they should be. And the media has a responsibility in this country to act in an unbiased and objective fashion in providing the community with factual information. It is not a question that anything should be swept under the carpet or hidden, because I expect that both the good and the bad must be reported. But to do something like this is really causing persons, like myself, to draw certain conclusions about the attitudes of these individuals.

In reviewing the observations made by Honourable Members in their response to the Budget Address, I would like to single out the comments of the Second Elected Member for the Sister Islands in referring to the Budget as a "cookbook". I consider this observation as a very favourable one, as in my estimation a "cookbook" is one that contains recipes defining quantities of items that are to be combined in a certain manner for the purpose of achieving a life sustaining end product. This is a most favourable comment, and a noble comparison by the Honourable Member, as by its implications he is confirming that the Budget is a very digestible one and contains recipes for the continuing economic success of these Islands.

I now turn to the Cost of Maintaining the Cuban Migrants: It was said that by failing to include the cost of maintaining the Cuban migrants in the Budget the document ceases to be meaningful. This conclusion can be

given credence or be set aside, depending on the position taken as to whether such individuals will be remaining in these Islands on a permanent basis. It is evident to all that the ultimate destination of these migrants is the United States of America. It is impossible to determine how soon the immigration hurdles currently preventing them from entering the United States will be resolved; therefore to include an amount in excess of the sum which has been provided for in this Draft Budget becomes debatable as to what that provision should be.

His Excellency the Governor has recently received word that the European community is willing to assist the Government by agreeing to meet the operational costs of maintaining the camp (Tent City) for the Cuban migrants. This assistance, however, will not include the cost of salaries for officers working at the camp on a day-to-day basis. And neither will the funds be paid directly to the Government, but only through a non-governmental organisation such as the Red Cross. This arrangement is currently being pursued and hopefully will be finalised for such assistance to materialise, commencing in early 1995.

The question was raised also by the Second Elected Member for Cayman Brac and Little Cayman that the projected surplus of \$2.9 million at the end of the year would be distorted or would have been a different figure if provisions were made to take into account the expenditure on the Cuban migrants through the end of the year. But I would like to point out that the revised figures for 1994 includes \$1.6 million expended towards hosting the Cuban refugees. This amount is inclusive of the \$150,000 approved in the 1994 Budget. And it was revised upwards to take into account the subsequent approvals by the Finance Committee.

This \$1.6 million is comprised of \$1.3 million for maintenance under Social Services; \$45,500 for repatriation from Cayman Brac to Grand Cayman; \$45,000 for Immigration overtime; \$136,152 for police overtime; and \$30,000 for overtime at the Social Services Department.

Reference was also made to the projected revenue of \$11 million appearing in the Budget for the Civil Aviation Authority as being unrealistic. I should point out that this was not a figure arrived at by the Central Government, but provided by the Authority itself. I should also point out that the revised revenue for the Authority for 1994 is set at a level of \$8.4 million. The difference between that, of \$2.6 million which takes it up to \$11 million for 1995, recognises that the Civil Aviation Authority has taken a decision that the usage of its facilities by the various Government Departments (such as, Immigration and Customs), the rental will be fixed at the economic rate rather than being subsidised, as will be done up through the end of 1994.

In addition to that, I spoke to the Director of Civil Aviation who mentioned to me that there will be a \$1.00 charge per departing passenger from the islands as a form of security tax. This is not a burden that will be recognised by those persons travelling in that it will be built in as part of the cost of the ticket being sold by the air-

lines.

Sister Islands Development: In 1995 exploratory visits will be made to free zones within the regions to investigate the applicability of such economic arrangements to Cayman Brac. It is hoped that this represents one alternative to improving the economic situation for the residents of these islands, particularly Cayman Brac.

I should say that this review has already commenced by the Director of Economic and Statistics, and he will be attending a conference later in December in Miami. It is a means of looking into the possibilities. We cannot be sure what the end product or, specifically, what the arrangements will turn out to be. But we are going to be reviewing all of the opportunities that exist in order to stimulate the economy of Cayman Brac. This will be given high priority for the upcoming year.

The reference to United Funds made by the First Elected Member for Cayman Brac and Little Cayman is noted and I undertake to investigate such a scheme to see the potential that it holds to benefit the Cayman Islands, because at this time I am not familiar with the way it works.

Public Debt: It should be noted that the growth in Public Debt is mainly due to the recapitalisation of Cayman Airways Limited for which a Loan Bill was authorised in 1991 for US\$20 million, but was not finalised until early 1993.

Inflation: the Honourable Minister for Education and Aviation made reference to this. The current low level of inflation was highlighted by that Honourable Minister and I feel that there is a need to expand on this issue by stating that low rates of inflation, in contrast to higher rates which can stifle growth, increase the amount that can be purchased with each dollar.

In effect, what this is saying is that a low rate of inflation, as we have been having, enhances the purchasing power of each dollar that is spent within the local community.

It is interesting to note that we have been able to maintain this low rate of inflation without the intervention of Government, such as the introduction of monetary policies which normally arise or result from Central Banking activities that are pursued in countries such as the United States and some of the other developing countries within the region.

We have been able to achieve this and it is a very good sign that the economic policies of the Government are working. Basically, the broad description of inflation, as everyone knows, is too much money chasing too few goods. This balance is not easily obtained but we have been able to do this, Madam Speaker.

Benefits of Continuous Growth: One Honourable Member asserted that with the current low level of unemployment no benefit to the indigenous population would be derived from continued development taking place in these islands. It should be noted that annually approximately 300 students graduate from the secondary school system searching for employment. Additionally, over the next three years there will be approximately 30 graduates on government scholarships who

will graduate from overseas tertiary institutions. It is estimated that another 30 are privately funded annually. This gives an estimated 60 persons per annum seeking high level jobs. In 1998, this number is expected to grow by almost 50%, bringing the figure to approximately 90 persons.

Therefore, without growth in the economy these persons will be forced to join the rank of the unemployed. It is, therefore, imperative that Government lays the groundwork at this point in time so that these individuals can find meaningful employment at the time when they enter the labour market.

Mutual Funds: One Honourable Member warned of the risks involved in mutual funds to which I am obligated to respond. It should be noted that all activities in life have a risk factor associated with them—including life itself. Mutual funds provide an opportunity for investors to pool their funds together to provide for various forms of investment, which includes investing in the stock markets; in futures; in various financial vehicles that obtain within the financial market. In many instances the motive of this pooling is to allow for the risk factor to be reduced by spreading out the risk, and by hedging risk through a greater degree of diversification than the individual investor could achieve on his own. It should also be noted that the Mutual Funds registered in the Cayman Islands are primarily institutional investors who are well-informed and aware of the risks involved in such investments.

I think the Second Elected Member for George Town would have had difficulty in addressing this in that he may be looking at a mutual fund as an arrangement similar to a fixed deposit. A mutual fund is an investment vehicle where several individuals come together in order to pool their resources to explore investment opportunities. These individuals do not take their money and go out and invest into what is called "Mutual Fund". These are individuals who have their funds under the umbrella of an arrangement styled "Mutual Fund", they then take their money out into the community to explore investment options such as investing in the stock market, or other investment opportunities that they are of the view will yield a return. Therefore, it is not a question that this constitutes any greater risk than any other investment vehicle.

Shipping: The question was raised as to the economic viability of that arrangement, and whether the Government should consider taking a decision to close the Marine Survey Department.

I should point out that the revenue that is generated by the Department is not obvious at a first glance. The way the Estimates are structured allows for revenue generated from shipping activities to be factored into other areas of revenue. For example, in the 1994 Estimates the expenditure for this department, including promotional costs, will be \$350,000. A breakdown of revenues is shown: Ship registration fees—\$250,000; marine survey fees—\$70,149; and marine manning licences—\$19,549. When these sums are totalled and compared with the \$350,000 it seems that the depart-

ment is just operating in a break-even mode. It is to be recognised, however, that most of the ships on our Register are covered by a company being formed. From those companies, which are holding companies for these vessels, it is estimated that a sum of \$520,000 is generated for fees from existing companies.

Also, before the end of the year there will be another \$45,000 fee taken up by new companies being formed in order to hold new vessels that will be brought on to the Register. So the revenue – generating potential of that department falls short of a \$1 million, by just about \$96,000, for the year 1994. This is a very good estimate.

When it is compared it is seen that this Register is now into a revenue-generating mode and is not a loss leader as is the general feeling that is being held concerning this activity. So the net surplus when the estimated revenue for 1994 is compared with the expenditure is approximately \$600,000.

Reference was made again as to the credibility of the Budget on the basis that the new revenue measures were not given in detail. Subsequent to the Budget Address Members would by now have received in hand a copy of a Bill to increase the tourism accommodation tax from 6% to 10%. It is anticipated that this increase will generate an additional \$4 million commencing – initially it was thought – in 1995. However, the reason why it was not brought at the time was no mystique; nor was the Government attempting to withhold any information. The Honourable Minister, under whose Ministry this subject falls, requested time to consult with the managers within the tourism sector to get their views as to when would be an appropriate time for the introduction of these increases.

After discussions with them he took the view that it would be best for this Bill to be introduced as of the 1st of June. So, in effect, before anyone raises a question as to whether the full \$4 million will be realised, we can say that 7/12 (seven-twelfth) of that is likely to be realised, which means that there could be a shortfall of approximately \$1 million or more.

Madam Speaker, what we are also doing in tandem with this, is the new services provision of the Estimates provides for the recruitment of an officer who will have responsibility for pursuing the arrears of revenue. We know that this is one area (and I will share a part of the blame as the Financial Secretary) where enough attention has not been given to policing it to ensure that all revenues due to Government are collected.

We see, for example, by questions being raised by Honourable Members in this House, where the revised figures as appearing in the Estimates for 1994 are over \$1 million in excess of what was budgeted.

We have had calls from owners and managers who have been late in submitting their returns: there is a penalty normally incurred by failing to submit a month's return within 28 days of the subsequent month. And hotel managers have become very vigilant. If there are any administration hurdles that come in the way to prevent this from being done they are normally calling to ask for

this to be addressed at an early point.

Madam Speaker, with the number of persons in that area being reinforced, commencing in 1995, we feel that we will achieve a higher level of policing and what would otherwise be a short fall will be compensated for with the increase in revenue that will be coming about. So, effective 1996, we will have the full impact of the \$4 million that has been targeted.

The next area from which it is estimated that the additional \$600,000 will be raised will be an increase in the garbage fees and refuse disposal services. The regulations are currently being worked on at this time by the Legal Draftsman.

I should point out that a study carried out several years ago recognised that this was one area that was heavily subsidised by the Government. It was demonstrated that, for example, the average cost of collecting refuse per household in the Cayman Islands amounted to approximately \$200 per annum.

Against this the Government was only collecting a sum of \$50. It is felt that while the Government will not seek to recover the cost in full, there should be a further increase in this area, and private houses and apartments will be increased from \$50 to \$100 per annum. In order to ameliorate this, Madam Speaker, the Government has taken a decision that, rather than this sum being paid in one lump sum at the beginning of the year, it can be paid biannually, which means in two instalments. The Government has insisted on making a further provision for those Caymanians who are not at this time getting a guaranteed income, or monies from other sources; also, for those having difficulty in paying their garbage fees at the current rate and who would have further difficulty with the increase that is now being introduced. Provisions are now being made within the regulations, for the Financial Secretary to waive those fees upon request so that it will not pose a burden for these individuals; not only for the year 1995, but for subsequent years.

Once it has been proven that the sum is quite onerous to a person, he can submit a request to the Financial Secretary's office where it will be dealt with in a non-embarrassing manner. There will be no one going around probing in to anyone's finances. We recognise that these are individuals who are 60 years old and over, who are proud individuals, and the Government is very concerned and will not put them in an embarrassing position. If there is no means of income from any guaranteed source at this time, the Government recognises that there is a need for these individuals to be assisted, and they will be. So, private houses and apartments will be increased from \$50 to \$100.

For the benefit of Honourable Ministers/Members in the House, I will read the provision that has been made:

"Provided that the Financial Secretary may in his discretion waive this fee in whole or in part, whether prospectively or retrospectively if he is satisfied that having regard to the financial circumstances of the persons liable under these regulations for payment of fees, it is

equitable for him to do so;

1. Condominium units will be increased from \$100 to \$150.
2. Hotels (bedrooms 1 - 19) from \$600 to \$800; (bedrooms 20 - 39) from \$1,200 to \$1,600; (bedrooms 40 -60) from \$1,500 to \$2,500; (bedroom 61 - 100) from \$2,000 to \$3,000; (bedrooms 101 - 150) from \$3,000 to \$4,000; and (bedrooms over 150) from \$3,500 to \$5,500.
3. Lodging Houses (other than hotels) will be assessed at an annual rate of \$225.
4. Restaurants (without bars) seating capacity (1 - 15 seats) from \$150 to \$250; (16 - 30 seats) from \$300 to \$500; (31 - 50 seats) from \$425 to \$600; (51 - 75 seats) from \$625 to \$800; and (over 75 seats) from \$800 to \$1,000.
5. Restaurants (with bars) seating capacity (1 - 15 seats) from \$150 to \$300; (16 - 30 seats) from \$300 to \$600; (31 - 50 seats) from \$425 to \$800; (51 - 75 seats) from \$625 to \$1,000; and (over 175 seats) from \$800 to \$1,200.
6. Business premises (offices) from \$100 to \$200.
7. Small offices (less than 1/4 cubic yard of garbage and refuse per week) from \$100 to \$200; medium (a quarter to one cubic yard of garbage and refuse per week) from \$500 to \$800; and more than one cubic yard of garbage and refuse per week from \$1,320 to \$1,600 per annum.
8. Containers: (front-loader, rear-loader and skiffs) 2 yards: there will be a levy of \$350 per annum. At present there is no charge for this. From 2 - 4 yards: \$600 to \$700; in excess of 4 yards to 6 yards: \$800 to \$1,000; and in excess of 8 yards from \$1,000 to \$1,200 per annum.
9. Emptying of Containers: (daily) from \$1,560 to \$1,800 per annum; 2 days per week from \$520 to \$750; 3 days per week from \$780 to \$900; 1 day per week remains unchanged at \$300.
10. Roll-on, Roll-Off fees: Containers (stationary) 28 cubic yards remains unchanged at \$4,200; Emptying of Containers remains unchanged."

The Speaker: Honourable Financial Secretary, I have reached a point where we could suspend. There is a service at 12 noon. Would this be a convenient time for you?

Hon. George A. McCarthy: Yes, Madam Speaker, I will be through by then.

The Speaker: Proceedings will be suspended until two o'clock.

PROCEEDINGS SUSPENDED AT 11.44 AM

PROCEEDINGS RESUMED AT 2.01 PM

The Speaker: Please be seated.

The Honourable Third Official Member winding up the debate on the Appropriation (1995) Bill, 1994.

Hon. George A. McCarthy: Thank you, Madam Speaker. When we took the break I was outlining the increases which will be taking place with the garbage collection fees commencing in January of 1995. I had reached the point where I was dealing with the removal of derelict vehicles: I will continue. For removal of vehicles within the following areas, fees will be increased as

follows:

1. Central George Town – \$30 to \$50;
2. From West Bay to George Town – \$30 to \$50;
3. From Bodden Town to George Town – \$30 to \$50;
4. From Bodden Town and the Eastern Districts – \$35 to \$60.

Removal of animal carcass within the following areas:

1. From George Town: \$30 to \$50;
2. From West Bay : \$30 to \$50
3. From Bodden Town: \$30 to \$50
4. Districts east of Bodden Town \$35 to \$60
5. Small carcasses (dogs, cats, et cetera) unchanged at \$25; and
6. Portable toilets with daily servicing will be \$75

For those that will be provided on a monthly basis; these are sites that will be using such facilities over monthly periods will be \$250 basis.

The following increases will also be effected by the Department of Environmental Health by amendments to the Mosquito Research and Control Regulations. I read:

"The following fee shall be payable to the Director in respect of disinfectant of aircraft and ships, space spray (treatment with spray bombs) from \$6 to \$10; light aircraft (12 passengers capacity or less) \$6 to \$10; heavy aircraft (more than 12 passengers capacity) \$10 to \$20; ships (sloops of up to 150 gross tons) \$20 to \$25; ships over 150 gross tons plus crew accommodation from \$25 to \$40; and ships over 150 gross tons from \$25 to \$50.

Residual spray every three months commencing with ships of up to 150 gross tons – \$30 to \$60; ships over 150 gross tons—\$50 to \$100; containers by spray bombs, with or without, misting or fogging (over 20 feet in length) \$12 to \$20; and (up to 20 feet in length) \$15 to \$30.

Spraying on Sundays, Saturdays or on Public Holidays: (from midday until 5 p.m.) and all days between 5 p.m. until midnight and between midnight and 8 am for services listed is from \$8 to \$15 per hour or part thereof.

These constitute the increases in fees that will be introduced by the Department of Environment effective as of the 1st of January, 1995. As I mentioned earlier, homeowners and apartment owners will have the option of paying the amount of \$100 in biannual instalments or single sum by a programme to be introduced by the Government.

The Fourth Elected Member for George Town, asked for an explanation of what he viewed as two conflicting occurrences; the increase in the number of work permits and the reported increase in Caymanians employed in the finance and business sector. At the time of the Budget Address I highlighted the increase in total employment in this sector. The increase in employment was partially met by an increase in Caymanians employed. But the remaining jobs were filled by non-Caymanians representing the simultaneous increase in work permits.

It was also argued by the Second Elected Member

for Cayman Brac and Little Cayman that several projects in the Estimates were undervalued as a method of balancing the budget for 1995. This view is not correct. It should be borne in mind that the Budget is a one-year document, but close examinations of the budget will demonstrate that especially for capital programmes where they are commencing in 1995, provisions are also made by showing what the likely expenditure will be in the years 1996 and 1997.

The reason for this is that most capital projects by the Government are of a short development life and normally take place within a three-year time frame or less. This demonstrates the total amount of expenditure that will be incurred within any given period in carrying through any aspects of a capital programme. However, the only amount that can be shown for the year 1995, for the Budget to remain as a meaningful document, is the expenditure that will be incurred within that calendar year. To put a sum over and above the full cost of—let us say for example, a road project that has a projected development time frame of three years – to put in the total cost for the three years would become somewhat misleading. It will not really be showing the amount of expenditure that will be consumed within the one-year time frame of the Budget. However, to make sure that information is not omitted, it is shown in the document over the remaining life of the development of this project.

The Fourth Elected Member for George Town questioned whether the provision of the Manager for the Agricultural Development Board was being carried out by two Ministries. Madam Speaker, this is not so. During the course of this year this post was initially under the Ministry of Agriculture, Communications and Works. As a part of the amalgamation exercise and reorganisation of the subjects by Ministry, this post was transferred during the course of the year and now falls under the Ministry of Community Development, Sports, Youth Affairs and Culture. So it is not a question that it is being carried in two places at the same time.

The Second Elected Member for Cayman Brac and Little Cayman also made reference to the fact that the Government will be taking back one per cent of civil servants' salaries. To be tabled during the course of this session will be the Actuary Report setting out Government's liabilities for pension obligations to civil servants. It shows that in order for the pension liability, the past service costs especially, to be properly funded it will require that the Government have in place assets in excess of \$60 million. When this takes account of existing civil servants, not only the time for which pension rights have accrued up to present time, but projecting through the time of their retirement, it shows that the funding that should be in place (asset base) to support this pension obligation should be in excess of \$90 million.

It also shows that in order to achieve a funding that would be appropriate for addressing this liability, the Government would have to set aside approximately 39% of what is now being paid by way of salaries. Now, for this to be done it would constitute an onerous and harsh liability and would mean that the Government would

have to find funding from other sources. To do so, especially 39% of personal emolument, would be very harsh to attempt to address this in the short-run.

The Management Council of the Civil Service Association and the Public Managers' Association, recognising the problem that this is likely to bring about for the Government, and the Government, in turn, recognising its obligation, are now in the process of having discussions on this as a means of addressing it.

It is known that at this time the Government is making a contribution of approximately 4% to the Pension Fund and there is a 4% drawback from the salaries of civil servants making it a total of 8%. It was demonstrated by the Actuaries that if the Government were to start paying its pension obligations from this 8% fund, it would run out by the year 2001. It would be very short-lived.

It is also shown that if the Government fails to take appropriate actions in regard to pension liability, what would be a general burden on General Revenue or Expenditure within the next 25 years could be in excess of \$40 million per annum. Now that, by any stretch of the imagination, will not be a small sum. So, as a means of commencing to address this matter, discussions are now on the way (at least in the short-run) to increase the level of total contributions into the Fund to the level of 15%. This will be done in stages commencing in 1995 for the Government to increase its contribution level from 4% percent to 6% percent. There is no agreement as yet between the Management Council of the Civil Service Association and the Public Managers' Association as to how the Civil Service (as a body) is going to be addressing this.

One argument that has been mooted is that a further increase of one percent, if civil servants are agreeable to make this contribution by allowing for a deduction to be made from their salaries, this would take it up to 11%. This would make it short of approximately 4% to achieve the 15% level.

This is an interim step. It is a liability that is not to be taken quite lightly because there are hundreds of civil servants who have been employed over the years, including myself, who have worked quite hard. We know that the Civil Service is not a place for anyone to get rich, it is a question of public service and duty to one's country. When civil servants go into retirement their life line is often dependent upon the pensions that will be paid to them by the Government. And not to have a fund in place while demands against the Government coffers are increasing would not amount to wisdom, Madam Speaker. This is why it is now being addressed.

At the same time it means that the Pensions Law will need to be amended as well, because we are talking about divesting of pension benefits. It is not a matter that should be discretionary anymore; it is a matter that should constitute an investment (an entitlement) by civil servants and pensioners of this country. It means that at any point in time, once this reform is introduced, one should be able to demonstrate to any given civil servant who has pensionable entitlement against that Fund what

the accumulated benefits of this person are. And this should cover all the pensions—Parliamentary Pensions, Civil Service Pensions—because as the number of persons entering the political arena and the Cayman Islands Government continues to expand, it means that the liabilities will only continue to increase.

We are at a point now where it is bearable against the Revenues of this country in that the total pension payments for 1994 will not exceed \$2.2 million. We cannot run the risk and leave this unattended for the next 20 years and believe that it is going to be like that. It will be consuming at least 10% to 15% of the budgeted provisions at that time.

The question was also raised as to what the Government was doing with Cayman Airways, in that over and above this subsidy of \$4 million there is a further provision of approximating \$2 million appearing in the Estimates being provided to Cayman Airways. This will not represent a cash payment. But over the years Cayman Airways incurred certain indebtedness by failing to pay its landing fees to the Civil Aviation Authority. It was felt that since the Civil Aviation Authority was an inter-Governmental Department, when the recapitalisation financing of \$20 million was secured, the best way to make disbursements of these funds would be to pay off third party creditors and see what could be done in terms of dealing with amounts owing to Government Departments.

Therefore, amounts paid by the Treasury Department in respect of overtime due to Customs Officers, or work performed by Customs Officers for which reimbursement should have been made by Cayman Airways amounted to a sum of approximately \$700,000; and the amount of money owing to the Civil Aviation Authority amounted to approximately \$2 million. To have made payments to the preferred creditors and also settle the amount of money that was owing to these governmental departments would require a sum in excess of the \$20 million that was raised.

Madam Speaker, a decision was therefore taken that this should be capitalised and the Government should recognise this as an inter-governmental settlement whereby the obligations of the Civil Aviation Authority to central Government is made up of the equity in the Authority at that time the entity was made an independent body, in that a valuation was placed on the assets and the liabilities and when it was netted the difference was taken as a loan that was due by the authority to central Government.

The Civil Aviation Authority is paying this [loan] on an annual basis and it was therefore felt that if the Government assumed this obligation of approximately \$2 million and offset this sum making it a corresponding offset against the liability (the sum due from the Civil Aviation Authority) would constitute a fair and reasonable settlement.

The Civil Aviation Authority would not be worse off for having given up the benefit of collecting \$2 million cash from Cayman Airways; and Cayman Airways, in the short-run, would not have been in a position to have

made that payment.

For the Government to contain its public debts within reason it was felt that the recapitalisation loan should not have been extended beyond the \$20 million (US) that was borrowed. So this is why this sum is there. It is just a book entry and will not mean an outflow of cash.

Madam Speaker, it seems that I have covered all of the concerns and points raised by Honourable Members of this House. I commend the Budget to this honourable House and I would like to thank you for your patience, and for guiding Honourable Members and myself in our presentations. I would like to once again thank the Ministers/Members of Government for the time spent in going through the Budget Review process and also Heads of Departments, all the staff members who have been involved, in one way or the other in the process to have made this meaningful.

I also thank every Member of the Legislative Assembly for their points raised, because for those points which sought clarification it also helped for me to have carried out further review and to do other research to come up with an answer. By so doing, the public has been better informed.

Thank you very much, Madam Speaker, and I am also thankful to the Clerk and the other staff members of the Legislative Assembly.

I commend this Budget to this honourable House.

The Speaker: The question is that a Bill entitled the Appropriation (1995) Bill, 1994, be given a Second Reading. I shall put the question, those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: THE APPROPRIATION (1995) BILL, 1994 STANDS COMMITTED TO THE FINANCE COMMITTEE.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, can we have a division?

The Speaker: I have said that the Bill now stands committed to Finance Committee, so that moment has passed.

Would the Honourable Financial Secretary indicate when the Finance Committee will be meeting?

Hon. George A. McCarthy: Madam Speaker, this afternoon. The Government is of the view that a short break followed by Finance Committee would be in order.

The Speaker: Can you give a time please?

Hon. George A. McCarthy: At 3 o'clock this afternoon, Madam Speaker.

The Speaker: Accordingly, I will ask for a motion for the adjournment of the House until consideration of the Appropriation (1995) Bill, 1994, and the Estimates in Finance Committee.

The Honourable Minister for Tourism, Environment and Planning—Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this Honourable House until Finance Committee is ready to report back to the House.

The Speaker: The question is that the House do now adjourn until the Finance Committee has completed its deliberations and is ready to report to the House.

I shall put the question, those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned.

AT 2.27 PM THE HOUSE STOOD ADJOURNED UNTIL CONSIDERATION OF THE APPROPRIATION (1995) BILL, 1994 BY FINANCE COMMITTEE IS COMPLETED.

**WEDNESDAY
30 NOVEMBER 1994
10.16 AM**

The Speaker: I will ask the Third Elected Member for West Bay to say prayers.

PRAYERS

Mr. John D. Jefferson, Jr: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth 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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

Presentation of Papers and Reports. Report of the Standing Finance Committee on the Appropriation (1995) Bill, 1994. The Honourable Third Official Member.

**PRESENTATION OF PAPERS
AND REPORTS**

**REPORT OF THE STANDING FINANCE COMMITTEE
ON THE APPROPRIATION (1995) BILL, 1994**

Hon. George A. McCarthy: Madam Speaker, I beg to lay upon the Table of this honourable House, the report of the Standing Finance Committee on the Appropriation (1995) Bill, 1994, and the Draft Estimates of Revenue

and Expenditure of the Cayman Islands Government for the year 1995.

The Speaker: So ordered.

Hon. George A. McCarthy: Madam Speaker, in accordance with the provisions of Standing Order 64(3), the Appropriation (1995) Bill, 1994, having been read a second time on the 23rd November, 1994, together with the Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year ended 31st December, 1995, stood committed to the Standing Finance Committee.

The Committee sat for four days commencing on the 23rd through the 25th and the 28th of November, 1994. The attendance of Members is recorded in the Minutes of Proceedings which is attached as a part of the Report.

In accordance with Standing Order 64(1), Clauses 1 and 2 of the Bill stood postponed until after consideration of the Schedule. In accordance with Standing Order 64(2) and (3) the various Heads under the Schedule were considered and approved without amendments.

The amounts approved under the various Portfolios and Heads are as follows:

OFFICE OF THE GOVERNOR

Head 01—His Excellency the Governor	CI\$ 413,614
Head 02—Cayman Islands Audit Office	423,447
Head 03—Judicial	1,913,992

PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

Head 04—Portfolio of Internal & External Affairs	914,084
Head 05—Immigration	2,404,886
Head 06—Police	8,961,649
Head 07—Prison	3,418,432
Head 08—Personnel	4,618,616
Head 09—Sister Islands Administration	2,679,858
Head 10—Legislative	1,388,545
Head 11—Information and Broadcasting	966,094

PORTFOLIO OF LEGAL AFFAIRS

Head 12—Legal Affairs	1,520,691
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PORTFOLIO OF FINANCE & DEVELOPMENT

Head 13—Portfolio of Finance and Development	16,997,158
Head 14—Financial Services Supervision	942,699
Head 15—Customs	2,833,211
Head 16—General Registry and Shipping	835,316
Head 17—Economics and Statistics Office	457,359
Head 18—Treasury	707,979

MINISTRY OF TOURISM, ENVIRONMENT AND PLANNING

Head 19—Ministry of Tourism, Environment and Planning	805,028
Head 20—Fire Services	3,773,208
Head 21—Planning	1,223,326
Head 22—Environment	5,993,846
Head 23—Tourism	15,726,265

MINISTRY OF COMMUNITY DEVELOPMENT, SPORTS, YOUTH AFFAIRS & CULTURE

Head 24—Ministry of Community Development, Sports, Youth Affairs & Culture	3,254,931
Head 25—Social Services	5,910,790
Head 26—Labour	221,661

MINISTRY OF HEALTH, DRUG ABUSE PREVENTION AND REHABILITATION

Head 27—Ministry of Health, Drug Abuse Prevention and Rehabilitation	1,839,128
Head 28—Health Services	15,094,625

MINISTRY OF AGRICULTURE, COMMUNICATIONS AND WORKS

Head 29—Ministry of Agriculture, Communications and Works—	\$1,529,819
Head 30—Lands & Survey	1,748,213
Head 31—Agriculture	1,823,904
Head 32—Postal	1,385,867
Head 33—Public Works	5,750,689

MINISTRY OF EDUCATION AND AVIATION

Head 34—Ministry of Education and Aviation	2,577,666
Head 35—Education	17,665,565

CAPITAL

Head 41—Local Revenue (LR) — Capital Acquisitions	4,009,240
Head 51—LR — Capital Development	15,968,765
Head 52—Local Loan Funding — Capital Development	3,313,104
Head 53—External Loans (EL) — Capital Development	0.00

NEW SERVICES **696,565**

TOTAL EXPENDITURE **\$162,709,835**

Clauses 1 and 2 of the Bill, the Schedule and Title of the Bill were passed, the relevant Questions having been put by the Chairman.

Other Business: The Committee also considered two items not related to the Appropriation (1995) Bill, 1994, and these are as follows:

(i) Request for variation of the Resolution Re: Low Cost Housing:

The Committee considered a request to vary the Resolution passed at its meeting held on the 19th Octo-

ber, 1994, regarding the Low Cost Housing Scheme, and that the existing Agreement be amended to read:

“to allow any Bank or Company approved by Executive Council to provide financing to the Low Income Housing Scheme up to a maximum aggregate amount not exceeding CI\$3,000,000 per annum (over the specific amounts approved for the named Banks) for a period not exceeding two years. In the event of the three Banks named in previous resolutions not committing themselves to the Scheme by 31st December, 1994, Executive Council may approve any other Bank or Company to provide the financing as would have been provided by these Banks.”

The second item:

(ii) Request for authorisation Government Guarantee of \$22.15 Million on behalf of the Water Authority:

The Committee agreed unanimously that –

(i) The current Government Guarantee of US\$5.83 million be increased to US\$22.15 million on behalf of the Cayman Islands Water Authority in favour of Canadian Imperial Bank of Commerce Bank and Trust Company Ltd., who will provide a loan to clear the existing loan with Caribbean Development Bank and to provide additional funds to construct the proposed Lower Valley Reservoir, Pumping Station and other works; and

(ii) The Caribbean Development Bank Loan of US\$6.20 million be repaid.

The Committee agrees that this Report shall be the Report of the Committee to be laid on the Table of this Honourable House.

Thank you, Madam Speaker.

The Speaker: Sports Development in the Cayman Islands—A National Policy Statement.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

SPORTS DEVELOPMENT IN THE CAYMAN ISLANDS—A NATIONAL POLICY STATEMENT

Hon. W. McKeever Bush: Madam Speaker, I beg to lay on the Table the Sports Development in the Cayman Islands—A National Policy statement.

The Speaker: So ordered.

Hon. W. McKeever Bush: In laying on the Table of this Honourable House the document entitled `Sports Development in the Cayman Islands: A National Policy State-

ment', I crave your indulgence because I believe it would be helpful to Members, and to the general public, to make some general observations.

I will preface my remarks by pointing out what is obvious to those who have rolled up their sleeves in the enormous task of nation-building which faces us. The point is that in spite of the many achievements of the Cayman Islands Government and people over the years, not enough attention has been paid to the social infrastructure of the country. I think it will be generally agreed that sports is an important part of such infrastructure. Therefore, I trust that any commentary on the paper being presented will consist of constructive criticism.

The approach now being taken towards sports is summarised in the phrase "Sports for All". All the objectives set out in the document can be grouped under four broad Headings, namely, health promotion, prevention of social ills, competition, and tourism.

Health promotion is critical to our mental and physical well being in that the major causes of death and much of the stress and ill-health in the Cayman Islands are life-style related, and thus preventable through a regular exercise programme and sensible dietary practices. I am pleased to be able to say that the Ministry of Health has indicated its support for health promotion in general, and, in particular, for sports as a positive way of implementing same.

I believe it is true to say that we have some way yet to go in developing an active partnership in this area with medical professionals; but given their overriding interest in good health, as opposed to treating illness, I expect that they will be among our strongest supporters in this effort to enhance the quality of life through promoting wellness, as well as in the long run reducing the National Health bill.

We share another area of keen interest with the Health Ministry where sports can be seen to play an effective role, that is, in the area of preventing drug abuse. I have said many times before that every child who is actively participating in sports is a child who is going to be more difficult for the drug dealer to reach. And it obviously goes far beyond this seemingly custodial relationship. The lasting benefit of consistent involvement in sports stems from its value as a socialising agent and shaper of personality. The Ministry of Health understands this, as we do, and this is why with responsibility for drug abuse prevention, their support is forthcoming.

I would similarly expect that the National Curriculum which is to be developed under the auspices of the Education Ministry will be another pillar of support, added to the collegial support already received from that quarter. Once properly rationalised in regard to its Physical Education content, the Curriculum will provide, on an ongoing basis for successive groups of students, the fundamental understanding of the importance of sports to health, which will continue to serve them as they grow through adulthood.

Of course, all these positive activities require physical facilities, as do competitive activities among the high-performance athletes among us. I should like to note

here, in passing, the excellent support of the Ministry for Lands and Works, and especially the Public Works Department in the development of the facilities and plans for facilities under the present administration. In catering for high-performance athletes, please bear in mind that this includes all those who commit to a more or less rigorous schedule of training and organised, scheduled competition under the auspices of more than two dozen national associations—many hundreds of persons.

It has been said that there are no programmes in place to warrant the building of facilities. This policy statement addresses programmes, but let me give a few more details for the benefit of those who may not know or seem not to know.

In Cricket, Madam Speaker, the Primary School League, seven schools participate with some 105 children. There is a first division men's with five teams, with approximately 25 players on each team—125 players. Then there is a second division with another five teams with approximately 25 members on each team making a total of 125 players.

We should note that a combined schoolboys' team of boys from both high schools played in the second division and gave a good account of them.

Swimming: Approximately 860 children and 150 adults pass through the 'Learn to Swim' programmes at the Lion's Centre Aquatic Centre annually.

Basketball: Approximately 170 players participated in a recently concluded league in the following categories: Boys Under 14 and Under 16; Girls Under 14, Under 16; then there is a men's and a women's league.

In **Netball** there are 100 children, in the Under 9 age group; 84 in the Under 10 group; 75 in the Under 13 group; 60 in the Under 14 group; 150 in the Under 16 group. Then there is a talent club of 50 children and 40 senior women, for an actual membership of 559 participating in the Netball league.

We should note that Netball programmes for this age group begins in October and end in June and national squads are formed for international games.

We should also note that Netball is used as a medium to assist in lifelong experience and development, and Netball is also taught and played in every school in this country except Wesleyan, Truth for Youth and Edmer's.

As of the 30th of November, 1994, the National Team will begin training for the world championships in July 1995 in Birmingham, England. As of January 1995 all of the above age groups will be playing intra-district leagues.

In **Volleyball** there are 16 teams – 10 players per team, for a total of 160 participants.

In the **Little League Softball** teams there are approximately 700 participants. There are all age groups up to under age 16.

In **Badminton** there are 50 adults and 70 children. In **Squash** there are 200 adults and 45 children. We have 28 youths in **Special Olympics**, 15 adults and 35 coaches.

In **Cycling** there are 15 under the age of 18. There are 30 adults and 15 volunteers.

Then there is a **Sports Youth Summer Camp**.

In Cayman Brac there was one **Football Camp** with 50 persons and one **All-Sports Camp** which was mainly conducted by the Sports Office with participation by some 50 young people.

Approximately 150 young ladies attended the Netball camp at the Lion's Centre. Approximately 150 children of all ages attended a Basketball summer camp. Approximately 95 children attended a Cricket camp during the summer. Approximately 450 children and 330 adults were involved in summer classes at the Lion's Aquatic Centre.

International Camps: Two of our talented young people (youth goalkeepers), were sent to a Goalkeepers camp in Florida during the summer.

In **Boxing**, Charles Whittaker is currently being trained in Florida and has recently won a professional fight. He is expected to do well.

There were several coaches who went to Jamaica for training in Cricket.

Football Programmes: As with other sports, the programme is centred around organised competition which requires a cadre of volunteer coaches, managers, 'team doctors', 'waterboys', supporters, family and friends, along with Government and private sponsorship.

In Football there are nine league competitions either currently active or in the pipeline for the immediate future, as follows: 17 and Under League - 6 Teams; Under 15 League - 4 Teams.

I should say that in the age 17 and under group, there are some 180 players; and the Under 15 League, the four teams there have 60 players.

Under 13 League – 5 Teams, 15 players each = 75 players; Under 11 League A and B Divisions Primary Schools – approximately 390 children; Under 9 League A and B Divisions (Primary Schools) a total of 633 under the age of 17; Senior Men's Division 1 and 2, 18 teams for a total of 450 participating; Cayman Brac – Men's League 4 Teams 25 on each team = 100; Over 30 (Men's League) 6 Teams expected with unlimited registration for approximately 120 players.

The total number of adult men directly involved in Football is 670. There is also the Women's League with 4 Teams—25 players each = 100.

It should also be noted that this will be the first ever Women's League competition and that the efforts made by the Football Association, strongly supported by Government to establish links between the junior and senior teams, is now bearing fruit.

In almost all instances the juniors are being coached by players or coaches from their 'host' senior men's teams.

Youth football camps were revived under this administration, spearheaded by interested parties in the private sector and supported by the Football Association. Cayman Brac has been included. This year alone over 400 youngsters took part, and another clinic, sponsored by Adidas, is to be held here in December.

The first annual District Competition, sponsored by Caribbean Utilities Company (CUC), took place this year and included Cayman Brac.

These programmes are conducted in partnership with volunteer organisations and national associations and any sensible person will understand that there are many programmes.

It is among these persons that we can see clearly illustrated the benefits of self-discipline and value in achievement – the benefits of personality development in general – which comes out of sports. These athletes not only provide entertainment, but also inspiration especially to the youth of the country. It is important that there should be conditions which are safe for play, conducive to good performance, and comfortable for patrons.

It should be borne in mind, too, that the number and diversity of patrons whom we seek to accommodate could very well extend beyond our own population. We are conscious, as is the Tourism Ministry, that the amenities for participation in sports, either as a spectator or user of facilities, are more and more on the list of provisions expected by travellers. A simple example is the increasing numbers of visitors we see walking or running along West Bay Road.

It goes far beyond this, however, to certain 'niche markets' in tourism, which I will say more about shortly in discussing the National Sports and Recreation Centre. The point is, in any event, that there are some possible revenues to be earned in this area, along with all the other benefits already named.

I could easily speak for much longer on any of the aspects I have already touched on, but I trust I have argued the case enough on other occasions that I can leave anyone listening to see behind what I have said. I will only touch on one specific proposal in some detail, that is, the proposed National Recreation Centre, since this has in fact been kicked around so much of late.

Before I do, however, I would like to say, yet again, how grateful the Government is to all those amateur sports persons (that is, persons playing without financial reward, and often at cost to themselves), the volunteer organisers, coaches, and so on, and the supporters and sponsors. Without all of them, there would be a massive gap in the social life of the Cayman Islands. We would be a much poorer people in spirit and in health.

In the coming year, we have undertaken to provide a few coaches in some of the priority sports, in an effort to enhance development, and we also plan to renew our efforts to make it easier for people who wish to give volunteer service. The proposed time release programme, whereby arrangements could be made for the release of employees once or twice a week for a couple of hours per day, can facilitate needed voluntary work not only in sports but in other areas of community service.

I should say that in this time release scheme there are already some 10 or 20 persons involved.

Now to get on to the National Sports and Recreational Centre.

NATIONAL SPORTS AND RECREATIONAL CENTRE

The proposal to construct a National Sports and Recreation Centre has been questioned in recent weeks by certain parties. I am moved once again to ask if those persons raising the questions have simply not given due consideration to the matter, or are they merely being mischievous?

I must point out first of all that Government owns very few sizeable pieces of property, and those that are potentially suitable are already slated for other development. Naturally, in order for a National Centre to be planned properly, adequate land had to be identified. This was part of the task of the National Facilities Committee set up by Government early in 1993.

This Committee examined several areas: The property behind the Middle School – the new George Town Sports Centre – was looked at but did not serve to be adequate. Not much can be built on it except for what is now being built there – football fields, grandstands and related facilities – the main reason being that the adjacent available property was already slated for development and needed expansion of the Community College.

Another area which was examined by the Committee was the property opposite the Holiday Inn on the swamp side and adjacent to Safe Haven on the George Town side. Part of this property was offered to Government by the leaseholders with these conditions:

- 1) That they would give back to Government 80 acres of the swamp joining the North Sound, if Government would give them free and clear the 40-odd acres adjoining the West Bay road.
- 2) There was no support for this proposal in Government. It was felt that in the long run this land now on lease should revert to the people of these Islands in its entirety.
- 3) This property found favour with some of the Committee members.

The proposed development in Spotts was made known to the Committee and so far, all of the members have given their support.

In addition, the three opposition members were appraised by me of Government's intention to purchase the Spotts property for a national centre and they gave me, at that time, their support.

The Cayman Islands are not as affluent as some people say we are, but by the grace of God, hard work, and careful attention to standards, we have done remarkably well for such a small community. We have paid a good deal of attention to building up our infrastructure, in the process, but this infrastructure has often catered to either promoting further economic growth, or to absorbing its impact in physical terms.

Take roads, for example: Good and sufficient roads are essential to facilitate communications and transportation, which are critical to doing business; they also accommodate the growing traffic, which is a benefit –

maybe I should say a consequence – of economic growth.

Meanwhile, however, facilities which lend themselves to the enhancement of the quality of life, which seek to create spaces and amenities to enable us to socialise and enjoy ourselves, in a healthy environment, have not received anywhere near the same amount of attention. If we stop and take stock of what has been provided for the population of these Islands in this respect, we have to conclude that we have fallen short.

This Government has made a commitment to address this shortfall – quickly, and in a meaningful way. As you will see, the plans call for development of sports and recreation facilities on three levels: *district*, *regional*, and *national*. In three cases – West Bay, George Town, and Cayman Brac – the district and regional facilities actually go together for the most part.

The bone of contention seems to be that the National Sports and Recreation Centre is unnecessary, and too expensive. I ask the critics to bear in mind that this Centre is to be developed over a period of 10 years, in manageable phases. The factor of cost, however, is really best judged in relation to the need and the prospective returns. I have already hinted at the reasons why a need exists for such a facility, and implied some of the return which may accrue. Let us look at a few specifics.

We should not underestimate the value of the rest and relaxation element which comes with such a facility, offering as it does the possibility of hosting high standards of competition. This will be a boon to us as we face the mental and emotional stresses of a growing society and economy. Neither should we underestimate the need to provide a large park area, with walking trails, picnic areas, swings and benches for our children, et cetera, such as is intended to be provided in the National Centre.

Can it be denied that there is a need for such an amenity in this community? Which community above the subsistence level, would hesitate to develop facilities such as this, to provide for the recreational needs of its elderly and very young?

Can any of us truthfully say that there is presently available in Cayman adequate provision for the clean recreation of families? Can we really say that there is not need in the present situation for the proposed types of amenities, to cater to families?

We make more and more demands, have higher and higher expectations of what families are expected to do, and to be. There is too much television being watched, we say, not enough time being spent with children, not enough attention being paid to family life. Should we not seek to facilitate more positive developments in this area? Is it too much to expect that public amenities such as this will be developed by the Government? The Government's expenditure is of public funds: should not the public be able to enjoy the fruits of it?

This same line of reasoning applies to the proposed Olympic sized pool, which is intended to be developed

side by side with recreational aquatic facilities. This kind of development has been done very successfully in Canada.

Of course, the major element of the National Sports and Recreational Centre is intended to cater to the high performance athlete. This is really only sensible planning. To those who say, "Let the regional facilities suffice." Let me respond that there is no point in taking our young athletes to some half-way stage and then letting them go. We have to accept that our athletes will require high level competition to progress, and such facilities actually offer them the possibility of meeting such competition at home; while offering us the benefit of, not only of enjoying them in action, but of providing another means of drawing visitors to our shores. Some will attend the events themselves, but even more will come to know of us through the events.

This leads me to the revenue side of this investment. High profile fixtures which can potentially draw large numbers of visitors as spectators, such as tennis, and swimming, really only become a possibility if we are prepared to provide appropriate facilities. These cannot be duplicated in the district facilities and would have to be part of a national facility.

In addition, there are specific areas that may be targeted, such as provision of winter training and acclimatisation facilities for temperate-zone athletes. We have already catered in a small way to college swim teams seeking winter training facilities, and there is good possibility for expansion in this area.

Competitors in other fields often are 'in the market' for a comfortable venue with the right facilities, to acclimatise themselves prior to participation in a big event in a hot zone. Again, we could cater to this in the national facility.

Similarly, the 'masters' level competitions which are growing internationally, especially in the United States, offer a potential tourism 'niche market' for us to tap into, once the appropriate facilities are available.

Another feature of the National Centre which I have not yet mentioned, is the indoor hall to cater to indoor sports. This, again, has the potential to also become a venue for conferences, either sports related or otherwise, in the context of the other amenities Cayman has to offer in communications, accommodations, and services.

It may be said that if this is such a good investment, then the private sector should be left to do it. I put it to all who will listen, that the benefits that will accrue to the community, in terms of well being, provide the larger part of the justification for this investment. With all due respect, this is not the kind of return the private sector generally seeks for its investments. This is uniquely the responsibility of a caring government to its people. Any community which seeks to make the best of its people and enjoy the greatest happiness will see the value of this type of investment.

This is why we had an Olympics in the first place, and what the modern Olympic movement seeks to inspire us to do. This is why all civilisations of note have

held achievements in sports and recreation among their most laudable accomplishments.

Madam Speaker, we must not fail our people in this matter.

I thank you, and the House for your indulgence.

The Speaker: The next item is Questions, and as it is now 11 o'clock, in order for questions to be taken an Honourable Minister is asked to move the suspension of the Standing Order 23(7).

The Honourable Minister for Communications and Works.

SUSPENSION OF THE STANDING ORDER 23(7)

Hon. John B. McLean: Thank you, Madam Speaker.

I move that Standing Orders be suspended to allow us to take the remaining questions on the Order Paper today.

The Speaker: The question is that Standing Order 23(7) be suspended in order for questions to be taken after 11 o'clock.

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended.

AGREED: STANDING ORDER 23(7) SUSPENDED TO ALLOW QUESTIONS AFTER 11 O'CLOCK.

The Speaker: The first question is No. 211, standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 211

No. 211: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the Government's position in regards to increasing the amount of assistance offered to the indigent.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker.

In the 1995 Draft Budget just completed, the Government has included a proposal to increase financial assistance to the indigent. This will be the second increase in two years. Members will recall that last year it was increased by \$25 and this year we have further increased it by adding \$50 for a total of \$125.

We have taken this position conscious of the rising cost of living, but even more so, conscious of the contributions made by our older people, who are the principal beneficiaries of this assistance. There are some instances where the persons who receive such assistance have close relatives, often younger, who can afford to help and do not; though in most cases such persons do help. The Government's position is that while we try to get able relatives to help in cases of need, we do not intend to see old people in this community suffer for some basic necessity.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I would ask the Honourable Minister if with this assistance comes any recommendation, or if the Government is in a position to see when this assistance is received, that the persons who receive the assistance still do not suffer? For example, in some cases what is recommended is some kind of dietary instructions to see that those persons, particularly the elderly ones at least meet the minimum monthly requirements of vitamins and calories that they need. So, I would like to ask the Honourable Minister if the Government is in a position to provide any of that kind of information.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, for many years now that kind of information has been available to older citizens. The Social Workers counsel any citizen with any particular needs and also they give them general counsel, dietary counsel.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

In the answer given by the Honourable Minister he says that there are some instances where persons who receive such assistance have close relatives, often younger, who can afford to help and do not. I am wondering if there is a prevailing attitude which is very apparent if the minister might consider legislation to correct this situation?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, in today's economy many reasons can be given why those who officials might say can afford to help parents or grandparents, but that is officials saying that—no one really knows the inner workings of a family. No I have not

given any thought to any form of legislation but maybe the Opposition could bring a motion if they so suggest.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister say if in recent times there has been communication from the Department of Social Services to various persons who receive assistance querying whether they do, in fact, need it and, is it not a fact that in many instances in recent times assistance in very small amounts – \$25, \$50, and the like – has actually been stopped?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I understand from the Department that they sent out communication asking whether the recipients were still in need, asking that recipient to come forward for a re-evaluation.

This was not a policy of mine, neither did I know anything about the communication which went out until afterwards. I have given instructions that no further communications are to go out unless I first know about it.

Madam Speaker, I do understand when he asks about \$25: whether the \$25 assistance has been stopped. Various different sums are given for specific terms. A person might be working, have children, but does not make enough to cover their budgets. It might take \$40 or it might take \$25 for a period of time from the Social Services to assist such families. I understand that that runs for a period and then there is a re-evaluation process.

I understand, and I have had many complaints about this. In fact I have taken steps to inform the department that before any more persons are cut off, that the Ministry be notified before hand.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

The Minister, if I understand correctly, is saying that he is having re-evaluations done on this matter and it is possible then that some of these persons may again get the assistance that they were getting before. Is that correct?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Yes, Madam Speaker. As I said, the communication that went out was unknown to me and I have asked that re-evaluations be performed on these clients.

The Speaker: The next question is No. 171, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 171
(Deferred)

No. 171: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to state: (a) how many applications have been received to date under the Government Low Income Housing Scheme; (b) how many have been approved; and (c) what percentage of guarantee has been required in each case.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

STANDING ORDER 23 (5)
DEFERMENT OF QUESTIONS NO. 171 & NO. 201

Hon. W. McKeeva Bush: Madam Speaker, I have to ask the House to, under the Standing Orders defer this question. I hope that I will have all the required information by Friday. In conjunction with the deferring of this question, also question 201 will be ready for tomorrow morning.

The Speaker: You are moving a bit too fast here, but under the circumstances I shall put the question that the answers to questions 171 and 201 be deferred until a later day in this sitting.

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED. QUESTIONS NO. 171 AND NO. 201 DEFERRED TO A LATER SITTING.

The Speaker: The next question is No. 181, standing in the name of The Fourth Elected Member for George Town.

QUESTION NO. 181

No. 181: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for External and Internal Affairs to state: (a) what is the present average daily cost to the country for upkeep of the Cuban refugees at Tent City; and (b) what has been the total cost since the influx of these people began a few months ago.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The present average daily cost per person to the country for the upkeep of the Cubans at Tent City is CI\$6.14. This is based on expenditure from 1st August,

to the 31st October, 1994. Total expenditure for the same period has been CI\$1,401,472.62. This figure includes capital costs at the facility.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I wonder if the Honourable Member can state if the ancillary costs including transportation inter-island and outside security costs are factored into this daily cost as he has referred to in his answer?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Yes, that figure has been factored in.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

The time frame that has been covered here is from the 1st of August to the 31st October, 1994. The question I would like to ask the Member is if there were not costs prior to the August date and if these have been included, because as I recall, the great influx of Cuban nationals began in July, prior to August.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

The influx of Cubans actually began around about the 1st of August and that was why that bench mark was chosen. But the costs from the first of January to 31st July were relatively small to the country and for information that figure was only \$29,014.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I hate to sound repetitious, but just for clarification, I wonder if the figures that the Honourable Member has given us, especially the larger figure, if he could say if that figure includes all costs or not?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Yes, the figure I have given of \$1,401,472.62 is the figure from the 1st of August to the 31st of October. If you add in the figure that I gave in the supplementary of \$29,000, we come to a figure of \$1,430,486.62.

But I would like to make this clear, this is to the 31st of October so November's figures are not yet included.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say exactly how many of the refugees there are on the Island?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.
The figure that is normally used as the official figure is 1,174.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Member explain what he means when he said the figure that is normally used? Is this a definitive figure, an guesstimate or what is it?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.
The number rose during the height of the influx to 1,183. Of that number nine were voluntarily repatriated to Cuba and that gave the figure of 1,174.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Member say whether these 1,174 are at this time present in the camp at Tent City?

The Speaker: We seem to have strayed somewhat from the cost of Cuban refugees and if the Honourable First Official Member—I think most people are concerned—wishes to make a statement and to answer that question he may do so.

Hon. James M. Ryan: Thank you, Madam Speaker.
One cannot definitively say that there are 1,174 persons in Tent City at the moment. On any given day there will be a few who are at the hospital or may be out of the camp for some other reason. But that is the figure that is used for records.

The Speaker: That concludes Question Time for this morning. We will proceed to Other Business, the Report on the Appropriation (1995) Bill, 1994.
The Honourable Third Official Member.

GOVERNMENT BUSINESS

BILLS

REPORT ON BILL

THE APPROPRIATION (1995) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I am to report that the Appropriation (1995) Bill, 1994 was considered by the Finance Committee of this honourable House and was passed without amendment.

The Speaker: I expect you want to move the Third Reading of the Bill, Third Official Member?

THIRD READING

THE APPROPRIATION (1995) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I beg to move that the Appropriation (1995) Bill, 1994, be given a Third Reading and passed.

The Speaker: The question is that the Appropriation (1995) Bill, 1994, be given a Third Reading and Passed.
I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED. THE APPROPRIATION (1995) BILL, 1994, PASSED.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 27/94

FAIR COMPETITION ACT/LAW

The Speaker: Other Business. Private Members' Motions. Private Member's Motion No. 27/94, Fair Competition Act/Law...

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam speaker, on a matter of procedure.

Today is Wednesday and not Private Members' Motion day. Government does have Business, including a very much related matter of a tax bill. I am wondering why the diversion from what is set down in Standing Orders to have Government's Business dealt with and why the Private Members' Motions are put on today which is a complete change of procedure and no Minister of Government seems minded to move the suspension of Standing Orders to allow it to be done.

The Speaker: Honourable Member, I am afraid you will have to ask the Chairman of the Business Committee,

whom I believe is absent. The Business Committee has set the business of the Orders of Today.

However, if someone would like to move the suspension of Standing Orders...

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I move the suspension in order for Private Members' Business to take precedence over Government Business as the Bills are not yet ready for circulation.

The Speaker: I expect that the Honourable Minister means that the Bills, although they have been published have not come within the time frame for presentation.

The question is that Standing Order 14 be suspended in order that Private Members' Business be taken today, Wednesday, rather than Thursday.

I shall put the question. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended.

AGREED. STANDING ORDER 14 SUSPENDED TO ALLOW PRIVATE MEMBERS' BUSINESS.

The Speaker: We will proceed with Private Member's Motion No. 27/94.

The First Elected Member for Bodden Town—

Hon. W. McKeeva Bush: Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

POINT OF ORDER

Hon. W. McKeeva Bush: On a point of order. Since we have begun Private Members' Business, if this has cut the Opposition short, then they could proceed on any one that they are ready to move, if that will help them.

The Speaker: I am afraid that will have to be for the House to decide. But I have called on the First Elected Member for Bodden Town to move Private Member's Motion 27/94.

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 27/94, standing in my name, entitled Fair Competition Act/Law which reads as follows:

“WHEREAS Caymanians in some businesses have been complaining about unfair competition from non-Caymanian elements;

“AND WHEREAS there is growing concern among many Caymanians providing tourist related services that unfair competition from non-Caymanian elements is detrimental to Caymanians;

“AND WHEREAS there is a need for some form of legislation which protects consumers from misleading advertising and anti-competition practices;

“AND WHEREAS a Fair Competition Law will encourage businesses to exercise care and responsibility in how they promote and sell goods and services;

“BE IT THEREFORE RESOLVED that government explore the possibility of establishing some form of legislation which promotes Fair Competition;

“AND BE IT NOW FURTHER RESOLVED that the government consider setting up a Fair Trading Commission to complement such Fair Competition legislation.”

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. 27/94, having been duly moved and seconded is now open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

As I rise to speak to this request before this Honourable House, I am reminded of a quotation given by the late Dr. Benjamin E. Mays, Professor Emeritus and Head of Morehouse College and also for many years Chairman of the Atlanta Board of Education when he said: "If you are ignorant the world is going to cheat you; if you are weak the world is going to kick you; and if you are a coward the world is going to keep you running."

There is more than a little relevance in the appropriateness of that comment to this motion and the efforts taken by those of us who see the need for the Government to establish what we are asking for.

On the first occasion when this request was made, listening to the debate and judging by the fact that the Government at that time borrowed the information which we had, on what we were asking about, the establishment of a Fair Trade Commission and a Fair Competition Act, it seems reasonable to remark that those persons who spoke against the motion spoke from the disadvantage of not being knowledgeable about what we were requesting.

Permit me to go a little into the history of our efforts. When we decided that we were going to bring this motion to Parliament, the Seconder and I wrote to the Chamber of Commerce on the 12th of January, 1994, explaining to them what we were trying to do and in general expressed our willingness to discuss with them our motion and the differences our motion had with the

Better Business Council which is an adjunct of the Chamber.

At that time we received communication from the Chamber of Commerce dated 21st January, 1994, in which they explained the position of their Better Business Council and offered, and I quote: "**We offer our wholehearted support for your interest in maintaining business and integrity and would very much encourage you to discuss with us the matter.**"

Subsequent to that, we received invitation by telephone to sit down with the Chamber of Commerce, but had to demur because we wrote to the Chamber of Commerce informing that we were not in a position since the Speaker had not approved our motion and protocol, and respect being what it is, we were reluctant to publicly discuss a matter which was awaiting the Chair's decision regarding its acceptance or nonacceptance. Consequently we were unable to discuss with the Chamber of Commerce the merits of what we were seeking prior to the motion coming to the Parliament.

I am sure I speak for other Members supporting the Motion. Therefore I am very surprised that after the Motion came to Parliament and was debated, that I should read in a subsequent issue of the Caymanian Compass in a column entitled 'Views from the Chamber', that the Second Elected Member for Cayman Brac and Little Cayman, the Fourth Elected Member for George Town, and I (who supported the motion), were castigated by the insinuations that we were trying to introduce socialistic legislation. The column went on to suggest that there was no such legislation in the United Kingdom, even although in support of the Motion I had drawn reference to the Jamaican Fair Trade Commission and to the Fair Competition Act of Canada and to the Australian Fair Trade Practices Act, and I said that I knew of the existence in the United Kingdom of the Fair Trade Practices Act and some complementary legislation.

Be that as it may, I did not wish to enter into any open quarrel with the Chamber of Commerce as I respect the President and I also respect the work that the Chamber of Commerce is trying to do. I put down the column to a misunderstanding which I shall attempt to clear up in the course of today's debate.

That, in a nutshell, is the history of the difficulty that we had. So, the question can be asked: What is a Fair Competition Act, and what does a Fair Trading Commission do?

A Fair Competition Act has as its essence the provision of fair, reasonable, amicable and well-accepted trade practices and behaviours regarding the sale, disposition, return of goods, warranties, contracts, provision of services, et cetera.

In some industrialised countries, such as the United States, there is no single act which is so broad that it covers all of the practices, trades and services offered. Consequently, in the United States, we have the Federal Communications Commission, which seeks to regulate what goes on in the media (radio, television, advertising industry). We have the Securities and Exchange Commissions which seek to regulate what goes on in bank-

ing, trust and saving and loan associations. We have the Federal Deposit Insurance Commission (FDIC) which seeks to regulate what goes on in the Insurance Industry and – I could go on. Suffice it to say that those are examples rather than an exhaustive list.

Now, what is Government's role? Government's role is that of being the regulatory agency – of seeing that generally those participating are protected – the seller as much as the buyer.

The United Kingdom (to cite a reference to that since that is usually the jurisdiction which sets our precedents), like the United States, has myriads of organisations which cover these kinds of practices and acts. With the Chair's permission, I would just like to briefly refer to a text called *The Company Administration Handbook*, the seventh edition, edited by Derrick Beatty. I would like to read what it says in chapter 14, which deals with fair trading, under the subtitle 'Restrictive Trade Practices' authored by Simon Lofthaus: "**Before the war, monopolies and other restrictive trade practices were not just tolerated but often encouraged as a means of protecting industry and consequently employment. Later a different philosophy developed to the effect that an economy is stimulated better by competition than by protectionism. Parliament, therefore, has taken action to prohibit a wide range of restrictive or collusive practices and to curtail monopolies and mergers.**"

Later it goes on to list the relevant legislation available in the United Kingdom in the promotion of Fair Trade and Fair Competition including the setting up of a Fair Trade Commission.

Some of these I will pass over. Permit me to list what I consider the most relevant and appropriate ones to our motion at this time: **The Fair Trading Act of 1973**. I will invite the Serjeant to lay it on the Table.

Then we have the **Restrictive Trade Practices Act of 1976**; and the **Competition Act of 1980**. Of special interest is the section dealing with civil law statutes, the **Misrepresentation Act of 1967**; the **Sale of Goods Act of 1979**; the **Supply of Goods and Services Act of 1982**; the **Unfair Contract Terms Act of 1977**.

Before I leave this reference, let me say that it was under Prime Minister Margaret Thatcher, and "*Thatcherism*," that these kinds of restrictive trade practices were obliterated. In promoting "*Thatcherism*," Margaret Thatcher saw fit to launch a concerted assault on these kinds of restrictive and unfair acts of competition so as to promote not only the sale of British goods internationally, but so as to promote the sale of British goods locally and to educate and protect both consumer and supplier.

We are not advocating a myriad of such acts or laws at this time. Indeed, our jurisdiction is sufficiently small as to be covered by a single act or law. Let us then return to what we would like to see this act or law covering.

First of all, why is it necessary? It is necessary because there has to be some form of legal mechanism which spells out the parameters, brings realisation to the expectation of both consumers and suppliers and states

categorically and unequivocally the steps which are to be taken by a disgruntled consumer against someone who supplies shoddily, or who persists in false advertising, misleading advertising or who does not provide the services for which an agreement and contract was made.

Any fool on a galloping horse would understand that the Better Business Council of the Chamber of Commerce does not constitute the legal entity which would offer the necessary protection to disgruntled parties in that case.

Mr. Gilbert A. McLean: Hear, hear!

Mr. Roy Bodden: Madam Speaker, I would shatter that entity by posing this question: What can the Better Business Council do against an individual member of the Chamber of Commerce complaining against a business, company or corporation who is also a member, short of holding their hands and praying?

What we are seeking is legislation or directives which state, "Mr. "X", we have investigated and examined your complaints and believe there are grounds for you to take this matter to the next stage which is to the courts to have them finally rule as to what is the position." So, this idea is commonsensical and practical and, indeed not farfetched or some pipe dream as some people would make it out to be.

The act would be founded upon the conviction that allowing full play to competition in the market will result in the widest range of benefits for all concerned. For consumers these should include the knowledge that they can buy and deal in quality products and services and give them an increased range of choices and the best possible prices. Let me say in all candour that this request is coming to the parliament not out of any complaints received against the providers of goods. When I deal with the providers of services, I am afraid that I cannot be as definitive.

However, it is a wise person who sees the need for something long before it reaches a crisis proportion. That is, we should not wait until we get a myriad of these complaints and deal with the matter in an ex post facto manner, but have in place ready and waiting as and when they arrive. If they never arrive, maybe that will be all the better, but we should not wait until we begin to get—and we are going to because as we look around there are more and more stores offering different goods opening by the day, the service industry is getting more sophisticated—and there is bound to be disgruntlement at some stage.

So, I should think that we would be better prepared if we consider this now. It would give us time to, at our leisure when there is no sense of urgency, to review the relevant legislation and set in place something which we think would be suitable to our jurisdiction.

This act or law would cover a number of business practices detrimental to consumers. **Double ticketing:** sometimes when we shop we see one item with two or more tickets. What is the correct price? Often the prices

vary. What is the correct price? This act would ensure that we could not be charged the highest price on the tickets displayed.

Tie-selling: sometimes in order to purchase something that you need you have to purchase something which you do not want or in many cases do not even need. This is the kind of practice this legislation would cover.

Price fixing: People getting together and saying: "You and I are the only two people who have this, let us agree that we sell it at this price." These are the kinds of things that I am talking about.

Misleading advertising: "If you buy this toothpaste I guarantee that your teeth will be as white as the driven snow." Or, "If you use this deodorant, I guarantee you will not have any problems no matter how profusely you perspire", when probably it is no more than a solution of sodium dried out or dissolved in a little water. These are the kinds of things that we are talking about that the consumer will be protected against.

Then, on the other hand, the supplier will have clear cut guidelines as to his or her obligation so that when you return with a warranty someone cannot use seven-eighths of the product and then bring in back and tell you it was not any good, that you have to give them a new one or something else. Or they could not bring the product back when it says that the load capacity is so and so, and they used it doubling the capacity and ruining it.

I want to project that it is not by any means one-sided legislation. It protects the supplier as much as it protects the consumer. Above all, it would clearly and concisely lay out the exact procedure that one has to take in the event of a grouse or complaint.

I believe that it is worthwhile considering the establishment of this. To take the argument in a slightly different direction, as we travel around we are bombarded by complaints, by concerns expressed from Caymanian entrepreneurs and investors about the problems that they encounter, especially regarding competition from non-Caymanian elements. We have it in every walk of life – in the taxi business, the omnibus business, in the provision of services offered by the Watersports Operators, and water-sports in all of its forms.

Recently I was informed by a young entrepreneur in a water-sport business of some of the problems that he is experiencing in regard to what are unfair and monopolistic practices on the part of larger established entities that are not Caymanian owned. I understand that we are a free enterprise system, but there should be no reason why a young entrepreneur is run rough-shod out of something that he legitimately wants to get into by someone who has the ability to expand, and expand, and expand – spread their tentacles like an octopus all over the place. I say that it is incumbent upon the Government to set up some guidelines to regulate, to enable a young entrepreneur, a young Caymanian storekeeper to be able to get a little slice of the cake and not to be eaten up by some big guy on the block who bullies his way around.

Having the kind of legislation in place before we resort to litigation, the commission would be in a position to examine complaints, to examine the claims so that an individual company or corporation would come to an established commission which would have a director (or whatever we would wish to call it), and other members.

The Fair Trading Commission in the United Kingdom is set up in such a way that those persons who are members of the Commission have expertise in certain areas. Some of the members are people with a legal background, others are persons who come from business and industrial backgrounds who are knowledgeable of business and industrial practices.

This is done so that the decisions, investigations and examinations are carried out by thoroughly competent and experienced persons so that it eliminates the possibility of disgruntlement when a decision has been handed down. A person cannot easily say that he does not accept that decision because the problem was investigated by people who had no expertise in that area of business, industry or services, and cannot, therefore, tell him that he has no claim—or the obverse could be the case, they could not say they had a claim against him.

The Head of the commission in the United Kingdom (and in the Jamaican and Australian jurisdictions) is a person provided under statute and usually is the person who directly communicates and reports to the Minister in charge of trade, industry or whatever the particular service might be. The other members of the Board in the instances I have cited are not salaried members, but provide their time on a voluntary basis such as is done in the case of boards that we have set up now.

When a claim is investigated and found to be justified, in the Jamaican case it will seek to have the offending business or individual redress the practice in question. I want to stress that the main objective is not to flood the courts with litigation: what is usually recommended is that the perpetrator redresses what he/she or the company is doing wrong. If this is not done, the Commission will refer the case to a High Court which will impose a requisite penalty. Penalties are graduated in scales regarding whether it is an individual – which would be a lesser penalty. If it is a corporation, the penalty would be significantly higher.

For instance, if businesses agree to fix prices at a low level, this might well seem to serve the interests of the consumer. However, businesses which carry out these kinds of practices may benefit in the short term because of an increase in sales, or because after the prices of the goods at an artificially low level have been sold out, it then gives them the opportunity to introduce similar goods at a higher price thereby ensuring that they have captured the market.

Sometimes we see them advertise that they are selling a product at a certain price, which will 'just be sold out' when you inquire. They will then recommend something else, the only difference being that it costs about 50% more, but it is just as good. In these kinds of cases, what will happen is that the Fair Trading Commission, when they find justification, will say, "We order

that you desist from these practices because we consider this to be an unfair business practice."

Similarly, the Commission will investigate cases of false or misleading advertising. Allow me to draw reference to a case that I think is current and relevant now. Those people who subscribe to the television station here were not told at the beginning, when they signed their initial contract, that when the licensed franchise from the Government came on line that a portion of their bill would have to go towards paying this franchise fee.

So, I am saying that we have a case of an unfair business practice right now, where subscribers to the television station here have to pay a portion of the franchise fee. The question was brought to this Parliament and the Minister under whom that falls, said that that is not a right practice: the television station should not maintain that. But I see it included in my current bill. If we had a Fair Trading Commission that would be an instance where the Commission would be requested to investigate and make a finding.

So, I say that to say that this is not any pie-in-the-sky legislation. This has real life, down to earth, practical consequences with how we live and conduct ourselves in this society as we go about buying and selling and providing goods and services.

The Speaker: Honourable Member, would you take a suspension at this time?

Mr. Roy Bodden: Certainly, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 12 NOON

PROCEEDINGS RESUMED AT 12.21 PM

The Speaker: Please be seated.

The First Elected Member for Bodden Town, continuing the debate.

Mr. Roy Bodden: Thank you, Madam Speaker.

When we took the break I was outlining some functions of the Commission.

Now, I would like to continue by citing from the Jamaican Fair Competition Act, 1993, how their Commission is set up and briefly discuss its functions.

The Fair Competition Act 1993 says: "**The functions of the Commission shall be –**

“(a) to Carry out, on its own initiative or at the request of any person such investigations in relation to the conduct of business in Jamaica as will enable it to determine whether any enterprise is engaging in business practices in contravention of this Act and the extent of such practices;

“(b) to carry out such other investigations as may be requested by the Minister or as it may consider necessary or desirable in connection with matters falling within the provisions of this Act.”

And it goes on to say: **“It shall be the duty of the Commission (a) to make available – (i) to persons engaged in business, general information with respect to their rights and obligations under this Act; (ii) for the guidance of consumers, general information with respect to the rights and obligations of persons under this Act affecting the interests of consumers;**

“(b) to undertake studies and publish reports and information regarding matters affecting the interests of consumers;

“(c) to cooperate with and assist any association or body of persons in developing and promoting the observance of standards of conduct for the purpose of ensuring compliance with the provisions of this Act.”

Madam Speaker, permit me to interject at this point that all of these functions of the Commission are complementary to the work done by the Chamber of Commerce as there are Chambers of Commerce in Jamaica as there are in all of these other jurisdictions which I previously cited.

So, I emphasise that the Fair Competition Act and the establishment of a Fair Trading Commission does not in any way obviate the need for the establishment of a Chamber of Commerce. What it does is, it provides a legal channel with clearly spelled out steps as to the obligations and consequences for not abiding by those obligations.

Permit me to go on to section 7: **“(1) For the purposes of carrying out its functions under this Act, the Commission is hereby empowered to –**

- a) summon and examine witnesses;**
- b) call for and examine documents;**
- c) administer oaths;**
- d) require that any document submitted to the Commission be verified by affidavit;**
- e) adjourn any investigation from time to time.”**

It goes on to say: **“(2) The Commission may hear orally any person who, in its opinion will be affected by an investigation under this Act and shall so hear the person if the person has made a written request for hearing...”**

“The Commission may also require a person engaged in business or trade or such other person as the Commission considers appropriate, to state such facts concerning goods manufactured, produced or supplied by him or services supplied by him as the Commission may think necessary to determine whether the conduct of the business in relation to the goods or services constitutes an uncompetitive practice.”

A significant point in my opinion.

“Hearings of the Commission shall take place in public but the Commission may, whenever the circumstances so warrant, conduct a hearing in private.”

Madam Speaker, having perused the legislation which I have quoted from the various jurisdictions, I have

a preference for the Jamaican Act because it is simple and easy to follow in its approach and also because it is culturally relevant. It is also comparatively speaking, relatively new, having only been enacted in 1993.

On occasion I also called and spoke to the Director of the Fair Trading Commission as to some problems encountered and asked about some pitfalls experienced and how they might be alleviated. I was informed that the work of the Fair Trading Commission is especially important at this time of the year when people do a lot of shopping. I was informed that the complaints and experiences are routine enough and that there is no significant reason why such legislation could not be beneficial to a jurisdiction such as ours.

I believe that in the introduction I have made the point, I have clarified the position of those of us supporting the legislation. I have said and shown how and why we think it is relevant.

And so, Madam Speaker, at this juncture I can only rest my case. But before doing so, I would ask that Honourable Members, particularly the Government, consider the efficacy and the relevance of this kind of legislation.

Thank you.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, trade and commerce falls under the responsibility of the Minister for Tourism who is absent this morning because of a Tourism marketing meeting going on in Cayman. Therefore, I am answering on behalf of Government.

There are times when differences must be put aside for the national good and the Government needs no convincing as to the problems experienced by Caymanian entrepreneurs. The Government is on all fours with the Opposition on this matter.

[applause from across the floor]

Hon. W. McKeever Bush: I hope that all of us realise that the requirements put forward by the Mover for a Fair Trading Commission will no doubt create a bureaucracy in the country, and I do not know how we can limit such a bureaucracy. Nevertheless, it is something that needs to be dealt with.

Over my ten years in this House I have had to deal with many complaints from persons affected by unfair competition and bad business practices by the stronger in our country – sometimes unfair competition by our own local people, most times by outside persons.

Many times the unfair competition comes because of an outside person having the money and can put it in the hand of a Caymanian and he then gets into the business with foreign money and, of course, the person who has little resources gets swamped.

There is another unhealthy movement in this country – and I am speaking personally here now. What I see happening is: Certain persons have attained Cay-

manian status lately who have millions [of dollars] and we do not know where they got it from; but they are moving hand over fist in business. If it was business that nobody was already in, it would be a healthy thing, but it is business that some Caymanians with very little resources, who work very hard together, sometimes as a family, are in and are getting trampled.

It is not an easy thing and I sympathise. In fact, if you go back in the *Hansards* you will find where many of my speeches in this House were centred round this same situation. This is not a new thing, creeping up here of late. It is a sad state of affairs when greed takes over to the extent that I see it taking over in this country. Some people just do not get satisfied with a little bit. They want the whole thing. They expect that they alone must be able to live.

I have a small business, Madam Speaker, and you would be surprised at the sort of garbage that has been put out in opposition to my business – all sorts of rumours. I thank God that my wife and I have good enough names that we can borrow [money] and I thank God that he is blessing my business and that we can expand. That is another problem. As soon as someone is seen expanding a business, one will hear that it is gotten in the wrong way.

People must be fair. Everybody needs to live. But it seems like, in this country, enough is not enough. We are not thankful to Almighty God for the blessings that he has bestowed upon this country.

Today, if one puts up a boutique, someone else must put up a boutique too. If one puts up a shoe shop, somebody has to put one up too. This little country can only service so many businesses. While we must remain a free enterprise country, there has to be some understanding out there that all those people who went to college and got their business degrees, that only so many people can service so much business. As far as I am concerned, personally, it is an unhealthy state of affairs.

The Mover mentioned the North Sound business – he did not specifically mention the North Sound, but he mentioned the water sports business. What comes to my mind is the North Sound business. That is a business that I believe I can say that I grew up with because my stepfather was in that business from the time that I can remember.

What is happening to many of the small boat operators in West Bay? Big business is coming in, finding somebody to grab hold of. That is one instance. The other instance is that the previous Protection Board gave them status or permanent residency with the right to work. They are the ones perpetrating in this country much of the unhealthy situations that we have.

If anybody thinks that McKeeva sits on any board, and is getting anything from anybody who recently came into this country overnight, they are making a big mistake. The only thing I ever got free in life was when mission boxes were sent from the United States to the church to Reverend Ruth Bowman. I was about 10 years old then – that is about 30 years ago. I was one of those who benefited from those mission boxes. Since that time

I have had to work. Everything we have, we (my wife and I) have worked for and pay back [money] to the bank.

I believe that we are in the same situation as many other Caymanian entrepreneurs. We work hard for what we have, but we find that some of our people are led astray. I do not want to call them fools, because they are making some money out of it. You can hardly blame them to an extent, but that is why we have to put mechanisms in place. In many instances they only own paper. Any business I have, I am the majority shareholder and the bank knows where the money comes from. That is why I support a Register of Interests. That is why I asked in 1989 for a Code of Ethics because the first ones to get blamed are the legislators and I believe that we should be open to the world. If we have nothing to hide, then what is public should be public.

As I said, I was on all fours with the Opposition on this Motion. For too long we have sat back and allowed certain people to come in and grab a hold of this country to the detriment of our small business operators. There is no reason for this to continue. I believe that Government, with as little bureaucracy as possible, should set up this legislation for fair competition. As far as a Fair Trading Commission, I believe that that is an onerous mechanism, but I believe that it is something that is worthwhile looking at even if we do it on a very small scale.

I saw some legislation – I do not know whether it was Jamaican, European, or Australian legislation, but certainly it was a large piece of legal work. I am one of those people who likes to get things done quickly, and where things should be said in two lines – and I am probably not the one to say it because I take 10 minutes sometimes to say what I should say in five – but one line sometimes is better understood by the public than large written documents that no one understands.

So I would hope that when Government gets to the point where this can be looked at, something that will suit the Cayman Islands can be put together.

I agree with the Opposition on this: there is too much unfairness out there, sometimes created by our own people and a lot of times created by outside money and therefore, a vast number of Caymanians suffer as in the North Sound business.

We, on this side, support the resolution.

The Speaker: Perhaps this would be an opportune time to suspend for lunch. Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.25 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion 27/94.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

As the seconder of this Motion, I am pleased to rise in support of it. I am also very happy to see that the Government in this instance has accepted one of many of the good, sound, well-considered motions that have been brought to this House by the Opposition.

I certainly hope, in so doing, that they will not be accused by the Chamber of Commerce as taking a socialistic approach or that the country is becoming socialist by undertaking to deal with this matter of fair competition through legislation and within the legislation the appropriate body with which to manage it.

I think my colleague, the First Elected Member for Bodden Town, did a very scholarly job at explaining what a Fair Competition Act is about and also in showing how it can, and does apply to the Cayman Islands situation. I would certainly not attempt to add to the areas, which he has covered so well. However, there are some points that I would like to speak on.

Unlike what appears to have been the case in the past, where persons seem to have been misguided into believing that this legislation was something, which would hinder the free enterprise system. It is something that supports that and in effect sees to it by legislation that one of the most vital elements of the free enterprise system, that is competition, is present in proper form. In fact, a Fair Competition Law, in its fundamental purpose, is to guarantee competition—perhaps in some instances even created through aspects of such legislation.

In legislation such as this, both the consumer and the business sector are covered and are given guidelines and parameters in which to operate. I submit that competition is the best possible condition for both consumers and businesses. When there is competition, fair competition, prices are affected and in the process of competing one with the other—those persons who sell goods or services—one tends to find the best price emerging. So, the consumer is helped.

Where there is fair competition, businesses tend to look at providing or creating better products from the point of view that the better product or service will attract the consumer to them rather than to their competition. So, in any real life scenario, those of us who believe in the free enterprise system know that it works best where there is competition and, indeed, strong competition. Where there is a lot of competition, one is not likely to find large numbers of monopolies, though monopolies can exist in societies and commercial communities where there is competition.

Some areas of goods and services naturally lend themselves to such a situation. On the Caymanian scene we have the telephone service and the electricity service. These, for all practical purposes are monopolies.

In the other areas of business in this community, competition does have a role to play. I would venture a guess that if there were alternate means for telephone and electrical services in these Islands, one would immediately see certain adjustments in prices.

If there is a case of no competition, consumers immediately are at a disadvantage. Monopolies which can sprout up hinder growth often times, quality development.

As has been said by the Mover of this Motion, this can only really come about through law. Within this law there has to be someone appointed under the law to oversee the carrying out of the various provisions of the law. This is through a commission, as in the case cited.

The Minister replying on behalf of Government pointed out that in accepting this, one had to become aware that there is bound to be a bureaucracy set up. One could easily get the impression that he was thinking of this being something large and un-wieldy.

However, this need not be the case for, surely, there are instances in this country where an inspectorate is really vested in one individual. So it is not necessarily inconceivable that we could not have the terminology "commission", but to start off it could be so vested in one individual until such time as one would increase that number. I would personally think of it as being two to three persons who, I believe, would clearly have enough business to attend to, to occupy their time.

Which of the portfolios this would be set up under is to be decided. I can think of the Ministry for Finance and Development as one that is related to it and would certainly be the portfolio that deals with trade. So that would be a matter to be decided. I think it could be handled in a manner so that with a minimum of personnel this business of monitoring fair competition in the islands could be undertaken.

I think it would be vested with the power to investigate, to advise, to undertake certain studies and publish reports. This would be some of the natural functions expected of such a commission. Of course it would need to have powers with which it they could carry out the business as might be provided for it to do.

We should not believe that within the Cayman Islands there are not many instances of non-competitive practices in everyday businesses, for, indeed, there are. I also believe that many of us as legislators hear of these instances from time to time and really, except where one in an informal way might try to negotiate a situation on behalf of someone or some business, there is no law which gives the means by which this can be done.

So, it is necessary and it has been long coming. I am heartened to believe that now the time has actually arrived when something will be done about it.

Where fair competition is not in place, one can find fixing of prices, both in purchasing and in selling. It is possible that persons can control the goods they sell, or the production of what they make, or, for that matter, their technical expertise where they can unreasonably cause prices to rise.

We know that there are certain technical fields here in the Cayman Islands where there is little competition. And although people would say that the Cayman Islands is a very small society not doing a lot of business, there are certain areas we can think – the field of architecture, surveying, quantity surveying – where (and I am not for

one moment saying that this is being done) it is conceivable that having a limited amount of persons they could make the price of their services over and above what is a reasonable price. So, where there is competition, even in areas like this, the consumer ultimately gets the benefit of that.

Another area where I think a law guaranteeing fair competition should cover is that of tendering. The tendering would be an area that needs to be looked at very carefully – tendering in the private sector and tendering with Government, alike, although I believe that, generally speaking, Government does go the extra steps to see that the jobs are properly tendered and that those persons who would qualify are given the opportunity of doing so.

In this particular area in this community, I would like to see instituted, in Government at least (and I can see nothing wrong with extending it through a fair competition law to the private sector), where the public has knowledge of the bids of each bidder on a particular job. I see nothing wrong with shedding that sort of light on situations where bids are handled, particularly in Government, where accusations are ever present about how things are being handled. It would make a whole lot of difference and it would not allow a bidder to come to the public and say that my bid was this, or that there were only a few thousand dollars difference, et cetera; it would all be there for everyone to see. So, I think this is one area where this law could, and should, touch to make sure that everyone plays on an even playing field.

This law would hinder wholesalers from selling the same goods to people who are in the same resale business at different prices for whatever reasons. It is an area where a wholesaler could affect the prices of goods. Certainly, if you have companies A, B, and C buying from wholesaler X, it is possible that by varying the prices of goods (the same goods that the three are selling) it could cause the company that is getting the best price at the wholesale point to outsell, or give a better advantage over the one who did not. This type of legislation looks at those types of conditions.

I have heard various stories about suppliers here on the Island where by an informal, unwritten contract they get together to sell a particular type of goods or service and they agree to sell at a particular price. I have often wondered why is it, in this country, particularly in the food supply enterprises, one can go to one, two, three or four, and see prices on a particular item almost identical (and in many instances identical) for different prices. It surely cannot be, even if they bought from the same suppliers in the United States, that they have to sell that item for the very same price to make the same amount of profit and meet the same overhead and all the other factors that go into pricing. It could not possibly be that in these Islands.

I have wondered how close an arrangement do many businesses in this country have to reflect almost the same price. Certainly, where a consumer believes this might be the case, the Commission would be able to investigate and make a report on such areas. It is possi-

ble where there is no legislation in place to regulate it that businesses can get together and say, "Look, I need to sell my particular goods at this price. Why don't we all make this arrangement that we sell at the same price and we will all make money?"

It is conceivable, and it should not be, because competition is being restricted and prevented. It is affecting the supply of goods and services, thus affecting the consumer being able to get a better deal.

We have various businesses in this country, some larger than others, and certain areas where one can hardly afford. We have building materials, including cement, which is a vital product in this country. We have food supply in all its various shapes and forms, and the fact that we do not produce most (if not all) of these items ourselves (locally), makes the need for control even greater.

Surely, where we can in any way help to minimise the amount of hard currency which leaves this country to purchase goods abroad, and where we can have goods coming back to this Island being sold by the merchants of this country, to benefit themselves and to benefit the consumers of those goods, then that is surely something to be desired.

I think, as was mentioned by the Minister answering for Government, there are many instances of unfair competition in this country from persons overseas – persons having access to large capital that is not available to the local person who is struggling to make it in the business world. It is possible that there is unfair competition there – whether it should be that the person with access to large amounts of capital can buy quantities of goods to the extent that the suppliers overseas may not want to deal with the smaller man, or whether he can buy such quantities and even if it spoils he can outsell the other person. All of these are real life situations and I have heard some stories about this.

One of the areas that has been cited is one of the Aqua Sports industry. If one thinks of that, while I think in this country we offer one of the best services in this field, the number of Caymanian people who are really the beneficiaries of this are very limited in number. The statistics will show us that that is one of the areas of commerce in this country that realises some of the largest amounts of business.

So, with the right law in hand, the Government would be in a position, would be empowered to look at these various situations about which I am sure they have complaints as well.

This law, while it may be covered in other areas as well, such a law would not allow, for example, a shipping company operating in this country to charge a given business say \$3,000 for bringing a container to Cayman. Where it might be bringing a container for itself, it may charge \$1,000. Right away one would see that Customs must be losing money that way and it is unfair since the person who is paying \$3,000 has to immediately have a higher overhead than the other person who is charging himself \$1,000.

There are so many areas that one could look at under this particular law to see where problems may exist in reality and be able to correct them.

I believe that we have made a positive step forward today in the Government's acceptance of this Motion asking for legislation for a Fair Competition Law, thereby setting up a commission to carry out the provisions of the law. I believe that when the community on a whole knows that this has happened, and realises fully the good that this can do, they will be pleased about it and we should see some positive changes in correcting certain negative conditions which now exist.

I am pleased to give this Motion my full support.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson-Murphy: Thank you, Madam Speaker.

I guess I will be termed the 'pin to break the balloon' in that I am not going to support this Law. Perhaps you will hear it is because I have a building supply business. Personally, I have a few concerns. I took some time during lunch and spoke to business people, mostly members of the Chamber of Commerce at a luncheon that they were holding, to know how to vote for this law because I was not sure. When I cast my vote here in this honourable House, I am not casting how I feel, but I try to wear the cap for my constituents and carry out their wishes.

Most of the people against this feel that we are creating another bureaucracy. When we were campaigning, the National Team said that we would cut back on bureaucracy and here, if this passes, we are creating more bureaucracy. It is talking about setting up a commission. Does this mean that we will have something comparable to the Trade and Labour Office, which already exists? That costs almost \$1 million a year to operate? Or does this mean that we will have to hire more people?

It was not explained by the Mover how this commission would operate. I would like if he would outline this in great detail because on the proposal it says that Government consider setting up a Fair Trading Commission. If we vote for this, then we are considering it and will set it up. But, I am not sure how this would work, with five or six people.

The Mover mentioned that it would do studies and reports. We have an Economic and Statistics Unit and I feel that they should be conducting studies and reports if necessary.

He also spoke about fixing prices and about prices to rise and that this should be considered. I believe that Cayman is now very competitive. We have a business community that I would like to think is a pioneering community developed around capitalism and when I look at this law, I can only consider it a socialist law.

Now, you will hear that that is what the Chamber of Commerce says, but only one person mentioned that today. I, personally, can see that this is what is being

created. I would like to ask, Where do we draw the line, if this happens?

When we talk about the increase in the costs of doing business in these Islands, with the Pension Law coming in place, with the Health Insurance Law and with Immigration and Labour to move in and to inspect books in the private sector in businesses; does this mean that we will have to hire someone just to deal with deductions for pensions and health insurance, to answer questions, to share prices? Where do we draw the line?

We hear about free enterprise. People can price their goods. At least in our business we have never gone from competitor to competitor to see what they are selling their goods for. We purchase the goods that we think our customers would like to have and we price them according to what it costs to purchase them including freight and duty and all the other costs, with a reasonable profit involved

I feel very grateful to the public for the support that they have given to our family business for the last 44 years. If we had not been pricing our goods according to what it costs, I do not think that we would have been in business for 44 years.

About Government going in and fixing prices, this is very dangerous.

[inaudible interjection]

Mrs. Berna L. Thompson-Murphy: *[addressing voice across the floor]* Yes, Madam Speaker, I think I heard the gentleman talk about fixing prices...

We have a small population and I go to a lot of trade shows, but when we go to purchase something, sometimes we may have to overextend ourselves because of the small volume that we are purchasing. If we have a commission that considers fixing prices, if I buy it for \$6.00 and my competitor buys it for \$8.00, does that mean that my competitor has to sell it for \$6.00, if the prices are fixed. These are things that we need to look at.

Two Members who spoke previously spoke about the little man. I agree that we have a lot of small businesses and they need help. They are undercapitalised. Many of them do not realise what it takes to operate a business. I believe there is help, there is an arm of the Chamber of Commerce set up where they have seminars to help with bookkeeping and projections and to help them generally in doing business here in Cayman.

When other Members talk about large amounts of capital that come from certain individuals overseas and put the little man out of business, I understand and I am sympathetic to those people. However, it is a reality of life. We could talk about people being hungry, not everybody has enough to eat. We try to help them and we have compassion, but that is life. About the little man not competing with the big man, again, that is a reality.

I feel that if the Better Business Bureau that is set up by the Chamber of Commerce—and this was set up about four years ago when Mr. Norman Bodden's Portfolio was in charge of Trade—and I was President of the

Chamber of Commerce), we talked about some of the practices and false advertising and so forth that was taking place and there was representation to Mr. Bodden about having some type of consumer protection put in place. He felt that the Bureau should have a chance to be set up to see if it would work, but he did not feel that legislation was necessary. I still feel so today. I believe that more bureaucracy is going to be put forward. We have the Trade and Business Licence Law. Maybe this should be revised. We also have the Immigration Law, our Immigration Department.

Let us take one of the complaints, for instance, that I hear very often from some of the smaller merchants in town. On a Saturday morning you drive along Shedden Road by George Town proper, and you see individuals under a piece of canopy with sheets, towels, clothes—all new items, not used—with a sign saying "Garage Sale". These are individuals with no Trade and Business Licence, no employees, no overhead and yet people in the enforcement section of the Immigration Department just drive by and do nothing about it.

We have Laws at present which can prevent this type of activity, as well as the activity of travelling salesmen who we hear of so often, where sales people come from the United States, go from door to door without a Trade and Business Licence and sell items to people in the hotel/restaurant business. They take orders, leave with the orders and that money leaves and yet when these people come in the Immigration Department does not try to determine if they are salespeople. Government is losing revenue.

The laws are in place. All they need to do is to carry out those laws and here we are creating more laws that are not going to be enforced.

I think we should go back and take a look at the Trade and Business Licence Law. We hear about fronting. Let us determine what the fronting is, try to come to some agreement to see how this can be avoided and put it into the law.

I cannot see how this Fair Trading Commission would not create more problems such as more bureaucracy, more laws, and then the laws are not being enforced. There is no point in us having laws if they are not enforced. We as legislators pass laws, and it does not make sense if they are not carried out.

I asked members of the Better Business Bureau if they need legal help from Government in dealing with their complaints. There might have been one instance where they felt that they needed more teeth in the law, but they also felt that for most of the businesses that belong to the Chamber of Commerce they can take these complaints to the Complaints Committee which tries to hear both sides and come to an amicable agreement where both parties involved are satisfied.

One case was mentioned by the Mover of the television station adding an extra charge for cable services and blaming the Government for granting the licence. This licence falls under the Honourable Chief Secretary and I believe that a question was brought here addressed to him in that regard and I feel he is responsible

enough to contact the cable company explaining to them that that charge should have been included when they were preparing their bills or their costing, but do not just collect \$3.00 or \$4.00. I have not seen a bill for this added charge, I have only heard it mentioned here on the floor of this House.

I believe that it is his duty to contact them and protect the individuals who have been charged. If they want to increase their charge perhaps they can do it at the beginning of the new year, but do not try to put the blame on the Government. I believe that the Member responsible will take care of this.

If the present laws are enforced then this law is not needed, further bureaucracy will not be created. We have a legal system that is open to all people living in these islands and if the individual affected by the false advertising does not feel that it is being addressed by the Chamber of Commerce, or that he is not getting help from his representatives, then let it go to court. That is why we have a legal system.

I cannot support setting up a Trade commission and passing fair competition legislation because I do not believe it is in the best interests of these islands.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Private Member's Motion No. 27/94, the Fair Competition Act or Law is the Motion that we are now debating. I rise to give my full support to this motion and in so doing to categorically deny to all and sundry that I am by no means a socialist.

I remember when this motion was originally brought – and let me say before I go any further, everyone has a right to his own opinion, so do I – to this House there were those who were for it and those who were against it. For the love of me, and I am certainly not a genius, but I believe that I can listen and understand, I still to this day cannot fathom where any socialist tendencies relate to the motion at hand.

I believe in the free enterprise system and I believe that like everything else – we used to have to pull the levers on those old cash registers, now we use our fingertips; we used to have to make ledger entries by hand, now we have computers – this motion is an attempt to bring in line the other things that have been happening in our lives since business has gone on in these islands.

There was a time when no one in his right senses would even have to think of a fair competition act. Our lives were simply much gentler. There was respect for one another's existence and I firmly believe that some of the people who have problems with this motion still have that way about them, which is the best thing in the world, but that is not the way that everybody is today. I beg for us to understand that.

It would be so nice and kosher if our everyday lives consisted of what they used to, but they do not any more. There was a time when one could borrow from the

other quite readily to keep one going until they could replace it. No one had problems with that. I would like for us to try that today. It is the exception nowadays, not the rule.

With that very small introduction, let me try to add my two bits for the rationale behind this motion. There is not much more that I can say without being repetitious and running the risk of falling sour with the Chair, so I will try to be careful.

Madam Speaker, the first word I heard which I take a different view with, is "bureaucracy". It is my opinion that bureaucracy can be created willfully, unwittingly, inadvertently or any other way. But conscious decision-making, and conscious process of legislation, can easily outdo any thought about bureaucracy.

If we had to worry, as responsible legislators in this honourable House, about the word bureaucracy, then we had better all go home. The truth of the matter is, if we understand what bureaucracy means we can avoid it. We simply need to know what we have to achieve and we simply have to devise the means to achieve it without getting into trouble with a pile of stepping stones before we reach the end result. That is all it is.

If we find within our system that bureaucracy prevails beyond the normal measure, then it is up to us to be innovative to achieve the same end results and cut the bureaucracy out. So, I cannot see the relationship between not wanting a Fair Trade Competition Act because it is going to create bureaucracy. I am sorry I do not hold that view.

Many examples have been used to show problems that have been created in the world of commerce simply by man's existence, and by man's natural tendency to outdo his fellow man in one form or the other. When we look at the free enterprise system, to the best of my knowledge the general view over the years has been that the free enterprise system is one which you leave to the participants in that system and nature will prevail; the strong will survive, the weak will be weeded out, quality will be assured, life will go on.

I say today, that that is how it used to be. The animals that we have to deal with today are totally different. It is my view that without interfering with anyone, legislation is the only answer.

Let me make a very small comparison. Those of us who are strong components of the police foot patrols, the whole reasoning behind that is not the number of thieves the foot patrol are going to catch, it is the number of robberies their existence is going to prevent. That is the whole and entire principle.

Therefore, the two Resolve sections in this Motion will be 90% served simply by the existence of those two things. The mere fact that one knows if one delves into the area where one might have to be called on, one is not going to do it. Only a few idiots will do that. The fact that this does not exist, we can take a chance any time. I hold to that view because I have seen it operate in everything else in life.

I wish to bring two specific examples which are literally outside of the purview of what has been discussed

before, but I will bring them in an attempt to show that fair competition legislation goes beyond where it is the private sector squabbling within itself. There are many things which we have not simply paid a lot of attention to in this country because there is always something else that we have to deal with.

Let me bring one little example. For almost light years, we have been preaching that we need to diversify this economy. If we go back through the *Hansards*, we will see in every Budget Address or Throne Speech the words used or alluded to. Let me show an example:

The Customs Tariff Law of 1990 says that the importation of bottled water is duty free. I just saw it five minutes ago, so I am not imagining it. If you import bottled water it is duty free. The Caymanian who wishes to involve himself in a light industry to install a small plant that would make the containers and bottle the water, has to pay 20% for the plant to make the containers, and the materials that he imports to make the containers to hold that water. But it is all right for him to bring in the water in the bottles and not pay anything. If that is not an anomaly, then tell me.

I bring that example to show that the Fair Competition Act goes over and above, and we simply need to be looking at things. It is not a question of holding somebody down, but these are the things that we have not looked into.

There used to be a thing called 'Pioneer Status', or something like that. I think that is out of the window, because I have not heard of it for quite sometime. I was almost in a quandary wondering if I should use an example which one would literally say applied to me, personally, but I can prove the same point by letting it apply elsewhere.

There is a local magazine which is produced every month in this Island. There is equipment here that can produce that magazine, but it is cheaper for the publishers of the magazine to send it abroad to get it produced there because when it lands back in these islands it is duty free. If they were to produce the magazine here, because of the materials they have to constantly bring in here, they would have to pay 20% on it which means (by the multiplier effect) that every time that magazine is sent abroad to be produced there has to be a US dollar draft accompanying it which is not coming back here.

So, those two examples that I brought are simply to show the things that we can be looking at. I am not suggesting that the material being brought in to do this magazine should be duty free; I am saying that whichever way it goes it should apply in both instances, and it is not happening now.

Those examples show another twist to fair competition because, in essence, the Fair Trading Commission, to my view, would be looking into matters such as that to make recommendations to the necessary parties involved to regularise the situation. That is how I view the second resolved section of this Motion.

There are other things that the commission would be looking into, but for those examples that were cited to be regularised would undoubtedly enhance the economy

in some way—it has to. There would be more employment created, there would be the multiplier effect locally because money would be spent locally. So, it must be for the better.

Every faction or group has its value. Let me be very fair by first of all stating that the Chamber of Commerce serves a specific positive purpose in this Island. I am not questioning that. I think it is the Better Business Bureau within the Chamber which deals with certain matters to try to solve problems by arbitration between its members and/or outside business people.

My view is that no private organisation is properly equipped to deal as a check and balance with certain matters simply because it exists in the same area that is has to be the judge of. I may not have said it right, but I think you understand what I am saying here. If there is no recognised national level where arbitration can take place without, even if it is unfounded, fear of bias, it will never be seen to be done properly.

I believe once this motion is dealt with and it is to serve the best interests of its intentions, it will certainly, undoubtedly, enhance business operations in these islands. I am sure that insofar as there may be some philosophical differences today, the Chamber of Commerce will be able to say that it was really not so bad after all. I am sure that they will even find that it is not socialist and they will all be relieved.

So, Madam Speaker, let me say once again that I give my full support to Private Member's Motion 27/94 and once the Government gets around to putting the two Resolve sections in place, it will make life a lot better for the business community. It will not for a second create any more bureaucracy and I believe that we will be the better for it.

Thank you.

The Speaker: The Second Elected Member for George Town.

Dr. Stevenson Tomlinson: Thank you, Madam Speaker.

I have read the Motion and I will begin by saying that there is no doubt that many people and many businesses, especially small businesses, experience difficulty because of other businesses in the community giving them so much competition.

What I would also like to say is that this often occurs in the community because of various individuals getting financial aid from abroad. Local people end up fronting for these people from abroad. I believe that the issue here in many instances is to try to prevent fronting in the community.

Therefore, I maintain that the way to do that is to ensure that the Trade and Business Licence is not issued to anyone that you can ascertain is fronting. A greater effort has to be made to ensure that the business being established is a legitimate business.

We know in the water sports and ground transportation sectors that many small operators have a very difficult time making it because of the competition – and

sometimes it is unfair competition – because the capital is not coming from the persons who say that the businesses are theirs, but rather that they are fronting for other individuals.

What is so serious at times is that money that could very well stay in the country goes out of the country while Caymanians themselves own virtually nothing. Perhaps they get paid something, but they do not get what others believe they are getting out of these kinds of businesses.

I believe then that we can do a lot, even with what we have in place now, to stop this unfair competition and we have to tighten up the issuing of Trade and Business Licences. The Immigration Department can be abetted in this process. We have to give them whatever aid they need and if it means legislating, or giving new regulations, new directives, then let us do it.

There are many instances where individuals open up businesses and claim that due to unfair competition it closes. I would never like to say that I would support – because I do not – a system where we are going to restrict the hard worker who achieves and excels in the community.

I believe that any hard worker, any company that strives hard towards excellence needs to be commended and if because of hard work, people excel, then I believe that is the free enterprise system at work and it should be encouraged, especially in a country like ours. It has worked through the years and I do not believe we should in any way try to stealthify this process. We could easily get to the point where we regulate things to the extent that it goes the other way and we do not see the progress that we all desire in the country.

When it comes to advertising, I have said for a long time that we definitely need a code of advertising that covers not only certain industries, but is comprehensive and covers all industries in the island. I believe it is very important to have standards for advertising. We need to be ethical when we advertise.

We know that there are certain professions where their ethics govern advertising, but I believe that advertising is something we should definitely look at. I do not think it is necessary to have this Fair Competition Law, or this Fair Trading Commission to have a look at advertising. I think this can be done without having to create yet another bureaucracy.

As I see it, it appears that the problem that we are experiencing in the community has to do with fronting. I believe that that is what we should be looking at because most of the problems that I have heard about, in some way or the other relate to fronting. If it is fronting that we are trying to address, then I think it is a bit far-fetched and we are overdoing it here to establish Fair Competition Law, Legislation and Commissions.

I will not support this Bill. I would rather tighten up the Immigration policies and seek to make sure that we endeavour to find out who is fronting when they apply for a Trade and Business Licence and simply not issue that licence.

Thank you, very much.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.06 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion 27/94.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: Thank you, Madam Speaker.

Let me say from the beginning that I believe the main reason why the Cayman Islands have been so unique over the years is because Caymanians have always had an opportunity to share in the prosperity of this country.

With the progress that we have experienced here, and with the advent of some foreign investors, it appears that there is an attitude now not among Caymanians but among foreign operators of foreign-owned businesses, that they must have it all for themselves.

I do not believe that any Caymanian is asking us to promote his business at the expense of somebody else's (business). I think the issue is that we must at least provide a playing field for all players on the same level. By that I mean everyone should be in a position where he can compete on an equal basis. There is nothing wrong with competition. Competition is very healthy and if we have a proper active competition going, it regulates that particular industry.

What concerns me is that there are some large operators in this country at the present time, the majority of which are foreigners, and their attitude is that they must have it all. What this is creating is resentment in our community against foreign investors and that is very risky indeed.

Caymanians have always been a very warm, welcoming people. They have always extended an invitation to people from the outside coming to enjoy our country, to visit or to live amongst us. But we must be careful that our people have an opportunity to continue to benefit in the prosperity of this country.

One area where I believe this unfair competition is very evident is in the water sports business. We have people like Captain Marvin Ebanks, Captain Crosby Ebanks, among many other Caymanians, Captain Ertis Ebanks, who are Caymanian pioneers in that industry. They are the ones who went out there and created and promoted Stingray City and all of the other attractions that we have here. And what happens? We get the foreign investor coming in, seeing the potential of making lots of money, not being prepared to continue sharing that with those persons who depend on that particular industry for their livelihood.

I get complaints, and I am sure other Members of this House get complaints, almost on a daily basis about this type of attitude. If the foreign investor were thinking in the long term, he would have the attitude that he is

very privileged to come in here to carry on business in a tax free environment – one of the very few of its kind – and able to earn a decent living. So, he must feel an obligation to the people of this country to at least allow those who are in the industry that he is competing in to continue to pick up some of the business. But that attitude is changing.

Another area is the transportation business. On a daily basis we hear complaints about unfair competition in this area. The major tour operators who have the contacts are able to fly up to Miami, sit down with the representatives of the cruise ships and say, "If you come to the Cayman Islands I have five buses. I can provide a tour for your passengers for \$15 and I can guarantee you that I can accommodate 25, 30, or 300-350." The cruise ships then sign an agreement with them because they can sell that tour for \$30. When their passengers arrive the tour operator gets his cut which is \$10 to \$15 per person, the cruise ship gets theirs and both parties are happy, while the small independent taxi driver, or bus operator who does not have the resources or, many times, the know how to go and negotiate on that basis, is left to fend for himself out there. Many of these people, who are our people, who depend on a livelihood in this industry are literally starving to death.

There is greed on the part of the foreign tour operators here, and then there is greed on the part of the cruise ship operators. They want it all for themselves.

If competition does not allow a balance on the playing field for all parties involved, then Government has to play a limited role in seeing to it that that balance is maintained. I do not know about any other Member, but I for one, chose to come back to the Cayman Islands (which is home) to live. I had options – I could have stayed in the United States and made a decent living. But I chose to come back home because of the special atmosphere and environment we have in the Cayman Islands.

We must do whatever is necessary to safeguard that environment. If our people are unhappy, then they are going to ruin it for everybody, including myself. So, we have to be vigilant as a Government to ensure that we are not introducing any socialist policies. There is nobody in this House more capitalistic than I am, and I think I have done pretty well at holding my own in my respective fields.

It is important for us to see to it that our people continue to earn a decent living in this country; continue to have the attitude of friendliness towards people from the outside, which we depend upon so heavily for our continued prosperity. But there must be a maintained balance.

I only mentioned two areas, Madam Speaker—watersports and transportation. There are many other areas where some type of control must be put in place. I believe that one of the reasons for the problems we are having in transportation is because previous governments did not choose to say that there is only room for 100 taxi licences to be issued in this country. I think at the present time we have close to 300 licences. What

that does is create chaos because there is a limited amount of business to be shared. It is much better if you can share that business between 100 taxi operators as compared to 250.

We do it in all other areas: the retail side of things... In every corner of this country we have boutiques that are competing with one another. No one is making any money. So, I think it is time for Government to look at putting certain limited controls in place.

Let me be swift to add that I still do not want to create the kind of business environment – regulatory environment – which probably exists in the United States of America, where there is so much red tape that as far as free enterprise is concerned, it is very limited. It has gotten to the point where there is little or no incentive for private enterprise to operate in that kind of environment because of the regulatory authorities and the bodies that have been set up for one reason or another. All it does is add costs to the price of doing business. It adds to the cost of the product and creates inefficiencies in a lot of cases.

I am not even sure if we need a Fair Trade Commission, or whatever it is. I think maybe one way of controlling – and I am one of those Members who does not necessarily think there is any particular way of controlling it, my only interest is that there is some control put in place. One of the ways that I think this could be done is by looking at the aspect of Trade and Business Licensing.

I recommend pulling it from the Immigration Department and putting it under the Financial Services Unit or the Registrar of Companies Unit, where there is much more professional expertise available with regard to analysing and evaluating applications with the recommendations going forward to the Executive Council, or whatever body is created to approve those applications.

I also agree with the Third Elected Member for George Town, who basically said that we have to be careful with regard to the regulatory environment we create. I believe in fair competition. I am not afraid of competition and I do not believe that any Caymanian is, to a certain extent. There is the recognition of the value of competition, but that competition must be fair.

The point that I want to make with regard to what the Third Elected Member for George Town said is that we do not necessarily need more laws in this country. What we need is for the laws on our books to be implemented and carried out. Not only in the area of business, but in many other areas where we have complaints on an almost daily basis. It is not for lack of legislation, it is a matter of the will and the ability to carry out the provisions of those laws.

So, I support this Motion. I leave it up to the Government to determine exactly how this unfair competition is regulated, but I believe it has to be regulated.

I recall one incident that was told to me by a Caymanian who was attempting to survive in the water sports business. He had spent money to have some brochures printed and he was walking from hotel to hotel placing the brochures on racks in order for the visitors to

have knowledge about his services. One of his competitors saw him and told him he could not do that, then walked to the rack, picked up the brochures and put them in the garbage. That cannot be right. I believe that every man has the right to the opportunity of earning a decent living in this country. I believe that the sooner we address this issue (before it really gets out of hand) the better off we are going to be as a people and as a country.

Thank you, Madam Speaker.

The Speaker: If no other Member wishes to debate, would the Mover wish to utilise the remaining few minutes to commence his winding up?

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I certainly do wish to utilise the remaining time to commence.

I thought that I had made myself crystal clear in what a Fair Competition Act or Law would seek to do, as well as the work of the Commission. I drew reference to various legislation from several jurisdictions to further bolster and complement the arguments laid.

This whole deal of being branded a socialist or socialistic is, as far as I am concerned, nothing new. Let me once again say that I am not now, nor have I ever been a socialist or a member of any socialist organisation for that matter. I challenge any Member in this House, or outside of this House, to bring proof or substantiation to the contrary of my position. If they cannot so produce it, then I say to them desist!

Socialists...

[Inaudible interjection]

Mrs. Berna L. Thompson Murphy: Madam Speaker, on a point of order, please.

POINT OF ORDER

The Speaker: May I hear the point of order, Honourable Member?

Mrs. Berna L. Thompson Murphy: Madam Speaker, the Member is inferring that I am the one who mentioned socialist. I did not say that he was socialist, I said this was a socialist's idea, if I remember correctly. I did not call him a socialist.

The Speaker: When you say this is a socialist idea, do you mean that the Private Member's Motion is a socialist idea?

Mrs. Berna L. Thompson Murphy: Yes, Madam Speaker, about the commission and the fair commission...

The Speaker: Well, I think, Honourable Member, that that is quite out of order. So, the Honourable Member for Bodden Town has a point of order.

Please continue First Elected Member for Bodden Town, you have one minute left.

Mr. Roy Bodden: Thank you, Madam Speaker.

My understanding of socialist and socialism is that of a political and economic theory which advocates state ownership and state control of the means of production. To the best of my knowledge, and I am entering my second term in this House, I have never come across any socialist sitting in this House at this time or in the parliament proceeding. In spite of the differences existing among us, we have been staunch capitalists.

I do not own my own business, but I work in a business where I have been employed for 14 years, and I certainly am not a socialist, nor have I ever advocated any socialistic legislation.

I hope that matter will now be put to rest once and for all.

MOMENT OF INTERRUPTION—4.30

The Speaker: It is now 4.30. May I ask for the Motion for the adjournment?

The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I was hoping that the Member would finish, but I am happy to move the adjournment of this Honourable House.

Madam Speaker, I have not prepared the Members for this, and I apologise, but we are having a first Annual Tourism Conference tomorrow. I think all of the Members have been invited. Hopefully they have received their invitations. I would be happy if the House would agree to convene tomorrow morning at 11 o'clock – instead of 10 o'clock – which would allow some Members to be present for the opening ceremony.

The Speaker: The question is that the House should adjourn and convene tomorrow morning at 11 o'clock.

If there is no debate I shall put the question that the House do now adjourn until 11 o'clock tomorrow morning. Those in favour, please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 11 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 11.00 AM THURSDAY, 1 DECEMBER 1994.

**THURSDAY
1 DECEMBER 1994
11.37 AM**

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

PRAYERS

Hon. James M. Ryan: 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, Official Members and Ministers 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. I apologise to Members for the late start of this morning's sitting.

Presentation of Papers and Reports. Actuarial Valuation of the Public Service Pensions as at 1st January, 1993; and the Public Service Pensions Board Annual Trustee Report for the year ended 31st December, 1993. I understand it is the wish of the Honourable Third Official Member that these should be taken together and that his statement will cover both.

The Honourable Third Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**ACTUARIAL VALUATION OF THE PUBLIC SERVICE
PENSIONS AS AT 1ST JANUARY, 1993;**

-and-

**THE PUBLIC SERVICE PENSIONS BOARD ANNUAL
TRUSTEE REPORT FOR THE YEAR ENDED 31ST
DECEMBER, 1993**

Hon. George A. McCarthy: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House the Actuarial Valuation of the Public Service Pensions as at 1st January, 1993; and the Public Service Pensions Board Annual Trustee Report for the year ended 31st December, 1993.

The Speaker: So ordered.
Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the Public Service Pensions Board, 1993, Annual Trustee Report and the Actuarial Report as of 1st January, 1993, are being tabled in this Honourable House in accordance with section 3D subsection 6, and section 31 subsection 3 of the 1991 Pensions Amendment Law, respectively.

The Pensions Board Report will show that as at 31st December, 1993, the pension funds stood at \$9,335,940, inclusive of accrued interest.

In 1993 a total of \$2,721,496 in employer-employee contributions was paid over to the fund while investment income amounted to \$369,888. Administrative expenses over the course of the year were borne by central Government. There were no payments of benefits and refunds to participants as the fund has not yet been qualified by the Actuaries as self-sustaining.

The contingent liability for the Public Service Pensions of \$32,445,624, as established by the Actuarial Valuation as at 31st January, 1989, has been increased to \$65,001,000 to reflect the valuation in respect of past service liability as at 1st January, 1993.

In accordance with the Pensions Amendment Law, 1991, the Actuarial Firm of the Wyatt Company, based in Washington, D. C. , was commissioned to conduct an actuarial review of the assets and liabilities of the Public Service Pensions Fund as at 1st January, 1993, in order to determine if the fund is capable of meeting its projected liabilities at the current rate of contribution. If not so capable, to determine the date at which benefits can start to be made from the fund and determine a contribution rate at which the fund would be capable of meeting its liabilities.

The valuation was carried out on the basis of two interest rates—6% to reflect the short-term nature of the current investment held, and 7% to reflect a more appropriate long-term investment policy. As it is envisaged that the investment policy of the fund will be modified in the very near future in order to include more long-term investment—the results are shown on the 7% basis.

The finding of the review is that the pension fund is incapable of being self-sustaining at the current rate of contribution. It is to be noted that as at 1st January, 1993, the Fund's assets amounted to \$6.3 million, while the assessed liabilities, that is, the past service costs with projection, amounted to \$99.4 million resulting in a deficiency of \$93.1 million. A review of Exhibit 1, as shown on page 12 of the Actuarial Report will show that the liabilities of \$99.4 million is arrived at by recognising the past service pension costs of \$65 million as at 1st January, 1993, and the projected liability of \$34.4 million by which the fund will need to be increased in order to meet the pension obligations of existing civil servants upon their retirement.

Item G of Exhibit 1, as shown on page 12 of the report, establishes the ongoing cost of accruing benefits each year at some 15% of payroll. In addition to this, the cost of amortising the past service liability over 20 years is some \$8.8 million, bringing the total cost to 39% of annual salary.

Future new entrants are expected to lower the cost since they will not be bringing with them past service liabilities. According to the Actuary, in order to adequately finance this fund a contribution of 25% of payroll would be necessary allowing for future new entrants.

Due to the escalating costs of pensions and the likely adverse impact on future revenue, the Public Service Pensions Board requested a number of supplemental studies which are expected to provide the Government and the Board with viable options from which to address this deficiency of the fund, as well as the pre-1990 past service liability which exists prior to the establishment of the fund.

Discussions are currently taking place between the Government and the Staff Association. A likely decision will be based on the need to move from the present 8% contribution to 15%, with an interim move to 11% by 1st January, 1993, and an increase to 15% by 1st January, 1996.

Thank you, Madam Speaker.

The Speaker: The second is the Final Report of the Select Committee to Review the Penal Code (Law 12 of 1975).

The Honourable Second Official Member.

FINAL REPORT OF THE SELECT COMMITTEE TO REVIEW THE PENAL CODE (LAW 12 OF 1975)

Hon. Richard H. Coles: Madam Speaker, I beg to lay on the Table of this Honourable House the Second and Final Report of the Select Committee to Review the Penal Code (Law 12 of 1975).

The Speaker: So ordered.

The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, the Select Committee of the whole House established to review the Penal Code, was appointed by the Legislative Assembly

on the 25th March, 1993, upon the passing of Private Member's Motion 1/93.

The Motion moved by the First Elected Member for Bodden Town and seconded by the Second Elected Member for Cayman Brac and Little Cayman read:

"WHEREAS there has been an alarming increase in juveniles committing crime;

"AND WHEREAS the Caymanian community is concerned over the increase in criminal activity generally;

"AND WHEREAS there is concern that our sentencing policy based upon the Penal Code and related laws is not sufficiently harsh as to serve as discouragement or a deterrent;

"AND WHEREAS many of these criminals are repeat offenders;

"AND WHEREAS the present Police Commissioner has stated that 'Cayman's policy for dealing with juvenile offenders is not very good,' and 'the policy for dealing with those in custody is worthless.' (Caymanian Compass, February 18, 1993);

"AND WHEREAS many Caymanians are not convinced that the policy of sentencing juvenile offenders to approved schools in the United States is in the best interest of this country;

"AND WHEREAS the long term financial commitment may be better spent on the provision of a local facility;

"AND WHEREAS the police complain that apprehended criminals are returned to the streets too quickly and too easily;

"AND WHEREAS many Caymanians feel that parents should be held more accountable and responsible for crimes committed by their juveniles;

"AND WHEREAS the sentiments expressed by many people in the recently held Police/Community meetings on Grand Cayman suggest that the authorities should adopt a "get tough" and "no nonsense" approach to crime and criminal activity;

"BE IT RESOLVED THAT a Select Committee of the whole House be appointed to review the Penal Code, with the usual powers to send for persons and papers."

The Motion set the Committee to comprise all Members of the Legislative Assembly and in accordance with the provisions of Standing Order 69(2), Madam Speaker, you nominated me – the Attorney-General responsible for the Portfolio of Legal Administration – to be the Chairman.

During the 20 months in which the Committee was active, a number of 13 meetings were held, and in accordance with the provisions of Standing Order 72(1), the Committee tabled an interim report on the 29th November, 1993. The Minutes of proceedings of meetings, together with the interim report form a part of this second and final report.

In accordance with the provisions of Standing Order 71(1), the Committee invited selected government offi-

cial and officers, and private sector professionals (some of whom were unable to appear) to meet it, as well as inviting members of the public, and of organisations, to present orally or in writing their views upon the existing Penal Code.

The Committee benefitted in its review from hearing evidence from the following: The Hon. Mr. George Harre, Chief Justice; Mr. Alan Ratcliffe, Commissioner of Police; Detective Superintendent, Mr. Ken Hall; Mr. Denis Marsden, the (former) Director of Prisons; Miss Adora Bodden, Head Mistress George Hicks High School; Mr. Ivor Archie, Senior Crown Counsel; Mr. Roger Bicknell, (former) Accountant General; Mr. Colin Powery, Collector of Customs; Mr. Orett Conner, Deputy Chief Immigration Officer (appearing on behalf of the Chief Immigration Officer) together with Mr. Franz Manderson the Senior Immigration Officer; Mrs. Maureen Brooks, Social Service Worker, Cayman Brac and Little Cayman; Mr. Oswald Rankine, District Commissioner; representatives from the Justices of the Peace Association of the Cayman Islands, Mr. Anthony Connolly; His Honour Magistrate Peter Jackson; Mrs. Mary Lawrence; Mr. Kirkland Nixon and Mr. Leonard Ebanks.

Mr. Carson Ebanks, Director of Planning; Mr. Walling Whitaker, Chief Environmental Health Officer; Miss Lucille Seymour, Education Officer Primary, appearing on behalf of Mrs. Andrea Bryan (former) Chief Education Officer; the Honourable Justice Derek Schofield; the Honourable Justice Anthony Smellie, QC; representatives from Cayman Crime Stoppers: Mrs. Jennifer Kaufman, Mrs. Gailya Hall and Mr. Nick Duggan.

Mr. John D. Jefferson, Sr; Mrs. Angela Martins, formerly Director of Social Services; Mr. David Jarman, Headmaster, John Gray High School; Mrs. Julene Banks, Crown Counsel; His Honour Magistrate Peter Jackson; Mr. Neville Smith (former) Chief Superintendent of the Uniformed Branch.

The Committee also benefitted from written evidence and papers from the Young Caymanian Businessmen Association; His Honour Justice Anthony Smellie, QC; the Justices of the Peace Association of the Cayman Islands; Mr. N. J. Smith; and the Honourable Chief Justice.

The Committee wishes to express its gratitude to all who gave evidence which provided the Committee with an in-depth knowledge of some of the profound criminal and drug related activities being committed within the Islands, not only amongst adults but also that of young children, as well as concerns of the Judiciary, the Government agencies and the community.

Madam Speaker, having regard for the confidentiality of matters brought to the attention of the Committee during hearings and in writing, it is recommended that the proceedings of evidence together with written submissions not be published with this report, and that they remain confidential.

For the Committee's use, legislation was requested from the parliaments of many other countries and the Committee wishes to express its thanks to the Parliaments of Australia, Belize, Bermuda, Canada, Cyprus,

India and New Zealand for providing legislation and other papers for the Committee's benefit.

The Penal Code in force in the Cayman Islands was enacted in 1975. Since its enactment over 19 years ago, there have been no less than 12 amending laws rendering the Law cumbersome and outmoded to deal with the growing concerns expressed in the Motion.

The Committee's approach to the review has been to endeavour to ensure that both penalties and offences are brought up to date. Whilst the terms of reference confined the review to the Penal Code only, the Committee is cognizant of the fact that a number of Laws are inter-related and that the Criminal Procedure Code, the Juveniles Law, the Misuse of Drugs Law, the Judicature Law, the Rehabilitation of Offenders Law, the Traffic Law, the Summary Jurisdiction Law and the Poor Persons Legal Aid Law (some of which are currently being reviewed by Government) will require consequential amendments and/or review.

The Select Committee recommends that amending legislation to the Penal Code drafted in accordance with its recommendations be brought to this honourable House at the earliest possible time.

The Select Committee wishes to report that it has concluded its work of reviewing the Penal Code and agrees that this report be the second and final report of the Select Committee to this honourable House.

Madam Speaker, before I formally move the motion to adopt these recommendations, I would like to point out to Members of the House that while the business of the Select Committee may be finished, the work involved in presenting amending legislation to this House to deal with the Penal Code has certainly not finished. There is considerably more work to be done, not just by the legal drafting section of my department. The Committee has highlighted the changes and alterations that need to be made to the Penal Code and there now remains considerable work to be undertaken to make sure that these changes are reflected consistently – not only over the Penal Code, but over other inter-related laws. By that I am particularly referring to where penalties are suggested to be altered, it is absolutely essential that the correlation of those penalties with penalties for other offences are kept similar. So there is considerable work to be done.

I certainly have in mind the Committee's desire that this amending legislation be brought to the House as soon as possible, and I will certainly do my best to ensure that happens.

So, Madam Speaker, I formally move that the recommendations contained in the final report of the Select Committee be adopted by the House.

The Speaker: The question is that the proposals as set out in the second and final report of the Select Committee to review the Penal Code be adopted.

I shall put the question. Those in favour, please say Aye. . . Those against No.

AYES.

The Speaker: The Ayes have it. The proposals have accordingly been adopted.

AGREED. PROPOSALS AS SET OUT IN THE SECOND AND FINAL REPORT OF THE SELECT COMMITTEE TO REVIEW THE PENAL CODE ADOPTED.

The Speaker: Draft Guidelines: Guaranteed Student Loan Scheme Financial Sector Cayman Islands Government.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

DRAFT GUIDELINES—PROPOSED GUARANTEED STUDENT LOAN SCHEME

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I beg to lay upon the Table of this honourable House the Draft Guidelines of the Guaranteed Student Loan Scheme Financial Sector of the Cayman Islands Government: General guidelines for participation in the scheme.

The Speaker: So ordered. Honourable Minister.

Hon. W. McKeeva Bush: In considering the end of year report of the Agricultural and Industrial Development Board in June, the Executive Council discussed the future of the existing student loan scheme. Particularly due to a decision by the Caribbean Development Bank to increase the interest rate for its line of credit to Cayman for Human Resource Development from 4% to 7 3/4%, we decided that local loan facilities for this purpose should be explored. Based on the resolution to pursue this matter my Ministry established a review committee.

The Student Loan Scheme Review Committee was established in June and consisted of the following members: My Permanent Secretary, Mr. Leonard Dilbert and I; Mr. Mario Ebanks, Assistant Secretary and Chairman; Mrs. Joy Basdeo and Mrs. Jennifer Smith of the Education Ministry and Council; Mr. Leonard Ebanks (British American Bank); Mr. Daniel Scott (Ernst and Young); Mrs. Marjorie Ebanks (Triple C School); and Mrs. Angella Miller (AIDB) as secretary. The Committee met on 24th June, 6th July, 20th July, 2nd August and 7th September.

The Committee's Report, in the form of draft guidelines for a Guaranteed Student Loan Scheme, is hereby laid on the Table of this honourable House. These proposed guidelines will, in effect, revamp the student loan scheme by liberalising the procedures, maintaining prudent safeguards, and transferring the funding source from the Caribbean Development Bank to Cayman's financial sector.

The proposed initiative to establish a working partnership with local class "A" commercial banks with a government guarantee will be similar to the new guaranteed home mortgage scheme where government will guarantee the loan for a student to obtain further educa-

tion. The new initiative should result in more funding being available for human resource development, less onerous terms and procedures, better accessibility for the wider population, responsibility for monitoring and administration being transferred to the financial institutions, and interest rates which are as low as possible.

In formulating these guidelines the Committee referred to existing AIDB Student Loan Scheme Guidelines, the Education Council Scholarship Guidelines and other local scholarship and loan scheme guidelines. The Committee also reviewed information on loan schemes for Jamaica, Barbados, Bermuda, USA/Federal Guaranteed, as well as information provided through the Education Ministry from the International Institute for Educational Planning. The Committee and the Ministry are satisfied that these proposed guidelines are in line with prudent safeguards and also meet the aspirations of potential borrowers and lenders.

The proposed guaranteed student loan scheme is based on a partnership between Government and commercial lending institutions. This scheme is to formalise manpower development and a training super-fund which is meant to supplement existing scholarship or grant schemes within the public and private sectors, as well as existing private sector loan schemes.

The purpose of the scheme is designed to provide students with the opportunity to pursue higher education including academic, technical and vocational training at local or overseas institutions including junior colleges.

This loan facility will cover tuition, books, room and board, and one return economy air passage per year up to a maximum of CI\$10,000 per annum, with provisions for adjustments due to reasonable escalation of tuition and fees. This initiative was approved by Executive Council on 18th October.

On Thursday, 20th October my staff and I held a meeting with the managers from seven class "A" (commercial) banks. The attendance and interest shown by Mr. Alex Wood (Barclays Bank), Mr. Harry Chisholm (Royal Bank of Canada), Mr. Eric Crutchley (Cayman National Bank), Mr. Tom Crawford representing Mr. Peter Larder (Canadian Imperial Bank of Commerce), Mr. Colin McKie (Bank of Nova Scotia), Mr. Nicholas Duggan (Bank of Butterfield) and Mr. Leonard Ebanks (British American Bank) continues to be a very positive development.

I have indicated to these representatives that in order to substitute for the AIDB Student Loan Scheme, the banking community would be requested to initially allocate CI\$1.5 million per year for 5 years, indexed by 10% per annum, in order for the guaranteed scheme to provide the funds needed for the revised student loan scheme.

At the meeting it was agreed that: (1) The guidelines were generally acceptable and could form the basis of an agreement between the Government as the guarantor and the participating banks as the source of funding. (2) A relevant government agency such as the Agricultural and Industrial Development Board (AIDB) could retain the general administrative role, that is, processing

applications, monitoring grades, verifying receipts, coordinating documentation for guarantees, and so on. Each participating bank would be responsible for administering the credit functions such as disbursements and collections. (3) Provisions should be made for funding of interest during the course of study, if necessary, as well as reducing the term of the loan in cases where the amount is small or the length of study is short. (4) It was also agreed that in the spirit of investing in Cayman's Manpower Development, each bank would consider offering interest free or fixed rate loans for all or part of its portfolio in this initiative.

The level of enthusiasm from the banks has been quite good to date. Government is expecting to receive a formal response from the banking community very shortly. It is expected that this initiative will be formalised and officially launched by January 1995.

Over the years, the AIDB Student Loan Scheme has played an important part in Cayman's Manpower Development. But since the National Team's election, our policy emphasis on manpower development and the training of our population, has more than doubled the value of student loans compared to the years before.

Cumulative, up to 31st December, 1992, the AIDB had 103 student loans with a value of CI\$1.4 million as compared to a cumulative 189 loans valued at CI\$2.7 million as of the 28th [November, 1994.]

When this Government came into office, we were inundated with complaints from students regarding their treatment. They felt as if they were begging from the Agricultural Industrial Development Board. New policy directives were given which reduced the friction. The management of AIDB was advised that in no way whatsoever should students be made to feel uncomfortable.

This increased demand, due to improved service and greater sensitivity by the AIDB staff (students now know that they are cared for), together with more emphasis on training by the Government and the Board, has resulted in excess demand upon the financial resources of the student loan scheme. This, amongst other things, was the catalyst for Government's new initiative on student loans.

The AIDB's loan commitments to students are presently being met from the repayments of loans to graduates, supplemented with a grant and a combined interest free loan of CI\$370,000 per annum from Government. Meanwhile, the role of the Agricultural and Industrial Development Board (AIDB) is also undergoing reassessment.

As can be seen from the departmental plans in the 1995 Budget Document, the AIDB has a number of very challenging and important objectives for 1995 and beyond. There will be a transition of AIDB from being a direct lender to playing a support role in the area of human resource (Manpower Development) funding, and also continue in their funding in Agricultural, Industrial and Commercial Project Funding.

Let me take this opportunity to stress again the attention we are paying to the subject of Manpower Development.

No sensible person accepts that in the workplace the nationality 'Caymanian' ought to be placed on one's resume under the heading of 'qualifications'. By the same token, however, neither ought it to be the case that any other nationality can adopt this practice. Where Caymanians have relevant qualifications, however, there must be opportunities available, given the number and range of jobs in Cayman, for them to prove what they can do. The whole point about Manpower Development is that it seeks to address that first step—the acquisition of relevant qualifications.

I should say, however, that neither the student loan scheme, nor any other initiative taken towards the objective of manpower development and training, will be of much benefit without employers who are receptive and prepared to commit themselves to the development of the Caymanian work-force. Some employers seem to fall into this category, others seem to be rather passive, and others still seem to have a blatant disregard to the claim of the Caymanian work-force for priority attention in terms of their knowledge and skills development. To put it bluntly, this latter category seems to actively discourage their Caymanian employees — if they have any — from progressing. This, Madam Speaker and Honourable Members, bodes no one any good in the long run, and I would hope that such employers would begin to facilitate their employees in taking advantage of the revised student loan scheme, or any similar training mechanism which may be available.

It is hoped that in legislation to come to the Honourable House in the new year, a form of apprenticeship or understudy guidelines can be included. To my mind, there is a need for the means to be in place whereby in our main industries of finance and tourism, and other large established companies conducting business in this country, that there is an understudy who is given every opportunity for career advancement, and genuinely assisted so that they can look forward to the day when that person will be filling top and middle management positions in their company. This should be seen as a two-way street.

In any event, it is my opinion that an understudy or apprenticeship scheme is timely, necessary, and important to the welfare of our young people and critical to the future of our developing country. I strongly believe that effective mechanisms must be found to comprehensively address training and upward mobility for all willing Caymanians in our work force.

It must, of course, be fully recognised that a country as small as ours produces professionals at a rather slow rate, simply because of the availability of manpower in smaller numbers, comparatively speaking, and also because it takes an individual many years of study and hard work in order to qualify in his chosen field.

However, while these are some of the hard facts, it must also be borne in mind that what has so far accounted for the harmony in our small country is also due to the fact that Caymanians, at many levels, have been able to benefit and prosper from the growth and development of their own country, as we all rightly should.

Surely, it is not expecting too much, nor can it be considered unreasonable for a young, energetic and qualified Caymanian, after he or she has gained a certain amount of experience, to eventually replace the person to whom he or she is the second-in-command and who is, naturally, a work permit holder.

This is, and must be, the natural course of events in any small developing country, and the Cayman Islands should be no different. This, certainly, is the way that I feel that it should be within our islands.

Now I know that there are some companies doing business here which have given many workers every opportunity to move up the career ladder. In fact, some companies have expended large sums of money in training Caymanians to fill responsible positions in their organisations, and I sincerely take this opportunity to commend those companies for so doing. One such company that readily comes to mind is Cable and Wireless (WI) Ltd. , and, of course, a few banks and trust companies.

I am also aware that provision is made for the Caymanian Immigration Board to ask for and examine the training programmes of companies before approving work permits. And today, in spite of the many criticisms aimed at the Caymanian Immigration Board, I am aware of several instances where Caymanians now hold prominent positions in some companies because of the Board's insistence that when there are local persons who prove themselves and who are good training material they must be given the opportunity before those companies are allowed to bring in outside workers.

So, while it is correct that this policy has helped in some instances, like everything else it is not fool proof. It is not as effective as it could be. Some companies have only paid lip service to this requirement and have not, in my opinion, made a genuine attempt to train Caymanians for responsible positions. Perhaps in some instances this is because they feel very strongly, and hold a preference for workers from their own respective countries to be brought in and allowed to work side by side with them.

Madam Speaker and Honourable Members, one area which my Ministry or the Elected Government has no control over is the Civil Service. But I must say that those in the Civil Service who are responsible for training and promotion in the Civil Service will have to set the example. If we want the private sector to set up training programmes and succession plans to ensure that Caymanians are given the opportunity for upward mobility, then the management of the Civil Service must do the same without any kind of bias—political or otherwise.

In examining the whole proposal realistically, all employers in the Cayman Islands should view the training and promotion of Caymanians as a very sound investment in the secured future of their business and, accordingly, a wise contribution to the continuing stability which makes the Cayman Islands a shining example in a sea of unrest, uncertainty and insecurity.

Government feels that our initiatives in this area, particularly student loan funding, manpower develop-

ment and labour reform, will be of great assistance in realising these objectives.

Thank you, very much, for your indulgence, Madam Speaker.

The Speaker: Thank you, Honourable Minister.

As it is now past 11 o'clock, may I ask for a motion for the suspension of Standing Order 23(7) to enable the questions to be taken?

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

SUSPENSION OF STANDING ORDER 23(7)

Hon. W. McKeever Bush: Madam Speaker, I move the suspension of the relevant Standing Order to allow questions to be taken.

The Speaker: The question is that Standing Order 23(7) be suspended in order that questions may be taken after 11 o'clock.

I shall put the question. Those in favour, please say Aye. . . Those against No.

AYES.

The Speaker: The Ayes have it. The Standing Order has accordingly been suspended.

AGREED. STANDING ORDER 23(7) SUSPENDED.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: Question No. 201, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

DEFERRED QUESTION NO. 201

No. 201: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture how does Government proposes to reinstate "Free Medical" to Caymanian Seamen as recently announced by the Minister for Community Development, Sports, Youth Affairs and Culture.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, recognising the contribution made to these Islands by the vast majority of seamen, and following in-depth discussions between myself, the Minister for Health, and the Seamen's Association, agreement was reached to provide free medical to seamen aged 55 or older, and their spouses, on the recommendation of the Association to the Ministry of Health.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say under what law or regulation was the decision taken to do this?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, section 9 of the law covers what Government intends to do and we are still discussing it with the Cayman Brac Seamen's Association.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Minister say if the Law he is referring to is the Health Services Fees Law, 1993, Law 9 of 1993, under section 9 which covers, as noted in the marginal note, "Poor people"?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Yes, Madam Speaker, but it does not say that Government cannot treat any person the way we are recommending. Under that provision the procedure is that if a person applies to the Social Services, they direct them to the Health Services. If they apply to the Health Services they are treated accordingly.

In this instance, this will not be the case, as the answer to the question says that the association will make the recommendation to the Ministry of Health.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is the Ministry giving any thought to including in the list of persons for free treatment the Cayman Islands Seamen's Association, as it is not there now; and, in all fairness, it only came into being earlier this year?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, we are discussing, as I said earlier, with the Cayman Brac branch of the Seamen's Association and the agreement that we have now come to has been reached with those in Cayman.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

In section 10, there is included here in (b) the Veteran's Association of the Cayman Islands and the Seamen's and Veteran's Association of Cayman Brac. But there is a third—the Cayman Islands Seamen's Association—which was recently incorporated, I think in June. The question I am asking is if there is any intention of including that, because it is my understanding that they themselves made specific representation to the two Ministers. I think the president is Mr. Walsham Connolly.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I have already said that that is the association that we have come to agreement with; the association—to make it explicitly clear to the Member—headed up by Mr. Walsham Connolly.

The Speaker: That concludes Question Time for this morning.

The Second Elected Member for Cayman Brac and Little Cayman.

RAISING OF MATTER OF URGENT PUBLIC IMPORTANCE**CUBANS PLAN PEACEFUL MARCH**

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Under Standing Order 12, I would like to move a motion to ask for the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

Under Standing Order 12(2) I have given the written notice, as is prescribed, to the presiding officer, which is the Speaker in this case, for a decision of the Chair in regards to an approval from the presiding officer.

Madam Speaker, the matter which I would like to raise relates to the matter as shown on the front page headline in the *Caymanian Compass* dated 1st December, 1994, under the heading "Cubans Plan Peaceful March." I read in this article only this morning that approximately 300 Cubans will be allowed to leave Tent City to march to the Government Building in protest of their situation here, and to attract international attention to their need for visas. I believe that this is something of unquestionable concern to the country, and that it would warrant some expression by Members of this House. So, Madam Speaker, I would ask, if it meets the approval of the Chair and the consent of the House, that a time be set for this in due course.

The Speaker: May I ask the Second Elected Member for Cayman Brac and Little Cayman whether the march is to be to the Government Administration Building or Government House?

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: It is my understanding that it is the Government Administration Building on Elgin Avenue.

The Speaker: Thank you. I have considered this matter as the Member had previously presented this to me, and I am satisfied that it is an urgent matter which the House can discuss. In the circumstances I have set the time for this discussion at 4 o'clock this afternoon before the House takes its adjournment.

May I ask the House if Members are in favour? I shall put the question. Those in favour, please say Aye. . . Those against No.

AYES.

The Speaker: The Ayes have it. The matter will accordingly be discussed at 4 o'clock this afternoon.

AGREED BY THE HOUSE FOR MATTER TO BE DISCUSSED AT 4 O'CLOCK.

The Speaker: Continuing with Other Business, Private Member's Motion No. 27/94.

The First Elected Member for Bodden Town, concluding the debate.

OTHER BUSINESS

PRIVATE MEMBER'S MOTION NO. 27/94

FAIR COMPETITION ACT/LAW

Mr. Roy Bodden: Thank you, Madam Speaker.

At the point of adjournment yesterday afternoon, I concluded in making known my concerns at the malignant and unmerited aspersion to this Motion being socialistic, and myself being a socialist.

I shall now address some remarks to the comments made by the Third Elected Member for George Town.

I was struck by the admission of that Honourable Member that she did not understand the position to make regarding this request for a Fair Competition Act, and for the Government to establish a Fair Trading Commission. I quote her words from the unedited draft of the *Hansard Report of 30th November, 1994*: "I have a few concerns here personally, but not so much personally, as that I took some time during lunch and spoke to business people, mostly members of the Chamber of Commerce, at a luncheon that they were holding, to know how to vote for this Law because I was not sure."

Madam Speaker, I must say that this strikes me as rather peculiar and I can only wonder whether that Honourable Member has lost her sense of direction and her sense of mission by admitting that she sought direction from the Chamber of Commerce on how to vote. I did not know that our Constitution permitted the Chamber of Commerce to have a member representing that body in

our Parliament. I thought we all came from various constituencies and, to the best of my knowledge, I thought that Honourable Member represented the constituency of George Town. I wonder what her constituents would say about her not seeking their advice, but seeking the advice of the Chamber of Commerce in how to vote on such an issue? I shall look forward to the future in this regard.

I would also like to say that notice of this Motion was recorded in the *Caymanian Compass* about four weeks ago. It strikes one as being rather peculiar—if the Chamber of Commerce was so concerned about this Motion, they had all that time to express their concerns yet they remain mum up until this point.

Madam Speaker, I want to say something else which I think is serious, and I crave the Chair's indulgence to draw reference to Erskine May, page 385, "Declaration of Interests in Debate", and I shall read: "**So far as debates are concerned, it is now a rule of the House, rather than a convention as was previously the case, for every Member to declare any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.**"

It goes on: "**A Member will normally declare his interest at the beginning of his remarks. This rule applies not only to debates in the House, but to almost all proceedings of the House...**"

Madam Speaker, it seems like the Honourable Third Elected Member for George Town forgot to declare her interest in this debate.

Unfair competition affects Caymanians in all walks of life. There is no need to rehash the arguments given. I would just like to crave the Chair's indulgence, because it seems that the Honourable Third Elected Member for George Town would have been better advised yesterday to remain in this Assembly and partake of the scrumptious bread provided by Miss Mary, because it seems as if the lunch she had, left her devoid of understanding simple and straightforward debate – I am sure Miss Mary's lunch would not have left her that way.

The Fair Trading Commission does not necessarily have to be an overburdening bureaucracy, and I quoted from *The Australian Trade Practices Act of 1974*, and I would like the Chair's indulgence to just repeat briefly: "**In this case the Commission shall consist of a Chairman and such number of other members as are from time to time appointed in accordance with this act.**"

I think that one Honourable Member suggested that the Commission can quite effectively be limited to three members—a Chairman and two other members. *The Australian Trade Practices Act, 1974*, goes on to say: "**The members of the Commission shall be appointed by the Governor General.**" (i.e. the *Australian case*)

In the Jamaican case it says by "**the Minister under whose Ministry the Commission falls.**"

In the Australian Act it specifies: “**A person shall not be appointed as a member of the Commission unless he appears to the Governor General to be qualified for appointment by virtue of his knowledge of, or experience in industry, commerce, economics, law or public administration.**”

There is no need to rehash what went on yesterday, and I certainly am not in a position to challenge the indulgence of the Chair by repeating what was said, I think quite well and quite lucidly, yesterday.

I will only say in conclusion that I recommend those in opposition to this Motion to consider their position carefully regarding callous disregard for people who are described as individuals under a piece of canopy selling "sheets, towels, clothes—all new items, not used—with a sign saying 'Garage Sale.' ”

I think those comments by the Third Elected Member for George Town were most reckless and ill-conceived. I would not go so far as to suggest that those people do not have Trade and Business Licences, because if those are the same people who I see from time to time, I am sure that their conscientiousness, their honesty, and the mere fact that they are law-abiding citizens of this country and community allow me to suggest that they have the relevant licences and the relevant approval to participate in what they are doing.

Let me also say that any small merchant, and individual who demonstrates industriousness and the ambition to set themselves up, is a citizen who is not likely to be a burden on our Social Services and, indeed, Madam Speaker, they should be encouraged.

I might also say that some of the best services in this country today are provided by those persons who operate what I call 'Mom and Pop' style businesses. They are personable, approachable, they know their clients on a personal basis and if one were to move around and speak to people who deal with these types of merchants, one would get the impression that there is a certain preference among many Caymanian people to deal with these people.

I welcome entrepreneurs, particularly people who start small. As I move around I see that a little plaza has opened up in the centre of town, very convenient. The stores are clean, well lit and the merchandise is attractive. I wish those people well, and I say that these are the kinds of businesses, and these are the kinds of individuals, that our country needs because they are catering to a special clientele, they are filling a gap and I hope that God blesses them. I cannot take the position of callous disregard towards these people and say that I do not care if they are run rough-shod out of business by big merchants.

Madam Speaker, price-fixing: The Third Elected Member for George Town made some request that that be explained. It is most simple and basic. It means the collusion by one or more merchants to set a price either artificially high or artificially low for the sole purpose of their benefit to the disregard of anyone else in competition with them, or to the disregard of their clients and customers. Because of its clarity and lucidity and its cul-

tural relevance, I would recommend that the Third Elected Member for George Town, and anyone who opposes this Bill familiarize themselves with the Jamaican Fair Competition Act of 1993.

Madam Speaker, you know something? when I wanted to get information on fair competition and a fair trade commission, I came to the Clerk and (God bless her), made my request and she, in her usual efficiency, got me all the information that I could use. So those Members in opposition to this Motion could have availed themselves of the same privilege so that they would not have to come here and debate in ignorance.

I thank the Government for its support. I must say that I was pleasantly surprised. The only thing I would add is to say that had the Government accepted the Motion in the first place we would probably by now have had the legislation in place.

I thank you for your indulgence. I thank all Honourable Members who spoke, including those who spoke against the Motion. Madam Speaker, my case is closed.

The Speaker: The question before the House is Private Member's Motion 27/94: "**BE IT THEREFORE RESOLVED that government explore the possibility of establishing some form of legislation which promotes Fair Competition;**

“AND BE IT NOW FURTHER RESOLVED that the government consider setting up a Fair Trading Commission to complement such Fair Competition legislation.”

I shall put the question. Those in favour, please say Aye. . . Those against No.

AYES.

The Speaker: The Ayes have it.

Mr. Roy Bodden: Madam Speaker, may we have a division please?

The Speaker: You certainly may.

Madam Clerk, please take the division.

The Clerk: Division No. 21/94

AYES: 12

Hon. James M. Ryan

Hon. Richard H. Coles

Hon. George A. McCarthy

Hon. W. McKeeva Bush

Hon. John B. McLean

Hon. Anthony S. Eden

Mr. John D. Jefferson, Jr

Mr. D. Dalmain Ebanks

Mr. D. Kurt Tibbetts

Capt. Mabry S. Kirkconnell

Mr. Gilbert A. McLean

Mr. Roy Bodden

NOES: 2

Dr. Stephenson A. Tomlinson

Mrs. B. L. Thompson Murphy

ABSENT: 4

Hon. Thomas C. Jefferson
 Hon. Truman M. Bodden
 Mr. G. Haig Bodden
 Mrs. Edna Moyle

The Speaker: The result of the division is 12 Ayes, 2 Noes. The Motion has accordingly passed.

AGREED BY MAJORITY: PRIVATE MEMBER'S MOTION 27/94 PASSED.

The Speaker: We proceed next to Private Member's Motion 28/94 – Request for Government to consider erecting school bus shelters at clearly demarcated school bus stops.

The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION 28/94

**REQUEST FOR GOVERNMENT TO CONSIDER
 ERECTING SCHOOL BUS SHELTERS AT CLEARLY
 DEMARCATED SCHOOL BUS STOPS**

Mr. Roy Bodden: I beg to move Private Member's Motion No. 28/94, entitled Request For Government To Consider Erecting School Bus Shelters At Clearly Demarcated School Bus Stops, standing in my name and reading as follows:

“WHEREAS children waiting for school buses should be protected from the elements;

“AND WHEREAS those bus stops erected by the Rotary Club of Grand Cayman Central are useful and efficient;

“AND WHEREAS it is recognized that there is an insufficient number of these stops in areas used by school children;

“BE IT THEREFORE RESOLVED that Government examine the feasibility of providing adequate bus stops and shelters throughout the Islands.”

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. 28/94, having been duly moved and seconded is now open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

In my estimation this Motion will find favour among all Honourable Members. I believe that all Honourable Members are of the opinion, and are desirous of our school children who wait for buses to be protected from the elements. Not only that, but to be assembled at clearly demarcated, visible and known areas so that not only will they be safe from the elements of nature, to a certain extent, but that they will also be able to congre-

gate in some safety and security as they stand on the side of the road.

I have had numerous requests (and I am sure that my colleagues and other Honourable Members of this House can say the same) from concerned parents and citizens who would wish to see more school bus shelters established.

The history of those bus stops and bus shelters is very well known, as is also the case that we in this House mentioned this need on numerous occasions. I noted that in the Estimates there is provision made for the sum of \$50,000 towards the erecting of some of these shelters.

I have been so concerned with this that at several meetings with my colleagues, the other representatives from Bodden Town, we discussed how we might more effectively provide shelters especially for the children in our constituency as we were often petitioned by parents and guardians about this need. So much so that with the support and agreement of my two colleagues I wrote a letter on the 17th of May to the Rotary Club Central of Grand Cayman inquiring as to how we could be of assistance in getting more of these school bus shelters erected.

Madam Speaker, the secretary, Mr. Fred Speirs, in his reply gave us an insight into the problem. They, the Rotary Club Central of Grand Cayman, had hoped to raise more funds towards the erection of additional bus shelters by realising funds from the advertisements placed in those bus shelters presently. However, he said, failure of a now defunct advertising agency owned by a famous real estate developer to forward revenues to the Rotary Club Central of Grand Cayman prohibited them from going any further so that it seems that the Rotary Club Central of Grand Cayman ran into a problem.

He has offered little hope in this in that he said recently, thanks to the renewed efforts of Rotarian Mario Ebanks, the advertisements have begun to produce some funds, but not yet on the scale hoped to enable us to purchase additional shelters. It is at this point that I wish to acknowledge Government's intention, as witnessed by the provision of \$50,000 in the Budget, to help with the erection of more of these shelters.

I commend the Motion to Honourable Members, and I am sure that in their concern for the safety of our school children the Motion will be supported.

Thank you.

The Speaker: At this time proceedings will be suspended until 2. 30.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 28/94. The First Elected Member for Bodden Town continuing.

Mr. Roy Bodden: Thank you, Madam Speaker, I had concluded my introductory statement.

The Speaker: Thank you.

The debate is now open. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I rise to support Private Member's Motion No. 28/94, The Request for the Government to consider erecting School Bus Shelters at clearly demarcated School Bus Stops.

In supporting this Motion, I think of the conditions which prevail in our country at this time, and liken the necessity for bus stops to the necessity for having all of our roads named and houses and buildings and all such parcels in the country numbered.

I think that now is the time for the country to be seriously looking at the question of public transportation. School bussing, when we think of it, is public transportation which is, in most cases, paid for by Government. If we are going to have any decrease in numbers of vehicles in the country, it will only come via the use of more public transportation.

This Motion is asking specifically about school bus stops and school bus shelters. I would like to suggest that within the scope of that description one would have to take into account those bus stops also serving the public in general. Surely, a bus stop which was established to offer shelter to school children would also serve as a bus stop or pick up point for public transportation. I believe that when we think of the usage of school bus shelters, school bus stops, we need to think of it in a wider realm.

Like the mover of the motion, I have been approached about Government assisting with the erection of shelters for school bus stops in Cayman Brac as well. The occasions when attention is focused to this matter is greater during the rainy season when school children must stand on the side of the road to be picked up by the school bus.

However, it serves another purpose as well, it shelters them from the sun on days when it is not raining. It also provides a specific location, where buses may not stop at every single turn in the road. I think in any exercise of establishing these bus stops, it would be necessary to look carefully at how any given district or community is laid out and try to space them at intervals where they would serve the purpose of the most children – certainly, the most people in a particular community or neighbourhood or district as well. I reflect on what I said earlier, in that I can hardly believe that the Government would say that this is a bus stop shelter purely for school children and that no one else could use it.

I am aware that the Rotary Club Central of Grand Cayman did make the first move in providing these in the Islands. I was a member of the Club at the time and I recall very well that it was the intention (of the Club) to sell advertisements within the bus stop shelters. Indeed, they did sell quite a number which were placed on the

panels on the sides. In other parts of the world that is standard practice to advertise various goods and services or businesses. We heard that this fell awry and did not proceed any further.

I believe that the information which would be available from the Rotary Club would be information which the Government could well make use of. As I recall, these were designed to certain specifications. Most of them were metal, and after the slab was poured it was quite easy to erect. The integrity of the structure seems to be extremely strong and they should last for a long time. For those that have been erected, I think they speak for themselves, except where vandalism might have occurred.

I think it is good that the Government has responded to what I understand is also a request directly to the Government, and that they have placed some money in the Budget for purchasing and establishing bus stops on the Islands. As I recall the cost at that time was about \$5,000, or thereabouts, so I do not think that one could have a huge number of bus shelters provided for this amount, but, certainly, it is a start and it is on Government's own initiative.

I, personally, believe that the Government could readily accept this Motion which has been put forward, which would simply strengthen their hand in that it would have the approval of the Legislature for them to continue what they have already initiated by providing funds.

This is something which I believe is necessary, something which we have grown into in this country. Long gone are the days when school children would be safe walking the roads with their bags on their backs as it was in the past. Some school children nowadays start school much earlier, and if one cannot take those children to school in individual cars then one has to hope that they can ride on the bus. So, from a safety point of view, this situation of a need being created by changing times, and, indeed present times, makes the provision of bus stops a considerable necessity.

I think this Motion is timely and it simply asks for the Government to examine the feasibility of providing adequate bus stops and shelters throughout the islands. Here I would certainly hope that in Government's effort they would not forget the need in Cayman Brac as well, for such shelters.

Since Government has obviously already examined the feasibility and decided to do so, this Motion is very relevant indeed and simply would, if accepted, give the approval of all Members of the House to this particular effort.

Madam Speaker, I support the Motion presently before the House.

The Speaker: The Honourable Minister for Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

I rise to speak on behalf of the Government on Private Member's Motion No. 28/94, which is presently before the House.

A few days ago, this Legislative Assembly gave the Government the go ahead, full approval, to establish bus stops throughout the Island. Under Item 35-280-1, on page 364 of the Budget, one would see a figure of \$50,000 for this purpose. Therefore, we cannot see the reason why a Motion is necessary at this time for the facility.

Just to touch on a few points made by the last speaker: I would like to point out that quite early this year I too spoke to members of the Rotary Club, because I am a Rotarian, and encouraged them to once again bring on line the project of establishing bus stops throughout these islands. I assured them at that time that my support as a Rotarian, and as a Minister of Government—and I felt certain that I could speak on behalf of the Government—was there and that we could work together to have these facilities established for the betterment of the people of this country.

Whatever we do will have to be a multi-purpose facility. We cannot cater to the school children only because nowadays there are a lot of individuals who still do not have automobiles and have to use buses to travel throughout the Island. A feasibility study was done, and for this reason Government saw fit to include in the 1995 Budget a sum to have the project started.

We know that \$50,000 cannot complete the project but it will give us a start. Established already in certain areas of Grand Cayman are the concrete slabs from the time that the Rotary Club started the project many years ago, so it may not be as costly as we believe.

I believe that as a joint project of the Rotary Club and the Government, we can do exactly what is necessary. On this side of the House, and, indeed, I am sure all Members of the Legislative Assembly, have received similar complaints and requests for the facilities which this Motion is speaking of.

So, as I pointed out earlier, we have the approval of Government already because the Budget was voted on a few days ago. We have already taken it on as a project and, God willing, we are going to take it on first of the year and move on this as speedily as possible. So, at this time, the Government does not see the need for this Motion.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I rise to give my support to Private Member's Motion No. 28/94.

The Motion reads: "**Request for Government to consider erecting school bus shelters at clearly demarcated school bus stops.**" Madam Speaker, in chronological order, I am sure that the Motion was put through its process, seeking to be put on an Order Paper in this sitting, for some time before the Mover and the Seconder were aware of the \$50,000 proposed in the Estimates for this same purpose. It is certainly not an intended duplicated effort.

Having established that and having listened to Government's position on the Motion, I just wish to make

a few short comments regarding the Motion as it seems that at this point in time they are not minded to support it.

I understand what the Minister said, it is not a question of being in sync with the Motion; my understanding of what he said is that Government is already dealing with the matter so this Motion is unnecessary. Nevertheless, to each his own, with justifications.

It is my view that having approved the Appropriation Bill which was recently before us, only has said to the Government: 'Yes, we agree with your spending of \$50,000 on bus shelters' and there is really no other signal at this point in time. With that in mind, there is no assurance, literally speaking, for continuity of the project because the truth of the matter is that none of us are able to say today exactly what would be priorities down line. I do not think that is an unfair statement because I think in my short tenure here, I have seen variations in priorities.

My view is that if the Motion were to be accepted and given approval, since it is the view of most of us that all Honourable Members wish to see this become a reality, then what the Government has at that point in time by way of this Motion is the political will being accepted by one and all to continue with this project. And regardless of what happens down line, I think anyone would be hard pressed to say it should not be continued.

The point that I make with that is, basically, that if the entire House gave its blessings by way of this Motion, it would simply strengthen the case.

I believe if we look in the Estimates we will see the \$50,000 projected to be used during this fiscal spending year, and without having the benefit of looking at it right now, there are probably funds in the projected columns for down line. But, if we are to compare previous Budgets with projected amounts to be used down line, very often when the time comes those amounts change. As I said earlier, we find changes in priority.

So I only say that to reiterate my point that acceptance of this Motion is simply strengthening the Government's position and its commitment to seeing these bus shelters become a reality throughout the Islands.

Going to the physical aspects of the Motion, there are a few points I do not think have been fully raised and I wish to air those.

The safety factor is one that has been talked about and alluded to; it is one we need to ensure everyone realises the importance of. Those of us travelling within the districts (including right here in George Town), if we are on the road during the pick-up or drop-off hours we notice that while it is now law that the buses have doors opening on the left hand side so that no one has to walk around the bus when he exits, the fact is that on many occasions where the buses stop, there are no real (what I would term) pull-off lanes for them to get directly away from the traffic. Common courtesy is extended on most occasions: people going in both directions in vehicles literally wait until the children cross the roads. But the truth is, that it is very risky to be dealing with the matter in that fashion because sometimes one's concentration

will not be where it should be and one might not even realise what is happening until there is an accident.

So, my view – whether Government accepts this Motion or not – is that whenever this is being done, wherever physically possible, these shelters need to be placed where buses can pull off the road to do the drop-off or the pick-up. This, to me, is a very important point.

The types of shelters that we have seen around here are fairly durable, but they are certainly not vandal-proof. If advertising is going to be considered as a means of revenue to support the idea, there are ways and means of doing it without making the sides of these shelters from any type of material (glass or something similar) that can be broken.

So, whatever is being thought of along this line, I think it is important that the Government, in tandem with whomever they are working with, will try to acquire a type of shelter that is vandal-proof.

If we look at the main purpose of the Motion regarding school buses, I think both the Second Elected Member for Cayman Brac and Little Cayman and the Minister responsible for Communications and Works said in their contributions that the bus shelters need to be used for a wider purpose than just for serving school children. I agree with that, because there is no sense in duplicating the effort. But in the light of the way the shelters need to be done, I think (while not going into a lot of detail of the differences that would have to be required if thinking along the line of children rather than adults) we need to ensure that whatever is done is done for the best interest, and the best safety factors involved for the children. I am sure the adults who may use these shelters afterwards will certainly fall in line with whatever way it is being done.

I sincerely hope that, while this is not a situation that often occurs, the Government will see fit to accept the intentions of the Motion and simply take this opportunity to strengthen their position for continuity by allowing all Honourable Members in this House to support this Motion; work together with regards to the intention of the Motion so that there is no room for doubt in anyone's mind regarding seeing this project to completion. I take this opportunity to beseech them to reconsider the position that we have heard, not for any other reason—because I am sure that we all agree with the principles that need to be applied—for the simple reason of adding strength to any argument that might come up down-the-line so that no one can say that they were not around to deal with this or that. Let us all share the responsibility of making sure that this project, while it is slated to start, will be continued right to the end.

I support this Motion, and I humbly ask the Government to support it also. Thank you.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, we have heard the reasoning of the Opposition, and I am not go-

ing to say they are not genuine in their attempts to get these bus shelters, but the Opposition must accept that when Government says it is going to do something when it has money that it has every good intention to do so.

Their main argument is. . . and we do not need to hear talk about the reasons for the bus shelters, I think the Mover did a good job on that. It is something that previous governments talked about in previous years, and I know that a resolution was brought to this House sometime back, I believe in 1990. Government well understands the reason; that is why money is in the Budget to begin the bus shelters.

So my purpose for rising is to address some matters that the last two speakers spoke about. Madam Speaker, only to kindly remind the Second Elected Member for Cayman Brac and Little Cayman that the money is in the Budget—the same Budget he did not vote for.

One point raised was that the Motion was tabled before the proposers knew about the provision in the Budget. Well, that might be true, but it was certainly not tabled before our Budget Document was put together and they certainly had sufficient time to withdraw the Motion if they cared to.

I think the one major point that I want to address is the point raised by the Fourth Elected Member for George Town about continuity and priority. I do not think that his point holds any water whatsoever, because we, as the same Government who would support the Motion, as he said, had the political will to put the provision for expenditure in the Budget and we have every intention to carry it through to completion. When I say we as a Government, a majority of this House.

I think what Members need to realise is that this Motion, or any other motion passed by this House, can give no authority to spend unless otherwise signified by the Governor. Finance Committee is the only body and only authority to give permission to spend money. In connection with this matter, we did that in Finance Committee a few days ago when we voted on subhead 35-280. That was a specific Head put by the Financial Secretary which Members voted on to provide the bus shelters.

All Members here have already given their permission for the expenditure, except the Second Elected Member for Cayman Brac and Little Cayman who did not vote for the Budget.

Mr. Gilbert A. McLean: I was not supporting your tax package.

Hon. W. McKeeva Bush: Well, Madam Speaker, he says the tax package. The tax package is not contained in this Budget, that is a Bill to come later. I thought that the Member had sufficient understanding to know that what is contained here are such things like the \$50,000 and other monies for education, health services, all the expenditure that the country needs. He voted against it. He should have saved his vote against for the specific bill when it comes—not to vote against the Budget.

The Budget contains some good expenditure like the one we have now. We have already voted on it.

A good matter raised by the Fourth Elected Member for George Town is the size of the road and the location of the bus shelters. That is the reason why a feasibility study was done which revealed shelters needed to be put a safe distance off the shoulder of the road. In certain districts we may even have to purchase property to ensure that the shelters are safe enough off the road.

They will be properly demarcated in all the districts including the Sister Islands of Cayman Brac. I do not think that there needs to be any big fuss on this, as I said we all agree with the reasoning put forward by the Mover. We have already passed it in Finance Committee and it is a beginning. It is much more than was done by the previous Government who promised that they would do something about it but really did nothing.

So we are on all fours again with the Opposition on the provision, but we do not see the need to support any resolution and, the reasoning put forward by the supporters so far is not sound.

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

I rise to make my contribution to the debate on Private Member's Motion No. 28/94: Request for Government to consider erecting school bus shelters at clearly demarcated school bus stops.

Madam Speaker, this question has been around for as long as I have been in this House and there is more to it than we have heard here today. The erection of bus shelters along the road necessitates compliance with the Development and Planning Law, it requires the consent of the property owners. I know one previous Government was given a design by a local company which, at that time, was prepared to donate 50 shelters to be erected along the school routes here in Grand Cayman if the design was approved. Unfortunately, it could not get through Planning as Government did not own the property on which they were to be erected. So there is a lot of technicality in this.

The need is definitely there; there is no question in any Member's mind, or anyone in the Cayman Islands, that it is an absolute necessity. Further, I would like to say that I am grateful for the step that Rotary Club took, but I said at that time that I did not think it was a design that was conducive to keeping the children or anyone sitting there out of the elements. It may have prevented them from being in the sun, but we would like to protect students who are prepared to go to school, from getting wet by the rain or splashed by passing vehicles. That is a concern that I have for children waiting to go to school—that they arrive at school in proper attire and in proper condition to attend classes.

So I think this is truly a project that is going to get the co-operation of Government and the Private Sector; the individual landowners will have to give permission. It

is something that the Government must naturally be involved in. I am very grateful that they have \$50,000 in the Budget today (the 1995 Budget) which will certainly go a considerable way. But I feel we should once again appeal to the private sector to donate these shelters. They are to protect our children and it is certainly a worthy cause.

I think a design should be one that would be symmetrical throughout the two islands that have school buses. If every shelter has a different design it will detract from the road instead of serving a purpose.

First of all, I think that the Director of Planning will have to be brought into this discussion in order that he concurs that these can be built, and if Government does not have property in the area which they would demarcate, then the proper arrangements are made with the landowners. I might also add that it is very important that the Traffic Department be brought in so that these shelters do not in any way affect the visibility along the road.

I feel today that it is time that this country shoulders its responsibilities and that the private sector join with Government in setting up the design and establishing where the shelters be erected and that the private sector supply the funds to have it done.

I do not feel that we should wait for another Government. This is the fourth Government that I have had the privilege of serving under in this Honourable House. Each and every one made attempts to provide bus shelters, but to date, very few have been erected.

Madam Speaker, with these few words I ask, whether this Motion passes or not, let us endeavour to work together to get bus shelters for our people who need them.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker. I rise to give this Motion my full support because it is calling for something that is very much needed—protection from the elements for our children going to school.

I do not intend to make any long speech, but for any objections which come in the way, I trust that the private sector along with Government will get it straightened out.

There is one other point that I want to make here. While we are waiting on the shelters I would like to see buses get the order to drop the children near their homes or at home whenever they can.

Thank you, Madam Speaker.

The Speaker: If there is no further debate, would the Mover of the Motion wish to exercise his right of reply, thus closing the debate?

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, kindly, Madam Speaker.

In bringing this Motion to the House, the Honourable Members in support of the Motion, certainly, the seconder and the Fourth Elected Member for George

Town with whom I discussed it, realised that the Motion for the putting in place of properly erected school bus shelters at clearly demarcated school bus stops, could not be easily done. Certainly, when we saw the \$50,000 in the Budget which was allocated by the Government, we realised that that has to be but the beginning: which brings me to explain that that is the reason why we realised that we had to ask the Government to examine the feasibility of providing these shelters.

I think the Second Elected Member for Cayman Brac and Little Cayman just skirted the points that we took into consideration. I am grateful to him for raising them because it makes it easier for me to explain our position for why we asked the Government to examine the feasibility.

We realised that we cannot just place the bus stops along even strategic junctions in the road. What has to be done has to be a co-ordinated effort on the part of the Lands and Survey Department, on the part of the Planning Department, and also on the part of the Public Works Department.

Ideally, we will see this as an effort which takes some time to lay out. Once the plans have been laid out, then perhaps, it would be a wise idea to circulate and show the routes where the bus stops will be placed before any finalisation or any construction actually begins.

Let me strengthen my argument by providing some statistics which may or may not be known. There are currently some 63 pick-up points for children going to school in Grand Cayman and Cayman Brac—61 on Grand Cayman and, to the best of my knowledge, at least two on Cayman Brac (two that I know of, there may be one more). That makes a total of at least 63 pick-up points. There are 12 in West Bay; 10 in George Town; 20 in Bodden Town; and between East End and North Side there are 11.

This led us, the Opposition, to realise that in order to cover these 63 points there has to be pin-point accuracy and co-ordination. What we are concerned about is that some of these pick-up points can be amalgamated thus reducing the pick-up points and enabling the buses to arrive at school at an earlier time.

A significant point of concern to us also has been the delay in traffic caused by automobiles caught behind school buses making numerous pick-ups. This is especially so coming from the Eastern Districts where throughout the constituency of Bodden Town we have some 20 pick up points. No one can actually cross the school bus at any of those points, therefore, any drivers caught behind the school bus are captive until they reach the turn off point by Red Bay. We contend that that is a major reason for the long snaking line and traffic delays that all who drive that road speak about.

We have estimated the number of children travelling on these buses at over 1,200: about 500 are in George Town; 300 from West Bay; about 250 in Bodden Town; and about 150 from East End and North Side.

We are also of the opinion that if the bus stops and bus shelters were more properly co-ordinated, people who now bring their children to school from these dis-

tricts, because of the inconvenience of where the bus stop is platooned, will cease and let their children off and let them take the buses to school, thus further easing up traffic congestion in some areas.

I also agree with the First Elected Member for Cayman Brac and Little Cayman when he says that we have to pay specific attention to the design of the bus shelters. We would like to pin point that the three of us who planned the Motion realised that, as much as we appreciate the present bus shelters, that they are not as effective as they can be because they do not effectively protect those users from the rain. They are fine for protection from the sun, but they offer little or no protection from the rain, which is another reason why the Motion is asking the Government to examine the feasibility, because we believe the bus shelters can be more effectively constructed or designed.

The Fourth Elected Member for George Town brought up another important point which we discussed. We are not convinced that the present bus shelters are vandal proof in a changing Cayman, or that they are as vandal proof as we would like them to be. That is another consideration which led us to say that we would like to see a further examination of this whole system of school bus shelters.

We can not very well withdraw the Motion when we realised that provision was put in the Estimates for some work on school bus shelters, for the reasons which I have just outlined. Also, we see this Motion as further stressing the importance of not only erecting bus shelters which can be used by school children, but by erecting bus shelters which can fit into the well-coordinated traffic flow system which all Honourable Members in this House would like to see and which we are all prepared to work towards.

Let me tell you, Madam Speaker, of a practice that I have noticed is becoming all too familiar. Buses which carry adult passengers are now refusing to pull off onto the shoulders of the road for passengers to embark or disembark—especially where there is a queue of traffic. The bus drivers refuse because they do not want to lose their place in traffic. I am contending that that is going to cause problems, not only by causing someone to run into the back of the bus, but by causing fights and wars. I have, on occasion, seen where people pull up to the side of the bus, roll down their window and proceed to curse and tell off the bus driver. It is the most frustrating experience that one can have and it is the height of inconsiderateness. So that is another reason why we need to have clearly demarcated bus shelters.

I have to say, regrettably, that the drivers I have noticed in this practice are not Caymanian. As bad as some of us Caymanians may be, we have not grown to that point of inconsiderateness as yet. That, in itself, compounds the issue because one Caymanian is likely to be a little forgiving towards the other Caymanian, but when he sees that it is not a brother the same tolerance is not there. It is for this reason also that we, who brought the Motion, did not see fit to withdraw it.

As one Minister said, we are on all fours with the Government that the problem needs to be solved and it can be solved by erecting these bus shelters. We felt that had we withdrawn the Motion we would not have been able to elaborate and get these points and concerns across because the avenue for debate would not have been there.

Now, Madam Speaker, I have to defend my colleague, the Leader of the Opposition. I do not believe that his not voting for the Budget means that he has no regard for seeing these kinds of improvements in the country. On the contrary, I believe that he has made his point quite lucidly.

I know that it is not easy for the Government to retract once it has publicly stated its position. But in consideration of these points just elaborated upon, I ask that it reconsiders its position taking into consideration that we are all together and allow the Motion to carry. The Government then has the mandate to decide what approach to take and how it will be done.

The Minister of Community Affairs is a good spokesman. Let him come back and tell us what Government plans to do and when it plans to do it, but vote yes with us at this time.

Thank you.

Hon. W. McKeever Bush: We can tell you that we have done it.

The Speaker: The question before the House is Private Member's Motion 28/94: "**BE IT THEREFORE RESOLVED that Government examine the feasibility of providing adequate bus stops and shelters throughout the Islands.**"

I shall now put the question. Those in favour, please say Aye. . . Those against No.

AYES AND NOES.

The Speaker: The Noes have it.

Mr. Roy Bodden: Can we have a division please, Madam Speaker?

The Speaker: You certainly may. Madam Clerk, please take the Division.

The Clerk: Division No. 22/94

AYES: 4

Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 9

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeever Bush*
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mrs. Berna L. Thompson Murphy

ABSENT: 5

Hon. Thomas C Jefferson

Hon. Truman M Bodden
Dr. Stephenson A. Tomlinson
Mr. G Haig Bodden
Mrs. Edna Moyle

***Hon. W. McKeever Bush:** We are voting 'No' because it is already in the Budget – the funds are already there.

The Speaker: The result of the Division, four Ayes, nine Noes. The Motion, therefore, has not been carried.

Proceedings will be suspended for 15 minutes.

PRIVATE MEMBER'S MOTION NO. 28/94 NEGATIVED BY MAJORITY.

PROCEEDINGS SUSPENDED AT 3.38 PM

PROCEEDINGS RESUMED AT 3.59 PM

The Speaker: Please be seated.

It is now one minute before 4 o'clock. And as was agreed this morning, this would be the time allowed to discuss the matters raised by The Second Elected Member for Cayman Brac and Little Cayman.

The Second Elected Member for Cayman Brac and Little Cayman. Perhaps I might ask the Honourable Member. . . I hope that he will not go beyond 4. 30, otherwise we will not be able to get out of town today.

[Members' laughter]

RAISING OF MATTERS

MATTER OF THE DEMONSTRATION BY THE CUBAN REFUGEES IN THE CAYMAN ISLANDS

Mr. Gilbert A. McLean: Madam Speaker, this afternoon I wish to express my appreciation to you in giving your approval that this matter of the demonstration by the Cuban Refugees in the Cayman Islands be discussed, and for the maturity of the House in recognising the great importance that this matter creates.

Madam Speaker, on this occasion I am moved by the fact that I believe as an Elected Representative of the people I should speak to put forward some views on what is happening in our country at this time with the Cuban Refugee situation.

When I got the paper late last night, I simply could not believe what I read on the front page. It is relatively short. I would like to read it, and then express my thoughts on various aspects of it.

It reads: "**Cubans at Tent City have been given official permission for women and children to undertake a peaceful march Thursday afternoon to bring international attention on their need for humanitarian visas to the United States.**"

"**According to a Government Information Services press release the Cubans want to attract international attention to their need for visas for families with minor children and the elderly, said Mr. Omar Lorenzo Aguero Garcia, a leader of the camp's re-**

cently formed Commission. At the same time, he said, the Cubans want to express 'how grateful they are to the people and Government of this country because they have received great hospitality and help from the Cayman Community.'

"The group undertaking the walk will comprise some 300 women and children and will be led by members of the Commission who have been holding discussions with Government on behalf of the camp.

"The march will be from 4:45 pm to 6:00 pm from Tent City across Smith Road to Thomas Russell Way and to Elgin Avenue. In George Town they will assemble at the Government Administration Building where 11 year old Yonsy Gimenez Rodriguez will read the poem, 'Gentle Cayman.' The poem was composed by Mr. Aguero, a clinical psychologist, following his arrival in Cayman.

"Mr. Aguero and other members of the commission will also speak to the press on their need for visas and the gratitude they have for the Cayman community.

"A police escort will be provided and motorists travelling these routes between 4:45 and 6:00 pm are advised to expect some delay and diversion.

"Commissioner of Police, Alan Ratcliffe, who met with members of the Commission to discuss the event, said that the commission had assured the police and Government that the march and assembly at the Government Administration Building would be orderly." We see that this is a GIS (Government Information Services) report.

Madam Speaker, in all sincerity and in truth, before God, my fellow legislators and you, I think that for the first time in the history of the Cayman Islands we are in a state of madness.

It has been quite impossible, since last night to now, for me to truly reconcile in my mind that we could possibly imagine letting out illegal immigrants, aliens in our society, allowing them onto our streets to march on our seat of Government. I cannot really imagine that that is in this paper. I cannot.

We are talking about persons who came to these shores illegally. I am not here to try to say what their conditions were in the country of their birth, that is, Cuba. I have heard many stories. My general impression is that it is not good. But they came of their own will and volition. Upon reaching the shores of this country they have said they are going to stay here and not go back from whence they came.

I know of no instance from the time that these Islands existed where a similar condition occurred where Caymanians are concerned.

I think that among these people there are those who, if we had knowledge of their past, we would not want them in Cayman.

Mr. Roy Bodden: True enough!

Mr. Gilbert A. McLean: It is absolutely frightening. Among those persons there have to be some criminals. We do not know, and we will never know.

The Law says that any such country as the Cayman Islands found in this situation has the right to arrest and detain such persons until steps are taken to send them back to the country they came from, or for them to be repatriated elsewhere or arrangements made for them to stay here.

This country has given the Cuban nationals here every consideration beyond any situation I think obtained for Cubans leaving Cuba since that has been re-occurring. But how do we arrive at a situation where they can apply to our Governor and our Commissioner of Police for approval to leave the place of detention to go to march on the Governor? It would be similar to us letting the prisoners at Northward march on the Court House or on the Judge who sentenced them to prison.

It is not the Government of my country that can give them visas, it is the United States that can give these persons visas to travel there. I am told that the Government of my country is attempting to negotiate with the United States for them to get such visas. So what are they marching on the Government of my country about? Why are they being let out of the camp to march and protest to the Government of my country? For being treated too well?

Yesterday, the First Elected Member of Government told this House that for 90 days the cost to our country, our people and our treasury, for having these persons here was \$1,431,472. That did not take into account the 30 days in November. If we take one-third of that and add it to that sum, at the end of this month we should have spent \$1,908,630—approximately \$2 million in 120 days.

The Speaker: Honourable Member, may I just say that while provision is made in our Standing Orders for a matter of urgent public importance to be debated on a Motion for the adjournment, and for a time to be set—which is now—this is something which each person, I am sure, would like to say a bit on. The Honourable First Official Member is responsible for this subject and he naturally would give Government's statement on the issue.

As I said, our Standing Orders are silent on the procedure but in other places half an hour is allowed for such a matter. So, I just wish you to take that in mind and not go too far on any other subject except the specifics of the demonstration and the peaceful march this afternoon.

Thank you.

Mr. Gilbert A. McLean: Madam Speaker, just to make sure I am understanding your advice, the whole discussion should take half an hour, or do I have half an hour?

The Speaker: No, the whole discussion should take half an hour, at 4. 30 there will be the interruption of business.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I have grave concern with this situation because as I look at the eminent economic disaster that is facing this country with Cubans being here and us paying for them, I consider the fact that we have heard that Government has in some instances stopped monies as small as \$25 or \$50 for our own people. We know that with the ongoing presence of these persons, there is a major dislocation in the Government services: in Immigration, the Police, Customs, Social Services, Hospital Services, Education. Madam Speaker, it is never ending. This evening these persons are being allowed onto our streets with the assurance from themselves that they are going to be peaceful.

I really cannot comprehend it. Only today, and yesterday, certain Members expressed concerns about having a commission set up to deal with the matter on the Law to come, and there is a Commission set up in the camp.

These persons, 300 of them (women and children) are supposed to be taking to our streets shortly. I wonder if any thought was given to the fact that when all of the women and children are out of the camp what will happen there with the men who are left behind? Is that for some particular happening or occurrence?

I seriously wonder if such concerns were taken into account; if such concerns were thought out as to what they might do back in the Camp, from a safety perspective of this country. I am also told that other than these persons who are supposedly going to be let out of that detention camp legally, there are assumed to be about 60 people loose in the country and no one really knows where they are.

In the same newspaper today, we see where 55 police have been brought in from the United Kingdom. I wish it were 555, if we could afford it, for I believe that we have a serious need for security in this country. This, again, is an additional expense. Can we possibly conceive bringing the officers here to guarantee a march to bring international attention to the visas which they say they want?

I really wonder about and ponder this situation. The question of security should have been thought about. Last week these same people, who have been given access to walk our streets and demonstrate before our seat of Government, broke down the fences which had them contained while we hear the Chief Immigration Officer say that it was watched and no one tried to stop them as they came out for a walk in the evening sun.

Something is wrong. It has to be stopped. This country is in grave danger economically and from a security perspective. I do not believe it is possible to state what is happening now too strongly.

How is it that our religious persons are talking about us treating them properly, as we are doing—and by treating them and entertaining them properly we might be entertaining angels—how can this be consistent with what is happening today? I do not know, but I am concerned and I believe that the Government – and I speak

specifically to the elected representatives of this country. For while the Official Members have clear responsibility, and have clear duties prescribed to them under the Constitution and by the Governor, the people of this country did not elect those particular Members. They elected the others. And what will happen is that other Members and I will hear concerns expressed to us about those Honourable gentlemen who are supposed to not allow these things to happen – or, finding the solutions to these situations.

Madam Speaker. . .

The Speaker: You are not leaving much time for the Honourable First Official Member, or any other Member. I am going to propose the adjournment at 4. 30.

Mr. Gilbert A. McLean: Madam Speaker, if you will just allow me another minute, I will try to summarise. I was not aware of the time limitation, but I do appreciate your guidance on this.

There is so much that comes into play in this particular matter that the time simply does not allow me to go further. All that I propose is that I could summarily say at this time is that I believe it is wrong; it is a mistake that this demonstration should be allowed in this country; it can serve the people of this country no good; it will serve the people of this country no good; it should not happen.

I say again to the Honourable Ministers of Government, and I implore you, conditions have to be handled otherwise, irrespective of the opinions that may vary from your own. I dare say we hear opinions similar to what I have expressed here. And I do state my gravest concern for what is happening to this country with regard to the Cuban Refugees being here, the demonstration this evening, and the results afterwards.

Thank you, Madam Speaker.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

I rise to make a statement on the matter that is now before the House, the matter of the peaceful march planned by the Cubans, women and children, later this afternoon. With your indulgence, I would like to read a short statement on this.

“As reported in today's *Caymanian Compass* [Thursday 1st December, 1994] Government has agreed to allow the women and children of Tent City to undertake a march culminating in a peaceful demonstration and the reading of a Poem by one of the children in front of the Government Administration Building at approximately 1700 hours today.

“This has been discussed and agreed with the Commissioner of Police and the Chief Immigration Officer, and police officers will be in attendance.”

“I would like to make it abundantly clear that the object of the demonstration and the reason for it ending at the Government Administration Building is only because this is a focal point to bring to the attention of the international media [and it is my un-

derstanding that reporters from the Miami Herald and TV Marti and others are due in this afternoon] in particular the United States, the plight of the Cuban migrants in the Cayman Islands and the difficulty of their situation.

"In this way it is hoped that the United States Government might look sympathetically at the possibility of families with children, the old and infirm, being allowed direct entry into the United States as we understand is being done quietly from at least one of the other safe havens that the United States now operates.

"This possibility and other options are also being explored through diplomatic channels. The demonstration is not intended [let me emphasise not intended] to be aimed at the Government or the people of the Cayman Islands. Action by the Cubans has come as a result of constructive discussions between Government and the recently formed Cuban Committee." [There is a 14-man committee at Tent City that speaks for the Cubans and this is the Committee to which I refer.]

Madam Speaker, the Second Elected Member for Cayman Brac and Little Cayman has pointed out the eminent economic disaster facing this country by the upkeep of Cubans and I am the first to state that it is costing this country a great deal of money—I gave that information yesterday. However, this is one way of us trying to reduce the numbers of Cubans here, thereby reducing the cost. I should like to say that the Government has been exploring all avenues, all possibilities. Wherever suggestions are made they are considered and explored in an effort to bring the situation to a successful conclusion.

I can understand the concern of the public in this matter, but I should like to assure this Honourable House and the listening public that the Government has looked very carefully at this matter and security is a top priority; security at the tented facility while the march is going on and security around the marchers.

I trust that the march will be what it is intended to be—a peaceful one. I can only say that all efforts have been taken by Government, the matter has not been dealt with lightly, it has been taken with a great deal of discussion and a great deal of input from all concerned. We hope that we will have a peaceful demonstration.

I was a little surprised, perhaps on a lighter note, to hear the Second Elected Member for Cayman Brac and Little Cayman state that it is a frightening situation. He looks to me like a pretty powerful fellow and I would not have thought that he would have been afraid of women and children. But we hope that there will be no confrontation.

Madam Speaker, I thank you for your indulgence.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

MOTION TO SUSPEND STANDING ORDER 10(2)

Hon. W. McKeeva Bush: Madam Speaker, I note your message to the House awhile ago, but I am going to ask that under Standing Order 83 we suspend the adjournment—Standing Order 10(2)—until 5. 00 p. m. , and ask Members to be brief because I know that people have commitments on a Thursday afternoon.

The Speaker: The question is that the moment for the adjournment should be suspended until 5. 00 p. m. to allow other Members who may wish to debate this matter to do so.

I shall put the question. Those in favour, please say Aye. . . Those against No.

AYES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended and we shall adjourn at 5 o'clock.

AGREED. STANDING ORDER 10(2) SUSPENDED.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: It is hard to get up in the Legislature to say that a matter is not under our control. I know that people may not understand that but the simple truth is, to an extent, our hands are tied.

I must confess to this honourable House that these have been six trying months – probably the worst in my life – when I've felt so helpless because we are a small territory, we have no real defence and we are a gullible people.

This Government has done everything possible to accommodate the Cubans. I do not think anybody would deny that statement. We have an obligation to these Cuban nationals under international regulations, under the United Nations; it is something that we cannot get out of. We are no longer the Islands that time forgot; we are part of the world and international problems affect these Cayman Islands. This is probably one of the worst yet to have hit us. It is a problem that we are bound to under international regulations.

Now, Madam Speaker, that is not to say that we should throw up our hands in despair, and that has not been the case. As I said, we have bent over backwards, we have spent monies that could rightly have been spent in other areas. I should mention, since it was referred to, that monies that may have been stopped by the Social Services Department was not a decision by the Government; the Department took it upon itself to do this after it claimed that it had made some re-evaluation. This has since been rectified, and I think I stated earlier that I have given policy decision that this is not to be done again unless it passes my desk.

As a Government we have gone to Washington at least twice and have had discussions with the States Department, the Immigration and the Defense Depart-

ment at the very highest level. This matter is not one which the United States Government has acted on quickly: it has dragged its feet. It has sympathy in certain areas, but I believe that in the majority, at least in one of the main departments—the Defense Department—we have received no sympathy.

The United Kingdom politicians have no sympathy whatsoever to the situation here. While from our information a good many of the officials – not elected, but civil servants in higher office – seem to have been trying to help us, there has not been anything tangible forthcoming.

When I went to Canada for the CPA Meeting, the new Minister in charge of the Foreign and Commonwealth Office, Mr. Baldry, arranged for me to have an audience with him. We had a good discussion and, again, what happened is that he claims he understands our problem, but there was no offer for any assistance. Mr. Baldry, I understand, is coming to this country shortly—in fact this month.

One of the problems there ... the Cubans are bad enough, but our own people, some Caymanians, are too passive and simply too gullible – too willing to be kind even to people who in the majority do not appreciate it. Time and time again I have said to the constituents throughout this country do not ask us to do something about visiting because I think that is a camp and that should remain a camp. They are not here under our blessings—they are only here under United Nations Regulations and we have to abide by that. Everybody understands what it could mean to the Cayman Islands if we were stopped from flying into the United States, if the international community took a stand against us. Everybody understands what would happen to our little country. That is our position.

At the same time, we cannot allow the Cubans to run this country. It is going to be difficult, and I will probably have to explain this to the Governor, but I am an Elected Member by the people of this country and from the beginning, I have put it in writing, I do not appreciate how things have been handled at that camp. I have said this to the Governor and in this instance I did not agree for this march to take place. I do not see the reason for it. The United Nations, the United States, the United Kingdom—everybody knows their plight.

Now I think the Officials in Government who took the step to do this took it upon themselves to try to diffuse the growing friction at the camp. I cannot say that I blame them. But I must tell this House that I was not in agreement with the planned march. I think I speak on behalf of my two colleagues who I hope will mention something themselves.

The Government is elected, but we all know the Constitution and especially in this matter, His Excellency the Governor has the say. We can tell him how we feel, but he does have the say. In this instance he planned and agreed with the Commissioner of Police and the Chief Immigration Officer.

I do not agree with it. I hope it goes well. I know that precautions have been taken. I know that we have

police from the United Kingdom coming, and the very thing that was mentioned by the Second Elected Member for Cayman Brac and Little Cayman concerning what would happen at the camp, all precautions have been taken. We have stated in no uncertain terms to them that it had better be taken because this is our country.

Madam Speaker, we can say no more. I think we have administered our office faithfully in this matter. As Elected Members we have told the public as much information as could be given out. Maybe I will be reprimanded this afternoon, but I do not care. Enough is enough, and I have had enough of these Cubans. I will abide by the United Nations Regulations, but I have had enough of being soft and taking a soft action locally, towards them. I have said this before too, and I will say it again, that is what we have a Police Force for; that is our only protection.

I will say that everybody concerned has been doing a fantastic job. My staff has gotten to the point where tears are now flowing. We have said this to the international community. We have said this to the United Kingdom, we have said this to the United States—manpower-wise we are strapped. We are suffering under extreme circumstances. I cannot put it any clearer to the Honourable Members of this House. I hope they understand the situation.

The Speaker: The Honourable Minister for Communications and Works.

Hon. John B. McLean: Madam Speaker, there are certain times in this House when someone wishes he were on the other side, because once in Government you are tied by collective responsibility. But I have to say that I, too, share the concerns that I have heard here this evening. For a long time I have been concerned. I believe I have been exposed to this thing more than most Members and what is here today is something that I saw coming for some time.

I support my colleague in saying that I in no way will ever support such a demonstration, because while those people are going to read a poem called 'Gentle Cayman', they do not know the word gentle. It is unfortunate to say, but as far as I am concerned this is the only rock that I know, and if they come to it (and Caymanians being the individuals they are received them with open arms), I believe that this behaviour is far from being good.

Like my colleague said, I do not care if someone wants to knock me on the knuckles for what I am saying here, but I have my rights and my first respect must be shown to the people of this country. If I support somebody coming here who cannot be here as a refugee, then as far as I am concerned their status as a refugee has changed and it is either refugee or criminal. I am very concerned where this thing will end, and I trust that as of today the United Kingdom Government will realise that all that the Elected Members have been doing, and trying to do and pleading with, I trust that our voices will

be heard and they will come forward before this thing gets out of hand.

We can see the determination of these people. We have tried in every way and, while I must say that I understand what the Commissioner of Police and the Governor are trying to do, I really wonder if we can continue to handle these people with kid-gloves. I believe the time has come when we will have to take a stand in this country—it is costing us anyway. As far as I am concerned with this kind of behaviour this evening, we may have a lot of bad publicity abroad. In my own way of seeing it, it seems foolish when foreign nationals are going to come here and demonstrate against the people's representative of this country and against the Queen's representative — coming to us from a communist land where they could not do it. This is ridiculous. I am very concerned about this matter, being a representative of the people of this country, and a Minister, and also being in this House for many moons.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. I will not be very long.

I also oppose the action that has been allowed in this country with regard to a demonstration and a march. My position from the beginning has not changed. My position has always been that the United Kingdom, which is supposed to be responsible for external affairs, is responsible for the situation that we have at the present time. I must say that, as an Elected Member, I am deeply disappointed with the lack of action or interest from the United Kingdom. I believe that as far as we are concerned, we can go to the United States, but the United States has no responsibility whatsoever to us—no obligation to us whatsoever. The United Kingdom is responsible for that situation and I believe they should not only address the situation, but they should have volunteered and told the Cayman Islands that they are prepared to give us \$2 million, \$3 million, to assist with this situation until it can be resolved one way or the other.

I am deeply disappointed with the attitude of the United Kingdom. It is my firm opinion that we are going to have these people around for a very long time. It is up to us, because I do not believe the United States is going to do anything, and I do not think the United Kingdom Government is going to do anything, and it is costing us. We need to take whatever action is necessary in order to resolve the situation in our best interest.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I, too, rise to speak on this tragic situation that has literally been slammed down on the people of this country.

To follow up on what the previous speaker just said, I tend to support that 100%. I think it is a disgrace that

the Mother Country being responsible for us will sit down and let this go on. They can send troops and ships to Haiti and other countries; they can send 50 million pounds/dollars to Vietnam, and here we are being penalised for success. I think what is happening to us is unbelievable.

I must say that. . . and thank God that my poor dead mother did not treat me the way the Mother Country is now treating the Cayman Islands.

Hon. W. McKeeva Bush: Hear, hear!

Hon. Anthony S. Eden: We are being penalised for success just because we have a balanced budget, because we can handle our own affairs. Why must we be left to fend for ourselves? Are we not going to get this help until we are down on our knees and are crumbling? It is a disgrace.

I share the concern of all the Members here regarding what is happening in our peaceful country that has risen to the top of any economic thing that we can get. Here we are being humiliated as we go along. I think it is a shame. Despite the situation and the problems that the Cubans are now having, they must learn to realise that they came here and must work with us and be patient.

His Excellency the Governor has spent hours and hours on the telephone, our representatives went to the United States and wherever possible. Here we are this evening faced with a crisis that never before in the history of these Islands have we had. I hope we can all stick together on this issue.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, I want to say something on this matter too.

I am very concerned over this issue. The Cuban refugees are offered more here than most of our Caymanian people are getting. The thing about it is that they are illegal immigrants in our country. They should be abiding by our laws, not demanding to have demonstrations. I have never heard of refugees having demonstrations in any other country.

I have witnessed camps in other places, and these people are blessed; Cayman took them in with open arms and this is what spoiled it. We gave them the break from the beginning that they have never had, some have never known anything about good treatment, and now they are overdoing it.

These are people who you cannot trust—you are not talking about Caymanians, you are talking about Latin people. How many Latin countries today are good? Let us face facts. Something has to be done, and done quickly.

I think that instead of letting them demonstrate here we should be putting pressure on the Mother Country to relieve us of this burden that we are carrying. I am going to say this now: if nothing more comes out of this dem-

onstrator I will be surprised. When you talk about security, what security do we have? They are sending in more police. You can take police and fight guerrillas? Do we know what is in that bunch there? We do not know.

So with that, I say let us try to put a stop to it some way or another. Thank you.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: From the time that I made my contribution to the Budget Address, I mentioned how I personally felt about the Cuban situation in the Island. From the time they started arriving on our shores I could foresee that problems would take place.

We know that the Government has done so much to contain the problem, to address the problem, to seek for a solution and it seems like there is no immediate solution to the problem.

I remember meeting with the Governor and I suggested at that time that it would be in our interest—and considering that it was the United Kingdom that signed the international treaty making us obligated to honour this treaty, the United Kingdom is a large country with over 55 million people, it is much better able to cope with over 1,000 refugees than we are—I suggested that it would be a lot cheaper for everyone concerned to send them to the United Kingdom and let them deal with the problem.

Evidently people thought that I was joking at the time. I still feel that these people should be sent to the United Kingdom. The United Kingdom will say that it is not their problem. That is like saying that we can just stay and suffer it out and find our own solution the best way that we can. I do not think that the United Kingdom is honouring their obligation. I believe that we have been left high and dry, stranded to fend for ourselves and at the same time we are not given the liberty to make decisions in our own interest.

If it were left to many Caymanians, they would have offered these Cubans food and petrol and asked them to continue on their journey and wish them God's blessings. But we were not allowed to do that and we started on this humanitarian course doing as much as we can and now we are obligated, it appears, to continue giving all the care we started to give.

I still believe that the best thing to do with the Cubans is to try to negotiate with the United Kingdom. I know that the Governor has said that this has already been attempted, but perhaps it should be put to the United Kingdom Government again. If they are not going to assist any more than they are doing, then at least free us from the international obligations and let us do what we think is best in our own interest. I believe we are quite capable of solving the problem, but if our hands are going to be tied that is what limits us here.

Like other Members, I am extremely disappointed (and I said this previously) with the actions of the United Kingdom Government and that will not change unless I have reason to. I hope that a solution to the problem is

found, I certainly do not support this demonstration. We have been told that it is going to be a peaceful demonstration, we have been told that they are going to say a lot of good things about Cayman and try to attract international attention so that something can be done. Believe you me, the international community will perceive it in the way that they want to.

I do not support the demonstrations, I do not even support them being in our midst and I feel that it should be us demonstrating.

Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker.

Unfortunately, I have been away for the last four days due to a very serious illness in my family and I just arrived back on the island; I have come here straight from the airport.

However, I am very surprised to understand that the Cubans, who are illegal immigrants, not refugees with any rights, are now beginning to demonstrate. This is going to hurt this country. It may be good for them, but it is bad for us. We have managed in the last two years to have our people remain peaceful with the exception of one small instance, and now we have people here, illegal immigrants, who are going to hurt the tourism of this country.

Basically, as I see it, they are biting the hand that feeds them and there could not be a more direct statement than that—they are biting the hand that feeds them. This thing has to stop. When they are gone and tourism is hurt, repairing it is not going to be an easy thing. Damage once done is not easily rectified.

We have done everything we can to be humane and to assist them. The time that we spent with the British and in the United States in Washington, we have done everything we can from that point of view. But we have a situation where this is costing this country a lot of money. While the European Economic Community is prepared to stand some costs on this, it is a small amount. As I understand it, it is only in the vicinity of one-seventh or one-sixth of the cost. Therefore, this country, if the Cubans remain here, will have to pay several million dollars per annum. If that is \$2 million or \$3 million, whatever it costs to keep them, then the people of this country are going to have to pay it through higher taxes. There is no way around it at this stage if we have to take on a burden of several million dollars. I do not think that is right for our people.

It is costing us twice as much to keep one Cuban as we are paying to our poor. That situation cannot go on. It is bound to cause civil commotion. As I see it, this is very worrying because the next approach is that Caymanians are going to get very upset because as soon as they are told how much this is going to cost them, then a lot of the sympathy that is out there is going to disappear.

Along with this, Madam Speaker, we do not know who those 1,200 people are; we do not know if they are out of prisons. Have they been screened? We do not know whether they are good or bad. There are obviously good and bad amongst them. But this is now the beginning of them exerting rights, which legally they do not have. This is what is worrying at this stage because the 12 who are refugees (I think it is 12 or 14) under the International Convention on Refugees with the United Nations will have to be resettled here. But there is no legal obligation to do the same thing for people who are only economic migrants.

I do not know what the answer is going to be, but at this stage I see it as a very serious matter. I do not know how much the House knew in relation to this, specifically, but presumably it was known. The House has to pull together, regardless of whether we are Government or Opposition, and try to solve this problem because it is going to affect all of us.

The situation is very worrying. I see this demonstration as 'biting the hand that feeds them', because if the tourist dollar has to be cut and this country is going to suffer as a result of people who are here and we are giving them \$3 million or \$4 million a year to keep them, that we are not giving to our own poor or putting into our schools, then I see that as a serious matter.

The other thing, integrating 1,200 people who are Spanish-speaking in a country this small is, in my view, impossible. A small amount we can take, but if this demonstration is aimed at integrating that full amount, there is no way we can deal with it. Our schools cannot deal with it, our economy cannot deal with it, and that aspect is out.

So what I would say is that we, as Members of this House, are going to have to sit down and see what we can find as a possible way out. I do not understand why they are not prepared voluntarily to go across to Panama or some place else or try to solve the problem themselves. They are not going to solve it by hurting the economy of this country.

I appreciate you are going to suspend shortly, Madam Speaker, but it does worry me. I think it worries all of us in here and I think the whole Cayman Islands need to get together and try to figure out a solution to this problem before we get carried down and we are in a similar plight as Cuba now is, in the respect of not having the sufficient economy within us to cope with the expense that is there. That is the only way I mean it.

In other words, it is going to hurt us economically. They are hurting economically. We did not bring them here; the Americans assisted in enforcing this situation and they have not helped us. The British have done practically nothing and agreed that the European people are going to help us but it is a very small amount. So the burden of this has to be carried by the people of this country and to carry it means raising duty or taxes or fees or something if we are going to keep this country on a steady footing.

Thank you.

The Speaker: It is now after 5 o'clock, and this has just been a debate; there is no motion to be put. If eventually Members get together and put together a motion for the consideration of the House, that will be well and good, but at this time I will ask for the motion for the adjournment of the House.

The Honourable Minister for Communications and Works.

ADJOURNMENT

Hon. John B. McLean: Madam Speaker, I call for the adjournment of this Honourable House until tomorrow morning at 10 o'clock.

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

AYES.

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

AT 5.04 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 2 DECEMBER 1994.

**FRIDAY
2 DECEMBER, 1994
10.13 AM**

The Speaker: I will ask the First Elected Member for Cayman Brac and Little Cayman to say prayers.

the Standing Business Committee of meetings held on 2nd and 14th September, 1994.

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, Official Members and Ministers 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. Order. Proceedings are resumed. Presentation of Papers and Reports. Report of the Standing Business Committee. The Honourable Minister for Tourism, Environment and Planning.

**PRESENTATION OF
PAPERS AND REPORTS**

**REPORT OF THE STANDING BUSINESS COMMITTEE
MEETINGS HELD 2ND AND 14TH SEPTEMBER, 1994**

Hon. Thomas C. Jefferson: Madam Speaker, I beg to lay on the Table of this honourable House the Report of

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Madam Speaker, the Committee met on two occasions – Friday, the 2nd September, and Wednesday, the 14th September, 1994. There were a total of eight (8) Business Papers that set out the Business for the Third Meeting of the Legislative Assembly, and those are appended to the Report. The Committee agrees that this Report be the report of the Committee to be laid on the Table of this honourable House.

Thank you, Madam Speaker.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

The Speaker: Questions to Honourable Members/Ministers. Question No. 171, standing in the name of the Fourth Elected Member of George Town.

DEFERRED QUESTION NO. 171

No. 171: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to state: (a) how many applications have been received to date under the Government Low Income Housing Scheme; (b) how many have been approved; and (c) what percentage of guarantee has been required in each case.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the answer is: (a) Sixty-eight applications have been received by Canadian Imperial Bank of Commerce as of today (2nd December); (b) The Financial Secretary's Guarantee Committee has received 14 applications from the Bank. Of these, ten have been approved and four deferred. The four deferred have various problems such as total debt service ratio. The Bank and the client are presently working together to address these problems. I understand they will be dealt with at a meeting today.

It is expected that another 15 applications will be received from the Bank shortly. This will bring the total value of the mortgages over the \$3 Million allocated for the first year of the Scheme under the Agreement.

(c) In all cases to date, the maximum amount of the Government Guarantee (being up to 35% of the upper layer of the principal) have been requested.

It is expected that as all parties become fully familiar with the practicalities of the Agreement and clarify operational issues that the proportion of deferrals will be much reduced.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Although it might seem to be straying just a bit, I wonder if the Honourable Minister can say, in the light of recent developments, if he expects in short order applications through other institutions or is it going to be CIBC for quite sometime?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I think that is a fair question. The agreement, as we all know, three different banks have pending agreements and should be signed shortly. In fact, the House has been given a date of 31st December for them to comply with this agreement. If not those funds will be allowed to be used for other institutions which now want to come into the scheme.

CIBC, as I have said to make it absolutely clear, has used up thus far their \$3 million. They have sufficient applications to satisfy that amount of money.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, just a quick follow up to ensure that I totally understand. Assuming CIBC would have completed their quota in short order and the timing, namely, 31st December for the remaining institutions, is it that if they do not sign the agreement within that time Government would be actively seeking other institutions to participate so that it will not be stymied by way of the quota?

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. In fact the Government has already received enquiries from other institutions to come into the scheme. I am ready and now have approval from the Finance Committee to do so, that is, to allow them to come in.

The Speaker: That concludes Question Time for this morning. We now proceed to Government Business, Bills. First, the suspension of Standing Order 46.

Honourable Minister for Tourism, Environment and Planning.

SUSPENSION OF STANDING ORDER 46

Hon. Thomas C. Jefferson: Madam Speaker, I believe whether we take the Bill this morning or on Monday, we will still have to probably suspend Standing Orders.

So in accordance with Standing Order 83, I move the suspension of Standing Order 46 to allow the Port Authority (Licensing of Vehicles) Bill, 1994, to be taken this morning.

The Speaker: Perhaps you could also include the other bill because it is outside the time frame and the suspension would apply to both of them.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

In accordance with Standing Order 83, I move the suspension of Standing Order 46 to allow the Port Authority (Licensing of Vehicles) Bill, 1994, and the Tourist Accommodation (Taxation) (Amendment), Bill 1994, to be taken this morning.

The Speaker: The question is that Standing Orders be suspended to allow the Bills to be dealt with at this Sitting. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended. First Reading.

AGREED: STANDING ORDER 46 SUSPENDED TO ALLOW BILLS TO BE TAKEN.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994

Clerk: The Port Authority (Licensing of Vehicles) Bill, 1994.

The Speaker: The Bill is deemed to have been read a first time and set down for Second Reading. [*Discusses which Bills should be done – Tourist Accommodation, and/or Port Authority*] The Port Authority needs to be done first, we cannot do first readings without second. Let us do the second reading of the Port Authority.

SECOND READING

THE PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994

Clerk: The Port Authority (Licensing of Vehicles) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, the Bill which is now before the House, a Bill for a Law to confirm and make provisions for the Port Authority's Licensing of certain vehicles and persons to apply outside and in a Port or Port area is a result of guidelines which we advertised, to the best of my memory, from about August of last year until the early days of January. We advertised those guidelines to cover tour buses and taxis that operate at the Port in order to acquaint them and give them adequate time to become familiar with the contents of the guidelines.

Those guidelines were brought into force in January of this year. As a result of bringing those guidelines into force, we then took legal advice and discovered that we needed some more legal authority in order for those guidelines to be administered and control of taxis and tour bus operations at the Port to be under legal authority.

This Bill basically speaks to the contents of those guidelines. As a matter of fact, in clause 8 of this Bill it talks about bylaws. These bylaws are going to be the guidelines that are already in place which all of the people who operate at the Port have signed in agreement with its content.

The Bill is really to strengthen (if I could go over this ground once more) the powers of the Port Authority in respect of the recently introduced arrangement, meaning the guidelines for taxis and tour buses operating from the Port at George Town. These arrangements are proving to be a great benefit for the enhancement of the tourism industry which is of considerable importance to the livelihood of the taxi drivers and operators.

This Bill will enable the Authority to have more effective control over enforcing the arrangements with drivers and operators of taxis licenced by the Port Authority.

In clause 3 of the Bill, it speaks to the functions of the Port Authority and those functions are listed. Maybe I should read them: "3. (1) In addition to the functions conferred on the Port Authority by or under the Port Authority Law, the functions of the Port Authority shall... include, and shall be deemed always to have included—

“(a) the licensing of vehicles used or proposed to be used—(i) for standing or plying of hire; (ii) for the carriage of passengers for hire or reward; and (b) the licensing of persons to act as operators

or drivers of vehicles used or proposed to be used— (i) for standing or plying for hire; or (ii) for the carriage of passengers for hire or reward.

“(2) Any licence granted by the Port Authority in exercise of the functions conferred under paragraphs (a) and (b) of subsection (1) above shall apply (and may contain conditions that apply) outside as well as inside a port or port area; and any such licence which applies outside a port or port area shall be without prejudice to any requirement relating to the vehicle or person so licensed which is imposed by or under the Traffic Law (Revised) or the Traffic Law, 1991.”

Madam Speaker, I think all Honourable Members and the majority of the public if not all, are aware that the authority for licensing taxi drivers and buses or cars rests with the Police under the Traffic Law. This legislation is causing them to have a licence if they are to operate from the Port (and that is presently the case). All taxi drivers and their vehicles operating from the Port have been examined by the Port Authority and as a result of that, it has been agreed that those persons and those vehicles are capable and should be allowed to operate from the Port.

This licensing of vehicles, as far as this Law is concerned, shall be done; the Port Authority shall grant a licence under this section unless the Authority is satisfied that the vehicle is suitable in type and design to be used as a bus, or as the case may be, a taxi that is in suitable mechanical condition, it is safe, and it is comfortable.

The Bill also deals with the licensing of drivers under **clause 6** which basically says that: **"6. (1) The Port Authority shall [not] grant a bus or taxi driver's licence under this section— (a) unless the Authority is satisfied that the applicant is a fit and proper person to hold such a licence; or (b) to any person who has not for at least twelve months been, and is not at the date of the application for a licence, the holder of— (i) a valid bus licence; or (ii) a valid taxi driver's licence granted under the Traffic Law (Revised) or the Traffic Law, 1991.”**

This Law also gives anyone who is aggrieved by the non-approval of a licence of a vehicle, or maybe a suspension from the Port operation, 21 days to appeal the decision of the Port Authority to a summary court.

The Law also speaks to offences in **clause 9** of the Bill, and I believe that is really in line with the operating procedures now at the Port — the guidelines I referred to earlier. It gives a penalty: **"A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding \$2,000, and to a further fine not exceeding \$250 for every day on which the offence continues after a person has been convicted of that offence.”**

But more appropriately the legislation is being put in place to ensure that taxi drivers or tour bus operators operating from the Port, taking visitors from one point to

another, behave responsibly; that they appear sober; that their cars are suitable for that kind of service; that they present themselves properly; that they charge the correct rates.

We know that taxi drivers in any country are some of the first people visitors come in contact with. We want to ensure that the service at the Port is put at the proper level and while we are committed to assisting taxi drivers and tour bus operators who operate from the Port, we are also going to insist on the quality of service that they give to the visitors to this country. It is too easy to charge the wrong rate. It is too easy to just run up and down and drop people off and not tell them anything. It is a time to deliver the services and allow the visitors to get value for money for the services they are provided.

As Chairman of the Port Authority it is going to be my wish and intention to deal with everyone who operates at the Port in a fair way, but likewise, I am going to insist that there are proper standards for taxi drivers and proper behaviour either in the Port or in the car or bus they are driving. Otherwise, I can tell all Honourable Members now that there are going to be suspensions: you will have to take me to task if you wish, but it will happen.

Thank you, Madam Speaker.

The Speaker: The question is that a Bill entitled the Port Authority (Licensing of Vehicles) Bill, 1994, be given a Second Reading. The Motion is open for debate.
[Pause]

If there is no debate, then perhaps the Honourable Minister would make any concluding remarks he has to make. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I think it is good that this Bill has been brought to the House to regulate what has been a long outstanding need at the Port Authority where the operation of taxis and buses is concerned.

I understand, from what the Minister responsible has said, that he intends to enforce this Law to its fullest and I think that is quite commendable.

I, personally, believe that much of the slackness we hear about involving vehicles for hire in the country on a whole, is because laws or regulations are not firmly enforced, and surely it is now time. This is so, particularly in view of the fact that there are such increasing numbers of visitors to these islands, and there will be more and more persons who come in contact with taxi operators.

In most countries of the world the first person that a visitor meets after the Immigration and Customs Officer is the taxi driver. It is also from taxi drivers that visitors worldwide generally enquire about places, directions and costs of reaching there. Taxi drivers do play a vital role in the tourism business.

In Cayman it has been that way for many years. I have known of visitors to these islands who have struck up personal relationships with taxi drivers that when they come here they particularly request that person to drive them, and indeed, they recommend their friends to those persons. Relationships grow to the extent that we find good public relations between different nationalities stemming out of good service that customers have found available to them in some instances in the Cayman Islands.

I notice that a lot of the day-to-day operations will be covered by bylaws, which amount to regulations (I think in this particular case), and perhaps this is the best way of handling it because conditions do change and it might be necessary to vary, amend or add to the particular regulations. If it were set down in the Law it would have to come of course to the Legislative Assembly for changes.

I see under offences that in section 9(1) except as authorised by the Port Authority no bus or taxi will be allowed for standing or plying for hire; or for the carriage of passengers for hire or reward. One of the things I have observed, and one of the complaints that has been made to me is that there is quite a bit of hawking by private taxis near to the Port area – that is, going and hassling passengers to say: *'Look I will take you so and so for such and such an amount,'* which might not necessarily be the going rate applied by the Port Authority. I think that is something which the properly authorised persons at the Port Authority would need to give some consideration to.

Cost of fares is always a contentious point. I would imagine that there are certain fares already in place and I would assume that those would be used, at least initially. However, I would say to the Minister responsible that if indeed there are sufficient complaints about rates of fares it might be a good time to bring in all those parties concerned and see if their complaints might be genuine and agree on particular rates at this time.

There is also provision in the Law for prescribing the hours of operation. This is something that is very necessary, for I understand that at least in some instances where the Airport is concerned, from time to time there have not been sufficient taxis to carry passengers who were seeking their services. In prescribing these regulations I would think that they would be worded in such a manner as to make it a penalty if persons simply believe they could *'chip in and chip out'* when it suited them best for performing their duties as taxi [operators] at the Port.

Madam Speaker, again I think that to have something which sets down the conduct that is expected of operators is very important, because on many occasions I have heard of very unseemly behaviour by persons who operated at the Port Authority in the capacity of vehicles for hire. I would not say that on occasions they may not be provoked by wrangling with a visitor who might want to be taken somewhere for less than they

know is the prescribed amount. But herein comes the opportunity for some degree of training for these persons. And I really do believe – and perhaps it is being done, I am not sure. There should be a few sessions or hours of seminars from time to time during the course of a year to teach these persons ways of handling situations which might arise where it will not be confrontational or, indeed, insulting.

Madam Speaker, dress is important and there is nothing more depressing... and I would not say that I have seen it to any great extent in the Cayman Islands among taxi drivers, but I have certainly seen it in other countries of the world where taxi drivers are in old flip-flops and dirty shirts, and so on. It leaves a bad image. I certainly think that to hinder it here would be in the best interest of these islands for its tourism product and I see that there are also provisions for prescribing dress.

The regulations for setting down the number of persons to be carried by vehicles licensed under this Law is a matter which could raise some argument, I think. Several times I have heard persons operating say: *'Well, I can only get four [passengers] when the bus ahead of me took on 25.'* This is, and has always been, an argument of taxi drivers from the time I had association with the taxi operations at the Airport, when I was in Government as Principal Secretary for the Department of Tourism. It was always claimed that the bigger buses took away the larger number of passengers and none/very few would be left for the smaller cabs.

So I think it will be necessary – and this would need to be scrutinised quite carefully as to how to allocate. For it seems nowadays that people tend towards using mini vans which take like seven or nine persons or the 15 seaters as the case may be. Perhaps the way of dealing with it might be to set up certain categories – perhaps it is already in place. If so, I think that is good; certainly it is something which needs to be clearly specified. And again, I would say to the Minister when his dispatch officer (whatever he or she might be termed) tells the cab driver: *'You have your numbers move out.'* They must do just that.

Madam Speaker, I do see something here in the Law that I do not think really exists as it says it does, and that is the word "Caymanian." In the Immigration Law section 13 deals with Caymanian status. Now, from a legal perspective I do not know how this would be argued in Court or how one would really define a person applying for a licence, but the section it refers to in the Immigration Law refers to Caymanian status. I wish there was a definition for Caymanian in this Law similar to what was being proposed at one time by the Caymanian Bar Association, I think it was, which distinguished the two conditions. But this is something I simply draw to the attention, and I dare say the Minister will be able to answer to this or take advice from the Government's legal authority on this. I simply wondered about the term "Caymanian" versus that of "Caymanian status" or "Caymanian status holder."

I particularly commend the section of the Law where it states that if a person is aggrieved by a refusal of a licence they have the right to resort to the Court. I think that is a very smart move, for there will ever be persons present who know their elected representatives or, for that matter, know who the Minister responsible for the particular area of service in the country is, and may go to seek personal favours or assistance. It is a natural occurrence with elected persons. I think that this gives the Minister who has the responsibility under this Law more than an arm's length where he is in the position to say to anyone approaching him in his ministerial capacity or as an elected representative: "Well you know, old boy, you have to go and see a lawyer and have him apply to the Court for you, and, of course, I will stand and must abide by the decision of the Court just like you would have to." It is not putting an appeal situation to Executive Council. I think it is a very good clause here in this Bill in terms of appeals.

I wondered Madam Speaker, about clause 6, sub-clause (4) which says: **"Every licence granted under this section shall remain in force for such period as the Port Authority may specify in the licence."** I am not sure how long a licence is given, if it is annually or how. But certainly from the point of view of revenue if it is on an annual basis then, it would give the Port Authority the ability to earn revenue more regularly. However the situation is handled, the greater frequency of fees collection, the better opportunity of revenue for the Port.

I think this Law covers a wide ambit of operations for the operation of certain vehicles and persons in the Port Authority. I commend the move and effort by the Government and by the Minister in bringing this here and I am greatly assured by his statement that it is going to be enforced. I do hope that it will bring about some immediate and desired improvements in the operations of vehicles and taxis from the Port Authority.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I am pleased to see that this Bill is being presented today. It has taken some time, but the Minister has assured us that the guidelines have been operating from August of last year, until January of this year. So I think the people who are operating under these guidelines have a fair idea of what is expected from the Objects and Reasons of this Bill.

The complaints that we have had... and the four Elected Members for George Town held meetings with a number of taxi and tour operators in the George Town, Town Hall, and I think this is what they were looking for. A lot of our people are anticipating making a decent living, and I am pleased to hear that some of the evils will be weeded out. If they cannot comply with these guide-

lines then they will have to look elsewhere in order to make a living. I strongly hope that this will be enforced to that extent.

I know that we will have constituents coming to us, representatives, but I hope that these individuals will understand that these provisions will only be assisting them and that a law is a law and that they must abide by these provisions as this covers a wide area of requirements.

On the licensing of the vehicles in section 4(b), it says that the requirements of the Motor Vehicles Insurance, which requires a third party insurance ... I wonder if an accident should occur with a cab driver hitting another vehicle and a passenger in the cab is injured, would that person be covered with that (Third party) type of insurance? Maybe full comprehensive (insurance) should be carried instead of the basic. Perhaps the regulations could be looked at again.

Section 6: the licensing of drivers. I know that some taxi drivers have work permits, and I was hoping that under section 2, it would require someone to be resident for at least 12 months. If taxi licences are going to be granted to people on work permits, mainly spouses of Caymanians I believe, if they are granted I feel that they should be resident for at least 12 months in order to know where Cayman Kai is, and maybe not end up in West Bay looking for the Villas of the Kai – which I know has happened. But if they were here for 12 months, they would at least know the physical layout of the island.

Under the bylaws of 8(2)(g), I am pleased to see the securing and safe custody and re-delivery of any property accidentally left in such vehicles. Madam Speaker, most of the people are honest, but the days of trusting individuals are slowly going out of the window. I am pleased to see that licences can be suspended and penalties awarded if an offence of dishonesty does take place.

I believe even though this Bill has taken some time in coming to this honourable House, that it is a good Bill. Individuals following the provisions of this Bill will be able to make a decent living and be happy.

For sometime now I have been concerned about the traffic regulations and I wonder when they will come to this honourable House. But I am pleased to see that this has come here today and I support the Bill.

Thank you.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I too rise to support this piece of worthy legislation. Once again, I think the National Team Government has demonstrated its ability to see problems that have existed for many years; problems that affect this country in many ways. As has been said before, the first people that visitors see when they come to these islands are the

taxi drivers. They have to be the ambassadors for our country.

These problems have existed for many years but previous Governments did not have the ability, it seems, to address these problems. Here we are, finally trying to bring this forward to regulate and to alleviate these long existing problems.

The Bill specifies that there should be suitable types of vehicles designed for use as a bus or (as the case may be) a taxi, and in suitable mechanical condition. I know that I have been in other countries and as a visitor when you sit in some of the vehicles, it leaves a lot to be desired. It is certainly good to see that these guidelines are now put in place and that there will be teeth in the Law. As the Second Elected Member for Cayman Brac and Little Cayman said, when people come to us now they will have an alternative. If they are not satisfied with what happens at the Port, they can appeal to the Summary Court.

So I would like to commend the Minister for Tourism, Environment and Planning for this bold move.

I attended the opening ceremony of a Tourism Conference yesterday and I really feel that these islands are on a roll as far as tourism is concerned. We are without a doubt becoming a destination of choice. This kind of legislation will cement our position in regards to making sure that everything is in place so that when visitors come here they will be well treated and they will feel at home in the Cayman Islands.

Thank you, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I, too, rise to give my support to this Bill, and to say that its relevance, comprehensiveness and timeliness is striking. For years we have known that the business of taxis has been controversial and fraught with problems. Short of the taxi drivers themselves sorting these things out by regulating themselves and forming co-ops or whatever means they would form, this is the best thing because it affords them regulations and guidelines which are simple enough for all and sundry to follow. It clearly sets out processes to which they have access if they are dissatisfied or disgruntled.

I would just like to add my emphasis to the suggestion that I believe, if it is not cumbersome and if it can be affordable, it would be a good idea for the Honourable Minister to consider some form of training, particularly so in the case of new applicants. I am wondering if an arrangement could be worked out where part of the fee which the taxi drivers pay could go towards defraying the cost of this training: simple training. Probably something of the order that is carried out by the Government Training Officer in interpersonal relations, courtesy and politeness.

As a corollary I notice that one group of taxi drivers has organised themselves into an association where they are uniformly dressed. I know some of these drivers, for example: Mr. Isaac Lewis, and Mr. Andrew Carter and others from the constituency of Bodden Town. I am [impressed] by their neatness and uniformity. I believe from personal experience that anyone taking cabs organised in this way – with the drivers dressed in this fashion – is immediately relieved of any apprehension that they may have. It all begins with a look. If the people look professional, if they look trustworthy, if they look honest, we are sometimes prone to overlook small discrepancies or small mistakes. So, I think that is a step in the right direction.

I am especially pleased to see the Honourable Minister include section 11 – Power to Require Applicants to Submit Information. I believe without going into any detailed elaboration that the provision of this section will completely remove the possibility of us getting into some of the problems that the Minister and those of us who sit in this honourable House are now familiar with – a big bone of contention which I believe will have to be ultimately settled before the Court as to ownership, or sponsorship of some of these vessels of transportation.

I would like to say as a corollary to this that one of the problems I believe – indeed, one of the reasons I hear that so much contention exists – in the taxi business is that we have a myriad of different type vehicles. We have the regular 4 and 5-seater passenger cars, then we have the 6, 7, 9, 15 and 30-seaters. This Bill is going to separate all the animals according to their sizes. I do not believe that it is fair, it is certainly not logical, for a 30-seater to be described as a taxi. So I am happy to see that this Bill will allow us to differentiate and separate the big boys from the not so big boys because that was a point of contention.

Also, to come back to section 11, because it says that the Port Authority may require an applicant to submit such information which will allow them to determine whether the applicant is legitimate, or if he or she is in partnership, allow them to find out the details thus eliminating some of the controversy that we are witnessing now.

Also, section 13(2) where the Port Authority suspends, revokes or refuses to renew any licence under this section the Authority shall give the proprietor of the vehicle notice of the reason for that decision. Madam Speaker, this is commendable.

I would also like through the Chair, to request of the Minister if as a further improvement he would consider laying out some conditions for reinstatement where a licence has been suspended. If he would consider laying out some provisions perhaps in the regulations as to what steps should be taken in the event of a suspension for reconsideration of reinstatement. It might be that the Minister has already thought this out and was going to include it in the regulations. Perhaps when he gets up to reply he can say what his disposition is towards this. But

certainly the fact that the proposal has been made to give reasons for the decision is a marked improvement over what has existed in the past.

I want now to touch on an area that all of us in here are familiar with, that is: the position of Caymanians vis-à-vis non-Caymanians in this business. Madam Speaker, it is true to say that at the stage we are at now in the development of our tourism and the development of these islands it is nigh impossible for us to prohibit non-Caymanian people from entering the taxi business. However, we can try to control their numbers so that the Caymanian element does not feel threatened as they do now. I have to commend this Bill again in that regard because it takes the bold step of trying to bring some sense, some order, to this whole business.

Caymanians feel threatened because they claim that they are being overrun sometimes by people whose first language is not even English. I have seen a few of those people and I am surprised to see that we have a few Africans in the business. I think I met at least one Nigerian in the business. So this Bill is again excellent in that regard, in that it is going to ease the concerns of the Caymanians.

I am pleased to give my support to this Bill, and as the Government and the Honourable Minister realise, this certainly will bring order to our tourism and will enhance our already excellent reputation. I feel confident that if we get this taxi business sorted out, we will not have to worry too much about competitors in whatever region, as far as providing a good product and giving value for money is concerned, because we would be well on the way to maintaining our excellence as a tourist destination. Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

This Bill is very important. I believe that it will go a long way towards settling the problems that we have had in the area of taxis and buses. It is one that will set out an orderly and regular way of dealing with the business of the buses and taxis. I think it is important, as some of the speakers have said. For example, the First Elected Member for Bodden Town, mentioned that there should be as far as is possible some unity and pulling together in relation to upgrading the standards. Naturally, I think that will mean that the taxi operators and buses operators will in due course find it more lucrative.

The Bill itself is very commendable. I commend the Honourable Minister for Tourism, Environment and Planning for bringing it. It is very important because the taxi drivers and the bus operators are normally the first persons that tourists see when they come to the island. It is important that that first impression is good. This I think can only upgrade and enhance the tourism industry which is going at a very good pace.

One thing I think we can say is that the National Team has lived up to its promises. It has seen very good increases and progress in the area of tourism. This is another one for solidifying and continuing that.

I fully support the Bill. I believe that it will bring order and progress, and it will bring a feeling of giving better service to the taxi drivers and bus operators. In due course I think that regulations, as a whole, not only at the Port or the Airport, but overall, is one that is important and necessary. So, I fully support the Bill and I commend the Honourable Minister for Tourism for bringing this important Bill.

Thank you.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, I too want to give my support to this Bill. This Bill has been long overdue, but it is here now and its intentions are very appropriate. I am very pleased for the regulations that have been placed there by the Honourable Minister and the way that it will be run. Discipline is something that is needed there at the Port. I have been there sometimes and felt very ashamed of the way the taxi drivers were carrying on among the tourists.

It is known that taxi drivers are ambassadors to any country and we want people here who can represent our islands in the right way. We need people who know the island so that when questioned they can give the right answers. I am sure the Honourable Minister has also seen to that.

I give this Bill my full support and commend the Honourable Minister for bringing it to the House. Thank you.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

This Bill entitled, A Bill for a Law to Confirm and Make Provision For the Port Authority's Licensing of Certain Vehicles and Persons to Apply Outside and in a Port or Port Area, comes at a time when there are many conflicts in the particular industry that it addresses. There are continuing problems in the area that is being addressed, and also in other areas. It is heartening to know that, even though it is one step at a time, steps are being taken.

Madam Speaker, the purpose of the Bill under the Memorandum of Objects and Reasons, is simply to strengthen the powers of the Port Authority in respect of the recently introduced arrangements for taxis operating from the Port at George Town.

Now, before I go into several sections which I think may warrant a few comments, even though much of the content of my contribution has been covered by other speakers (that is the price you pay for waiting), just look-

ing at the taxi industry it was obvious to one and all that some type of regulations were needed throughout the entire operation of these taxis in the country.

I will give an example to show how it can really be detrimental to the industry when regulations such as these do not exist. Some persons I know, came (by air) to visit our island and were staying in the Cayman Kai area. They came at night without making any reservation for renting a vehicle, so they had to take a taxi. As is normal, no questions were asked at the time of entering into a contract with that taxi driver how much the fare was going to be from the Airport to Cayman Kai. On arrival at Cayman Kai the person was told that the fee was \$50. I do not know today whether that is normal fare from the Airport or not. The point I am trying to make is that that is literally two days' rental for a vehicle. So with that in mind, I come to some of the points that this fairly thorough Bill has addressed.

The Honourable Minister in his opening remarks mentioned bylaws which were to be produced, or have been (I am not sure). But the Port Authority will have bylaws under which these taxis will have to operate. And I see in the proposal the Port Authority has the right to structure fares, and such the like. I am sure it will be done in a manner that is *f-a-i-r*, not *f-a-r-e*.

I think that is very important because I am sure that in considering how to structure rates, that cost will be considered to come up with reasonable rates. But what is important here is that there will be a Law, as I am sure this Bill will take its passage today, there will be a Law which covers these rates so that there can be no chance for abuse.

There is a suggestion that I have to make, which may seem to be not only cumbersome, but costly. I hold a view that, maybe not immediately but not far down line, consideration should be given to taxis being metered. With these rates being structured the way they will be, if taxis are metered, synchronised along with these rates (and I am sure that can easily be done – there are meters that one cannot tamper with), then there is no chance of dissatisfaction with the tourists.

For that matter, the taxi driver should be happy if he is looking in the long term to be dealing with the situation in that light because there is no chance of any error on either side with the final fee that has to be paid. And there is hardly any chance of arguments as I am sure there are some which happen now because of discrepancies.

We all know about meters: we have seen them elsewhere. And, while we may have thought awhile back that it is not something we need to consider, I think that it is not too far-fetched to do so; it is something that can enhance the entire operation.

Madam Speaker, the Third Elected Member for George Town mentioned the question of insurance and I have not been able to get the facts as they are. But I think it is very important in this Bill when it does become Law, that proper insurance is part of the requirements so

that there is coverage for any liabilities to passengers. I am not sure: I will not go as far as to say that provision should be made for a full comprehensive policy. But at least that every type of insurance being used – that is acceptable to the Port Authority – must ensure that there is coverage for the people who will be plying as passengers. I am sure that was the point she [the Third Elected Member for George Town] intended to make.

In several sections the word "Caymanian" is mentioned. The Second Elected Member for Cayman Brac and Little Cayman touched on the topic, and I know that if we are truthful within ourselves the topic is very ticklish. On many occasions I have had complaints, and I am sure others in this House have had too, of Caymanians not being able to get taxi licences while foreigners can. In their view, foreigners should not have licences while they as Caymanians are not being given the opportunity. In this day and age if we look at the structure of the Caymanian society it is different from how it used to be.

Madam Speaker, again if we are to be honest with ourselves, I do not believe we are doing the people of this country justice if the hard line is taken regarding the way some people feel. I say this because in my opinion, just about every family today, especially in Grand Cayman, if you check the family tree (and you do not have to go very far) there is a foreigner who has become a part of that family. Many of these people have lived here for years and do not have Caymanian status. But because of the way the country is, we have told the Caymanians that we certainly cannot choose their spouses for them. As it is, we have told them that they can remain here and work by not telling them that they cannot remain on the island.

So it does create a problem. I really do not have the precise answer for that problem, but I believe it is one that is very sensitive. And I do not know whether we draw the line from here on in, or whether we make it retroactive, or whether we find some medium through which each individual case can be looked at.

I made the point to say that we should be careful in that area so that while these are the Cayman Islands, and Caymanians must come first, the truth is that our own Caymanians have made other people by their own volition a part of their lives, and it is something that we have to be careful with.

I remember not too long ago in my contribution to the Budget Address I referred to "us" and "them", and this is part of the problem that I was talking about. We simply have to be careful and deal with it the best way we know how. Not every situation is going to be one which warrants that it be dealt with in the same manner as the other. I do not know exactly how that is going to be dealt with, but in my opinion it is something that we have to consider.

There are several sections here referring to suspensions, and for the most part the Bill is very clear as to the authority of the Port Authority in this matter. The First

Elected Member for Bodden Town questioned recourse at certain levels when suspensions took place. To my mind, out of the ordinary that is expressed here, there may be occasions when an individual is suspended and the reasons for suspension are not those which allow him to use the law of the land as recourse.

I notice that section 14(3) reads: "**Where the Port Authority suspends, revokes or refuses to renew any licence under this section the Authority shall give to the driver or operator concerned notice of the reason for that decision.**" And it goes on to say that if the driver or operator is aggrieved by the decision, they "may within 21 days after notice of the decision was given to him, appeal to the Summary Court."

I am saying that there are some areas where appeals can be made to the Summary Court, but I believe that there will be certain times, and I think it would apply mostly to behaviour as reason for suspension of that individual, that if there could be some clear definition whereby if the person is suspended for that reason two times, then the licence would not be renewed. I am not suggesting that; I am only using it as an example to say that in some cases it could be made a little clearer.

The problem I have with the choice of words is that if it is left too generic then people like us will forever have problems. I, along with others, will have to go to other people and say: "But it does not say so, it does not say so", begging and pleading and so on. I am not suggesting that this has to be dealt with at all in this Bill; I am simply making the point because I do not know exactly what the bylaws or the regulations will entail. I am asking that when it occurs it is looked at in that vein.

Madam Speaker, the final and very important point that I wish to make about the Bill has to do with section 11. While it is worded (if I may say) in very clear English terms, I wish to expand on it a little bit. I think it is important that this section is in this Bill. Section 11, subsection (2) reads: "**Without prejudice to the generality of subsection (1) above, the Port Authority may require an applicant for an operator's licence to submit to the Authority— (a) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; and any trade or business activities carried on by the company (b) if the applicant is... a company, information as to any convictions recorded against a director or secretary of that company; and any trade or businesses activities carried on by any such director or secretary; (c) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; and any trade or business activities carried on by that person.**"

Of course it goes on to say that: "**If any person knowingly or recklessly makes a false statement... he shall be guilty of an offence...**"

Madam Speaker, the important thing with these sections is to ensure that they are enforced. I think we

have had several instances where problems have arisen and people outside of this country have been seen to be taking advantage of certain situations and being able to entice other people, namely, Caymanians, to deal with matters in certain ways that we do not condone.

I am sure that the sections I just mentioned would have to work alongside the Immigration Laws and the other applicable laws such as the Trade and Business Licences. I think that the main point here is that we need to ensure that our own people understand that even if it takes us a little longer to reach the point in life we wish to reach, it is better to do so once we do it the right way. Being able to take advantage of certain situations and at the end of the day cause trouble for our fellow Caymanians is certainly not the right way to go about it.

I will speak briefly on this, not condemning anyone but with a hope that in the future those of us who have the opportunity to partake in certain types of businesses (this one is public transport), should really take the long-term view. I think as one person put it: **"If I do my best to make my country a better place, then I will be a better person in that place. If I simply look to make myself better all the time, I might be better and the country might be worse. Sooner or later what is better for me will disappear."**

So as a good captain, as the First Elected Member for Cayman Brac and Little Cayman would say, with those few words I give this Bill my full support and I am sure the Honourable Members on this side of the House will do the same.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.40 AM

PROCEEDINGS RESUMED AT 12.13 PM

The Speaker: Please be seated.

Debate continues on the Second Reading of the Port Authority (Licensing of Vehicles) Bill, 1994.

The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I am glad that at long last some form of legislation has come before this House to regularise the operation of taxi service at the Port, because it has long been needed. As far back as 1986, this matter was addressed in this honourable House.

The chaos and unrest among taxi drivers in these islands has long been a festering sore, and our image has often been tarnished by incidents with taxi drivers at the Airport and the Dock.

When a situation threatens the stability of something as important as our tourism industry, it is my opinion that it is our duty as a Government to look into that particular situation. This whole problem is not something

which only affects the economic welfare of a handful of taxi drivers, as important as it is to them. It is well-known that most of the cabs in the country are privately owned and those owners have perhaps put themselves deeply in debt to get their vehicles in order to provide not only a living for their families, but also a badly needed service within the tourism industry.

One of the problems as I see it, is this matter where the taxis have not been organised. From as far back as 1986 this resolution was moved in the House by the past Member, Mr. Linford Pierson a Backbencher at the time. He moved on to have the responsibility in 1989 for transportation, but did nothing about the situation. Now, what that motion said was, I read: **"WHEREAS there is growing unrest amongst the group of taxi drivers operating within the Cayman Islands, over what they regard as an unfair split of transportation revenue between themselves and other transportation businesses;**

"BE IT RESOLVED THAT Government appoint a special committee consisting of five Elected Members to investigate these reported inequities and report back to this House with their recommendations as soon as possible."

Madam Speaker, I well remember the issue before it got to debate because I was the seconder of that resolution.

As I have said, a lot of good people in the taxi business, have put themselves in debt, mortgaged their houses and lands to get good automobiles and are trying to make a decent living. And, rightly so, they should be given every opportunity to do so.

One of the problems, Madam Speaker, is that they are not organised; they will not stick together. In 1986, I told them that and it seems to be a problem again today. It seems that they will not learn from the people who come into this country how to stick together; they build homes and do whatever they please, but they stick together; Caymanians will not stick together. Many times they are listening to people who want to stir up trouble, just to have trouble. They need to be organised. This Bill will see to it that they are, I would hope.

One of the problems we are having today, existed in 1986 where businesses organised with the cruise ships before coming to the country, and certain persons got all the business.

I will read a copy of a letter which Mr. Linford Pierson and I received in 1986 when we moved the resolution. It says: **"Dear Sir: We the undersigned are all taxi operators who, after considerable investment in our vehicles, are seeking, and have sought, to make an honest living for our families in the island while, hopefully, trying to be good ambassadors for our country to the visitors coming here, both by air and sea. Each day, however, the prospect of us being able to continue this and survive economically becomes slimmer."**

"We are therefore moved to ask each of you as legislators, both individually and collectively, to look into the chaotic situation which has developed and is now worsening in the taxi industry in this country.

"We believe that it is unfair for this industry to fall into the effective control of outsiders to the disadvantage of the majority of local drivers."

They went on, Madam Speaker, to talk about locals who are used as a front and to complain and point out the problem where certain tour operators were getting all the business through agents from aboard the cruise ships. It went on to say that: **"all of this business is arranged aboard the cruise ships, we suspect with the taxi drivers' consents, if not outright approval of the Department of Tourism.**

"We do not believe that travel agents or so-called tour guides aboard the visiting cruise ships should have the privilege of diverting this large amount of business from the local taxi drivers who are then forced to sit long hours waiting to catch any little crumb that might accidentally slip through their hands."

The letter went on to point out, and I quote: **"We also have a similar situation at the Airport where certain hotels are allowed to pick up and return guests to the Airport as a courtesy service."** Madam Speaker, as I said, that letter was read by Mr. Linford Pierson, who collected one letter (as I believe most Members of the House did at the time). Certainly, I did, as I was seconder of the Motion.

I see where Mr. Pierson is giving a lot of talk about what the National Team should be doing. If this problem had been taken in hand from 1986, or at least 1989 when he got into Executive Council, then we would not have this problem today. He should have done something about it. Instead of criticising the National Team Government, who he had left hundreds of problems on, and talking about what we did not do in our two years, he should first tell the country what he did. The only thing that I can see substantial that he did, is one Traffic Law for which the regulations have not yet come before this honourable House.

I am saying here today, I hope that those responsible will bring those Traffic Regulations to the next meeting because it is time that those Traffic Regulations come before the House. They are not only dealing with taxis on the whole, but they deal with buses as well. And it is time that we deal with these regulations. I know that the Department is swamped with work, but this is very important and I believe, as I understand from my colleagues, it will come before the House in March.

Madam Speaker, we found a problem; we knew of the problem (at least I did, being involved in the House for so long) where the cruise ships were sending business to certain operators to the detriment of the ordinary taxi man. Well, what has the National Team Government done? The Minister for Tourism and other Members of Executive Council, including other Members of the

House, have had several meetings with taxi operators since we got elected and have gone on to organise with the cruise ships to find out what can be done to help the local taxi drivers. In about two weeks' time a meeting will be held in Miami, led by the Minister for Tourism and representatives of the taxis and cruise ships officials. I hope that this, although it is a long time coming, that meeting will bear fruition where the taxi drivers will get their fair share of business.

It really gets to me when a former Member of Executive Council talks about this Government not doing anything, when we have a situation that has caused at least one demonstration – and he knew about it. He moved the resolution but did nothing when he had the opportunity to do it. That is exactly what they have been doing on the outside all this while: they blame us; they talk about us getting large homes. Not one of these Executive Council [Members] has a new home. But everyone who was on the former Executive Council has one, including the Member who had the press conference. He should be ashamed of himself.

As far as his not being involved in politics, he should tell the truth: he has been involved constantly, except that other people were doing his work. Now he comes out and declares himself a candidate. I hope the same people who trounced him properly in George Town, will do so again.

It is ridiculous when Government is not given credit for getting something done: Problems that 'they' have helped to create and left on us. Then you hear: "The National Team Government is no good." How much more can you expect to be done in two years? I would like to know.

The Speaker: Honourable Minister, could we now take the suspension? I understand that His Excellency the Governor is arriving at 12.30 pm to have discussions with Members.

Hon. W. McKeever Bush: Yes, Ma'am.

The Speaker: Proceedings will be suspended until 2.15 pm.

PROCEEDINGS SUSPENDED AT 12.28 PM

PROCEEDINGS RESUMED AT 2.19 PM

The Speaker: Please be seated. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture continuing.

Hon. W. McKeever Bush: Madam Speaker, as I was saying, the problem which is told to us about the situation with the taxi drivers at the Dock and at the Airport, is that instead of having the tourism transportation dollar spread out among all the vehicles, the vast majority of it is being diverted to a handful of vehicles. While some work

has been done to straighten out the situation at the Airport, we must make sure that those taxi operators can make a decent living.

These taxis are under constant inspection by the security force at the Airport, so they are paying to operate there and we have to make certain that they are making something back out of it.

Madam Speaker, by and large we have many good people who operate taxis. I know that there is some undesirable behaviour and I urge the Minister, when he has the mechanism in place, to make sure that those people who cannot act like human [beings], those people who are actually a disgrace to the taxi business, be kicked out and licences refused for them to operate.

The majority of taxi operators in this country are honest men and women seeking to make an honest living in their own country. They can, and in the majority, contribute a lot to the good image which we must at all times present to each visitor to this country.

So, Madam Speaker, I am satisfied that the Government is at long last taking the right steps. I have confidence in the Minister for Tourism, Environment and Planning, that when he and the representatives of the taxi business and cruise ship operators get together in Miami, they will find a mechanism where taxi operators can more easily get business out of the cruise ships.

In closing, I hope I will not hear Mr. Pierson or anyone on the outside in the opposition, saying that the Law is draconian in any way, shape or form – since, when Mr. Pierson had his chance he did nothing about it.

A while ago, I heard one Member saying that in a recent newspaper there was a headline which said: "Opposition and Government Agree." The headline should now be: "Opposition Praises National Team."

Mr. Roy Boddén: No man! It cannot be that! It would not be correct!

[Members' laughter]

The Speaker: If there is no other debate would the Honourable Minister wish to reply?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I think today may be called a 'Red Letter Day', given all of the agreements by the Opposition on this Bill. I do not know if they will allow us to stretch it as far as to say 'the Opposition praises the National Team', but they actually sang praises about the Bill before the House. So that is getting close.

I want to say, Madam Speaker, that I certainly appreciate all the support that has been given to this Bill. I think it stands a good chance of having unanimous support. I agree too that the Bill has taken some time to come here before the House. I apologise to Members for having to suspend Standing Orders, but it is a promise I made to the taxi drivers when they had the demonstration down at the

Port, that we needed legal authority to deal with that problem and that is one of the main reasons why this is here.

As I said in my presentation, Madam Speaker, this Bill is mainly dealing in the majority of cases with the guidelines which are presently in place and have been agreed by taxi and tour bus operators who are servicing cruise ship passengers from the Dock.

I believe this is a good start. I look forward to supporting the Traffic Regulation when it comes, because I think that is the national picture we are talking about as far as transportation is concerned; I believe there is an urgent need for that legislation to come before this honourable House.

Madam Speaker, I believe it is right to say thanks to every Member for the support of this Bill.

The Speaker: The question before the House is that a Bill entitled, The Port Authority (Licensing of Vehicles) Bill, 1994, be given a Second Reading. I shall put the question: Those in favour please say Aye, those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Second Reading.

AGREED: THE PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994, GIVEN A SECOND READING.

The Speaker: I understand that it is the wish of Members to adjourn the House at 2.30 pm, until Monday morning. I will therefore ask the Honourable Minister for Tourism, Environment and Planning, the Leader of Government Business, to move the adjournment.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I think it is an understanding among Members that we would close early this afternoon. I therefore 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.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Monday morning at 10 o'clock.

AT 2.29 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 5 DECEMBER, 1994.

MONDAY
5 DECEMBER, 1994
10.07 AM

The Speaker: I will ask the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to say prayers.

PRAYERS

Hon. 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, Official Members and Ministers 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.

Order! Proceedings are resumed in the Legislative Assembly.

ANNOUNCEMENT BY SPEAKER

APOLOGIES

The Speaker: It is my great pleasure to welcome the Third Elected Member for Bodden Town, the Deputy Speaker, to the Chamber.

An apology has been received from the Second Elected Member for George Town, who is off the island on an emergency.

**PRESENTATION OF
PAPERS AND REPORTS**

TOURISM MANAGEMENT POLICY IMPLEMENTATION PLAN

The Speaker: Presentation of Papers and Reports: Tourism Management Policy Implementation Plan. The Honourable Minister for Tourism, Environment and Planning, Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to lay on the Table of this House the Tourism Management Policy for 1995 to 1999.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: Thank you.

On several occasions we have answered questions in this honourable House while this Ten-Year Tourism Policy document has been under review. I am pleased this morning to say to Honourable Members and the general public that the period of review has come to an end.

We have before us, laid on the Table of this honourable House this morning, the Cayman Islands Tourism Management Policy affecting the years 1995 to 1999.

The fundamental purpose of the Tourism Management policy is to provide a macro perspective of the direction needed in order to manage the tourism industry in the Cayman Islands over the next five years. It is designed to do a variety of things. I will name them: (1) To provide a framework for raising the living standard for Caymanians through the economic benefits of tourism; (2) Provide an approach to tourism development, including related infrastructure and recreation facilities and services for visitors and residents that are appropriate to the purposes and the land capability of the areas in which they are located; (3) Establish the framework for tourism policies and programmes consistent with the cultural, social, environmental and economic philosophy and means of the Government and the people of the Cayman Islands; (4) Provide the direction whereby the competitiveness of the tourism industry is sustained; and (5) Establish a sustainable development framework ensuring that the social, cultural and environmental resources that the residents depend on, and tourists are attracted to, are maintained.

It is fully recognised that a balance between all five points must be achieved and that the co-operation of many individuals and organisations, both within Gov-

ernment and the private sector, including some outside the direct domain of the Ministry of Tourism will be required in order to be successful in this endeavour.

In 1992, Coopers & Lybrand Consulting undertook an extensive investigation of tourism in the Cayman Islands, and prepared a Ten-Year Development Plan. The Plan was designed to aid Government and the people of these islands to fine-tune strategies to remain successful in the increasingly competitive global tourism environment. The policies presented in the following document are, for the most part based upon the findings and recommendations made by the consulting group. Where necessary, revisions have been made in order to reflect today's existing reality.

The tourism industry has a powerful influence on the daily lives and economic fortunes of Caymanians. Directly, it contributes about CI\$330 million (gross) to the country's foreign currency; indirectly, the industry probably contributes in the order of 50% of Gross Domestic Product. Even when public service jobs are excluded, nearly 3,000 individuals (2,965) were employed directly in tourism in 1993, making tourism the most important industry in terms of jobs created. The total impact of tourism is even greater when jobs such as construction and agriculture which support the tourism industry are factored in.

There can be no doubt, Madam Speaker, that the tourism industry also creates social costs, for example, traffic congestion. If properly managed, these should have minimal adverse impacts on the lives of Caymanians.

Globally, the tourism industry has grown about 4% per annum over the past decade. Today, it represents an industry of over \$3 trillion and is projected to grow to over \$4 trillion by the year 2000.

Growth in stayover visitors to the Cayman Islands averaged about 8% per annum from 1980 to 1990. The first few years of the 1990's, when economies around the world slipped into sharp recession, tourism to the Cayman Islands showed no growth and even a very modest decline. Sharp increases in stayover arrivals in the range of 20% have been experienced in both 1993 and 1994. This growth rate, Madam Speaker, has been larger than the total Caribbean growth rate yielding a progressive increase in market share for the Cayman Islands.

Historically it has been shown that uncontrolled growth typically results in a degeneration of product and service. For the Cayman Islands to continue its fine performance, it will have to adopt a state-of-the-art approach to tourism management and development and to insure that the resources which motivate tourists to come to the Cayman Islands are maintained at a high level of quality.

The Cayman Islands have reached a crossroads. It is imperative that the direction taken be one of managing to achieve long-term steady growth, so that tourism benefits that accrue to Cayman are maximised and

the products and services that draw tourists are continually improved upon.

Continued development of the Cayman Islands product is important to the continued success of the tourism industry. Offering fun and relaxing attractions to both residents and visitors will help maintain the quality of life and provide additional reasons for vacationers to come and return to these islands. Key attractions to be developed and/or expanded upon include:

- 1) Pedro St. James Castle
- 2) Turtle Farm
- 3) Stingray City
- 4) Queen Elizabeth II Botanic Park
- 5) Salinas National Park

From a strategic perspective, it is believed that the potential more than doubles the level of tourism development currently existing. The East End of Grand Cayman holds the most promise for future development.

In total, eight distinct zones have been identified:

- 1) Seven Mile Beach: which caters more for sun, beach, water, restaurants, accommodation, more high intensive tourism, and traditional "sun destination" image.
- 2) George Town: historic human scale downtown core, and focus for tourism retail theme.
- 3) West Bay (Barkers area): More rugged shoreline with limited development, and isolated but close to the action theme.
- 4) The Eastern Area of Grand Cayman: Uplands tourism resort destination theme with some beach, sun and water.
- 5) Scenic Coastal Drive: Coastal attractions scenic roadway for day outing.
- 6) Cayman Kai: Quiet, scenic, family-oriented theme.
- 7) Cayman Brac: Rugged explorer oriented theme with conveniences but less intensive development.
- 8) Little Cayman: Strong eco-tourism theme.

Although these eight areas offer different experiences to tourists, they are to be developed and marketed as several experiences in one destination

It should be noted that the Cayman Islands has done a good job over the past number of years in its effort to take advantage of the tourism industry.

The new global competitive environment and the need to sustain growth require that the Cayman Islands further enhance its marketing and market research capabilities. In order to compete effectively, a higher degree of sophistication will be required than has proved successful in the past.

The major tourism marketing approaches which the Cayman Islands will follow include:

- Refinement of long-term goals and short-term quantitative objectives;
- Tracking progress toward achieving objectives and goals;
- Increasing the research base, fine tune and prioritise target markets based on geographic, socio economic and special interest criteria;
- Allocation of overall and regional office resources, according to this prioritisation;
- Continued diversification of product aimed at opening up and attracting new niche markets;
- Fine tuning the message to be communicated to target markets;
- Researching the effectiveness of advertisements, different media and promotional efforts;
- Improving access to information on-island;
- Improving product quality, diversity and price-value delivered; and
- Continuing to search for new, lucrative markets.

A primary reason for pursuing the economic development that results from the tourism industry is to provide Caymanians with job opportunities.

Today the supply of labour is tight and competition for Caymanians staff is high. Since growth is recommended and turnover is ongoing, the future labour supply of Caymanians is I believe, at risk. The Policy will strengthen the capability of Caymanians to participate productively in the tourism industry work force.

The human resource strategy includes eight individual items:

- A strengthening of the collaboration between stakeholders, including public and private sector.
- An expansion of the recently launched "Caymanians in Tourism" communications and education campaign.
- Co-ordination of recruitment efforts.
- Refinement of career pathing.
- Development of performance standards for all jobs in the industry.
- Creation of data gathering models and methodologies unique to the industry.
- Addressing the socio-cultural aspects of tourism.

In an ever increasing environmentally conscious world, it is essential to recognise that protecting and enhancing the marine and terrestrial environment of the Cayman Islands is critical to the long-term success of the tourism industry and quality of life for residents.

The environmental policies relating to the tourism industry for the Cayman Islands include:

- An environmental protection and enhancement leadership role as it relates to tourism management, including:
- A method of placing a reasonable value on the environment. Since at the individual level no one really owns the environment, it has not been given true market value. People care more about the environment they own than the environment that is collectively "everyone's".
- An increase in understanding of how development is fully linked to the environment. For example, it will be necessary to link tourism growth and development to the carrying capacity of dive sites.
- Comprehensive environmental legislation;
- Environmental policies;
- Environmental assessment;
- Carrying capacity guidelines;
- Environmental awareness; and
- Eco-tourism.

Madam Speaker, in a little more than five years, the world will step across the threshold of a new century. How will the Cayman Islands have changed? What kind of society, economy and environment will Caymanian children inherit? These are questions that must be answered as new directions are formulated to take the Cayman Islands' tourism industry into the 21st Century.

Most futurists believe more change will be witnessed in the last decade of this century than over the past ninety years. One only has to look back at how much the Cayman Islands has changed since 1989 to realise that these futurists are perhaps understating the degree of change that will actually take place.

Against this background, Madam Speaker, it is important for Caymanians to develop a realistic vision of where the tourism industry could, and should, be in the year 2000 and beyond. With a shared vision, Caymanians will achieve the goals set for the future.

A strong economy will provide the Cayman Islands with the financial resources to take action in areas considered important, and to fund the programmes and services that will enhance quality of life. Such programmes and services will be based on the values that Caymanians hold, and should be incorporated within the vision of the future.

Understanding and taking advantage of these forces as they relate to the tourism industry and the Cayman Islands will be important to the implementation of the tourism management policies designed to guide the Cayman Islands into the future.

In light of the major global forces, competition, tourism industry outlook, the current tourism position of the Cayman Islands and importance of tourism receipts

to the Cayman Islands, it is important to prepare a long-term plan for managing tourism.

When we start thinking about ten years, it gets pretty cloudy and our crystal ball, I think, does not focus clearly at all. It seems to me that it is better to do a five-year plan and at the end of the five years you roll it over for another five. That way we can build in the reality of life and the economic situation around this world.

The overall purpose of the Tourism policy, Madam Speaker, is to provide a clear set of policies, strategies and implementation guidelines for the management of tourism in the Cayman Islands which will continue to stimulate the economy for the benefit of the Caymanian people, while preserving the heritage, culture and environment of the islands.

The Tourism Management Policy for the Cayman Islands is consistent with the stated purpose detailed earlier and takes into consideration the differences between the three islands. It also provides specific strategies that will assist in obtaining fulfilling that purpose for the betterment of all Caymanians. In addition to providing an overall strategy, specific attention is focused on the following: Environment; Product and Infrastructure; Marketing; and Human Resources.

The document, Madam Speaker, is laid out in several chapters. There are chapters dealing with: Tourism Management Strategies; Environmental Strategy; Tourism Product Strategy; the Marketing Strategy; and the Human Resource Strategy.

I would only point out that on page 19 of the document it also sets down specific goals in dealing with tourism growth. And that begins by recognising that in 1993 we experienced a 19% increase and it appears that we are going to end up in 1994 with a 15% increase. We project for 1995 a 5% increase above that. In 1996, 1997, 1998 and 1999 it is projected that the increase will be 10%, 7%, 5% and 5% respectively.

Looking quickly at the environmental strategy, our hope is to achieve the objectives of protecting resources, to maintain growth tourism and lay the basis for eco-tourism legislation is going to be required. The comprehensive legislation currently under development will include, but not be limited to, statement of philosophy and need; define sustainable development for Cayman; detail the requirements for environmental assessments methodologies and when they are to be applied: recycling; chemicals and hazardous wastes; air quality; water quality; ground water; marine life and habitat; terrestrial life and habitat; visual quality; land reclamation; litter; enforcement; public involvement and funding of interventions; penalties; institutional strength; financial/economic aspects; and advisory and appeal bodies.

I believe that there is a real opportunity for the Cayman Islands to take a leadership role in blending tourism development and the environment. It will only help to protect the tourism resource that tourists are coming to experience to remain special and not be-

come ordinary, but also lay the needed foundation for the eco-tourism programme.

There are a number of initiatives in other parts of this Plan that support environmental protection and enhancement.

On page 28 of the Document it speaks to the privatisation of attractions and development and it lists five sites which I think I have named earlier: Queen Elizabeth II Botanic Park, Pedro St. James Castle, Stingray City, Turtle Farm and Aquarium, and the Salinas National Park. And there are 23 second priority attractions as well. The Document also speaks to the cruise ships strategy and on page 31, it mentions permanent deep water mooring for cruise ships will be installed to prevent further damage to the reef, which is the lifeblood of the dive industry, a premier tourist attraction of the Cayman Islands.

Under Human Resource Strategy which is the last chapter of the document, it lists a number of tactics should I say, and there are eight that are presented as the human resource strategy. I think they are in keeping with the quality service component that we have mentioned earlier. They are:

- The strengthening and collaboration of all stakeholders;
- Launching a major communication and education programme;
- The co-ordination of recruitment efforts;
- Introduction of career pathing;
- Development of performance standards for all jobs in the industry;
- Equipping people to reach a high level of performance through training;
- The creation of data gathering models and methodologies unique to the industry; and
- Addressing the socio-cultural impacts of tourism.

Madam Speaker, I wish to publicly thank the team who carried out the review, the Permanent Secretary for Tourism, the Director of Tourism, the Director of Tourism (Designate), the Assistant Secretary in the Ministry of Tourism—and I am not going to thank myself, Madam Speaker, that is not necessary. I also want to mention that I believe later on in the week (I say this basically to forewarn Members), I will move a Motion for the adoption of this document.

Thank you, Madam Speaker.

The Speaker: Government Business, Bills. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1994

Clerk: The Tourist Accommodation (Taxation) (Amendment) Bill, 1994.

The Speaker: The Bill entitled the Tourist Accommodation (Taxation) (Amendment) Bill, 1994, is deemed to have been read a first time and is set down for Second Reading.

Second Reading.

SECOND READING

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1994

Clerk: The Tourist Accommodation (Taxation) (Amendment) Bill, 1994.

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 Tourist Accommodation Law (Revised).

As set out in the Memorandum of Objects and Reasons, this Bill seeks to amend the Tourist Accommodation Tax from 6% to 10%. Other amendments which are urgently and desperately needed are also being made to improve the effectiveness of the administration and the enforcement of the tax levied under the Law.

It should be noted that while this increase of 4% translates into a 66 2/3% increase over the existing rate, it is the first increase since 1981.

A survey of 27 Caribbean countries reveals that occupancy taxes in the regions range from a low of 4% in the Bahamas to a high of 23% in the Dominican Republic. It was further noted that while the Bahamas occupancy rate was 4%, there was also a further 4% being charged as a resort tax. To use one other country as an example, it was found that in the British Virgin Islands they charged an occupancy tax of 7% with a further additional 7% being charged as a resort tax. This brings the total of levies on the hotel bills of tourists visiting that country to 14%.

These examples clearly demonstrate and refute any argument that would suggest that the proposed increase in the rate from 6% to 10% could cause the Cayman Islands to be perceived as an overpriced destination. I should also point out that the accommodation tax that is levied in the Cayman Islands is strictly on the accommodation element of the bill and does not include a tax on the other charges. For example, food, and other services provided or contracted for with the hotel establishments whereby, in the other jurisdictions, or quite a number of them, the tax that is levied is levied on the total bill.

It is also well-known to every Honourable Member in this House that offences committed under the existing Law are numerous and the penalties for such offences are very much inadequate. In order to demonstrate the inadequacies of the existing provision of enforcement and penalties under the existing Law, I will now read from section 3 through 6 and section 8 of the Law. Section 3 deals with taxation of tourist accommodation and it reads:

"3. The proprietor of any accommodation shall pay to the Government a tax equal to six per centum of the amount of the charges made by him in respect of each tourist accommodated therein.

"4. (1) Every proprietor of accommodation shall keep or cause to be kept records in such form as the Governor in Council may from time to time direct.

"(2) Every proprietor of accommodation shall on the departure therefrom of any tourist deliver or cause to be delivered to that tourist a statement setting forth clearly—

"a) particulars of the accommodation and services provided for that tourist;

"b) the amount payable under this Law for tax in respect thereof."

Section 5 deals with the powers of the Collector of taxes. **"5. (1) The Collector of Taxes may at his absolute discretion inspect all records kept under this Law at any time.**

"(2) The proprietor or person in charge of any accommodation shall at all reasonable times during the hours of daylight produce to the Collector of Taxes any such records required by him, and shall afford such officer all such reasonable assistance as will enable him to calculate the amount of tax payable by such proprietor.

"(3) Every proprietor of accommodation, shall, no later than twenty-eight days after the end of each month for which tax is due, submit to the Collector of Taxes a copy of each statement delivered by him to tourists under section 4 during that month and shall pay to the Collector of Taxes the amount of tax due in respect thereof. In default, the proprietor shall pay to the Collector of Taxes as a surcharge a sum equal to twenty per centum of the

tax so chargeable in addition to the tax and all such surcharge shall be deemed to be tax for the purposes of this Law."

Penalty for making false entry, section 6. It reads: "6. Whoever wilfully and with intent to defraud makes any false entry in, or alters any word or figure in, or destroys or conceals any of the records required to be kept under this Law is guilty of an offence and on summary conviction thereof liable to a fine not exceeding one hundred dollars."

Section 8 deals with the punishment of offences not otherwise provided for and it reads: "8. Whoever contravenes any of the provisions of this Law in respect of which no special penalty is provided is liable on summary conviction in respect of each such contravention to a penalty not exceeding forty dollars and in default of payment thereof to imprisonment for a term not exceeding two months and on a second or subsequent conviction to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for a term not exceeding three months."

Madam Speaker, reverting to section 6 which sets out the penalty for making false entry: It can be seen that a simple way of defrauding the Government and receiving a lenient punishment would be for a proprietor to submit the records of tax collected to the Treasury without making any remittance of the amounts collected. Under section 8 this person could be charged \$40 on the first occasion and an amount not exceeding \$100 on a second or subsequent conviction.

This morning in checking the records of the Treasury Department for some of those establishments that are in arrears, it was quite interesting to note that one proprietor has done exactly that: he submitted the records for the months May through August, to the Government. The records clearly showed the amounts collected by way of Tourist Accommodation Tax, but a cheque has not been submitted. Also the returns for the month of September and October have been submitted, but the Accountant General is now in a state of uncertainty as to whether those cheques will be cleared by the bank. There are several instances when cheques for substantial sums have been paid in to the Government—for this establishment in particular—and have been returned by the bank.

In view of these deficiencies I am now happy to report that the inadequacies in the enforcement and penalties in the existing legislation will be addressed upon this Bill being enacted into Law.

Madam Speaker, the substantive changes to the sections dealing with enforcement and penalties are to be found in sections 2, 3, and 10 in the Schedule of the Bill which I read:

"2. Subsections (2) and (3) of section 5 of the principal Law shall be repealed and the following subsections substituted—

"(2) The Collector of Taxes or an authorised officer of the Collector of Taxes shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any business premises for the purposes of—

"(a) inspecting any records; and

"(b) ascertaining (whether by such inspection or otherwise) any amount or amounts of tax payable by a proprietor of accommodation on those or any other premises; and

"(c) ascertaining whether there is or has been on those premises any contravention of the provisions of this Law or any evidence of such contravention; and

"(d) the performance by the Collector of Taxes of any of his other functions under this Law."

It goes on further in subsection (3), to read:

"(3) If a judge of the Grand Court, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in subsection (2) above and either—

"(a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for the warrant has been given to the occupier; or

"(b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency the judge may by warrant signed by him authorise the Collector of Taxes and any other person named in the warrant to enter the premises, if need be by reasonable force."

This, Madam Speaker, makes it quite specific in terms of the authority of the Collector of Taxes. The authority upon which the Collector will be acting as contrasted to what I have read earlier under section 5, which says that the proprietor or persons in charge of any accommodation shall at all reasonable times during daylight hours produce to the Collector of Taxes any such records required by him and shall afford such officer or such reasonable assistance as will enable him to calculate the amount of tax payable by such proprietor.

While this is very plausible and appears to be quite understandable, it is not specific in terms of what specific level of assistance should be. Now all of that has been corrected in the new amendment and hopefully,

when these amendments are enacted into Law, should define specifically what the authority of the Collector of Taxes is under the Law.

Going on to section 3, which reads:

"Sections 6, 7, 8, and 9 of the principal Law shall be repealed and the following sections substituted—

Obstruction etc. of officers.

"6(1) Any person who—

"(a) intentionally obstructs any person acting in the execution of this Law; or

"(b) without reasonable cause, fails to give to any person acting in the execution of this Law any assistance or information which that person may reasonably require of him for the performance of his functions under this Law, shall be guilty of an offence.

"(2) Any person who in purported compliance with any such requirement as is mentioned in subsection (1)(b) above—

"(a) furnishes information which he knows to be false or misleading in a material particular; or

"(b) recklessly furnishes information which he knows is false or misleading in a material particular, shall be guilty of an offence.

"(3) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six months or to both.

"(4) A person guilty of an offence under subsection (2) above shall be liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months or to both."

Madam Speaker, subsection (2) makes it quite clear as to what the offences and the penalties are under the Law.

Madam Speaker, section 10 which sets out further penalties reads:

"If any person is knowingly concerned in, or in the taking of steps with a view to the fraudulent evasion of tax by him or any other person, he shall be guilty of an offence and liable on summary con-

viction to a penalty of \$50,000 or of three times the amount of the tax, whichever is the greater, or to imprisonment for a term not exceeding 6 months or to both."

"(2) If any person—

(a) with intent to deceive produces or submits for the purposes of this Law (or otherwise makes use of, for those purposes) any document which is false in a material particular; or

"(b) in submitting any statement or information for the purposes of this Law makes any statement which knows to be false in a material particular or recklessly makes a statement which is false in a material particular, he shall be guilty of an offence and liable on summary conviction to a penalty of \$50,000 or of three times the amount of the tax, whichever is the greater, or to imprisonment for a term not exceeding 6 months or to both."

Madam Speaker, these amounts may seem to be quite onerous in relationship to what the existing penalties are. But just taking two establishments (two of the big hotels) on the islands: the returns for January showed that one of them paid \$120,000; the other, \$81,000. For February one paid \$110,000; the other, \$81,000. June—which is not a peak period—\$59,000 for one; \$46,000 for the other. September \$38,000 for one, and \$32,000 for the other. This clearly demonstrates that for the penalties to remain as they are: \$40 and \$100, while these would have been appropriate 15 years or 20 years ago, they do not reflect current circumstances.

Madam Speaker, although quite a lot of attention has been given to the offences and penalties provisions of this Bill, Honourable Members will recall from answers to previous Parliamentary Questions that although the offences are quite numerous, they are being committed by just a few establishments. Further it is my view that those establishments which are defrauding the Government by not remitting the tax collected, but diverting it for their own purposes, are also likely to be dishonest in their dealings with the tourists to these islands who are using the services of those establishments.

If the operations of these establishments are not reformed, it is likely that in time they could bring into question the reputation of the tourism industry of these islands thus negating the benefits that would otherwise accrue from the efforts of the present and past governments in the building up of this industry. An example of these efforts is the Tourism Conference which was held here recently—in fact last week—under the direction of

the Honourable Minister for Tourism, Environment and Planning.

There are some Honourable Members of this House who are unhappy that the Bill was not presented in tandem with the Budget Address. As I pointed out during my winding up on the Budget Address, the only reason this was not done was that the consultation with the hotel industry had not taken place at the time of presenting the Budget Address. The Government could have opted not to consult with the representatives of the hotel and condominium industry and introduce the increases with immediate effect.

The result would have been confusion and frustration to the industry as it was brought to light during the meeting between the Honourable Minister for Tourism, Environment and Planning and the industry, that the rates for the remainder of 1994, through part of 1995 have already been fixed and contracted for, with various overseas travel agencies based on the existing 6% Occupancy Tax. Based on this process of consultation the date agreed upon for the Law to come into effect is 1st June, 1995.

Madam Speaker, this explanation is not intended as an overt plea to those Honourable Members, as individually and collectively I know they are very committed to the smooth functioning of every segment of our economy and would, I am sure, be very unhappy with any action by the Government that would disrupt the smooth operations of such an important sector as the tourism industry.

Madam Speaker, with these remarks, I commend this Bill to this honourable House.

The Speaker: The question is that a Bill entitled the Tourist Accommodation (Taxation) (Amendment) Bill, 1994, 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: Thank you, Madam Speaker. Just to make sure there is a debate on this, I feel a certain compulsion to rise and speak on the Bill for the increase in tourist accommodation tax.

Madam Speaker, as I look at this Bill, I see what I consider some worthy sections that deal with the administration in Government of the collection of tourism tax.

In saying that, one should really take into account that there are many—and some of them are very large—tourism properties in this country that treat Government somewhat like a joke. Properties in this country have collected millions of dollars from visitors to these shores—money they have kept and have simply ignored the fact that of the sums collected, they should have paid 6% to Government. The last time a question was asked in this House about the accumulated amount, we heard that it was in the millions. If I re-

member it was close to about \$2 million; some had been collected and we heard that there was a great possibility from a legal stand point that one of the largest sums would not be collectable from one of the major hotels here in this island.

I think, Madam Speaker, that if one is not going to enforce the Law there is no need to pass the Law, and if a law is passed which is fair, reasonable and equitable with the intention of bringing about a particular action, or causing a particular thing to happen, then the law should be treated with the seriousness that it deserves from the time it is enacted by this Legislative Assembly.

Obviously, one of the biggest sectors of business in the Cayman Islands chooses to ignore the Tourism Accommodation Tax Law in a big way and successive governments have not really come down on them in the way they should have. I have heard some strange tales to the extent that if the Government were to really come down too hard on some of the properties, tourism might be affected, or they might have to go out of business.

One thing the public and everyone concerned needs to understand and bear in mind about this particular tax business is, that a visitor to these shores staying at a hospitality accommodation in these islands, pays a certain amount for the time he stays there. And on to that is added 10% which the hotel collects at the same time it collects its own money. But the hotels or condominiums (as the case may be) where they have gone in default simply keep the money and do not pay it to the Government. So I would hope that with this amending legislation the Government would send a clear message to the defaulters that it is not prepared to allow tourism accommodations anymore to make a mockery of the Government of the people of this country.

I think it was a sensible move when the Law was amended to change the onus of collection from the Director of Tourism, to the Collector of Taxes. The objective now should be for the Collector of Taxes to collect his taxes.

In the administration section of this Law, the Collector is given considerable authority that he may inspect the records; he may discover whether there are those premises which are in contravention of the Law, and generally I think, this amending Bill gives much more authority and ability for the Collector of Taxes to collect taxes due.

I am not absolutely certain at this time who is the Collector of Taxes in the Cayman Islands. I would suspect that it would be the Accountant General, and in Cayman Brac I would dare say it would be the District Commissioner. But I think for this particular exercise and this particular part of the Collector's duty one or two persons should be designated within the Treasury Department where those persons are on to this particular

important area of Government's revenue collection daily.

It should not be something that every 28 days it comes about and then someone takes another 28 days to discover that taxes have not been received from the various properties. We do have considerable capital investment in computers. I would certainly hope that hand in hand with this Bill, the computer programmers, the Government, the Treasury Department, the Financial Secretary, whomever, will see to it that there is a programme in place on the computer system where every 28 days or before (make it 20 days) they get a call to tell what the situation is. So immediately the system shows what the situation is on any particular property that should be paying taxes.

In my opinion, if a person is not going to be specifically designated, this Law will not have the effect that it is supposed to have. I see provisions are being made for the Collector of Taxes to be properly identified. That is important, because any business owner has the right to challenge anyone coming onto their property or business claiming to be the person to collect taxes if he cannot show proper identification. I would assume that this identification would be extended to anyone else whom the Collector of Taxes may appoint to do so, since the Law does provide for it.

Seeing the attitude of some tourism accommodation property managers in regard to tardiness and their total ignoring of payment of taxes, I could believe that even if a tax collector is identified there would be those who would be feisty enough to not allow entry to their premises, or play around and not give sufficient information or documentation. Judging from past actions I would think that is a possibility.

So the fact that in section 3 of the Law, the Collector of Taxes can go to the Judge of the Grand Court and give sworn information in writing and ask for a warrant is, I believe, something that needs to be in this Law.

Something did catch my attention and that is, in subsection (4) which reads: "**Every warrant granted under this section shall continue in force for a period of one month.**" I am not quite sure what the general principle is in relating to Warrant of Entry and Search. I do know that police may get warrants to enter and search premises. But I have always had the impression that it was of a limited nature. If they did go in, it would be a one-time exercise and if they went back they would have a warrant issued again. I am not certain on this and I have never really had the opportunity prior to speaking now, to check this point although it did raise a query in my mind. However, this is something I trust the Financial Secretary and the legal authority will take note of. This is a period of one month and I have tried to reconcile in my mind why it would be that way. I dare say that it is possible that in an investigation it could be a process that would be as ongoing as a 30-day period where such persons may need access to go

back to check on certain things within such a property. However, I would like to believe that it is consistent with the general principles relating to warrants of entry and search.

The Law also provides that the Collector of Taxes may take with him/her such other persons as may be necessary. This would cover other accountants or persons who have some specialist knowledge in perhaps computers as how to quickly retrieve information which might be necessary. Also the fact, that I believe most properties in these islands are now computerised. There is also a clause which allows the information in the computers to be checked to see whether there is any information there that is relevant to the Collector of Taxes in carrying out his/her duties.

Certainly I think seizure of the records would be necessary and there is also a section that provides for that—where records are not forthcoming in a search the Collector may seize these records so that they can be examined and he may take away these records in the course and performance of his duty. When it is in a computer, a copy can be demanded and information can be taken away.

Madam Speaker, these clauses give strength to the performance of the Collector of Taxes that is needed. For this was obviously lacking in the past and apparently, tourism accommodations take a very light attitude towards Government enforcement.

This is also the case evidenced in another area—the payment of gratuities. There have been cases of large sums of money that have not been paid and again, these sums are to be paid out. But again there are many instances where they have simply ignored it, treating it with no great seriousness.

It is further strengthened in that there are penalties for any attempts in the obstruction of officers carrying out their duties. In the instances of furnishing false or misleading information there is a penalty of \$50,000 or imprisonment for six months, or both. For recklessly doing so, I think that it is a fairly emotion-catching amount in that penalty, that of \$50,000. It is said that to really get someone's attention you hurt them in the pocket book and surely, \$50,000 is a sizeable sum.

This Law sets down a time frame in which Government should receive its taxes which is right and proper. Hotels should not collect money from visitors whom they have had for years, and never paid Government. There should be specific time frames and if it is not paid they should pay the extra price for keeping it.

There is an accounting section stating that within a 28-day period there must be a statement sent to Government. The same type of statement that they collect from each person that Government gets which records precisely the amount collected from John Doe, this is the amount due to myself and that the payment as well is received.

Only a short while ago the Financial Secretary in presenting this Bill spoke of a situation where the copy of the accommodation sheet was sent to the Treasury Department but without any payment. What particularly caught my attention was the fact that on top of not paying, some properties obviously have the audacity of writing cheques that bounce to the Government. It is most incredible! I mean this has to stop and I would say to the Financial Secretary (Government as a whole) not to allow this to happen. It is wrong. Imagine a business that is earning money daily due to collecting moneys from travellers and collecting Government's money having the audacity to send a bounce cheque to the Government.

Madam Speaker, I think that this Law strengthens this situation and it is something which needs to be done. Also this Law now gives the Collector of Taxes the authority that if these persons fool around and do not send the money to the Government, they can be surcharged up to 20% for the time over which the Government should have received its money which is a period of one month. So these are all attention-grabbing actions that I think the Government can take. And again I would say to the Mover of this Bill, the Financial Secretary, that I think it is important for him to designate officers specifically to this matter and deal with it straight away and outright so that nobody has the time to monkey around when their taxes are due.

There can also be a rate of interest charged on monies not received on time. I see that "prescribed rate" means any rate as may be prescribed by the Governor in Council. I would imagine that this would come into regulation but I would rather have seen that it was a 10% or whatever the case may be as is reasonable for collection.

Again, there are strong penalties for offences where there is fraudulent evasion of taxes by properties and where persons associated with tourism accommodation intentionally try to deceive or produce figures or statements that are inaccurate. This amending Bill goes very far in addressing the administration of the tourism accommodation tax collection.

Having said that, I will state again my position of not voting for the increase in taxes, which is the other part of this particular Bill. In the local newspaper, *The Caymanian Compass*, it was noted that I was the only one who did not vote for the Appropriation Bill. That is true. That is what I said I would not do, and I did not do.

I would just like to make the point that when one votes for the Appropriation Bill, one votes for the whole bill inclusive of all of its parts and segments, head and subheads and so forth and so on. For example, one could not have had the Financial Secretary take out the \$50,000 that was voted for bus stops for me or the next person to vote for or not vote for. It was all part of that Head, so you either voted for the Head or you did not.

So when one does not vote as I did not, and will not . . . I made it clear that I do not believe that taxes of

\$4.6 million were in order and should be brought. It was brought: it was an integral part of the 1995 Budget and I did not support that, therefore, I would have been foolish to vote for the Appropriation Bill.

The increase from 6% to 10% is approximately 67% increase. I heard the Financial Secretary say that other destinations charge much higher amounts and I can believe that this is true. That does not mean that we have to charge the very same. Already in most instances here, our hotel charges are on the high side, except for the cheap packages which have been ushered in recently. The Minister for Tourism does not really like to hear me say this, and gallantly does a good job of trying to deny it.

I think on the other hand that our accommodation here is generally above average and in some instances on the very high side of conditions. This tax will impact directly on tourism in this country. It means that whereas before this time, a person paid 6% in addition to his bill he will now pay 10%. At this time when we are seeing arrivals at the highest it has ever been—and I understand that there are projections that this will continue—this is hardly a logical time to increase the rates. For by share numbers the 6% would be generating a greater increase in revenue. But I am also of the opinion that by the inclusion of this, it was the only way the Budget for 1995 could show a balanced picture.

I think that there is strong argument for leaving the taxes where they are in the face of the increased numbers of tourists coming to the islands.

I must also note that the National Team Government greatly criticised the former Government when tourism was affected due to the increasing taxes on alcohol and tobacco. I argue that while that did have some effect and still does, that not all tourists drink and smoke. So it absolutely affects some in one way or another. However, by increasing the room tax all parties will be affected.

I also note that this comes into effect on the 1st of June, 1994 (sic) [1995] which means that the Government can only hope to collect about seven-twelfth of that \$4.6 million. Of course, if the Government really wants to raise money it should come in every time taxes are increased in this country; it should come into effect on the 1st of January, the fiscal year of Government, because after June the high season as it is termed, is over. So therefore, it will also reduce the amount that is hoped to be collected.

So when the tax comes in on the 1st June, I can only imagine that sufficient thought was not given to the idea of bringing this tax in time so that the properties could have been informed that there is a possibility of an impending increase. And so we find this tax bill which is directly associated with the Budget coming long after the Budget has gained approval. This tax would also have impacted on the cheap package fares by 10% on the hotel element of the packages. And I see this as accommodating that.

The tourists in the higher spending brackets might offer comment and so on, but it would not be as significant to them as it would to those in the lower package areas. So I do think that if the Government seriously wants to attract some revenue it should bring this Bill in January when it would have the benefit of a larger number of persons coming here. Surely, if in some destinations it is already 10% and 14% and so on, we should not have given any greater shock to the persons coming here paying the 10% if indeed, that is the will of the Government to bring this into play.

Madam Speaker, I have stated my support for this Bill in the areas where I see it is indeed taking some bold and very necessary steps to assist the administration of Government in tax collection. However, I do not support this Bill because included in it there is the increase in taxes which I have said during the Budget [debate] I found objectionable and would not support.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED AT 12.02 PM

The Speaker: Please be seated. Debate continues on the Second Reading of the Tourist Accommodation (Taxation (Amendment) Bill, 1994.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

I rise to offer my support for a Bill for a Law to Amend the Tourist Accommodation (Taxation) Law (Revised). I am very pleased that this piece of legislation has been brought before this House at this time. I recall that the Public Accounts Committee in its Report for 1994, had recommended that the Tourist Accommodation Law, be looked at with a view of strengthening the penalties under the existing Law, and that has certainly been done in this piece of legislation.

First of all, let me say that I approve the increase of the tourist accommodation tax from 6% to 10%. And in keeping with the normal procedure where the Financial Secretary and probably the Minister for Tourism, converse with those persons who are involved, that is, the hoteliers, the condominium managers, etcetera in getting their support.

I think what has to be kept in mind is that it takes a lot of money to run a country and a Government. We have heard this morning from the Minister for Tourism, that the tourist industry provides the largest amount of employment in this country. But it also has a lot of demands. For example, the need for roads, the need for first class health services, communication services and all those things that go along with making a destination

very attractive. They all cost money, Madam Speaker, and I believe that tourism has to carry its fair share of that cost.

It has been said that we are probably one of the lowest as far as the Tourist Accommodation Tax in the region [is concerned]; that is good to know. But I do not see a person deciding not to come to the Cayman Islands because rather than \$6.00 a day on their hotel room in tax, they are now required to pay \$10.00. I do not see this being a big problem.

I am also pleased to see that the Law has been strengthened to the extent where the Collector of Taxes, who in this case has to be the Financial Secretary, or somebody designated by him can visit these properties with a request to inspect records to ensure that the returns for tourist accommodation tax submitted are correct. And it goes on a little further from the existing Law in that if a property manager or owner refuses entry to the Collector of Taxes, or his designate, the Collector then has the recourse of going to the Court with a request for permission to issue a warrant to enable him to do so legally. I think that it is very important for them to have that type of authority.

I am also pleased because the tourist accommodation tax has been a big problem for a number of years. What amazes me is how lightly those who collect taxes on behalf of the Government treat their responsibility of submitting those taxes to the Government in a timely fashion—or submitting them period! Up until last year there was still close to \$2 million outstanding in tourist accommodation tax from some of the major players in the tourist industry.

I think it is time for us to get tough on them to the point where in keeping with the recommendations of the Public Accounts Committee's Report for last year, those particular properties Trade and Business Licences are suspended if the Collector of Taxes is unable to sit down with them and work out a reasonable repayment schedule for back taxes.

To leave them in business only perpetuates the situation. They go on and rather than [owing] \$200,000 within the next year it is probably \$400,000. So it gets worse. And I believe that the Government has to send a very strong message that "you are obligated to collect the taxes on behalf of Government and it has to be submitted in a timely fashion". If you do not, then you must bear the penalties that go along with that.

I also notice that the penalty for false information in this Bill has been increased to \$5,000 from \$100. That is good, because I think Government has to get serious about this tax. If we had the outstanding taxes that the Government is now due, the Financial Secretary would probably have \$2 million more which he could use to balance his Budget and for the Elected Members to be in a position to provide many more services to their people because there are a lot of needs among us.

What I am suggesting is that if it has not already been done, Financial Secretary does employ someone

with the necessary accounting qualification and background who has the ability to go in and inspect some of these properties if the need arises. I think it could be a joint exercise because we have also had many complaints and problems with the issue of proper distribution of gratuities. While they are in there conducting their inspection of the books they could also determine what is due by way of gratuities.

Madam Speaker, once this exercise is undertaken they do not have to conduct too many of them before those persons involved get the message that the Government is serious about collecting its tourist accommodation taxes, and also seeing to it that gratuities upon which so many of our people who are employed in the tourist industry depend, are also distributed in a fair and equitable manner.

I am also pleased to see that if anyone falsely furnishes information on the tourist accommodation tax, there is a penalty of up to \$50,000 which can be imposed by the Financial Secretary's department, or an imprisonment of at least up to six months, or both. I think that is good because the Financial Secretary has to be in a position where he has some authority and he has some means by which to get these properties attention.

I also hope that clause 8, subclause (2) of the Bill is enforced: that is where properties are late in submitting their returns and the cheque in settlement of tourist accommodation tax, the 20% surcharge on the outstanding balance will be enforced for as long as that tax is outstanding.

So, I want to congratulate the Honourable Financial Secretary on bringing this Bill. I think it is a good one. If it has not already been done, somebody needs to be employed specifically for dealing with the enforcement of this Law—someone who has the necessary accounting background and qualification to ensure that the Law is administered properly. Everyone needs to get the message that the Government is serious about collecting taxes that are due.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, one of the aims of this Bill is to improve the effectiveness of the administration of this Law and to guarantee the enforcement of the collection of the taxes due to Government.

The two speakers before me eloquently agreed that the Bill does exactly what the Honourable Financial Secretary said the Bill is intended to do. In fact, both of them—the Third Elected Member for West Bay and the Second Elected Member for Cayman Brac and Little Cayman—did the job so well that there is very little anyone can add to it. Certainly, with my limited vocabulary I cannot really improve upon their debate. But the

situation as I see it is that those proprietors who withhold the taxes they have collected for the Government are really dishonest people and must be dealt with as common thieves.

I can understand a property being in trouble and saying [to the Government] we cannot afford to pay the hotel licence fee or the garbage fees. But I cannot understand them not being able to hand over the cash they have collected for the Government. In business they have broken a very sacred trust because they act as agents for the Government. When you violate the relationship between the agent and his principal, you have sunk very low indeed.

So it is correct that this Law should be amended; that the penalties should be increased for those who keep the money which belongs to the Government. I am happy to learn that there are not many properties involved in this type of embezzlement because it is not common thievery, it is some sophisticated felony that they are committing.

The action of these proprietors can do no good as mentioned by the Honourable Financial Secretary, to the reputation of these Islands and to the welfare of the tourist industry. We have long enjoyed here a high reputation for honesty, and if the Government allows this to continue, it would be condoning the acts of these people. So we have to put a stop to it.

We know that this Law has been on the books for a long time and perhaps there has been some laxity on the part of Government or on previous governments in not collecting the taxes on time. Perhaps this is because we have depended too much on the matter of trusting individuals and depending on their honesty. But a new generation has arisen which knows not 'Joseph' and we have to be prepared to deal with these types of individuals.

It has been suggested—and perhaps the Honourable Financial Secretary has already put into place an individual who will have direct responsibility for the collection of these taxes. It was a good move when the collection of taxes was taken away from the Department of Tourism, which is not geared to collect taxes, and put into the hands of the Collector of Taxes. I commend this Bill.

The other part of it increases the tourist accommodation tax to 10% and according to the Financial Secretary, we are still in line with most of the other destinations in the Caribbean. I would have preferred to see the tax remain at 6%, but as has been pointed out by previous speakers, tourism itself puts a tremendous burden on the Government. It is Government who has to supply the infrastructure to properly accommodate the large number of tourists coming here. For example, one needs only to look at Harbour Drive on the waterfront and see how much money has been spent there in recent years to provide landing facilities for the tourists.

I believe it was Mr. David Ritch who, sometime ago, wrote about a tax that had been increased by a

previous Government. The essence of his letter was that when the tax had been at 7.5% it was not so easy for people to figure out what they were paying. But when it had been put to 10% anybody could calculate it quite easily. So psychologically it might be easier now for the tourist to realise what he is paying. But in the matter of actual dollars collected, the sum is not that much.

I commend the Honourable Financial Secretary for bringing forward the Bill and I would trust that another 13 years will elapse before we will need to increase this tax again. We do not want to overburden the trade and make it costly so that people will say it is good, but too expensive.

So, Madam Speaker, I commend the Bill to the House.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I want to publicly lend my support to this Bill. It has been a long time since we have raised the Tourism Accommodation Tax. But more importantly, the revenue side of the Bill proposes to raise the mechanisms for collection. I do not need to belabour that point because other Members have.

The people who are concerned with the Bill (the hoteliers) are in agreement. I do not know if you would say that all of them like their tax increased. But I believe that the Minister has reached agreement with them on it. Certainly we would like not to have to resort to this Bill but there needs to be a tightening up of the whole procedure of collection.

Madam Speaker, I note that the Opposition member who spoke so far, raised some valuable points, but would not support the Bill because he says it was creating a tax in the Budget. All of us know that this will not create any tax on the general public. It is a tax on the tourist, one that is and has been acceptable in this country. But I do note that at least one of the Opposition who is now on the outside, the former member for Health, said in his public meeting that the Budget revealed that Government would increase tax on motor vehicles, import duty, diesel, and alcoholic beverages. I think he must be disappointed or dumbfounded by now. The article said: "*Former Ex-Co Member lambastes Government*", as its title. It could have well been "*Ezard Miller Lies Again*". He has no compunction about telling a lie and it shows you the depths that he will go in spreading rumours and how far out of touch he is with reality.

Madam Speaker, this country spends something in the region of \$10 million, if not more, on advertisements. All hotels, condominiums and everything else gain from this \$10 million. They do not have to spend this kind of money, the Government spends it. There-

fore, it is proper and right that we should get some money back.

But my purpose for rising is to highlight the need for new areas of revenue to be collected. And I do this because the Member speaking in opposition made mention of it. I believe that this is something—and I know that the Financial Secretary has talked about the need before for new areas to be tapped. I believe that the Government needs now to look at Cayman Brac which I would say bluntly, is dying on its feet. I believe that a lot can be done for this country through Cayman Brac. When I say that, Madam Speaker, Cayman Brac has some 1,500 people (I believe) and it has an infrastructure comparable to Grand Cayman. I believe if there is an area where the Government can generate new revenue it is the development of Cayman Brac.

I have been in the real estate business for some time and have been talking to developers and they agree that a resort such as the Hyatt development, with all of its facilities—golf course, apartments, condominiums and private homes—is very feasible for Cayman Brac over a phased period. It would need an investment (direct) in the region of approximately \$150,000 for the first phase. Of course, incentives need to be given, such as the importation of material. And if we link such a development with that of residency with a travel document with an investment of \$500,000 (half million) where an annual cost is attached to that, I believe we could raise anywhere from 300 to 500 persons for the Brac. We could raise quite a large sum of revenue per annum, plus from the stamp duty on each condominium or home. This would yield quite a bit of investment and revenue for the country. Cayman Brac's economy would of course take off.

Madam Speaker, the very nature of this kind of development (since I cannot give all the detail this morning) is possible, it is feasible and we are now charging \$300 for permanent residency. And I am not talking about the ordinary 'little' man to put it plainly, I am talking about investors who can invest in a condominium. That is the kind of person that we need to reach. I believe we can attract these kinds of people to Cayman Brac with such a development.

In the past I have made specific recommendations for the development of free zones and I believe that Cayman Brac also offers some scope for that development. These are my personal thoughts. I believe that other Members might have mentioned in recent times the free zone. It is something we put forward in a resolution sometime ago. It offers much scope for new revenue to be touched. We cannot go much further in raising revenue without hurting our people or without damaging our competitive position. We know this because we had to clean up our act and had to cut down on cost in the Financial Services.

Madam Speaker, these are my personal thoughts and I believe it is feasible with the homework I have done on such a development. I will be talking to Gov-

ernment further about it. I believe in the new year with the promotional trips, we need to have Cayman Brac included to a large extent.

The Bill is not a draconian bill in anyway and we are still below other destinations (in tax). I have confidence in the Financial Secretary and my colleague, the Minister for Tourism, Environment and Planning that they do have support from the hoteliers on this. As I have said, I do not think anyone should listen to the opposition especially when they make bold statements that the Budget contains all these taxes. Their faces must have dropped in consternation to see that no such thing had been done. Who do you believe, Madam Speaker, the shadow or the person?

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 support to a Bill for a Law to Amend the Tourist Accommodation (Taxation) Law, (Revised). Speakers before me have fully explained the points that I had planned to address. But I am very glad to see that steps are being taken to ensure the collection of this tax.

When I was a Member of the Public Accounts Committee it was always a concern. And as a Member of this House, it has continued to be the same. So much revenue remains uncollected that could be spent to a good advantage within the three islands!

I am very grateful to the Honourable Third Official Member, for bringing such a Bill which I feel will address the need for collecting. And I would like to emphasise, as previous Members have stressed, that an individual be given responsibility so that we will know exactly who is responsible for collecting these taxes: someone who will endeavour to collect it as the Law prescribes. I think when someone collects a fee from a person that is destined for another, it is embezzlement when he does not deliver it to the person who it is intended for as the Third Elected Member for Bodden Town ably addressed. All of us at times may have financial difficulties, but we only get into additional difficulties if we spend money that is not ours.

I do have some concern that the tax will endeavour to make our travellers pay a little more. But I fully realise that I continually ask for more for my district, and other Members as well, and in order that we get revenue we must seek tax measures of some nature. I am grateful to see that tax measure this year does not directly affect the Caymanian residents. It is an indirect taxation.

The Garbage Fees as my colleague, the Fourth Elected Member for George Town said...Certainly when garbage is picked up three times a week, 52 weeks per year for \$50, and it is now going to \$100—that is still the cheapest garbage fee in the world. I lived

in an area where I paid \$50 a month and was grateful when they picked up the garbage twice a week. So, as I said, I will support this Bill.

Before taking my seat, however, I would like to express my gratitude to the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, for his interest in the district which I represent. I have had discussions with him in the past as with many other Members, and while debating the Budget I raised my concerns about what is happening in Cayman Brac. I feel that we need an increase in our population; we need development. If we continue the route we are going with no opportunities for our young people to remain in the island, then there is really no future. I think I have made that very clear in the debate on the Budget.

I am grateful to the Minister for what he has said and I wish him great success in putting this together and pledge to him my support in anything that I can do in giving local information or sharing my knowledge with him. So with these words, Madam Speaker, I support the Bill.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

This Bill involves several areas and sometimes we will hear people say to us: Which do you want first, the good news or the bad news? I think most of us like to hear the good news first so maybe it is best that I proceed in that vein.

Madam Speaker, certain areas of this Bill seem to be very timely. What I will not do is to go over the points raised by other speakers. Suffice it to say that when anyone, or group of persons, treats the machinery of Government with utter disdain, we need to take heed and certainly corrective steps so that those persons involved will understand that the business of Government is not one that should be taken lightly.

I am certainly in agreement that it does not appear, from all the facts that are available, that there are many of these places offering tourism accommodation dealing with the [collection of] taxes in such a way that there is any impropriety. But for those few, I think this piece of legislation sends a clear message that it is not going to be allowed to continue.

I wish to make just a few comments on couple of the sections and what I am going to be speaking about now, is mostly to do with the type of punishment to be meted out by way of this Bill on passage into Law.

Section 3 of the Schedule in the Bill referred to section 6, 7, 8, and 9 of the principal Law and makes for substitution in these sections. I noticed what I might call a disparity where—

“A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding \$5,000 or to imprison—

ment for a term not exceeding six months or to both.”

“A person guilty of an offence under subsection (2) above shall be liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months or to both.”

While it is obvious that the punishments that were in the original Law are certainly not in keeping with the times, I think that if the term of imprisonment for both of the fines is a maximum of six months then I am not so sure that the corollary is right in that there is a maximum fine of \$5,000 for one and \$50,000 for the other. Perhaps one should be six months and the other should be 60 months, I am not suggesting that really. I am just drawing inference to the point. So one might want to have a look at that with a view to the intonation of changing the term of imprisonment accordingly.

Section 10 has a similar mode whereby the penalty is a maximum of \$50,000 or three times the amount of the tax, whichever is the greater, or to imprisonment for a term not exceeding six months or to both. There is another section also which refers to the same.

Without going into the already mentioned details of the Bill, the point that I make here is: While I accept that the level of these crimes vary and as a result the financial penalty should vary, if that is the case, then it is my view that the prison term should vary also. I am certainly not suggesting that any one of them be any less. So with those areas regarding the penalties involved in the Bill, I think it is worth considering. I am not sure what the Government's position will be on making any changes in that area.

Madam Speaker, the Schedule of the Bill, the first amendment reads: **“Section 3 of the Tourist Accommodation (Taxation) Law (Revised), in this Schedule referred to as ‘the principal Law,’ shall be amended by repealing the words ‘six per centum’ and substituting the words ‘ten per cent.’”**

At the very beginning of the Bill it reads: **“This Law shall come into force on 1st June, 1995.”**

This history as outlined by the Honourable Financial Secretary, tells us that the last time there was any increase in this area was in 1981. I think the fact is that it was raised from 5% to 6% in that year. So timing-wise there will be a 14-year gap before any other such increase takes place.

Sometimes it is good that we can hear varying views. Sometimes it is not looked upon kindly, but maybe if we were able to look at whatever is being said objectively, we might be able to see some merit. I hold the view—and it certainly does not refer to the Government of the day. It is a general thought that I have because I have seen it done in the past—that revenue measures should be examined on a regular basis and enacted on a timely basis in whatever area we choose,

rather than ever so often seeing high increases pop up out of the woodwork because they are not being addressed for long periods of time.

I remember several years ago when there was an increase in the licensing fee for vehicles. It had not been addressed for many years and there was a very high increase in the hundred percentage range. There was the usual outcry. The point at hand here is not whether the action is justified by way of the revenue that is needed by the Government to provide the services that are being cried out for: it is a matter of timing. So that one is able to continually enjoy the meals rather than getting choked.

I bring that point to draw parallel to this occasion whereby there is a 66 2/3% increase on the tourist accommodation tax which is charged by the providers of accommodation on behalf of Government. At no time does anyone like to hear about taxes. My line of argument at this time is not whether the amount it has been increased to is warranted or justified by the many demands that are called on from central Government for the provision of facilities for the tourists and the comfort they require. It is simply to say that whenever we have revenue measures and they are of this magnitude it is always taken with a bad taste.

So, when we (as we will continually have to) look at revenue measures we might want to choose a different perspective on an ongoing basis so that at no point in time does any segment of the society become scared and rebellious towards the enactment of these revenue measures.

A very similar example is when there is insurance which is a necessary (should I call it commodity—perhaps that is not the right word)... But it is necessary for most, if not all of us, to have insurance today whether it is for life or health. If we look at the way the premiums are collected it is a very minor percent of who makes annual payment premiums. The vast majority of premiums are paid on a monthly basis. That is just another parallel.

I note the First Elected Member for Cayman Brac and Little Cayman, read my mind regarding the garbage fees. Although this has nothing to do with the Bill at hand, it is the same point that I make regarding these measures. While the service being provided may well be worthy of the fees that are charged, the fact is, it is not easy to sell 100% increase to your constituents and justify it. I will say no more on that issue.

The Speaker: Could we take the luncheon suspension at this time? Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.00 PM

PROCEEDINGS RESUMED AT 2.40 PM

The Speaker: Please be seated. The Fourth Elected Member for George Town continuing the debate.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

When we took the lunch break I was resting my case on the topic. But having had a little time to think about that aspect of it, I wish to make a few more comments.

The increase in the garbage fees I note will be done by regulations not through passage of a Bill in this honourable House. I want to say that although it is difficult for the public to accept percentage-wise such a large increase, in discussions with the Head of the Department, it has been proven to me that the service is worth it. So I cannot truthfully stand here this afternoon and say with regards to the garbage fees that the fees are exorbitant. I can only go back to my original point and say that in matters such as these which have an immediate effect on the pocket of the public, we need to look at being able to incorporate revenue measures, even if more regularly, on a more timely basis so that the effects and the impacts do not seem to be great at any one time.

Now, my only bone of contention with this Bill is where I mentioned earlier the increase from 6% to 10% on the Tourist Accommodation Tax. Let me clearly state that immediately after seeing this I spoke to some of the individuals who are directly involved. I cannot say that the reaction was one of great negativity, but there were some reservations. As I was saying before—they too would have preferred for the increase in tax to be done on a staged basis rather than so much at one time. The Government has now taken that position. I simply draw reference once again to what I said earlier that in the future if through the offices of the Honourable Third Official Member there could be an ongoing process whereby necessary revenue measures are taken into consideration, then there would be no large increase in any one area at any given time.

Madam Speaker, when we were presented with the Budget and I listened to the Address of the Honourable Third Official Member, that was when I knew about these intended revenue measures. A little later on during the course of various Members' contributions to the Budget Address, I saw the white paper for a Bill for a Law to Amend the Tourist Accommodation (Taxation) Law, (Revised).

The Honourable Third Official Member has eloquently explained the reasoning why the Bill was not brought either before, or together, with the Budget. But let me clearly state my position... By the way the Second Elected Member for Cayman Brac and Little Cayman was wrong when he said he was the only one who would not vote for the Budget because of the intended revenue measures not being discussed and passed either before or along with the Budget. It only happened that a division was not taken.

Madam Speaker, as one of the 15 Elected Members in this honourable House, for me to truthfully and sensibly assess a situation I am faced with, I need to be

informed. I certainly believe I needed to know about the revenue measures. I needed to hear the rationale behind the revenue measures beforehand rather than after the fact.

Let me try to go through a sequence of events here slowly. Firstly, I am not suggesting that at the end of the day the revenue measure itself is not in line and necessary. I am not going to beef about that situation. What I feel is a bit unfair (although I speak only for myself) is to be expected to make sensible contributions to vote on a Budget which includes \$23 million worth of capital expenditure and includes from a balanced position projected income of \$4.6 million from revenue measures which I know nothing about. For a matter of course of events nothing may change, but from a personal point of view, I cannot stand here and say that is the way I understand the process should be and agree with it. It has nothing to do with the net end position, it is a matter of a sequence of events.

If, indeed as the Honourable Financial Secretary stated, the people directly involved had to be consulted, quite rightly so. And it was a blessing that they were, because the timing was changed from the initial thoughts and they will now have time to clear up their bookings and make sure future bookings are in line with the new fees that will have to be paid.

That is all well and good. But it still does not change the position that I as an Elected representative have been asked to understand regarding the merits of the Budget and accept whatever the \$4.6 million of revenue measures are and say yes. Whether that little vote matters or not, to me that is a matter of principle. In the big picture others may not see it that way but I am forced to look at it from where I sit. There may well have been others who were well-informed of the position and I do not have a problem with that. The fact is I was not.

The other thing that comes to mind at present is... And we are not talking about a huge difference at the end of the day because it might well pan out. But the other thing is that when the Budget was initially presented—and this bears relevance to this tax bill, I feel—the projected budget was a balanced one. That was based on the fact at the time that the revenue measures would have started 1st January, given the position which the Honourable Third Official Member explained, and the Minister involved, taking the time out to discuss the matter with all persons concerned. I am sure it was for the best end result whereby the position is changed from 1st January, to 1st June. But that in itself creates a totally different position from the initial position because the revenue will be that much less.

So in effect if we want to get technical we no longer have a balanced Budget whether or not at the end of the day it works out, and whether there is overage (as it is loosely called) coming in to make everything work. Again, I am not suggesting that it will not happen, but to me it does not bode well for a way of operation.

The remaining parts of this Bill I think, are good for the Government to have taken this position to ensure that what has to be done by way of collection of this tax is done properly and people are made to understand that the Government is serious, and will collect it one way or the other. I am glad that when this is over there will be teeth in the Law to deal with those who think they can get away with not handling the situation properly.

I believe that the Government should have taken a different line in bringing the Budget and in bringing these revenue measures. As I said earlier, it might not matter at the end of the day and the results may end up being the same. But I feel very disadvantaged when I sit here and try to make sense of everything and as one would have it said, 'All the ducks are lined up'. To me they were not. It might be a situation where because of numbers everybody knows well this is how it is going to happen. No big deal.

My principle in that is that while this may have no effect at the end of the day on the sums we are talking about and what the net result for the country will be, I find where people do not pay attention to certain things and certain things can become a habit. That is where I basically have the problem with this Bill.

I am asked outside of this House what position I am going to take on the Bill because I keep talking about it and will not make my position clear. Let me close by saying what my position is. I am in total agreement with all other parts of the Bill that have been brought forward. As a matter of principle for me the increase of 6% to 10%...because of how I have been forced to deal with it as an individual in this Honourable House I cannot agree with. Not based on the 10% but based on the way it was dealt with as a matter of procedure. Therefore, if I have to vote yes to this Bill, while it might not matter and there is no way for me to separate that last concern, then I cannot do it.

Madam Speaker, there is one last aspect that I wish to address. I understand my responsibility as a representative to be one whereby whatever I feel is reasonable to expect within the ambit of Government's operation for the constituencies whom I represent then I should ask for them. While I have to employ a certain amount of rationalism when it comes to how much I can expect, that is really not the biggest part of my problem. That is why I am sitting where I sit. My job is to represent the people and there are others who have to put the package together the right way to make sure we survive.

The last bit that I wish to touch on is a part of the delivery by the Honourable Third Official Member, when he introduced this Bill. I wish to read from the unedited *Hansard* so that we may have it fresh in our minds. The Honourable Third Official Member said:

"There are some Honourable Members of this House who are unhappy that the Bill was not presented in tandem with the Budget Address. As I

pointed out during my winding up [reply] on the Budget Address the only reason this was not done was that the consultation with the hotel industry had not taken place at the time of presenting the Budget Address. The Government could have opted not to consult with the representatives of the hotel and condominium industry and introduce the increases with immediate effect.

"The result would have been confusion and frustration to the industry as it was brought to light during the meeting between the Honourable Minister for Tourism, Environment and Planning and the industry, that the rates for the remainder of 1994, through part of 1995, have already been fixed and contracted for with various overseas travel agencies based on the existing 6% occupancy tax. Based on this process of consultation the date agreed upon for the Law to come into effect is June 1st, 1995."

Madam Speaker, this is not to my mind out of line. And I understand what the Honourable Third Official Member has said, and I think I understand what he means. But he knows by now that my point is way beyond what he is addressing here. I wish not to have to repeat myself but I am sure he understands what I am saying.

He also said: ***"...this explanation is not intended as an overt plea to those Honourable Members, as individually and collectively I know they are very committed to the smooth functioning of every segment of our economy and would, I am sure, be very unhappy with any action by the Government that would disrupt the smooth operations of such an important sector as the tourism industry."***

Let me just quickly explain: Again I understand exactly what the Honourable Third Official Member is saying. I am not suggesting that these people should not have been consulted. That is why I am saying that this Bill should have been brought either before, or during, the Budget debate. I am suggesting that for us to be able to sensibly make contributions to any Budget that includes revenue measures we have to know what they are. We as individual representatives have the rights and the obligation to be able to vote one way or the other on these revenue measures regardless of what the end result may be. We have to be able to discuss this with constituents and be able to come back being informed and take a position knowing what we are dealing with.

So if the consultation had not taken place before hand and rightly so it was necessary to do so, then I believe the Government's machinery should have been able to find another method to bring this Bill. It is not coming into effect until June 1995, which means that as a part of Government's revenue from now until May 31st, 1995, it really means nothing.

The point that I am making with that is that the Bill could have been brought at any later stage after being allowed to be dealt with in its usual course. And whether or not it affected the position of the Budget being balanced that is another matter. That may be part of it for the position taken by the Government, but certainly it is not for me in looking at the Bill as an individual item.

So after all is said and done, I trust that what I have said is not misunderstood, but is clear enough—the position I hold when it comes to dealing with matters like this.

Thank you.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I rise to support the Bill presently before the House. I believe the only reason why the Opposition is having some difficulty with the Bill, might be because they wanted two bites at the cherry; they wanted to debate it during the Budget Address and debate it as we are doing today.

The Bill presently before the House is a good one. It is a Bill that has been agreed to with the stakeholders (if I could use that word) of the tourism industry. And we have looked, and the Honourable Third Official Member, the Financial Secretary, has indicated that the increase from 6% to 10% is not out of line with some of the other Caribbean countries. For example, in Jamaica they charge 12.5% and if we want to go a little further south, the Dominican Republic (according to my information) charges 23%.

Some other countries, such as those that the Third Official Member mentioned, the Bahamas and the British Virgin Islands, leave the Tourist Accommodation tax at a particular figure but then they add another item called "resort tax", which, in essence, puts the British Virgin Island's position at 14% or the Bahamas' position at 8%. The difference really is 10% that we are charging. On what? We are proposing that 10% be charged effective 1st June, 1995, basically on the cost of the room. Some of the other countries charge whatever rate they charge on everything: your room cost, your laundry cost, food cost, drink cost, whatever cost, whatever the total bill is!

We spend many millions [of dollars], Madam Speaker, promoting the Cayman Islands as a tourist destination. I believe from some of the information this morning, that we are improving our market share of those visitors coming to the Caribbean. I heard the Second Elected Member for Cayman Brac and Little Cayman mention this morning that they are package deals. I have never said that they are package deals. There have been package deals in this country from the day that Benson Greenall was here, that is back in the 1950s. And there will be package deals no matter who

the Minister for Tourism is, as long as we are catering to tourists.

But the point is, Madam Speaker, talk to any hotelier or any condominium manager or owner and ask him what his profit was in 1993 versus 1992, and 1991. I bet you he has got a good story to tell you; he might even tell the Second Elected Member for Cayman Brac and Little Cayman too. We got it right, Madam Speaker! It is right! and we are moving to keep it right.

If you go to a hotel and they charge you \$100 a day, you pay 4% on it, it is still only \$4.00; or 6% on it, it is still only \$6.00; or 10% it is only \$10.00. They are making this mammoth exaggeration that because it is moving from 6% to 10% the whole world is coming to an end. They are almost trying to give that impression—particularly the last speaker.

I am satisfied that the percentage increase, given that we have not increased it in 13 years, is a reasonable one. I believe that when all of the doves are home, we will have more money to utilise to promote tourism and provide more services to our people which I think is the Government's responsibility. I recommend this Bill to Members, as did the Honourable Third Official Member.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I rise to support this Bill for a Law to Amend the Tourism Accommodation (Taxation) Law, (Revised). I would like to commend the Minister for Tourism and the Honourable Third Official Member for their consultation with the members of the Hotel and Condominium Association in seeking their input before bringing this Bill to this honourable House for consideration.

Madam Speaker, to me this is good government and as the leader of the Opposition, the Second Elected Member for Cayman Brac and Little Cayman said, that successive governments did not come down on members of the hotel industry for not paying the taxes due to Government. I think this Bill speaks well for the present Government, in that we realise the importance of collecting dues that are owed to Government.

Having served (and still serving), on the Public Accounts Committee, I was surprised to learn of the number of establishments that collect funds on behalf of Government, then withhold them I guess, using them to their benefit and not passing the amounts on to Government in the manner they are supposed to.

In our recommendations from the Public Accounts Committee (those were tabled last year) we recommended that this Law be reviewed because of the amount of funds that were being withheld from Government by hoteliers and condominium owners in the

industry. But with this Bill there are penalties for these offences.

Previous Members mentioned the penalties for these offences and I am pleased to see that it is a considerable amount to deter the people from withholding these funds and that this will be strictly enforced. There is an imprisonment term as well and, that it will be on demand and will not be given time to pay these funds if they withheld it.

The Public Accounts Committee recommended that all efforts be made in collecting the accommodation tax. One of the recommendations that was made on behalf of the Government was that a person (or persons) be hired to collect these revenues that are due to Government because of the large amount of money. I believe, Madam Speaker, that this is in place. Someone has been transferred from the Tourism Department to the Treasury Department on a full-time basis to collect these funds. I think that the Honourable Third Official Member is on the right track in collecting the funds that are due the Government and I support this Bill and commend the Mover for presenting it at this time.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

I rise to give my support to this Bill for a Law to Amend the Tourist Accommodation (Taxation) Law, (Revised). I was really surprised to hear the quantity of money that is owed to Government by some establishments. It is quite time now that Government puts its feet down, tighten up its stirrups, and start to collect this money. These people are collecting this money that should be the Government's and are using it. There is no excuse for them, and again, to learn that some of them have even passed on cheques that bounced, they should be brought to justice for that. That is a criminal act. With that I say the Bill is good, and I give it my full support. Thank you.

The Speaker: If there is no further debate, would the Honourable Third Official Member, the Mover, wish to exercise his right of reply?

Hon. George A. McCarthy: Madam Speaker, I rise to thank all Honourable Members who have indicated their support for this Bill, and also to thank those who have indicated that they will not support it. From all of the arguments that have been put forward, I think that some very good and valid suggestions have come from both sides.

Madam Speaker, the Second Elected Member for the Sister Islands in the question dealing with the penalties and the enforcement issues said that it would be futile to go ahead and introduce changes unless measures would be put in place to ensure the effective ad-

ministration and follow through with the collection of moneys that are due to Government. He is quite right in this regard and at this time in the Treasury Department there are two persons who form a unit (a Debt Collection Unit) with the specific focus at this time being on the arrears of hotel accommodation tax.

We are hoping to add a third individual to this core unit and this person will be brought in at the AP 1-3 level, a relatively senior position. This will mean that the person will be tasked with the responsibility of keeping abreast of the arrears and will be reporting to the Accountant General on an ongoing basis regarding the arrears of hotel accommodation tax—not only with the hotel accommodation tax but all arrears of revenue. We will need to build up reinforcement in that area because we have found that it is not the only sector where the Government at this time is sustaining significant decline in revenue. All areas will need to be looked at.

Previously it meant the Accountant General assigning one or two staff members to these areas on an ad hoc basis, but this will be corrected because we have seen that the level of revenue has continued to increase and the potential for mischief is also on the increase as well. That will be corrected. In fact that post (AP1-3) was approved under the New Services section of the Budget. The suggestion also came from the Third Elected Member for West Bay, that the manpower commitment to dealing with the arrears of revenue should be reinforced.

The question was also put as to the likely decline in revenue by changing the implementation date from the 1st of January to the 1st of June, and the likely impact that would have on the Budget. It will have an impact, Madam Speaker, because if we were to take it on a straight line basis, a loss of 5/12 of the potential revenue that could be collected would mean that the Government is likely to sustain a loss of approximately \$1.6 million. But since that change has come about it will also mean (and this will be done), that overall likely decline in revenue will have to be looked at and a position paper put to Executive Council.

It is necessary for the Government to operate on a balanced budget concept. And any set of circumstances that brings about any changes to that concept, will mean that the other side—the expenditure side—will have to be looked at. And if it needs looking at, the range of projects under the Capital section to determine what project can be deferred or areas where expenditures can be cut back or restrained in order to achieve a balancing effect. So that will not be lost, Madam Speaker.

The Ministers and Members of Executive Council are very much cognizant of this. But looking at the benefits that have accrued through the consultation, that in effect is what has resulted in a postponement of the effective date of the Bill, from the 1st of January to the 1st of June. On the other side it is much better to have met with those people and address this issue

rather than for the Government to have gone ahead and put the measures in place in order to achieve the collection of these moneys as of 1st of January, and yet breathing ill-will within the industry.

Madam Speaker, although the balancing effect of the Budget has been impacted on, it will have a more positive effect in terms of seeking to address the likely shortfall than to have maintained the position of inflexibility and at the end of the day the hotel industry would be up in arms against Government.

I have also spoken to the Honourable Attorney-General on the question of the penalties as highlighted by the Fourth Elected Member for George Town, and we are both in agreement that there are certain anomalies that should be addressed. Where an imprisonment term of six months is matched against a sum of \$5,000, it should not be the same for an offence that would result in a charge of \$50,000. The Attorney-General has pointed out however, that this should be looked at very carefully because the Magistrate's Court is empowered to only introduce a fine or a [prison term] not in excess of two years.

What I would suggest, Madam Speaker, and I am going to move this during the Committee stage of the Bill, is that the imprisonment term in clause 3(4) of the Bill, where it says "\$50,000 or an imprisonment term not exceeding six months", be increased to "two years". I will also be making a further amendment to clause 10(1) where it says: "\$50,000 ... or to imprisonment for a term not exceeding six months..." that the time be changed to two years. Also in clause 10(2)(b), that again the time of "six months" be changed to a period of "two years".

If we were to look at the \$1.6 million that is likely to be a loss because of postponing the implementation date of this increase, we will see that it amounts to less than 1% of the Budget. Now, we know that in any given situation nothing is carved in stone and it is unfortunate that a situation like this arises. But, given the time in which we live, as I pointed out earlier, it is much better to go this route and seek to address it by other means, than not to go through with the consultation process. I think a variance of one per cent is one that we can live with, adjust to, and reconcile the position towards that end.

So, overall, the Bill at the end of the day will introduce those measures that are necessary to effectively police this segment of the industry. And, also as pointed out by one Honourable Member, in terms of the examination that will be carried out into the activities of the hotel industry, not only will breaches made by establishments to remit to the Government amounts of moneys collected by them be looked into, but also the way gratuities are handled.

Madam Speaker, as I pointed out when the Bill was being introduced, this is not being done by a large number of establishments. And where we find breaches in one area it is likely that this is pervasive and that

these are individuals who quite likely could be misappropriating the gratuities as well. Because of this and the overall macro impact on the community—especially those individuals who are employed within that segment of the industry and very much dependent on the gratuities to supplement their weekly or monthly wages—this needs looking into and will be addressed.

Thank you, Madam Speaker.

The Speaker: The question is that a Bill entitled the Tourist Accommodation (Taxation) (Amendment) Bill, 1994 be given a Second Reading. Those in favour please say Aye...Those against No.

AYES.

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. 23/94**

AYES: 11

Hon. James M. Ryan
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mrs. Berna Murphy Thompson
Mr. G. Haig Bodden

NOES: 2

Mr. Gilbert A. McLean
Mr. Roy Bodden

ABSENT: 5

Hon. Richard Coles
Dr. Stephenson A. Tomlinson
Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell
Mrs. Edna Moyle

The Speaker: The result of the Division is 11 Ayes, and 2 Noes. The Bill has accordingly, by majority, been given a Second Reading.

AGREED: THE BILL GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider the Tourist Accommodation (Taxation) (Amendment) Bill, 1994 and the Port Authority (Licensing of Vehicles) Bill, 1994.

HOUSE IN COMMITTEE 3.30 pm

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is now in Committee.

THE PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994

The Chairman: The first Bill is The Port Authority (Licensing of Vehicles) Bill, 1994. The Clerk will read the clauses.

Clerk: Clause 1—Short title and commencement.
 Clause 2—Interpretation.
 Clause 3—Function of the Port Authority.
 Clause 4—Licensing of vehicles.
 Clause 5—Inspection of vehicles.
 Clause 6—Licensing of drivers.
 Clause 7—Licensing of operators.
 Clause 8—Bylaws.
 Clause 9—Offences.
 Clause 10—Fees for licences.
 Clause 11—Power to require applicants to submit information.
 Clause 12—Obstruction of authorised officers.
 Clause 13—Suspension and revocation of vehicle licences.
 Clause 14—Suspension and revocation of other licences.
 Clause 15—Saving and transitional.

The Chairman: The question is that Clause 1 through 15 stand part of the Bill.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I was not quite sure whether to interrupt as the clauses were being called or wait until the question was put, as it is now.

Madam Chairman, the question I wish to ask is one that I raised during the debate, the word "Caymanian" has the same meaning as in the Immigration Law. What in effect does this mean? It is not absolutely clear to me. When you say *Caymanian* are you speaking of someone who has Caymanian status?

The Chairman: The Honourable Minister would you reply or would you prefer the Honourable Second Official Member to do that?

Hon. Thomas C. Jefferson: Madam Chairman, I would prefer the Second Official Member to reply.

Hon. Richard H. Coles: Madam Chairman, unfortunately I do not have a copy of the Immigration Law in

front of me. But it means that the definition of "Caymanian" contained within the Immigration Law would apply to this particular Bill and the Law as well. So there is no separate definition.

If indeed that definition encompasses Caymanian status, and I believe it does, then that would apply to this as well. Rather than repeating the definition that is in the Immigration Law it really refers to that. It is a device that is used quite often in drafting laws rather than repeating a definition in another substantive law, it just refers to it.

The Chairman: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Chairman, I heard what the Attorney-General said on this and still my only query would be the word "Caymanian", it having the same meaning as in the Immigration Law, and in the Immigration Law there is no such term as Caymanian. It is Caymanian status holder.

The Chairman: Perhaps the Second Official Member would like a copy of that for clarity. Thank you.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Chairman, my point of concern has (as I raised in my debate) to do with clause 13(2) where we talk about suspension. I wonder if the Honourable Minister is so disposed as to comment on the point.

Let me refresh the memory of [Members] of the Committee. I read:

"13 (2) Where the Port Authority suspends, revokes or refuses to renew any licence under this section the Authority shall give to the proprietor of the vehicle notice of the reason for that decision."

I mentioned that perhaps the Honourable Minister, if it is his intention to consider reinstating in such cases (maybe it is coming in the regulations) I said my position is that I would like to see some provisions for reinstatement, because a suspension would imply a limited time. Whereas I understand a revocation could be permanent. A suspension could be three months, six months, what then would be an established procedure? Is there any probationary period? What other conditions and stipulations exist?

The Chairman: The Honourable Minister.

Hon. Thomas C. Jefferson: Madam Chairman, the point raised by the First Elected Member for Bodden Town is a good one. Our view as far as the Port Authority is concerned is, if a person's permission is revoked, it means then that he is free. After that period of revocation whether or not it is for an indefinite period of

time. He could then reapply at some future time to be readmitted and the Authority would consider that application.

The Chairman: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Madam Chairman, under clause 3(2), which reads:

"Any licence granted by the Port Authority in exercise of the functions conferred under paragraphs (a) and (b) of subsection (1) above shall apply and may contain conditions that apply outside as well as inside a port or port area; and any such licence which applies outside a port or port area shall be without prejudice to any requirement relating to the vehicle or person so licensed which is imposed by or under the Traffic Law (Revised) or the Traffic Law, 1991."

I wonder if the Minister could elaborate on exactly what he is hoping to achieve there. One of the problems that we have at the Port is, that you get these taxi operators who are complying with the law and do line up, but you have those who are on the outside basically pirating, as far as pulling passengers from the buses in line as well as others. It has always been a contention because the police cannot do anything about it. I wonder if he could elaborate a bit on that.

The Chairman: The Honourable Minister.

Hon. Thomas C. Jefferson: Madam Chairman, once we grant an operator a licence from the Port, the regulation is seeking to control that individual whether they are operating inside the Port or making that journey from the Port to the destination (whatever it may be).

The Member is speaking about clause 3, sub-clause (2). Would the Member repeat because I did not have the copy of the Bill in front of me at the time.

Mr. John D. Jefferson, Jr: Madam Chairman, the problem that we have always had at the Port is: There are those drivers who do comply with the Regulations and line up to make their trips, while you have those on the outside who are not interested (first of all being licensed by the Port Authority to operate at the Port), and what they do is, they cause a lot of problems for those people who do comply with the rules, by pulling passengers away from them, by parking across the street and that type of thing.

I would urge the Honourable Minister to maybe seek the co-operation of the police. Otherwise it will be a very difficult position for him to control, because these people have no desire whatsoever to abide by the rules.

And there are quite a few of them.

Hon. Thomas C. Jefferson: Madam Chairman, I think the Member is actually touching on the crux of the problem, that is, the people who are not licensed at the Port but who are seeking to attract passengers away from the Port area in order to have a trip to some place. I believe they will probably get caught up under the Traffic Regulations that are coming forward.

The authority under this Bill really only allows us to control individuals licensed by the Port Authority within the Port's property or licensed even outside the Port's property. But if persons are not licensed at all by the Port Authority, the Authority really has no jurisdiction over those persons unless they come onto Port property. If they do come onto the Port's property I think we do have the authority to deal with them.

The Chairman: Going back to the first question that was raised about *Caymanian*, this is contained in the 1984 amendment of the Constitution where it says: "*Caymanian*' status means Caymanian status as provided under the Caymanian Protection Law (which is now the Immigration Law) as amended or repealed."

Second Official Member have you found anything in the Immigration Law?

Hon. Richard H. Coles: No, Madam Chairman. The Immigration Law has a definition of Caymanian status.

I take the Second Elected Member for Cayman Brac and Little Cayman's point, that the way to put this beyond any doubt would be to amend the definition in this Bill before the Committee. To say that "*Caymanian*" shall include holders of Caymanian status as defined in the *Immigration Law*. Perhaps that would be a way of making it absolutely crystal clear.

The Chairman: Why not say the Constitution on the Immigration Law? The Constitution, is the one that gives the overriding power.

Hon. Richard H. Coles: The Constitution defines "*Caymanian*" as . . .

The Chairman: It has Caymanian status you see—

Hon. Richard H. Coles: . . . as being Caymanian as well.

The Chairman: No, it does not say that.

Hon. Richard H. Coles: Yes, I have a copy of the Constitution—I do not know whether I have it . . .

The Chairman: It just says, "*Caymanian status*" means Caymanian status as provided under the *Caymanian Protection Law*, which is now the *Immigration Law*.

Hon. Richard H. Coles: Yes, either way would do.

The Chairman: Can we have a proposed amendment then, which could be considered?

Hon. Richard H. Coles: Madam Chairman, I will propose then that we amend it in the way I have just outlined so that it will read: **“‘Caymanian’ shall include holders of Caymanian status as defined in the Immigration Law;”**

The Chairman: The proposed amendment would be **“‘Caymanian’ shall include holders of Caymanian status as defined in the Immigration Law;”** I shall put the question that an amendment be made to clause 2, the definition of "Caymanian", and the words be: "shall include holders of Caymanian status as defined in the Immigration Law;".

I shall put the question—Is there any debate? May I put the question that the amendment be made? Those in favour please say Aye...Those against, No.

AYES.

Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 2 PASSED.

The Chairman: The question is that clause 2 as amended do stand part of the Bill.

Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 2 AS AMENDED PASSED.

The Chairman: The question is that clauses 1, and 3 through 15 stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 3 THROUGH 15 PASSED.

Clerk: A Bill for A Law to Confirm and Make Provision For The Port Authority's Licensing of Certain Vehicles and Persons to Apply Outside and in a Port or Port Area.

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.

AYES.

The Chairman: The Ayes have it.

AGREED. THE TITLE PASSED.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1994

The Chairman: The next Bill is the Tourist Accommodation (Taxation) (Amendment) Bill, 1994.

Clerk: Clause 1—Short title and commencement.

Clause 2—Amendment of the Tourist Accommodation (Taxation) Law (revised).

The Chairman: The question is that clauses 1 and 2 do stand part of the Bill.

The Second Official Member.

Hon. Richard H. Coles: Madam Chairman, I would like to make an amendment to clause 1, subclause (2) of the Bill, the commencement provision. It seems from the debate that took place on this Bill, that the enforcement provisions met with the favour of all Members of this House and I have spoken with the Honourable Third Official Member, who has concurred with bringing the Law itself into force in the normal way when it is gazetted, but the additional revenue measures being postponed until the 1st of June, 1995.

This would have the effect of allowing the enforcement procedures in respect of arrears of taxes to be dealt with in the manner outlined in this amending Law which I think would be very desirable in not having to wait until the 1st of June, 1995.

Would you like me to propose the wording for that?

The Chairman: Please.

Hon. Richard H. Coles: Madam Chairman, I am afraid it's a little lengthy, but I will read it slowly. In place of subclause (2), there would be two subclauses (2) & (3). Subclause (2) would read as follows:

"(2) Subject to subsection (3) below, this Law shall come into force on the 1st of January, 1995.

"(3) The amendment to the Tourist Accommodation (Taxation) Law (Revised) made by paragraph 1 of The Schedule to this Law shall come into force on the 1st of June, 1995."

Hopefully, Madam Chairman, that will make it very clear to everybody that this particular amendment comes into force on two different dates depending on which section you are looking at.

The Chairman: The proposed amendment in clause 1, subclause (2) now reads:

"(2) Subject to subsection (3) below, this Law shall come into force on the 1st of January, 1995.

"(3) The amendment to the Tourist Accommodation (Taxation) Law (Revised) made by paragraph 1 of The Schedule to this Law shall come into force on the 1st of June, 1995."

The amendment as proposed is now open to debate. If there is no debate I shall put the question, that clause 1 be amended as set out.

Clause 1 as set out, do stand part of the Bill. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 AS AMENDED PASSED.

The Chairman: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Chairman, I would like to propose an amendment to clause 3, subclause (4) of the Schedule, the last line, that the words "six months", be changed to "two years".

The Chairman: The amendment is in the new clause 3, of the Schedule. Clause 3, subclause (4), that the words "**six months**" be changed to "**two years**".

The question is that the proposed amendment be made. The item is open to debate.

If there is no debate I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 3 SUB-CLAUSE (4) PASSED.

Hon. George A. McCarthy: The next amendment is, clause 10, subclause (1), that the word "six months" be changed to "two years".

The Chairman: The further amendment is clause 10, subclause (1) the word "**six months**" be deleted and the words "**two years**" substituted. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 10, SUB-CLAUSE (1) PASSED.

The Chairman: The Honourable Financial Secretary.

Hon. George A. McCarthy: The next proposed amendment is clause 10, subclause (2), the very last line where the words, "six months" be deleted and "two years" substituted. (The very back page).

The Chairman: The further amendment is to clause 10, subclause (2) the words "six months" be deleted and the words "two years" substituted. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENT TO CLAUSE 10, SUB-CLAUSE (2) PASSED.

The Chairman: The question is that clauses 1 and 2 as amended do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 AS AMENDED PASSED.

Clerk: A Bill for a Law to Amend the Tourist Accommodation (Taxation) Law (Revised).

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.

AYES.

The Chairman: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: That concludes proceedings in Committee on Bills. The question is that the Bills be reported. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED: BILLS BE REPORTED TO THE HOUSE.

HOUSE RESUMED—3.55 PM

REPORTS

The Speaker: Please be seated. Proceedings are resumed. Reports on Bills. The Honourable Minister for Tourism, Environment and Planning.

PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to report that a Bill entitled the Port Authority (Licensing of Vehicles) Bill, 1994 was examined by a Committee of the whole House and passed with one amendment. That amendment dealt with the definition of "Caymanian", and it was amended to read: "*Caymanian*" should include holders of Caymanian status as defined in the Immigration Law."

The Speaker: The Bill is accordingly set down for Third Reading. The Honourable Third Official Member.

THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1994

Hon. George A. McCarthy: Madam Speaker, I am pleased to report that a Bill for a Law entitled the Tourist Accommodation (Taxation) (Amendment) Bill, 1994, was considered by a Committee of the whole House and was passed with three amendments.

The Speaker: The Bill is accordingly set down for Third Reading.

THIRD READING

PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994

Clerk: The Port Authority (Licensing of Vehicles) Bill, 1994.

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I move that a Bill shortly entitled the Port Authority (Licensing of Vehicles) Bill, 1994 be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Port Authority (Licensing of Vehicles) Bill, 1994 be

given a Third Reading and passed. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been given a Third Reading and passed.

AGREED: THE PORT AUTHORITY (LICENSING OF VEHICLES) BILL, 1994, GIVEN A THIRD READING AND PASSED.

ANNOUNCEMENT BY SPEAKER

The Speaker: It has been represented to me by the Honourable Minister for Tourism, Environment and Planning, that Caledonian Airline will be arriving shortly and he and other Ministers are required to be at the Airport. Accordingly, the House will now adjourn until Wednesday morning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I beg the indulgence of other Members of the House to move the adjournment at this time until 10 o'clock, Wednesday morning.

The Speaker: The question is that the House do now adjourn until 10 o'clock, Wednesday morning, 7th December, 1994. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Wednesday morning, 7th December, 1994, at 10 o'clock.

AT 3.38 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 7 DECEMBER 1994.

**WEDNESDAY
7 DECEMBER, 1994
10.13 AM**

The Speaker: I will ask the Third Elected Member for George Town to say prayers.

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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly. Government Business, Bills, Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE TOURIST ACCOMMODATION (TAXATION)(AMENDMENT) BILL, 1994

Clerk: The Tourist Accommodation (Taxation) (Amendment) Bill, 1994.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I beg to move that a Bill entitled the Tourist Accommodation (Taxation) (Amendment) Bill, 1994, be given a third reading and passed. Thank you.

The Speaker: The question is that a Bill entitled Tourist

Accommodation (Taxation) (Amendment) Bill, 1994, be given a third reading and passed. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Bill has accordingly been read a third time and passed.

AGREED: THE TOURIST ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1994 PASSED.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 29/94

CODE OF ETHICS AND CONDUCT FOR LEGISLATORS

The Speaker: Other Business, Private Member's Motion 29/94. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion 29/94, Code of Ethics and Conduct for Legislators, which reads:

"WHEREAS by Private Member's Motion No. 19 of 1989, passed unanimously on the 12th day of September, a select committee on the Code of Ethics and Conduct for Legislators was established and recommended, in its interim Report, that appropriate written guidelines for such a Code be provided; the Committee did not, however, continue to function;

"BE IT RESOLVED THAT this honourable House refers the matter of legislation for a Code of Ethics and Conduct for Legislators to the Select Committee now reviewing a Register of Interests for consideration as 'companion' legislation."

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I beg to second the Motion.

The Speaker: Private Member's Motion No. 29/94, having been duly moved and seconded is now open for debate.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, this Motion in its recitals takes note of the fact that as far back as 1989

a Motion was moved in this honourable House that a select committee of the whole House should be set up to look into the matter of creating a Code of Ethics and Conduct for Legislators which would have come by way of an appropriate form of legislation.

This Motion was unanimously passed by the House at that time, however, regretfully, at no time did that select committee meet to go into the details of what should be included in a Code of Conduct and Ethics for Legislators. In fact, other than give a few reports at the end of each year, the select committee did not function as such. So, this particular Motion fell away.

The Motion fell away, but surely not the need for legislation which would provide a Code of Ethics and Conduct for Legislators.

This Code of Conduct and Ethics would be legislation that deals with situations of conflict of interests and would prescribe, as far as is reasonably possible, certain parameters within which legislators should operate.

It would, if done properly, look at the question of how a legislator's personal interest may conflict with the performance of his or her duties. If anything, the need for such a Code has grown greater and has intensified.

Throughout the world, we read in newspapers and magazines, and we see on television, instances where persons engaged in the legislative process run afoul of what is considered proper conduct and ethics. They get in trouble in instances where the courts and the machinery that keep tabs on these situations find them behaving improperly.

If we use a dictionary definition, a code is any system or body of rules or laws relating to one subject. So the subject in this case would be the way legislators perform—what they could and could not do, or what they should or should not do—with the attendant penalties, if indeed this happened.

Conduct relates to the management of one's personal behaviour and the mode of carrying on or conducting one's business and affairs.

Of course, when we think of ethical behaviour, we think of behaviour which would fall within the ambits of that relating to morals and the treating of morality and containing precepts of morality—moral obligation, moral philosophy which teaches men their duty and the reasons for it.

So, this is what this Motion envisages that would be some of the elements discussed. I feel quite certain that as far back as 1989 there was a very similar situation in view when this Motion, which is identified in the recitals was passed.

We have come some way in addressing this matter, for we are now in the process of dealing with a Register of Interests for legislators. This goes a long way in setting out for the knowledge of all concerned—legislators and members of the public, in proper instances—just what the interests of legislators in this country are. In this regard, if I were to refer to the form that is used by the House of Commons, and just read one sentence from it, I think it sums up the gist of what the Register of Interests should be, and what it should hope to achieve, very nicely.

I quote, and I note that this form was issued in accordance with the resolution of the House of Commons on the 22nd May, 1974, and the 28th June, 1993: **"The main purpose of the Register of Members' Interests is to provide information of any pecuniary interests or other material benefit which a member receives which might reasonably be thought by others to influence his/her actions, speeches or votes in Parliament or actions taken in his/her capacity as a member of Parliament."**

I think that sets out very succinctly the concept behind the whole situation. Rather than at this time, considering setting up another select committee, it would be most appropriate that the select committee on the Register of Interests for the Cayman Islands legislators should also look at a Code of Ethics and Conduct for the legislators in tandem with what is now being undertaken.

This committee has met and discussed to some extent matters which are to come before it and, of course, members of the public have been invited to comment on it. There have been certain comments and certain indications that persons are interested in appearing before that committee to give their opinions about the matter of a Register of Interests and, I dare say, a Code of Conduct and behaviour of legislators generally.

At this point I would just like to interject that I am very mindful of the need for legislators to behave in the right and proper manner and I think that all legislators in the House generally are. But, I do not, for one minute, accept the numerous accusations and statements that I have heard repeated in good colloquial fashion about *'unna a do dis, or unna a do dat,'* or what legislators are doing or not doing. Everyone has an opinion about it. There is a correct way to do whatever is done.

Surely, when examining the situation where legislators are concerned, businesses in this country and people in this country should also be minded that there are certain ethical and moral ways for all of us dealing in this country. I think it is commendable that legislators do think it sufficiently necessary that as legislators we would seek to put in place legislation which governs the way we operate. That is indeed commendable.

There are instances I dare say where, unknowingly, legislators may act in a manner which if it were under review by a proper authority, that authority might say, "We do not find that in this particular instance you acted in a wise manner and you should have done so and so." These things do happen. I think that any legislation in this area would not attempt to nit-pick or be down on every single petty situation where it might have arisen in the mind of someone that there may have been an ethical question, but, rather, in instances where there are clear cut and major discrepancies in this regard.

As I mentioned, there are questions internationally about the conflict of interests, and legislators around the world seem to be falling afoul of what is required in behaviour and what is required in terms of acting in their best interests, but also acting in a proper manner as be-speaks their public office.

In the *Economist* magazine of the 5th November,

1994, I quote one brief section, which reads: **"All over Europe, politicians are facing judicial investigation of public criticism of corruption cases and conflict of interests between public responsibilities and private business concerns. Some critics say their representatives should be required to make fuller disclosure of their business interests. Others argue that they should not be allowed to have second jobs at all. Some say parliamentary pay should go up, others think it should go down. Still others, including President Francois Mitterand think the solution is to ban business donation to political parties."**

In that brief paragraph embodied therein is the multiplicity of public opinion—in this case the reference is made to the European situation, but about the various views including the presidents of some countries.

The situation where legislators must, as citizens and people, have personal business interests, undoubtedly will continue and there will always be the opportunity of conflict in how they address their personal interests and keep in line with what is expected of them by the public.

This article makes mention also of Britain, and it says: **"Even in Britain, one of the most intrusive, the Register of Members' Interests, does not require MP's to disclose the amounts they receive from extra-curricular work."**

So, while acknowledging that there is not a Register of Interests, there seems to also be a school of thought that every penny spent should be disclosed.

I think it is a great and balancing act where people who choose to run for public office should be considered first as people, understanding that they have certain personal obligations, family business and otherwise, and they also have obligations as legislators. But I hope that any effort that we might take in this country would not be so severe that it knocks that necessary balance out of place, but takes careful consideration of both.

Madam Speaker, having read that particular article, it goes to show that there are situations where legislators do run into trouble. It is not unthinkable that it can happen in these Islands. Perhaps there are instances where a proper authority might look at a situation and be in a position to clearly advise legislators here now that it would be best if a particular course of action was not pursued or, indeed, pursuing a personal or professional course of action, in their considered opinion, conflicts with the performance of their official duty.

What such legislation in this country would mean, it would be that there is something to guide legislators here so one could be ever mindful, by reference to a particular code, what might be seen as right or wrong, or improper.

One thing that needs to be borne in mind is the perception of the public where legislators are concerned. Legislators are chosen by the public. They owe an obligation to the public and they owe accountability to the public. Legislators do not have the same freedom as do every other citizen in the country simply by the fact that they hold a public office. They have greater restrictions on their time, behaviour and expectation of them. As long as a legislator can maintain a position where it is clear to

the public that he/she is behaving in an acceptable manner, the greater will be the confidence of the public in those legislators and the Government. That is a very key and central thought in this whole process. I believe the public is ever mindful of this situation and it behoves legislators to be similarly mindful.

On the matter of public confidence, I would like to refer to an article that was prepared for the 23rd Regional Conference of the Commonwealth Parliamentary Association, by the research branch of the Library of Parliament in Ottawa. I will read a few excerpts from this. This paper was written specifically to provide an **"Oversight for Rules for Federal Legislators and Regulation of Conflict of Interests of Members of Provincial Legislative Assemblies."**

It reads in one section on the issues: **"The debate on Conflict of Interest Regulation is really a debate about the role and function of Government and about the character of public employment. A limited topic with broad implications, it has been stated that there are five main policy objectives underlying conflict of interest regulations: 1) Government efficiency; 2) Equal treatment of equal claims; 3) Public confidence; 4) Preventing the use of public office for private gain; and 5) preserving the integrity of Government policy making institutions."**

"In an attempt to rank these policy objectives in order of importance, the New York Bar Association study concluded that the major issue involved in the debate on conflict of interest was public confidence which was described as, 'the single most important goal at stake in the field of government ethics.'"

Obviously we are not onto something new or something to be feared, but, indeed, something to be understood and for something to be done about it as is within our ability to do by providing such a code.

The article that I am quoting from is but one of over a dozen pieces of legislation on this which the Clerk's office of this Legislature was able to acquire during the time we should have been dealing with the Code of Ethics when the select committee was first set up. So, this legislation is available and has been circulated to all Members. While they may not have it here, I dare say it is in the possession of all Honourable Members of this House, most of whom were here in the House at that time.

There are various types of conflicts of interest. On a daily basis, one can be genuinely carrying on their business as they have done for years and simply because they are a legislator that way of doing business is in conflict with what might be expected of persons now in public office.

I would like to refer again to a few excerpts from the same paper I just read from. It says:

"There are a number of different types of conflict situations. An inherent conflict arises out of the position of the parliamentarian as an individual in society which puts him in such categories as homeowner, parent, and consumer. Parliament continually deals with legislation affecting these interests. However,

the Member shares them with many others and there is a low potential of an adverse consequence from such conflict.

"Another unavoidable conflict is the representative interest which results from Members sharing personal interests with the constituency electing them, such as an interest in farming, fishing and resource development." I daresay there is less of that on our local island scene.

"Personally necessary conflicts arise as a result of the need for Members to pursue outside interests, including financial ones to lead an adequate and satisfying life. Personal investments, family businesses and professional interests are included in this category. Since Members return to private life, perhaps as soon as the next election, it is necessary that they do not divest themselves of all their income producing assets, otherwise they will face undue financial instability."

"There are avoidable interests which are personal economic interests not fitting into the above categories and which substantially affect the independence of the legislator. Conflict of interest legislation is ostensibly aimed at this last category."

One last sentence here says: **"To what extent should a parliamentarian be able to retain personal economic interests? The dilemma is that the rules must not be so stringent as to discourage persons of ability from entering public life, yet strict enough to deter unethical practices and maintain the reputation of parliament and its members among the public."**

Madam Speaker, I share the view of what I just read from that authoritative research paper, and that is certainly what I would advocate as a concept in this House for Legislators looking at such legislation.

There are instances where Members, particularly Ministers of Government, need to be alert in the performance of their duties. This is so because these are persons within the Governmental system who are in charge of the day-to-day affairs of the country, who have certain authority and power, not vested in the ordinary legislator. It is in these circumstances where greatest conflicts would naturally lie in the performance of their duties and in the carrying out of their duties with the public on a day-to-day basis.

In the United Kingdom, there was a Royal Commission on *Standards of Conduct in Public Life* and there is a paper (from what I can read and understand), issued to any Minister in the British Government upon their taking office. Within the Memorandum by the Secretary of the Cabinet, I read, in section 3 of the principles that are summed up in this whole matter:

"Ministers should so order their affairs that no conflict arises, or appears to arise, between their private interests and their public duties."

In section 5 it says: **"It is a well established and recognised rule that no Minister or public servant should accept gifts for services which would place him under an obligation to a commercial undertak-**

ing."

There are so many areas in the normal course of one's duty that can lead to a conflict, or a conflict may arise, including gifts as is noted here in this particular paper from which I have read. This is also available to Members of the House and is in their possession.

To see that we are not alone in such possibilities and what this Motion is saying is that it is recognised that there are certain conditions that let us as legislators initiate parameters for ourselves, I would like to quote from a letter dated 3rd December, 1986, which was written to the then Right Honourable Margaret Thatcher, MP, Prime Minister of England, by Ann Clwyde, who is MP for Sinon Valley. It is addressed to the Prime Minister, it says:

"Dear Prime Minister,

"I am increasingly concerned about the nature of the family interests which have come to light since your government has come to power. I wonder whether you would support a suggestion that Ministers should make public a declaration of family interests which relate to the work of their departments? Would you also agree that these interests should be recorded in the Members' Register of Interests? You will, of course, recall the difficulties which you, yourself experienced with the Oman affair and I am sure that you would want this matter clarified to everyone's satisfaction."

Madam Speaker, with your permission, I would like to Table a copy of this letter and also a copy of the reply from the Prime Minister to this Member of Parliament, as I think it has some historical value. Certainly, we see that these things occur even in the Mother of Parliament, which sees the business of Parliamentary Democracy over many centuries.

The Prime Minister wrote on the 2nd of January, 1987, to Mrs. Ann Clwyde, MP. It says: **"Thank you for your letter of the 3rd of December. A Memorandum by the then Secretary of the Cabinet describing the guidance given to Ministers on this matter was submitted in evidence to the Royal Commission on Standards of Conduct in Public Life in 1975. There are copies of it in the Library of the House of Commons. The current guidance to all intents and purposes is the same. [I quoted from that a little while ago.]"**

As to the recording of private interests in the Members' Register of Interests, the requirement of what should be registered is a matter for the House of Commons as a whole and not for Ministers to decide. Any proposal to extend the present requirement should, accordingly in the first instance be for the consideration of the select committee on Members' Interests. [signed] Mrs. Margaret Thatcher, Prime Minister."

I read those letters to illustrate the fact that even in the Parliament, often called the Mother of Parliaments, which has developed over centuries, there is the ever present need and concern that more needs to be done to guarantee the highest level of avoidance of conflict of interests which falls into the ambit of conduct and ethics in public life.

In the United States, as reference, there is a man who is supposedly going to be charged soon with misconduct in public office who was an advisor to the President. There have been various instances of this in the past. At this point I would like to say that while no one likes to hear of these things and, indeed, ideally, these things should not happen, they do happen in this world of ours. What is important is that there is legislation that can deal with it when these things do happen. That is what I think should guide us as legislators in this country.

In other areas there are rules set down in the Memorandum by the Secretary of the Cabinet in the United Kingdom about persons in directorships and so on. I would like to quote one section from this, in section 7, which reads: **"On the 10th of June, 1937, in replying to a question about Ministers both inside and outside the cabinet who are solicitors in private practice, Mr. Chamberlain said; 'The rule laid down by Sir Henry Campbell-Bannerman in 1906, has since been followed by successive Prime Ministers and will be followed by myself.' The rule, however, only applies to directorships and the Honourable Member's questions refer to solicitors in private practice. It would be unreasonable to require that a solicitor on becoming a member of government should dissolve his partnership or be obliged to allow his annual practicing certificate to lapse.**

" On the other hand, he should, in accordance with the principle underlying Sir Henry Campbell-Bannerman's rule, cease to carry on the daily routine work of the firm or to take any active part in its ordinary business, although he should not be precluded from continuing to advise in matters of family trusts, guardianship and similar cases. A certain amount of discretion must be allowed since it is impossible to cover every conceivable case in any rule. But, I am satisfied that under the conditions that I have laid down every reasonable requirement of propriety will be fulfilled."

The conflict of interest can come in persons in directorships, trusteeships, and in numerous areas of one's daily endeavours. But, in the extract I just read, I think the Prime Minister is also showing balance that one has to understand that a person has a right to survive and carry on certain business, but that efforts have to be made so that there is no clash in this particular area.

I believe that in the Cayman Islands, where we boast of so much business and persons owning businesses in various capacities, we need legislation that would cover legislators.

As one looks at some of the areas covered in the Register of Interests, there would not necessarily be the need for dealing with them in the legislation unless it is felt that it is necessary to spell out what should be done in practice. I dare say that there may be instances of that, because if we are going to prescribe a code, we should spell out as far as is necessary and reasonable, the way it should be done.

I would point out that in one of the areas of the Register of Interests of the British Parliament which legisla-

tors have largely decided to be guided by in preparing a Register of Interests for the Cayman Islands, is the question of directorships and whether a legislator has remunerated directorships in a public or private company.

It also deals with whether legislators have employment in office trade, profession or vocation apart from the membership of the House, or in a Ministerial Office for which they receive pay. Again, it is possible that Members may do this, but within certain guidelines. The Register of Interests requires persons to register there, saying yes or no, but, a Code of Conduct might well prescribe to what extent a legislator may be involved in this.

There is the question of whether there is paid employment in provision to clients of professional services which arise as a result of a person being a Member of Parliament. It takes into account sponsorships, and contributions, any type of financial support and these are areas where conflicts can arise. These are areas that would need to be addressed by legislation.

Gifts are also covered and what these gifts may entail or not entail. Overseas visits: there are instances where (not in our country, but certainly in other countries) legislators have had their passages paid by persons, who by so doing placed the legislator in a position of compromise where that legislator, in a question of a vote, or whatever the case may be, would owe certain obligations to someone who was generous enough to do that. These are some of the areas that legislators worldwide, need be mindful of. And I think these are some which need to be looked at in a select committee or by legislators in this country.

Benefits overseas, be they whatever, that might impact on a legislator's life, land, property, dealing in property and shareholdings in various businesses. So, there is an unending number of areas where one should be mindful of and which should be covered by a proper Code of Conduct and Ethics legislation for legislators in the Cayman Islands.

For example, if this were set up in the United Kingdom—and they do not have any particular legislation in place as far as I can discover—but even its Register of Interests, unlike ours (which has to be specified in law according to the Constitution), is largely managed by the House itself. But we are talking about 651 Members of Parliament and we are talking about people who are professionals in just about every conceivable field there is. So, they have the capability within themselves, similar to the United States, where they have a committee set up to try such cases where a senator or a representative in the United States may fall into a questionable situation.

In the United Kingdom, I dare say, they would handle it to what extent they need to, in-house. Again, it is a well-established convention in the United Kingdom that when a Member of Parliament finds himself in a situation that can embarrass the Government, or the country, the automatic thing done in almost every instance is that they resign. That is not necessarily the case in other territories in the Commonwealth.

If we were to have a Code of Ethics and Conduct legislation, I think we would need a body that would be

able to make a determination in this particular matter, or in any given matter. I would advocate something as is the case in Jamaica, where they have what is called the Integrity Commission. This is a commission that is set up in that country to deal with the registration of Members' interests and any other matters that might arise. I think, too, that if we are to find a practical route for ourselves in the Cayman Islands, we would not want to attempt to set up a committee among ourselves—15 or 18 of us—to try to put one or two (if ever such an occasion came about) on a breach of conduct or conflict of interest.

I would think that if we were to look at setting up a commission, similar to what is in Jamaica under the *Parliament Integrity of Members Act*, we would be going in the right direction. I would like to quote, to show how serious they think the matter is, and to show how they themselves give an arm's length who they appoint to the commission dealing in such a matter. In the first Schedule it reads: "**The Commission shall consist of a) the Auditor General; b) four other members hereinafter referred to as appointed members, appointed by the Governor-General upon the recommendation of the Prime Minister after consultation with the leader of the Opposition from among the following categories of persons: 1) Members of the Privy Counsel [they could hardly reach much higher than that in the legal ambit]; 2) the President or any past President of the Institute of Chartered Accountants of Jamaica; 3) Retired Judges of Appeal, or retired Judges of the Supreme Court; 4) Persons who have held the post of Commissioner of Income Tax, Financial Secretary or Auditor General.**"

My thought on the matter is, should we take this Motion (*and I think we should*) on board while we are dealing with a Register of Interests for completeness and practical application we too should look at persons similar, in the Island to appoint as a commission.

I would say that we would not, for one minute, envisage that every second week someone would be before the Commission of Integrity. It would simply be a commission that is there to carry out its functions when it may be called upon to do so.

I hear allegations virtually every day about corruption in this country. Regrettably, I believe that our social nervous system in this country has become considerably corrupted over the years. In so many ways, disregard for proper practices in business, instances where persons will attempt to gain favour through bribes or by becoming good friends with anyone they believe has influence which could help them, by virtue of being someone who can offer the best cocktail parties with regularity, food and drink. I think that when we look at the situation in the Cayman Islands and while we as legislators can undertake to do something to set down guidance for ourselves, this country on a whole, needs to rethink its mental state where it is not driven to the extent that it is by greed. And that as long as you make money how you make it, and who gets stepped on, or circumvented, it is fine. We need to change that concept.

While I speak specifically of something that us as

legislators have the ability to do, it has to go much wider in this country because, as I have said in this House many times before, I am convinced that in too many areas, right is wrong and wrong is right. I think there is a general attitude in the Cayman Islands at this time that; 'Well, yes, that is wrong, but don't cause any waves, it will be okay, it will go away.' That is the general [attitude] in the country at this time. It is a wonderful opportunity for the leaders of this country to lead the way, as they should at this time by setting up rules for ourselves that we can then more strongly say to all of the other individuals; 'That is not right; I am not prepared to see that happen; I could never agree with you there; forget it; I cannot do as you are asking me to do and I will not do what you are asking me to do.'

I think this Motion, at this time, is very relevant and timely in that we are in the business right now of looking at things like this and we should seize this opportunity to do so before things become glaringly wrong or (and heaven forbid), anyone of us as legislators should really fall afoul of the law in any which way or form.

We all have a lot of material to guide us. We have the Code of Conduct and Conflict of Interest Guidelines from Canada, a small booklet; the Conflict of Interest and Post Employment Code for the Public Service of Canada (valuable information written for Civil Servants); We have the American Guide for Federal Civil Servants, 'How to keep out of Trouble', which is a small booklet with illustrations and simple language. There are many courses open to us and so I recommend this Motion to the House. I trust that all Honourable Members will see fit to accept this Motion.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman intimated that there were two documents that he wished to lay on the Table. It is ordered that these may now be laid on the Table.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. I have them here.

The Speaker: Thank you.

At this time it is proposed to suspend proceedings. I understand that three select committees are due to consider their Interim Reports during this time. Proceedings are suspended until 12.05 p.m.

PROCEEDINGS SUSPENDED AT 11.16 AM

PROCEEDINGS RESUMED AT 12.08 PM

The Speaker: Debate continues on Private Member's Motion 29/94.

The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, this Motion is being approached in a bipartisan spirit. We do so purely from the point of seeking to explore those things that may

contribute to the national interest on the one hand, and the extension of the public's confidence in the system of government we operate.

As the resolution says, this matter of a Code of Ethics and Conduct for legislators was a matter raised in this House by a Private Member's Motion in 1989, by me. It was one that should have been taken into hand a long time ago.

To place it now, together with the select committee that is doing the work on the Register of Interests as a companion document, or legislation, is a good idea, and one that we support.

In a matter of this sort, each country has to judge its own problems and evolve solutions to those problems, as they are perceived. With God's help we will find a way to solve those problems and contribute to the solutions.

In considering this matter we have to consider the type of system we operate and our history of that political system. I would say briefly that it is the essence of democratic system that it rests on the whole idea of Government by consent. We get our consent to govern, and when I say we, I do not just mean Executive Council, but this legislature, from the public's confidence in us as men and women, and we must be seen as being willing to impose legal sanctions on ourselves.

In the end it is necessary for democracy, that we present an image to the country of integrity on the part of those who wield power. Not only those in the Executive Council, but all Members of the House.

We must help to build confidence in our political system, not only for ourselves, but we must present an image to the young people of this country of operating a clean system. If we fail to do this, then what can arise... and perhaps this has happened already. I hope not. I will get to that a few minutes later. We must do what we can as a parliament to cement confidence in the system, particularly the attitude of the young towards our system.

There are many contributory factors which positively present, may lead to success and which legally absent, can lead to failure. To make our system continue, we must be vigilant and zealous to leave no stone unturned to contribute to the success and minimise the danger of failure. Obviously, if we are to succeed, we must be willing at some stage, to put the national interest above the partisan concerns. There must be a stage where we are all willing to come out of those things which sometimes separate us, because it is not only a cabinet or high government official that can bear the name of wrongdoing, but all members of the House, especially in a small community like ours.

If we accept the importance of the fact that the appearance of integrity must be preserved, that leads us to conclude that this action contemplated could do well, could contribute enormously to the fact of integrity and the appearance of integrity of all of us who operate within this House, whether we be in power in Executive Council or on the Opposition, or on the Backbench. We have already set our minds on the declaration of assets, other than income, and what we are doing here will contribute. Nevertheless, we well know that we cannot legislate for

someone's morals: they will do as they please.

One thing this country is not short of is rumour. Ever since I can remember, from the day I began going to school, I heard about people in power (politicians) who were not conducting themselves in the right manner. Rumour is always rife and there are people who thrive on it. While I was on the Backbench for eight years, I heard rumours about Executive Council Members and about Backbenchers—from their personal lives to professional conduct. Today you can believe the same thing is happening again.

Rumour is consistent in this country. You cannot always say 'where there is smoke there is fire'. That is an old adage that we like to throw around, but I throw out no aspersions on anybody. I am not afraid to talk about the things they have spread about me, because my life has always been an open book. The only thing that they can say about me is that I did not go to a college or that I am willing to open my mouth. Thank God that 1,954 people in West Bay knew that about me in the last election beforehand.

So, I am not scared when we hear the type of rumour that is spread. I am concerned that we have people in our society who seem to love nothing better than to spread dirty rumours, not giving any care whatsoever to a person's family. I challenge anybody, the day that I sit on Executive Council or sit in this legislature, to find one iota of wrong doing against me and to bring it forward.

For instance, what is being thrown around is that we are all building these large, big fancy homes, these members of Executive Council. Not one ounce of it is true. When you consider, just to show you how things can become muddled, the last Executive Council Members—everyone of them—bought an apartment or built big fancy homes; another one renovated his, and it was being called the Chief Minister's residence. Whether that came from their personal income or whatever, rumour was spread on it, but that actually happened. Nothing like that is happening on this Executive Council.

One of the things that is most detrimental to our system, whether it be us on Executive Council or those Backbenchers, including Opposition is, when we ourselves perpetuate those rumours, when we stand in the Legislature and say things in debate. Maybe I have done so in the past, I do not recall, but when we ourselves perpetuate rumours at this high level, it is no wonder that the ordinary man on the street will pick it up and say there is something to it. But I am not scared of rumour. I live my life and I believe that I can speak for the entire Executive Council as closely as we can to the Good Book and of course, the Backbench.

I know that at times we may all get to the point where we feel we can make mileage by at least casting some doubt on our opponents' integrity, but mind, the finger that is pointing, the others are pointing back.

This resolution is good and I saw the need for it since 1989.

What we should do in these two pieces of legislation, guidelines or whatever the committee determines, is to put it across the board. I said that in 1989, as well.

What I said in 1989, I want to quote: **"I would like to see this expanded to include all assets held at the time of entering the political field. I would like to see this extended to include all Members of our Legislative Assembly, not just Executive Council Members.**

"A matter which is sometimes raised, especially at election time, is the matter of conflict of interests. I know this was the case during the last election and will, undoubtedly, come up again in the future. So, I believe that anyone who stands for election in our country should know and understand quite clearly what does in fact constitute a conflict of interest.

"I believe it is true to say that all Members hold outside businesses and business interests other than their job as a politician. The composition of future assemblies will probably be no different so once a person knows what can rightly be constituted a conflict of interest, they are then in a position to make the decision of whether they want to be involved in politics or not at all at any level, either as a Member of the Legislative Assembly, or a Member of Executive Council." [*Hansard* 11 September, 1989]

I still feel that way because while the Government, or any government, gets accused of being close to certain people who have businesses or vast resources, that person's job might require that there be some connection. What is left to do by the individual who is representing the people, is to leave no doubt in the people's minds. That can only be done by a declaration of some sort of interests.

I believe that we should consider extending it to the public and would-be politicians. For instance, they can stand on the outside in a democratic system which we love and protect, and batter the Government by saying all manner of evil and I hope Members understand that it is not only Executive Council Members who have rumours spread about them, it is all Members of this House.

Those on the outside who envy and want your position can stand and say all sorts of evil without anybody saying anything or any requirement to him except if he becomes libellous and says it in the right place, you can proceed through the courts.

But when you see who is having the connections on the outside. . . rich men who could be anybody with a doubtful character could be connected and could employ those politicians, or would-be political candidates. They could have them employed and constantly fund their campaigns against the Government. All we need to do is look to see who got status in the country, who got permanent residency with a right to work, and we will find out who their connections are.

I am not saying anything here that I did not already say on the public platform. Why I think this needs to be carried through for candidates as well as elected Members is the good example I hold in my hand, the 'Health Delivery System Plan and Health Facilities Plan for the Cayman Islands, BWI, December 1989'.

The Second Elected Member for Cayman Brac and Little Cayman what was popularly called the "Book of Ezzard". This was prepared by International Health Care

Corporation, or the one Mr. Jim Conti. The corporate office is P.O. Box 383, West Bay, Grand Cayman Islands, BWI. The Post Office Box of a one time Member of the House and a former candidate who lost in the 1988 elections (the lady candidate from West Bay), and who was a candidate again in 1992. These are the people who would dare go out and say all manner of evil about our lives.

It is a joke sometimes, and I do not want to take it to this level, but I will tell the House, they say that I am getting divorced and getting a new wife. It is ridiculous. But these are the people who do it. All I am saying is that they should be careful, and I am saying that it applies to the candidates as well as to Members of the House. I make no aspersions, but when we see these kinds of things it is clear why this is needed.

The other instance is the Master Ground Transportation Plan, and I alluded to that when I said that connections as a Minister or Member with people on the outside, can lead people to feel that you are getting something out of whatever business is going on. Here was a grand scheme for this country which proposed an expenditure of over \$250 million. There was the old Jennett Street situation, which involved the former Member. It was a big thing: a man had to move his house. We heard that the business paid the former Member [for Communications and Works] so that he could get a grand avenue so that they would not have to come out on the short end of the street up here. That is the sort of thing that I am talking about.

That might not have been necessarily so; I do not know. I can only give account of what I know obtains in our Executive Council. But, can they like Pilate wash their hands and say that they are not part of it? Yet, now that they are on the outside promulgate nasty mischief, malicious rumours against the present Executive Council? As I said, they drove Mercedes Benz, Cadillac, BMW other fancy cars, Corvettes. They lived in new homes . . . I think that this attempt which I started in 1989, along with the First Elected Member for Bodden Town, backed by the whole government, is a good idea. Let us bear in mind one thing: It does not stop at Executive Council; all of our families can be attacked. Our children come home crying from school because of malicious statements made by children, promulgated by parents. So it is not just us on this side who are affected: all of us are.

So, Honourable Members, the Government supports this—we think it is necessary. We have nothing whatsoever to hide. All of our business can be out in the open. All of us have legitimate business interests. We can make mistakes, mistakes are reasonably made and when we make them people can easily say that we are doing something to better ourselves. My only interest is to see this country go ahead so that when we leave here we will have a safe system leaving a system of integrity intact for the next ones to come in.

I hope no one today thinks that I am being personal. I am not being personal, I am just showing what can, and what has taken place. I do not think that we can build a country on rumours. When we get to the Motion for

Standing Orders, I hope we have a chance to debate that too because I want to say that we can include even the reporters who come here and push an issue, because could they not be getting something on the side for pushing an issue? Take it to whatever levels you want, those are the levels that it can go to.

Thank you.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: There is but little one could add to the eloquent opening given by the Mover of this Motion. I take note that the person speaking on behalf of the Government made it clear that the Government is accepting this Motion as well as elaborating some areas of concern that I think are relevant.

I would like to take in the realm and dimension of accountability and the notion of why we as a fraternity should set about some mechanism to regulate ourselves.

Honourable Members who were here when I came will recollect that I have always said that I am an organisation man and as such we are a fraternity and we should act and behave as a fraternity. By that I mean that when it comes down purely and simply to certain matters, we should forget about political posturing and sides and work together for the benefit of the fraternity or the profession, if we want to call politics a profession. This is one of those occasions and I certainly welcome the acceptance and the willingness of the Government to work with those of us in Opposition and those of us on the Backbench.

Believe me, there is a crucial need for us to do this because rightly or wrongly the notion exists in the public that politicians are too well paid. That gives them a reason to pound, and pound and pound on the politicians with reckless abandon and disregard.

From time to time I read letters and columns in the newspaper that give me concern, not because I object to the person's right to say something, but because I question what they are saying. I say that as a fraternity, those of us who make sacrifices (because we do make sacrifices in spite of what some people may think), should buffer ourselves to the point where we set the tone and the standard of accountability and say to all and sundry; 'Look, we are so serious about our position; we are so open that this is what we are prepared to do; these are the parameters we set and through which we encourage others to examine us.'

The problem, as pointed out by the Mover, is a universal problem. I will come back to the universality of the problem in a moment. But permit me, since I was mentioning the home front, to give an example of what I am talking about which happens in our own environment, by quoting from a column in *The New Caymanian* of the week of 29th July to 4th August, 1994, a commentary subtitled 'Everybody's Business', with the headline being **"If it was a Tamed Lion"**. In one paragraph the writer says: **"Now we arrive at the really heavy issue: community leaders' ethical standards. After all, we can**

hardly condemn greed and corrupt values in young burglars, muggers and drug dealers while failing to condemn it in their betters. Coming at it from the other angle: if we (each of us, individually) shrug off greed in some politicians, corrupt values in some Statutory Board appointees, contempt for the public in some Civil Servants, irresponsibility in some Policemen, and so on—if we shrug off all of these as unavoidable aspects of modern life, how can we dare to expect better behaviour from unemployable layabouts?

"Cayman's corruption is not so much cash corruption (bribes etc.) as a corrupt mind-set among some of those at certain levels of officialdom. It's okay for me to take advantage of my position to steer money-making opportunities my way."

Finally, the writer goes on to say: **"One can't have one set of ethics for the low-life and one for the high-lives. If we in this community fail to withdraw respect from high profile greedy and corrupt people, we have no chance of seeing off their less respectable clones."**

Madam Speaker, I suppose that in a democratic country one is entitled to one's ideas. But, I make the point again, I do not believe it is necessary, nor do I see it befitting of a profession where people sacrifice their personal time, their family time, sometimes their business time, their church time, their corporation time to serve the public out of altruism. I do not necessarily believe that these people should be stoned by everyone who can fling a stone. That is why I am happy that we have arrived at a point where we are setting up this Code of Ethics, because anyone having a grouse will have something to go by and if they do not have anything to go by, they can put the cover on their pen and throw their pen away and burn up the paper.

While I have my differences of opinion with the Government and other politicians, I am part of a fraternity and as a loyal member of that fraternity, I cannot, and I will not succumb my fellows to what I class as malignant, unmerited and unjust accusations which not only bring them discomfort, but visit discomfort upon their family members.

I am saying that when we set this in motion, anyone having a grouse will have a mechanism to go by. If they have no grouse then please desist from the insinuations and aspersions and rumours.

I would like to draw reference to an article which I heard the Mover mention, appearing in the *Economist* of 5th November, 1994. The writer says: **"The real issue is not whether to ban MPs from doing other work, but how to ensure the public is properly informed if they do."**

Who holds that responsibility? It lies, not insignificantly, with the press as much as it lies with Members of Parliament or members of the public to see that they are above board. It lies with the press, whenever they are reporting or have cause to question, to be responsible. So, it is not a one way street by any means. On the one hand we as parliamentarians, and as public servants,

have to uphold our integrity and our dignity, professionalism and honesty. But, on the other hand, those people who make a profession of scrutinising and reporting have the responsibility to do so fairly, which is not to say that they cannot question, or ask that we be held to account. It is to say that they must not pass judgment until there is some trial. So, the responsibility is at both ends.

Now, coming back to the universality of the problem. I would like to lay on the Table of this honourable House, with the Chair's permission, and I have a copy for the Chair as well, the final report of the first Inter-American Conference on the Problems of Fraud and Corruption in Government, held in Miami, Florida, December the 4th to the 6th, 1989. With the Chair's permission I would like to read four paragraphs from the general conclusion of that conference. Thank you.

"Effective control of corruption has to start with leadership positions. When a leader does not understand the concept of honesty, or the difference between his own benefit and the benefit of society there is little hope for success in the rest of the government structure. In these circumstances corruption will continue to pervert the entire system from the highest levels to the lowest. Public officials will create superfluous needs for the sole purpose of self benefit without considering the common good. In addition to demanding honest leadership, control of corruption requires high standards of ethical and moral conduct on the part of all public servants so as to demonstrate the political will of the Government. All public servants should be required to publicly accept their responsibility to effectively and efficiently manage the resources at their charge and to be fully accountable to them. They should be able to provide an explanation for their actions that may be verified at any time."

I believe that this is what we are attempting to do. I am reminded that this mission which we, as a Parliament, are about to launch ourselves onto today, is not new. From the very founders of democracy this was a problem and people had to wrestle with these problems of accountability of ethics and high moral standards.

I was reading of the experience and account of Pericles of Athens, the founder of democracy, how because of his popularity, Pericles had to deal with ungrateful elements of his constituents who, when they could really find no fault with his style of government, turned to criticise and castigate members of his family and almost destroyed his wife.

If we go to the Orient, in the *XIII Analect of Confucius*, when his students asked him what were the three outstanding elements involved in the happiness of a nation, Confucius replied that the three outstanding elements were: a content populous, a loyal standing army and the confidence of the people. He went on to say that of these three, the one he would jettison last was the confidence of the people.

Any parliament, any government, any opposition that has the confidence of the people is a government, parliament or opposition that will long be standing. It is

with the effort of this Motion to set some ethical and moral standards that we have formally embarked on a course to maintain—and I say maintain because by virtue of the fact that we have been elected we already hold the confidence of the people—by setting in place a mechanism that all and sundry can see.

In conclusion, I would like to take the Motion a step further, with the Chair's permission, to say that we in Opposition have been saying that complementary to this and as a corollary to this Register of Interests, Code of Ethics and Conduct for Legislators, is some form of legislation to regulate political campaign financing.

What I suppose would be an ideal situation is one that would prevent interference by both foreign and domestic entities who would have ulterior motives. Each individual could be required to file at least with the Supervisor of Elections, published financial statements accompanied by the opinions of independent auditors. I believe that if we could effect something like that, along with the Register of Interests and a Code of Ethics and Conduct, perhaps that will incorporate that element that the Honourable Minister for Community Development, Sports, Youth Affairs and Culture talked about on the part of persons on the outside who currently seem to operate outside of the parameters of those of us.

If we could do something like that, we would be professionalising and setting clearly beyond the shadow of a doubt, mechanisms in place by which all and sundry who aspire to public office in these Islands—be they sitting Members of Parliament or political aspirants—would have as guidelines whereby the public could check up on them.

In conclusion, this business of accountability cuts across the grain. It holds no brief with regard to seniority, exalted positions or positions of humility. One need go no further than with the case of Dan Rostenkowski, the United States Senator of 18 terms, Chairman of the Ways and Means Committee, indicted—albeit, the United States system is a little bit different from what we are trying to set up in that their parliament is a court unto itself and they can try each other. But that is an indication of the seriousness of the intent of the accountability process. We, in this parliament, propose no less serious legislation.

Having said that, when we have concluded we will have sent the message to our constituents and the wider community that we take the business of public service seriously and that we as a fraternity realise the necessity to regulate and set standards for the behaviour of our members and those persons who aspire to be members of our fraternity.

It gives me great pleasure, especially knowing that I was associated with this movement since its inception in 1989, to lend my support to it now. It is heartening to know that it has bipartisan support because I cannot emphasise too much, that in these kinds of issues there is no government and no opposition, there is just one fraternity of people who set themselves up to be public servants.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 12.57 PM

PROCEEDINGS RESUMED AT 2.49 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion 29/94. The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker.

I support this Motion and I have a few views that I would like to express in relation to parts of it.

I believe that the question of a Code of Ethics and Conduct for Legislators is already in the House under the Standing Orders and where they are silent, then through Erskine May's *Parliamentary Practice*.

Codes of ethics or etiquette are very much apart from the very ancient days of the professions. They are, by nature, rules that are self imposed and they have to be respected as such. To the best of my knowledge they have never been put into legislation.

The legal profession, for example, has its code of etiquette and conduct and these are not in legislation as such and not made under legislation, but are adhered to by members of the profession.

This Motion, as the Mover, the Second Elected Member for Cayman Brac and Little Cayman mentioned, was passed in 1989. That Government did not see fit to implement anything and I think it is a very clear indictment on that Government that they refused to even look at providing some Code of Ethics for Legislators. Yet, these days we hear them saying many things. And one would believe that they just dropped out of the sky, they make themselves look so pure.

This is perhaps one of the best indictments. I am very happy that it has been brought by the Second Elected Member for Cayman Brac and Little Cayman because he knows them better than any of the rest of us. He has clearly pointed out in the first recital of his Motion that Private Member's Motion of 1989 was unanimously passed—that is very important; it was unanimously passed—and nothing was really done to provide for it.

The Register of Interests that this is going to be a companion to, is one which I feel is very important and it has to be a balance between preservation of privacy and a sufficient declaration of interests so that the public can ensure that politicians are being honest and without serious conflicts of interest.

The Constitution and our Standing Orders provide for one aspect of the conduct now, that is that where there is a conflict of interests, there has to be disclosure to you, Madam Speaker, and normally not voting or speaking on it.

This Motion has really nothing to do with the Constitution and indeed it is total and separate from any aspect of that. So, it was not necessary for it to be dealt with at a

later stage after the Constitution was amended.

The aspect of the Executive Council's declaration to the Governor is a matter of practice, it does not arise under the Constitution. It is one that we all have had to do and fully declare our interests so that in the Executive Council, if there is a conflict, it is known to the Governor. That declaration is kept private but is a very full declaration.

It is important to strike a balance when deciding on conduct or, even more so, what has to be declared under a Register of Interests because we all know that a person who has nothing can make a declaration and it means nothing. Privacy is important and a proper balance has to be reached to ensure that the declaration is sufficient for the public and, on the other hand, provides some degree of privacy.

One of the things I think has been prevalent in this House and is very important, is that the House has kept out of purely personal matters that relate to Members. I think that is outstanding. Indeed, I feel the conduct in this House is exemplary, even when compared to the Mother Parliament in the United Kingdom and other Parliaments regarded as older and more mature in the Commonwealth. What is being done here is only a matter of continuity of the conduct and the etiquette that have been carried on by politicians.

It is interesting to note that the United Kingdom requires reporters in parliament to come under the Register of Interests, perhaps that is something that should be looked into here as well, because it is obvious that the pen is a very dangerous weapon in the hand of someone who is biased or unduly persuaded in a specific direction.

Another area of conduct that I think is important is, despite what we may do or say in this honourable House, when we walk through that door we should be big enough men and ladies to sit down together and talk to each other. This is an area of conduct that is well understood by attorneys, despite whatever we might have to do in a courtroom. When we go into the robing room we have to talk to each other and be civil with each other. I just throw that out because I see a trend arising which was prevalent with the last legislature where some Honourable Members—in that instance the Government Members—attempted to isolate and stay clear of other members.

The importance of a Code of Ethics and Conduct is perhaps best seen by the fact that Mr. Ronald Reagan, as Governor of California, once stated that he regarded politics as the second oldest profession, which has certain similarities with the first oldest profession. So, it is important that there be proper rules.

What was most blatant in areas of breaches of ethics where we saw instances of very clear breaches of the rules that relate to the public tenders, when public money is being spent for Government purposes, the very large consultancy contract, such as the Conti contracts that were given out and very clearly in breach of rules that existed under the Finance and Stores Regulations.

The '*Book of Ezzard*', as the Members referred to, was one of the largest wastes of public funds on consult-

ants that this country could ever see. How in the world the money was ever appropriated for it, I do not know. These are the things that no matter how many rules, or codes we produce, if people are corrupt, unruly or unethical by nature they will not correct it. Ethics has to come from within. Like morality, it cannot be legislated and it behoves all of us to act and to speak in such a way that we uphold the high esteem of this honourable House.

The question of allegations (not that I know of any, in relation to myself as an Executive Council Member, or while I was in the House), is not something that worries me very much. I know myself, I live a life that I clearly understand and accept and I endeavour within the best of my ability to remain within what I regard as a good code of ethics for myself. I drive a 1985 car, I have repainted it three or four times. I fly Cayman Airways, but I am probably one of the few Members of this House who has had responsibility for it who has paid for every flight that I have flown on it personally, despite the fact that I can get free tickets on Cayman Airways if I wish. I also pay for my children. So, I do not have a problem with either the Register of Interests or the Code of Ethics.

Many years ago, a gentleman who I held in very high esteem and regarded as a very wise man, Mr. Ormand Panton, said to me before I went into politics: "Truman, politics finally ruins your business, your family and your health." It may not have been in that specific order. I have found that to be one of the wisest statements that I have ever heard relating to politics. However, someone has to do it. If not, our family and our businesses can also be ruined if we have the type of unethical conduct that we have seen in the past where vast sums of money—some \$56 million in losses in three years (that the Government had) and in two-and-one half years \$34.5 million US dollars in losses for Cayman Airways. These are not only unethical, but they are blatantly spending—squandering public funds with no accountability.

While this Code of Ethics will go some ways, if we have politicians who do not intend to abide by these, then we are only paying lip service.

Some years ago when we were dealing with the question of, should there be a Prime Minister and should the Constitution be advanced, I remember very clearly when I stated that there were several Prime Ministers who had remained in the job until they died, who had been subject to corruption. I was told by the Second Elected Member for Cayman Brac and Little Cayman that it was wrong to presume that Prime Ministers may be corrupt. But here we have him putting forward a Code of Ethics and Conduct which is being brought in presumably on the basis that there may be politicians who are corrupt. So, he and I agree with this. I agree fully with the Code of Ethics and Conduct.

We have to realise that politicians are also human beings and many times under a lot of pressure. Perhaps most importantly when dealing with matters like this, especially a register of interests, candidates running for an election should be made subject to a declaration of inter-

ests. If they do not declare these, they will be voted in. After they get in office they become subject to a Code of Ethics and Conduct and a Register of Interests, but then it is too late. Once they are there, they are there for four years.

I would like to see the Register of Interests and, as far as possible, some understanding where one has declared, at least candidates for an election, what they are going to have to do immediately after the election and say what they own, and even more important than that, how many people and how many foreign people are supporting them who at a later stage will be getting, as one Member mentioned, Caymanian status, or permanent residence and then go on to financially rape the country and its people.

This is important and I believe that candidates for an election are no different. In fact it is even more important that we know who is coming in this House and what they have, before they are put here, because the Legislative Assembly is very much like the Civil Service: once you are in, you stay unless you choose otherwise. I support this Motion.

I know the First Elected Member for Bodden Town read an article that (it seemed) came from Mr. Gordon Barlow's, I would say, warped scripts in *The New Caymanian* . . . Indeed there should be as much of a Code of Conduct and Ethics for writers and publishers of the media as there is for the Members of the House because we have seen the way the press which is far more powerful whether we like it or not than any other weapon in this country, has taken and warped things . . . especially some of the articles that I have seen him write in his attempts to attack and destroy the pilots of Cayman Airways with allegations relating to drugs. Out there, there is no one who, like you, Madam Speaker, can say you can do this or you can do that, it is right or it is wrong. So, they should begin at home: Charity begins at home. Where is their Code of Ethics and Conduct? We are doing ours, where is theirs?

While people who write do not call themselves 'a profession' (at least not that I know of), Madam Speaker there is no reason why, with such a powerful pen as most of them have, why they should not be subject to some Code of Ethics or etiquette and conduct themselves.

So, I support this Motion, I commend the Mover, the Second Elected Member for Cayman Brac and Little Cayman for bringing it and I will give it my support. I will undertake to abide by any reasonable code that this honourable House accepts from the Select Committee. I think it is good.

I would like to end by saying ethics, etiquette, morality and a lot of the more abstract terminologies has to come from the person. The codes and rules mean nothing if people are not prepared to honestly accept and abide by them, avoiding ways of getting around and beating the code at every opportunity that they get. It would be interesting to hear the Honourable Mover on his views as to whether the candidates for elections should or should not also make these declarations—as they will have to do immediately after they come into the House—

of their assets, their interests, etcetera.

I fully support it and it is good that after five years, with the previous Government doing nothing about it, he has seen fit to raise it again. With the good Government that he knows he has, he will get it through and he will get his code.

Thank you, Madam Speaker.

The Speaker: If no one else wishes to debate... The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

In rising to make a very short contribution regarding this Motion, let me first of all say that I am in full support of the Motion. Fortunately, or unfortunately, depending on how we look at it, I was not here when the Motion came to the House in 1989. But having followed to the best of my ability the political happenings in the country, I believe it was timely then and, not going the distance, I think it is timely now.

I am very pleased to hear that Government intends to support the Motion; I work on the assumption that its full passage will take place, and that we will in short order have legislation to deal with.

The Mover and the Seconder of this Motion and other Honourable Members in this House have expounded in eloquent fashion on just about all the parameters that one might care to address when thinking about a Code of Conduct and Ethics for Legislators. I think we have to examine a step further because after bringing about such a code that there will have to be a method determined by which complaints or instances of any allegations may be dealt with.

I think that we might want to examine the possibility of appointing what I might term (and I base this on reading what others who have passed this way before have said), a commission. It is very important that we bear this in mind in all of our deliberations simply because while a Code of Ethics and Conduct in itself may act as a preventive measure. The truth is we must be able to deal with it the full length whenever legislation takes place.

I wish to point out that there needs to be a body formed in order for all persons who may have to deal with this Code of Ethics and Conduct understand the method that will be used in order for any arbitration of judgment to take place.

In the *Parliament Integrity of Members Act of 1973, Jamaica*, it discusses the functions of such a commission. I use the word commission simply because it is a familiar term, but the name that would be applied matters not to me.

In this Act—and I will just quote a couple of areas so that we can become familiar with it. I quote: "**The functions of the Commission shall be to receive and keep on record statutory declarations furnished by parliamentarians pursuant to this Act. To examine such statutory declarations and to request from a parliamentarian any information relevant to statutory declarations made by him. [In their opinion this would assist them in their examination] To make such independent**

inquiries and investigations relating to statutory declarations as they think necessary. The Commission shall have power to summon witnesses, require the production of documents and to do all such things as it considers necessary or expedient for the purpose of carrying out its functions."

There we have it laid out and as we apply it to ourselves. We may not necessarily deal with the matter in the exact fashion as pointed out in the Integrity Act of Jamaica. I simply quoted those sections to give Members an idea of what I think we should be thinking about when we deliberate on this issue.

I go on a bit further, where it tells how the commission shall be constituted. There are terms used here which will not apply to us, but I will simply use them just so that we may get a grasp:

"The Commission will consist of (a) the Auditor General; (b) four other persons hereinafter referred to as 'appointed members', appointed by the Governor General upon the recommendation of the Prime Minister after consultation with the Leader of Opposition. These four other persons will be appointed from the following categories of persons: members of the Privy Council, the President or any past President of the Institute of Chartered Accountants of Jamaica, retired Judges of Appeal or retired Judges of the Supreme Court, or persons who have held the position of Commissioner of Income Tax, Financial Secretary or Auditor General."

Some of these terms do not apply in our jurisdiction but we have similar posts and/or other posts which I am sure we could use. Of course, we could determine the length of appointment on such matters.

I wish to re-emphasise to this Honourable House that while we seem to be on all fours regarding the Motion, it is important for us to also be looking in that area. It has been mentioned that the Code of Ethics and Conduct should be extended beyond these hallowed halls, beyond the executive body to include all Elected Members. I subscribe to that.

In thinking about it, I must admit I had not paid too much attention to the thought before, but I wish to say that I agree that people who vie for seats in the various electoral districts should be made to do the same. I think the Honourable Minister for Education brought the point out about 'closing the gate' after the 'horse' got away regarding these individuals. With that point I just wish to say that I agree.

If we examine most any fraternal organisation (as the term is commonly used) we will find a Code of Ethics. I know there is one member of the Rotary Club who sits in front of me regularly, he has his four-way test. I, as a member of the Lion's Club have my Code of Ethics. While these do not necessarily encompass all that we have to discuss regarding the Motion at hand, the same principles apply.

It is totally in order for any organised group to have such a Code of Ethics and Conduct simply ensuring that we are kept in line. It is certainly better for us to have guidelines to live by, than for us to be trying to judge daily

the rights and wrongs of others' activities. Who am I to judge? Madam Speaker with the greatest of respect, who are you—without some guidelines—to follow?

It is an easier task if such guidelines are created and I believe in the simple philosophy that if you know there is a certain punishment for a certain deed, the fact that the punishment exists acts as a [deterrent.] Therefore it must be for the betterment of all concerned.

We subscribe to the thought that we are the leaders of this country in one form or fashion. It is incumbent on us to take the lead in such an action and not be scared to be held accountable by way of having this Code of Ethics and Conduct to guide us as we go about the daily affairs of the country.

There is more that I could repeat, but most of the areas have been covered. I find myself giving this Motion my full support and I trust that all other Members of this House will find themselves in the same position.

Thank you, Madam Speaker.

The Speaker: If there is no further debate, would the Mover of the Motion wish to exercise his right of reply, thus closing the debate?

The Second Elected Member for Cayman Brac and Little Cayman

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

It is always very refreshing when a Motion brought to the House by the Opposition is accepted by Government. This is one of those occasions.

It would have been truly difficult or politically suicidal, for the Government or anyone in the House to see something wrong with the House examining the possibilities of creating legislation which would cover a Code of Ethics and Conduct for Legislators. Particularly in view of world conditions as far as legislators are concerned; our changing times politically, socially and otherwise in these Islands; and the greater demands of the public and the greater accusations by the public—everything. A Code of Ethics and Conduct has been found to be acceptable by Government and the Opposition and I believe by all persons in the House.

I also believe that this will be dealt with efficiently and expeditiously. For we do have an abundance of legislation that we can consult. The lady Member, who is the chairman of the existing select committee on the Register of Interests, deals with matters with considerable dispatch for which I am grateful. While each Member has an opportunity to say his piece, she guides him along at a reasonably fast rate.

I would like to comment on a few points raised by the Minister for Education and Aviation and clarify or offer a few thoughts thereon. I agree with him that there is room (and indeed, I said that when I presented the Motion) for this country to look at its present mind-set about things which are right and wrong. I do not necessarily seclude that to mean things from a religious perspective; things from an ethical perspective, a moral perspective, the whole spectrum. It is necessary for everyone in this country, including the man on the street, businesses, cer-

tainly the media—writers, reporters—everybody.

I am certain that there is no one in this House who has been stung by the reporting of the media on different occasions more than myself. There have been some things which had to be corrected because they reported things that I never said. So when it comes to knowing what the media can sometimes do, I am very familiar with that. However, I do know that in the process of keeping a society alert about ethics and conduct of its political leaders, the media has to play a vital role and it should play that role. I, too, have seen various articles relating to elected representatives that I think are unfairly stated: particularly the generalisations tend not to tell the truth about everybody. Whereas, if the media would deal with specifics it would be much more accurate. While something may be true in a specific case, it is not that way with all persons in the world of politics or otherwise.

One thing that I would not advocate, now or ever, is hindering writers, reporters, the media and television from playing the role they are supposed to play. If they do not create untrue situations about persons, I am definitely not an enemy of the media.

The Member also spoke about the long time it took for this matter to be dealt with and he blamed that on the last Government. I dare say if blame is to be laid, it would have to be laid on the Government in its last term of office. I do not claim to know the Members of that last Government any better than does the Minister for Education and Aviation, for there were a number of persons in that Government (two so far) who claimed that they will again contest these elections, those are Mr. Linford Pierson and Mr. Ezzard Miller. I think the Minister knows Mr. Pierson as well as I do because on a personal basis he was the gentleman who taught the Minister for Education and Aviation about bodybuilding [*Members' laughter*] and he was also his principal secretary. So I do not claim to know him any better than he does.

And of course, Mr. Ezzard Miller was the pharmacist at the Health Services when he was Minister for Health and Social Services. So I think he stands to know him as well as I do.

Mr. Benson Ebanks, of the past Government, is a business partner of his. So I do not claim to know these persons any better than does the Minister for Education. I just want to make that point.

On the matter of consultancies and the payments of large sums of money by Government, is something which I think governments—this one and the one past and any to come—need to be very careful with. I disagreed with many, if not most, of the instances when large sums of money were spent. In the report which has been familiarly termed the Book of Ezzard, I, for one, said that I thought that was a large report. But it lacked depth and detail. Members will recall that the same group that developed that particular report had to provide details of operation and implementation on all ten of the areas that were mentioned in the report. So I do not have any varying opinion in that regard.

I think it is necessary that we should hire certain expertise not for exorbitant prices, for we do not have the

personal expertise in all areas as we should. So hiring certain consultants is in order. I think that can be done by the Government in a number of areas now.

I would remind the Minister for Education and Aviation that when it comes to things not getting done and matters not being attended to, like the Code of Ethics during the last Government, he should take into serious account the fact that it has been two years and a Bill of Rights is not in place in this country. I think if I were to give an edge to importance that would be an immediate step. I trust that by the folly of the Government of the past, he and his colleagues (and he has been appointed as Chairman of that Committee) will, with all haste see to it that we conclude this matter on a Bill of Rights which ultimately will be placed in the Constitution. A Code of Ethics would not be placed in the Constitution because it would have to be amended from time to time and, would require the flexibility under a specific law.

When considering the past, the follies of past Governments, and creation of indebtedness on the country, unethical spending and squandering, we have to think of present times. We have a case where no one has reconciled the amount paid for the property at Spotts for a stadium with what it was originally purchased for. So there are always conditions where one can reflect on the past and what went wrong, but there are also situations at present. Perhaps it is like I have heard my mother say over the years, *"There is so much good in the worst of us, and so much bad in the best of us that it behoves us all to not judge or lay blame"*.

The Constitution is a matter that this particular Code of Ethics is not concerned with. The Minister for Education spoke about the occasion when the Select Committee was dealing with the Constitution. He spoke about Prime Ministers and so on as being open to corruption. I did take exception with him on that for as I recall the statement was made so that it could have implied that every Prime Minister in the Commonwealth was such a person. Again, I think that generalisations in statements, where one is talking about persons being corrupt, should be specific and to the point. The fact that a person is a Prime Minister does not mean that that person is corrupt by any means or that he/she, by being a Prime Minister would think of themselves as an object to be corrupted.

This business of corruption is personal to holder, so to speak, as in the Civil Service. Certain persons allow themselves to be corrupted, or may choose to take corrupt actions. But it is always personal to the individual. I would not stand here and say that there is some syndrome among the politicians, past or present, in this country that is like a beacon saying 'here I am, a corrupt object', or 'corrupt me'. The purpose of this Code of Ethics is to set up guidelines so that any such thing could be avoided.

As for candidates running for office being subjected to the Register of Interests, I dare say that is something which needs to be looked at by that Select Committee. I know it has been raised before, it was raised by Members with the Constitutional Commissioners who themselves did not think it was necessary to apply it prior to

someone being elected to office. I, personally, do not have any strong feelings whether it must be applied to candidates. I think it is a bit un-British, certainly, if not un-American. It will be something which will be decided by the Select Committee and not by me.

I think that the House has achieved something good today, and that Members are in unison wishing to do something in this particular area. I think that it does more for the public than it does for us. It says to the public, *'There you are with your views, your opinions, the way you would have things'*. But we, the legislators of this present House are prepared to hear what you are saying: your rumblings, your grumbings, your accusations, recommendations and suggestions. And we are prepared to initiate something that will make the situation acceptable to all concerned.' It places us as legislators in a position to say to the others, *'Go ye forth and do likewise.'*

I think that overall in this country it could do with some moderation and change, getting back to the old ethics and old Caymanian morals where we clearly understood that 'we do not do that because it will hurt so and so', or 'I will not do that because it is not something of integrity and I have too much honour for that type of thing.'

I think this occasion sends that type of message and I think for us as legislators it is quite a remarkable occasion. I hope that when the Select Committee is over, we will come out of it with a Register of Interests having all it needs to have and that we will all have a clear understanding and recommendations for legislation which will give us a practical, reasonable and sound Code of Ethics and Conduct.

Thank you, Madam Speaker.

The Speaker: The question before this Honourable House is Private Member's Motion 29/94: **"BE IT RESOLVED THAT this Honourable House refers the matter of legislation for a Code of Ethics and Conduct for Legislators to the Select Committee now reviewing a Register of Interests for consideration as "companion" legislation."** I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Private Member's Motion 29/94 has, therefore, been duly passed.

AGREED. PRIVATE MEMBER'S MOTION NO. 29/94 PASSED UNANIMOUSLY.

ANNOUNCEMENT BY THE SPEAKER

The Speaker: Before proceeding to the next item, I wish to take note that in the Gallery we have Mr. Terry Jones, the Deputy High Commissioner of the Canadian High Commission in Kingston, Jamaica who is on his first official visit to the Islands.

Private Member's Motion No. 30/94. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 30/94

REVIEW OF THE STANDING ORDERS OF THE LEGISLATIVE ASSEMBLY

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion 30/94, Review of the Standing Orders of the Legislative Assembly, which reads:

"WHEREAS there have been eight amendments to the Standing Orders of the Legislative Assembly since the 1993 Session to date;

"AND WHEREAS proposed amendments have been referred to the Standing Orders Committee during the life of the last House which were not considered or reported thereon;

"AND WHEREAS recent constitutional changes have necessitated appropriate changes in the Standing Orders;

"BE IT NOW THEREFORE RESOLVED THAT this Honourable House approves a review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth parliaments and seek the advice and assistance of an experienced Parliamentarian as was done in the past."

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
I beg to second the Motion.

The Speaker: The question before the House is Private Member's Motion 30/94. The Motion is open for debate.

Notice of Amendment (Standing Order 25)

Hon. Truman M. Bodden: Madam Speaker, I have circulated an amendment and what I wish to do at this stage is to move a suspension of Standing Order 25(2) so that the amendment comes forward right at the beginning and be dealt with by all Members who speak.

The Speaker: I think we can move the suspension of Standing Orders. Actually it is not the moving of the suspension, the Speaker gives the authority to waive the two days' notice. Accordingly I will waive the two days' notice for the amendment to be brought forward at this time.

Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.
Could I just get clear whether we would be speaking on both the amendment and the Motion, because the Mover of the substantive Motion would probably wish to

open on it.

The Speaker: Yes, I think we should in this case.

Hon. Truman M. Bodden: I will give way to him, because I know he has the right to go first.

The Speaker: Good.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

Just to understand exactly what has been said so far with regard to the amendment to the Motion, do I understand correctly that comments may be made on the proposed amendment as well as the substantive Motion together?

The Speaker: Yes.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

The Standing Orders of the Legislative Assembly are the rules by which we run the business of this House. Under the British Parliamentary system it is my understanding that the rules of the various parliaments in the various countries are called Standing Orders. This to my mind serves a vital purpose. There are rules which govern each and every Member in debate when Motions and Questions are brought, or they set down how the House should generally function. These are the rules which the Speaker or the Presiding Officer enforces. Naturally they breathe fairness to all—even when, like in the case of this House, the Opposition is in the very smallest number. But under the rules of the House, the Opposition knows it can have equality in presenting its views because these rules are in place.

These rules, to the best of my knowledge and research, have been developed by the British Parliament through time-tested incidents. They came about when people became wise enough to know that rather than opposing forces, sitting with their swords on their sides and disagreements being settled by duels, it was better to set down rules and set a referee in the person of the Speaker to guide both sides. They could fight as hard as they wished to, verbally, but they did not have to resort to physical fighting.

I understand that the present Standing Orders of our Legislature were drafted in their full embodiment as they are now, except for some amendments in 1976 when we had the benefit of having the guidance of the person who was then Clerk of this Assembly (who is now the Honourable Speaker). We also had guidance from the person who was most able to do so at the time from the House of Commons in the United Kingdom.

So, I think that we have Standing Orders here now which are comprehensive in their own right. But as time has moved along, there needs to be some changes to update them, not only in keeping with our needs, but that they should reflect some uniformity with what is generally found and seen to be useful and necessary from the

functioning of the various Commonwealth Parliaments.

As noted in the recitals in the Motion there have been various instances where Motions were brought to change the Standing Orders. During the time of the last Government I can think of one brought by Mr. Franklin Smith, which was a motion proposing that the House should have a bill presented at one meeting, read a first time and dealt with in debate the following meeting of the House (which gave approximately a 90-day time frame for members of the public to see the bill and deal with it and for legislators to gather their thoughts and take advice from various constituents).

This was highly touted at the time by the Chamber of Commerce and various groups that bills were coming to the House in a rush and there was not sufficient time for the public to have access to these bills which gave everyone an opportunity to make up their minds and see the merits of it. That was referred to the Standing Orders Committee, but to the best of my knowledge it has never been dealt with (and I was here during the last Government and now this one).

The other matter which I recall coming to the House was a motion by the Government to introduce television into the House. Again, at about that time, the British Parliament was looking at that situation and was on the brink of allowing it to be done. Now, if anyone wants to stay up until the wee hours of the morning he can see Question Time in the British House of Parliament on C-Span on television. As for us, this has fallen away because there was an election since that time and a new House is in place.

I think, however, that both of these matters do warrant some consideration. The time for bills, even now in our Standing Orders, requires 21 days. Time and time again we see bills reaching the House after the meeting of the House has started; Standing Orders having to be suspended so that these bills can be dealt with. That is an area that I have serious concern with. I think that the Government and all Members of the Legislative Assembly should think very seriously about the practice of suspending Standing Orders right, left and centre.

It is my understanding that that was never the intention of Standing Orders. It should be the exception and not the rule. It is my opinion that during the past year it has become more of the rule. This creates an undesirable situation leaving it in the hands of the Government who has the majority to basically do whatever they want to do suspending Standing Orders.

We are in the electronic age of which television is certainly a part. I seriously believe that we should look at the possibility of allowing television coverage in the House—whether it should be as it is in the House of Commons where the person speaking is under scrutiny, or whether the camera would be turned on the House generally, are detailed aspects which could be worked out. But I think it is another means by which the public has the opportunity of seeing their elected representatives performing their duties—expressing their views. I said before in more than one debate, that I think this is something that the Government should look into doing in

the form of public broadcasting. Where Government through a public broadcast means on television would provide this service. It may be the case that businesses would find it attractive enough to pay for the air time for their advertisements. That is something which one would need to look at. But I think these are two areas which seriously needs to be considered.

There have been eight amendments to the Standing Orders since 1993, which goes to show that times have changed; things have happened which have warranted certain changes. At least in the minds of the Government there has been need for changes.

In 1993, there was an amendment which dealt with the quorum of the House and of committees. This came about directly as a result of the Constitutional changes which increased the number of elected members from 12 to 15. There was also the amendment which changed the time of notice of questions from five to 10 days.

Then there was the amendment to the Standing Orders dealing with the content and notice of motions and the procedure thereof. This is one amendment where I think it was retrograde and we need to look at it. This change made it impossible for a motion to be brought to the House unless notice has been given prior to the beginning of meeting of the House. Before that, once the five-day notice had been given, a motion could come about during the meeting of the House.

What that particular change to Standing Orders effectively did was to make it impossible for the Opposition to bring a motion at anytime while the House was meeting, no matter how important the matter might be, unless it got a majority (which is the Government), to agree to it. And we know how very happy the Government is to accommodate the Opposition. This is one instance where this was serious retrograde. It should be changed back to the way it was for the sake of democracy and for the sake that it gave the Opposition (the minority) the opportunity during the course of a meeting to put a motion before the House.

Of course there was also the amendment that changed the Finance Committee back to the way it was before—one which I totally agreed with made up of all Elected Members with the Financial Secretary as Chairman. I think the country on a whole was pleased with that reversal.

The situation when it came to the matter of dealing with asking and answering questions was also changed this year, that is questions being answered in writing instead of orally. I am pleased to see that it appears that there has been some reversal in the thinking of Government on this, in that all questions now reach the Order Paper. Whereas before there was the proposition that questions would be answered in writing even if they were on the Order Paper. I know that there was a comment on this by the Speaker. But I think this is something which needs to be resolved once and for all with proper guidance from people with the right expertise, over and above what we have here locally among ourselves as legislators and, certainly using as guidance the comments of the Chair. This is an area that needs to be set right.

The other amendment was the question of duration of select committees. It has been so amended that once a select committee has been set up it will run for the term of the House and not be required each session to be renewed. I think there is something to be said for the thinking behind this as it does mean a lot of paper work. But again, I also get the impression that it might fall out of place with the principles of the concepts of prorogation of the House. This is an area that I think needs to be looked at very carefully.

Overall, in a situation these Standing Orders (as we so term them) are of the most vital significance to the existence of the Legislature, past, present and future and they are not to be treated lightly. If that is the case the parliamentary process and democracy must suffer.

On the question of the amendment put forward by the Minister for Education and Aviation to delete the section of the Resolve which says that we must "**seek the advice and assistance of an experienced Parliamentarian as was done in the past**", I disagree with this amendment.

I disagree with this amendment on the grounds that other than the Speaker of this Legislature, few persons can claim any great experience in this field. Indeed, the Speaker and the Clerk (the Deputy Clerk in some instances) have had opportunities of attending various conferences and seminars which deal with it. But within the Commonwealth there are persons who are recognised as experts in this field. It becomes a thing of interest to them; they have studied it and through their long years of experience they have become experts in this area.

I do not think it would be in our best interests for the 18 of us to sit down (even though we do have a lawyer among us) and say that we are experts in this field and we will do it a certain way. I submit that one could have a half dozen lawyers reviewing these and they may speak directly to points of law as it is interpreted, specifically precisely and 'painfully' legally. But the whole process of Parliament has a greater fullness which includes the legal side. Also, certain parts which embody the thought process and actual functioning of parliaments that are not necessarily set down in the Standing Orders. That type of expertise is needed.

It is my understanding that for example, Mr. George Brancker, who is the Clerk of the Parliament of Barbados and Secretary to the Caribbean Regional Commonwealth Parliamentary Association, has a vast experience and is highly recognised by his peers and parliamentarians. Inviting someone like him to assist us in this exercise would be of the greatest benefit. I also believe that in this regard, rather than the Elected Members and the Official Members of this House, this is an instance where it is proper that the Speaker be invited to chair a Committee of this House in this particular regard.

Mr. Roy Bodden: Hear, hear!

Mr. Gilbert A. McLean: I put that view forward to all of the Members of this House. I read in *Erskine May* that normally, whenever the rules of the House come into play, it is always the Speaker who officiates as chairman of such a committee or someone appointed by the Speaker. But I do not think it would be good for us to delete this section. We should have such advice. I do not believe that we as 18 legislators can sit down and properly review the Standing Orders in their totality and get the widest benefit without certain expertise available to us. That is why it was placed in the Resolve.

I also understand that in conferences of Clerks and Speakers attempts are being made (at least within the Caribbean Region) to gather as much information as possible on the Standing Orders of all Caribbean countries in the Commonwealth. And, to see how far it is possible to create a generalised Standing Orders.

Of course with variations depending upon the Constitutional advancement of the country, which would apply to things like how Motions are handled or questions, etcetera. It is necessary to seek advice and assistance of experienced parliamentarians (as has been done in the past) and not simply confine it to ourselves to sit and posture that we are experts in this field. I think that I have presented the views of the Opposition, the Mover and Seconder on this Motion. The House is invited to

review the Standing Orders in their totality and I certainly would envisage this being done in a select committee. I would like to give notice under Standing Order 9 that I would like to move a Motion after the vote is taken that it be referred to a select committee if it is accepted. I recommend this Motion to the Honourable Members of this House.

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, you said Standing Order 9? Which one is that, please?

NOTICE OF MOTION

Mr. Gilbert A. McLean: Madam Speaker, I am sorry, it is under Standing Order 24, suborder (9) which reads: "**The following Motions may be made without notice.**" It would be (9)(ii).

The Speaker: There are four minutes left before the Moment of Interruption. The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, this Motion is one which I support subject to a very minor amendment that I have moved. The Motion itself will be putting the full Standing Orders into a select committee for study. The Motion as drafted, did not mention that this had been done several times in the past and obviously reviews from time to time will have to be dealt with.

The Motion itself probably does not come under the 24(9) rule, but I will address that tomorrow morning because there is a specific procedure on amendments to Standing Orders and it may or may not come under that.

The Motion itself is sound in its context. After quite a few years the review was published back in 1985 in a revised form. They have therefore been subject to several amendments by different legislators from time to time. It is also a time when we can consolidate the Standing Orders as well and get one complete document at the end of the day which will obviously be much more readable and understandable.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30. May I ask for the Motion for the Adjournment. Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this House until 10 o'clock tomorrow morning.

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

AYES.

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

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 8TH DECEMBER, 1994.

**THURSDAY
8 DECEMBER, 1994
10.22 AM**

The Speaker: I will ask the Honourable Minister for Education and Aviation to say prayers.

PRAYERS

Hon. Truman M. Bodden: Let us Pray.

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

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

Presentation of Papers and Reports. The first interim Report of the Select Committee (of the whole House) to Review the Gambling Law. The Honourable Second Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**THE FIRST INTERIM REPORT OF THE SELECT
COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW
THE GAMBLING LAW**

Hon. Richard H. Coles: Madam Speaker, I beg to lay on the Table of this honourable House the First Interim Report of the Select Committee (of the whole House) to Review the Gambling Law.

The Speaker: So ordered.

Hon. Richard H. Coles: Madam Speaker, the Select Committee comprised of the whole House, met once to consider Private Member's Motion No. 25/94 concerning the Gambling Law and has not finished its business, and presents its interim Report.

The Speaker: The first interim Report of the Select Committee (of the whole House) to Review the Sunday Trading Law (Cap 161).

The Honourable Second Official Member.

**THE FIRST INTERIM REPORT OF THE SELECT
COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW
THE SUNDAY TRADING LAW (CAP 161)**

Hon. Richard H. Coles: Madam Speaker, I beg to lay on the Table of this honourable House the First Interim Report of the Select Committee (of the whole House) to Review the Sunday Trading Law (Cap 161).

The Speaker: So ordered.

Hon. Richard H. Coles: Madam Speaker, this Select Committee has met twice. It has publicised its request in the newspaper for information and comments from the general public. Many letters of representation have been received either by myself or the Clerk to the Committee. A number of persons also wish to come and speak with the Committee. That will be facilitated in due course.

The Committee has not finished its deliberations and presents this interim Report and will meet again shortly after this Session of the House.

The Speaker: The First Interim Report of the Select Committee (of the whole House) to Review a Register of Interests for the Legislative Assembly.

The Elected Member for North Side.

**THE FIRST INTERIM REPORT OF THE SELECT
COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW**

A REGISTER OF INTERESTS FOR THE LEGISLATIVE ASSEMBLY

Mrs. Edna M. Moyle: Madam Speaker, I beg to lay on the Table of this Honourable House the first interim Report of the Select Committee to Review a Register of Interests of the Legislative Assembly.

The Speaker: So ordered.

Mrs. Edna M. Moyle: This Committee met on three occasions, namely, the 20th of July, 25th of August, and the 7th of December, 1994.

The Committee has not completed its deliberations and will meet early in the new year. We have received written representation and oral hearings. The Select Committee agrees that this Report be the interim report of the Select Committee of this Honourable House.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture has intimated that the Report which is the next item has not been finalised. This will be dealt with at a later stage during today's sitting or, if not, tomorrow.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

The Speaker: Statements by Members of the Government. The Honourable First Official Member.

ROYAL CAYMAN ISLANDS POLICE FORCE CURRENTLY ENROLLED AT THE LAW SCHOOL

¹**Hon. James M. Ryan:** Thank you, Madam Speaker. Madam Speaker, during the current sitting of the Legislative Assembly in answer to a Parliamentary Question on the list of members of the Royal Cayman Islands Police Force who are currently enrolled at the Law School, I responded to a supplementary question to the effect that Government is sponsoring these officers.

For the avoidance of doubt, I would like to set the record straight by stating that police officers currently enrolled in the Law School who are pursuing the Bachelor of Laws (Honours) Degree course are **not** funded by the Government. All these officers are paying for their own expenses. This applies to both Caymanian and non-Caymanian Officers.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, would you allow a brief question on the statement just made?

The Speaker: Yes, you may.

Mr. Gilbert A. McLean: Madam Speaker, I would like to ask the Honourable First Official Member if thought is being given not to allow contracted police officers time off to attend the studies as is presently being done. I understand there would be a difference for Caymanian police officers.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: I am advised by the Commissioner of Police that officers who get time off to attend the Law School work shifts (as most officers do) and they are, in fact, working their normal shifts outside of the time when they are attending the Law School. So it might seem a little unfair not to allow an officer to attend Law School, particularly if he is doing it on his own time and at his own expense.

The Speaker: The next statement is by the Honourable Minister for Tourism, Environment and Planning.

SMALL CRUISE SHIP TO CAYMAN BRAC

Hon. Thomas C. Jefferson: Madam Speaker, I rise to inform Honourable Members and the listening public that the Minister of Tourism, Environment and Planning and the Department of Tourism have been working for sometime to bring a small cruise ship to Cayman Brac and, with God's help, I feel we have succeeded.

The ship's name is Kazakhstan II with between 450 to 520 passengers (who are mainly Germans) on board. It is due to arrive at 8 a.m. on Monday, 9th January, 1995, and depart at 1 p.m. on the same day.

This agreement to visit Cayman Brac will be another breakthrough in this Government's effort to assist the stimulation of the Cayman Brac economy and allow the people of the Brac to showcase their island to cruise ship passengers.

We pray that the weather on the day of arrival will be favourable and that the day's activities will be comfortable and enjoyed by the visitors and the people of the Cayman Brac alike. May Almighty God continue to bless the Government and people of the Cayman Islands.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, may I be allowed one question?

The Speaker: You may.

¹ See: *Parliamentary Question No. 203, page 729*

Mr. G. Haig Bodden: I would like to ask the Honourable Minister if it is expected that these visits will be on a monthly basis?

The Speaker: The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, as I understand it, this ship is on a round-the-world charter and it was due to come into George Town Harbour. Unfortunately, we were unable to allow the ship into the Harbour because we had too many ships in on that day. So I guess the answer to the Third Elected Member for Bodden Town on this occasion is no. Certainly we will continue to work on it in the hope that it will be on a weekly basis by another ship.

The Speaker: Continuing with Other Business. Private Member's Motion No. 30/94, Review of the Standing Orders of the Legislative Assembly. The debate continues, the Honourable Minister for Education and Aviation.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 30/94

REVIEW OF THE STANDING ORDERS OF THE LEGISLATIVE ASSEMBLY

(Continuation of debate thereon)

Hon. Truman M. Bodden: Thank you, Madam Speaker.

Madam Speaker, the amendment that I have put to this Motion to delete the words, "**and seek the advice and assistance of an experienced Parliamentarian as was done in the past**", has been moved merely to give the Committee the right to call on the assistance of an experienced parliamentarian if it so wishes. But not to be bound to do so in the event that it is the wish of the Committee that it does not need that advice.

In other words, I am trying to conserve some of the public's money, if that is possible, and remove it from being a mandatory part of the motion. But if it becomes necessary for us to seek the advice of several parliamentarians, then, by all means, we would do so. That is basically the reason for the amendment. I also mentioned to the Mover that I would be moving the amendment and this is the reasoning behind it.

Madam Speaker, it seems that one of the main areas for criticism of the Government on this Motion is that Government has been waiving the Standing Orders of this honourable House too much. This was

forcefully put forward by the Mover, the Second Elected Member for Cayman Brac and Little Cayman. Yes, the Standing Orders of the House are suspended. In fact, they are suspended on a daily basis when questions are here. But it has to be a state of hypocrisy when the persons who benefit from the waiving of the Standing Orders take a point because somebody assisted in allowing them to get rights that they do not have. They turn around and slap us in the face and say we are waiving Standing Orders too often.

It has been said that a hypocrite can never repent because his repentance is, in effect, hypocrisy. So we have no hope for a Member who takes a point which assisted that Member in asking questions after 11 o'clock (and the only people it assists are the Opposition Members of this House).

The Honourable Minister for Tourism, Environment and Planning stood up and very piously and gently waived the Standing Orders so that the First Elected Member for Bodden Town and Second Elected Member for Cayman Brac and Little Cayman could continue asking questions, many of which, by the waiving of those Standing Orders, have wasted public's funds and Government's time.

One such example is asking how many passengers Cayman Airways carried in ten years? What I am really saying is that it has to be hypocrisy to take a point that we are waiving Standing Orders too often, when every day of our lives the Government waives Standing Orders for the benefit of the two Opposition Members whom I just referred to. I am really amazed because we rarely ever waive Standing Orders for our purpose.

Since this has now come up, Madam Speaker, why should we continue to waive the Standing Orders every day at 11 o'clock when there are questions here to assist the two Members who do not have the ability to pass that Motion. Then they turn around and slap us in the face because we are doing so. Yes, I will agree, Standing Orders are waived. But, Madam Speaker, from now on instead of calling on Government to waive Standing Orders, perhaps you should be calling on those who need the Standing Orders waived. We do not need it waived to have further questions asked of us. I hope the point that I am making here is coming through clearly.

I think that it is biting the hand that feeds you, so to speak—slapping somebody in the face for doing something that is helping you. I am really getting to a very tired state with this. I agree that Standing Orders need to be amended. I do not take the main point, however, that they are going to be amended so that we do not waive Standing Orders when the people putting this Motion are the people whom we waive Standing Orders for.

There are times when the Standing Orders obviously have to be waived. Nobody tries to do that from the Government side for the benefit of the Government

unless it is necessary. I can assure you there is a very minute number of the times Standing Orders have been waived for the benefit of the Government.

Madam Speaker, the Standing Orders, like everything else, needs to be reviewed from time to time. I agree and I agree with the Motion. I think we need to review it and we need to look in-depth at sections of it and see what is good and what is bad. I believe that perhaps the better way of doing that is for the Committee to look at it, perhaps produce drafts and then make a decision at that stage as to whether we need help in relation to any specific areas that may be erased, either for Members within the Committee or from you, Madam Speaker, or the Clerk of this Honourable House.

There are areas that I believe will come up for change and I am not going to take that point. But whenever the Standing Order is subject to change it normally follows a procedure under the Standing Orders of the House. This is not a specific change, it is a review which may not result in changes. So debate on it here is perhaps good.

I support the Motion. I would, however, call on the two Opposition Members who require Standing Orders to be waived on a daily basis to really try and look at something else to criticise the Government for. Rather than what the Government does to help them in their inability under these Standing Orders to perform their duties within the House.

Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I want to add my support to this Motion. The Standing Orders under which the House now labours have been in force for a long time. In fact, it was after the 1972 Constitution that the Legislative Assembly set about writing these orders. Although I do not want to reveal my age, I was a part of that Committee (as I believe you, yourself, Madam Speaker had been a party to it). We had the help from the then Clerk of the House of Commons, Mr. Benson, and the late Mr. Willie Farrington was also on that Committee. The Standing Orders have served us well over a 20-year period.

There was a major revision in 1985, and of course, from time to time there have been some other consequential amendments. But with the passing of time it is necessary to review, revise and to put the Standing Orders into one document that will be easy for Members to work with.

I do not think it is necessary to go into the changes that need to be made as the Mover of the Motion, the Second Elected Member for Cayman Brac and Little Cayman, in his own eloquent manner detailed some of the problems that we are facing. Other speakers have highlighted some of them and as the Review will examine in great detail each Order, I am certain that with the

questions Members now have every Order will be explored, if not changed and perhaps either cast aside or endorsed and kept as a memorial as it has been over the years.

The new Constitution that came into effect posed certain problems with the Standing Orders. You, Madam Speaker, have made certain statements about specific Standing Orders which show that there is need for improvements. In fact, only quite recently, although I was not present, the House dealt with a motion for an adjournment and the Standing Orders do not really cover the motion for adjournment in any specific detail. It is true that the Standing Orders say that when a matter is not covered we can refer to Erskine May. But I think it is time that the Standing Orders be widened to cover such eventualities.

For example, the adjournment motion should say what time can be allowed, as that motion usually comes at the close of the day when everybody is tired. I believe the adjournment motion should specify who should speak and how much time should be allowed (maximum time). These are matters which have suddenly come to light. The adjournment motion is very important. When that matter came up it last week (or, whenever it was) it was really a matter of national importance. These are the reasons for the review. It is not a matter of changing for the sake of change.

I look forward to, if I am allowed to join this august body sitting in on these meetings, perhaps taking part in adding my small bit to the 'reconstruction' (if I may call it that) of this valuable document which is the 'bible' upon which law and order is founded in this Legislative Assembly.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Private Member's Motion No. 30/94, Review of the Standing Orders of the Legislative Assembly. Based on the short time that I have been here I find this Motion not only timely, but one that is very important. I am pleased to hear that the Government has the will to accept the Motion.

I have found that Standing Orders are to this honourable Legislative Assembly what fuel is to a vehicle; it is what a dictionary is to a student and like a Bible to a preacher. The fact that there have been eight amendments (as mentioned in the Motion) to the Standing Orders since 1993, clearly display to me a need for a complete review in order to bring these Orders in line with the times.

If we take a quick look at Standing Order 75, which refers to a Standing Orders Committee, it reads: "**There shall be a standing select committee, to be styled the Standing Orders Committee, to consider from time to time generally what changes to Standing Orders are necessary and desirable and par-**

ticularly to consider any proposed amendments to Standing Orders which are referred to it in accordance with paragraph (3) of Standing Order 84." I mention Standing Order 75 simply to say that the review this Motion is calling for, to my understanding, is over and above what Standing Order 75 calls for. It is my hope that the other Members view the purpose of the Motion in a similar light so that we may be able to deal with such a Committee in a different fashion.

The way that it normally runs is that the Standing Orders Committee will consist of all Elected Members of the House and is usually chaired by the First Official Member. My point has nothing to do with the First Official Member, but I believe that the review that is being called for here is not piece-meal, which is what Standing Order 75 refers to. I simply started off by making that point in the hope that we can deal with this to bring about the proper end result.

There is another point that I wish to make regarding the Motion, if it is carried. Prior to this we debated another Motion whereby we were seeking to establish a Code of Ethics and Conduct as companion legislation to the Register of Interests. Again, I wish to point out that while we are examining all three of these matters there is a sequence in my mind that we need to follow. I think the ideal situation would be when the Review of the Standing Orders is completed we are able to have one complete document that we can go by which will encompass all of the previous amendments that have been made along with whatever results from the Review.

In saying that, I think we must bear in mind that both a Register of Interests and a Code of Ethics and Conduct may well have bearing on possible changes to these Standing Orders. If we look at Standing Orders 79 and 80, under the heading of "Pecuniary and Professional Interests," it is obvious that there may be changes at that point in time. So I just wish for us to follow a sequence of events in the Committees so that we do not end up with a new set of Standing Orders having to be amended after a Code of Ethics and Conduct and a Register of Interests are established.

Madam Speaker, the importance of these Standing Orders is not something to be taken lightly. We need to bear in mind that our way of dealing with matters in this honourable House is not only influenced, but determined by these Standing Orders. I think it is also very important for us to bear in mind that the Chair in which you sit, Madam Speaker, is one that is of vital importance to the running of this Legislative Assembly. It is only fitting that you have the right tools to work with: modern tools which suit the times.

Suffice it to say, regarding the matter, this is a very important step that we seem to be embarking upon. I trust that the committees that are being formed, with the other matters that I mentioned previously, will also be expedited—so that we do not find ourselves

'downline' with the House being prorogued and these Committees not having concluded.

There is also another matter I wish to address. I have noticed on the odd occasion (it matters not who the individuals are, it could be me, I dare say I do not think it is, but it does not matter) that the interpretations by the Chair of certain Standing Orders is questioned by Members and there are disagreements with these interpretations. It might be that the way the Standing Orders were originally written created the possibility of ambiguity. I quickly mention this for us to bear in mind that in the process of review it is important that we all be very open; whatever disagreements there are with interpretations can be cleared up so that there is no question about these matters. There might be more that will arise between now and then. I just hope that we are able to get the new document as straightforward as possible, under the circumstances, where there is as little chance as possible of question of interpretation.

I certainly commend this Motion. The amendment that has been brought to the Motion puts me in a dilemma to be very honest. I heard the Honourable Minister for Education and Aviation this morning as he explained his reasoning behind the amendment; I have to admit that there is merit to what he has said. In looking at it from the other point of view, it is my opinion that it is rather impossible to pin too much importance to the Standing Orders of this honourable Legislative Assembly. With that in mind, I think that we should ensure that we have the resources as far as possible to ensure that the end document is the one that is correct and proper for this House. By no means should we try to curtail our review simply by not having access to certain things.

The question that I have not been able to answer is: If outside assistance is sought what type of cost will this incur? It is my feeling that the cost may not be prohibitive. I certainly suggest that if the cost is not prohibitive we may wish to get some input. But nevertheless, I will have to place my judgment to put a certain amount of trust in the Government where restrictions are not placed on the process simply because there may be varying views on the matter. I am saying to the Government at this point that I hear what it is saying. But please, for God's sake, make it no different when the time comes.

There is much more that can be repeated about these Standing Orders and I dare say that Honourable Members who have preceded me in the debate have qualified their contributions in the various areas. Repetition need not be made. I therefore give this Motion my full support. I look forward to working with all the Members of this honourable House and whoever else is deemed necessary to be a part of the process to bring about the right end result.

Thank you.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, again this is a matter that the Government can support—this matter of doing a Review of the Standing Orders. I guess each one of us in this honourable House will have reasons as to why the Resolution needs to be passed. Certainly, the Opposition cannot expect that the only reasons for reviewing of the Standing Orders are those which they claim to want.

I support the Review of the Standing Orders because in March 1985 I moved a resolution to get some changes in the way this House performed its business. It was one asking for a Committee to consider a proposal and any consequential amendments to the present Standing Orders. What arrived out of that (and I was in the minority at the time) was not something I believe should have happened. In fact, they did not do anything along the lines of what the Resolution asked for. For instance, I have always held the belief that this Legislature should begin its work at 2.30 in the afternoon, or there about, and carry on until about 7 o'clock or 7.30 pm. Of course, at the end of that time arrangements could be made for business to continue as Members see fit. I still hold that belief today because the country's affairs are not diminishing; the importance of legislation, the importance of work needing to be done within Government, itself, is not diminishing. Ministers, Madam Speaker . . .

And there could be many reasons why certain things happen. For instance, the Order Paper this morning shows that I was expected to lay a Status report on the Table. But, because there is so much work in the Ministry, it could not be completed in time for 10 o'clock. It is here now, but I had to be allowed extra time for it to be completed. If we had begun at 2 or 2.30 p.m. then the paper would have been laid in its rightful place.

There are many reasons why I believe we should meet at that hour instead of this ungodly hour of 10 o'clock in the morning when everybody is fighting the traffic to get here. Being a small community, our constituents show up at our homes—not our offices—which cause us to be late. These are all reasons why we should change. I remember one of the Members (as they were called then) saying: "I do not want to meet at 2 o'clock because I am at my best at 10 o'clock in the morning."

Madam Speaker, what came out of those changes that I asked for in 1985, was a change in the way we voted for Executive Council. For instance they could not agree among themselves who would be called the First Elected Member, and since some had gotten First Elected Member and others had not, the picture was changed completely. No more are the words *The Member/the Minister (for whatever Ministry), First Elected*

Member of Council used in the House. Maybe it was a good thing because it was a very wordy Standing Order for the Speaker to call on that particular Member at the time. That was one of the changes.

But looking at Standing Order 5(1) which gives the House the right to elect Members to Executive Council, the words "Member of Executive Council" are still used while we are now called "Ministers" and "Official Members". So there is some cleaning up to be done and I can appreciate the Motion this morning.

Madam Speaker, first of all I would say that I do not support bringing anyone into the Committee. For one thing, having just passed the Budget, there is no money appropriated to bring in anyone from overseas. And while there are people [locally] who are qualified in this sort of thing who could be of assistance, I believe that sitting down together as Members where we can refer to the Speaker for some guidance [is sufficient]. I do not see the need.

The last experience I had with an outside person coming in to do work along the line of such an important matter was on the Constitution. I rightly recall what went on with that, Madam Speaker. They came here with a mind-set regardless of who supported what position for constitutional changes. Those Constitutional Commissioners came here with a mind-set. I remember making a recommendation (although I was in the minority), for a change to a committee system of Government. I think all Members here know what a committee system of Government is: Instead of having Government and Opposition in a formal setting like this, we would have a committee system where we have committees, whether it would be the Committee for Finance or a Committee for Tourism. That would have taken away all the fighting that goes on between Members. All Members of the House would sit on a particular Ministry and could make their wishes known. They could have a President or call the person a Minister if they would like. It could be done.

The Constitutional Commissioner did not even make the recommendation. Nowhere is it to be found in the Constitutional Report. He would not even consider it. He was pushing a ministerial form of Government, which we now have: in fact he was going further. But that is not the debate here this morning.

Sometimes we are lucky to get people who understand the system our Government operates under, but at times we get others who push their views and sometimes their views are taken above the sensible propositions. So I am not going to support [bringing in someone from the outside].

Madam Speaker, the Opposition's issue seems to be that they are hampered in the way they do business. I do not agree with that and I will get to that later on. The Mover, the Second Elected Member for Cayman Brac and Little Cayman, gave an example of motions that the Opposition could move for urgent matters. The present Standing Orders give many areas that could be

used by the Opposition. Of course, we have to study our Standing Orders and that comes over a period of years when we learn what is there and what can be done. But if we look at Standing Order 11(1) which says: "**When for any reason it is not desired to formulate a motion in express terms for the purposes of debating a matter or matters, a motion 'That the House do now adjourn' may be moved for the purpose of such a debate.**" First of all it is not the Government who has any say on that; it is the Presiding Officer, the Speaker, to whom the application is made for such a matter.

We experienced that a few days ago when the Speaker allowed the same Member moving this Motion to raise a matter of urgent public business which was not on the Order Paper. It was set down for a later time in the day and as the Presiding Officer rightly saw fit to do, it was debated. Now maybe what can be said is that a longer time could be allowed for Members to air their complaints. But it is not a general debate: it is to draw to the attention of the Members of the House matters of urgent public business and for some sort of redress. One of the reasons why the Presiding Officer should give a later time, instead of at that moment, is to allow the Government to formulate an answer to what is being questioned. Standing Order 12 can be used similarly.

Another area which the Opposition can use is Standing Order 24(9)(viii) which says: "**a motion arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;**". But this Standing Order 24 (9) gives a whole list of motions which may be made without notice once it is not a motion that is the same in substance as the one that was passed or had been put to the House during the previous six months: Order 24 (9)(i): "**a motion that a petition or other paper do lie on the Table...;** (ii) **a motion to refer a bill or any other matter to a Select Committee;**". While people may not think that these are important, it gives them the chance, if they are successful, to be able to further their thoughts on a matter that they probably had finished speaking on. Standing Order 24(9)(viii) is a substantial motion and can be used by Members who wish to raise a matter.

Madam Speaker, that is not inclusive of the substantive Standing Orders to deal with motions—which gives the time frame when a Member must submit a motion. With the many complex issues that are raised, time has to be given for the Government to be able to do research on any particular matter raised by anyone. Therefore, we should not be able to come into the House and bring a matter that is urgent without the Government being able to answer back properly.

Bills seems to be one of the long-standing issues. I believe the Chamber of Commerce first raised this issue of bills having 90 days. The Second Elected Member for Cayman Brac and Little Cayman com-

plained about this matter. I agree wholeheartedly that all bills should be given the longest time possible for public scrutiny before passage in the House. But there are, and must be, exceptions to that rule. As has been said, this Government has only suspended Standing Orders where it became absolutely necessary. Certainly, we have not done so at every meeting, only in exceptional matters.

As we all know, bills are not written by the Ministers in Government. We have a Legal Department that performs this task and sometimes when some segment of the public asks for a matter to be urgently addressed, this must be done quickly through the means available to the Government, especially if that matter is raised when the House is in session. Why should we not? The Opposition might not agree, but the Government is in the majority and we need to have the ways and means available to us to address problems.

Now I would not say that we must bring in draconian legislation at the whims and fancy—or at the drop of a hat, as we would say. At no time in our stewardship of this House have the Standing Orders been suspended for a major piece of legislation to be passed.

Madam Speaker, the late Mr. Ormond L. Panton sent me a copy of the Standing Orders of the Legislative Assembly of Justices and Vestry of the Cayman Islands, and these were (I believe) adopted by the Justices and Vestry in the session of September 1920. If we look at what they did with motions, we can see that we have come a long way with motions, questions and resolutions. In those days motions had to be given seven days' notice before they were presented to the House. So I do not think that we are so bad off today. Maybe I should give Members a copy of this. If the Sergeant-at-Arms would lay it on the Table, Members could get a copy if they wish.

I do not think that the Opposition has a right to complain—bitterly in some instances—about suspension of Standing Orders. Yes, there are Standing Orders that can be made clearer. But the Opposition is opposition and they must understand this: while they are a minority and must be protected in a democratic country, they are not the Government. They cannot expect that a government is not going to carry on its business in the way it sees fit, prudent and fair to the vast majority of the population. While we might not be in tandem with what they want, we have been given a mandate (a very large mandate) to carry forward our policies and we are going to find the ways and means of doing it. Sometimes it is done in a rush because as I said before, it is an urgent matter, and in no way, shape or form can the Opposition show where the suspension of Standing Orders has been to the detriment of the public's business.

Now he [*Opposition member*] chose to highlight the amendment affecting Question Time—one that generally comes to mind. However, there has been sufficient time, and I believe in this Session there have

been some 171 questions about any and everything, so the Opposition cannot say that the Government is using its majority to stop them in any way, shape or form.

Of course, when they do not get their way in here, they can go to the press and we know how the press loves the Opposition. He chose to highlight that one because there was an amendment affecting the issue which was not clear, and I believe we can make it much clearer in this review. But he only glossed over the amendment that is most important to the country—the amendment to Standing Orders to put the Finance Committee back in the hands of the elected representatives.

Madam Speaker, as far as I am concerned, this was one [amendment] that the country—remember this—demonstrated on, a very large demonstration took place. People walked through this town and went to the Government House to address the Governor on this matter. We felt as representatives, and the country felt, that the matters of spending money and deciding where money should be spent should not be in the hands of people who do not face the public. This was taken away from us, those of us who sat in the House at the time, including the two Elected Members of the Opposition.

We all recall that the Magna Carter is a document which came into being because the people's representatives were not given the right to spend money. We were a majority of Elected Members, but we did not have the right to say where money should be spent; simply because people who were not elected combined with the Government to outnumber those of us in the majority on the elected side.

So I would have thought that the Member would have highlighted that amending Standing Order, rather than gloss over it to highlight one of questions which is so often answered in this Honourable legislature.

Madam Speaker, there are areas that I want to see changed. I do not agree with allowing television in this honourable Legislative Assembly, unless it would be for ceremonial occasions and such. But, generally, I would not agree with television being in this House. We are not losing anything by it not being here. All of our debates, every matter, inclusive of prayers, are now aired on Radio Cayman. I cannot see what television could add to this honourable House except that some of us might dress a little better, put on our Sunday best at all times, and perhaps we might extend the debate time from four hours to eight hours. Look at the fun that we could have in front of the television camera. I do not agree with this.

The influence of the media (that is radio, television and newspaper) has already had a profound effect on the culture of our small country. Yes, it can lead to enrichment. But what we now see on television does not lead to enrichment. It is to the detriment...and I say it often in this House that from the day we started getting American television full bloom in this country we saw a

deterioration of morals and attitudes of young people, with all the crime and everything else that is broadcast. I do not agree with it.

One change I want to see is that of the admission of the press to this House. I could give many examples, but the one that stands out in my mind is of the reports which come from this House. We must understand and the press must understand, that the reports of this honourable Legislature must be a fair representation of what was said—not may, but must be a fair representation of what was said. I am certainly appreciative of most of the coverage they give this House, but there are times when they challenge the Members of this House by not reporting correctly and not reporting fairly.

One issue comes to mind, Madam Speaker, and that was the report on the debate of where the Drug Rehabilitation Centre should go. They reported that I said that it was going on the property that Government bought for it regardless of who liked it. What they did not report was that I continued by saying that whether it had to be by my house or in the front of my mother's home, the country needed it; it had demanded it. The Government had agreed to purchase the property and we were going ahead. They would not report that, simply because they wanted to portray me as being somebody who did not care about what the public was saying. If that is not nasty reporting, if that is not biased reporting, then you tell me what it is.

These reporters live here and they know what could cause a Member grave problem with the public. They notice, especially if they do not like a particular Member, what issues the public needs to know about, and if they are political, they are not going to report anything, no matter how relevant the point made, that would draw attention to their friends and make them look bad. And because we are a small country we know who associates with whom. We know that a reporter could be partial with someone when they march up to North Side to hear a former Member tell more lies about this honourable House than have ever been told by any other Member, but would not come to report a public meeting held by two Ministers giving an account of their Ministries. I know that those coming behind me can say: "Well they choose to do what they please." That is true. But what I am saying is that we know how political they can be. That is the issue that I am dealing with.

Madam Speaker, on the matter of the Port Authority Licensing of Vehicles Bill, the previous Member who was in charge raised the issue when he was but an ordinary member on the Backbench with myself. He complained about the inaction of this Government on the issue after the people had voted him out. Yet he has spent four years dealing with the matter and did nothing to correct it. In fact, it was infested with problems because of politics (and this is my opinion), they did not raise that issue in the newspaper. They raised

the issue as I said regarding the motion brought to address the problem in 1986 (to give a date). But would not say that he did nothing about it in 1989 when he had the constitutional ability to do something about it. If that is good or fair reporting then Members coming after me can show me how.

The press is important. But they have to be fair (and I am not going to put any halo on them). I know that some reporters are very personal and often times do things deliberately to hurt Members who they do not like. I can tell the House that they will attend public meetings and will say things that are said which should not be brought in the newspapers but leave out other important things that were said.

I know that the First Elected Member for Bodden Town had a meeting and I know that he raised some very important matters. The only thing that I think they could put in the [newspaper] was that he said that I had no (I guess) college education. Is that good or is that trying to do something for the public? No, it is not! I do not care who comes behind me and says otherwise. It is not!

While I have fought in the past for freedom of the press (and I will continue to do so), with that freedom comes responsibility and that responsibility is to be fair. It does not mean that (and I hope that Members in this House understands this) freedom of the press gives reporters the right to write as they please. It does not! It means, Madam Speaker, that a reporter must be fair and that with this freedom comes much responsibility. It cannot be over emphasised that the greatest responsibility is for the reporter to be fair and impartial. When that fairness and that impartiality are not evident, then the integrity of the press must be called into question.

Why be so eager to print bad news? To put on the front page news about crime? Yes, the public needs to know, but it must be tempered, Madam Speaker. Why be so eager to blow up that sort of thing? Why not print the truth about great national figures and policies? For instance, why not print what was said at the dedication of the First National Hero's statue—rather than just gloss over it?

These are things that build character. These are things that should interest our children. These are things we should read in the newspaper: things that should be [recorded/preserved] for posterity, not about who got what education and so on. Not about the petty crimes that happen in the country—blown up to make it look as if we are overcome by these events. Why not go through the length and breadth of this country and show where our women have come from and what they are doing in the work place? Why not these kinds of stories? Is it the business of the press to make money, or to be the bearer of good tidings of general knowledge that can uplift our community?

The press has my support and always will. But you can bet that I am not going to put a halo on them and say, "*Oh because of freedom of the press we need to*

let them say what they want; let them do what they want and be what they want." Often times there are editorials and articles written by reporters about Members trying to damage the reputation of not just that particular Member. But sometimes the writing is where it involves doubt about the whole House. Some of them, Madam Speaker, do not have the character of a toad—enough said! But we have to put sanctions in our Standing Orders for when reports are deliberately manipulated to show someone in a bad light. I am not saying that this should be to the point where it disallows them from reporting, but the Speaker who is in charge of the orders of the House must have some power to address these issues.

I have brought matters to the attention of the Presiding Officer before, but there are no powers in the Standing Orders: except that the Presiding Officer can only beg the press to be fairer and more careful when they report. I think we need to go beyond that. The Presiding Officer should have the authority to deal with it.

Madam Speaker, I certainly support this Resolution. As I have said, there are many matters which need to be addressed and we should at all times give the Opposition (if that is what they are complaining about) the opportunity to represent their constituency in the best manner possible. Already too much doubt has been cast on the House and we should not do anything that will not allow Members to be able to make representation.

Too often we get blamed, cursed, and all manner of evil said about us when we try to do things and cannot get it done. We then fall into disrepute with our constituents. This is not the purpose of the Government. We shall see that the Opposition, whether they are small in number or large in number, is given every opportunity. I say this now, that under the Standing Orders as it is, they can and knowing the Opposition, they do, take every opportunity to let the public know their feelings. Not that they are right at all times. I would hope that they do not think that they are right on every issue.

Madam Speaker, this Resolution has my support. It has the support of the Government, except the one area of bringing in someone from overseas. I cannot support that, but I give the Motion my full support.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.51 AM

PROCEEDINGS RESUMED AT 12.18 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 30/94. The First Elected Member for Bodden Town.

Mr. Roy Boddén: Thank you, Madam Speaker. This Motion to which I have given my support as Seconder, also has my voting support. I believe, like most Honourable Members who have spoken, that we have approached the time when we need to review our Standing Orders. I cannot, however, support the amendment brought by the Minister for Education and Aviation on behalf of the Government. In some instances, and this is clearly one of them, we cannot be wholly motivated and guided by monetary costs. Advice of this nature, I believe, transcends the boundaries of a couple of thousand dollars. Certainly, I do not think that the country or the Parliament would be worse off if we had to expend a reasonable amount of money to procure the services of an expert.

What we are talking about here in having a set of Standing Orders which is sensible, lucid and agreeable, is a matter which is not only going to serve the present Members of this honourable House, but future members inasmuch as the present Standing Orders that we have which go back to the 1970s and beyond.

So I think that this is a clear case where we have to set aside the financial costs and look at efficiency and expediency. While I am on that I might draw reference to our Standing Order 70(1) which allows the Committee to send for these kinds of people who we need to provide expert advice.

There are a few points that I would like to mention before I introduce a new dimension into the debate. I would like to pick up on a couple of comments made by the Minister of Education and Aviation.

I got the impression from his debate that he was concerned with the business of the rights of the Opposition. From the tone of his argument I would have to ask if he is advocating curtailing these rights. He dwelt upon (as he has frequently when the occasion presents itself) the notion that the Opposition takes an inordinate amount of Government's time asking unnecessary questions. Well, I might point out that it is only in the mind of the Minister for Education and Aviation.

I believe that those of us who term ourselves "Opposition" (the two of us), for the most part are performing a vitally important role in the Parliament. In the Westminster system we are an absolute necessity. I could not understand what inference the Minister was drawing when he spoke about hypocrisy. I might remind him, Madam Speaker, that when we were seven in the last Parliament we constantly bombarded a government which sometimes had a majority of only one (and I say sometimes) with at least three questions—substantive questions—every day. Multiply that by seven then add the number of supplementary questions and one would see that the situation faced by the Government now is far more conducive, as compared to the government operating then.

Madam Speaker, I want to say this because we so often talk about the past Government. The past Government never complained. They sat day after day and

took that, when they could have changed the Standing Orders too! So I want to highlight, that if the Minister for Education and Aviation thinks his Government is in a bad position, reflect on the past and see what kind of predicament they were in. They just wanted to handle the money, but they were not concerned about the questions so much.

Madam Speaker, the Fourth Elected Member for George Town touched on a good point and I would like to take that a little farther. We need to get into the Review of the Standing Orders if, for no other reason... and I noticed that from time to time recently, some Honourable Members have taken to challenging the rulings of the Chair. It is my understanding that the rulings of the Chair are sacred and sacrosanct. So I am glad that Members have accepted this Review because if for no other reason, we can get an understanding of the position of the Speaker and we can develop a decorum and the respect for this position that sometimes escapes us now on some occasions.

Madam Speaker, there was much in what the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture said which I can agree with. I do not need to elaborate on that except to mention some points he raised to do with the position of the press which give me concern. It is my understanding that the press is not bound to be fair as they are bound to be accurate. I contend that fairness is a relative condition; for what is fair to you might not be fair to me and what is fair to me might not be fair to you. Responsibility has to do with accuracy and if they report what is accurate that is all we can demand of them.

I would also bring to the attention of Honourable Members of the House that over 200 years ago an editor for the *Times* remarked that the role of the press is not to influence the people on behalf of the Government, but to influence the Government on behalf of the people. So it is my contention that we will always, irrespective of which side we are on because the Opposition does not necessarily have any more friends, powerful friends in the press than the Government has. So the role of the press is to call it...

[Inaudible interjection]

Mr. Roy Boddén: Madam Speaker, I might really call on the assistance of the Chair to check the Government. It seems the Government is spying on the Opposition. *[Members' laughter]*

As I was saying, Madam Speaker, I believe that the press must be accurate. But it is my contention that to expect them to be fair is a relative term. Fair according to whom? I notice that when the press is favourable to the Government, the Government says that the press is a darling, but when the press takes a line that looks a little bit like the Opposition is doing a good job the Government is quick to cry foul. In any case the

new dimension that I want to bring in is this: While we are reviewing the Standing Orders we might also consider reviewing the Legislative Assembly (Immunities, Powers and Privileges) Law. There are some sections of this Law that I believe are antiquated. For example, under the section `Offences relating to admittance of the Assembly. It talks about a penalty not exceeding \$50. I think that we need to review that. On other offences it mentions in section 18(1)(a) whoever disobeys an order made by the Assembly or a committee... it talks about a penalty not exceeding \$100. I think it would be wise if at all practical, legal and constitutional when we are reviewing the Standing Orders, to also review the Immunities, Powers and Privileges Law. I believe that is all that I need to add since the Leader of the Opposition made his point when he spoke. The Government now with their new tactic of jokes neutralised whatever else I was going to say. I will take my seat.

[Laughter]

The Speaker: If no one else wishes to debate, I will ask the Mover of the Motion if he would like to exercise his right of reply. I will indicate that I will call for the luncheon suspension at 12.45 p.m.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

First of all I would like to say that I am pleased to see that the Government supports this Motion for a review of the Standing Orders of the Legislative Assembly. I think in the overall debate of Members it has been recognised that the Standing Orders have been standing long enough to be reviewed.

It has also been recognised that the many amendments which have been made to the Standing Orders show that it is necessary to bring them in line with the times. Indeed, in some instances, with the thinking of the Government of the day.

The seriousness of Standing Orders cannot be over-emphasised. Without the Standing Orders this Legislature (and any legislature), would be in a state of chaos. It is because there are Standing Orders, such as ours we are able to conduct the business of Government from a legislative point of view within reason and with good order and temper.

I wish to reply to points raised by the Minister for Education and Aviation. The first is that I think we are absolutely thinking incorrectly that we should not want to have someone with expertise in the business of parliamentary democracy on Standing Orders advise us. We should not propose to be capable of simply sitting down by ourselves to review the Standing Orders, as seems to be the view of the Government by what was said by the Minister for Education and Aviation.

I am not suggesting that it is not possible for us to know of various things under the Standing Orders that need changing, such as quorums (which need to be changed), and even reference to Speaker versus Presiding Officer or President. These are all standard things, but there are undoubtedly new thoughts and concepts involved regarding Standing Orders within the Commonwealth parliaments where we will need the advice of someone with the expertise in that field. I am certainly not about to recognise the Minister for Education and Aviation (although he is a whiz kid in law, so he tells me) as being the ultimate authority when it comes to examining these Standing Orders.

Madam Speaker, we do need the advice of persons who are capable of doing so. The person who I suggested from Barbados, is the Clerk of the Barbados Parliament, Mr. George Brancker. He is recognised in this region as someone with great expertise. I understand he has been called in to advise the governments of various countries, including Africa. He is not just limited to the views here on the Caribbean scene. I understand also (as was reported by the Speaker of this parliament in a report) that he was quite instrumental in coming up with draft Standing Orders for the Caribbean region which was presented at the Clerks and Speakers Conference in Dominica—where an attempt is being made for uniformity within certain areas such as debates, motions and questions.

What is hoped for is that various parliaments in the Caribbean will send forward their recommendations so that there could be a generalisation on particular areas of the Standing Orders. It is very important, Madam Speaker. Again, we could look for assistance from the House of Commons if needs be. But, certainly, we should have the ability to have advisors who are up-to-date with current thoughts and practices on Standing Orders within Commonwealth Parliaments open to us.

The Minister for Education and Aviation spoke about criticism by me, regarding the suspension of Standing Orders. I must criticise it, for it has become the order of the day during the time of the present Government. We had Standing Orders suspended here the other day during the time of debate on the Budget: In three minutes the Government railroaded through [the House] by an amendment, the Marriage Law which makes it now possible for a couple from Timbuktu to walk off a cruise ship on to the terra firma of the Cayman Islands and be married because they hold cards that were given to them by our immigration.

The Minister responsible for Community Development, Sports, Youth Affairs and Culture also spoke about the Government not suspending Standing Orders on any important issues. Madam Speaker, towards the end of last year, the Government in three minutes suspended the Standing Orders to make major amendments to the Traffic Law (as to what changes should be made; also to the Customs Law (to give Executive Council the power to decide what should be imported

into the Cayman Islands). This was in the Law prior to that.

And they spoke about not suspending the Standing Orders and suspending them to deal with major things? That has to be a joke! Certainly, when one speaks of hypocrisy, Madam Speaker, that is really quite incredible, because no one jumps to criticise another person of being a hypocrite quicker than someone who is a hypocrite.

Madam Speaker, we always hear the Minister for Education and Aviation speaking about defending the rights of people; he particularly likes to think about defending the rights of children. There is no country on the face of this earth greater at defending the rights of people than a country which gives them their rights through a Bill of Rights. That Member, Madam Speaker, is the one who took out from the new Draft Constitution the section dealing with the Right of Conscience. The United Kingdom would not accept that, they could not accept that. It would have been something utterly objectionable from the world's point of view. He took the whole Bill of Rights out of the Constitution. And he talks about defending the rights of people?

Madam Speaker, one's actions speak [louder] than words. **"Not every one that saith unto me, Lord, Lord, shall enter into the kingdom of heaven; but he that doeth the will of my Father which is in heaven."** We know the Father wants us to treat each other properly and a Bill of Rights will see to that.

The Speaker: On that note may we now have a suspension until 2.30 p.m.?

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated.

Debate continues. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, when we took the suspension I was replying to comments made by the Minister for Education and Aviation. He was making much of the fact that in presenting the Motion, I commented on the Government suspending the Standing Orders too frequently. I showed that on major matters, such as the amendment to the Customs Law and the Traffic Law which took away the authority from the Law and gave it to the Members of Executive Council (under regulations) they suspended the Standing Orders.

Madam Speaker, for a long time the Minister for Education and Aviation has been harping on the point of Opposition Members asking questions in this House. Under the British parliamentary system this is an integral and vital part of the parliamentary process. In fact,

it is quite unique, for it does not obtain similarly in other jurisdictions, I am reliably told—except those of the Commonwealth that have adopted the British style of parliamentary process.

I would like to quote from a book called: *How Parliament Works* by Paul Silk. On page 181 under the caption "What Are Questions", it reads: **"ERSKINE MAY tells us that the purpose of a question is to obtain information or to press for action. As has already been clear, the people who have the information and the ability to act on it are Government ministers, and it is they who have to answer questions."**

It goes on to say, and I quote: **"Many government supporters might like to ask questions of the leaders of opposition parties, but they cannot do so by means of the parliamentary question system. Questions then are part of the process by which the Government is held to account. They are one of the best known, but misunderstood features of the House of Commons and it is on procedures of this House that we will concentrate."**

Madam Speaker, this is text which is specially written on how parliament works and that is what it says in the very beginning of the chapter dealing with questions. On page 182 it reads: **"Ministers are responsible to parliament only for justifying their own policy, not for attacking the policy of the Opposition."**

That is quite natural for it is the government executive who has control of the business of Government on a day-to-day basis. I seriously wonder if the Minister for Education and Aviation would rather see no questions whatsoever asked in the House. If that is the case then I challenge him to bring a Motion to this House that questions should not be a part of the process. *[Members' laughter]* He should be bold enough to do that. Who is he? And how dare him talk about wasting the time of the House during Question Time? During the past several weeks since we have been in this meeting, if we look at the reports in the newspapers we will see (and the public at large would see) information that we did not know and would never have known had no questions been asked.

I do not apologise in any way for the fact that there has been, according to the Minister for the for Community Development, Sports, Youth Affairs and Culture, something like 171 questions asked in the House in the past year. The answers that were given were vital information and the public should have known. Time is not wasted when Ministers must take time to answer them.

The Minister for Education and Aviation said that every day the Government suspends the Standing Orders to allow questions to be asked. That is an untruth! There has been no questions for the past week or more. On the average there are about nine questions per day, and those nine questions do not take the one hour that is dedicated to Question Time each morning.

On the occasions when the Standing Orders are suspended to allow questions that are on the Order Paper to be completed, it is because of Government Ministers making numerous statements that take up the time during that particular hour. That is the main cause of it.

Hon. W. McKeeva Bush: Are we not supposed to make statements or what?

Mr. Gilbert A. McLean: Madam Speaker, there are rules of this House and there is an [established] process in this House. If we fail to recognise that process which has evolved over centuries under this system, then we fail in giving full recognition to parliamentary democracy under the British system that we claim to have.

Slapping the Government in the face is what the Minister for Education and Aviation termed asking questions. Well the Government often needs to be slapped in the face because of some of its policies and some of its actions. Through questions we can discover what Government is doing, or let it stand to defend its policies and the public hears the deeper reasoning behind what has been done.

The Government's hand is not feeding any of us who asks questions. The Minister for Education and Aviation should try and understand that. The Government's hand is not feeding us. We are performing a vital duty under the system of this House by being the opposition.

Madam Speaker, I posture the suggestion that if it were not for me, the First Elected Member for Bodden Town, and (to a lesser extent) the Fourth Elected Member for George Town—if it were not for us asking questions or rising to debate, the business of this House would be finished in one day flat.

The Government has an overwhelming majority and they never fail to remind the minuscule Opposition about that. But would it be good democracy if that majority simply did everything they want to do—the way they want to—and in the time they want to do it? I say no.

The Minister for Education and Aviation is quite right on one thing, however, and that is the point I made when I moved this Motion for the review of the Standing Orders: A two-man Opposition cannot waive the Standing Orders for it takes the majority to do it. The Government that has such a large majority is quite right when its Minister says it is not within the ability of two members to do so. At best we can hope to move a Motion and have it seconded. The majority does not lie with the Opposition, but opposition in a democracy is vital. It seems a pity that the Minister for Education and Aviation could not take a broader look at the whole process of which he is a part.

The Minister for Community Development, Sports, Youth Affairs and Culture spoke about the Opposition having certain privileges under Standing Orders 11 and

12. Now anyone hearing this debate might agree with him, not even knowing what he is speaking about and believe what he has said to be so. However, these two Standing Orders deal with special instances which might arise in the House and these are not the Standing Orders which relate to motions as the general concept goes—the five days' notice to which I referred earlier. Reference was also made to the fact that the Opposition can use Standing Order 24(9) subsection (viii) or the Government to have its say. But the Government must be given the opportunity of answering properly.

The Opposition has not attempted in any way to see the Government not answer questions properly. There was a motion for the adjournment to discuss a matter of urgent public interest last week and, indeed, the Chair ruled (although it was raised in the morning) that it would be at 4 o'clock when the Government would be called upon to speak. Indeed, the Chair also guillotined the time that was allowed for it—as is the practice within the British system. So those persons who wished to speak had the opportunity of doing so and the Government had the opportunity also of replying in proper time.

Madam Speaker, I do not hope for one minute for the Standing Orders to fall victim to what the Minister for Community Development called the large mandate given to the Government of the day to carry forward Government's policy. The Review of the Standing Orders should be given all the time necessary to properly examine the orders and to get the proper advice available to the Committee.

The Minister for Community Development, Sports, Youth Affairs and Culture also spoke about Motion No. 3/90 and that I merely glossed over it—mentioned it in passing. He took the opportunity to pat the Government on the back for having brought back the Finance Committee to what it was before. I was one of the chief persons in this Legislature between 1990 and 1992 who fought tooth and nail, the issue on the change of the Finance Committee. I demonstrated with the people on it. I made representation to the Governor who was also the President. I wrote to the Foreign and Commonwealth Office. And I was one of the Legislators who went to the Foreign and Commonwealth Office to make representation on it. So for the Minister to attempt to give any impression that he championed that cause any further than I, is absolutely inaccurate. He was talking about fairness that was absolutely unfair.

Madam Speaker, in the confirmed Minutes of the Constitutional Order (the Select Committee thereon), on page 5 it reads: "**Mr. Gilbert McLean advocated that the Finance Committee comprised only of Elected Members of the Legislative Assembly with the Financial Secretary as Chairman, who shall have a casting vote; and that it be entrenched in the Constitution. He noted that it was his opinion that it is the majority of the view of the public that**

the Committee be so comprised." [Report of the S.C. on the (Constitutional) Order, 1972]

On the next page, I also read: **"Mr. Gilbert McLean noted the issue related to the fundamental principle of freedom, and that the issues of the "right to vote" and the "right to speak" should not be abridged. The finances of the country, he suggested, should only be spent by the Elected Members. The issue should not be addressed to "who likes who", he intimated. Civil Servants should not be involved in the decision-making of expenditure because they spend the money. Elected Members of Executive Council, he pointed out, do not sign payment vouchers as do Official Members."**

Madam Speaker, I think that is sufficient to show that on the question of Motion No. 3/90 I was very much in favour of seeing that reinstated in the Standing Orders the way it was, also it to be entrenched in the Constitution which we were reviewing at the time.

The press keeps getting the hottest end of the stick and the Member for Community Development suggested that the Standing Orders should be virtually written around reporters and what they report. Well he should know (and I am sure he does) that reporters will report. But the rules of the House are the rules of the House and the Standing Orders of the House only extend to reporters to the extent of how they conduct themselves within the House or whether they can be required by the Chair to leave the premises of the House. But if he wishes to somehow bring the reporters who visit here closer into, or under, the Standing Orders of the House, perhaps he might choose to do what is done in the House of Commons as is shown in Erskine May, on page 390, under the caption 'Other Registers' which reads: **"Following appropriate recommendations from the Select Committee on Members' Interests, the House resolved on 17 December 1985, that: (1) those holding permanent passes as lobby journalists, as journalists accredited to the Parliamentary Press Gallery or for parliamentary broadcasting be required to register not only the employment for which they had received their pass, but also any other paid occupation or employment where their privileged access to parliament is relevant;"**

If he had taken the time to research Erskine May he might have found that that particular section would have met with what he was talking about. I will say, I would try to limit what he said to that time of consideration rather than any kind of censorship of the press. The only thing that is required of persons who report on what is said and done in parliament is that they report it accurately.

There was an instance in 1990, if I remember correctly, when one newspaper had to pay a former Minister of Government \$19,000. They did not hesitate to pay him because it had inaccurately reported what had been said. So once the press reports accurately what is

said here, then they are free to report on the business of the Legislative Assembly. We all hope, being politicians, that they would tend to give us a good, fair coverage. But that is something we all hope for. There is no obligation on the part of the press and, certainly, I have yet to call any reporter in this country and lambast them, as I understand does happen in some instances from one Elected Member of this House.

The press, perhaps, might be said by some (certainly I think that is the case myself), publishes too much of the bad news. It should publish more of the good news. But that is not necessarily the way the press functions. Here, and elsewhere, catchy headlines and bad news seem to grab the attention of the public more than the good news. Since we live in a world of good and bad, I guess the best we can hope for is that a balance is struck by the press.

I do not know of any power to sanction being given to the Speaker, except to clear the gallery, remove the press when it is felt necessary, and to deal with leaks of information that should not have been released at a particular time from a committee of the House or otherwise. I certainly would not want to see the post of the Speaker encumbered to the extent of sanctioning the press where any government might think it has not been fairly written on in the press.

Madam Speaker, I have replied to the points which I noted were raised by the two Ministers of Government. I would say that I am very happy that the Government has chosen to accept the Motion to Review the Standing Orders. Obviously it is something that needs to be done and we should have the information which is available to us from experts in the field. Experts who can advise us on the most current thoughts and changes in Standing Orders under our system.

The Fourth Elected Member for George Town referred to what he understood as the concept behind the Motion for dealing with this matter. He said that it was his understanding that it was not solely a matter for the Standing Orders Committee which is set down under section 75. He is quite right. I, as the Mover—and certainly I speak for the Seconder—see this particular exercise as more than just the involvement of what is known as the Standing Orders Committee. The Standing Orders Committee consists of the whole House with the First Official Member as Chairman. In this particular instance the select committee [recommended] by this Motion is one which would allow the involvement of all Members of this House in the process. But as I intimated earlier in presenting the Motion, I believe the House should invite the Speaker to preside in this case as Chairman.

Madam Speaker, as I indicated earlier, when the question had been put on this matter, I would like to move a Motion under Standing Order 24(9)(ii). I would so crave the indulgence of the Chair on this particular matter. The Government has accepted the Motion and the Motion is now before the House.

I wish to thank the Government for so doing and I trust that we can update the Standing Orders of this House to the extent they need to be updated which will carry us forward for another several years before change might be necessary again. Thank you, Madam Speaker.

The Speaker: First of all I should put the question on the amendment as moved by the Honourable Minister for Education and Aviation. In accordance with Standing Orders 25(1) and (2), he proposed the following amendment to Private Member's Motion No. 30/94, by the deletion of the words "**and seek the advice and assistance of an experienced parliamentarian as was done in the past.**" Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 30/94 PASSED.

The Speaker: I shall now put the question that Private Member's Motion No. 30/94, which will now read: "**BE IT NOW THEREFORE RESOLVED THAT this Honourable House approves a review of the Standing ...**"

Honourable Members, I am standing to put the question, please.

"**BE IT NOW THEREFORE RESOLVED THAT this Honourable House approves a review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth parliaments.**" Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Motion as amended has been duly passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 30/94, AS AMENDED PASSED BY MAJORITY.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

**MOTION WITHOUT NOTICE
Standing Order 24(9)(ii)**

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I wish to move a Motion under Standing Order 24(9)(ii) which reads: "**... motions may be made without notice**" — and in this case I would like to move that: **This matter be referred to a special select**

committee comprised of all Members of the House and to invite the Speaker to chair the Committee.

The Speaker: Is that Motion seconded?

Mr. Roy Boddén: Madam Speaker, I beg to second the Motion.

The Speaker: Under Standing Order 24(9)(ii), the Motion is made by the Second Elected Member for Cayman Brac and Little Cayman that a special Select Committee be appointed comprising all Members of the House and that the Speaker be invited to chair this Committee. It has been duly moved and seconded and is now open for debate.

The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Madam Speaker, as I understand... I am sorry.

The Speaker: If the Second Elected Member for Cayman Brac and Little Cayman has moved a Motion, he has the right to speak to it.

Hon. Truman M. Boddén: Yes. He did not appear to be getting up.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I moved this Motion as I believe it is an occasion when this House should seek to have the guidance and the chairmanship of the Speaker. This is not uncommon in many territories and I note that in Trinidad and Tobago, Barbados, Jamaica, St. Lucia, among others, the Speaker does indeed chair the Standing Orders Committee. Particularly, in this case when we are reviewing all of the Standing Orders, Madam Speaker, it is very necessary.

It does not exclude any Member of this House from being a Member thereof, but it does include the Speaker—you, Madam Speaker. As you are well-versed with the Standing Orders of this parliament having been a moving figure in their creation, your personal interest and your knowledge of the Standing Orders could be well used.

Madam Speaker, that is my recommendation to this House. It could never hurt the process. In fact, I believe it would greatly help and it would still leave the opportunity of inviting other persons. There is a Standing Order which allows committees to invite persons who might have particular expertise to appear before it if it is considered necessary.

Thank you, Madam Speaker.

The Speaker: Before the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture speaks, I would ask the Deputy Speaker to take the Chair.

Mr. G. Haig Bodden: Madam Speaker, I would not refuse to take it, but I was about to say—and I failed to catch your eye—that since the main Motion has been amended to delete the section whereby we would invite a knowledgeable person to be a part of this Committee (that is, a knowledgeable person from outside), I think it is absolutely necessary that we include the Speaker of this House as a Member of the Committee.

If you do not care to take the Chair and it is the will of the House, I will do it. But I would certainly like to see your presence as part of the Committee.

The Speaker: I may say that the Speaker is never a member of a Committee. It is a custom that the Speaker is never a member of a Committee. The Third Elected Member for Bodden Town, if you have finished your debate would you please take the Chair while this matter is being discussed?

Mr. G. Haig Bodden: I would take the Chair, if you...do you mean now?

The Speaker: Yes. Thank you.

(3.12 PM)

[(Mr. G. Haig Bodden, Deputy Speaker, in the Chair)]

The Deputy Speaker: Please be seated.

The question we are deciding upon is whether the Speaker should be invited to chair the committee to deal with the review of the Standing Orders and also whether the Standing Orders should be referred to a Select Committee.

The matter is open for debate. I recognise the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Mr. Speaker, I am happy to see you in the Chair. I wish, however, that you had come under other circumstances. I cannot agree with the Resolution before the House. First of all, Standing Orders are specific as to who chairs that committee. Standing Order 75(2) says: "**The Standing Orders Committee shall consist of the whole House with the First Official Member as Chairman.**"

I do not believe that we should tie down... I agree, Mr. Speaker, with the Third Member for Bodden Town who said that since we have all agreed not to invite anyone from the outside, we should leave the Speaker so that she can be called in to give assistance to the Committee rather than tying her down as a chairman. The Standing Orders dealing with select committees

gives us authority to invite witnesses and I believe she would be the most appropriate witness. Not to say that she could not do the job, but I believe if we tie her down as the chairman it would not work well.

I am not going to agree to it, because certainly when I said in my debate on the substantive Motion that I did not agree with bringing someone in from outside, I certainly had in mind that we could invite the Speaker to come and give directions and assist us with what can be done as far as the Committee is concerned. That is where I stand and I believe that is the best thing for the House to do.

The Deputy Speaker: The Minister for Education and Aviation.

Hon. Truman M. Bodden: Mr. Speaker, I reiterate what the Honourable Minister for Community Development, Sports, Youth Affairs and Culture said earlier. It is very good to see you in the seat and also to be able to address you on this matter.

I think there is a legal difficulty with what the Second Elected Member for Cayman Brac and Little Cayman has attempted to put forward. It seems clear to me from section 32(2) of the Constitution that we can have a Speaker who is a Member of the House and a Speaker who is not a Member of the House. Indeed, if one looks at section 20 it will be seen that the tenure of office of Members is dealt with totally separate from the tenure of office of Speaker. The Constitution is geared so that we can have a Member like yourself, who is the Deputy Speaker of the House and a person who is not a member of the House as a Speaker. Madam Speaker, I think, falls into the category of not being a member of the House.

Having said that, Mr. Speaker, and throughout I think it is clear on that. If we look at Standing Order 69(1) it states: "**The House may appoint any of its Members to be Members of a select committee...**" and it goes on to say: "**(2) The Presiding Officer may nominate the Chairman of a select committee from among its own members....**"

I think there is wisdom in these provisions of the Constitution and of the Standing Orders because it would indeed be strange if a Presiding Officer, as Madam Speaker mentioned a bit earlier, suddenly found herself as a member of a committee. If the Member for Cayman Brac and Little Cayman's interpretation is correct, she would have to be a member to be a chairman of the committee. Obviously, because Standing Order 69(2) says that: "**The Presiding Officer may nominate the Chairman of a select committee from among its own Members;**". So she would have to be a member before she became a Chairman of the committee. Obviously, anyone as a Chairman has to be a member under the Standing Orders.

I believe that the Standing Orders are wise in this respect because it could cause a Speaker to be in a

compromising position at times. Therefore, a Speaker is never a member of a select committee: and thus if never a member, can never be a chairman of a select committee. **We cannot have a Chairman of a select committee who is not a member of a select committee.** Otherwise, we could really bring in anybody from the outside to chair the meetings of the committees.

I think the way for the Second Elected Member for Cayman Brac and Little Cayman to achieve this, would be to, at a later stage, ask the Honourable Speaker for her input, and whatever discussion needs to be taken in an informal manner. Indeed, this has to be the way that we would go. Otherwise, Madam Speaker would come back here and sit as Chairman of this House on what could be a motion to debate the Standing Orders over which she is presiding.

I think there is wisdom in the Standing Orders. What I am saying is that I think the way to achieve this, Mr. Speaker, is for this matter to be dealt with informally. It will avoid any conflict as we now see here today, for example, or any compromise, and it will preserve the independence of the speakership in the House.

What I am offering to the Honourable Second Elected Member for Cayman Brac and Little Cayman is that the way, I think, to achieve what he wishes to achieve is through informal discussions. He should not put Madam Speaker in the precarious position such as the one she just found herself in.

For the first time since I have been in the House (which is now 14 years), a Presiding Officer has had to vacate the Chair and hand it over to a Deputy Speaker because a matter that has come before the House is a matter upon which she should not preside. I think what the Honourable Member should do is withdraw the part of his Motion which relates to Madam Speaker being a committee member and Chairman and we can deal with it in another way.

I have no problem in supporting the Motion going into a select committee. It would go in the committee and I think we can achieve everything in this way. So I offer as a solution to getting the very valuable input (and I point that out) the very valuable and knowledgeable input from Madam Speaker, but ensuring that he does not create history again as he has just done by having Madam Speaker vacate the Chair and having to put the Deputy therein.

If he would do that, then I believe that--- At least the motion would have my support to go into a select committee to have full consultation in an informal way with Madam Speaker. Once again, Mr. Speaker, it is good to see you in the Chair and I assure you that my aim will always be, as with all Speakers and Presiding Officers of this House over the past 14 years, has been to assist the Chair. I appreciate having the right to address you on what is really a technical point, sir. Thank you.

The Deputy Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Mr. Speaker.

I was first exposed to the role of a Speaker during my visit to Ottawa back in 1989 or 1990. As a matter of fact while I was there, I spoke to the Speaker of the House as to what the role of the Speaker should be. It is a little different from the way it is here in that our Speaker is appointed; their Speaker is elected. But the Speaker's position is a very important one. It is one that has to remain mutual at all times regardless of party affiliation. I think we should go ahead, according to the rules of the Standing Orders, which says the Chairman of a Select Committee on Standing Orders should be the First Official Member.

I also support the idea of bringing in Madam Speaker as a witness or inviting her to offer whatever comments she might have regarding the necessary changes, because she was very instrumental while serving as Clerk of the Legislative Assembly, in helping to create the Standing Orders we now have. So, Mr. Speaker, I believe that the best course to go would be to follow the existing Standing Orders rather than moving in the direction as proposed by the Second Elected Member for Cayman Brac and Little Cayman.

The Deputy Speaker: If no other Member wishes to debate, I call upon the Mover of the Motion to close the debate.

Mr. Gilbert A. McLean: Thank you, Mr. Speaker.

Mr. Speaker, I listened to the argument put forward by the Minister for Education and Aviation and I must say that I do not agree with his reasoning. In section 31A(1) of the Constitution it says: "**(1) At the first sitting of the Legislative Assembly after a general election and as soon as practical after a vacancy occurs in the relevant office otherwise than on a dissolution of the Assembly, the Elected Members of the Assembly shall elect— (a) a Speaker from among the Elected Members of the Assembly, or persons qualified to be Elected Members of the Assembly, other than members of the Executive Council;**"

In 1992, the House did the latter where it elected a Speaker from among persons qualified to be elected a Member of the Legislative Assembly. So we have a Speaker. There is also a provision in (b) that "**a Deputy Speaker from among the Elected Members of the Assembly other than Ministers.**" It is only in subsection (b) that it is specific that the election must be of Elected Members.

Mr. Speaker, as we have a Speaker, the Speaker presides over the Legislative Assembly and is not excluded in the Standing Orders or the Constitution from being the Presiding Officer over a Select Committee. A Select Committee set up to specially deal with a par-

ticular matter, I see nothing which precludes the Speaker.

I also note that under Standing Order 69(2) it says: "**The Presiding Officer may nominate the Chairman of a select committee from among its own Members;...**" It does not say that the Speaker shall and if the Speaker does not then the committee or the committees will elect one of its members to be chairman. Under Standing Order 24(9)(ii) I moved that the matter of the Review of the Standing Orders be referred to a special Select Committee for that purpose and invites the Speaker to be the chairman thereof.

Mr. Speaker, I see nothing legally that bars the Speaker, if the Speaker so accepts. I do not for one minute think that we would be creating any illegality. I think all Members have admitted that considerable expertise lies within the Speaker. But it would be quite incorrect, in my opinion, to invite the Speaker to be a member of the committee. I can really see no reason why the Motion that has been put is so earth-shattering that it affects the business of the House to invite the Speaker so to preside. Mr. Speaker, we would also have to take into account, clearly, her independence in the position of Chairman as well. So I stand by the Motion I have so moved as before. Thank you, sir.

The Deputy Speaker: The question before the House appears to be in two parts: (1) that the matter of the review go into a Committee (that is a review of the Standing Orders); and (2) that the Speaker be appointed Chairman of that Committee. So I shall have to put the question in two parts.

The first part of the question is that this House approves a review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth Parliaments. Those in favour please say Aye...Those against, No.

AYES.

The Deputy Speaker: The Ayes have it.

AGREED: THAT THE STANDING ORDERS BE UPDATED AS NECESSARY TO PRACTICES AND PROCEDURES OF THE HOUSE OF COMMONS AND OTHER COMMONWEALTH PARLIAMENTS.

The Deputy Speaker: The second part of the question is that the Speaker of the House be the Chairman of the Committee to deal with the Standing Orders. Those in favour please say Aye...Those against, No.

AYES AND NOES.

Mr. Gilbert A. McLean: Mr. Speaker, could we have a division?

The Deputy Speaker: Madam Clerk, please.

Clerk:

DIVISION NO. 24/94

NOES: 11

Hon. James M. Ryan
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mrs. Berna L. Thompson Murphy
Capt. Mabry S. Kirkconnell

AYES: 4

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mrs. Edna M. Moyle

Absent:

Hon. Richard Coles
Dr. Stephenson A. Tomlinson

The Deputy Speaker: The result of the Division is 11 Noes and 4 Ayes. That means the question that the Speaker be a Chairman of the Standing Orders Committee has failed.

NEGATIVED BY MAJORITY: THAT THE SPEAKER BE APPOINTED CHAIRMAN OF THE COMMITTEE TO REVIEW STANDING ORDERS.

The Deputy Speaker: Therefore, I would like to confirm that the First Official Member of Government will be the Chairman of that Committee and, while I do not seek to influence the Chairman, it appears to me that the will of the House is that the Chairman be free to invite the Speaker's advice and comments.

I will suspend for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.36 PM

PROCEEDINGS RESUMED AT 4.22 PM

(Honourable Speaker in the Chair)

The Speaker: The Fourth Elected Member for George Town.

**SUSPENSION OF STANDING ORDERS
Standing Order 14(3)**

Mr. D. Kurt Tibbetts: Madam Speaker, the last Private Member's Motion is certainly one which I think all of us agree will take up some time in this honourable House. And there is another small item under Government Business—the nomination of a Member to the Public Accounts Committee. I am just wondering if at this time [Members] would agree—and whether or not

they agree—I would like to under Standing Order 83 move the suspension of Standing Order 14(3) so that based on the time of the afternoon we might dispose of the Government Business and start fresh in the morning.

The Speaker: Is there a seconder of the Motion?

Mr. Gilbert A. McLean: Madam Speaker, I beg to second the Motion.

The Speaker: The question before the House is that under Standing Order 83, Standing Order 14(3) be suspended in order that Government Business—Nomination of a Member of the Public Accounts Committee—be taken at this time. I shall put the question, those in favour please say Aye...

Hon. W. McKeever Bush: Madam Speaker before you put the question...

The Speaker: Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I do not mind doing business this way. It is now just about 4.28 PM...

The Speaker: Excuse me, Honourable Minister, would you allow me to put the motion and then it can be open for debate (which normally does not happen but you would have to debate the motion. That is what you are going to do. I am going to put the question.

The question is that under Standing Order 83, Standing Order 14(3) be suspended in order that Government Business, the nomination of a member to the Public Accounts Committee be taken today, Thursday, which is Private Members' Business day. The motion is open for debate.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, it seems like some manoeuvring is going on, but, as far as I am concerned, I do not mind doing it. However, it is a pleasure to see that the Opposition wants to suspend when they were just complaining about the suspension of Standing Orders. I see their manoeuvring, I have been here long enough.

The Speaker: Is there any other debate? If not I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

AGREED: STANDING ORDER 14(3) SUSPENDED TO ENABLE GOVERNMENT BUSINESS TO BE TAKEN ON PRIVATE MEMBERS' DAY.

NOMINATION OF A MEMBER TO THE STANDING PUBLIC ACCOUNTS COMMITTEE
Standing Order 69(4)

The Speaker: We now proceed to Government Business, nomination of a Member to the Public Accounts Committee, under Standing Order 69(4).

The Honourable Minister for Tourism, Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to move the nomination of Capt. Mabry Kirkconnell to replace the Honourable Anthony Eden on the Public Accounts Committee.

The Speaker: Is there any other nomination? *[Pause]* If there is no other nomination, I shall put the question that the First Elected member for Cayman Brac and Little Cayman be nominated to replace the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, who tendered his resignation to the Speaker.

Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The First Elected Member for Cayman Brac and Little Cayman is now the new Member for the Public Accounts Committee.

AGREED: THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN NOMINATED TO FILL THE VACANCY ON THE STANDING PUBLIC ACCOUNTS COMMITTEE.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30 PM. I understand the Honourable Minister wanted to go on until later on. Do you wish to move a motion for that? I think I indicated that I have an appointment shortly afterwards.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I believe there is nothing but confusion at this hour. I think it may be wiser to play into the hands of the Opposition and 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. I shall put

the question, those in favour please say Aye...Those against, No.

AYES.

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

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 9 DECEMBER, 1994.

**FRIDAY
9 DECEMBER 1994
10.39 AM**

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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

I wish to apologise to Members for the delay in calling the House to order. There were matters of procedure which had to be dealt with. We will now proceed with the Orders. Presentation of Papers and Reports, 1994 Year End Status Report on Community Development, Youth Affairs, and Culture Programmes.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

**PRESENTATION OF
PAPERS AND REPORTS**

**THE 1994 YEAR END STATUS REPORT FOR NEW
AND ONGOING PROGRAMMES OF THE MINISTRY
OF COMMUNITY DEVELOPMENT YOUTH AFFAIRS
AND CULTURE**

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay upon the Table of this honourable House the 1994 Year End Status Report for new and ongoing programmes of Community Development, Youth Affairs and Culture.

The Speaker: So ordered. Does the Honourable Minister wish to speak thereon?

Hon. W. McKeeva Bush: Madam Speaker, a few weeks ago, His Excellency the Governor asked that reports of this kind be made to Executive Council. We decided that we could lay it on the Table of this honourable House. I thank you for your indulgence.

I spoke last week on the subject of sports, taking the position that sports contribute to the knitting together of the social fabric. What I hinted at, at that time was what makes this fabric to start with. What are the threads that bind? I would submit that relationships among people and most fundamentally within families and between people and their God are among the strongest of these threads. Of course, I am conscious of the fact that one of the complexities of Cayman at this point in time derives from the side-by-side existence of the very modern and high tradition.

Many could therefore say that family life is very important to society and will often follow this by saying that we have lost ground in this area. We need to recover some of what we once had. Others will argue that family can mean many things and we are past the days when the extended and even the nuclear family structure ought to be promoted; that in some respects they are in themselves unable to cope with the pressures of modern living. We must therefore expect that some persons will find their family a most intimate support network and others sometimes more professional settings.

I acknowledge that there is some truth in both positions. Yet I am bound to say that while there are necessary support networks to hold up those who fall out of the support system of the biological family, the former ought not to be seen as substitutes for the latter. No way has yet been devised to satisfactorily replace the biological role or the socialisation of human families. As far as I can see, the natural family is still best suited to do the job of properly raising a child. Children who are raised in institutions seem to do well to the extent that the institution can model itself after the family.

Much of what I have to say on programmes and projects touches on the family. We have joined this year

in the international celebration of the Year of the Family. Arising out of this, we have extended the scope of the proposed UNDP study on the status of women and children in Cayman to the status of the family in the Caymanian society. I will say more about this in a little while, but I mention it now because in a way it forms the centrepiece of our planned programme efforts for 1995 and is likely to have wide repercussions in terms of future actions in the area of Community Development.

I say again the health of family life is central to the health of the community. The intended reform of the Juveniles Law, the Young Parents Programme, the Cayman Islands Marine Institute are initiatives all intimately associated with the family, either seeking simultaneously to rehabilitate situations where the family structure has failed (at least temporarily) and to build up the capacity within the affected families to better manage such situations. Again, more details on each of these areas will be presented later on in this statement.

I should also mention here the After School Programme which is intended to assist families, ensuring that their children have proper supervision and a healthy environment to go to especially in cases where private arrangements cannot be made by the families themselves. We are really promoting the management of these programmes under the auspices of the churches just as we have continued and broadened the ambit of grants to the churches to support their youth programmes. We take this approach in full conviction that the church provides the surest foundation for ethical guidance and sound character development. It is part of our larger effort to work more closely with the churches and to encourage their outreach to the community and involvement in public affairs.

A strong Christian tradition is a proud part of our heritage. But in the strictest theological sense there are other more secular aspects of our heritage of which we are justly proud. In this area of culture we find scope for activities which will help us to gain insight into ourselves and each other and to better understand and communicate our innermost feelings, thus assisting the relationships between people. In this regard the work of the National Museum, National Archives, especially the Memory Bank Project and the National Cultural Foundation may be cited.

In addition to all the positive research, displays, interactive events, workshops and so on which are already an established part of the annual calendar of cultural activities, the Cultural Foundation is in the process of developing a proposed district outreach programme in order to involve and commit more persons to educate them in the value of our heritage.

It is important that we extend the effort to better integrate our past and present in the minds of our people. This role of securing the integrity of our understanding of these matters is among the principal educational benefits of cultural activities. We also must aspire to encourage among our people the attributes of proper

self expression and a heightened appreciation of truth and beauty which are all among the greatest attainments any society can hope for.

I am not able at this time to do justice to the wide range of good works being undertaken daily through our churches, our social and cultural agencies, both private and public. I am able to say a huge thank you to all those who contribute to these works, both paid and unpaid.

Much more will be left unmentioned than will be named in this status report. This is because it is exactly that. It is certainly not my intention to slight any positive contribution, but at this stage merely to report to the public on a few undertakings initiated by this Ministry and this Government. The Status Report is as follows:

After School Programme: The purpose of this programme is to promote dignity, integrity and self respect to increase cultural awareness and community spirit to provide tutoring to increase academic levels, promotion of positive peer interaction, activities involved in sharing co-operation and social communication. Activities include: academics, sports, debates, arts and crafts, performing arts, field trips and culinary skills. So far five churches have come forward to run such a programme. The breakdown is as follows:

- ◆ West Bay: 1 programme at John Gray Memorial Church, and another one should start shortly at the Boatswain Bay Presbyterian Church.
- ◆ George Town: 3 programmes—Elmslie United, New Rehoboth and Faith Pentecostal Church.
- ◆ Cayman Brac: 1 programme—Cotton Tree Bay Church of God.

It is intended that there will initially be two programmes in West Bay, two in George Town, one in each of the other districts and two in Cayman Brac giving a total of nine programmes. Pre-school activities are also offered by a number of primary schools and a couple of pre-schools. There has been one programme specifically set up for this purpose which is now being supported. We will intensify our efforts to get more programmes started and seek more volunteers under the time release programme as we believe these programmes are crucial for the welfare of our youth.

The hours between 3.00 and 6.00 p.m. are the times when children are left unsupervised in most instances. It is during this time that wholesome activities are provided under the auspices of these programmes. Generally the benefits are dual. They develop better care of young people and assist parents by assuring that their children are properly cared for in their absence when children are prone to get into problems. Ten persons, including civil servants, volunteered for the time release programme and, as I said, this programme has started.

Community Workers: Job descriptions have been reviewed and advertisements will take place before the end of the year. These persons will be based in the districts and part of the duties will be to act as a liaison be-

tween the Social Service Department and the residents and CODACS and other voluntary agencies in the social sector. There will be three officers: one each for West Bay and George Town, and one to service Bodden Town, East End and North Side, which will be employed early in the new year. Budgetary measures for 1996 will hopefully include provision for two more officers to further supplement the coverage of these officers' work.

In addition to local training and orientation, the Department of Social Services hopes to enlist the services of a Social Welfare Department in the region with experience in community development work which could help to train the officers and also provide some relevant orientation for the other staff of the Social Services Department.

The Community Development Action Committees, or CODACS as they are known, are set up through a district co-ordinator who is paid from the Ministry. There are currently CODACS in every district except George Town. These groups are quite active and in July were instrumental in a successful district night focusing on the year of the family and most recently participated in Drug Free Week activities and special district functions.

In the coming year the Ministry, through the Social Services Department, intends to use the CODAC Committees to assist with the promotion of Neighbourhood Awareness and Outreach programmes, for example: Best District and/or Community in each district. We intend to have a Youth Week and a National Youth Day, Family Week, similar to the one held this year and continue to promote the After School Programmes. I hope that within the coming year we will have more activities with Cayman Brac through their CODAC Committee.

I must give high praise to the CODAC groups that have been doing tremendous work in their respective districts. I believe they see the way toward pulling our communities and Islands back together and I encourage everyone to support their efforts and encourage the residents of George Town to become much more involved in their community by starting a CODAC. I hope to be able to do that later next year.

Family Court and Youth Parliament: We are currently seeking information through the Social Services Departments from other regional countries regarding the Family Court. We also hope to get this and the Youth Parliament started in the coming year, depending on the case on the former, the finding of the UNDP study on the status of the family.

Culture: The statue of the first National Hero. In August 1994, the Government, through this Ministry unveiled the Statue for Cayman's first National Hero, the Honourable James Manoah Bodden, in National Hero's Circle, formerly the Courts Building Park. This followed the declaration of the Honourable James Manoah Bodden as a National Hero and was the conclusion of a fitting ceremony to mark the occasion. There are other Caymanians who are worthy of this declaration and in the future will be considered for this prestigious award.

In early 1995, one of these identified persons will be declared, with the permission of Government. But to digress for just a moment, Madam Speaker, we know that we have a lot of good Caymanians still living, and some who have passed on, for example, Mr. Desmond Watler, Capt. Theo Bodden, who have been outstanding stalwart citizens of our community.

The Children's Choir: This Ministry is in the process of creating a National Children's Choir. It has been said that singing gives a child the opportunity to use his/her voice as an expressive instrument and is therefore a significant area of and fundamental to any nation's music and culture programme.

Through the exploration of music of their own and other people's cultures, children may gain an understanding of themselves and other people for the multicultural approach to music which enriches knowledge of the world, their own heritage and the artistic traditions of other cultures.

The National Children's Choir will be officially commissioned by His Excellency the Governor and myself on December 15th at the Harquail Theater. This event, a Christmas Concert, will mark the first official event for the National Children's Choir.

The Choir is made up of approximately 100 children from private and public schools ages 8—12. The Choir was organised by a committee. This committee consists of: Miss Stephanie Williams, Director; Mr. Courtney Perrin, Assistant Director/Conductor; Mrs. C. Bramwell, Assistant Conductor; Miss Yvonne Law, Assistant Conductor; Miss Norma Ferriman, Costumes; Mrs. Zeta May Bodden, Parent; Miss Lorna Reid, Choreography; Mrs. Fran McConvey, Music; A representative of the Ministry for Community Development, Sports, Youth Affairs and Culture; and a representative of the Ministry of Education and Aviation.

On October 28th, the Cayman National Cultural Foundation, in conjunction with the Jamaican Folk Singers organised a choral singing work shop for the members of the Children's National Choir. This workshop involved movement and projection. It also taught differences between various projections from the different types of cultural music.

Carib Art: In January the Cayman National Cultural Foundation will be hosting the highly regarded UNESCO "Carib Art Exhibition". This exhibition will feature 137 pieces of work, of which, five will be by local artists.

This Ministry is not only responsible, through the Cayman National Cultural Foundation, for hosting the exhibition, but will also contribute substantially in financial terms. It is hoped this activity will generate further interest in our own heritage, and the power and efficacy of art as a teaching and learning tool.

This exhibition is also given financial assistance by the Ministry of Education and Aviation and the Ministry of Tourism, Environment and Planning.

The Archives: The Archives recent accomplishment, the release of the book, "32 Storm", was met with an enthusiastic response, especially from the people of Cayman Brac. In 1995, the Archives will be extending its storage facilities to accommodate its vast amount of material especially the growing store of Government records.

It is hoped that during 1995 significant strides will be made towards the writing of an updated and more comprehensive history of the Cayman Islands, which I have promoted for the past several years.

The Library: The rotary club of Cayman Brac recently donated to this Ministry, a new building for the establishment of the Public Library which will be fully on stream by December, that is, the Rotary Club of Cayman Brac. The East End Branch will also undergo a face lift and expansion as it will be transferred to its new home the East End Town Hall. Plans are also underway to facilitate the expansion of the George Town public Library. In other districts, for instance, North Side, when their new Civic Centre comes on stream, we hope to expand the Town Hall there to the District Library.

The Museum: The Museum's major project for 1995 will be the acquisition of a new laboratory and artifacts storage and workshop facilities. It will continue to research and promote Caymanian Heritage through its exhibitions and other special events. It expects in 1995 to be host to the Museum Association of the Caribbean Executive Annual General Meeting.

Social Services: The review of the Juveniles Law, 1990, Bill for Children's Law, 1995 and new Justice Law, 1995. The Legal Draftsman has drafted two Bills in response to the Ministers, and to my instructions for a reform of the Civil and Criminal Law pertaining to children. Instructions for these were contained in the Juveniles Law review prepared by the Department of Social Services. Much input was also obtained during meetings with the Department of Social Services, my Ministry and, of course, input from other areas such as the Justices' Association.

The Bill for the Children's Law, 1995, reforms the Civil Law relating to children. It gives effect to the Government's commitment to undertake a fundamental reform of the civil law relating to children. It is the result of a comprehensive review of the need for legislation to protect children and to promote their welfare. The Bill is the partner of the Youth Justice Bill which implements a reform of the Criminal Law relating to young persons. It is influenced by legislation in the United Kingdom and a number of the Commonwealth and American jurisdictions.

The latter Bill is based on the relevant parts of the Juveniles Law, 1990, 1975 and 1964, and the Joint Trials Law of 1976. It is intended to solve the problems with the trial and sentencing of young persons under the 1990 Law. These Bills which relate to children are of great importance to these Islands.

It is the view of the Minister, the Department of Social Services and the Legal Draftsman that they must be studied by those in Government and the Courts who will be responsible for interpreting and administering the proposed new laws. This study is currently underway.

The Legal Draftsman on the request of the Department of Social Services and the Ministry will compile a Cayman's Guide to the Bills which can be used during public consultation. After their passage through the Legislative Assembly, social workers, crown counsels, justices of the peace and all those who will administer the law, the need to undergo training with respect to their implementation these Bills are intended to be presented to the Legislative Assembly at its February sitting.

The Young Parents Programme: The Young Parents' Programme was started on July 11th of this year. It will be officially opened in January 1995, and the centre, which is located on North Church Street, will be named after Mrs. Joyce Hilton. It will be called the Joyce Hilton Centre. Mrs. Hilton was a veteran—and perhaps still is—in the field of Social Work who throughout her distinguished career was an advocate for parents and children and a stable family life.

The need for such a programme grew out of an awareness that the incidence of unplanned pregnancies among many teenage girls and young adult women in the Cayman Islands continues to leave them and their children trapped in poverty and all its accompanying problems.

The programme will cater to teens between the ages of 14 and 16 and young adults between the ages of 17 to 24. Single fathers requiring parenting skills will eventually become a part of the programme's clientele.

The main objectives of the programme are to provide the young parents who have not completed their secondary education with a chance to do so; to promote responsible parenthood; to promote financial independence within the family unit; and to reduce the incidence of teenage and unplanned pregnancies. The programme hopes to have its final product—young persons who are self-sufficient—functional members of the Caymanian society who will help to discourage other young persons who are going down this difficult road.

The Young Parents programme was developed jointly by the Department of Social Services, the Education Department, the Community College and the Public Health Section of the Public Health Services Department. Staff from all these departments contribute to the programme by teaching, lecturing or organising activities. It is solely funded by the Department of Social Services.

Social Services Office, Cayman Brac. Due to the fact that Social Services in Cayman Brac is currently housed in a cramped office building, District Administration and Social Services Department Grand Cayman agreed to convert the covered car park of the District Administration Building into offices for the Cayman Brac staff of the Social Services Department. Renovations

have been completed and staff expect to occupy their new offices by early December. Efforts continue towards a closer integration with the Social Services Department in Grand Cayman.

Cayman Islands Marine Institute: In January of this year, the Ministry of Community Development, Sports, Youth Affairs and Culture contracted the services of an independent company, the Associated Marine Institutes of Tampa, Florida, to provide rehabilitative services to young people at Bonaventure House.

A local non-profit company, the Cayman Islands Marine Institute was established under the auspices of the parent organisation to meet the needs of Caymanian youth with severe behavioural problems. These young people were exhibiting these behavioural problems at home and in school as well as in some cases by the commission of crime. Concern had been expressed for sometime for the well-being of these individuals and their families, as well as the community at large, and the importance of the Cayman Islands remaining a relatively crime-free society and tourist destination.

The Cayman Islands Marine Institute provides 25 daytime (from 8:00 PM to 9:30 PM) places and also can offer a full residential service to six more students. The programme uses a combination of educational and vocational courses tailored to meet the needs of the individual student.

Central to the programmes approach is the emphasis on the maritime tradition of the Cayman Islands and the opportunities provided by the marine environment for employment in modern-day Cayman. Each student is expected, and often court-ordered, to follow the programme until successful completion with a three-year follow up period ensuring successful re-integration into Caymanian society.

Although this programme is new and is expected to take several years to achieve all of its targets, there are many encouraging signs coming from the first months of operation. The first students are nearing successful completion of the programme and so far every student has made measurable progress during the lifetime of the programme. Services have been offered beyond the contractual obligation to provide relevant programmes to those students referred.

The Cayman Islands Marine Institute students are active in community projects throughout the island and are frequently seen participating in community events. The CIMI Students have been involved in clean up campaigns organised by the National Trust and other groups. They have been active in after school programmes for younger children and in joint enterprises with sports clubs and churches. Advice and guidance have been rendered outside of the Institute itself to individual young people, their parents and community groups on how to manage adolescence, drug and alcohol abuse and criminal activity. Only occasionally has this led to referral to the programme itself, but when necessary this has been achieved.

Students placed in overseas programmes have received guidance from the institute as part of their rehabilitation either by the provision of counselling, or by entry into the programme.

In 1993, the crime statistics attributable to juveniles showed a considerable improvement over the previous year of 1992. This trend has continued into 1994, and is expected at year end that these statistics will start to reflect what the professionals involved have been expressing for sometime—that something can be done, and has been done, to reverse the decline in standards of behaviour.

While it may be too early to attribute these improvements to the presence of the Institute, it is clear that this positive intervention in the lives of young Caymanians will assist parents in assuming responsibility for the successful development of Cayman's greatest natural resource—its young people.

Since the establishment of the institute no delinquent young person has been sent overseas who could be adequately dealt with in the Cayman Islands. In fact, the resources previously used in the treatment of delinquent youth have been utilised for therapeutic intervention with the victims of crimes and abuse—a far more positive approach.

There are currently six individuals placed overseas. Three of them are in the category already referred to, that is, those receiving therapy as a result of their personal problems. Of the three others, it is expected that each one of them will be brought home and re-integrated into Caymanian society through the Institute, when appropriate, during the course of 1994 (the balance of this year) and 1995.

This will mean that the juveniles placed overseas in 1995 are those with specific treatment needs for whom services cannot be found in the Cayman Islands, and for those whose crimes are so serious that they warrant detention and treatment in a totally secure environment.

Although the provision of services in the Cayman Islands Marine Institute is not cheap, it does measure up as value for money when compared to the alternatives. If no services were provided to these groups, or if the previously overloaded and inadequate services were allowed to continue, the cost to the economy of the Cayman Islands in the growth of delinquent behaviour would be immense.

The cost of providing even 20 places in the United States for the worst of our youth (even if the United States would accept them, and it was felt that these services were relevant to our Caymanian youth), it would be over \$2 million per year—more than twice the total cost of all the services provided by the Cayman Islands Marine Institute.

The Status of the Family in the Caymanian Society: Arising out of intensive consideration of the family during this year, the DSS will conduct a study starting in January 1995 on the status of the family in the Caymanian Society. The Department feels compelled to con-

duct such a survey as over the past 30 years the Islands have undergone rapid economic growth and changes which have a tremendous impact on the society as a whole.

In the absence of well-grounded analysis, the Department and the Ministry feel that it is difficult to truly know if its proposed projects and existing programmes are really addressing the cause of the problems which exist within families. Like many other Government departments, the DSS has operated for years on gut instinct. At present the concern is that in the absence of research to corroborate its feelings, the department runs the risk of not identifying or addressing the real problems. The view shared by the professional staff of the department is that in this time of increasing social ills, and demands for something to be done, it must carry out through social research and surveys which will address the true picture of the situation within the family in the Caymanian society.

Such research would need to look at the problems impacting on the family including single parent homes, caring for the elderly and disabled, financial difficulties, poor or inadequate housing, substance abuse and mental illness. This will hopefully provide the department with a more accurate picture of the family in these Islands which will lead to more informed planning and greater effectiveness in dealing with problems such as those enumerated. The survey is being sponsored by the United Nations Development Programme and a sum of \$40,000 has already been approved to carry it out. The DSS has budgeted \$10,000 to cover local expenses. A draft project profile has been submitted to the United Nations Development Programme.

All the Departments established 1994 programmes will continue. The DSS hopes that it will be able to move its Adult Special Needs Programme to its own facility which can also function as a home for the aged. Each day it is proving more difficult to continue using the John Gray Memorial Church Hall to accommodate the programme.

The review of the Caring Homes embarked upon in 1994 by the department to determine the proper usage of these facilities and to lay down criteria for their use will continue. Findings will be reported to the Ministry and decisions taken on future plans.

In conclusion, I should mention one last initiative, that is, the intention to employ Community Development Officers. It is our hope that these persons will assist in co-ordinating some of the now often conflicting efforts of social organizations, as well as promote greater efforts within communities to help ourselves.

With all that I have said, this is still not an exhaustive list of all the things we have worked on, which are in progress, or which are planned. Even so, I think looking at this and at previous statements made recently, it can be said that we have given a reasonable account of ourselves. But let me stress again, that the matter of Community Development, the matter of bringing our

young people up to be good citizens, the matter of promoting our cultural development, are not undertakings for the Government alone. Government cannot, should not, and is not trying to do it all. People should do for themselves and for each other. We claim to be a friendly and caring society. Let us really live up to that.

Madam Speaker, I thank you for your indulgence.

The Speaker: Accounts of the Cayman Islands Government for the year ended 31st December 1993 and Report to the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1993.

The Honourable Third Official Member.

ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1993

~and~

REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1993

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this honourable House the Accounts of the Cayman Islands Government for the year ended 31st December 1993 and the Report to the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1993.

Thank you, Madam Speaker.

The Speaker: So ordered.

Report of the Public Accounts Committee on the Auditor General's Report on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1993.

The Third Elected Member for West Bay.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1993

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. In accordance with Standing Order 74(5) I beg to lay on the Table of this honourable House a copy of the 1994 Public Accounts Committee Report.

The Speaker: So ordered.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: The Standing Public Accounts Committee of the Cayman Islands Legislative Assembly, established under Standing Order 74, met to

consider the Report of the Auditor General on the Accounts of the Cayman Islands Government for the year ended 31st December, 1993, as prepared and submitted by the Accountant General.

CHAIRMAN AND MEMBERS OF THE COMMITTEE:

2. On the 25th of November, 1992, following the General Elections held on the 18th of November, the first meeting of the 1992-1996 Legislature was held whereat the Members of this Committee were elected. The Members of the Committee are: Mr. John D. Jefferson, Jr., Mr. D. Dalmain Ebanks, Mrs. Berna L. Murphy, MBE, Mr. Anthony S. Eden, Mrs. Edna M. Moyle.

Mr. John D. Jefferson, Jr. was elected Chairman at a meeting of the Committee held on the 6th January, 1993.

RESIGNATION OF A MEMBER: 3. On the 2nd of March, 1994, following an amendment to the Cayman Islands (Constitution) Order, Mr. Anthony Eden was elected as the fifth Minister to Executive Council, following which, on the 5th of September, 1994 the Hon. Minister tendered his resignation as a Member of this Committee to the Honourable Speaker of the Legislative Assembly.

PAPERS CONSIDERED: 4. In accordance with the provisions of Standing Order 74(1), the Committee considered the following papers:

- 1 The Report of the Auditor General on the Government's Accounts for the year ended 31st December, 1993;
- 2 The Report of the Accountant General on the Accounts of the Government for the year ended 31st December, 1993; and
- 3 The Report of the Standing Public Accounts Committee for the year ended 31st December, 1992.

MEETINGS OF THE COMMITTEE 5: The Committee held six meetings, being: (i) Monday, 5th September, 1994; (ii) Thursday, 8th September, 1994; (iii) Friday, 9th September, 1994; (iv) Tuesday, 1st November, 1994; (v) Tuesday, 29th November, 1994; (vi) Wednesday, 7th December, 1994 (when the Committee agreed to its report).

ATTENDANCE OF MEMBERS

6. The attendance of Members of the Committee are recorded in the Minutes of Proceedings which are attached.

PERSONS IN ATTENDANCE

7. The following persons, in accordance with Standing Order 74(8), were in attendance:

Mr. Nigel Esdaile, Auditor General; Mr. Joel Walton, Deputy Financial Secretary; Mrs. Sonia McLaughlin, Acting Accountant General.

Also attending were: Mrs. Debra Welcome, Audit Manager, who attended all meetings; and Mr. Kenneth

Jefferson, Audit Manager, who attended the meeting held on the 29th November.

PERSONS INVITED TO MEET WITH THE COMMITTEE

8. The following persons were invited to appear before the Committee:

8th September, 1994:

- (1) Mr. Eric Smith, Acting Director of Prisons
- (2) Mr. Carlon Powery, Collector of Customs
- (3) Miss Emily Wilks, Acting Deputy Collector of Customs
- (4) Mr. Mervyn Connolly, Hospital Administrator
- (5) Mrs. Patricia Estwick, Chief Finance Officer, Department of Health

9th September, 1994:

- (6) Hon W McKeever Bush, JP., Minister for Community Development, Sports, Youth Affairs and Culture
- (7) Mr. Leonard Dilbert, Permanent Secretary, Community Development, Sports, Youth Affairs and Culture
- (8) Mr. Kearney Gomez, Permanent Secretary, Agriculture, Communication and Works
- (9) Mr. Frederick McTaggart, Acting Director of the Water Authority
- (10) Dr. Astley McLaughlin, Asst. Director (Research) at the Department of Environment (previously employed as Asst. Secretary to the Portfolio of Agriculture, Communication and Works)
- (11) Miss Hannah Carter, Accountant, Education Department (formerly Accountant for the Water Authority)

INTRODUCTION

9. The Committee offers its congratulations to the present Government for its efforts in turning around the financial position of the Cayman Islands Government for the year 1993. To appreciate the results of this financial year, it is necessary to compare these results with the financial position as was highlighted in the Public Accounts Committee's Report in 1993 as follows:

1993

Budget Surplus/Deficit	\$2.395M
Realised Revenue (11.8%)	\$135.3M
Recurrent Expenditure (10.6% of which CI\$16.666M was for CAL)	\$130.7M
Statutory	\$10.151M
Capital Expenditure (all local Revenue)	\$8.782M

1992

Budget Surplus/Deficit	(\$14.910M)
Realised Revenue	\$121.019M (8%)
Recurrent Expenditure	\$116.752M (14.5%)
Statutory	\$7.891M
Capital Expenditure	\$13.253M
(consisted of mostly borrowed funds)	

OBSERVATIONS AND RECOMMENDATIONS

10. The Committee wishes to report and make recommendations on the following areas of the Auditor General's Report for 1993:

- (a) Overtime payments at H.M. Northward Prison (Paragraphs 6-8);
- (b) The Customs Department (Paragraphs 9—23);
- (c) Audit of Statutory Authorities and other Public Sector Bodies;
- (d) The Health Services Authority (Paragraphs 50—70); and
- (e) Staffing of the Auditor General's Office.

11. DELIBERATIONS:**(a) Overtime payments at H.M. Northward Prison;**

Overtime costs began to increase considerably commencing in 1989 and peaked in 1992 when \$269,006 was spent. Overtime payments for 1993 amounted to \$220,247. Overtime to Executive and Clerical grades has absorbed 13.5% of the Prison's annual overtime expenditure since 1989. From May 1989 to April 1994, \$167,188 was paid in respect of four administrative grades. Overtime payments were noted to be concentrated on two of the four Administrative Officers who received 92.5% of the amount paid to Administrative Officers.

The Director, or his Deputy, is responsible for authorising overtime for most Senior Administrative Officers who in turn authorise overtime for junior grade staff. The Director confirmed that he was reasonably satisfied that overtime paid to those grades was actually and necessarily worked. He also acknowledged that heavy levels of overtime is not a desirable working practice.

General Orders provides that overtime should be worked in exceptional circumstances but the Director has advised that it is not operationally feasible to make more than minimal use of time in light of the present Prison situation.

The Auditor General also commented that "regular overtime working of the magnitude described in this report represents uneconomical use of resources. In addition

it is doubtful whether Officers can maintain a reasonable standard of Work Performance over such prolonged periods of excessive overtime."

It is the conclusion of the Public Accounts Committee that the problem has been caused by non-adherence to proper staff schedules and has been abused especially by Administrative Staff who are aware that overtime is available and can be incurred easily.

The Committee recommends: 1) that better scheduling and deployment of staff is necessary; 2) that overtime must be kept to a minimum and incurred only in exceptional circumstances; 3) all overtime incurred must be approved by the Director. **Customs Department:**

(i) Container Inspections

The Collector of Customs has a long-term goal of examining 15—20% of all containers coming into the country. For 1993, container inspections amounted to approximately 6% of all containers imported from the Miami/Tampa region. The Audit Office noted that no annual performance targets for container inspection are set by the Department. It was also noted that there is no system of formal reporting by the Head of the Task Force to Customs Headquarters but that regular verbal reports are made to the Deputy Collector. No summary data of the numbers of inspections carried out by these sections are available.

The Committee notes that a number of cases of duty evasion have been highlighted in the Auditor General's Report.

It is the opinion of the Committee that the problem of duty evasions may be more widespread than the number of cases uncovered by the Customs Task Force. The Committee recognises that skilled and experienced investigators are needed to combat the problem of duty evasion and fraud and that there is a need for the training of existing staff in the area of commercial fraud.

The Committee recommends:

1. that the Customs Department be staffed with appropriate personnel to the level required to carry out the Department's objective of inspection of containers imported and to thoroughly investigate the suspected cases of duty evasion and fraud;
2. that all inspections are properly documented and these reports lodged with the Collector of Customs;
3. that a system of regular reporting sessions are scheduled between the Head of the Task Force and the Collector of Customs in an effort to assist the Collector in monitoring the Department's objectives of the number of containers to be inspected for the year and to report on the findings of such inspections;
4. that penalties under the Customs Law be reviewed;
5. that the time limitation imposed for the prosecution of evasion of duty under section 54 of the Customs Law, 1990, should be extended;

6. that every effort be made, including legal action, to collect all outstanding funds in those cases where duty evasions have been un-covered; and
7. 7)that in the cases of duty evasion the Collector of Customs should enforce the compromised penalty of three times the duty evaded and payable on demand in an attempt to discourage this type of activity continuing in the future.

(ii) Related Party Transactions

The Audit Office has estimated that \$293,623 in duty was suspected to have been evaded over an 18 months period in 1990 and 1991 by one Importer. Efforts to collect this outstanding amount in the past have been unsuccessful.

The Committee has been advised that this matter has been forwarded to the Legal Department for its guidance and advice on the necessary actions to be taken.

The Public Accounts Committee supports the actions of the Collector of Customs in this matter and strongly recommends that every effort be made to recover the outstanding revenue due to Government in this case.

(c) Audits of Statutory Authorities and Other Public Sector Bodies:

The Water Authority: (i) Overseas Medical Expenses

The Public Accounts Committee notes with concern that in 1991 the former Managing Director, Mr. Richard Beswick, took upon himself to commit the Water Authority to a liability of \$106,632 to cover overseas medical expenses incurred by a cyclist who sustained serious injuries while participating in a local sporting event.

The Committee is aware that there is in place a Government policy of referral of patients for overseas medical and no one is denied the right to be referred for medical attention if it is warranted.

The Committee is also of the view that the former Managing Director exceeded his authority having committed the Water Authority for expenditure of this nature without the prior authority of the Water Authority Board.

The Committee notes and is pleased that the present Board has taken steps to put in place a health insurance plan for its employees. Under this Scheme the Authority pays the full cost of the employees' premium and 50% of the premium for employee's dependents. With this plan in place there should not be a recurrence of the incident as mentioned above.

In the opinion of the Legal Department, the Water Authority has no statutory power or authority to authorise private or overseas medical treatment. The action was taken outside the Water Authority's statutory powers and was therefore "ultra vires". The ratification of Managing Director's action by the Board of Directors was immaterial as was the Board's resolution in accept-

ing the liability of \$106,632 for overseas medical expenses in May 1993.

(ii) Sports Sponsorship

In three years, 1991—1993, a total of \$43,666 has been paid to various National sports and Club organizations. Sports sponsorship was not specifically included or itemized in any of the budgets of the Authority which were approved by the Water Authority Board.

Once again the former Director exceeded his authority by granting funds to sporting organizations without the Board's authority.

It is the opinion of the Legal Department that these propositions apply with equal force to the Board assuming the liability of the overseas medical expenses and the sponsoring of sporting organizations, however worthy the intentions.

(iii) Under-Billing of Water Charges

Prior to the commencement of the Special Audit, the former Director of the Water Authority disclosed to the Board and the Auditor General the existence of systematic under-billing on two accounts. This disclosure was of considerable concern to the Audit Office since it posed the possibility of other unrecorded revenues, a situation which could lead to a qualified audit opinion on the Water Authority's 1993 Financial Statements.

The Audit Office examined records of approximately 40 customers of the Water Authority covering the three year period January 1991 to December 1993.

The result of this exercise confirmed under-billing of \$2,634 on two accounts, plus under-billing of \$1,880 on one other account. These irregularities occurred during August 1991 to January 1993 and were attributable to the deliberate manipulation of water meter readings by the former Director. This practice appears to have ceased completely with effect from January 1993.

What was most disturbing was for the Committee to learn that the first two accounts in the sum of \$2,634 involved the former Managing Director's personal account and that of a staff member's mother. The other account for \$1,880 was the water account of the former Member for Communications, Works and Agriculture, Mr. Linford Pierson. With the exception of the former Director's account, the Committee was not able to uncover any evidence to establish that the manipulation of meter readings were done with the clients' knowledge and approval.

(iv) Extension of Water Distribution System to New Sub-divisions

No formal policy has been developed to regulate financial liability for the costs of connecting new private residential developments to the water distribution system.

It was drawn to the Audit Office's attention that in one case payment of an invoice for \$17,400 was

waived. The developer paid \$3,750 for materials by way of a deposit and an invoice for \$17,400 was issued in July 1993 for the cost of installation by the contractor, Petro Servicios Limited. This invoice was subsequently cancelled in October 1993 by the former Managing Director of the Water Authority and the cost was financed from the Authority's long term borrowings. The action was not referred to the Water Authority Board.

The Audit Office noted that the justification for cancelling this invoice was said, and it is quoted, "to assist the developer to keep the cost of housing lots to a minimum in order to meet the needs of Caymanians in the middle and low income bracket". This statement however does not reflect the official policy of the Water Authority Board.

The Committee recommends:

- 1) that all Statutory Authorities should put in place specific policies regarding the commitment of such Authority to any liability or to make any donations to any charitable or social organizations without being budgeted for and approved by the Board of that Authority;
- 2) that every effort be made to recover the outstanding amounts due to the Water Authority arising from under-billings by the former Manager Director;
- 3) that every effort be made to recover the sum of \$17,400 owed to the Water Authority for Water Extension fees written off by the former Managing Director;
- 4) that on conclusion of investigation and an audit being carried out by the Audit Office, the matter should be referred to the Legal Department for advice in order to recover any amounts determined as owing to the Authority and if criminal charges should be pursued;
- 5) that any future writing off of accounts be made only with the authority of the Water Authority Board;
- 6) that Statutory Authorities should discharge their duties and responsibilities to the same high standard as requested of Government Departments particularly regarding tendering of contracts.

(d) Health Services Authority:

(i) Employment of Consultants:

No formal needs assessments appear to have been developed by Management prior to initiating discussions with the Consultants, the total cost of which was established to be \$534,478. In five of seven consultancies studied, no Term of Reference was ever formalised between Client and Consultant.

(ii) Authority

In only one of the seven consultancies (Software Supply) was the Board of the Health Services Authority provided with a summary of costs and a proposed work plan as part of the Authority's computerization project. In three other cases (Personnel, Materials Management and Project Management) the Board was informed that the Consultancy was underway but was not invited to approve the engagement of any of these six consultants in question.

No information concerning the Terms of Employment of any of these six consultants appear to have been provided to the Board. No provision was included in either the 1991 or the 1992 Recurrent Budgets of the Health Services Authority for any of the Consultants fees and expenses or the computerization project all of which contributed to the deficit to be reported in the 1992 Financial Statements. Consultants estimated to cost \$100,000 or more should have been considered and approved by the Central Tenders Committee of Government.

However, the Committee was disturbed to note that during the Health Services Authority's two years of existence it did not develop or institute any formal Financial Regulations to ensure the regular and proper conduct of its business by management and employees, nor did it adopt Government's existing Financial Regulations framework which requires competitive tendering of all contracts of \$10,000 and over. The Committee was also concerned to learn that several of these Consultants appeared to be personal acquaintances of the former Chief Medical Officer.

There was no evidence available to indicate the particular qualifications, expertise and experience of individual consultants.

(iii) Terms and conditions of Employment

Six of seven Consultants were based on hourly or daily consulting fees. Only one of these Consultants was covered by a proper contract which was based on Government's Standard Service Agreement for Overseas Officers. The Audit Office could determine no clear rationale for the consulting rates awarded. In terms of prevailing Civil Service Salaries, the rates and associated benefits may be viewed as generous.

(iv) Project Manager

Remuneration was said to be based on the Health Services Authority Consultant Rate of \$331 per working day with an expected 242 paid days per annum, equating to a basic salary of \$80,102 per annum. The Project Manager would in addition receive \$1,500 per month Rent Allowance plus a fully expensed motor car.

The Audit Office assessed the value of salary, allowances and other benefits, but excluding the cost of overseas travel, relocation and incidental costs to be in the region of \$105,000 per annum. This individual's con-

tract was terminated after approximately five months of its two-year term. This action led to substantial termination costs and other liabilities. The Project Manager's Consultancy Agreement included that any changes to the anticipated period of work (2 years) would result in payment of either six months' salary or the remaining term of the Contract, whichever is the shorter. Normally, overseas Civil Servants on contract terms are entitled to only one month's salary in lieu of notice. This Consultancy Agreement was terminated at the end of December, 1992, following the cancellation of the Dr. Hortor Memorial Hospital project. Termination payments totalled \$48,864 including six months salary plus vacation in lieu of notice. Had the Consultant been engaged on the normal terms of one month's salary in lieu of notice, the Health Services Authority would have saved \$39,058 in termination costs.

For reasons unknown to the Audit Office, the basis for payment of the Project Manager's allowance was altered so that the Health Services Authority assumed responsibility for providing accommodation at a monthly cost of up to \$1,500 per month on his behalf. This Consultant also enjoyed payment of all utility bills plus deposits although his contract contained no such provisions for these benefits.

(v) Outstanding Debts

The Committee notes that the new computer system has not operated satisfactorily. A significant amount of fees for medical services were not recorded in 1992 and 1993. The Committee is concerned that over \$1 Million of 1992 fee income is considered to be irrecoverable, despite efforts to issue bills on a regular basis. One major problem is that medical bills sent to General Delivery at Post Offices are not being collected by the individuals to whom they are addressed.

The Committee recommends:

- (1) that in future all contracts for works and services in excess of \$100,000 should be considered and awarded by the Central Tenders Committee in keeping with the provisions of the Financial and Stores Regulations;
- (2) that the Health Department should consider employing a debt collector on a part-time basis in an effort to collect as much of these outstanding debts; and
- (3) a review of the facilities in place regarding medical records and that management takes steps to ensure that all revenue occurrences are completely and accurately recorded and clients are billed accordingly.

(e) Staffing of the Auditor General's Office

The Committee is pleased to note that the staffing deficiencies in the Audit Office has now been addressed. Three senior posts have been re-established and arrangements are in hand to have all vacant posts filled by February 1995.

OTHER MATTERS ARISING

12. The Committee wishes to comment on certain matters reported in its previous Reports or considered at previous meetings of the Committee. These matters are as follows:

(a) Purchase of the Campbell Building (24 -31)

The Committee is pleased to note that the Audit Office reviewed the acquisition and subsequent use of this facility which was purchased in February, 1992, at a total cost of \$1,582,500. The total purchase price, including interest, was \$222,500 in excess of the maximum price recommended by the Lands Officer.

The Ministry of Agriculture, Communication and Works has confirmed that the purchase of this building was negotiated personally by the former Member responsible, Mr. Linford Pierson, and not the Lands Officer or the Director of Lands and Survey. This is indeed contrary to the authorised policy and procedures prescribed in the "Lands Valuation, Acquisition, disposal and Exchange Guidelines".

The former Member for Communications, Works and Agriculture, Mr. Linford Pierson and the former Member responsible for Education, Mr. Benson Ebanks recommended the acquisition of the building and use by the Education Department and this recommendation was approved by the Executive Council. The Lands Officer concluded in his recommendations that the property was not suitable for use as Government offices.

At the time of the valuation in 1992, the Lands Officer reported that no Certificate of Occupancy had been issued by the Planning Department, although the building had been built for over a year. In addition, no structural or other survey was carried out prior to concluding the Purchase Agreement. It was subsequently established by Public Works Department that the building appeared to be missing two ground floor columns and two steel columns were subsequently erected by the Public Works Department to correct the omission, including other modifications at a cost of \$164,987.

The Auditor General was informed by the Planning Department that this type of defect should normally have been detected during construction. However, no inspections of the building were carried out during construction. The Committee was surprised to note that a Final Certificate of Occupancy has still not been issued.

The total project cost is calculated to be \$1,860,897, inclusive of land, buildings, repairs, modifications and computer communications equipment and

this equates to \$200 per square foot. The imputed rental values range from \$24.21 to \$28.47 per square foot.

The Public Accounts Committee concludes that Government did not get good value for money in the purchase of the Campbell Building.

The Committee recommends that in future-

- (a) The authorised policy and procedures as prescribed in the "Lands Valuation, Acquisition, Disposal and Exchange Guidelines" should be strictly adhered to with respect to the purchase of any property on behalf of Government; and
- (b) Government should ensure that all buildings purchased for government use have been issued the relevant Final Certificate of Occupancy by the Planning Department.

(b) Outstanding Accommodation Tax owed to Government

The Committee was advised of the efforts made by the Financial Secretary in recovering outstanding accommodation tax due to the Government and the problems that had been encountered in this exercise. The Committee expects the Auditor General to maintain a watching brief on this important area of Government Revenue.

ACKNOWLEDGEMENTS

13. The Committee wishes to place on record its sincere thanks to the Honourable Anthony S. Eden for his invaluable services and interest shown as a Member of the Public Accounts Committee prior to his resignation and extends its best wishes for a successful term of office as a Minister of the Executive Council.

The Committee also wishes to record its appreciation to Mr. Nigel Esdaile, Auditor General, and his staff, for their thorough and honest assessments of the various operations of the Government, its departments and Statutory Authorities; to Mr. Joel Walton, Deputy Financial Secretary, and Mrs. Sonia McLaughlin, the Acting Accountant General for their assistance and advice to the Committee; to the persons invited to appear before the Committee for their cooperation and valuable information offered; and to the Clerk and her staff for their assistance to the Committee.

REPORT OF THE COMMITTEE

14. The Committee agrees that this Report be the Report of the Standing Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1993, and laid on the Table of this hon-

ourable House in accordance with the provisions of Standing Order 74(5).

STANDING ORDER 74(9)

The Speaker: In accordance with the provisions of Standing Order 74(9) the Report of the Public Accounts Committee is deemed to have been agreed to.

The Third Elected Member for West Bay.

STANDING ORDER 24(9)(viii) MOTION TO DEBATE PAC REPORT

Mr. John D. Jefferson, Jr: In accordance with Standing Order 24(9)(viii) I would like to move the Motion that the Public Accounts Committee Report be debated.

The Speaker: The question is that in accordance with the provisions of Standing Order 24(9)(viii) the Report of the Standing Public Accounts Committee be debated. Before I put the question, I propose that proceedings be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 12.10 PM

PROCEEDINGS RESUMED AT 12.33 PM

The Speaker: Please be seated.

There was a motion moved by the Third Elected Member for West Bay concerning the debate on the Public Accounts Committee Report which has to be seconded.

The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I beg to second the Motion.

The Speaker: The Motion is that there should be a debate on the Public Accounts Committee's Report. The Motion is open for debate.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

In all fairness to the Members, I would recommend that we defer the debate until Monday in order to give Members a chance to read their report and be in a position to debate in an informed fashion.

The Speaker: Is there a seconder for that?

The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I beg to second the Motion.

The Speaker: The question is that the debate on the Report of the Public Accounts Committee be deferred

until Monday. The Motion has been duly moved and seconded.

I shall put the question. Those in favour, please say Aye...Those against No.

The Ayes have it. The debate is accordingly deferred until Monday.

AGREED. DEBATE ON THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE DEFERRED UNTIL MONDAY, 12TH DECEMBER, 1994.

The Speaker: The next item: Report of the Standing House Committee.

The Member for North Side.

REPORT OF THE STANDING HOUSE COMMITTEE

(Meetings held during 1993 and 1994)

Mrs. Edna M. Moyle: Madam Speaker, the Report of the Standing House Committee has to be gone into further by the Committee and I would ask that it be deferred until a later date during the sitting.

The Speaker: Is that Motion seconded?

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Madam Speaker, I beg to second that Motion.

The Speaker: The question is that the Report of the Standing House Committee be deferred, I shall hope until Monday? Until Monday.

I shall put the question. Those in favour, please say Aye...Those against No.

The Ayes have it. The Report is accordingly deferred until Monday.

AGREED. REPORT OF THE STANDING HOUSE COMMITTEE DEFERRED FOR TABLING UNTIL MONDAY, 12TH DECEMBER, 1994.

The Speaker: Report of the Select Committee (of all Elected Members) to Study the Fundamental Rights Clause of the Cayman Islands (constitution) Order.

The Honourable Minister for Agriculture.

REPORT OF THE SELECT COMMITTEE (OF ALL ELECTED MEMBERS) TO STUDY THE FUNDAMENTAL RIGHTS CLAUSE OF THE CAYMAN ISLANDS (CONSTITUTION) ORDER

Hon. John B. McLean: Thank you, Madam Speaker.

I beg to lay upon the Table of this honourable House a very, very short report of a Standing Select Committee to study the Fundamental Rights Clause of the Cayman Islands (Constitution) Order.

The Speaker: So ordered.

Hon. John B. McLean: As I mentioned, this was a very short meeting. The purpose of the Meeting was to establish who would be the Chairman of the Committee. A Motion was made by me to Honourable Members and it was unanimous that my colleague, the Honourable Truman M. Bodden, be the Chairman. Thereafter, there being no further business, the meeting was adjourned.

The Speaker: Proceeding next to Government business. Motions, Government Motion 9/94, Adoption of the Tourism Management Policy 1995—1999.

The Honourable Minister for Tourism, Environment and Planning.

GOVERNMENT BUSINESS

GOVERNMENT MOTION NO. 9/94

ADOPTION OF THE TOURISM MANAGEMENT POLICY 1995-1999

Hon. Thomas C. Jefferson: Madam Speaker, I move Government Motion 9/94, Adoption of the Tourism Management Policy 1995—1999, which reads:

"WHEREAS the Tourism Management Policy document was laid on the Table of this honourable House on the 5th day December, 1994;

"BE IT NOW THEREFORE RESOLVED THAT the House adopts the Tourism Management Policy 1995 to 1999."

It would be appropriate to highlight what the document which was laid on the Table of this honourable House includes. The purpose of the document is that it presents the key recommendations endorsed by the Government for a five-year tourism management plan. It is based on the contents of the 1992 Tourism Development Plan, but spans the years 1995 to 1999 instead of the 10 years originally proposed.

I feel that forecasting for a 10-year period is not so practical in this era of radical and rapid changes which take place. I think beyond the five-year period the future becomes rather cloudy and the crystal ball becomes even fuzzier.

Some of the recommendations will require legislation to bring them in to effect, while others can be accomplished by administrative action. I believe also that the Government at the moment is preparing a major piece of environmental legislation to address many of the strategic points outlined in the document under the chapter on Environmental Strategy.

Summarising the goals of the document:

- (1) Quality must be the number one characteristic of the Tourism Industry;

- (2) Tourism must represent positive price value to the visitor;
- (3) Caymanians must thoroughly understand the importance of the tourism industry;
- (4) Environmental resources are to be protected and enhanced;
- (5) Cultural protection and enhancement are essential;
- (6) A moderate level of growth is to be targeted;
- (7) A uniformed tourism industry identity and strategy is required using all three Islands and their resources;
- (8) The international market base should be expanded to decrease reliance on the US market (and we know that is going to happen this afternoon when Caledonia arrives at 4.15 or 4.10);
- (9) The product in the Cayman Islands should be diversified.

We come to the management strategies, and this is just a highlight of what is in the document: **"Regardless of growth guidelines set, it will be important for tourism development to be managed in a number of areas, such as:**

- (1) Increasing the number of Caymanians in tourism jobs;**
- (2) Increasing the awareness of the value of tourism to the Caymanian resident;**
- (3) Improving upon research necessary to make 'growth' decisions;**
- (4) Improving upon the quality of the product as well as the range of products available to tourists and residents;**
- (5) Improving on customer satisfaction;**
- (6) Improving on, and maintaining a global competitiveness;**
- (7) Improving on environmental monitoring and control mechanisms to ensure that the natural products that tourists come to enjoy, and the environment upon which Caymanians depend, is not unduly derogated."**

The highlights of the strategies under the Environmental chapter: **"There is a real opportunity for the Cayman Islands to take a leadership role in blending tourism development and the environment."** There is a need to improve upon both resident and visitor awareness/education on the importance of the environment."

The Government will take initiatives to protect the marine and terrestrial environment as well as educate residents and visitors about the environment. Eco-tourism is one form of education. Several specific initiatives include: Limiting the number of cruise ship passengers per day to 5,500 or 6,000; the installation of

permanent cruise ship moorings instead of development of a cruise ship pier and terminal at this time because the document which we have suggests that the cost is in the \$50 million range (I do not believe that we are really ready to find that kind of money); Protection of additional terrestrial sites through legislation; Determining an environmental protection programme for Little Cayman; Developing an Eco-tourism programme.

The Government will consider limiting the number of tourists allowed onto marine and terrestrial sites to protect the ecology of the area.

Recycling has already been introduced in preliminary projects and will be expanded.

An Eco-tourism programme should be developed and resources should be identified and developed. Information throughout the Cayman Islands will be compiled. In addition, as many as 60 or more sites accessible for Eco-tourism experiences will be identified. Collateral material detailing these sites will be developed.

In looking quickly at the strategies for the Tourism Product:-

"Product development will improve and enhance existing settlements, the historic streetscape character and cultural heritage features."

"There are eight different land based development themes in the Cayman Islands" each with its own atmosphere and qualities."

Cayman should be marketed for a variety of product and experiences in one destination. More attention must be paid to promoting the Sister Islands and their unique attractions. New development should reinforce the historic or tropical character of the Island, its nautical or marine heritage and its natural characteristics.

"Little Cayman should not be opened up to large numbers of tourists or cruise ships..."

"The average visitor has no idea of the number and diversity of existing and potential attractions of the Cayman Islands. Attractions will be identified, inventoried, analysed, and properly developed marketed and monitored."

Continued development of the Cayman Islands product is important to the continued success of the tourism industry. Key attractions to be developed or expanded include five first priority sites and 23 second priority sites. Those first five I mentioned while laying the document on the table, but I do not think it would hurt to quickly go over what they are:

- St. James Castle at Pedro
- Turtle Farm and Aquarium
- Sting Ray City
- Queen Elizabeth II Botanic Park
- Salinas National Park

Dive sites: To protect Cayman's long term basis as a key dive destination, the following initiatives are proposed:

- 1) A comprehensive reef management programme.
- 2) Increasing the number of permanent moorings for dive boats and spreading out dive sites to other less dived areas. Those areas will require permanent moorings to be installed to protect the environment from the anchors of the dive boats.
- 3) Determining the carrying capacity of each dive site and monitoring diver impact.
- 4) Legislation to set basic standards for all water sport operators.

Snorkeling will be more intensively promoted and new safe locations identified.

Cruise Ship strategies: Permanent deep water moorings for cruise ships will be installed.

Speaking quickly on the strategies for marketing, of key importance is the goal of increasing the number of stay-over-visitor arrivals to 382 [sic] in 1996, and I do not think that is too far-fetched to obtain, given that we are going to be well over 300 [sic] by the end of this year.

A higher degree of sophistication in marketing and market research is required if the Cayman Islands are to remain competitive in the global travel market-place. The major tourism marketing approaches which the Cayman Islands will follow include:

- 1) Refinement of long term goals and short term quantitative objectives.
- 2) Increasing the research base, fine tune and prioritise target markets based on geographic, socioeconomic and special interest criteria. Allocation of overall and regional office resources according to this prioritisation.
- 3) Continued diversification of product aimed at opening up and attracting new niche markets.
- 4) Fine-tuning the message to be communicated to target markets.
- 5) Researching the effectiveness of advertisement, different media and promotional efforts.
- 6) Improving access to information on Island, improving product quality, diversity and price value delivered.
- 7) Continuing to search for new lucrative markets.

Under **Human Resource Strategy**, the key goals of this section are: Information; Education and Promotion, both of the importance of quality in tourism and of the economic importance of tourism. These must be accomplished to create a greater understanding overall of the tourism industry in the Cayman Islands. The plan includes launching a major communication and education campaign about the importance of quality service in tourism; educating the public about the economic impor-

tance of tourism; making a concerted effort to attract Caymanians to jobs in tourism.

Overall, the document stressed the importance of diversifying the market base and the product itself. Cayman can take a leadership role in blending tourism and the environment. There is a need for greater awareness of protecting the environment.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.52 PM

PROCEEDINGS RESUMED AT 2.34 PM

The Speaker: Before continuing with the proceedings of the House, there is a procedural matter which I need to bring before Members so that it can be rectified.

First of all I would like to thank the Deputy Speaker for stepping in and taking the Chair so quickly yesterday. I apologise for putting him at a disadvantage because there was no prior notice for the matter which was to be discussed.

Yesterday afternoon when the Deputy Speaker took the Chair, the Motion before the House was one that had been moved by the Second Elected Member for Cayman Brac and Little Cayman, seconded by the First Elected Member for Bodden Town and it reads as follows: **"THAT this matter be referred to a special Select Committee comprised of all Members of the House; and that the Speaker be invited to chair the Committee."**

The Motion was made under Standing Orders 24(9)(ii), a Motion which could be made without notice. This as Members will recall followed to vote on Private Member's Motion No. 30/94. The question having been put by the Chair in the following manner:

"BE IT NOW THEREFORE RESOLVED THAT this honourable House approves a review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth parliaments..."

This Motion was in the amended form as a Motion made by the Honourable Minister for Education and Aviation to delete the words **"and seek the advice and assistance of an experienced Parliamentarian as was done in the past,"** was passed.

On the question being put, there were Ayes and Noes. There were no requests for a division and the Chair declared that "the Ayes have it". The Motion was duly passed.

On the Motion made under Standing Orders 24(9)(ii) being proposed for debate, the mover spoke to it. The Chair caught the eye of the Honourable Minister responsible for Communication Development, Sports, Youth Affairs and Culture, but requested that before the

Honourable Minister spoke, the Deputy Speaker take the Chair. It is always an accepted procedure that the Speaker does not occupy the Chair when there are discussions on that person.

The Deputy Speaker, the Third Elected Member for Bodden Town, rose and indicated that he would take the Chair. He also said that the Speaker of the House should be included as a member of the Committee.

The Speaker indicated that a Speaker is never a member of any committee of the House. I could elaborate on that to also say, or be co-opted to any committee of any parliament in which that person is the Presiding Officer. The premise is that the Speaker does not sit on any parliamentary committee unless chairing that committee. While dealing with this matter I would like to draw to Members' attention Standing Orders 49(3) on Bills, where the Presiding Officer (in this case the Speaker) chairs committees of the whole House on bills. The one exception is the Appropriation Bill. In the past, before the amendment to revert the position of the Finance Committee, the Speaker was chairman of that Committee.

The question that was put at the end of the debate when the Deputy Speaker was in the Chair was: "**That this House approves a Review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of commons, and other Commonwealth parliaments**"—the exact wording of the substantive amended [Private Member's] Motion No. 30/94 which had been **resolved** by the House just a short time prior. This was passed again.

Thus the Motion was put and passed, that is, resolved for the second time, on Thursday, 8th December, 1994, contrary to Standing Orders 24(8) which states: "**No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.**" To correct this procedural irregularity it will now be necessary for the House to resolve and move that [such] part of the proceedings be expunged.

I am asking Honourable Members if someone would move the motion that that particular part be expunged from the proceedings.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. Can you just read what you are recommending?

The Speaker: What I have said is that the question that was put at the end of the debate when the Deputy Speaker was in the Chair, was that "this House approves a Review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons, and other Commonwealth parliaments" — which was the exact wording of the substantive amended [Private

Member's] Motion No. 30/94 that had been resolved by the House—that had been put and passed by the House.

So it appeared that the question was put a second time in the House and that is contrary to Standing Orders 24(8) which states: "No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved." So it is just a matter of irregularity and all that is needed is that it should be expunged from the Minutes.

Hon. W. McKeeva Bush: But do we need to expunge it? Would it not naturally fall away, Madam Speaker?

The Speaker: Not if you are contravening Standing Order 24(8) because that is specific. It says: No motion may be proposed which is the same in substance as any motion which during the previous six months has been resolved.

Hon. W. McKeeva Bush: Would it not be easier, Madam Speaker, for you then to put the correct Motion?

The Speaker: Not for a third time. The Motion was passed already. It was passed. There is the extract of the question that was put by the [Deputy] Speaker: "**BE IT NOW THEREFORE RESOLVED THAT this honourable House approves a review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth parliaments...**" The Question was put by the [Deputy] Speaker who declared that "the Ayes have it; the Motion has duly been passed." It was put again for the second time.

The Honourable Minister for Communications, Works and Agriculture.

Hon. John B. McLean: Madam Speaker, am I to understand that if we are to take out of the Minutes, as you have suggested, it would mean that the first Motion would stand and the Motion would be committed to a Select Committee of which the First Official Member...

The Speaker: I have not come to that part as yet. This is just about the Review. There was a second motion.

Hon. John B. McLean: Okay.

The Speaker: Do I have a motion then, that just this part of the Minutes be expunged—the second Motion which was put for the second time?

Would someone move that motion? The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, would it be permissible for a non-Government bench Member to so move a motion? For I would...

The Speaker: There is no objection because the motion was put by a non-Government Member.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, having only just heard what you have said, and having just received a copy of the *Hansard*, I am reluctant to move forward until I read it. But if Members want to move ahead with it, it is up to the House.

The Speaker: Honourable Minister for Communications, Works and Agriculture.

Hon. John B. McLean: Madam Speaker, I think this is important enough. If we could have a copy of the *Hansard* to look at for a few minutes, then we could deal with it if the Chair sees fit.

The Speaker: Well there is no problem with me there, except for the fact that you cannot change that the Motion was put twice and resolved twice contrary to Standing Orders 24(8). I am only concerned with the procedure of the House and I am responsible for the procedures of the House.

Hon. John B. McLean: I bow to your ruling, Madam Speaker, but I just think that most Members are not fully aware of this. So if you could give us a few moments we would appreciate it.

The Speaker: The Honourable Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I think there is nothing wrong with expunging the second approval of a Motion that was previously done before you vacated the Chair. If we read it, you put the question and then the Deputy Speaker took the Chair and put the same question. And that is all you are asking to be taken out of the Minutes.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

MOTION TO EXPUNGE IRREGULAR PROCEEDINGS

Mr. Gilbert A. McLean: Madam Speaker, I beg to move a Motion, that the question which was put twice on the same Private Member's Motion No. 30/94 which reads: "**BE IT NOW THEREFORE RESOLVED THAT this honourable House approves a review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth Parliaments be expunged from the records because it is twice appearing.**"

Thank you, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I beg to second the Motion.

The Speaker: There is a motion which has been proposed and seconded.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I think the request from the Minister of Communications, Agriculture and Works deserves some attention. I think the House understands that the Deputy Speaker was involved and I think we need to sit together and get it cleared away, then come back and take your suggestion.

Madam Speaker, in due deference to you, certainly we would pay some attention to him because he was in the Chair at the time.

The Speaker: Well, I do not think it is a matter that the Deputy Speaker was here. It is a matter where a motion was put which was the same as one that had been resolved, which is against Standing Orders 24(8). It is as simple as that.

The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, since the Motion just made seems to be open to debate, I would like to say that it is quite doubtful as to whether the motion put by me [acting as Deputy Speaker] was, de facto, a repeat of the original motion. If one looks at the entire Minutes surrounding the Motion, one will get an entirely different message, and I quote from the Minutes, these are the words: "**The Deputy Speaker: The question before the House appears to be in two parts: (1) that the matter of the Review go into a Committee, that is, a Review of the Standing Orders; and (2) is that the Speaker be appointed Chairman of that Committee. So I shall have to put the question in two parts.**"

With such an introduction before the question was put, it was quite clear to all the Members present that the question that was being put was whether the review would go to a committee, not whether the Standing Orders would be reviewed.

So the question that followed, although it does not include the words "**go to a Committee**", by implication clearly included the review by a Committee. The question actually put was, and I read: "**The first part of the question is that this House approves a Review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons, and other Commonwealth Parliaments. Those in favour please say Aye...Those against No.**"

It is perhaps a bit unusual that the words "**the review be done by a Committee,**" those words "**be done by a Committee,**" had not been included in the question. Had they been, the question put would have read: "**The first part of the question is that this House approves a Review of the Standing Orders by a Committee....**"

But if there is to be a review there has to be some method for the review; the review cannot just dangle in the air. The entire debate which preceded the putting of the question clearly indicated that all Members who spoke, including the Second Elected Member for Cayman Brac and Little Cayman, understood clearly that the review was to have been done by a Committee. And the other three Members—I think, the Third Elected Member for West Bay, and the two Ministers of Executive Council—also pointed out that this review would be done. They expected it to be done, and the will of the House was that the review be done by a Committee.

When the question was put that the Review be approved, it was axiomatic that the review be done by the Committee which the Second Elected Member for Cayman Brac and Little Cayman had moved in a Motion under Standing Orders 24(9)(ii).

Now if the House is going to quibble over semantics—because I feel that is what is happening with the movement of this Motion now—where are we going to end up? The substance of the question put, clearly reflects the substance of the Motion and the question put just encapsulates the thoughts expressed by the Members—that the matter would be referred to a Select Committee. But, perhaps it is as I said earlier, that the words "by a Committee" were not included in the question as they had been definitely included in the preamble.

So, my personal opinion is—and I give this for whatever it is worth—that the question of whether the House voted for the review to be done by a Committee is absolutely clear and yesterday afternoon [it] was clear in the minds of all the Members who voted, and the House voted unanimously for the Review to be done. Although the wording of the question may be interpreted by some minds to mean that a review is going to be carried on the Standing Orders, it could also be understood in a much broader view that the Standing Orders would be reviewed and reviewed as asked for and as agreed by a Committee.

The second part of the question seems not to have raised any doubts as yet, and I will not go into that. But my contention is that there is absolutely no reason to endeavour to change yesterday's proceedings. And although I do not have the authority to order it, I certainly for my own edification would like to hear the views of the Attorney General, although I do not want to put him on the spot. But it is now clear in my mind that the question put and the question understood by the Members was that the Standing Orders would be reviewed by a Committee.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I find this an extremely strange situation, as it appears to me a Motion has been put under Standing Order 40 to challenge the then Presiding Officer in relation to a ruling that he has made. And if that is the case, Madam Speaker, this is the first time in this House that I know about that such a very serious and grave situation has arisen.

No notice, as I understand, has been given. I am wondering how the Motion has come to the floor of this House without notice, and, really, do we have a motion to challenge the Presiding Officer's decision at this time. Or do we have a motion that is on the floor of the House without any notice? As I understand it, Madam Speaker, the motion has been put and no notice has been given.

A motion as grave as this has to be subject to notice and it is very clear. Standing Order 40 says: "The Presiding Officer is responsible for the observance of the rules of order in the House and in Committees of the whole House respectively and his decision upon any point of order shall not be open to appeal and shall not be reviewed by the House save upon a substantive motion made after notice". In any event regardless of what section it falls under, notice must be given or waived.

Having said that, Madam Speaker, I will go on to deal with this, but I do find this a very serious matter because it is the first time that we are having a substantive motion here to challenge the procedures of this House on the rare occasion when the Deputy Speaker was in the Chair. I hope that the Second Elected Member for Cayman Brac and Little Cayman realises that he is setting a very serious precedent. If this becomes prevalent in this House and we begin to challenge the rulings of—

[Inaudible interjections]

The Speaker: Order, order!

Hon. Truman M. Bodden: —the Speaker in this House on substantive motions, then it is indeed going to be very uncomfortable. I would strongly recommend that that Elected Member withdraw this Motion before I begin to speak on it. *[Pause]*

Notwithstanding, that, Madam Speaker, I submit that there is no motion on the floor of this House because no notice has been given and no notice has been waived, as I understand it. The Motion that is asking for the expunging of the procedure of this House is a challenge to the Chair and the Presiding Officer at that time.

I would now like to go into this and show that what has been done is correct. Therefore, I will not support this motion and I ask other Members of this House not

to because it is beginning to set an extremely bad precedent.

The Motion itself was brought, and then at the end of the motion, a motion was put without notice (under what I think is Standing Orders 24(9)(ii)). After that the Presiding Officer (you, Madam Speaker) left the Chair on the basis that it was not right for you to sit there, and I think that was the correct procedure—I have no problem with that.

Secondly, I think you also mentioned that you could not be a member when there was some mention of you being a member of the Committee. That I accept; that is correct. After that the Deputy Speaker went into the Chair, and after the debate he put this question (found on the second page of the minutes): "The motion before the House appears to be in two parts; (1) that the matter of the Review go into a Committee, that is, a Review of the Standing Orders, and (2) is that the Speaker be appointed Chairman of that Committee. So I shall have to put the question in two parts."

So the questions before the House were those two questions and it is abundantly clear what they were and that is what was subsequently in the minds [of Members] of this House when they made their votes and the divisions were taken.

The [Deputy] Speaker then went on to say, as an explanation of what was a question before the House, and I submit his subsidiary to it: "**The first part of the question is that this House approves a Review of the Standing Orders for the purpose of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth parliaments. Those in favour please say Aye...Those against, No.**" And he declared that the Ayes have it.

Now there was no doubt in my mind. I believe that there was no doubt in the minds of Members of this House as to what they were voting on. A motion had been passed, a motion that was ill-conceived and badly defined which would not have achieved anything unless a subsequent motion had been put to put it into a Committee. The Motion as it stood had to carry a subsequent motion and that was done without notice and it was debated on by the Mover.

The Deputy Speaker, who has all the powers of the Speaker when he sits in that Chair, put the question, and that was voted Aye unanimously. He then went on to put the second part of the question, and that was the one stating whether the Speaker be appointed Chairman of that Committee. There were submissions, as the records will show, and that went to a division again, and the Motion was defeated.

So I cannot understand why at this stage such a serious motion—and I point out, the motion is serious... The matter before this House may appear trivial to Members but it is a challenge to the Chair upon a substantive motion. It is the first time in the 14 years that I have been in this House that I have seen it. We then

had at that stage the finalisation of the three votes on this Motion.

The Motion should really have come in the correct form to have avoided all the confusion that subsequently went on in having to put the motions.

I submit that the [Deputy] Speaker was quite right when he divided the Motion in two. He has the power to do it under Standing Orders, and no Member of this House, in my view, voted on anything other than the two questions which he said were before the House and he made it clear.

I will read it again: "**The question before the House appears to be in two parts; (1) that the matter of the Review go into a Committee, that is a Review of the Standing Orders, and (2) is that the Speaker be appointed Chairman of that Committee.**"

So there is no doubt in my mind, and I believe there is no doubt in other Members' minds, as to what we were voting on and in any event, even if this is taken to its extreme, to raise a substantive motion to challenge the Chair upon the repetition of a Motion, it is, indeed, trying to have a storm in a tea cup.

I do not understand why there is this move in an attempt to embarrass the Chair—the [Deputy] Speaker at that time. I submit and I urge Members of this honourable House to uphold the rulings that the Deputy Speaker has made. There have been other rulings here that at times...

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order?

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker the Minister has been going in all directions completely different from what was proposed by the Chair. We are not talking here of any rulings made by the Deputy Speaker while he was in the Chair. We are talking about a situation of expunging one of the two votes that was taken on the same thing.

The Speaker: Honourable Member, there is a point because the fact is there is no attempt to challenge anything except that there was a procedural irregularity.

Standing Orders 24(8) says: "**No motion may be moved which is the same in substance as one which has been passed within the last six months...**" because you have to go by the wording which is put. The wording that was put for Members to vote on is the same wording which Members had voted on previously. All that is being asked for is that the procedure be regularised by expunging that particular portion.

The other point which I had not yet reached (while I am interjecting here, is that the motion that was moved by the Second Elected Member for Cayman Brac and

Little Cayman was that this matter (that is, the matter of the review of Standing Orders) be referred to a special Select Committee comprised of all Members of the House. Now that has not been voted on, and that was a question which I proposed before I left the Chair. That has not been voted on at all.

We are dealing with the part about the Speaker, I am not concerned about what happened—that the Speaker is not Chairman of the Committee. All I am concerned about is that the correct procedure should be put in the records and that something is done that refers the Review of the Standing Orders to a Committee.

That was not put—that *it be referred to the Standing Orders Committee*—that was not put anywhere here at all. It was just an assumption. A lot of Members spoke on it, but that Motion has not been put. I would like to see that Motion put.

This is what I am trying to get around to, that a Motion is put so that the Committee to which this should be referred to, can take action. Honourable Member, if you would like to continue, please do so.

Hon. Truman M. Boddén: Yes, Madam Speaker.

Quite frankly, if we want to look at irregularities, this whole Motion that we have now is irregular. I repeat that. This Motion which is on the floor of the House cannot be here because no notice has been waived or has been given.

If we look at Standing Orders 25(4)...and I submit that anytime a Speaker sits in that Chair, the practice and procedures of what he has done cannot be challenged by another Speaker who comes after him, because Standing Order 40 is very clear. But in any event we had a Motion put by the Second Elected Member for Cayman Brac and Little Cayman, we had an amendment, and if we look at Stand Orders 25(4) it specifically states: **"An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Presiding Officer and before it has been put by him at the conclusion of the debate thereon. When every such amendment has been disposed of, the Presiding Officer shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require and, after any further debate which may arise thereon, shall put the question to the House or Committee for its decision."**

There is a motion, when an amendment is put the question has to be put on the amendment, then you have a right to speak on the substantive motion.

If the House really wants to look at irregularities, this is it: a motion and an amendment went through before the Deputy Speaker went into the Chair and both were debated at one time and both were voted on. You cannot have two questions on the floor of the House.

So, I am submitting that this is a challenge, in any event not to any question of irregularity of procedure.

But as you, Madam Speaker, many times referred us to Standing Order 40, when the ruling is made by a Speaker, it is not questionable. What should happen prior to that, is that Members should be given a right to address the Chair.

So, whatever practice that Member has carried on while sitting as Speaker can only be questioned on a substantive motion. If there is any allegation of irregularity of procedures before this House, that is what a substantive motion to question the Chair is all about. And that, I submit is what is now happening before this House in an attempt to embarrass the Deputy Speaker, who sat in that Chair for a brief period when he sat with the full powers of the Speaker of this House.

I submit, therefore, Madam Speaker, that what he has done and what we have voted on is clear. He has appointed the Chairman who would normally sit as chairman of the Standing Orders Committee under which the Second Elected Member for Cayman Brac and Little Cayman chose not to follow because quite rightly, there was no specific amendment being put forward.

I submit that the question that was before the House was very clearly stated at the beginning by the Speaker and this is what he stated (and I submit that this is what I voted on): **"The question before the House appears to be in two parts; (1) that the matter of the review go into a Committee, that is a Review of the Standing Orders,"** and that is correct!

The Second Elected Member for Cayman Brac and Little Cayman wanted the Standing Orders review to be done in a select committee, because he was not proposing specific amendments to it which would have gone to the Standing Select Committee of the Standing Orders.

And secondly, the question he says (2) **"...that the Speaker be appointed Chairman of that Committee. So I will put the question in two parts."** I submit that it was voted on: that the Motion has been passed, another Motion has been passed to send it into a Committee and another Motion has been passed by which the third Motion was defeated and then the Speaker (the Deputy Speaker at the time) quite rightly appointed the person who normally is the Chairman of the Standing Orders Committee and who is a Member of this House, the First Official Member, the Honourable Chief Secretary.

So I find no problem with this, and I will not be supporting a Motion that is challenging what the Speaker did yesterday on this. I am satisfied that the Motions are passed and that there is no need whatsoever, to go to this very grave and serious stage in an attempt to (in my view), embarrass the Deputy Speaker.

Thank you.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I am at a loss as to what all of this debate is about when a simple question is being asked to expunge a question that was already asked and passed. I am certain that I am not standing here on the floor of this House to challenge the ability of the Deputy Speaker in one way or the other. Having sat in this Parliament for a number of years as Deputy Clerk and having understood in my small way, the Standing Orders of this Parliament, I cannot see where the Deputy Speaker is being challenged in any way when the simple question is that we expunge where it was agreed that the Standing Orders be updated as necessary, to practices and procedures of the House of Commons and other Commonwealth Parliaments. That question was proposed by you, Madam Speaker, prior to you vacating the Chair before the debate as to whether you would be Chairman of that Committee.

The Speaker said: "**I shall now put the question that Private Member's Motion No. 30/94 which will now read: 'BE IT NOW THEREFORE RESOLVED THAT this honourable House approves a review of the Standing Orders for the purposes of updating them as necessary and in light of modern practices and procedures of the House of Commons and other Commonwealth parliaments.'**" This is after you put the question on the amendment which was brought and approved. Then the Motion was proposed that this matter be referred to a special Select Committee comprised of all Members of the House and to invite the Speaker to chair the Committee.

Madam Speaker, Mr. Speaker did say "**The question before us appears to be in two parts and rightly so, (1) that the matter of the Review go into a Committee, that is a Review of the Standing Orders; and (2) is that the Speaker be appointed Chairman of that Committee. So I shall put the question in two parts.**" I am certain that no one in this building believes that the Deputy Speaker, acting as Speaker, deliberately put the same question. It was an oversight and all I find being asked this afternoon is to let us expunge where the question was put the second time and update the proceedings whereby the Motion for it to go to a Select Committee is either passed or denied.

Thank you, Madam Speaker.

The Speaker: Since Members are reluctant to say anything, I think what needs to be brought to the attention of the House is that the Motion which was moved by the Second Elected Member for Cayman Brac and Little Cayman has not been resolved. That question was never put because he moved that the review be done by a special Select Committee. That question was never put, although Members talked in their debates about the Standing Orders Committee etcetera, etcetera, the Motion, although it had been proposed by me before I vacated the Chair, has not been put.

I think there is no doubt about that at all and this is absolutely necessary; that a question which has been

put, debated on, should be finally decided on. When that is decided on whether it is negated, then there will have to be a motion to refer this review to a body whether it is the Standing Orders Committee or not. The Deputy Speaker did say that the results of the Division.... That means that the question that the Speaker be a Chairman of the Standing Orders Committee has failed.

Then he said: "**Therefore, I would like to confirm that the First Official Member of Government will be the Chairman of that Committee...**" Which Committee? The question was never put on a special Select Committee. The motion for it had been moved and seconded and proposed from the Chair. That is an irregularity. One does not assume anything in the House; one has to be specific. If a motion is put then you get your vote on it—your Ayes, Noes and your majority, or a division approving or disapproving.

But as I pointed out Standing Order 24(8) says: "**No motion which is the same in substance...**" irrespective of what may have gone before. The question that was put was the same one which had been resolved in the affirmative just sometime prior. That is not challenging anybody, because there was no ruling. It was just a matter of putting a motion which had already been put. This is not challenging any Speaker's ruling. Far from it.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I do not rise to debate the Motion, but on a matter of procedure and to ask for clarification. If I understand you correctly, you have said that the Deputy Speaker in the Chair did not put the question as to whether the Motion went to a Committee. I understand what is said by the Deputy Speaker in the *Hansard*, and I quote: "**The question before the House appears to be in two parts; (1) that the matter of the Review goes into a Committee, that is a Review of the Standing Orders; and (2) that the Speaker be appointed Chairman of that Committee. So I shall have to put the question in two parts. The first part of the question is that this House approves a Review of the Standing Orders for the purpose of updating them as necessary and as in light of modern practices and procedures of the House of Commons, and other Commonwealth Parliaments.**" Am I to understand that you are saying that he should have said that it goes to a Select Committee?

The Speaker: The question before the House, Honourable Member, which was moved by the Second Elected Member for Cayman Brac and Little Cayman (and these are his words): "**that the matter [i.e. the matter of the review of Standing Orders] be referred to a special Select Committee, comprised of the whole House.**" That is out. I am not dealing with the other part because that has definitely been decided on, that the Speaker

would not be Chairman of any Committee. I am not involved in that part at all because that is the decision of the House. But the matter of it being referred to a special Select Committee—which is what he proposed—which is a committee other than the regular Standing Orders Committee really needs to be decided on by the House and once that decision is made then the House will know where to go from there to get some action for the review of the Standing Orders.

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, there is an old saying that muddy water unwisely stirred gets darker still: left alone it clears itself. Perhaps in the light of the existing situation we might take a short suspension and be in a better frame of mind (all of us) to come back and bring what is at hand to a resolution.

MOTION FOR SUSPENSION

The Speaker: Is there a seconder for that Motion?

Mrs. Berna L. Thompson Murphy: Madam Speaker, I beg to second that Motion.

Hon. W. McKeeva Bush: I cannot understand here this afternoon...

The Speaker: Just one second, please. There is a motion before the House that we should suspend.

Hon. W. McKeeva Bush: Madam Speaker.

The Speaker: Please, let me put the question because I have to do that; that is my duty.

The question is that the House suspend for some time. Now that motion is open for debate if Members agree to it or not.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I believe that the Fourth Elected Member for George Town correctly put it when he made that little quotation about stirring muddy water and if it is left alone it clears itself. That is true! I do not understand why we are going into all of this now. I do not understand why this motion has to be put. Why do you not simply adjourn the House and allow Honourable Members to get together? Take a break, it is just about that time, Madam Speaker.

The Speaker: Actually, that is the motion the Member has put, which I am now asking Members to vote on, that there should be a short suspension.

Hon. W. McKeeva Bush: I do not follow the reasoning why we should have a motion to adjourn. I think you should suspend.

The Speaker: He is moving a motion for the suspension. It was not in my mind to suspend the proceedings at this time because we have not been here an hour.

If Members so wish, I will now put the question. The question is that the House should suspend for 15 minutes. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

[Members' laughter]

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.29 PM

PROCEEDINGS RESUMED AT 4.02 PM

The Speaker: Please be seated.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I would like to state (and in this I speak on behalf of the Opposition), that far be it from our minds to have any motive which brings embarrassment or which would cast the Deputy Speaker in a bad light on this Motion. The House will no doubt realise that both in his capacity as a sitting Member and colleague we have accorded him all the respect and courtesy due. We would have no reason on this or any other occasion to bring him into embarrassment and disrepute.

I want to say, because I saw this matter coming from yesterday, this whole confusion or irregularity or whatever it is described as by the Government, has its genesis in four words: *Keep the Speaker Out!* Out, that is, as Chairman of this Standing Select Committee. Madam Speaker, there is no reason for us to pretend, and anyone who suggests otherwise regarding embarrassment on anybody's part must only be speaking for himself as a performer of such tactics.

Thank you.

The Speaker: Honourable Minister for Community Development, Sports, Youth Affairs, and Culture.

Hon. W. McKeeva Bush: Madam Speaker, it is a pity that we have come to this stage because if advice had been taken from the beginning we could have solved a lot of misunderstanding when we suggested that we adjourn.

It is absolutely rubbish to suggest or to say as the First Elected Member for Bodden Town said: that we want to keep the Speaker out. Keep the Speaker out of what? Everyone of us had said in this House publicly that the Speaker would be involved in the Committee

and certainly, when I debated the Motion that was what I had in mind. When I suggested it the second time it was the Speaker.

Mr. Roy Bodden: The Speaker will... Chairman.

Hon. W. McKeeva Bush: Well why should she be chairman? I want to find out. It is absolute nonsense! No one here has said that the Speaker was not going to be invited. We could find ways and means to bring her in. But she cannot be chairman in any event as has already been said. So what is the noise? And to come here to say that the Government does not want the Speaker—four words: "Keep the Speaker out." They should not have drawn the Speaker into the debate in that manner as far as I am concerned. That is not the question. That has never been the question. But now we see where the Opposition is leading and you see what they mean by all of this confusion that is created.

Madam Speaker, if there is no question, no motion, then can we move on to another aspect of business?

The Speaker: I believe we did have a Motion moved by the Honourable Second Elected Member for Cayman Brac and Little Cayman. Was that Motion seconded? It was seconded by the First Elected Member...

Hon. W. McKeeva Bush: Madam Speaker, I do not agree that there is a Motion. But if there is one, I move that the question be put.

The Speaker: The question is that the Motion which was put for the second time, which is contrary to Standing Orders 24(8), be expunged that was the Motion that was moved and that is all that is being asked to correct irregularities.

In doing so there was nothing, and I want to make that very clear, there was nothing said or indicated against the Honourable Deputy Speaker. It is just a matter of procedural irregularity.

The other point is that the question on a special Select Committee has not yet been put and decided on. The House needs to decide on that.

Hon. W. McKeeva Bush: Are you putting a Motion now Madam Speaker?

The Speaker: Well if nobody wishes to say anything.

Hon. W. McKeeva Bush: I move that the question be put.

The Speaker: Certainly. The question is that the section where the substantive amended to Private Member's Motion No. 30/94 having been put for the second time contrary to Standing Order 24(8) the motion having already been resolved within six months of the House,

that that particular section be expunged. That is the Motion before the House.

I trust all Members understand that. Is there anyone who does not understand what the question is before the House. I shall now put the question. Those in favour please say Aye...Those against No.

NOES.

The Speaker: The Noes have it.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division?

The Speaker: You certainly may. Madam Clerk.

Clerk: DIVISION NO. 25/94

AYES: 4

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mrs. Edna Moyle

NOES: 12

Hon. Richard Coles
Hon. George A. McCarthy
Hon. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. S. A. Tomlinson
Mrs. Berna L. Murphy
Capt. Mabry S. Kirkconnell

ABSTENTION: 1

Mr. G. Haig Bodden

ABSENT: 1

Hon. James M. Ryan

The Speaker: The result of the Division is 4 Ayes, 12 Noes and one abstention. The Motion has therefore not been passed.

NEGATED BY MAJORITY: THAT THE PROCEEDINGS RELATING TO THE QUESTION HAVING BEEN PUT A SECOND TIME (AT YESTERDAY'S SITTING) BE EXPUNGED.

The Speaker: The other matter which needs attention is a decision on the Motion made by the Second Elected Member for Cayman Brac and Little Cayman, that the Standing Orders be reviewed by a special Select Committee comprised of all Members of the House.

That was the Motion which was moved, proposed and which had not been put to the House and, on which the House had not reached a decision.

The Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, would you just read specifically the Motion that you are now saying is before the House, please.

The Speaker: This is the Motion that was moved by the Second Elected Member for Cayman Brac and Little Cayman on the 8th December, 1994, under Standing Order 24(9)(ii). I wish to move a Motion under Standing Orders 24(9)(ii) which reads: **"A motion may be made without notice and in this case I would like to move that this matter be referred to a special Select Committee comprised of all Members of the House and to invite the Speaker to chair the committee."** Now the last part of the Motion has been resolved. It is the first part that needs to be put to the House that the matter of a review of the Standing Orders be referred to a special Select Committee.

Are Members prepared to vote on this now?

If there is no debate I shall put the question. Those in favour please say Aye; those against, No.

AYES and NOES.

The Speaker: The Noes have it.

Mr. D. Kurt Tibbetts: Madam Speaker, may we have a division?

The Speaker: You certainly may. Madam Clerk.

Clerk: DIVISION NO. 26/94

AYES: 4

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mrs. Edna Moyle

NOES: 13

Hon. Richard Coles
Hon. George A. McCarthy
Hon. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. S. A. Tomlinson
Mrs. Berna L. Murphy
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

ABSENT: 1

Hon. James M. Ryan

The Speaker: The result of the Division is 4 Ayes, 13 Noes. The Motion has duly not been passed.

NEGATIVED BY MAJORITY: THE REVIEW OF THE STANDING ORDERS BE REFERRED TO A SPECIAL SELECT COMMITTEE NEGATIVED.

The Speaker: What is required now is a motion to refer the Review of the Standing Orders to a Standing Order's Committee.

Hon. W. McKeeva Bush: Do we need notice for that?

The Speaker: It can be done without notice.

Hon. Thomas C. Jefferson: Madam Speaker, I wonder if this can be done without notice. When I challenged your decision on Standing Orders for questioning, you said I had to have a substantive motion and had to give sufficient time.

The Speaker: When was that Honourable Minister?

Hon. Thomas C. Jefferson: When I sent it down here and you made me change it, Madam Speaker.

The Speaker: Well, I would like to know what occasion that was, I am not aware of that. But under Standing Orders the Presiding Officer can waive the notice and we want to get this done so that we know where the Review is going to be and the Committee.

Hon. Thomas C. Jefferson: Madam Speaker, I suggest you put the Motion.

The Speaker: That is not in my place, Honourable Minister. I think you know that. Does any Member wish to move the Motion that the Review of the Standing Orders be referred to the Standing Orders Committee?

Honourable Members, will you please listen to the question that was put? The first question was on a special Select Committee and I thought I made that very clear, which was the Motion that the Second Elected Member for Cayman Brac and Little Cayman had [proposed] and which has not been put.

Hon. W. McKeeva Bush: Madam Speaker, I do not want to get into any quarrel with the Chair, but the truth is that the Chair is to be blamed today for this confusion, because if the Chair had accepted a request for Members to get together we would not have come to this stage. And I do not know where...

The Speaker: Honourable Minister, I am not going to sit here and say that I am to be blamed for something which eventually occurred. There was a recess and I am not going to have an argument with any Member on that point. The point now is that we want a decision so that we know where the Review of the Standing Orders is going to take place and what Committee it has to go to. Would someone please move a motion to that effect?

Hon. Thomas C. Jefferson: Madam Speaker, it appears that nobody wants to do anything. So I would

move the adjournment of this honourable House until 10 o'clock, Monday morning.

The Speaker: I do not think that I would accept that as an adjournment because we have a matter before the House which has not been properly resolved.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, with due respect the Leader of Government Business has moved the motion for the adjournment. I do not see where the Chair can say that the House cannot adjourn. Whatever happens to the piece of business, whether it falls away, it falls away, or we come back to it when minds are much clearer. However, the Motion is that the House do now adjourn by the Leader of Government Business.

ADJOURNMENT

The Speaker: Well, if no one wants to have anything taken on the Motion for the Review of the Standing Orders the matter will probably just sit there ad infinitum. If the Motion is that the House do now adjourn, I will put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The House has accordingly adjourned until Monday morning at 10 o'clock.

AT 4.10 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 12 DECEMBER 1994.

**MONDAY
12 DECEMBER 1994
10.36 AM**

The Speaker: 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, Official Members and Ministers 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.

Order. Proceedings are resumed in the Legislative Assembly.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: First of all I would like to apologise to Honourable Members for the delay in commencing today's sitting. Secondly, an apology has been received from the Honourable Second Official Member responsible for Legal Administration, who is off the Island. In his place will be Mr. Michael Marsden, who will now take the oath before the Clerk.

Mr. Marsden.

ADMINISTRATION OF OATH OR AFFIRMATION

OATH OF AFFIRMATION by Mr. Michael Marsden

Hon. Michael Marsden: I Michael Marsden, do solemnly and sincerely affirm and declare that I will be faithful and serve true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law.

The Speaker: Please take your seat Mr. Marsden. On behalf of the House I welcome you as the Honourable Temporary Second Official Member.

Presentation of Papers and Reports. The Report of the Standing House Committee. The Elected Member for North Side.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING HOUSE COMMITTEE (Meetings held during 1993 and 1994)

Mrs. Edna M. Moyle: Madam Speaker, in accordance with Standing Order 72(5), I beg to present to this honourable House the Reports of the Standing House Committee for the years 1993 and 1994. Before reading the report I would like to extend by apologies to this honourable House for the late presentation of the 1993 Report of this Committee.

The Speaker: So ordered.

Mr. Gilbert A. McLean: Madam Speaker, I beg to second the Motion.

The Speaker: There is no Motion, she has just laid a paper on the Table. She will move the Motion afterwards.

Elected Member for North Side.

Mrs. Edna M. Moyle: Report of the Standing House Committee of the Cayman Islands Legislative Assembly.

APPOINTMENT OF MEMBERS

In accordance with the provisions of Standing Order 76 which reads: "**76. The House may appoint other standing select committees as required from**

among its Members." At the First Meeting (following the 1992 General Election) held on the 25th of November, 1992, Government Motion No. 2 appointing the Standing House Committee and setting out its terms of reference was moved by the Hon J Lemuel Hurlston, MBE, JP, First Official Member and passed unanimously by the Legislative Assembly. The Motion reads:

"BE IT RESOLVED THAT, in accordance with Standing Order 76, the House appoints a Standing House Committee charged with the duty to make recommendations to the House Committee in respect of -

(a) matters affecting the working conditions, comfort and facilities for Members during meetings of the House;

(b) matters affecting the working condition, comfort and facilities for the staff of the House;

(c) the operation and maintenance of the library of the House, and the provision of research facilities;

(d) the maintenance, upkeep, furnishing and equipment of the Legislative Assembly Building:

"BE IT FURTHER RESOLVED THAT the Standing House Committee shall comprise five elected Members one of whom will be elected by the Members of the Committee as Chairman and one as Deputy Chairman;

"AND BE IT FURTHER RESOLVED THAT the quorum for the Committee shall be three Members of the Committee including the Chairman or Deputy Chairman."

ELECTION OF STANDING HOUSE COMMITTEE

In accordance with the provision of Government Motion No. 2, the following Members of the Legislative Assembly were duly elected on the 25th of November, 1992, to be the Members of the Standing House Committee:

Mrs. Edna Moyle
Mrs. Berna Murphy, MBE
Mr. G Haig Bodden
Capt. Mabry S Kirkconnell, MBE, JP
Mr. Gilbert A. McLean.

APPOINTMENT OF CHAIRMAN AND DEPUTY CHAIRMAN

On the 6th of January, 1993, in accordance with Standing Order 70(7), Hon. John B. McLean, JP, being the longest continuous serving Member of the House, called a meeting of the Committee for the first time and acted as Chairman.

At that Meeting, on a motion moved by Mrs. Berna Murphy and seconded by Capt. Mabry Kirkconnell, Mrs. Edna M. Moyle was nominated and duly appointed as Chairman.

On a motion moved by Mrs. Edna Moyle and seconded by Hon. John B. McLean, Capt. Mabry Kirkconnell, MBE, JP, was nominated and duly appointed as Deputy Chairman.

MEETINGS OF THE COMMITTEE

The Committee held five meetings: **(i) Wednesday, 6th January, 1993; (ii) Friday, 13th August, 1993; (iii) Thursday, 2nd June, 1994; (iv) Thursday, 25th August, 1994; and (v) 8th December, 1994** (when the Committee considered and approved its Report).

ATTENDANCE AT MEETINGS

The attendance of Members is as recorded in the attached Minutes of Proceedings.

RECOMMENDATIONS OF THE COMMITTEE

The Committee made the following recommendations:

- (a) that a small office for use by Members be provided;
- (b) that better security of the Building be provided;
- (c) that entry to the building by members of the public be restricted to entry through the front entrance only where they can be closely monitored;
- (d) that there be a very strict vigilance of persons entering the Building and that the Rules regarding the admission of the public be strictly adhered to;
- (e) that security checks be installed at the two entrances and that the following features should be included:
 - (i) two 35" metal walk through detectors at the front entrance;
 - (ii) installation of a card system for the rear entrance which will be used by the Honourable Speaker, Members of the Legislative Assembly and staff;
 - (iii) two video camera systems, one covering each entrance with 24-hour surveillance capabilities;
 - (iv) two hand-held scanner; and

- (v) one battery back-up system.
- (f) that a storeroom be converted to a second male restroom;
- (g) that post boxes for Members be installed in the staff front offices;
- (h) that daily newspapers be put in the Common Room for Members particularly during meetings of the House and of Committees;
- (l) that the Committee Room be equipped with a small desk-top recorder to facilitate Committees requiring verbatim report;
- (j) that photographs of present and past Members of the Legislative Assembly be mounted on the wall with appropriate plates with the relevant information of the Member and that where a Member has deceased that they be recognised with a small black bow placed inside the frame;
- (k) that a back-up emergency lighting facility be installed throughout the Building;
- (l) that chairs in the Committee Room be replaced and new furnishings for Hansard staff be provided;
- (m) that reading materials be constantly updated;
- (n) that the Department be provided with a Microfiche Reader for the use of Members and that copies of all Hansard Reports be put on microfilm;
- (o) that a plaque with the names of all Justices and Vestry Members and Members of the Legislative Assembly be commissioned and that this be installed at a suitable place within the building;
- (p) that papers for Members are distributed with a minimum of delay;
- (q) that a cabinet, which will replace the existing table, be built in the Common Room as storage for sodas;
- (r) that the Ficus tree at the eastern end of the building be cut back to a size that it can be better and regularly maintained;
- (s) that efforts be made for the swift delivery of the *Parliamentarian Magazine* from the CPA Headquarters in London;
- (t) that an extension to the front entrance be erected and that the Public Works Department be requested to prepare a draft plan which should be reviewed by the Committee before submission to the Central Planning Board;
- (u) that provisions be made in the 1995 Budget for the purchase of 4 filing cabinets and replacement chairs for staff;
- (v) that the Computer system in the Department be replaced with a more efficient and adequate system that meets the needs of the Department.
- (w) that a set of encyclopaedia, a large dictionary and a legal dictionary be purchased for Members' library; and
- (x) that if the Government installs a backup generator for the Courts and the Tower Building, that the Legislative Building be included.

ACHIEVEMENTS

The Committee is pleased to report that the following improvements to the Legislative Assembly Building and working conditions of staff have been put in place to date:

- (a) replacement of staff furniture in the Hansard Office;
- (b) the conversion of a storage room to that of an additional male restroom.
- (c) the purchase and installation of a microfiche reader the result of which one can now review copies of the Cayman Islands Blue Book and the Caymanian Compass for the years 1992 and 1993;
- (d) the installation of emergency lights throughout the building;
- (e) the installation of lockers for Members;
- (f) all available Members' photographs are on the West wall of the Building and are now labeled;
- (g) the tree to the east of the Building has been cut back in order that it will be more manageable and can be properly maintained;
- (h) the security system is presently on order and;

(i) newspapers are now available for Members.

REPORT OF THE COMMITTEE

The Committee agrees that this Report be the Report of the Standing House Committee to this Honourable Legislative Assembly.

Madam Speaker, under the same Standing Order 72(5), I move that the recommendations contained therein be adopted by this honourable House.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I now wish to second the Motion.

The Speaker: The question is that the Report of the Standing House Committee and the recommendations contained therein be adopted. If there is no debate, I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Report and recommendations of the Standing House Committee have been adopted.

AGREED. RECOMMENDATIONS CONTAINED IN THE REPORT OF THE STANDING HOUSE COMMITTEE ADOPTED.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 9/94

ADOPTION OF THE TOURISM MANAGEMENT POLICY 1995—1999

The Speaker: Government Business, Government Motion 9/94. I observe that the Mover of that Motion, the Honourable Minister for Tourism, Environment and Planning is absent. Perhaps we will deal with this...

The Honourable Minister for Education.

Hon. Truman M. Boddan: The Minister was off the Island over the weekend. I have asked his office to attempt to reach him so we could perhaps put this further down on the agenda for when he arrives.

The Speaker: That certainly can be done when the Minister arrives.

The next business is the debate on the Report of the Public Accounts Committee. It was resolved that the

commencement of the debate would be today, Monday. The debate can now commence.

OTHER BUSINESS

MOTION MOVED UNDER STANDING ORDER 24(9)(II) TO DEBATE THE REPORT OF STANDING PUBLIC ACCOUNTS COMMITTEE (ON THE REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1993)

The Speaker: The Chairman of the Public Accounts Committee, the Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

On Friday when I, as Chairman, Tabled the Report of the Public Accounts Committee, there seemed to be quite a lot of interest in having an opportunity to debate this particular report. That was the reason I asked your permission to move the Motion to allow the debate on the report. So I will just wait to hear what Members have to say.

The Speaker: The debate is open for any Member who wishes to take part. *[pause]*

The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddan: Thank you, Madam Speaker.

This important report deals with several matters that have been highlighted by the Auditor General. We see several serious irregularities that have arisen. The report itself is the report on the Accounts for the year ended 1993. Firstly, one of the things that appears is that there has to be in accordance with the recommendations of the Committee, a stepping up of the inspection of containers by Customs as well as the enforcement of the evasion of Customs duties.

It seems that the spot checks need to be increased so that much more than what was found can be picked up. At page 5, the Audit Office estimated that "\$293,623 in duty was suspected to have been evaded over an 18 month period in 1990 and 1991 by one importer." That is an important area.

Going on from there, we come to some of the most serious of the problems (on page 5) dealing with the Water Authority. What is important here to note is that the Authority itself did a considerable amount of very irregular matters: some of these may be subject to the Legal Department or the Police. So I will not go into detail in some areas even though I am not certain what is and what is not.

We had an instance where the Authority acted ultra vires. While what was done was possibly morally justified, there is the view of the Legal Department that

sums that were paid for certain overseas medical expense were ultra vires, that is \$106,632 were wrongly paid out and paid out without authority. Other than this, the sports sponsorships for some \$43,666 were, once again, ultra vires, in the view of the Auditor General and the Legal Department and beyond the authority of the Water Authority and it was therefore unlawfully paid out.

The Auditor General also found that on a spot check of some 40 customers (which is really a small spot check compared to the number of customers there) he confirmed, and I will just read this:

"The result of this exercise confirmed under-billing of \$2,634 on two accounts, plus under-billing of \$1,880 on one other account. These irregularities occurred during August 1991 to January 1993." [This stopped immediately after the new Government got in.]

"What was most disturbing was for the Committee to learn that the first two accounts in the sum of \$2,634 involved the former Managing Director's personal account and that of a staff member's mother. The other account for \$1,880 was the water account of the former Member for Communications, Works and Agriculture, Mr. Linford Pierson." [I want to repeat that:] **"The other account for \$1,880 was the water account of the former Member for Communications, Works and Agriculture, Mr. Linford Pierson."**

It goes on to say: **"With the exception of the former Director's account, the Committee was not able to uncover any evidence to establish that the manipulation of meter readings were done with the clients' knowledge and approval."**

But what is abundantly clear in this is that a benefit was received by that former Member. It was wrongly received. It goes a long way towards showing what could be a system of dishonesty by the Managing Director of the Water Authority where he was underbilling his account, a staff member's mother's account and we find that Mr. Linford was also one of the people whose account was underbilled (and not a small sum either, \$1,880 over a period of time).

They said the irregularities occurred during 1991 down to January 1993. So I guess they got afraid once the new Minister came in for all of the underbillings stopped. With all of the attacks that we have had on this Government by Mr. Linford Pierson, perhaps he or one of his lady writers in the press will explain how he came to have his water account underbilled by \$1,880. A serious matter, Madam Speaker. It is a small amount but the principle is very serious.

The next section of this deals with the extension of the water distribution to new sub-divisions:

"iv) Extension of Water Distribution System to New Sub-divisions: 'No formal policy has been developed to regulate financial liability for the costs of connecting new private residential developments to the water distribution system.'

'It was drawn to the Audit Office's attention that in one case payment of an invoice for \$17,400 was waived. The developer paid \$3,750 for materials by way of a deposit and an invoice for \$17,400 was issued in July 1993 for the cost of installation by the contractor, Petroservicios Limited. This invoice was subsequently cancelled in October 1993 by the former Managing Director of the Water Authority and the cost was financed from the Authority's long term borrowings. The action was not referred to the Water Authority Board.'

'The Audit Office noted that the justification for cancelling this invoice was said, and it is quoted, "to assist the developer to keep the cost of housing lots to a minimum in order to meet the needs of Caymanians in the middle and low income bracket." This statement however does not reflect the official policy of the Water Authority Board.'

The Public Accounts Committee recommends: **"(1) ...that specific policies regarding the commitment of such Authority to any liability or to make any donations to any charitable or social obligations should be put in place without being budgeted..."** I presume that policies must go in subject to budget I think is what is meant there.

"(2) that every effort be made to recover the outstanding amounts due to the Water Authority arising from under-billings by the former Manager Director;

"(3) that every effort be made to recover the sum of \$17,400 owed to the Water Authority for Water Extension fees written off by the former Managing Director;

"(4) that on conclusion of investigation and an audit being carried out by the Audit Office, the matter should be referred to the Legal Department for advice in order to recover any amounts determined as owing to the Authority and if criminal charges should be pursued.

"(5) that any future writing off of accounts be made only with the authority of the Water Authority Board; and

"(6) that Statutory Authorities should discharge their duties and responsibilities to the same high standard as requested of Government Departments particularly regarding tendering of contracts."

Madam Speaker, for years now I have preached that a statutory authority in the hands of either an irresponsible or corrupt person is something in which millions on top of millions of the public's dollars can be wasted, diverted, or can go into the pockets of politicians. This is why I believe that all statutory authorities should be made subject—as far as it is practically possible—to the same guidelines used by the Government; especially in relation to the Finance and Stores Regulations; in relation to money that is given out. Especially where there is a relationship with the Member

(in this instance the Minister for Communications and Works) over those four years, or for example with the Health Services Authority (the then Minister, Mr. Miller, who was in charge of that—I will come to that right after this). What we have seen here is a waste of public funds: a blatant waste of public funds diverted for the benefit of individuals. And that is wrong.

There are no checks and balances in some of these statutory authorities to avoid this. I think more and more that we must now move to a stage where there is an omnibus law that covers all statutory authorities and subjects them to matters such as the Legal Department's rulings, as we saw with the Health Services Authority. We saw the way the Member for Health at that time picked and chose what he wished from the advice given and many times went against the advice that was given.

I believe that we should have the government auditor impose on the statutory authorities substantially more auditing procedures. There has been a system of diversion of public funds to public people over a period of time; this is not a one-of situation. As first stated in here by the Auditor General these irregularities occurred during August 1991 to January 1993. They obviously panicked when the last Member for Communication and Works, Mr. Linford Pierson went out and they suddenly got back to being regular and honest again. But it has been uncovered.

I think that one cannot put too much emphasis on the fact that when people are put here as Members or Ministers, they must act within proper guidelines the same as anyone else. We are not looking at small amounts here: these are substantial amounts. The write-offs were not large, but the sports sponsorships and the other fees that were ultra vires are probably some quarter million dollars. The sums that were paid, for example, the water distribution system to the new sub-divisions appears to me to be very substantial as well.

One may sometimes hear that somebody does not know that they are getting this money or this benefit, but the public is not stupid. We all know when things are benefiting us or not benefiting us over a period of time. I submit that it is something that will have to be borne clearly in mind (especially in this upcoming election) to ensure that the people who are running to come into this honourable House remain honourable. We come in here and we talk about "honourable this one" and "honourable that one", yet we find this sort of irregularity which occurred under the last Government.

The Health Services Authority: Under the chairmanship of Mr. Ezzard Miller which I opposed—in fact, a lot of that legislation and [a number of] motions were opposed not only by me, but also by the Honourable Second Elected Member for Cayman Brac and Little Cayman, the First Elected Member for Bodden Town, the Third Elected Member for West Bay and my colleague the Minister now for Communications and

Works. We opposed because we saw that his sitting as Chairman of the Health Services Authority. . . And also out of that seven when we were altogether as Opposition was the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, Honourable McKeeva Bush. But we opposed this because we saw at the time the danger in putting too much power in the hands of one person. And, Madam Speaker, it is now pact in a very resounding way—the way that Mr. Ezzard Miller took and manipulated that authority to the benefit of his friends. Here it is: **Employment of Consultants** page 6 number (d): **"No formal Needs Assessments appear to have been developed by Management prior to initiating discussions with the Consultants, the total cost of which was established to be \$534,478. In five out of seven Consultancies studied, no Terms of Reference were ever formalised between Client and Consultant."**

That is absolutely amazing. To employ consultants for half a million dollars and five out of seven of them had no terms of reference? The money was just paid out (and I submit, wrongly paid out; people beyond the consultants benefited from it). That is why it could not go through the proper process.

Speaking generally, matters like this cause corruption in other countries and destroy them; destroy their governments; and ultimately hurt the people. We find it time after time in many of the islands surrounding us. The absolute power which this Member was literally given in the Health Services Authority was used for the benefit of his friends and himself. We are not here talking about even having a system within the Health Services Authority through which it went. The money was simply paid out on the whims and fancies or the persuasion of the chairman, Mr. Ezzard Miller, to put this in the hands of Mr. Conti's company and others.

The paragraph goes on to say: **"Consultants estimated to cost \$100,000 or more should have been considered and approved by the Central Tenders Committee of Government. However, the Committee was disturbed to note that during the Health Services Authority's two years of existence it did not develop or institute any formal Financial Regulations to ensure the regular and proper conduct of its business by management and employees, nor did it adopt Government's existing Financial Regulations framework which requires competitive tendering of all contracts of \$100,000 and over."**

Further, **"there was no evidence available to indicate the particular qualifications, expertise and experience of individual consultants."** That is absolutely amazing. Half a million dollars paid out and we do not even know if the consultants were qualified. At least there is no evidence on file that they were qualified to do what they were employed to do. In other words, the public's money was given away at the persuasion of Mr. Ezzard Miller to consultants who did not go through a

bidding process and of which there was no evidence (as was stated here) to indicate that they even had the qualifications or the experience to do so. I understand that one of them was a former car salesman or something.

This sometimes is what happens if the public in good faith puts members in here who have had a track record like this. I hope with Mr. Linford Pierson and Mr. Ezzard Miller the public will bear this in mind very clearly with the upcoming election since they have now announced their intentions to run.

We go on to find that under paragraph (iii) headed "Terms and conditions of employment": **"Six of seven Consultants were based on hourly or daily consulting fees. Only one of these Consultants was covered by a proper contract which was based on Government's Standard Service Agreement for Overseas Officers. The Audit Office could determine no clear rationale for the consulting rates awarded. In terms of prevailing Civil Service salaries, the rates and associated benefits may be viewed as generous."**

Basically, the chairman of the Health Services Authority did as he wished. There was not even a clear basis on which this load of money was paid out to these consultants. And look at the mess it finally got us into. There is no wonder it says there was no evidence of their qualifications on file. Here we have an example under project manager: **"Remuneration was said to be based on the Health Services Authority Consultant Rate of \$331 per working day with an expected 242 paid days per annum equating to a basic salary of \$80,102 per annum."** In addition to that he received \$1,500 per month rent allowance plus a fully expensed motor car. **"The Audit Office assessed the value of salary, allowances and other benefits, but excluding the cost of overseas travel, relocation and incidental costs to be in the region of \$105,000 per annum. This individual's contract was terminated after approximately five months of its two year term."**

Further down it says: **"Termination payments totalled \$48,864 including six months salary plus vacation in lieu of notice had to be paid. Had the Consultant been engaged on the normal terms of one month's salary in lieu of notice, the Health Services Authority would have saved \$39,058 in termination costs."** Once again, \$39,000 of the public's money not accounted for, but instead paid out to one individual person. I do not think there could have been a much more generous contract because it goes on to say: **"For reasons unknown to the Audit Office, the basis for payment of the Project Manager's allowance was altered so that the Health Services Authority assumed responsibility for providing accommodation at a monthly cost of up to \$1,500 per month on his behalf. This Consultant also enjoyed payment of all utility bills plus deposits although**

his contract contained no such provisions for these benefits."

They even paid him beyond the cost of the generous contract that they had given him. This was all money that was unauthorised under the contract. I submit that is misappropriating the funds of the Authority (and I am speaking in a civil matter here) for the purposes of that individual.

They go on to deal with outstanding debts saying: **"The Committee is concerned that over \$1 Million of 1992 fee income is considered to be irrecoverable, despite efforts to issue bills on a regular basis."**

The Committee recommends: **"(1) that in future all contracts for works and services in excess of \$100,000 should be considered and awarded by the Central Tenders Committee in keeping with the provisions of the Financial and Stores Regulations;**

"(2) that the Health Department should consider employing a debt collector on a part-time basis...

"(3) a review of the facilities in place regarding medical records."

So when we find these two Members (Mr. Linford Pierson and Mr. Ezzard Miller) out there talking, I think the public needs to ask them one simple question: Why did you divert this large amount of the public funds which could have been used for many benefits? Give it to the needy; put it on education; give it to sports; put it on health; put it on something besides into the pockets of friends. The water bill for Mr. Linford was underbilled by \$1,880 and we see that the managing director of the Water Authority was also helping himself.

The combination (this is what I want to come back to) of a statutory authority which is independent of Government's Audit and Finance and Stores Regulations; independent of the Legal Department and all the other services within Government, leads ultimately to corruption in some cases, and in some areas. I want to stress this: This honourable House this coming year must bring as much of the statutory authorities as relates to the regular and normal procedures of government back under it, while preserving their legal liability autonomy. While they are very good and very workable, if the people in them are going to play the rules right and remain honest, the day that we get irregularity creeping in, the result is economic disaster for that authority or that statutory body.

It is no wonder that in three years the Government lost \$57 million under the government that existed prior to us for the last four years. When you look at this, money was going everywhere: to themselves, their friends, their friends' consultants and then the money was simply wasted in other areas.

I will move on now to page 8 "Purchase of the Campbell Building". If the instances were just one-off one could say that maybe there was a mistake. But here is another example that we have where Mr. Linford Pierson took over and dealt with the transaction. The

Auditor General has clearly pointed out that Mr. Pierson went against the rules and that Government did not get good value for money in the purchase of that building.

The gist of this is that the building was **"purchased in February 1992 at a total cost of \$1,582,500. The total purchase price, including interest, was \$222,500 in excess of the maximum price recommended by the Lands Officer."**

This is perhaps the important part: **"The Ministry of Agriculture, Communication and Works has confirmed that the purchase of this building was negotiated personally by the former Member responsible: Mr. Linford Pierson and not the Lands Officer or the Director of Lands and Survey."**

Once again he is coming in with a hands-on approach and what we have is another irregular transaction that Mr. Linford has personally taken over the responsibility and the negotiation for. This obviously goes clearly against the policy of the Government. It goes on and I will read it: **"The former Member for Communications, Works and Agriculture (Mr. Linford Pierson) and the former Member responsible for Education (Mr. Benson Ebanks) recommended the acquisition of the building and use by the Education Department and this recommendation was approved by the Executive Council. The Lands Officer concluded in his recommendations that the property was not suitable for use as Government offices."**

It would be bad enough if they were buying a building that was suitable for use as Government offices and they paid some more rather than go through compulsory acquisition. But this in itself, had to be subjected to very extensive and costly renovations. It goes on in the next paragraph to say: **"In addition, no structural or other survey was carried out prior to concluding the Purchase Agreement."** They were so anxious to get it through that the building was not even inspected. I continue to read: **"It was subsequently established by Public Works Department that the building appeared to be missing two ground floor columns and two steel columns were subsequently erected by the Public Works Department to correct the omission, including other modifications at a cost of \$164,987."**

So in their anxiety to pay this money out, and presumably, if it went through a real estate agency pay the commissions that had to go with that, that nobody even bothered checking it.

"The total project cost is calculated to be \$1,860,897, inclusive of land, buildings, repairs, modifications and computer communications equipment and this equates to \$200 per square foot."

Two hundred dollars per square foot. With all due respect, somebody got some of Government's money for the value that Government did not get because it is absolutely ridiculous to pay that sum out. So we find here that the situation with those irregularities is really a

matter that I hope the public does not forget in two years' time.

The other thing is that those who keep company with them must expect to catch a tinge from the company they keep. I know that the seven Opposition Members at that time especially regarding the Health Services Authority, the First Elected Member for Bodden Town, the Second Elected Member for Cayman Brac and Little Cayman, the Third Elected Member for West Bay, and the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, the Honourable Minister for Communications and myself, opposed that Health Services Authority because we could see that putting it in the authority of a chairman such as that Member would lead to exactly what has come about. Incidentally, it is unfortunate that they did not listen to us regarding Cayman Airways or the country might have been another \$36 million better off.

When we look at page 3, we find that the situation that I referred to there is clearly brought out in this. In paragraph 9: **"The Committee offers its congratulations to the present Government for its efforts in turning around the financial position of the Cayman Islands Government for the year 1993. To appreciate the results of this financial year, it is necessary to compare these results with the financial position as was highlighted in the Public Accounts Committee's Report in 1993 as follows."**

This is what needs to be stressed. In 1992, the deficit was \$14,910,000. The last government's losses in 1992 were \$14.9 million just for that year. Remember there was a \$57 million total loss during the time that that government was in. In 1993, we showed a surplus of \$2,395,000. The difference between those two is that the country was \$17.4 million better off under only one year of our government than the 1992 government where they lost \$14.9 million. We know where some of it went and we know who got the lower water bills and other things that contributed to this waste of money.

Perhaps most importantly is that the Capital Expenditure in 1992 was all borrowed money—all loans. In other words, the last government was not even making enough money to pay the recurrent revenue—the salaries, et cetera—and they had no money for capital. They were borrowing that money. That is why we are stuck between the Statutory Authorities and the Government and the contingent liabilities of about \$140 million. That from Government's side alone, as is borne out, is now some \$12 million per year which have to be paid for interest and loan repayments on money we did not borrow. But money which was wasted and blown away by the last government.

I want to correct one thing Mr. Ezzard Miller misled the public on (which appears clearly in the Reports). He is trying to add the \$16 million loan we borrowed for Cayman Airways. But that is money that they had spent and the banks would not lend to them despite the fact

that the loan was authorised some six or nine months before that government went out in the middle of the March or June session of 1992. They had already spent this money and the \$20 million (US) or \$16.5 million (CI) that was borrowed went to pay off the last government's losses in Cayman Airways of some \$34.7 million in 2.5 years. They took the \$12.5 million that they got from the sale of the 727-200s and they also blew that in the first year.

I think it is important that the public realises that in 1993 we turned this country around and in 1994 that turn around is continuing. Can you imagine where this country would have been if the last Government had remained and put through deficits of \$14.9 million every year? That is equal to every working person in this country contributing thousands of dollars per annum, which they will have to contribute in order to pay back these losses. What do we have for it? We have nothing as is shown in the accounts. We had to borrow the money for Cayman Airways to continue operation. They had bankrupted that. They could not borrow the money through Government, which means they had bankrupted the Government.

In fact the banks would not lend us that money until they saw the first budget and they saw that we had put in place the proper measures to ensure that the country would be turned around. I cannot understand how the country was left to get in such a financial mess. A loss of \$14.9 million a year is a national economic disaster in this country. Mr. Linford Pierson, with all his accounting and other abilities had to know better. So the responsibility falls clearly on the shoulders of people like him and Mr. Benson Ebanks who had financing experience and who should know better. We should not expect much better from Mr. Ezzard Miller because his background really does not give him much knowledge of anything. But Mr. Linford is an accountant. He had to know what deficits of \$14.9 million were all about. Now they are out there trying to tell the public that they are going to come back and run the country.

They are confused they have left the "i" out of the word "ruin"—they are going to come back and ruin the country. What we are dealing with now, losses in 1990, 1991 as well as 1992 in the area of \$15 million a year could not have gone on much further before the country would have been into a full state of bankruptcy. They had no solution to the problem.

I know that I have been criticised because I am too conservative; I look at things too carefully. I am not prepared to spend money sometimes when other people think it should be spent. I look at the public's money even more closely when it comes to spending than I do my own. I live a conservative life. I do not waste money therefore I am not going to waste the public's money. I drive a 1985 car by choice—I own it. Why should I come in this House and take any other move to have to waste large amounts of public funds? To purchase things that can be purchased at a much lesser cost?

I know that especially with Cayman Airways there gets to be some frustration when we say we cannot have new jets or new routes. I believe that we should take and refine something over and over until we get it fully right. That has worked with this Government because we are back into a surplus position and it has worked with Cayman Airways. And I have no apologies for my very careful and conservative approach toward money.

This Report clearly sets out the way that the last Government paid out funds wrongly to their consultants—their friends; they never accounted for it and the result was economic disaster. So I hope that we will now find some explanations in the long letters that are coming out from Mr. Linford and Mr. Ezzard as to why they have wasted the public funds the way they have.

There remain very few areas that I need to touch on in this report—other than to say that I believe that the public can see the results of what good government and what careful spending is all about. The National Team remains strongly together. It remains staunchly towards good economic policy and this legislature is not prepared to allow the squandering of funds that went on under the last government.

It would not have been so bad if they had had the ability to make the money they were spending, but they were borrowing it. Perhaps this is the worse thing: when you get into deficit budgeting, where you are borrowing. And by the way, when you borrow to balance the budget it is not balanced. Any idiot can go out there and borrow one-third or 10 per cent of a budget and say they have balanced it. That is not balancing a budget.

I know that I do not need to go any further into this because I have preached this for years. When they came up with these budgets that they said were balanced, they actually had deficits. In this case of \$14.9 million. That is an economic disaster. Some of their recurrent expenditure were being borrowed and none of their capital expenditure was coming out of recurrent revenue. All of their capital expenditure was being borrowed. There is no Member in this House or member of the public who can stand up and say that it is good government when it is borrowing every year to deal with capital expenditure. So what I would ask of the public is to realise the economic mess that this country was in; the bankruptcy of the government then—not anymore; the bankruptcy of Cayman Airways then—but not anymore; and in the two short years how far we have come in dealing with getting Cayman and Cayman Airways and the other statutory bodies back on the proper course.

I would like to see more tightening up on the guidelines of the statutory authorities as I mentioned earlier. I think all of them should be made subject to one overall law which deals with certain areas of expenditure and finance control and accountability to the public.

So I ask the public to continue to support us. While we do not have the large expenditures that we can put out as the last governments did, on the other hand we are not committing this country and future generations to very large amounts of debt that can only mean more and more increases in revenue which would come from the public. All of the money that has been wasted has to be repaid at sometime. It does not go away. It comes out of the pockets of each and every one of us in due course.

This Government is committed to good expenditure, good budgeting, to accountability for funds that are spent. We come back to Finance Committee and sit in an open House each time and look at matters and deal with them from there. So I ask for the public's continued support. I believe in another few years we will see the economic boom that we have striven over the last two years to get in place. I think there are good times ahead for us. And when they hear persons like Mr. Linford or Mr. Ezzard out there making noises, ask them what they did with that \$57 million in the last three years and the \$34.5 million in Cayman Airways which is separate from that amount, and why did these funds go out to their friends here, there and everywhere? I believe their answers will be that *they need to be left where they are because they are a danger to the public when they have their hands on substantial amounts of money.*

Thank you.

[pause]

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.46 AM

PROCEEDINGS RESUMED AT 12.15 PM

The Speaker: Please be seated.

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I rise to offer my contribution to the Standing Public Accounts Committee Report and to say that I am pleased that I was able to serve on this Committee. I would like to offer thanks to the Auditor General and his Department for their assistance in helping the Committee compile this Report.

Accountability is something I believe in. As children we were raised to be accountable for our actions. Earlier, in October this year, the Congress of the Caribbean Organisation of Supreme Audit Institutions held a conference here and its theme was "Towards Greater Accountability". I would like to think that our present Government could say that this is its theme and has been for the past two years since we were elected.

Public money should be used wisely and spent more carefully than if it were our own money.

Looking over the Auditor General's Report, I wonder why Government has policies and budgets in place if they are not going to be followed and adhered to by Members of Executive Council. As we see happened in two statutory authorities, namely the Health Services Authority and the Ministry of Communications and Works in their dealings in that they ignored policies and budgets.

On page 3 in the Introduction, I would like to reiterate the performance of the Government in turning around the financial position of these Islands in 1993. I think the previous speaker did a good job in pointing out some of these, but if Honourable Members will bear with me I would like to touch on some of these figures as well. In the Budget Surplus and Deficit in 1992, there was a deficit of \$14.910 million; in 1993 (one year later) we had a surplus of \$2.395 million. If we were to look at the turn around, that is over \$17 million that we would have in surplus. We are coming from a loss position and we have a surplus.

In the realised revenue in 1992 it was \$121 million and in 1993 it was \$135.3 million. In other words, in 1992 funds were not being collected to the extent that they should have been. In 1993 that is over \$14 million or an increase of 11.8% compared to 1992.

In the recurrent expenditure for 1992—\$116.752 million and in 1993, \$130.7 million; \$16.66 million was for Cayman Airways. If we were to take out the \$16.66 million that we used to subsidise Cayman Airways that would leave around \$114 million. Again that is still \$2 million less than 1992.

The Statutory Boards: Capital expenditure in 1992 was \$13.253 million and \$8.782 million for 1993. This capital expenditure was all local revenue. I think this speaks well for the Government—and its 'walking softly' one might say—to make sure that public funds are used wisely.

Looking over some of the highlights of this report, I would like to start with Northward Prison and note the amount of \$220,247 that was paid out in overtime. From May 1989 to April 1994, the sum of \$167,188 was paid in respect of four administrative grades. Now 92.5 per cent of this went to two of the four administrative officers. I feel this needs to be corrected. How can two individuals earn most of the overtime—92.5 per cent? The Director, however, assured the Committee that it was justifiable. But you will note from our recommendations that better scheduling and deployment of staff is necessary and that all overtime incurred must be approved by the Director. Overtime is something which I think most Members of this House have questioned in Finance Committee over the past two years and are reluctant to spend funds when deployment of staff could be done better.

Concern is raised over container inspections and the amount of duty evasion that took place in the Cus-

toms Department by certain individuals. I do not understand why when they are given time to pay duty evasion they still do not pay. If Customs Duty is evaded it should be payable upon demand in order to discourage this type of activity. There was \$293,623 worth of Customs Duty suspected to have been evaded. That is a lot of money which could go towards a lot of things, for example: our school system and our roads. This needs to be addressed.

We recommended that the penalties of the Customs Law should be reviewed and that limited time imposed for the prosecution of evasion of duty should be extended. I believe that it is now six months and that within that time prosecution must take place. However, if it is not discovered for 12 months then prosecution cannot take place. This should be reviewed. I hope that the Customs Law will be reviewed in the early sittings of this honourable House next year. Customs Duty is one of our main areas of revenue and this cannot be taken lightly. The public should not be trying to cheat the Government out of duty when it knows that we have no other means of income. This is wrong and will hopefully be addressed.

The Water Authority: This was a "shock of surpri-sation"—as one gentleman used to say—in that the managing director blatantly exceeded his authority. It appears that he was a law unto himself. He did not bring anything to the Water Authority Board prior to committing large sums of money—\$106,632—for medical expenses for an individual who had worked at the Authority. That did not come before the board for two years—1991-93. I am not quite sure how these funds (as well as funds for sports scholarship of \$43,666 that were paid to various sports clubs and organisation) were hidden from the Board of Directors. Maybe the idea of supporting the clubs and organisations was well meant. But he had no authority to use these public funds on any organisation without authority from the Board. Not only did he spend money, but he had underbilled two accounts: one happened to be his own—\$2,634 on two bills, plus \$1,880 on another account which happened to be for the Member in charge of the Water Authority.

I was surprised when the Water Authority accountant shared with us that the former manager did the billing of these water charges. No one questioned how he arrived at these charges. So if he felt that someone should pay \$2,000 on his water bill, it was passed on to the accountant and that is the way it was done. No policy was put in place. Then to write off \$1,880 on the water account of the former Member responsible for the Water Authority, is very disturbing.

Several weeks ago that same former Member, Mr. Linford Pierson, held a meeting and announced that he was going to be running. He ran down this Government saying that we have no policies in place and here he was the former Member responsible for the Water Au-

thority Board under his Portfolio. We see all of these things which took place.

There is one other area where \$17,400 was waived in the case of payment for putting water into a sub-division. Here, again, the former director of the Water Authority took it upon himself to waive the amount without the Water Authority Board's knowledge or agreement to this.

Madam Speaker, you will notice that we recommended that an audit be carried out. And if the sum of money owed to the Water Authority can be determined, that it should be referred to the Legal Department so that it can be recovered and criminal charges be pursued against the former director. It is unbelievable that one individual can take public funds and misappropriate them and use them in the manner in which he has.

I think the previous speaker also explained that the specific policies concerning authorities should be in place. It is very important to avoid things like this from taking place again. They should fall under the same procedure as Government departments do and not allow the chairman or the director of a statutory authority to have the power to misappropriate and misuse public funds.

The Health Services Authority: It was disturbing to learn that the amount of \$534,478 was spent on seven consultants who were given no terms of reference and no formalised agreement and no proposed work-plan.

Looking through the Auditor General's report on page 41 we see that computers were also not budgeted for: \$33,000 for training, \$18,000 for licence fees, \$13,000 for equipment rental, \$10,000 for software development and \$9,000 for miscellaneous expenses. So we have the Health Services Authority spending funds and we have to wonder: why have a budget? This is why there is such a heavy deficit for the Health Services Authority, because all these funds were not included. How in the world can they spend funds if they are not budgeted and put in place for the Authority? Then Members of past Executive Council blast the Government for not having policies in place? That is unbelievable, Madam Speaker.

The terms and conditions of employment were not covered by a proper contract and there was only one based on Government's standard service agreement for overseas officers.

The project manager who was hired for the Health Services Authority to oversee the building of the Dr. Hortor Memorial Hospital was the highest paid civil servant as stated in the Report. Here he was receiving \$331 per working day and in addition \$1,500 per month rent allowance, plus a fully expensed motor car. This amounted to over \$105,000 per annum.

Then what was surprising was that the former Member for the Health Services Authority must have known that he was not going to be re-elected. And that in writing this contract, the agreement included that any

changes to the anticipated work period of approximately two years would result in payment of either six months' salary, or the remaining term of the contract, whichever was shorter. Normally overseas civil servants on contract terms are entitled to only one month's salary in lieu of notice.

This question of honesty has to be raised when the public learns about this. Here we learned that the Health Services Authority would have saved \$39,058 in termination costs if this term of contract had not been given to the project manager. This is very, very serious and I hope that the former Member will come down to this Legislative Assembly, get a copy of this report, read it and see the things that he has done in case he has forgotten—all the public money used with nothing to show for it.

Outstanding debt: Over \$1 million for 1992 in fee collection, is considered to be unrecoverable. This is sad because the attitude 'because it is Government I do not have to pay', exists here. Through you, Madam Speaker, I would appeal to the listening public that from a moral point of view if they know that the funds are owned, make every effort to pay them on a weekly or monthly basis.

The Committee recommends that in the future all contracts for works and services in excess of \$100,000 be considered and awarded by the Central Tenders Committee in keeping with the provisions of the Financial and Stores Regulations. And again, not because it is a statutory authority should that mean that it can bypass this. It is still the public's funds and should be accounted for very closely.

I believe a debt collector is now in place to try to collect some of the outstanding debts. We also recommended **"a review of the facilities in place regarding medical records and that management takes steps to ensure that all revenue occurrences are completely and accurately recorded and clients are billed accordingly."**

Turning now to **the purchase of the Campbell Building:** this was a big issue in the last sitting of the Legislative Assembly leading up to the election. Here we learned that this purchase amounted to \$200 per square foot. Now I believe that the average cost to build is between \$70 and maybe the maximum of \$150 per square foot.

Again, the former Member (the Minister of Agriculture), informed the Auditor General that this was personally negotiated by the former Member, Mr. Linford Pierson and not the Lands Officer or the Director of Lands and Surveys. This is not in keeping with the Lands Valuation Acquisition Disposal and Exchange Guidelines. This is the same individual who continues to state that the present Government has no policy. He had a policy and he ignored that policy. The result is a building that the public should not have to pay for. The Lands Officer recommended that it was not suitable for use as Government offices. Yet the former Member

was very defiant and insisted without a certificate of occupancy. That certificate has still not been issued by the Planning Department even though Government is still paying for this building.

In early 1993, the four Members for George Town were graciously granted an office in this building to meet our constituents and in the rest room in that office there is a leak. It is still leaking because the only way to fix this leak is to break into the wall and try to stop the leak from there. The Public Works Department had to go in and put in two steel columns. This cost \$164,987, in addition to the purchase price of this building.

This is very serious because again, this is public funds. The Lands Officer recommended that the building not be bought. Here we are paying for a building that has no final certificate of occupancy. The Committee feels that good value for money was not arrived at in the purchase of this building. Again, when an individual such as the former Member for Communication and Works, Mr. Pierson, can go ahead and do what he feels like doing, is not good accountability. This is the reason why he is not sitting in this House today. I hope that the people of George Town will not even consider putting him in that position again because this is not accountability.

The Committee recommends that: **"the authorised policy and procedures as prescribed in the 'Lands Valuation, Acquisition, Disposal and Exchange Guidelines' should be strictly adhered to with respect to the purchase of any property on behalf of Government;** and that **"the relevant final certificate of occupancy by the Planning Department"** be issued before Government considers purchasing a building for its use.

Concern was expressed in the outstanding accommodation tax owed to Government. In the passing of the Accommodation Tax Bill last week, the present Government (in order to tighten up this collection and to make sure that all funds are collected for the Treasury), learned that three persons are now in the Treasury Department for this purpose. Taxes owed to Government by hotels and guest houses will not be withheld but turned in and stiff penalties will be imposed. There were a lot of funds that were not collected. Money was spent which was not authorised by the Board or by the proper authority by the two former Members of Executive Council, Hon. Linford Pierson and Hon. Ezzard Miller. The misappropriation of these funds (which they misappropriated) was not good accountability. If they are allowed to return to run this country I think we will probably all have to leave and be refugees. There is no way that these Islands can sustain the heavy deficits that they placed us in just one year: over \$14 million.

I am sorry to see the Honourable Anthony Eden leave the Committee, but as the Jeffersons say on television, *'he has moved on up to higher places'*. I appreciate the input he gave the Committee and I look forward to working with the First Elected Member for

Cayman Brac and Little Cayman as a member of this Committee. I believe that all Members of this House will take into consideration the belief of accountability when spending public funds and that we will continue to be accountable for all these funds.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I have not come to bury Caesar, because I think he has already been deposed. Rather, I would like to praise the present Government. The Third Elected Member for George Town and the Minister for Education and Aviation both spoke about the efforts of this Government in turning around the financial position of the Cayman Islands Government during 1993 continuing into this year. Of course, they barely scratched the surface. This has been the economic miracle of the century. When we see, as pointed out in the Report, years of deficit being reversed as it were overnight—the 1992 deficit alone of nearly \$15 million being converted into a surplus in one year—this truly is a miracle.

This is not a statement written only by the Members of the Public Accounts Committee who, we may say, would be partial towards the Government. The statement actually comes almost mutatis mutandis from the audited accounts. On page 2, I read: **"It will be observed from Table 1 that for fiscal year 1993, Government reversed the recent trend of Budget deficits with a small Budget surplus of \$2.395 million."** Not simply wiping out one year's deficit but a trend which had developed, a trend which the previous Government seemed not to have cared about and certainly were incapable of stemming the outward flow of cash from the Treasury.

This did not come about by chance. It came about by prudent financial planning. As we see from the statement on page 3 of this Report, the revenue for 1993 had been a healthy one with an increase of 11.8 per cent over 1992. Please note, if the increase had been 12 per cent, instead of 11.8 per cent (and it was 12 per cent to the nearest whole number) it would have been an increase of exactly 50 per cent above the increase which had occurred from 1991 to 1992. So something must have happened to bring about this increase. Here, again, this is not a wild statement. It is clearly set out in the Auditor General's Report on page 4: "Local revenue increased by \$14.282 million, from \$121.019 million to \$135.301 million."

This was not a shot in the dark, revenue increases were achieved in most departments. The whole Government performed well with the largest increases occurring in duty and land transfer tax. Somewhere else in the Report congratulations are offered to Customs for bringing in the mammoth sum of over \$55 million. Something happened in that period to increase the

economic activity which this country needed so that people would transfer land and would import commodities. I maintain that it was the timely change of Government.

Another feature of this marvel of economics is that the recurrent expenditure, although above the previous year, had only increased by 10.6 per cent, while the previous year the increase had been 14.5 per cent. The significant point here is that the recurrent expenditure increased by less than the revenue and this is a healthy state. You can spend all the money in the world when you have the income.

So the recurrent expenditure for that year was and is maintained in good shape. It would have been a lot better if it had not been for the \$16.666 million, which the Government borrowed for Cayman Airways. The Honourable Minister for Education and Aviation explained that that was not a loan of this Government, it was a loan which the previous Government tried to obtain from the bank to cover some of their losses prior to the last election.

Although they had come to the Legislative Assembly in the early part of 1992 and had obtained the necessary guarantee from the Legislative Assembly, all the major banks in the country refused to lend that government the money because of the way the Airline had been run then and because of the sorry state of the country's finances. So the result would have been even better than it actually was if it had not been for this figure. In fact, if you take that figure of \$16 million from the Recurrent Expenditure, we are left with an expenditure of \$114.034 million which is more than \$2.5 million below the 1992 figure.

One point not raised by the previous two speakers and a point that I consider very important is the Capital Expenditure for 1993. That capital expenditure was \$8.782 million, a smaller sum than the previous year. The significant point about it is that it all came from local revenue. We never heard of anything like that for years. Not since the 1970s and early 1980s did we have all capital expenditure come from local revenue. So this is a marvellous turn around.

What it means is that there were no borrowings in 1993, except the one I mentioned for Cayman Airways. Not even for capital works. The Government had its finances in hand. In fact, I believe that if one looks at page 4 of the Auditor General's Report he will see that this is not a statement made up by Members of the National Team. It actually comes word-for-word from the Report. The last paragraph on page 4 reads: **"The small capital programme of \$8.782 million (excluding projects financed for Statutory Authorities) was fully funded from local Revenue."**

Now in the Summary of Economic Recovery there is one figure that has increased and that is the statutory debt—the debt required by law where the Government has to pay pensions and pay loans which are already in place. Those debts are unavoidable. But here again, on

page 4, the Auditor General paints a rosy picture of the Statutory expenditure when compared to the overall finances of the Government. This is the third paragraph on page 4 of the Auditor General's Report:

"Statutory expenditure increased by \$2.260 million from \$7.891 million to \$10.151 million. Most of the increase was attributable to debt servicing costs (\$1.790 million) plus increased pension costs of \$473,000."

One might ask what is so beautiful about this and the answer is found in the following paragraph: **"Debt servicing costs increased from \$5.125 million (4.2% of revenue) to \$6.915 million (5.1% of revenue)."** What the Auditor General has actually stated here is that the cost of servicing the long-term debt of the Government was only 5 per cent of the revenue. This is, indeed, remarkable. I recently attended a conference where one of the subjects was what can small countries—small islands, do to service their debt. I heard about two countries where it now takes 80 per cent of total revenue to service their debts and pay for their armed forces. Only 20 per cent of the revenue remains to pay for hospitals, schools, civil servants, et cetera. In fact, I believe that years ago a former Financial Secretary said that once we did not exceed 10 per cent of our revenue to service our debt the country could handle its debt.

I am pleased to announce that the present Government through its prudent management—when I say prudent, I mean not borrowing all they can borrow, not doing all the projects they can dream up, not wasting all the money they can waste, but by prudent planning in the "George McCarthy" style and by enforcement of the Financial and Stores Regulations has kept this matter of debt under control so that the country can continue to prosper.

Of course, another feature not mentioned by the previous two speakers who spoke about the healthy financial situation, is found on page 5 of the Auditor General's Report, the second paragraph: **"Government net assets increased from \$3.160 million to \$5.959 million at year end 1993."** When the Government's assets almost doubled, because it is only about \$200,000 short of doubling, this is, indeed, a good picture. One of the Islands' most successful businessmen, Dr. Roy, told me years ago (probably 40 years ago) that he did not keep any fancy books, but if at the end of the year he had more cash in the bank than he had at the beginning he knew he had a good year. I believe this must be the same policy that this Government is using. If they see an increase in their assets, and if they see an increase in their cash, they know that things are going well.

I will finish in maybe another five minutes if you will permit me. Other Members have spoken on some of the irregularities that have been found by the Auditors. I would like to say that many of them were expected,

particularly those concerning the Health Services Authority.

As a Member of the seven-member Backbenchers, along with the Second Elected Member for Cayman Brac and Little Cayman and others, I fought tooth and nail not only against the setting up of this Authority, but against making the Member responsible for Health the chairman of that Health Services Authority. We also fought (as the whole country knows), against the change of Finance Committee which removed all the checks and balances and took away the restraining power of the elected members of Government. It gave free reign to an unbridled and spendthrift Executive Council. So I am not surprised that the Auditor General has come up with the type of findings that he has come up with. In fact, I would not be surprised if more is lurking somewhere in some disguise unknown to him.

I do not feel that it is necessary for me to restate what the Report has so clearly set out, but only to say that I congratulate the members of the Committee for their report and I would like to congratulate the Government including the Honourable Financial Secretary for the fine performance which is the subject of this Public Accounts Committee Report.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 1.11 PM

PROCEEDINGS RESUMED AT 2.36 PM

CLOSURE OF THE DEBATE

The Speaker: Please be seated. *[pause]*

If no one else wishes to continue the debate on the Report of the Public Accounts Committee, this matter can now be closed, as there is no question to be put.

RECOMMITTAL OF GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 9/94

ADOPTION OF THE TOURISM MANAGEMENT POLICY 1995—1999

The Speaker: The next item to be brought in at this time is Government Motion 9/94, where the Motion was moved by the Honourable Minister for Tourism, Environment and Planning. The adoption of the Tourism Management Policy. The question has been proposed and the matter is open for debate if anyone wishes to debate.

The First Elected Member for Bodden Town.

Mr. Roy Borden: Thank you, Madam Speaker.

It is accurate to remark that the Opposition shares the view of the Government that Tourism is an important area which lends itself well to the economic development of this country. Not only to the economic development: it can be taken a step further to include the aspect of human resource development in our country. So we encourage the Government to continue to explore ways in which we in this country can use the development of tourism to maintain the high standard of living which we now have.

There are, however, some concerns that we have and which we think were not addressed in the detail which they deserve by the plan put forward by the Government.

From my own position, I prefer the Ten-Year Tourism Development Plan presented by Coopers & Lybrand consulting group because that plan affords us the opportunity of some long-term tourism development vision as the period of ten years, in my estimation, is a good framework to set out a plan as sensitive and as important to our development as is tourism. It also affords the opportunity of an assessment after five years. I see a ten-year plan as having a distinct advantage over a five-year plan, because in one can argue that a five-year plan is merely the life-span of a Government as our elected governments are usually for four years.

So, having a ten-year plan would allow us the opportunity of setting certain things in motion. Then at the mid point have an assessment or perhaps more accurately, a continuous assessment for the first four years then make the adjustments as and when we see the necessity arising. It also lends for a certain amount of continuity. For if we have a series of five-year plans it is a little more problematic to develop a system of continuity which is appropriate, effective without any disjoints in the system.

When saying that, I realised that the weakness in our system is that it may not be politically expedient because one political directorate who favours emphasising certain aspects might be replaced by another political directorate who does not see the urgency or the necessity. Nevertheless, the plan to be effective should be drawn up in such a manner that it offers some scope over whatever political directorate occupies the seat of Government to carry on certain policies which are of national interest. That leads me conveniently to make some obvious statements regarding the development of tourism. One of the things that we have to come to grips with is that tourism is one of those industries where, unfortunately, the countries which go into this development do not have all of the factors in their control. There are certain characteristic disadvantages as well as there are advantages.

We all know the advantages, especially as they relate to the case of the Cayman Islands. But just to briefly enumerate these: We have an attractive climate, a unique culture, we are geographically located where

we are a short travel time away from most United States and Canadian destinations, we speak the same language (even if our accents are different), and we are steeped in the politically stable British Government tradition (which is a selling point many people use). So much so that our reputation is spreading beyond the traditional market places of the United States and Canada to Continental Europe and to the Orient.

In spite of some crime and the necessity to adjust some habits, we are still, comparatively speaking, relatively crime free. We have a high standard of living, people who are hospitable, people who are well-travelled and therefore not averse to entertaining outsiders.

The disadvantages are that an industry like tourism often has to suffer seasonal fluctuations. These seasonal fluctuations in themselves are not bad because we can plan for these. It is the irregular fluctuations due to world political or economical conditions that are more disturbing. A good case in point is a few years ago, with the Gulf War and the threat of world terrorism by Iraq, which brought the result for that year our tourism declined significantly. When that happened it threw many things out of economic kilter. We have to realise that there are bound to be (even in a world free of cold war) periodic, irregular fluctuations over which we have no control and which, unlike the seasonal fluctuations, we cannot easily plan for or easily contain.

Then too is the point well articulated in the Coopers & Lybrand Report on page III, where they speak of the hazards of over-development. This is perhaps the point at which many people will agree we are now. The question can be asked: For whom are we now developing if we have to import labour to man some of the institutions which we are developing to cater to our guests? Over capacity also means a strain on the ecology; it puts more pressure on us to conserve and to preserve our natural environment.

Some years ago someone likened our development position to being on a treadmill: once you get on a treadmill it becomes difficult to get off. What has happened is that we are in a development position where it is difficult for us to slow down. Certainly, no one would think of stopping, but we have now to pause long enough or to so pace ourselves so that we do not burn out in a short time. When we consider the reason why people come here is because we have a good environment, a hospitable population and the fact that our natural resources are so attractive.

The Coopers & Lybrand Report in the Executive Summary section takes these matters in greater detail than does the Tourism Management Policy Implementation Plan laid on the Table by the Honourable Minister for Tourism. It suggests two other areas which I think are significant and which I note were not developed as extensively in the Tourism Management Policy Implementation Plan as they were in the Ten-Year Tourism Development Plan.

One has to do with the fact that a substantial outlay for infrastructure is required for any large scale development. We certainly see the hotel being proposed for the old Galleon Beach site is going to be one of the larger hotels. We know that the roads are already straining, bursting at the seams, in a manner of speaking, along that particular stretch. Certainly a hotel of that size must add a significant amount of strain for what is already an overburdened transportation system. There are water and sanitation needs.

In the Coopers & Lybrand Report again, point 5 on page viii, the point was made that approximately 30 per cent of all employment opportunities are filled by expatriates. In the Tourism Management Implementation Plan, it is a weakness that there is an absence of any proposal to deal with this. This is a question that has been begging an answer for years. I want to reiterate that we are not speaking now of a position where we just have guests to contend with. We are talking about 30 per cent of all employment opportunities being filled by people from outside the country.

A point I would like to make, which is not often made in this kind of argument, is that while we are developing in this fashion, we are also losing valuable foreign exchange. When we employ people from outside of the region it means these people are presumably sending remittances to their country of origin. That is valuable foreign exchange that the Cayman Islands is losing, when we consider that in catering to tourists we already lose a significant amount of foreign exchange because of the fact that we have to import most of the food stuffs (the liquor, et cetera). So there comes a time when one can quite logically ask: What sense does it make to develop beyond this point, if we are losing foreign exchange not only through the importation of goods, but also from the remittances sent abroad by foreign workers?

I think that the Government needs to address the matter of employment urgently. That is why I found favour with the idea of the moratorium on hotel development along the Seven Mile Beach. This would have allowed us time according to the Coopers & Lybrand Report to have a cooling off period; a period where we could assess, where we could come to terms with what is described in the Report on page two as "Hard Choices". It is suggested that we take a state-of-the-art approach to tourism management and development. This is defined in the Coopers & Lybrand Consulting Report as approaching both the product and the service from a customer, as opposed to an operator, perspective.

I also believe that one of the hard choices that we have to make must be towards putting a ceiling on the number of visitors we can capably cater to in the run of a year. Is this 500,000 stay-over, visitors? Is it 350,000? 400,000? We should also set a target date so that for example, by the year 2000 we are going to level off at 500,000 stay-over visitors per year.

We must begin to bear in mind that our ecology, our human resource element, the mere geographical size, place constraints on how many people we can respectively, comfortably and efficiently cater to in the run of a year. Above all we must, as was mentioned in the Tourism Management Policy Implementation Plan, and again, in the Coopers & Lybrand Consulting Group Plan, emphasise quality tourism. I would think that if we are going after quality tourism that in itself is a reminder that we have to set certain ceilings and limitations.

So one of these hard choices must be how many people, what is the optimum number of stay-over visitors can we efficiently cater to in the run of a year? If we do not have that optimum number now, if we are not up to that optimum number, how do we plan to get to that optimum number? If we have 350,000 now, how many years are we going to give ourselves if we think that 500,000 is an optimum number? How are we going to get there? Are we going to do that in two years? In one year? How great are the leaps going to be? It is not an easy decision.

The plan laid on the Table by the Honourable Minister does not say how we are going to do that. Or if, indeed, that is a focus of some importance. Not only do we have to decide when and how we are going to get there. But we also have to decide how we are going to incorporate our Caymanian people who are going to be working in these industries. What kind of training programmes are we going to put in place? What kind of requirements are we going to make on the developers of these institutions? Are we going to go for an under-study programme?

Again, one of the significant points that immediately bounces in one's face is the fact that mention is made that Caymanians are really not occupying the middle and high echelon of the tourism industry. Sure we have bartenders and housekeepers and bellboys, et cetera, but there are few, if any (and I would certainly say that there is not a significant number of young Caymanians) in line to become food and beverage managers and general managers. So we need to have some kind of programme to get this in place.

I know that in some of the schools we now teach Tourism as a subject. But it may be wise to consider making the subject of tourism an integral part of the curriculum. So that even from the primary school stage our children are introduced to the idea of tourism and can be encouraged to go into that field. It is in comparison to the financial sector, a wide open field. One of those fields that lends itself very well for progression through the ranks.

It is significant to mention that the plan laid on the Table by the Government does not say how we are going to deal with this aspect. We have to be careful too that Caymanian people do not become defeatists by getting the notion that their only value is to provide the services at the lower end and hence they become re-

sentful when we have to import as many as 30 per cent of the work force from overseas.

Since we are at the stage where we can do some hard bargaining, particularly with new developers, once we get able and qualified Caymanians who can take advantage of advanced training. I think we should work towards placing them because of the fact that the business of hotels is so competitive here and because we are such a desirable destination. We can extract consideration from future developers which will allow our Caymanian people to be trained to occupy positions at all levels in the development of the hospitality industry.

There is a point which both reports are concerned with, namely, the image. I mentioned that we have a very good image. However, the Cayman Islands is viewed as an expensive destination. The Coopers & Lybrand Report places special emphasis on this. But this is not necessarily a detraction. We can use it to our advantage if we promote that high priced image into an image which leaves the visitor with the sense that they have received the best value for the money spent. I think in all fairness to successive political directorate the present Government not excluded, we are on the way towards doing that. We are concerned about that.

But one has to bear in mind that we have just added some fuel to the high-priced image notion by the fact that we have just raised the room tax. However, all is not lost because many of the people who come here come because they are safe—not bothered by hawkers and peddlers as they are in some destinations. Also, because the society enables them to operate with a certain amount of comfort and familiarity, particularly those people from North America and those people who are familiar with the English language.

There is another aspect which I think should have been dealt with in greater detail and that has to do with the opportunities for entrepreneurship in the tourism business. A few days ago my colleagues and I were reminded that along the Seven Mile Beach Road, for example, there is but one restaurant which is Caymanian owned—fully Caymanian owned. In the business of hotels, there is only one hotel which is fully Caymanian-owned. So we also have to find a way to make it more attractive for Caymanians and Caymanian entrepreneurship to get into the business of catering to visitors.

I suppose that one could rationalise this by saying that if one were to travel throughout the Caribbean and check the history of the development of tourism we are not in a unique position. I think it is safe to say that when tourism first developed in Jamaica there were few, if any, wholly and solely Jamaican-owned hotels. Now we have Jamaican hoteliers on a grand scale. So much so that they can compete with international chains. They have broadened their entrepreneurship from Jamaica into the Caribbean.

According to information, Cuba is one of the places where many of them have gone to develop. I

think some years ago one or more of them expressed some interest in developing here. So if that could be used as a point of solace and comfort to say that we are still young in the business, it may well be that more Caymanian entrepreneurship will evolve as we become more experienced in the business. It may well be that the way to go in the beginning is to hope for some kind of joint venture operation between Caymanians and foreign based capital. I do not think that it would be most beneficial if there were no Caymanian input at a significant level in this industry. It would be a pity. It would also be one of those kinds of situations which could lead Caymanians to become disinterested by virtue of the fact that they do not have a vested interest.

So I hope to see at some stage more Caymanian participation, particularly in hotels and the larger restaurants which cater to tourists. This in itself would be positive in more ways than one because it would ensure that Caymanians are reaping some of the attractive economic returns. It would also put these people in a position where they could plough some of the profits made back into related investments or in any case it would be monies which stayed in the country. If the entrepreneurs did not wish to expand into tourist related areas, it would be money which could still be used to develop other areas of our economy.

I have a growing interest in this whole notion of cruise versus stay-over visitors. I notice from the readings that there is an interesting debate brewing about the benefits of one versus the other.

Some years ago the Caribbean government had some serious concerns with the FCCA, which is the cruise association which operates out of Florida. They employed as one of their consultants the Right Honourable Michael Manley, former Prime Minister of Jamaica as one of their consultants and advisors. They had a big debate and I suppose that they did not realise that Michael Manley had softened his attitude because in the 1970s, when he was at the height of his political power, he was rather controversial and was rather irreverent towards the whole notion of tourism and tourist development.

However, suffice it to say that he changed his position. But their concerns were that there is a significant difference between the benefits emanating from the cruise ship industry and the benefits which emanate from the stay-over visitors, or, as I prefer to term them—the land-based tourists. I notice that neither report highlights this significance.

I think (and I am not the originator of this idea, nor am I alone with it) that one of the weaknesses of Caribbean tourism is that we fail to see cruise ship business and stay-over tourist business as one and the same. I will go on to explain what I mean by that in a few minutes. Suffice it to say that over the past ten years there has been a more significant increase in the cruise ship business (the number of cruise ship visitors coming to

the Caribbean) than there has been the number of stay-over tourists. Why is that? I will get to that in a minute.

There is also an absence of any calibration of the contributions of the cruise ship visitors as against the stay-over visitors. It may be because it is not so easy to calibrate the contributions of the cruise ship visitors because for the most part they may stay in port a day, maybe 18 hours, 24 hours, 36 hours. Whereas the stay-over visitors are here for either three, five or seven days. So it is easier, even from the point of view of Immigration records, to make certain calibrations.

Back to the question of why there has been a more significant growth in cruise ship visitors than stay-over tourist visitors. The answer lies in several factors. The first one has to do with the availability of financing. I read that it is easier to get favourable financing for the building of cruise liners than it is to get favourable financing for the building and developing of hotels.

Countries like Japan, Italy, Norway and the other Scandinavian countries which are traditional ship builders, recognised that the ship building industry was a dying industry. So these countries are eager to give soft term financing for the building of cruise ships. That is why recently there has been a trend to build larger and larger cruise ships to the point where we now have some mega-liners launched and some currently being built.

Financing for hotels, according to a journal that I was reading, comes mostly from commercial banks at commercial bank rates with minimum ten-year periods. In these cases the entrepreneurs have to negotiate at commercial bank rates. Ten years, according to the information that I have, is the minimum time that it takes to realise the return on the significant investment into the hotel. In many instances, if one is not careful, by the time he reaches the point where he has just begun to make it, that is the point at which most of the obligations are forthcoming.

So, it is easier and more attractive in that sense to go for the availability of the finance to build a cruise liner as against a hotel.

Then there are other factors: **Import duty.** After the hotel is built one has to pay import duties on most of the food stuff, liquor, etcetera. That is certainly the case in the Cayman Islands. Cruise ships do not have the same expenses because supplies for the cruise liner, particularly when it comes to wines, spirits and condiments are usually bought duty-free in bulk. So there is a significant difference as far as the land-based operation is concerned.

Another factor: **Employment.** In the land-based hotel industry, certainly in the Caribbean, we have the same employment needs as the cruise industry. But note the difference: the difference is that in the land-based industry often we have to go through a lengthy and costly work permit process. We have to wait until the work permit applications are processed. Cruise ships have no such requirements, even though many of

them operate exclusively in these waters. Many of them use crews of convenience—Filipinos, people from the Canary Islands, Spanish people, Portuguese people, people who they hire for considerably less wage than they could hire from the region or from North America.

The result is that land-based hotels have to charge a much higher room rate so as to create the cash flow to amortise the bank debt in comparison to what the cruise ships have to charge. Then the whole notion of who does the booking is growing in significance. It is documented that travel agents do 70 per cent of the sales, as far as the Caribbean is concerned. Cruise lines use their non-taxed profits to pay travel agents commissions at the rate of 15% to 20% of the entire package, which hotels cannot afford to do. Here, again, is another area where the cruise lines have a distinct advantage over on-shore facilities.

Then, of course, this one we are all familiar with—**the Shore Excursions.** Whereas hotels offer small percentages for selling certain land-based entertainment packages, cruise ships demand as much as 50% commission on tours that they sell. We know from complaints that we hear as we move around that some of them go so far as to discourage shopping in some complexes which are reluctant to pay the substantial commission that they demand.

So what I am saying is that in the Caribbean we have inadvertently given the cruise lines a distinct advantage over land-based tourism because we are not in a position, or let me put it this way, we have not demanded from the cruise lines the kinds of concessions that we are able to get from land-based tourism.

There is a point which we should bear in mind. We should not lay the emphasis on going after the head tax of the cruise ship lines. I believe that we could get away with that, but that would still not be bringing us the yield that we could get from other areas if we do a comparison of what we get from the land-based tourism and we try to apply some of these charges to the cruise ships. The final point I wish to make on this is that land-based operations now realise the advantage that the cruise liners have which is the reason why more and more of them are going into the all inclusive packages. They see this as a way of competing with the cruise lines and reducing the advantages that the cruise lines have. I am suggesting that this whole business of land-based tourism versus the cruise lines is an area which is fertile for further investigation as to how we may be able to arrive at more revenue from tourism.

Let me hasten to say that by no means am I saying that we should discourage the cruise liners. I am not saying that. I am saying that we should examine it to see if it is possible to make it a more equitable system in terms of being able to draw off from the cruise lines as much as, or from as many areas as we can now draw off from the land-based tourism ventures.

There is another point which has special significance to us in this business of land-based versus cruise

lines. We are now at a point where we are considering expanding the mooring facilities. We have to ask ourselves a question: If we are going this route, is this an undertaking to be done exclusively by the Government? Will this be a joint venture between the Government and some of the cruise lines? If it is an undertaking which is going to be done exclusively by the Government, or even if it is a joint venture, then, the Government must be in a position where it can realise through direct means some, if not all, of the monies invested in the infrastructure. I am saying that in a land-based operation we would not have that kind of dilemma because much of the mechanisms are already in place. We know that there are import duties, planning permit fees, work permit fees, et cetera. These are things that we would not necessarily be able to draw from in an operation that we were putting down to cater to the cruise lines.

So to repeat: Caribbean governments (and I am not so concerned with Caribbean governments as I am with our own Government) must come to grips with this, particularly so, as we are at the point where the growth between the two types of tourism is significant. It would also be interesting to realise how many people from the cruise lines return as stay over visitors. This is an area where we probably reap an advantage without having to expend large sums on advertising. Persons who come to visit for a couple of hours and see enough of the Island or meet enough of our people, probably are so impressed that they will return at some stage as a stay over visitor.

Let me make my position unequivocally clear: While I am saying that there is a difference, I am by no means advocating that we cut out or that we even discourage the cruise lines. I am saying that what we have to do in light of the fact that we already have an image of a high price destination, is to try to find a way so that we can equalise the playing field. So that all the strain on the revenue collection and monies received by the Government for tourism is not inordinately placed on land-based tourism, thus giving the cruise lines an obvious and inordinate advantage. We have to get to the point where we see land-based tourism and cruise ship tourism as one and the same entity.

One of the things that the Coopers & Lybrand Consulting Group made mention of that I do not recall seeing in the Tourism Management Policy Implementation Plan, is that there should be a special designated beach for cruise ship passengers. I wholeheartedly support this. I am going to suggest that we should think quite seriously about this, if for no other reason that it is becoming increasingly more difficult, and beach facilities becoming increasingly more congested. If we get another cruise line, we would be hard-pressed to comfortably accommodate more people along the Seven Mile Beach without opening a new beach access.

With the development of the new hotel, I believe it will be timely for us to think of what the Government is

going to do with what is now the Government House. If a four or five storey hotel goes up adjacent to the Government House, the privacy is pretty much gone.

One could also argue that the security factor is pretty much gone too. We may have to realistically think of developing a new Government House. I would not mind that. Many people say now, in a strictly dollar and cents term, that the beach is too valuable to have the Government House down there. Indeed, they say that the Government House should be in an area where it is landscaped and well planted with Royal Poinciana and all the tropical trees, like the houses of these types of officials in many Caribbean countries, Kings House in Jamaica is a good example. So there is a school of thought which says that we should remove it completely from the beach and put it somewhere where it is more conducive to surrounding it with the natural flora and fauna of our Islands; that, in itself, could be an area of interest for our tourists.

I am saying that now with the development of the new hotel, it may be timely to think about that and if we follow this idea of an additional beach, a specially designated beach for cruise ship passengers, we may want to develop that site. One could also argue that it would not be too expensive for the Government since they could probably use much of the infrastructure that is there now. We could make it into a modern bath house. This would provide some spoken opportunity for more Caymanian entrepreneurship as I mentioned earlier. Maybe we could sell franchises for refreshment stands or whatever. It would certainly be in keeping with the development of the area since it would be adjacent to a large hotel and on a prime piece of the Seven Mile Beach. That is food-for-thought for the Government or for a future government. I think certainly with the hotel going up there, the security and privacy factors have to be taken into consideration.

There is a need and if there is a short coming in the Tourism Management Implementation Plan, it is this: There is a need for us to develop and embark on a special programme which will ensure that the people of the Cayman Islands never lose their sense of appreciation because of the fact that our economy is based on tourism to such a degree that it is intertwined with economy. I make this point especially in view of the fact that we are reaching (we have not quite gotten to the summit yet) the point where the trickle-down and the spin-offs are becoming more widespread in our community.

As a result of that, we are able to maintain a high standard of living; our standard of housing is generally good; the cars the people drive are of an excellent standard, and although I take issue with the expression of our per capita income, we are living reasonably well, comparatively speaking. It is at this point that people who are not knowledgeable of the vital role which tourism plays, are likely to become disaffected and upset because tourism impacts upon certain things—society

and the community which in many cases are not always positive.

I want to read from a text called, *The Dialectics of Third World Development*. This is not unique to the Cayman Islands. The author of this article said: **"Soaring land values, moreover, have made ownership of land on many Islands prohibitive for all but small national elites and foreigners. In the Bahama Islands, for example, land values have doubled and tripled in the last decade. Tourism has resulted in the alienation of national property by and/or for foreigners. Beaches and coasts have become the patrimony of tourists. The local population, in search of cheaper land, is pushed further into the mountainous interior, away from the coast. Increasingly, beaches are withdrawn from public use by hotels and resorts. Underdeveloped ones are held for speculation or with plans for future hotel and resort sites.**

"The best beach frontage in St. Vincent, Antigua, Montserrat and Barbados, for example, is privately owned and denied to the public."

"Nor has tourism stimulated to any significant extent the local artisan economy. Expectations that tourism would promote native handicrafts have not materialised."

So there is a need for us always to hold before the public's eye the notion that for all of the grievances that we have (and there are in the Cayman Islands situations existing as described by this author) tourism contributes much more positively than it does negatively. So we have to find a way, be it through programmes in the school, through a continuous community education (and I know we have Tourism Awareness Week) to get across to the public at large, particularly those people who do not work in the industry that as bad as it may seem, our standards of living and our economy would be much worse off if it were not for tourism.

The challenge for the Government is to find a way to make it palatable. And this is not always easy. While sometimes we in the Cayman Islands hear of Caymanians being discouraged from making use of certain facilities; it is not a completely unknown factor. But it is not as bad as it is in some areas. If one travels along the Seven Mile Beach, one will see that there are public access ways so that people who are not guests of certain properties can find their way to the beach. Once on the beach, the high water mark becomes public so anyone can swim.

Younger Caymanians will especially find it hard to understand why they cannot afford certain land or why it is not available. I would think that in all but the rarest of cases beach land in any part of these Islands is out of the financial accessibility of all but the most wealthy of us Caymanians. Even in some of the more desirable interior locations we find that outside elements are moving in and acquiring this. So this is one thing that is going to put pressure on Caymanians. If we are not care-

ful to educate them and maintain an awareness, they probably will not easily understand and it could possibly degenerate into something that would breed resentment.

Some years ago I read that there was a big problem in the Bahamas and in Jamaica there is a continuous exercise. In the Bahamas the major problem was resentment of the Bahamians towards the tourists. Resentment to the extent that tourism fell off significantly. They had to go through a whole re-education campaign and spend a lot of money on public relations, new advertising and all that to try to convince people that the Bahamians were still friendly to the foreign visitor. In Jamaica it is a source of continuous assessment by the Government and the Ministry of Tourism who are conscious that these things can happen.

I was struck by the absence of any plan to deal with these sorts of things which must occur. One of the surest ways to handle these kinds of occurrences effectively is to ensure that from the earliest possible level we educate Caymanians to the fact that tourism is now an integral part of our culture—much like going to sea was years ago before the economy changed. We should consider not only a Tourism Awareness Week, but a continuous programme maybe two or three times a year—it does not have to be so elaborate—whatever is necessary so as to ensure that our people realise the importance of it.

In some countries there is a definite move to maintain the proper attitudes. There is a definite move on the part of the Government to encourage not only stay-over visitors to stay in the commercial establishments, but to encourage the kind of cottage industry where certain people's homes are licensed so they can take in guests. This is one way of sharing the cake so that all those people who are desirous of participating can benefit. What that also does is allow more people to benefit from the spin offs.

Perhaps some attention should have been given to these kinds of ideas in both of the plans because once we are at the level at which we are presently, it becomes very challenging to maintain the interest and the momentum. Human nature being what it is—when people are content, they are less likely if they feel that they can make it, to be as tolerant and open as they are. One only has to hear certain remarks now. These are the things that we should work at before they reach a point where they can negatively impact upon the industry.

In summary, we are on the same plateau with the Government as far as development of tourism is concerned. I think both the Tourism Management Policy Implementation Plan and the Coopers & Lybrand Consulting Group's Plan stress that this is a positive facet of our economic development. I would have appreciated seeing more detail in the Plan laid recently upon the Table by the Honourable Minister—particularly some expression of the Government's philosophy as regards

cruise ships—cruise based tourism, and where the Government sees that as developing. And what, if any, number does the Government see as optimum for stay-over visitors that we can cater for in a year?

With the Chair's permission I would like to repeat, because I do not believe the Honourable Minister was in the Chamber. I said that I prefer to see a maximum set, whether it is going to be at 500,000 per year. . . . And we could probably decide at this point in time where we are; how many we get; and set our goals because beyond a certain number, I think the danger and the strain on the infrastructure, the ecology and society are too great and it will then become counterproductive. Bearing in mind that we are already importing 30 per cent labour, development beyond a certain point begs the question of, *For whom are we developing?* We have to consider managing the resources in a way that we can maintain our appeal.

There is another point I neglected to mention, which is why I favour development to go the land-based way as against the cruise ship way, is because the absence of cruise ship berthing facilities taxes the ecology, even if we put down permanent moorings. To a greater extent then, for example, do the number of land-based people who dive at the sites. Even if we take the argument that every day each individual who dives a certain site leaves an ounce of suntan lotion in the water. I think that the argument can be made that that is less damaging than the damage which can be caused over a year from cruise ships breaking off the coral. It will take longer time for that to take a toll to the point where it becomes obvious and visible.

So given the option of an expansion I would go the land-based way. It is my argument as far as Grand Cayman is concerned, that we are soon reaching the optimum for the cruise ships. I know that we have been trying and governments in the past have tried to find some lines which would be interested in calling at Cayman Brac.

Madam Speaker, the future is ours for the taking. But we have, as the Coopers & Lybrand Consulting Group laid it out, some hard choices to make. It will be interesting to hear the Government's position on these hard choices, particularly the expatriate problem. How are we going to deal with that? How are we going to rationalise that? How are we going to balance that? How are we going to deal with leakage, because the more we develop beyond a certain point, the more foreign exchange controls we lose so that development beyond a certain point is not economically beneficial to us. Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.56 PM

PROCEEDINGS RESUMED AT 4.16 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I rise to offer some comments on the Tourism Management Implementation Plan as presented by the Minister for Tourism. I think that this is too important a matter to be treated very lightly. What is decided in this report will affect this country seriously, if one takes the length of this plan for at least another five years.

The first thing that I note in this document is that it does not contain details which I think are necessary in a proper implementation policy. Various sections included in this plan which has been presented to this House under captions and titles are as included in the Coopers & Lybrand Ten Year study. That study, to say the least, is much more comprehensive. In fact, in all the years I spent as a civil servant, and in all the studies I saw over the years, I have never seen one more comprehensive, or with greater details of the most vital significance, which delves into such depths into the analysis of the situation.

This particular study could well be adopted as an overall National Development Plan for this country. I would not say that it would not require more information, like under certain Ministries other than Tourism. But surely, that plan has done a magnificent job of showing the inter-relationship of every single Government agency. It shows how tourism impacts on every single area of human endeavour in this country, tied in with the financial industry and everything else.

I do not think that the Plan presented by the Minister is truly a condensation of that Ten-Year Plan as I have heard suggested by one speaker earlier in a debate on another subject. I think that there are certain generalisations in the plan which is before the House.

Right at this time I would like to speak on one particular aspect of what is contained in the Plan presented by the Minister and relate that back to what has been recommended in terms of the Coopers & Lybrand study.

The Implementation Plan speaks of the situation regarding Caymanians and non-Caymanians. On page 11 under section 8: A Segment of the Population is Concerned About the Foreign Presence. This largely quotes from what is contained in the Coopers & Lybrand Study, at least a paragraph or so. I would like to read what is contained in that:

"At the present time approximately 30% of all employment opportunities in the tourism industry are filled by non-Caymanians. Additionally, the positions that are filled not only include front desk people, bell boys, housekeeping staff, etc., but also

senior management of major tourism establishments."

"Furthermore, to complicate the matter, many of the major establishments are foreign owned and controlled."

"There is concern by some Caymanians about foreign presence; not the tourists who come to enjoy the resources and the products that are made available to them, but rather those who have employment in and manage the industry." [Tourism Management Policy Implementation Plan]

That is a central theme throughout the study that was done by Coopers & Lybrand. If this Implementation Plan does not contain specifics and details as to how the Government proposes to deal with this specific matter, then it glosses over or does not pay enough attention to the most vital aspect of it all. Every single additional room that is built in this country, be it condominium or be it hotel, brings this into play: more people and a greater increase in the number of non-Caymanians in the country. According to the study and to the Implementation Plan, 30 people out of every 100 people in the tourism industry are foreign people. It could be more, for these were the findings in 1991/1992 and the situation has undoubtedly changed for we are now aware (according to the statistics given by Government in this House in recent times) that the highest level of work permits ever is presently in place and it still continues to be some of the largest in the hospitality industry.

I would like to quote something from the Coopers & Lybrand study under a similar caption as is in the Implementation Plan the Minister has presented: Macro Level Existing Reality, where it says under number 3, (page 10):

"As presented earlier in this report there are only 28,000 people living in the Cayman Islands, of whom about 18,000 are Caymanians."

We know that has changed because the population figure released a month or two ago is 30,500, so there right away we see the increase. **"The unemployment rate in 1989 was 6.2% (The advisory Committee for this study has indicated that the current unemployment rate is even lower). The birth rate has been declining over the past number of years. These factors suggest that the absolute population size of the Cayman Islands is probably insufficient to support tourism development. Simply put, there are not enough people for the jobs that can be created."**

That situation has not improved. As we develop—and, indeed, one of the policy statements in this is that this plan is prepared for the future development over the next five years. This plan needs to be tempered in the same manner as the preachings of the Coopers & Lybrand study which was constant (in almost every single chapter), putting forth this point about the creation of numbers and the inadequacy of the country to pro-

duce Caymanians to fill the jobs that can be, and are being created.

In this House I have said before on this issue, that the startling truth is that if every Caymanian man, woman and child were to be employed (and one could imagine that they would be capable of handling some of the jobs that are available in this country) there would still be an inadequacy of thousands of jobs that there would not be bodies to fill. Until that point is taken, and until this Government or any future government understands this and plans for it, there is a problem on our hands.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30 PM. I doubt you will be finished this afternoon?

Mr. Gilbert A. McLean: No, Madam Speaker, I have a fair amount of notes for debate on it.

The Speaker: May I ask for a motion for the adjournment of the House?

The Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this House until 10 o'clock Wednesday morning.

The Speaker: The question is that the House do now adjourn until 10 o'clock, Wednesday morning.

I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Wednesday morning at 10 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 14TH DECEMBER 1994.

**WEDNESDAY
14 DECEMBER, 1994
10.06 AM**

The Speaker: I will ask the First Elected Member for Bodden Town to say prayers.

PRAYERS

Mr. Roy Bodden: Let us Pray.

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

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

Order. Proceedings are resumed in the Legislative Assembly.

ANNOUNCEMENT BY THE SPEAKER

APOLOGY

The Speaker: An apology for absence has been received from the Honourable Minister for Tourism Environment and Planning, Leader of Government Business, who is off the Island.

Government Business. Debate continues on Government Motion 9/94, Adoption of the Tourism Management Policy 1995—1999. The Second Elected Member for Cayman Brac and Little Cayman

GOVERNMENT BUSINESS

MOTION

GOVERNMENT MOTION NO. 9/94

**ADOPTION OF THE TOURISM MANAGEMENT
POLICY 1995—1999**

(Continuation of debate thereon)

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

When the House took the adjournment on Monday evening, I was directing comments to the question of population in these islands and the matter of the number of non-Caymanians versus Caymanians in the work force as far as the hospitality industry is concerned. I had also commented on the fact that this very small document which has been presented as a Five-year Tourism Management Policy Implementation Plan, does not contain, nor capture, nor show, the many detailed recommendations as are contained in the Ten-year Tourism Development Plan prepared by Coopers & Lybrand. Various sections are extrapolated from this document but many of the recommendations are not contained herein. I do not know if it is the intention of the Minister or the Government that this will be the views in brief and the Ten-Year plan will be used as a reference, although this is a five-year implementation plan versus the ten-year plan. So again, there is a conflict.

The particular section that I referred to at that time was section 8 as contained on page 11 regarding Caymanians and expatriates working in this country. In the caption there it says: "**A Segment of the Population is Concerned About the Foreign Presence.**" This section noted that: "**At the present time approximately 30% of all employment opportunities in the tourism industry are filled by non-Caymanians.**" It also noted the fact that it included all categories or a wide number of categories including "**front desk people, bell boys, housekeeping staff, etc., and senior management.**" In the last sentence it reads: "**There is concern by some Caymanians about foreign presence; not the tourists who come to enjoy the resources and the products that are made available to them, but rather those who have employment in and manage the industry.**"

The central theme of the Coopers & Lybrand Report in contrast is directing one's attention to the impact that tourism (which is people's business) has had on the people of these islands, and that everything is affected and will be affected if that situation is not examined and corrected—brought out in the open so that everyone knows where everyone stands.

I made the point that the Coopers & Lybrand Report made the point, as they state on page 10: **"Simply put, there are not enough people for the jobs that can be created."** This is a particular area that I would like to look at in more detail and comment on. I stated many times (and it is something which the Coopers & Lybrand Ten-Year Study is pointing out) that it is a statistical truth—it is a fact that there are not enough of us Caymanians alive, willing and able to fill all the jobs that presently exist in this country.

In fact, this Report notes that at that time (1992) the population was approximately 28,000. About two months ago a release from the Statistics Office put that number at 30,500. So one can see the immense growth. That is not through a population increase by birth of indigenous people; it is through persons who are coming to our shores to fill jobs that have been created. This matter is one where I, along with other clear-thinking persons, must understand that there lies a problem, and unless it is corrected there is going to be a problem.

In the Coopers & Lybrand Report on page 98, under the section "A Human Resource Strategy" (and in the Government's Plan study it is section 7, page 37), the strategies that are reiterated in the Implementation Plan are almost the same. There are eight of them, but I will read the statements as are in the Coopers & Lybrand Report and then what is in the Government's Plan. The Coopers & Lybrand Report says:

"The following eight tactics are presented as the human resource strategy and are in keeping with the quality service components described above:

1. **Strengthen the collaboration between all stakeholders;**
2. **Launch a major communication and education campaign;**
3. **Resolve the expatriate issue; . . ."**

The Implementation Plan has the first two [tactics], but the third reads: **"3. Coordination of recruitment efforts."** Nowhere in the Implementation Plan does it say it will resolve the expatriate issue. The closest it gets to it is number 8 where it speaks of addressing the sociocultural impact of tourism.

The Coopers & Lybrand Report makes their position clear. On page 99 it reads: **"The importance of tourism to the country has been signalled several times throughout this report. It is an industry which has a high demand for labour in order to function. The human resources to deliver services and sell products to tourists must be available from some source of supply. Ideally, the population of a country should be the source of that supply."** However, it notes that this is not the case and that there is a problem in the country at this time if something is not done about this situation.

This Report (that is the Coopers & Lybrand Report), further states on page 107: **"Each of the four sociocultural issues described to this point are impor-**

tant and need to be addressed in the tourism strategy. However, none of them are more important than the issue of the relationship between Caymanians and expatriates."

Madam Speaker, I am reading what was found to be the case by a group of consultants who came to this Island and examined our situation. I have spoken about this on many occasions. I know that there has been a motion here to resolve this situation where consideration might be given under the Immigration Law to persons who are in this country (and who will be here for a long time) because of the need for labour some comfort or satisfaction in terms of residency. It has not been accepted.

In this Implementation Plan there is actually nothing in terms of the recommendations made by Coopers & Lybrand to address this situation. Right now there is another brand new hotel being built and we hear there is approval for a second one. Who is going to fill the jobs? It cannot be Caymanians. So what is the Government going to do in recognition of this situation?

I further note on the same page of the Coopers & Lybrand Report: **"The issue of the role and place of expatriates in Caymanian society has been to date a 'covert' issue. It is an issue that is 'below the water line!' It is time that this issue is brought above the water line. If it is not, it has the potential to become a significant barrier to the achievement of the 'willed future.'"**

I do not think it is possible for it to be much clearer. In fact, one might say that this Report even has a Caymanian nationalistic tone. But it is not advocating a disparity or a wall between. It is advocating the recognition of the true situation and the Government making a willed future to see the expatriate population as a resource and not a problem, as is also stated in this Report.

In this country there is no question that if there is a complaint among the people who work in the tourism industry (or generally), it is about expatriates being here. The whole truth is, people—Caymanians like ourselves—need to recognise and get that point of view across to the people who we represent, that conflicts will ever exist if we do not understand and recognise the inter-dependency.

What is the alternative? The alternative is very simple: If the jobs filled by Caymanians will be the only jobs existing in the country, then 30% of the jobs, in the tourism industry alone are going to be shut down which will certainly affect more than 30% of the tourism businesses.

There is a whole section given to this matter by Coopers & Lybrand. And in this Implementation Plan which claims it will bring about these changes in five years (whereas the Coopers & Lybrand Study recommended a ten-year period for getting it all right), it becomes even more serious.

This study of Coopers & Lybrand—really the people's report because this was comprehensively done taking into account the views of association, of organisation, of individuals and so on, on this particular issue of

the Caymanian versus the expatriate. We have quotes that were taken directly from people and put into this study highlighting its importance.

I quote one from the Caymanian side of the looking glass, as it is sub-captioned, where an individual said: **"We cannot be blamed for worrying about becoming a minority in our own country. I do not know whether it is real or not, but I am becoming convinced that expatriates wield far too much influence on the Islands."**

Another quote: **"I believe that expatriates are deliberately preventing Caymanians from getting ahead in the tourism sector."**

Another quote: **"Why should our people take orders from expatriates?"**

Another quote from the Caymanian side: **"Those who want to severely restrict expatriates forget that we invited them here."**

Now, in balance, from the expatriate side of the looking glass, I read a quote: **"It is not a whole lot of fun to be reminded in subtle in not so subtle ways that you are being tolerated on the Islands."** Another quote: **"There are some expatriates who are very insensitive in the way they treat Caymanians. There are an equal number of Caymanians who are very insensitive in the way they treat people they invited to take jobs here."**

Another quote: **"The feeling I get is that we are looked upon as pure opportunists who came to Cayman to rip off the locals."** One last quote: **"It gets tiresome feeling as though you are being held to ransom every time your permit is up, and being ignored in-between times."**

This study went to the point where it listed the same number of quotes side-by-side to give the perspective of the two peoples' conditions that exist in this country. Within this same section the Ten-Year Report notes: **"Once again, it is a matter of 'choices.' Caymanians and their government must choose between continued prosperity and a reduction of expatriate employment. In one of the conferences held the following question was posed to tourism industry employers, Caymanians and expatriates alike: 'If you cannot employ expatriates after 1993, what will be the impact on your business cash flow?' With few exceptions the response was to the effect that 'It will diminish or disappear!' Some simply said 'For sale!'"**

I have quoted the various sections from the Ten-Year Plan to make the point that these people, whom we paid close to \$300,000 to come to this country, did one of the most comprehensive reports that has been done for the Cayman Islands Government and, certainly for tourism. If we do not recognise that in this Implementation Plan and do as it tells us we should—resolve it—we are going to have a problem.

It is not sufficient as in the Implementation Plan where under the caption 'Strengthening the Collaboration Between all Stakeholders' it notes that it intends the monitoring of the socio-cultural impacts of tourism. Moni-

toring it is not the answer. Correcting it is the answer. In so doing, we have a complete blueprint by people who took the views of Caymanian people who put their own professional analysis into it and made certain recommendations.

One cannot say too much about this issue, because in the minds of so many people it is the main issue. Until this Government or any government to come, tackles this situation to reassure the Caymanian people that their position is here now and forevermore; that they can understand and feel the comfort level that they want to feel, there is going to be a problem.

On the other hand, in this country the expatriate workforce (which is fast making the larger part of the population) needs to be given clear assurance of who they are. They need to know what to expect and feel assured that they have the same right under law as a Caymanian. And that they can treat the Caymanian just like they would treat one of their own expecting to have that returned. If not, there are going to be problems: I suggest today that there is a problem.

In fact, for this report to be accepted by this House to be the road to travel for the next five years without this input, sorely lacks the main ingredient. I personally believe that would have been a wise idea. Rather than the Government seeking to have this accepted now, all Members should have had an opportunity to examine this. going back to their study of the Ten-year Plan (because it is comprehensive), to come back at a later date or the next sitting to look at this situation where such a matter could be dealt with. This was given to us last week. It is not as if there was nothing else to do from that time until now.

The Ten-Year Report makes other recommendations along this line. It recommends finding out factually, and not emotionally, what the population knows and thinks about these issues. The ten-year study recommended that the Government go into this matter to find out the work attitudes and expectations of Caymanians and expatriates in all relevant age groups.

We all have expectations—Caymanians and expatriates. They each have a right to their expectations. By finding out clearly what these expectations are, it can be gelled so that there is a clear understanding on both sides.

The Ten-Year Report makes recommendations as to how the situation can be handled even from an Immigration prospective—what is the practical means within Immigration for dealing with this matter. The fact that the Government could practically decide by categories what percentage of Caymanians it wanted to see by a particular period of time in whatever category of employment. The Caymanians would know what to look forward to and the expatriates would know what is available to them. There would be a monitoring system whereby Government could measure its progress. These things are spelled out in this Ten-Year Report, but they are certainly not spelled out in this Implementation Plan.

The numbers in terms of visitor arrivals in this country are spread over a ten-year period to arrive at what

can be considered, according to the Coopers & Lybrand report, numbers that are manageable. Numbers which will impact as minimally as possible on the socio-economic situation, the environmental situation, the infra-structural situation. In fact, in the accommodation strategy in the Ten-year Plan, on page 66, says:

"A moratorium on seven-mile-beach should be placed on all tourist accommodation development (hotels, apartments/condominiums) until occupancy rates begin to approach effective operating capacity levels (about 80%). Based on detailed calculations shown earlier, it is expected that an annual growth rate of 5% over the next five years will result in hotel occupancies reaching these levels in 1998."

The Implementation Plan is saying let us get that right now. But there are no more roads to accommodate this larger number of people; there is no more infrastructural development; I have not heard of any more restaurants coming on line and Ten-Year Plans as are recognised in this study. This Implementation Plan is surely not a plan of making haste slowly. This is a plan of making haste right now—do not worry about the impacts—we will monitor what is happening in the socioeconomic situation.

There is no recognition in the Implementation Plan of using triggers, as it is termed in the Ten-Year Plan, where it says: "When the occupancy 'trigger' suggests new accommodation is needed, a hotel development should be allowed before a condominium/apartment development, since hotels include or stimulate the introduction of shops, restaurants, bars and recreation services which condominium/apartments also require. The truth is, according to the report done by the experts that went into great detail, it recommends a breather, which would have taken us right into this year.

The Honourable First Elected Member for Bodden Town spoke about the cruise ship industry. He eloquently presented an argument showing the comparison between the cruise ship industry and the land based accommodations. The land based operation, naturally, has more commitment within the country than does the cruise ship industry and this too, is recognised in the Ten-Year plan. In fact, the cruise ship industry is used as a case study. Recommendations are made in this particular section of the ten-year plan as to how there can be greater commitment by the cruise ship industry and how partnerships can be developed to the benefit of the cruise ship industry and to the benefit of the country.

The Ten-Year Plan also leaves out no particular sector. In fact, there are strong recommendations for including the private sector, strengthening the private sector involvement in the whole tourism effort and placing Government as the final in what ultimately occurs after having the benefit of all views. It recommends setting up a task force to look at the Caymanian versus the expatriate issue. It recommends setting up a National Tourism Committee made up of three Ministers of Government and below that another committee which would advise it to bring about the kind of involvement which it envisages which surely must be a more sensible ap-

proach with everybody involved. There are certainly no such details set down in this Implementation Plan. I wonder what has happened to them.

There is one section that I would also like to take specific note of, that is, the one in the Implementation Plan that deals with Cayman Brac and Little Cayman. For the life of me I do not know when the name changed from Cayman Brac and Little Cayman to "Sister Islands", for I do know that I moved a Motion in this House about three years ago to have the catch-all term of "*Lesser Islands*" changed to recognise the names of the two Islands. It was changed in all the laws of the Cayman Islands but now someone has created another one—"*Sister Islands*". I do not know why they did not call it "*Brother Islands*", or "*Uncle Islands*". But to the matter of Cayman Brac and Little Cayman: In the Implementation Plan it says, under the caption "The Sister Islands do not feel their needs are being fully met", it reads: **"A 'we/they' relationship exists between residents of the Sister Islands and residents of Grand Cayman . . ."**

"At the present time the people on the Sister Islands do not believe their needs are being fully met, their specific frustrations include the following:

- 1. An unsatisfactory level of tourism service; frequency, Ten-Year Plan of aircraft and scheduling are unsatisfactory;**
- 2. Inadequate representation of the Sister Islands in tourism marketing programs and investment; A feeling that they are just not listened to, nor given adequate information."**

I think those are true statements for I can testify to that very situation as one of the representatives of these Islands. I do not see any detailed plan here for following under this section to correct this situation. Certainly, if I go to the Ten-Year Plan there is a complete section where the addition of Cayman Brac and Little Cayman is dealt with. Specific recommendations for Cayman Brac's future development for Little Cayman's tourism product and strategies—even with inclusive maps setting out the details.

I am not surprised that this is not in the Implementation Plan for it is a sworn position of the Government of the day to keep the representatives of Cayman Brac and Little Cayman as "lone voices crying" for four years, and so are the people of these Islands crying for four years. I wish it were not that way for clear recommendations are made in the Ten-year Plan that the Cayman Islands is in such a fortunate situation they can offer three separate vacations within a vacation.

It sets out clearly the fact that people who initially come to Grand Cayman could have within their six or seven day stay one or two days which they could spend in Cayman Brac and/or Little Cayman. The Coopers & Lybrand study found distinct and attractive features which cater to tourists and visitors. It is all set down.

I regret the fact that this is not included in the same detail, and that I have had no role, and to the best of my knowledge neither has my colleague, the First Elected

Member for Cayman Brac and Little Cayman, in creating this plan which is supposed to be implemented in five years, two of which have already passed.

This Ten-Year Plan has been in the hands of this Government for two years. But why I think this has not found acceptability with the Government is that some of the major recommendations here are surely not in keeping with the policies of the Government—build more hotels, create more traffic congestion, do not resolve the Caymanian/expatriate issue, just monitor it. If they have been monitoring it they would, surely at this stage, want to take a hands-on situation and do what the Ten-Year Plan said—*'bring it above the water line'*. Coming from nautical backgrounds, we understand what 'above and below' the water line means. We are trying to 'drown' it below the water line but it is not going to drown; the heads keep bobbing up. It needs to be addressed.

I could not cover all of the comprehensive areas and details as set out in the Ten-Year Plan versus the Government's Plan, which they intend to implement. The Ten-Year Plan is so comprehensive that the Government could have over the past two years done as was recommended. Specific implementation actions are set out—time frames, options as to how it would be guided or who would be responsible for it. It suggested it could be done by the Department of Tourism, or one could hire a manager specifically for managing this plan on a national basis who would give information directly to the Minister for Tourism. It suggested an option for employing experts as the ones who did the study. But that has not been done.

I am convinced that if this ten-year plan were accepted, by this time revenue would have increased because of a more managed condition. And we would not really be looking to find ways of earning revenue because in a properly managed national plan through tourism—which touches every single person in this country, and every single Ministry and Portfolio—there would be the opportunity for revenue earnings that are not present now.

I think that we are not doing ourselves or the country any service to have skeleton views as are set down in the Government's Implementation Plan. We need a more comprehensive situation and if we do not have it, there are the attendant negative problems which are not going away.

The Opposition intends to vote for this Plan, purely on the basis that it is better to have something which the Government calls a plan that might perhaps guide it somewhat, than to have nothing at all—with the hope that it would not attempt to do what it says here in five years, two of which have already passed. And in the progress of things, they will refer to the immense guidance that is referred to in the Ten-Year Development Plan. Thank you, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, to say that this document before us is important is to say the least. As one of the main pillars of our economy, tourism has made a solid impact by improving the standard of living of our people. The economic value of tourism from the spending of money by those people who come here on vacation and/or business cannot be underestimated. Therefore, I think that the Minister for Tourism has made a laudable start by putting forward this policy.

The Second Elected Member for Cayman Brac and Little Cayman went to great lengths to talk about the Ten-Year study versus the Five-year Policy statement—what he terms an implementation statement. What is before us is really the Government's Tourism Management Policy. This is the Minister's statement on what he intends to do—broad statements—to address the problems that have been pointed out in the Coopers & Lybrand study. If we look through it we see the different headings—the Environmental Strategy. The different strategies in this document have an impact upon what is put forward by the Coopers & Lybrand study.

But to deal immediately with the speech by the Second Elected Member for Cayman Brac and Little Cayman, let me say that the Government is concerned about the number of outside workers in the country. The Member for Cayman Brac said that nowhere in the statement does it resolve the expatriate issue (he must mean the workers), because that is what the tourism study is dealing with—tourism—not any issue other than tourism. He says that the expatriate issue needs to be addressed in the statement.

If he examines the relevant section, Section VII, it deals with Human Resources Strategy. That points out what the Government intends to do. It broadly says that **"people require training to equip them to reach the high level of performance a competitive industry demands, specifically developed and coordinated training programmes will be supported and encouraged by educational institutions, employers associations and other training organisations."**

The Minister has outlined here broadly what he intends to do. There are eight tactics that follow under the Human Resource Strategy. Number six is: **"Equipping people to reach a high level of performance through training."** I know that the Minister has already set up a committee of people in the industry to address this matter.

I think if an indictment of past performers where not enough emphasis was placed on training... What was happening was an emphasis on the amount of people brought here and other infrastructural development to go along with it, but not nearly enough. In fact, very poor indeed, has been any attempt to train people in the tourism industry. It is an indictment that we have no Caymanians as managers of major hotels.

In the condo sector there are some Caymanians, or spouses of Caymanians in those fields. But traditionally, in the hotel industry there has been a lack in the ability to train their workers. They will tell you that they have a training programme. But when you get down to it, you

find out it will probably be a 15-minute lecture in the morning and that is the extent of the training.

During the administration of the late Honourable James Bodden, a credible effort was made to start a hotel training school. Sad to say, not enough emphasis was put by succeeding administrations on that very fundamental issue. In fact, they let it slump. In recent years, the Community College has a small hotel training school.

However, because of the tendencies of career-parting, we have very few people entering the school. This problem needs to be addressed from the school level to show them the benefits of the tourism industry. We are putting emphasis on training. If Members recall, I laid out quite a plan and they know that we are headed in that direction. Unfortunately, we can only do so much at one time. But to say that it is not being addressed is not telling the truth.

To get back to this matter of the amount of people in the country who are on work permits or otherwise, I do not know how the Member who spoke about this expected that the residency problem could better the situation. He said that there was nothing in the Implementation Policy to address their Motion. I believe that if we examine the Coopers & Lybrand Report, it's not dealing with residency as such. And those people are already here. So if you give them residency in large numbers it is not going to be any different with the problems in the Hotel industry.

What we need to ask our people is, How did we get to this point of imbalance? How can we get to the point where Caymanians are in the majority in the work place? This is not going to be done in a short period of time. In fact, the question that should be asked is whether we have enough Caymanians to man the jobs that are created by our booming economy. The answer has to be no, we do not. We need to state at what point this will take place. Can we answer that? The only thing they can say is that we have not given these people the residency that they wanted. But can we really answer this problem of this imbalance, bearing in mind what is carrying this country in terms of expenditure—which our people need?

I think he touched on the point, but he did not explore it enough when he said 'if you cut the 30% out, it means you are cutting 30% of the service, which means we are damaging our tourism product.' He asked, Can we do that? This country has taken the path of asking our people to pay as little as possible for the services that the country needs.

When we examine the Budget, we find the expenditure that people are requiring—in fact, demanding. Members here in the House are demanding these expenditures. They talk about roads, streetlights—'*let us see if we can get along without them*'. But certainly, we cannot get along without educating our people. We cannot get along without providing proper health service for them.

In the Budget the recurrent expenditure of this country is well over \$100 million, probably more in the

region of . . . To run the Country, and to give the services to continue this development, requires \$138 million plus \$15 million in statutory expenditure—more than \$150 million. This amount is required to run the country, to give the services and to continue this development—more than \$150 million.

What I am saying is that it would be good if we only had Caymanians in the work force. It would have been good if over the years those in charge had taken the time to train them. Let us be frank with ourselves in this country. What we have to do is to go all out and train the Caymanians we do have in the industry. But to go in the direction that the Member was talking about—it simply serves all of us well to get up on the floor and recognise these problems, but we cannot '*have our cake and eat it too*.'

I suppose people coming behind me can say some of the other things that need to be done. We all know that something needs to be done and that is what I heard coming across from the Second Elected Member for Cayman Brac and Little Cayman. But what can be done easily, or quickly, except that we go all out to train, to make certain that our Caymanians have their rightful places in the industries.

After we provide that, it is up to them to ensure that they are doing their jobs. It is no good running to the Minister of Labour if you have a shoddy work attitude—if you should be at work at 7 o'clock and you do not get there until 9 o'clock every morning. I am saying to employers—as I have said publicly in the past and will also say today when I address the Chamber of Commerce—'that they need to pay careful attention to who is coming in because we have enough cantankerous people of our own.' Problems come when those forces clash and that is what is happening a lot in the workplace and that is why Caymanians are saying that they are not moving up. They always find people who have dirty attitudes, along with the Caymanian who believes that the job is his because of that nationality alone—which we know is not possible.

That is one of the reasons why our manpower development strategy—our training strategy—will include what I term a Labour Budget. If a business knows that they need ten people for the year, they must come up front and say they need ten people and here is what we are going to do to see that Caymanians move up. So that in the next two years those ten people become five, or at least less.

That is one of the strategies and that is why I am attempting to do more (and when I say 'me', I mean as the Minister of Labour and the Ministry) in line with the apprenticeship and understudy scheme. We '*cannot have our cake and eat it too*'. We have built up this country demanding the best in life and I will move away from this point for a minute to get to the point of development.

We ask, For whom are we developing? We are developing for our own people. We can talk as long and as much as we want to about the hotels, but the fact remains that we have 300 children coming out of school. We plan to move them by highlighting the career oppor-

tunities within this industry and this is to be done from the Junior High School level. Those students can be moved into the industry when they find out the opportunity and the money that can be made in the hospitality industry.

What we have to do is to try and strike a balance between our economic growth and the environmental human resource and other interests of the Island. We have heard much sing-song over the years about Caymanians not getting the job from the development. I am now talking about construction. I had to talk to some of the contractors and they tell me that one of the problems is that one who used to be a mason years ago, is now in his own business. One who used to be a carpenter years ago is now in his own business. It is not so much (as I understand it from them) of the small contractor not getting into the development, as it is that we go along building with the kind of material we use. The larger contractors—Hadsphaltic and the other ones—bring in their people instead of putting more of the work out for sub-contract.

That is one of the problems that we have. But to say stop development, or why are we developing, I think the people can best answer that themselves. How much do we need? I think that we have a set of people in this country who will do anything to stop development because their immediate jobs do not depend on it. They can sit as a public servant, or with one of the larger companies—Cable and Wireless, Caribbean Utilities, et cetera, *"It is better the economy goes down. I can look out for myself. I will make it. The country will have to pay me because these are services that it will need."* But what happens to the rest who depend upon development?

While we must strike a balance, we have to be careful that we are not batting out what we need. The day that we stop it, who suffers? Everybody—the small businessman, the taxi man, people with T-shirt shops, boutiques, grocery stores—you name it. We saw what happened when it slowed down before. There was a definite move to slow down, coupled with the world's problems and bad management at home as well. We had over 1,100 Caymanians registered as being out of work. So, those persons who would like to stop all building can quite easily say it is all right with them—they have a job.

We have to watch the overall development and you cannot separate that and tourism. I have asked the Governor to set up a Committee, at Executive Council level, to monitor development—a Development Committee. And while I may not be the Minister for Tourism, my responsibility is for the social welfare of this country. We certainly cannot separate the two—the need that arises out of development or the impact on our social infrastructure. We know that there are advantages and disadvantages, but we do know that the advantages far outweigh the disadvantages if managed properly. I heard the Second Elected Member for Cayman Brac and Little Cayman saying that we had left out Cayman Brac. I do not think that that is a true statement in re-

gards to what the Government is now attempting to do. He might have said that is what obtained in the past. But when you consider that the first cruise ship will take passengers to Cayman Brac, he cannot say that there was not an effort made. He should have heard, what we said about how we now look at Cayman Brac. He is correct in saying that it offers good development for the future of tourism. There is a plan afoot to take more developers, more business into Cayman Brac. He should well know that money is in the Budget for Government's promotional tours to New York, London and Hong Kong, and that more emphasis will be put on the Sister Islands.

So something is being done. We recognise that the state of the economy in the Brac does not bode well for its future. It is dying on its feet. What it needs is at least one large development, something along the line of the Hyatt, where there is a golf course and all the other amenities to go with it. I am not just whistling in the wind. I know what I am talking about and it can be done. We are going to see that it takes place.

We have two years left and after that another four and after that another four. So if the Opposition would bear with us, we will get something done. There is no use in trying to scrap what is positively being done.

I see my good friend has recommended that we move the Governor's House. That was a *'storm in a tea cup'* already. It is certainly a prime piece of property located in my constituency. In itself it is a good attraction for tourists. I believe that everyone who comes here gets a little peek at the Governor's residence. We have to bear in mind that moving it and getting something built to compare with it will probably cost \$2 million or more. For all it is worth, I will not try to take the suggestion to task, but I will simply tell the Member that I cannot agree with it now.

Mr. Roy Boddén: Our Government will do that.

Hon. W. McKeever Bush: I hear the Member saying that when the Opposition gets in power their Government will do it. All I ask the Opposition is, Where are they going to get all the money to do all the things they want to do? Then they say we must slow development down; that we have too many expatriates on the Island. One impacts on the other. Where is the money going to come from?

I know that some people see cruise ships as not being too desirable. The truth is that the cruise ship industry is growing by leaps and bounds and more and more tourists are travelling that way. One good thing is that those people who go by cruise ship get just a little taste, just a whetting of the appetite for them to return for a longer stay of a week or more, or to get involved in some business, or just to invest their money in the banks.

For a long time I have advocated the use of the West Bay harbour for cruise ships. This is something that the Chamber of Commerce has taken up as one of its pet subjects to say that a certain percentage does not want it. Why? I wonder. I do not know. What I proposed

will not do anymore damage to the marine environment than what thirty divers do per trip at any one of those dive sites. What they need to ask themselves is: How many times do divers go to one site per day? I believe when this thing is properly studied it will do well to put a small jetty in some of the bigger districts so that more cruise ships can be spread out around the country rather than congesting George Town. That is not saying that George Town will not have the cruise ships. No business will be affected in the Capital, as far as the cruise ships are concerned.

The Speaker: Would this be an opportune time to take the suspension?

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.42 AM

PROCEEDINGS RESUMED AT 12.07 PM

The Speaker: Please be seated.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, continuing the debate.

Hon. W. McKeever Bush: Madam Speaker, this Management Policy document is welcomed by us. I would say to the Second Elected Member for Cayman Brac and Little Cayman that this is not an implementation plan: this is a management policy document. The policies presented in the document are for the most part based upon the findings and recommendations made by the consulting group. Revisions have been made where necessary in order to reflect today's existing reality.

While I agree with most parts of the Coopers & Lybrand plan, certainly all of it is not realistic. After Government has accepted this document, the obvious next step is to develop implementation plans within the five areas of the tourism management strategy, the environment strategy, the tourism product strategy, the marketing strategy and the human resource strategy. Work in a number of areas has already begun.

This management document has as its guiding principles the need to ensure that present and future Caymanians are very knowledgeable about the industry by providing a framework for raising the standard of living for Caymanians. This can be done through the economic benefits of tourism; by providing an approach for tourism development including related infrastructure, recreational facilities and services for visitors and residents that are appropriate for the purposes and the land capabilities of the areas in which they are located; and to establish the framework for tourism policies and programmes consistent with the cultural, social, environmental and economic philosophy and means of the Government and the people of the Cayman Islands. It will also provide the direction whereby the competitiveness of the tourism industry sustains the development framework ensuring that the social, cultural and environmental resources which residents depend on and

which tourists are attracted to, are maintained.

It must be fully recognised that a balance between all five points must be achieved and that the co-operation of many individuals and organisations, both within Government and the private sector, including some outside of the direct domain of the Ministry of Tourism will be required in order to be successful in this endeavour. I will again point out that this is not the implementation policy, it is the management policy. When we get to that stage, (which is the obvious next stage) the Opposition can make the Minister aware of any concerns for the next major step, that is, implementation.

Thank you, Madam Speaker. *[pause]*

[Inaudible comments]

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I can assure you that was not a time-wasting tactic.

The Speaker: I could see it was not, Honourable Member.

[Members' laughter]

Mr. D. Kurt Tibbetts: Let me start my relatively short contribution to this debate by saying that as I read somewhere in this pile of documents I have here, it has been historically shown that uncontrolled and unbridled growth typically results in a degeneration of product and service. I think whatever we might talk about on this Government Motion stems around that simple, but very meaningful statement: 'historically it has been shown that uncontrolled and unbridled growth typically results in a degeneration of product and service.'

What I read in the latest document is, in my view, fairly generic. I do not know exactly where the misunderstanding is, but I just heard a few minutes ago that the document that was passed out to us was a Tourism Management Policy and the plans for implementation would follow. Unless there is something wrong with what I have in front of me, this document reads: "Tourism Management Policy Implementation Plan". If we are not talking about implementation, then I really do not have much to speak about. But I will have to follow the course of the document as I have received it. As I said, it tells me that it is an implementation plan, not a policy document, but a plan.

The obvious comparison which has been made during various contributions to this debate and which I firmly believe is very relevant, is a comparison of this document to the document prepared in 1992 called a Ten-Year Tourism Development Plan. It was prepared by the Coopers & Lybrand Consulting group, and, if memory serves me correctly, it was over a period of weeks that in excess of 300 individuals who were either Caymanians or residents on this Island directly involved with the tourism industry knocked heads together, brainstormed and

compiled data, thought things through and the Coopers & Lybrand consulting group put all of this together and came up with the Ten-Year Tourism Development Plan. It is fair to call that plan, as has been stated before, the people's plan.

Let me say that in my examination of both documents I truly do not wish to cast any aspersions on the Government of the day or previous governments. That really does not matter to me; I am simply here to do a job, to make my best contribution as to what I see we can better do for ourselves in the future. So the players in the game will come and go, but it is very important that the game is played for all of us. The 'now' document (I will term it), the Tourism Management Policy Implementation Plan, is not a document that one has no desire to read after reaching the second or third page. It is not a document that does not contain relevant information. In my view, it is not a document that is totally out of line. Suffice it to say, if in bringing this plan to this honourable House the Government had said, "*Fellows, this Tourism Management Policy Implementation Plan is simply an overview of the goals we would like to achieve in tourism. And what we are going to do is to pay very close attention to the Ten-Year Tourism Development Plan and act on the recommendations and methodologies perceived in that plan while we go about the country's business of making tourism the better product that it should be.*" I have not heard that. So I am left with doubt in my mind as to how much credence is paid to the 1992 plan as compared to the new one which is, supposedly, a five-year plan. With that in mind, I am forced to make some comparisons.

First of all, I think it would make all the sense in the world to briefly outline some existing realities that are with us today. There are some headings in the 'now' plan and one of them deals with the Cayman Islands doing well in taking advantage of the tourism industry. I daresay that is a fact. It outlines the "**Growth in the stayover visitors to the Cayman Islands between the years 1980 and 1990 averaging about 8%. In the first few years of the 1990s, when many economies around the world slipped into a sharp recession, tourism actually showed a decline in the Cayman Islands. However, sharp increases in stayover arrivals in the range of 20% have been experienced in both 1993 and 1994. The growth rate has been larger than the total Caribbean growth rate yielding a progressive increase in market share for the Cayman Islands.**"

So that it is not misunderstood or twisted in any way, in its short-term realities one has to say that this is very good. I think that all the players in the game, all of the stakeholders (as they are termed in this document) are very pleased with what is happening around us. Occupancy rates—and the providers of accommodations have increased tremendously which must positively affect the balance sheet and that is fine. But while certain areas have been addressed on the surface, I think that what we must recognise and put the right importance to is the inherent problems that this growth has and will

continue to have on all of us.

The document goes on to say that today the Cayman Islands are at a crossroads. It says: "**The Cayman Islands have reached a crossroads and it is imperative that the direction taken is one of managing to achieve the long term steady growth so that tourism benefits that accrue to Cayman are maximised and the products and services that draw tourists are continually improved upon.**" Very true words. A potent statement, I would call it.

As we move on into the document (and it comes back to just about where I started) there are many goals which I will go into which are to be achieved. But the only place where I have a problem is that I do not see the many methods that we will need to employ to achieve these goals.

As I said earlier, if I knew that the many methods contained in the 1992 Ten-Year Tourism Plan were being looked at, then I dare say I might not have any problem at all. However, the fact is that I do not know that this is being done. If we have to look at it from the political angle maybe we would all be better off forgetting about that side of it and concentrating on the realities of the situation.

I also said earlier that should the tables be reversed and it was this Government who had prepared the Ten-Year Tourism Plan in 1992, and the former Government dealing with it now, I would be left to wonder the same thing that I am wondering now. It matters not to me who it is.

I hear some mumbling from the Chief Whip, Madam Speaker, but he can hold his own opinion about anything I might say. The truth of the matter is, with the greatest of respect to him, if he would listen a little more, his brain might not be as tired as it seems to be today. Getting back to the issue. I wish to make a quick comparison between the Ten-Year Tourism Plan and the present plan with regards to goals. The overall product strategy in the present plan is, in summary: "**To manage the tourism development of the three islands consistent with the distinct tourism products they can best support, within the land and water carrying capacity, in keeping with residents' needs and their culture (values).**" The Ten-Year Tourism Plan which deals with more of an itemised goal, makes a comparison to the existing reality and what is termed in that document as the 'willed future'.

I will not go through all of these, but I have picked out a few important items so as to compare the depth of the document. The existing reality is, expatriates are a problem. The 'willed future' wishes for us to look at expatriates as a resource. The existing reality is that there is a high reliance on the United States market. The 'willed future' is the broadening of the market base so that that reliance on the United States market lessens. The harsh existing reality is that we have a very strained infrastructure and the 'willed future' is a well-equipped infrastructure.

Another existing reality is that there is poor human resource management and what is hoped for in the fu-

ture is that there will be greater human resource management. Another existing reality is that the Cayman Islands has a high-priced image and the 'willed future' is value-for-money image.

The Ten-Year (people's) Plan told us how to put on our socks, how to shine our shoes, how to shave. This new document simply tells us we must get dressed. In making those comparisons I am not trying to say that the document has no value. I am simply asking the Government in its overview of this document what are the ways and means by which the goals that are outlined will be achieved. The Ten-Year Tourism Plan has almost everything outlined.

I will go as far as to agree that three years hence, there may well be the need to make a few mid-stream changes. But the base concept is certainly no different. In fact, I dare say that two and one-half years hence, the base concept of that document is much more obvious if we look at it carefully as things that we envisaged two years ago are on us; we see them happening.

Madam Speaker, may I take a minute to go through certain aspects of the 1992 document? In 1992 it was recognised that the tourism industry contributes directly \$275 million to the foreign currency of this country. Indirectly, the industry probably contributed about 50% of the gross national product. Today, that figure is said to be more like \$330 million and at least within the same 50% range of the GNP, if not a little bit more. So there is no question as to the importance of the industry. The present document does have areas where it points out that it is important for us to ensure that our people understand the importance of the industry. But I keep coming back to the fact that we need to know how we are going to do it.

The Minister for Sports mentioned some very valid points. He mentioned training and I am on all fours with anything that he can say about training for the people of this country because that is where our future lies, regardless of how many tourists come here or how many banks we have. Beyond all worldly goods, what is in the mind by way of training and education cannot be extracted and sold like everything else. That is where everything we do in this country must be pointed: for our people.

Regarding training, I have a few ideas. The present document in its address on training has a few subheadings, one of them being 'Co-ordination of recruitment efforts'. Let me read quickly what it says: **"There is a critical need for greater co-ordination of recruitment efforts between and within the public and private sectors. Therefore, mechanisms will be established to increase communications between all interested parties and refocus mandates so that the goal for each group is similar and [in big highlights] TO ENSURE THE RIGHT PERSON IS IN THE RIGHT JOB AT THE RIGHT TIME. The increased levels of communication among the various players will also lead to a sense of blending the talents of all involved and lead to greater co-operation among all parties in furthering tourism to the Cayman Islands."**

Flowery language, as one Member termed it. If we get to the point that this section wants us to get to, that is exactly what we want. But I do not see how we are going to achieve it. That is where I find the gap. If we look at this document and simply say that the document outlines all the relevant goals to blend the growth of the industry with all other impacts that it must have on the people of this country and get the best results, I can understand that. But the document tells me that it is an implementation plan and I do not see the implementation plan. That is where I have a question mark. There may be plans, I really do not know about them. For me to simply say that the plans will come, does not suffice when those questions come to me.

In reading this I am immediately asking: how are we going to do it? Never let it be said that that is not where each and every Honourable Member of this House plays his part. The principle as I know it in the art of debate to make a positive contribution is to give your ideas and wherever they meet and are pooled together, the best end result will come through the chain of command. The document has the 'Introduction of Career Pathing'.

It says: **"To make a career in tourism more attractive, coordinated career pathing within the industry will be encouraged and supported. To develop career pathing in the industry, a two step approach will be undertaken: 1) Develop acceptable career paths for the various professions within the industry, and 2) Encourage employers to implement career pathing within their businesses and between businesses."**

What kind of career paths are we talking about? The other one is "Development of Performance Standards for all jobs in the Industry": **"Providing an outstanding tourism experience and having a competitive advantage are not attained haphazardly, but through deliberate steps which begin with the development and implementation of performance standards for all jobs in the industry."**

What are the deliberate steps?

The other subheading is "Equipping People to Reach a High Level of Performance Through Training." This one is kind of heavy: **"Performance standards are not transmitted solely through the communication of expectations. People require training to equip them to reach the high level of performance a competitive industry demands. Specifically developed and co-ordinated training programs will be supported and encouraged by educational institutions, employers, associations and other training organisations."**

What type of training are we talking about?

Let me cite an example: I will simply state it the way that I know it and see it in my country. If buildings are erected, teachers are employed, a curriculum is developed and all the infrastructure is there, if we do not have the bodies participating in the process it is to no avail. I am saying that while the concept is exactly right, because all that I have just read is exactly what we wish to achieve. That is fine. But where we are going to get re-

sults is when we find out and do something about how we are going to achieve it.

In the tourism industry it is said and accepted that at least 30% of the employees are expatriates. It is also said and accepted that as long as we have any semblance of the growth that has continued for many years in these islands in the tourism industry, we as a people will never be able to supply the number of bodies required to service that industry. We understand that.

It is also accepted and known that throughout the years the indigenous populations, for more reasons than one, have not found themselves in sync with the industry. And being placed, either by their own volition or by others, in their rightful position they have taken part in the progress of the industry by finding decent jobs, by the natural upward mobility that should take place. And by recognising the fact that while we will always need people from outside to service that industry, our best benefit will be for us to take advantage of our people who should be able to participate by way of work. Here we are talking about training.

Let me make sure that I am not misunderstood. I am not talking about what has not been done. That is not going to help me. That is not going to help the man behind me. It is not going to help the lady next to me. It is not going to help any one of us. The only help that can be to us is to help us understand where we went wrong. I do not care who is involved and I do not care who will be involved down the line, we must always deal with whatever is at hand the best way we know how, in order to benefit the people of this country, especially with training.

What we have not done as a country is to grab up those young ones who give us sleepless nights and develop the means to make them understand that they must produce. This industry outside of the civil service is probably the largest employer of Caymanians in this society. I have a few ideas about training, but what is important for us to recognise before we even go onto the physical aspects of that training, is that whether we think it is the correct attitude or not (and I daresay it is not) we cannot expect to provide the basic facilities and expect our people to participate on their own volition. It is not going to happen.

There are too many inherent problems caused by other situations. Whatever we may call our people, I do know that basically they are not a bad people—they can be had. If it means that we have to stop debating in this House, go out there and live with them to get them in the right position and deliver them until they realise exactly which way they have to go to be somebody in this land, I think we would be better off. We must have a hands-on approach.

There are two suggestions that I have when it comes to training within this industry. I know that at the Community College (on a limited basis) they have some programmes that are for people coming into the industry. But the number of people reached by those programmes is not sufficient for what we need in order to produce. That is my view.

I mentioned in an earlier debate about the Hotel Training School. The Minister for Sports mentioned that what went on previously was a half attempt to have a school of that nature, which disappeared. I am not concerned with what went on then, except to learn from those experiences about what we should not do. I believe that the employers in the tourism industry are not of a basic will to simply hire foreigners. I think experience has taught them that the more foreigners they can hire, the better they can handpick their employees and their establishments can be run at a better level of efficiency.

What we have to do is prove to them that we can provide them with the right people so that they are not inclined to go elsewhere. They can achieve the same level of efficiency by hiring our own Caymanians. This, to me, is where we have the problem. I dare say that if a marriage were proposed between the public sector (namely the Government) and the private sector (namely the hoteliers), to provide a specific scheme to keep churning out our own Caymanians to fill these posts, these people would welcome the idea. They would not have to provide accommodations, they would not have the hassle of work permits, they would not have the large gaps between employment while waiting for work permits, and the myriad of problems they encounter daily in operating their establishments.

One might say if we have less work permits, then the Government earns less money from work permit fees. But my view is that the \$15 or \$20 million we have to budget every year for corrective services in this country would very well show lessening bottom line figures if we had all our people employed—being somebody in their own country—instead of joining Mr. Kickstone and Walker.

Madam Speaker, when the Honourable Minister presented this plan, he made mention of some on-the-job training. In my thoughts, the way the industry is today, I think the employers find it very difficult to do any in-depth on-the-job training because everything is at full speed all the time. It is difficult for them to operate in an efficient manner doing this type of training on the job. There are some areas where it can be done, but many times it is very difficult to start from scratch with an individual—to build them up while they are working on the job. It calls for a lot more numbers to be employed, whereas if everybody was able to do what he was employed to do there would be no need for as many people. So it is really not that economically viable.

If all those individuals and the Government pool resources together, I feel sure that the end results would be very gratifying for both parties. We at Government level would be providing the means by which our people could be trained and the hoteliers would be able to have access to quality employees without having to go outside [the territory] to look for them.

There is a new hotel being built. The good side of that is that there will be certain levels of construction employment for a year or a year and a half. When it is all over, there will probably be at least 1,000 people employed. They will probably need a couple of hundred

work permits. The question is not whether that is right or wrong: Are we preparing ourselves so that the necessity for that does not arise? That is the question. What we have to think about is when we have our Caymanian people coming back to us complaining and asking, 'How can you allow this foreigner to get this job and I am here? I have to feed my children. I go religiously to fill out applications and apply for the job but I cannot get it; I see a foreigner working there. There is no justification to that person whatsoever.

If we try to look at the situation objectively, we will realise very early that nine times out of ten there is no prejudice towards that Caymanian who was not hired: the person was simply not equipped to do the job that the employer needs to have done. That is where the disparity lies. That is what is causing the 'us and them'. There is only one answer for it and that is for the Caymanian to have the ability to do that job when he or she makes that application. That is where the entire problem is.

It does not end there. When the Minister for Sports made his contribution, he spoke about work ethics. Again, I am on all fours with him. Many of our people actually do not know how to conduct themselves. They simply do not know. The question is not that they are illiterate or ignorant, it is simply a fact that the pace of this world has come upon us. Everything else has moved in leaps and bounds and here we are with the majority in our society who are still where they were 30 years ago.

There are many reasons for that: lack of opportunity, lack of initiative—a whole pile of reasons. While we could sit all day and identify those reasons, just identifying the reasons is not going to help us. We must do something about it. When I say we must do something about it, if it takes the greater education on a one-to-one basis, it is worth it because once we set a trend and once we bring about results the ball will just keep on rolling. Everyone is going to realise that that is the way for us to go. Here I can only provide lip service, but I can assure you that at every given opportunity when I can do more than lip service, I will do it. That is the attitude we all must have. To sit and talk about it is good, but we must do something about it.

Where I stand on training has no bearing on what should have been done and what has not been done. I simply make the point to make sure that we are all deeply conscious of the importance of training. It so happens that we are talking about tourism, because training is for everything else that we talked about. We are talking about the tourism industry, which is one of the largest employers of the indigenous population in this country.

From that fact alone, it is obvious that it is worth us enhancing the whole situation by a hands-on approach of ensuring that the training is provided. And that is the 'marriage' I am talking about with the hoteliers. Let the hoteliers provide for us a list of what they want and let us have them stand side-by-side with us to help us provide them with what is on that list. This is what is going to

happen with the new hotel: We are going to have individuals displaced from existing properties to fill those posts. But the holes are still going to be there, they are just going to be spread wider. That is what is going to happen.

Other people do not take kindly to my view that there are hundreds of people out there still to fill these holes, but they do not know how to do it. I do not live in my house 24 hours a day and I do not see the same faces all the time. If there are not hundreds of them, then I cannot count to ten—and that I can do! And I mean that.

The Speaker: Honourable Member, will you finish shortly or can we take the luncheon suspension?

Mr. D. Kurt Tibbetts: The luncheon suspension, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 1.05 PM

PROCEEDINGS RESUMED AT 2.34 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town continuing the debate.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Mrs. Edna M. Moyle: Madam Speaker, if the Honourable Member would give way so that I can bring a point of explanation—

The Speaker: Would you give way Honourable Member? The Member for North Side.

POINT OF EXPLANATION

Mrs. Edna M. Moyle: Madam Speaker, when we look at the Tourism Management Policy document that is before us it says on the front page, *Implementation Plan*. When we look at the Motion, it is asking for the *adoption* of the Tourism Management Policy for the years 1995—1999.

I spoke with the Director of Tourism (Elect), Mrs. Martins, and apparently, this stemmed from some computer error and consequently the front page should not be included in the document. I think if we can accept this it would save a lot of time whereby we would be debating the adoption of the policy for the years 1995—1999.

The Speaker: Thank you for that information, Honourable Member.

Would the Fourth Elected Member for George Town continue the debate?

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

While I just heard the explanation, it goes back to what I said earlier on: If we were talking about a *policy* document, it would be a different kettle of fish from an *implementation* plan. Even if it becomes a simple policy document there are still many relevant issues which hold charge in this discussion.

Against the backdrop of what might seem to be an economy that is bursting at the seams, and against an ever-increasing social awareness in this country, I feel that we should shed all inhibitions. I was speaking about training before we took the break and when I said that we should shed all inhibitions, I mean in that respect.

There is no one solution to all of the problems that face us. And while there may be various schools of thought on the matter, I wish to refer to the old document briefly, so that I might finish the point I was making before on the issue of training. The present document, based on the explanation just given (and I take that to be the Government's position also) of the Tourism Management Policy, when it refers to training and simply outlines the goals to be achieved, I think it still calls for rationalisation of how these goals are going to be achieved. I dare say that whoever replies from the Government Bench (I understand that the Minister is not here and I do not know if he will be here today), but if the situation is clarified I have no problem with it, however, I wish to mention just a few items that were in the 1992 plan.

The plan calls for the introduction of 'career pathing' and it says that we must equip our people to reach a high level of performance through training. It says that training should be implemented as follows: **"1) Basic training. This would be mandatory training for any person directly involved in the tourism industry."** This is what I alluded to earlier on. **"If expertise is not available within the Departments of Education and Tourism, they should hire external consultants to design the material necessary which will bode well for this training."**

It suggests that the programme should be delivered by the College. I assume that to be the Community College. As I mentioned earlier, there are some programmes going on now. Here we are going into not only a deeper style, but also a more meaningful fashion to achieving the goals. It reads: **"The programme should be open for all organisations as well as sole business operators."** It outlines the content of the programme: **"people-handling skills, being a professional host, being hospitable, courteous and friendly."**

It also goes on to talk about specific job training: **"Where jobs are available in sufficient numbers to warrant centralised, institutionally delivered programmes, job specific training should be developed by either Government staff or external consultants and supplied through the College. Job specific training should ultimately become mandatory immediately upon appointment to the job."**

"Examples of jobs which may have sufficient numbers are: Waiters/waitresses; Housekeepers;

Cashiers; Short order cooks; Secretaries; Book-keepers; Guides; Hostesses/Hosts; Bartenders." A myriad of different occupations which our people can fill. It goes further up the ladder where it has 'Management/Leadership Training', and it paints the picture for the entire society.

Madam Speaker, while we seem to be discussing in the middle of the debate policy, nevertheless whether it is a divided situation or encompassed in one unit, implementation has to take place and it is has to be addressed. Maybe when the time comes, some of what has been said in the debate on this issue may be taken and used for the benefit of the people.

In the Tourism Management Policy (TMP) that has been put forward to this House (the one that we are debating now), there is a section on Dive Sites. If we are just looking at policies now, I wish to extract a few sentences from the policy document. It reads: **"There are currently well in excess of two hundred recognised dive sites around the Cayman Islands. The use of the Grand Cayman sites in approximately 70% concentrated in the west, 20% concentrated in the north and 10% on the east and south sides of this island. The accessibility of the dive sites depends on the type of diving boat utilised by the operators. The waters are generally rougher on all but the west end of the island, therefore smaller boats are kept to that end. This concentration is also related to the locations of the dive operations in terms of where people are loaded. Since most dive operations are located in the Seven Mile Beach and George Town areas, due to travel time restrictions most diving is concentrated in the waters off the western reefs. Initiatives to manage this area are: 1) To commence a comprehensive reef management program; 2) To try to disperse use to other locations to reduce concentration in the west. This will require permanent moorings at some of the more remote sites and improvement of the dive boat fleet by operators; 3) To increase the number of mooring buoys where needed; 4) Development of carrying capacity estimates for each dive site, based on its physical capabilities and diver experiences. Monitoring of the impact of diving on the sites will be treated as critical; 5) Legislation to set basic standards for all water sport operators."**

We have been hearing for some time about the possibility of permanent mooring in locations other than what seems to be obvious to most of us and there are varying views on this topic. There is the question of whether there should be permanent moorings located on the West Bay peninsula, commonly known as the Northwest Point area. The information I have tells me this is where the best dive sites on the island are located. While I have not heard any official position, I wish to make a few comments on it.

In the 1992 document there is a section called 'Cruise Strategy'. In this section it reads: **"Permanent deep water moorings for cruise ships should be constructed immediately to prevent further damage**

to the reef which is the lifeblood of the dive industry, a premier tourist attraction to the Cayman Islands." It has a little note there which reads: **"A permanent docking facility is rejected at this time since there appears to be little advantage to the Cayman Islands in terms of number of cruise passengers, their length of stay and expenditures on the islands."**

I have been told by dive masters who ply these waters on a regular basis that what we commonly know as the George Town Harbour has a section that is approximately one mile long. The only description that I could get which was vivid enough for me to understand was that they asked me to pretend that a big D-6 was underwater and was going back and forth for that mile 24 hours a day for about a year if I wanted to get an understanding of the kind of damage that has been done.

I am told that especially with the larger cruise ships the links in the anchor chains weigh in excess of 100 pounds—just one link. If I am to imagine the movement of a hammock as one lies in it, there is that back and forth movement when the ship is anchored. Understanding it like that gives one a good idea of the damage that is continually done.

The other place that is used is the Spotts' site. What has become obvious over the years is that there is no returning to the vibrant coral reefs that were once there. So the opinion is that it is already dead, there is no sense in seeking to let another area die from the same causes.

If any permanent moorings are to be placed, they should be placed in these locations, George Town and Spotts. Spotts is used less, but I think there is much scope for the enhancement of that facility. I think Government now owns the land directly in front of what we know as the Spotts dock and there is much scope in that area for creating facilities for these cruise ships.

The thought (by some) that the weather is rough 364 days per year in that area is simply not true, because I travel there daily and there are many days it looks as though one could walk on the water. So the point in hand with this policy is while it is not specific as to location for these permanent moorings, I trust that the Government will take the point of the existing locations.

The moorings that I am talking about, the key word in their description is 'permanent'. Let us not get away from the fact that where they are put they will be permanently.

Getting back to the thought about placing them elsewhere—for instance, amidst these prime dive sites—I think Government and all of us have to understand for that matter, that the dive industry, while it does not take off the top part of the tourism industry. Statistics show that 30% of the tourists who come here come to dive. So it is not a false conclusion to draw that if the tourism industry contributes \$330 million to the economy, if the dive industry is not managed properly we stand to lose \$100 million per year out of those tourist dollars.

There are special interest groups who wish to protect their own interests in the positions that they take on

where permanent moorings should go. I am not a diver and I do not have any business connections in that area, but I think we need to look at it objectively. With whatever policy is going to be followed, it should not be achieved by cutting off the hand that feeds us. We have to be very careful how we look at where those permanent moorings are to be placed. It is important for us to get input from all sides and to ensure that whatever the decision-making process is, it includes everyone's knowledge so that the end result is the one that is best for all of us.

I dare say that if we are looking at being environmentally sensitive it certainly makes no sense to be looking at new areas to mash up the reef. I hope that that is borne in mind. The Spotts area is already being used as an alternate whenever there is bad weather in town. I think that in all of its programmes, Government could well come up with a viable proposition for that area which would be self-sufficient once a little bit of innovation is used.

There is another issue in this policy document that I would like to touch on. It is the issue of the expatriates in the work force. As it stands now we do have some problems. When I spoke on the issue of training, I pointed out some existing problems which are very relevant to this society. But it is very important for us to understand and accept a few things which are very real to us.

The issue of expatriate labour becomes sensitive when our own people feel that their earning power, their self-esteem and their worthiness to coexist in this society are being threatened. What we as a people have to understand is that the inherent problems that are created are done so by ourselves. Here is what we have done: We have created an economy that has to grow to survive because when we take one step in one direction, it fuels a need for something else in another direction. We have created an ambience for flexibility and the inducement of large investment to continue. We say, quite rightly so, that we need to encourage this in order to keep the economy at a growing rate and it is only natural that labour demands will increase. If we examine our indigenous population we understand that while more people are being born, the truth is that the birth rate is decreasing. We are not creating Caymanians fast enough (and I am not suggesting that we should be doing otherwise) in this society to have the bodies that are required to fill the jobs that are being created. So naturally, we have to look elsewhere for labour.

In so doing we have caused the strain on the indigenous population, especially with the lack of training that exists and we end up with a back and forth situation. We want the economy to continue to grow which means that we have to call in more labour. As we call in more labour it creates a problem with the indigenous population and we have lost the balance which I do not believe we ever had. This is where it is incumbent on the leaders of this country to ensure that while growth is to be expected and sought after, that growth has to be managed in such a way that it is for the benefit of all concerned, not only the indigenous population but the oth-

ers who remain with us for some time. That is a big problem.

The indigenous population naturally have a fear of being out numbered and over run. The thought comes to mind: *'My God! Here I am in my own land and I have nothing. I see no hope of getting anything. Somebody can walk in, jump on a bicycle and ride around as he pleases, change his style as he wishes, and be happy while he is doing it.'*

It is not wrong for the people who come to our shores to be able to do that. But if we do not do something to dispel the thought process in a certain segment of our society, they are going to continually perceive it as wrong and say that we are not doing them justice. The only way that we can achieve that goal is for them to have the equipment to go out and deal with the society to make their role one that is plastered with self-esteem, self worth and, all-in-all, wanting to be someone within their own society.

There are a few areas in the 1992 document which deal with the problem I just pointed out and I just wish to make a few quotations here. The document reads: **"While many indicators point to a lack of interest by Caymanians, there is no substantive evidence to support these indicators."** It goes on to say: **"If Caymanians only want to participate in a small percentage of the jobs in the industry, such as management positions, expatriates will be required for its survival."**

We are now in the last days of 1994. What I just read is not going on in the minds of our people today. They understand that not all of us have wide career choices. In fact, the reality is that many of us have to be guided to the one that fits our acumen the best. So on the issue of the expatriate problem, it must not be a problem to us. We have to find a way to coexist in the society in such a way that we do not sit on the corner and talk about 'us and them', and who is taking advantage of whom.

We have a constant habit among us of not talking about what is good, and only talking about what is bad and it spreads—only too fast. We must develop the ways and means to let those who come among us feel appreciated and we must find the means to let our own people understand that they too have their places in this society.

One of the last points that I have not seen in the Policy Document (and I trust I am not erring in saying that I have not seen it) is something that we call safety. I venture to say that one of the first descriptions the tourists give of these islands is the fact that it is safe for them to come here. Whether they are short stayovers or they come and stay three months out of the year, they are pleased to know that they can leave where they come from and have somewhere that is as safe or safer to relax.

We would want to say that tourism has nothing to do with police. We might want to say that is someone else's responsibility. The truth of the matter is that just about everything that involves itself in our society today

overlaps into some other issue. They intertwine to form exactly what we know as a way of life. The document that was produced in 1992 says that: **"if they are not already in place, consideration could be given to prevention and detection strategies such as neighbourhood watch, crime stoppers."** I know that there have been serious attempts to implement these strategies.

I know that the First Elected Member for Bodden Town has been involved with neighbourhood watch in his district. We do have the Crime Stoppers. They also go on to recommend; **"A special police tourism awareness training programme to ensure that law and order officials have the necessary training to be ambassadors for crime prevention and law and order as well as apprehenders of criminals. Consider deployment strategies for the police force that makes them highly visible in areas where there is potential for high incidence of crime—Seven Mile strip—where most of the tourists romp and play."**

Is our force highly visible there? I know we have other worrying problems at hand right now, but the point in hand is that even if we change midstream that it is not an implementation plan but simply a policy. Policies of this nature need to be in place also. That is my view.

"Safety and public order are a prime concern of tourists, and Cayman must retain its image as a stable and safe tourism destination." There were some sound recommendations regarding the same expatriate issues I talked about a few minutes ago. In the position of what the document of 1992 termed as the 'Willed Future', which is basically what we would like to see happen, they recommended that a task force be created with appropriate representation empowered to approach this issue from a problem-solving perspective. **"The terms of reference would require careful consideration, of course. They might include providing a well articulated definition of the problem, an in-depth analysis of the symptoms and causes of the problems and recommendations for solving the problems."**

When we talk about conflicts with the 'us' and 'them' syndrome and the expatriates, we look at the three basic ways outlined in the 1992 document to handle conflict. You could avoid it, you could fire and reload and you could problem-solve. It is said that presently too many of the key stakeholders are either in the *avoid*, or the *fire and reload* modes. This is clearly not productive. So we must be looking at our policies to be solving the problems that are continually being created by the growth that we experience and wish to continue experiencing.

I hope I say it right—the Tourism Management Policy (and I think we will avoid the use of the term 'implementation plan' as it has been explained that is what it is not) has many goals that are in line with my way of thinking. It is certainly not a document that should not be supported, but whether we are off on implementation plans or not, the truth of the matter is, the management policy I trust will be accompanied in short order by an

implementation plan. If the Government is saying that the policy must be developed and then how we implement the policies must come afterwards, so be it. I believe the exercise that has been carried on today proves the worthiness of the 1992 document—the Ten-Year Tourism Development Plan. I hope that the many issues that have been discussed today and the many more that might have well been discussed if it had not been for the good timing of the Member for North Side who pointed out that this was not an implementation plan, I trust those issues will be used when the time comes for developing the implementation plan.

The document that we are voting on is one that is acceptable as a TMP, but I wish to reiterate that the implementation of these various policies could be handled totally if the people's plan of 1992 were heeded. Let us not think about the year it came into existence, and who was the man of the hour then. Let us not think about how many brownie points we are going to get depending on which way we go and how we are going to do it. Let us look at what is best for us all. Frankly, I do not care who the players are, the game must be played for all of us. There are those of us here today who wish that we did not have to look in depth at the people's plan, but I think this was a good opportunity to point out the soundness of that plan. I genuinely hope that its worth will not go down the tubes.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

This Motion is one that, for the avoidance of the earlier confusion over the front page, I would just like to read it: "Adoption of the Tourism Management Policy 1995-1999."

"WHEREAS the Tourism Management Policy document was laid on the Table of this honourable House on the 5th day December, 1994;

"BE IT NOW THEREFORE RESOLVED THAT the House adopts the Tourism Management Policy 1995 to 1999."

This document is not an implementation plan at all; indeed, the only thing that refers to this is the title on the front of the document which incidentally was not on the document when it passed through the Government. That seems to have been bound subsequently. So, I will ask Members to ignore that one sheet of paper on the front. We have to look at this as purely a policy document. Tourism has moved forward by leaps and bounds. Tourism is good in the Cayman Islands. It has increased and developed far in excess of what has been the case in many of the islands of the Caribbean and around the world.

A lot of criticism was levelled at this by the two opposition Members, but they must admit that the Minister, in his development of tourism has shown sound policies and sound increases in both quality and amount. The

increases are not alarming increases, they are increases that the country can deal with. In my view, they are reasonable having regard to the circumstances.

The Fourth Elected Member for George Town mentioned that with tourism the economy of it is such that it has to grow to survive. That is true of any business, you either stand still or you go backwards. If you stand still too long, you go backwards. Like any other business, it must grow and it is Government's duty to see that it grows at a reasonable pace. That is what the Minister for Tourism has done.

I would summarise the two opposition Members, the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town as putting forward a lot of criticism and no solutions. The world is full of critics. Anyone can stand up and criticise, but it takes someone with ability and drive and sense to solve the problems. Much debate went on by the Fourth Elected Member for George Town criticising areas of this. While he took a more constructive approach to it, he too spent most of his time criticising.

Criticism is all well and good, Madam Speaker, if it is constructive. But the duty of Members of this House and the duty of those three Members, as Caymanians, should be to try to assist so the economy can be in a better position. We are doing well. We are moving upwards. Tourism is doing well, and to be frank most of the criticism that I hear is in this House because on the outside people are happy with the National Team. They are happy with the Government and they see us as putting forward policies that are reachable, economically feasible, and of which we are not prepared to borrow the \$57 million or \$36 million that was borrowed on Cayman Airways for money that was squandered. In fact, we are paying that money back now. Tourism is one of the main pillars of the economy that is paying it.

It is all well and good, and with a document of this size you can stand up and criticise anything. But *the 'test' of the pudding is with the eating* and they must admit that tourism in this country is good. It is moving upwards; the economy is buoyant and the only people who are trying to tear it down are those two opposition members. They brought a question to this House asking what is the Government's policy on tourism. Now they have it and they are complaining, but that is the nature of those two Honourable Members.

The lengthy parts which were read from the 1992 plan by the Second Elected Member for Cayman Brac and Little Cayman which was, to me, only aimed at creating strife and civil and racial problems between foreigners and Caymanians. Surely the duty of this House is...

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, the Member is imputing that I read from the Coopers & Lybrand document to create racial strife in this country. That is a very serious charge. He is the only person who could truly be charged with that today.

The Speaker: I am afraid, Honourable Minister, that the Member has a point because what is contained in the document and read could certainly not be termed anything but what the document contained.

Hon. Truman M. Bodden: I accept your ruling.

The Speaker: Continue please, Honourable Minister.

Hon. Truman M. Bodden: Sure. As you rule.

What was read were statements regarding expatriates and Caymanians that showed friction and targeting of those specific persons against whom it was made. Speaking generally, not referring to that document, if I stood up here as a Caymanian and I targeted foreigners and called them different names and said that they should not be in the country and that sort of thing. Where does it lead? It leads to friction between Caymanians and foreigners. So speaking generally, statements of that sort are, in my view, going to create friction and problems within the population. Speaking generally again, there are people in this country who would like to see nothing better than that. That is why debates of this sort should try to take a constructive approach to bringing in harmony between the multi-racial and the multi-national industry of tourism—not to divide and be divisive and damaging to the industry.

This policy has had wide exposure within the industry. The industry itself is made up of a multi-national work force. The aim of Government has to be to create harmony between the different members of that work force who work out there. That is what I believe the Minister for Tourism and the director of that department have sought to do. There are areas of problems in this industry, as in every other industry. But I have found no solutions coming from the critics of this plan. I submit that when there is only criticism and nothing constructive, that is aimed at destroying the country and destroying the main pillar of the economy—tourism. After all, what was said by the Opposition Members criticising strategic planning . . . yet this plan that was brought in by the last Government in 1992 states specifically at page II; **"This plan is a strategic management plan."**

So it is all right when it is a strategic plan for tourism brought in by the last government, but if it is a strategic plan that is brought in by the Minister for Health or myself for Education, it is not good. That sort of argument is speaking out of both sides of one's mouth. It is not constructive.

I am only going to deal with the main area of criticism levelled by the two Opposition Members and the Fourth Elected Member for George Town. I am going to deal with that in some detail. But since we are dealing

here with a policy and not with an implementation plan, I do not propose to attempt to deal with some of the vague and damaging statements which have been made by some of those Members in relation to this.

They are saying that there is not sufficient training in the area of tourism and the hospitality industry. There are people who only see what they want to see because they intend to say what they wish and not what is a fact. This question was asked of me in this House and I gave an answer at that stage. I would like to go beyond that answer now to show that tourism is being taught, despite the fact that the last government destroyed the Hotel Training School, the Building School and the Marine Training Institute. They really destroyed the remnants of what could have been, in my view, a very beneficial (and had been) training scheme.

By the way, Madam Speaker, this massive document, the Ten-Year Tourism Development Plan on the Table of this honourable House, was commissioned by the previous government. Like every other document they did it was a massive expense of public funds—sometimes half a million dollars at a time to consultants. Nothing was done by the last government: now we are trying to salvage some of that. This tourism management policy is based on that document in many respects.

The training of our people: At the John Gray High School there are 100 plus students in Year 11 CXC Examination group who are studying Tourism as part of their social studies syllabus. In Year 11 there are 60 plus students on a Work Skills course. They attend work experience which includes hotel training and hospitality on a weekly basis.

All students in Life Skills do a unit on tourism and the hospitality industry. Mrs. Alma McKenzie, from the Tourism Department, and members of the Restaurant Association visit the schools to give speeches. This is an important part of the Careers Guidance given to Year 11 students. So it is not correct. It is unfair to say that nothing is being done towards training in the tourism industry. That is at the school level. The Community College has a series of courses and a diploma course. The Certified Hotel Administrator Programme—and I will just read what this is: **"This is a part time programme which offers the candidate professional certification within the accommodation sector of the hospitality industry. The programme caters to the needs of senior members within the hotel industry."** There is another programme—The Certified Food Service Manager Programme. It is a part-time programme which offers the candidate professional certification within the food service sector of the hospitality industry. This programme caters to the need of senior members within the food service industry. If the two Opposition Members and the Fourth Elected Member for George Town would have taken the time to come to the Community College Graduation they would have seen the amount of certificates given out to Caymanians in those areas. But nobody takes an interest in this; they just come here and criticise.

There are two other major forces. (1) The Certificate of Hospitality Studies. This is a one-year, full-time programme, designed to prepare the graduate to successfully secure an entry-level position within the hospitality industry. This programme can serve as a prerequisite for prospective students to gain admission into the diploma programme. Entrance requirements include the successful completion of high school level Mathematics and English. If the prospective student is deficient in this requirement, he or she may write the College Entrance Examination. All prospective students are also required to be interviewed prior to admission. All students enrolled in the certificate programme will be required to successfully complete the following course subjects: (and I would like them to listen carefully to this so that they can get a grasp of the width and the breadth of this course) 1) Business Communication; 2) Business Mathematics; 3) Food and Beverage Production; 4) Food and Beverage Service; 5) Front Office Administration; 6) Housekeeping; 7) Introduction to Computers; 8) Tourism Studies; 9) Safety; 10) Sanitation. It is not as if the opportunities are not out there, but what has to happen is that the two Opposition Members and the criticism that we hear in here, if that effort goes towards encouraging Caymanians to attend the Community College, that would be a constructive approach and the tourism industry and Caymanians would benefit.

(2) The College also gives a diploma in Hospitality Management. This programme is two academic years in length and is designed to provide the student with exposure to critical and major areas of hospitality management. The students will develop technical skills in the area of accounting, computers, food and beverage management, marketing and rooms division administration.

Successful completion of the programme will allow the student to be awarded the following credentials from the Educational Institute of American Hotel and Motel Administration: 1) Two Certificates of Specialisation; 2) A Certificate in Operations Management; 3) A Diploma in Hospitality Management. It has the external accreditation of the educational institute of the American Hotel and Motel Association.

The opportunities are there. Over and above this, the Department of Tourism provides training, working with the American Express Company and the Caribbean Tourism Organisation in relation to teachers, both at the primary and secondary levels to enhance the understanding of tourism. They do workshops for students to sensitize them to what tourism is and there is also scholarship funding support from American Express to provide tertiary level training for young persons who wish to enter the industry in professional capacities.

Over and above this, many of the activities launched locally, such as the 'Theirs and Yours' campaign are there to make the industry aware of what exists.

The two Opposition Members very carefully avoided looking at the tourism objectives. In the Budget, at page 193, under Objectives, in the following paragraphs: 3) **"To establish three units within the de-**

partment in the areas of statistics research, training and development."

4) **"To carry out promotional and training initiatives to enhance partnerships with the private sector and raise the image of tourism locally by February 1995."**

5) **"To increase efforts with regional partners, for example, American Express, to enhance middle management training opportunities for Caymanians in the tourism industry. 6) To develop a work plan within the unit of tourism development services, specifically, which will focus on increased awareness locally of opportunities within tourism and the significance of tourism to these islands by February 1995."**

The two Opposition Members voted \$170,000 for these programmes. It is not as if this is just a lot of talk, the money is in there for us to move on with these programmes. Under Performance Targets and Indicators: **"The training of 200 persons locally, and five persons overseas in a tourism related area."**

In the same way that we have seen attempts to criticise and state that nothing is being done in training (I have shown, very clearly, the wide and comprehensive training courses that are open to persons in this industry)—in the same way I would ask the public and the Members of this honourable House to ignore the other areas of criticism, which, when you add the near four hours of each of the three Members who criticised, would take me well in excess of my four hours to deal with.

I give one crucial example—that of training—and submit that the balance of their criticism is very superficial. It is because they are upset that tourism is moving along well. They are upset that the problems are being dealt with by Government. There will always be problems in any industry: As they arise they are being dealt with in a comprehensive way and in a way that our people are getting the best opportunity possible in this very important industry.

I know the three Members who criticised the plan have stated that they are going to vote for it, which goes a long way toward showing the superficial aspect of their criticism. Since this is such an important industry, if they genuinely want to help Caymanians and the people of this country, then join hands with the Government in promoting tourism. While we are trying to build it up, those Honourable Members are trying to tear it down. This cannot be the way forward for this very important industry.

I say to them, get out of this negative approach to life. Try to look at things from a positive point of view. Try to help rather than destroy; try to join hands and move forward on what is the main pillar of this country's economy. People who take a positive approach—who are optimistic—are much happier because they do not spend their lives trying to see what is wrong in others.

I would like to end on that positive approach, Madam Speaker. The Tourism Industry is going well. We are doing as much as we can in the area of training and dealing with the problems that arise. But we could do

much more if the three Members of this House who have taken such a critical approach on this policy would join hands with us and try to do something constructive for the people of this country, rather than taking a destructive approach.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.49 PM

PROCEEDINGS RESUMED AT 4.10 PM

The Speaker: Please be seated.
The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

I rise to offer my contribution on the Government Motion entitled Adoption of the Tourism Management Policy 1995—1999. I believe that the Opposition is confused on this issue because I heard all three of them, that is the First Elected Member for Bodden Town, the Second Elected Member for Cayman Brac and Little Cayman, and the Fourth Elected Member for George Town, get up and take the same approach comparing the Ten-Year Tourism Development Plan with the Five Year TMP introduced by the Honourable Minister for Tourism just a few days ago.

It was my understanding (and this is borne out in the executive summary of the TMP) that all this policy is is a mechanism by which provisions of the Ten-Year Tourism Development Plan will be implemented over a period of time. Not this particular plan replacing the Ten-Year Tourism Development Plan. That is total nonsense, because that is not my understanding of the issue. That is borne out in the executive summary of the document laid by the Minister for Tourism.

With your permission, I would just like to read an excerpt to support my argument. It says here: "**In 1992, Coopers & Lybrand Consulting undertook an extensive investigation of tourism in the Cayman Islands and prepared a Ten-Year Tourism Development Plan.**" That is a fact. "**The plan was designed to aid Government and the people of these islands to fine tune strategies to remain successful in the increasingly competitive global tourism environment.**"

"**The policies [that's what we are talking about now] presented in the following document are [and here he is referring to the TMP 1995—1999] for the most part based on the findings and recommendations made by the consulting group.**" Which consulting group? Coopers & Lybrand Consulting Group, 1992, who did the Ten-Year Tourism Development Plan. "**Where necessary, revisions have been made in order to reflect today's existing reality.**"

Regardless of how well a plan is designed one can always find room for improvement and that is all that the Minister is saying here. They look at the Ten-Year De-

velopment Plan, which is going to act as a guide for tourism over the next five years. Then when we get close to the five years, we will review our accomplishments according to the outline as laid down in the plan and we move on from there for another five years.

I, personally, believe that that is the sensible approach to tourism or anything. One has to have a plan. There is a little saying that goes: "Damned if you don't and damned if you do." That is the position the Government finds itself in. A year ago, when things were flat in the economy, unemployment was at an all time high, do you know what the message of the Opposition was? We have to get the economy moving; we have to create jobs for Caymanians; people need something to survive on. Now, Government takes steps to put policies in place which create the stimulation the economy needs, and over the last two years we have had an average of a 20% increase in tourism. Now the Opposition says, 'For whom are we developing?' We cannot say on the one hand that we need expansion, then when we start to see it happening we ask, 'For whom are we doing it?'

I have discovered that the Opposition has the ability in a very professional manner to speak out of both sides of their mouths. I believe that the approach to tourism (and I support this approach), has to be a managed approach. One can spend \$10 million a year on tourism as far as promotion and the numbers could be three or four times what we have experienced as far as overnight visitors are concerned. But at the end of the day what could we have done? We could have probably created more problems than benefits as a result of that mass approach to tourism.

I am not taking anything away from the former Member for Tourism. He did a good job as far as seeing to it that a plan, a ten-year plan for tourism was formulated and developed. The present Minister has taken that plan and he is seeing how we can implement that plan in the best interests of these Islands. It is complimentary, not an opposition. It complements the policies recommended in the Ten-Year Tourism Development Plan. Great emphasis was placed on training. That was harped on by the Opposition. That was something that the present Government campaigned on in 1992. We are going to see to it that proper training programmes are put in place including tourism-training programmes. It is my opinion that we need a specific training unit or entity to deal with tourism.

I remind the Opposition who abolished the Hotel Training Programme that we had in place prior to this Government taking over. It was the last government. When they came into office rather than seeing which programmes were worthwhile they took the attitude to abolish it all because it was established by the previous government.

We have the same problem in tourism that we now have in sports. For over 20 years they were neglected and now it is the catching up period that we have to go through. It is my firm belief that what has to be put in place (and I am aware that the Minister is working on this), is for one of the major hotels to make its facilities available for a sit-down classroom setting, as well as offering practical experience to those students who are enrolled in the hotel industry.

That is the approach that we need to take. It has to be intense, it has to have proper incentives put in place so that these Caymanian persons who are interested in this area are paid a

salary. They will be paid to go to classes, to get the practical experience on the job and, not only that, their training and progress must be so monitored and the exposure so wide that when they do finish they would have a position already identified in the industry to fill.

That is very easily done because the major hotels that we have in this country, the Hyatt, the Radisson, even the Holiday Inn, have multiple units around the world where students could transfer for experience in training to get the feel for the different destinations. It would also broaden their experience.

I, for one (and I have fought for this ever since I was elected in 1988), want to see more Caymanians have an opportunity in middle and upper management in the hotel industry. What I see out there at the present time are just token Caymanians, people who the establishments have put in place so they can say we cannot accuse them of not hiring Caymanians. But they are so controlled that they are not making a positive contribution. They are not seeing to it that Caymanians are exposed to training opportunities in the hotel industry.

I believe a very serious, well-founded partnership must be established between Government and the hotel industry. They must work together. I am as concerned as any Member of this House in regards to the number of work permits that we require at the present time to fill positions in this country. In my opinion, many times they are unjustified. Why? Just because those establishments know that permits are available if they want them. Work permits should be a last resort.

I am not saying that we have enough Caymanians to fill all the positions that are available in that industry. But there are positions that could be filled by Caymanians that are presently filled by a work permit holder. So there must be a genuine interest, as far as the employers are concerned, and Government, to see to it that Caymanians have a fair opportunity to make a decent living in that industry.

If one were to look in an objective manner at where the opportunities are at the present time in the Cayman Islands, one would have to look at tourist related services. Banking will always occupy a major role of importance in this country and we continue to support banking. But there are only so many opportunities available in that industry.

The other main pillar in our economy is tourism. In order for our people to be successful in this area, there has to be a very definite and positive change of attitude. Some of us are so proud that we want to start at the top. In many cases we do not have the qualifications or the experience to start at that level. But like banking, one has to get in somewhere near the ground floor level. One has to be willing to learn every aspect of the operation. One must know something about housekeeping, the front desk, and the tour services. This only goes with the territory. At the end of the day, if one is willing to expose oneself to that Ten-Year Plan of training and exposure, when one does get to the top he is a better person, as far as knowing what he is responsible for and how it all works. A basic understanding of the industry is essential.

I disagree with the Opposition in that I do not believe that Caymanians resent foreigners. This is one of the reasons why the Cayman Islands have always been so different from all the other destinations as far as visitors are concerned. Caymanians have always been a very hospitable, friendly group of people and that continues to be the attitude.

What concerns me. . .and this is where Caymanians have a gripe. Caymanians have always had an opportunity to share in the success of this country. It makes me proud when I see Caymanians from all walks of life, be it the construction industry; the hotel industry; banking—regardless of where they make their living—able to build decent homes, drive decent cars, have money in their pockets, able to support their families and

take care of the educational needs of their children.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30 PM, will you be finished in a short time?

Mr. John D. Jefferson, Jr: No, Madam Speaker.

The Speaker: I will ask for the adjournment. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

ADJOURNMENT

Hon. Anthony S. Eden: Madam Speaker, I beg 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 tomorrow morning at 10 o'clock.

I shall put the question. Those in favour, please say Aye...Those against No.

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

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 15 DECEMBER, 1994.

**THURSDAY
15 DECEMBER 1994
10.10 AM**

The Speaker: I will 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, Official Members and Ministers 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. Order! Proceedings are resumed in the Legislative Assembly.

ANNOUNCEMENTS BY THE SPEAKER

APOLOGIES

The Speaker: First of all, I did not apologise for the absence yesterday of the First Elected Member for Cayman Brac and Little Cayman.

This morning apologies for absence have been tendered by the Honourable Minister for Communications and Works, the Fourth Elected Member for West Bay and the Third Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 31/94

**CENSURE MOTION FOR THE MISAPPROPRIATION
OF FUNDS**

The Speaker: Private Member's Motion No. 31/94, Censure Motion for the Misappropriation of Funds.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion 31/94, Censure Motion for the Misappropriation of Funds, which reads:

“BE IT RESOLVED THAT this Legislative Assembly, being made aware of an article in the *Caymanian Compass* of the 27th of October, 1994, of the action taken by Government of the expending of funds not provided for in the 1994 Budget for the paving of private roadways and driveways in the district of West Bay, censures such action and requests that a full investigation be immediately carried out by the Auditor General.”

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker, I beg to second the Motion.

The Speaker: The question before the House is Private Member's Motion 31/94. The Motion is open for debate.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Private Member's Motion that is before the House this morning is about a scandal. It is about the use of public money for use on private driveways in the Cayman Islands. It is the first time that such blatant action has ever been taken by any Government using public funds that I am aware of. The use of public funds in such a manner is against the Law and it is also against convention. Anyone knows, even those who might not really be expected to know, that public money is to be used for public purpose.

I think it is well that I should read a few excerpts from the newspaper which the Motion referred to, that is the *Caymanian Compass*, Thursday, 27th October,

1994. The caption on the front page is "Government pays for Private Road Surfacing". It says in the article: **"The Cayman Islands Government is in the midst of paving 41 private roadways and driveways in the district of West Bay at a cost of nearly \$300,000. According to documents obtained by the *Caymanian Compass* there are 41 separate jobs on the list of work. The first job, a private road off Willie Farrington Drive, began on the 8th of September. Other jobs were scheduled to begin in September and October, while some had no start date listed.**

"The documents show that there are six separate contracts called schedules by Government split among three contracting firms; East End Aggregate, Island Paving and Rollin Ebanks.

"The money is reportedly coming from the \$713,000 CI dollars already budgeted for general improvement to gazetted roads. "

That quotation from the article referred to in the Motion has brought the focus of public attention upon what has happened in Government in this regard. Since this article has been printed various Government ministers on different occasions have been subtly, and not so subtly, attempting to justify its actions. It has been said that people who have narrow lanes to their homes need to have them made bigger [to accommodate] fire service—apparently at Government's expense. There have also been statements to the fact that Elected Ministers of Government do not sign any pay vouchers; it is the civil servants who do so. Therefore, the Elected Government Ministers are not to blame.

I have had certain discontentment with actions of the present Government from way back in 1992 when its first major act, announced on Christmas Eve was that for the first time ever in the history of the Cayman Islands, Government was withdrawing a guarantee given to a consortium of three banks with regard to the stopping of the Dr. Hortor Memorial Hospital.

This time there is another first. I think that the action I referred to in 1992, and different actions which have gone on under this Government, have ushered us into what is commonly called the realm of the "Banana Republic", where one Government will undo what the previous one does. Surely, in this case it is most blatant. No attempts by the Ministers of Government can make this appear like normal Government policy. If this is, indeed, a policy, it is a new one and the country has to be told that the Government is now on the road to using Government money to fix private driveways for citizens of this country. If that is to be a policy, then the decision being left to the five Elected Ministers of Executive Council to decide whose driveways are fixed, is in itself, questionable.

Madam Speaker, the process of the Estimates is something that is ongoing throughout any year. It is a process where the persons involved in the finances of this country—more particularly, the Portfolio of Finance and Development—monitor the way Government expenditure is going during the course of a year; how closely the estimates are accurate to money spent, how well the

revenues of Government are coming in according to what was calculated.

The process of arriving at a Budget is where there is a multiplicity of requests from the Departments for new services, new staff, new furniture, new things to be done. It also includes requests from ordinary Members of the Legislature who would write in and ask if certain monies could be included because they would like to see some improvements in their districts, be that in whatever area.

Perhaps this happens with some of the other ordinary Members of this House, I certainly was not among that lot, for normally it is signalled to Members that Budget time is on and if they have some requests to send them in. I knew nothing about what was being done in terms of including any information.

In fact, in the past, since I have been a Member of this Legislature, the former Chief Secretary, Mr. Lemuel Hurlston, always did make available to the Members from Cayman Brac a copy of what was being requested and we did have an opportunity of discussing it with the Chief Secretary and the District Commissioner and whomever else in District Administration that he may have considered necessary to be there, usually the Superintendent of Works. It did not happen this time, therefore, I cannot factually say what was submitted was determined by the Government after cuts and whatever changes were made and whatever priorities they decided.

Just about everyone in this country knows—surely, civil servants know, I have been a civil servant so I know—that out of the numerous requests (and the Financial Secretary told us in Finance Committee that there were millions of dollars of things requested) they have to be cut back: priorities have to be set so that the funds can be adjusted to a realistic level.

It is at Budget time that the question of taxes is decided and any increases that there may be in the Civil Service. There have been both this year - taxes and increases in the Civil Service. But always, when a budget is prepared, the items that are provided for, are items of costs that are legitimate public expenditures. I will repeat that, Madam Speaker—'legitimate public expenditures'. Any other costs that may be included in a Budget are therefore illegitimate, illegal, or it would be a case of misappropriating funds.

Now, one needs to examine this process a bit further and determine what it means to appropriate so that we can best understand what it means to 'misappropriate'. *Webster's Dictionary* gives a meaning: "To set apart for or assign to a particular purpose; set apart for a particular use, a particular person, hence belonging particularly. Particular; suitable; fit; proper." From the time that the Cayman Islands Government was functioning, this has been the underlying principle on which estimates and provision of monies has been prepared.

It goes without saying that nothing can be misappropriated if it has not been appropriated. Of course we know that the Bill which is passed each year, and which was passed this year whereby Government has funds to run the Government and the country, is called the Ap-

propriations Law.

The Government brings and proposes to the Legislative Assembly the annual Estimates of Revenue and Expenditure. It is not the business of any one Member of Executive Council, or any one Civil Servant, or few individuals except the Governor under the Constitution in special cases who can order expenditure which is not approved by Finance Committee.

Who, or what, is the Finance Committee? The Finance Committee is a standing committee of the House. It does not in truth have to be set up each year because the Finance Committee is set down in Standing Orders as being a standing committee of the House. Who are its members? Its members are all of the Members of this Legislature who are Elected Members. A famous Motion called Motion 3/90 changed that in 1990 and since the coming in of the amendments to the Revised Constitution it was changed back to the way it was. In fact it was given power and recognition under the constitution so that Finance Committee is all of the Members, that is the Elected Members of the Legislature in a meeting called the Finance Committee Meeting.

Madam Speaker, in Standing Order 73, it reads under Standing Select Committees: **"(1) There shall be a standing select committee to be styled the Finance Committee, for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor.**

"(2) The Finance Committee shall consist of the Financial Secretary as Chairman and all the elected Members."

Therefore, no one should presume, Minister of Government or otherwise, that any one Minister or Ministers can appropriate monies for expenditure that has not been approved by all Elected Members of this Legislature.

It is one of the checks and balances. It is recognised that expenditure is uppermost in conducting the business of Government for, really, nothing can happen if there is no money. And it is the public's money; it is not the money of any one Member or a few individuals in this society. It goes to the point in the Finance Committee where there has to be a certain number forming a quorum which would be the largest number of Elected Members or the business cannot even be conducted.

In fact, it is the nearest that ordinary Members of the Legislative Assembly get to participating in what the finances of the country should be and how they should be spent. So, all of the people's representatives have this opportunity in this particular instance.

When matters have been approved in Finance Committee, then they are passed on to the Executive and their Ministers can carry on the day-to-day duties of the House through their Permanent Secretaries in spending the money for what it has been appropriated for. It has to be spent in line with the authorised approvals.

There is a balance between Ministers directing the Permanent Secretaries or the civil servants, and the civil servants being the controlling officers - the person who

must answer for it as it is prescribed under law.

The annual estimates are described in the Public Finance and Audit Law. I note the word *Public*. It does not say the *Private* Finance and Audit Law. It is the Public. I read in the Public Finance and Audit Law, section 5: **"(1)**

The Financial Secretary shall cause to be prepared in each financial year estimates of the revenue and expenditure of the Government for the next following financial year, and shall cause such estimates to be laid before the Legislative Assembly before or as soon as practicable after the commencement of the financial year to which they relate.

"(2) Subject to subsection (3), the estimates of revenue and expenditure shall be in such form as the Financial Secretary may from time to time direct."

Subsection (3) says: **"The estimates of expenditure shall (a) classify expenditure under heads and sub-heads with the ambit of each head described; (b) in respect of each head, show the estimated total expenditure, the provision sought in respect of each sub-head, the establishment of posts (if any) and the limit (if any) of the commitments which may be entered into in respect of expenditure which is not annually recurrent; and (c) specify the controlling officer so designated by the Financial Secretary in respect of each head and sub-head under section 12."**

I submit that that is absolutely specific. This Law says that the Finance Committee, all of the Elected Members comprising the Finance Committee, may delegate to the Financial Secretary certain authority. I would like to read what it says in this regard, in section 8: **"(1) Subject to this section, no changes shall be made to the approved estimates of expenditure except with the approval of the Finance Committee upon a proposal of the Financial Secretary."**

No changes shall be made in the estimates except with the approval of the Finance Committee. Subsection (2): **"Without limiting the generality of subsection (1) such changes may provide for all or any of the following matters—(a) the creation of new heads or sub-heads; (b) supplementary provision in approved or new sub-heads; (c) variations in the establishments of posts; (d) increases in the limit to the commitments"**

And (3) says: **"The Finance Committee may delegate to the Financial Secretary the power to approve changes subject to such conditions, exceptions and limitations as are specified in the delegation."**

Madam Speaker, the question of the Estimates, the question of the monies provided or appropriated in the Estimates is specific. There are no grey areas about it; everyone knows and understands this.

I make the point that no money was designated by the Finance Committee in November 1993 Estimates to build 41 private roads and driveways in West Bay. If it had been, the Finance Committee, I submit, would have been doing something illegal because it is not public business. Certainly, the Financial Secretary, or any Minister of the Government, did not come to this Finance Committee and tell any Member or the Committee (they

may have told a Member but they never told the Committee) that they had over \$300 thousand, or over \$400 thousand to build 41 private driveways. I know that a majority goes along with everything that the Government says or wants to do generally, but I know that I would have been one dissenting voice from that.

The country has been startled; it has been talking about this matter. I have heard many instances of disbelief being expressed. I have heard instances of it being so serious that people laugh about it and say, "I wonder who I have to see in Government to get to fix my private driveway?"

Public money has been used to provide private roads for some people. It is really quite unbelievable that this could happen in this country and in the way that it has happened and that Ministers of Government are trying to justify this happening.

Roads have been taken over by Government. Roads have been fixed which were once private when they are gazetted or when Government in some instances has done some repairs on roads that are in the process of being gazetted. But this particular blatant act is really something else.

Before the story appeared in the *Caymanian Compass*, certain documentation had been made available to me several weeks before that and when I looked at it my response was, 'This is a hoax', and that it could not be so. If there is one thing everyone knows you will get killed in Government for, is messing with public funds. I said to the individual who asked me if any money was provided in the estimates, no, there could not be. How can we provide money for people's private driveways? So, I took it no further.

The information which was given to me with the view that I would do something about it or bring it to public attention one way or the other, I simply kept it and did nothing about it because I just could not believe that this was the case. For in my career in the service, I did work in the Ministry of Communications and Works and I knew one strict rule that I learned from my superior officer there was that you made absolutely sure when dealing with roads that they were gazetted and had approval from Executive Council and all the rest of it before any work was done on them.

I would like to table a set of these documents which I have, as soon as I have referred to them, Madam Speaker.

One of the documents that I saw, which I could not believe reads "**Form of Contract for Small Works Contract**". It has a place for the contract number and the account number. It reads: "**Agreement for the construction of West Bay Private Driveways**" It goes on to say that the agreement is made this [blank] day of 1994, between the Government of the Cayman Islands, hereinafter called the Authority, on the one part, and [blank], PO Box, [blank], George Town Grand Cayman, hereinafter called the Contractor of the other part".

It reads on a little further: "Whereas the Authority [meaning the Government of the Cayman Islands] is desirous of completing under the direction of the Chief En-

gineer of the Public Works Department, including any person acting for him, appointed for the time being by the Authority for that purpose, hereinafter called the S.O., the construction of West Bay private driveways, hereinafter called the cite."

In section 3 of this contract it says: "**The contractor shall commence the works on the 19th of August 1994, and complete the works not later than the 21st October 1994. Time is the essence of this agreement.**" In section 7 it says: "**The contractor must leave the works clean and tidy upon completion to the satisfaction of the parcel owner or the S.O.**"

I am sure that any Member of this House who is thinking, and I would hope that all are, would really wonder about this. The private driveways must be done; the contractor must move with great speed; and he is to build private driveways and he has to leave it done to the satisfaction of the person who is having his private driveway done.

It did not even say we are building your private driveway for you, but we will build it to a standard that the Public Works Department knows is acceptable. It said that the person getting the driveway built had to approve the works for the Government.

In section 12 of this contract it says: "The proper law for this agreement shall be the Cayman Islands Law." Now that one really stumped me, Madam Speaker, because I did not know that there was any proper law in the Cayman Islands for building private driveways for people with public money.

Section 13 provides that "a retention fund equal to 8% of the contract sum will be withheld on each payment made to the contractor. This will be released at the end of the maintenance period. The maintenance period shall be 12 months." So after Government has built the driveways for these people, the Government now has an obligation to maintain them for 12 months. And it says that the contractor shall be allowed to request weekly payments, in section 14.

I think that any one who has been a civil servant, anyone who has been in Government and who knows Government's workings, anyone who has held responsible office, that of a controlling office, would have had to have been shocked by this matter.

I spoke to someone who was a former senior civil servant, two people in fact, and I asked them if they ever knew (and both of these former civil servants have been people working under Communications and Works Ministry) of Government undertaking in contract form building of private driveways by contract to subcontractor. They told me, "No it cannot be done—Gilbert, you know it cannot be done." I said, 'Well, I think I know it cannot be done, but I have certain information that it has been done.' Shortly after, the story appeared in the *Caymanian Compass*. I am very grateful that it did, for the newspaper was carrying out, undoubtedly, one of its duties to society.

There is another document within this bundle of documents. This is section 2 of it, "Special conditions for private driveway construction contract." The first section

reads: **“Owner Permission Letter: Before starting work on any driveway the contractor will secure from the parcel owner or resident a signature, telephone number and the address on the attached permission for the contractor to work on my parcel letter.”**

Amazing! Permission for the contractor to work on my parcel. Now I wonder if there are not hundreds if not thousands of other citizens in this country who would just love to get such a letter if they could get the Government to build their driveway.

Section 1.1 says: **“Contractor will give a copy to both PWD and to the Owner before starting work on any driveway.”** Here, there is obviously a contract between the Government of the Cayman Islands and as it turns out three contractors in this country to build private driveways.

Section 2 really brings it home: "After completing work, the contractor will secure from the same parcel owner or resident a signature on section 2 of letter B, stating that the resident is satisfied that the job is finished." So, it seems that the private land owner has greater authority in deciding that it is finished than the Government itself has when it is constructing public roads, for the law says that it has to be done to the satisfaction of the Chief Engineer. In this case, the parcel owner is taking precedence over him.

Under section 2 it says: **“The contractor will give the signed copy to PWD before requesting payment on any driveway.”**

Who could have contrived this kind of disbelieving, devilish kind of work, I do not know. The letter B, that is referred to in the section which I just read, is captioned **“Permission for Contractor to work on my parcel”**, and it is addressed to **“The Chief Engineer of the PWD, Box 505G Grand Cayman; reference: Private parcel blank; block blank. As the owner of this parcel I give permission for your contractor to construct a driveway on my parcel”**. In the lower section, section 2 of it, is where the owner gives their permission that the work is done: **“Further to the above, I hereby declare that the driveway on my parcel has been constructed to my satisfaction.”**

If there is anything like irregularity at all, this documentation that I have read here which I am aware is similar to that received by the newspaper, then I would like to know what it is.

I understand that most of this work has already been done. It was certainly ongoing a few weeks ago and I went to West Bay on one weekend and a West Bay resident went with me and took me to see these roads. When one says private driveways, they are right. Private driveways they are - no question, no doubt.

Hon. W. McKeeva Bush: *[interjecting]* Which ones?

Mr. Gilbert A. McLean: I took pictures of those various roads. Unfortunately, I do not have the pictures here to table with the other documents. However, since that I have received something called a **“Status Report of West Bay Private Roadways and Driveways”**, report

27, **“Status as of the 6th of September, 1994, road section Public Works, Contract A, Private roads batch 4. The cul-de-sac off Birch Tree Hill Road - \$30,000; Willow Close (Garnell Rivers) \$5,000; Road South of Powell Close - \$44,000; Road off Willie Farrington Drive - \$11,000.”** It was estimated at \$90,000 and it was given at \$104,000 and what shows here is East End Aggregate.

There is Montgomery Road - \$15,000; there is the Road off North West Point \$21,000; Bernie Bush subdivision - \$33,000; Road off North West Point #2 - \$9,000. Given at a cost shown here of \$84,790, Rollin Ebanks.

There is Driveway to 4E 430 - \$2,000; Fredson and Touslin Ebanks - \$8,500; Sonny Felner - \$10,200; Driveway opposite Watercourse Road - \$3,900; Road off East Park Road (Lily Ebanks) - \$18,300. Total of \$36,781 to Rollin Ebanks.

There is a driveway on 4B 237 - \$17,400; Alfonso Ebanks Driveway - \$1,500; Theresa Powery Driveway - \$900; Richard Welds - \$3,500; Roy Grant - \$6,600; Track off Ash Road #2 - \$3,300; Myers Driveway - \$2,600; Road off Boatswain Bay Road - \$6,600. Total \$32,632 Rollin Ebanks, for a total of \$154,203.

Lastly, Private Driveway job batch #3. Darvin Ebanks Road - \$7,500; Ella Ebanks Driveway - \$2,700; Ironie Ebanks Driveway - \$2,100; Kivey Ebanks Driveway - \$6,100; Raymond Welds Access - \$3,500. Total of \$32,492 to Island Paving.

I would like, with your permission, to table a complete set of these documents as I have read.

The Speaker: So ordered.

Mr. Gilbert A. McLean: What a wonderful thing it would be if in addition to all of these citizens of the Cayman Islands in the district of West Bay we could read out the names of every single citizen in this country who has a driveway and would like it paved, and had it paved.

The principle under which proper government operates is that the work which government undertakes with public money must be for the benefit of the public at large. It cannot be confined to one individual or two individuals or three individuals as the case may be. When there are instances where money is expended like that it is dealt with under the Ministry of health and the Minister of Social Services where individuals are personally being helped.

Hon. W. McKeeva Bush: *[Interjection]* Nonsense!

Mr. Gilbert A. McLean: I wonder how one associates a private driveway with one's personal welfare? Was an offence committed? I say, yes, Madam Speaker. Common sense has to say to anyone that an offence was committed. Why? Public money is not supposed to be spent on private driveways.

Madam Speaker, it has to be the case that a civil servant signed a voucher if these contractors were paid. Which civil servant? I do not know. I would certainly hope that that civil servant, that controlling officer, whoever

signed those vouchers, or authorised those payments, had authority from some authority bigger than himself or herself, or was given authority of whatever kind, however arrived at, to do such a thing.

If a civil servant did indeed sign it, who authorised him? And how could it be authorised? Certainly not with the approval from the Finance Committee. Therefore, I say that monies were misappropriated.

Hon. W. McKeeva Bush: [*Interjection*] Nonsense!

Mr. Gilbert A. McLean: I do not for one minute believe that any civil servant had any interest in seeing private driveways done in West Bay. But I can think of a number of elected Members of the Legislature, indeed, Members of the Government Executive who might certainly have interest in seeing private driveways done.

Hon. W. McKeeva Bush: [*Interjection*] Is it hurting you?

Mr. Gilbert A. McLean: Madam Speaker...

Hon. W. McKeeva Bush: [*Interrupting*] It would be good, Madam Speaker, if he would explain...

The Speaker: Are you rising on a Point of Order, Honourable Minister?

Hon. W. McKeeva Bush: Yes, Madam Speaker, the Member is making an accusation, and I am saying to the House that it would be good now if he would explain about Lazzari Road, and how that is going to be fixed.

The Speaker: Honourable Member that has nothing to do with what is being discussed at the moment. It is not a point of order because this is a substantive Motion and he has every right in presenting his Motion to put forward his information for consideration, and it has nothing... That is not a point of order...

Hon. W. McKeeva Bush: Madam Speaker, what I drew... Madam Speaker—

The Speaker: Honourable Minister, I am speaking, please. I am saying that what you have said about Lazzari Road has nothing to do with it.

Hon. W. McKeeva Bush: I agree with that, but he understands what I am talking about. What I am drawing to *your* attention is his accusation that *we* could have pressured some civil servant into authorising expenditure for these private roads. He did mention it, Madam Speaker.

The Speaker: I am quite aware of what he said, Honourable Minister, but he has every right to present his view and to get his point across. You can rebut it in your reply afterwards, but this is not a point of order that you have brought forward.

Hon. W. McKeeva Bush: He can present it without

facts?

The Speaker: He has put some facts on the Table; I do not know what those facts are. I do not think he has completed his debate. Please allow him to complete his debate.

Hon. W. McKeeva Bush: I will, Madam Speaker. I am only trying to draw to your attention that he named two Members; he should put that in writing if he has it. That is what I want before the House.

The Speaker: But that is not a point of order, I am telling you, Honourable Minister. Please continue, Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. I would just take note of one thing the Minister for Youth, the First Elected Member for West Bay, has said. I do not know if it is anything that he is aware of that I am not aware of, but there was no suggestion about any Minister *pressuring* civil servants into signing pay vouchers. Maybe there is much to be explored in that.

Hon. W. McKeeva Bush: [*Interjecting*] What did you say? Explain what you said, or explain about Lazzari Road.

Mr. Gilbert A. McLean: Madam Speaker, in this situation, someone has to be held accountable because something has occurred which is absolutely unorthodox, irregular, and has not happened in this country before.

McKeeva Bush: [*From across the floor*] Nonsense! You know it.

Mr. Gilbert A. McLean: As I mentioned a few minutes ago, I do not believe that any civil servant really has an interest in seeing private driveways done in any part of this Island—certainly not West Bay.

I do not believe that the Financial Secretary who is responsible under the Public Finance and Audit Law - where in section 10, under the General Powers and Duties of the Financial Secretary it reads: “**The Financial Secretary shall, subject to this and any other Law, have the management of the finances of the Government and the supervision, control and direction of all matters relating to the financial affairs of the Government**”. [That he has any interest in seeing private driveways done in West Bay.]

But someone does. And we now have some indication, at least, that civil servants may have been pressured into doing this particular thing or taking this particular action.

Hon. W. McKeeva Bush: [*From across the floor*] Tell them about Lazzari Road . . .

Mr. Gilbert A. McLean: One needs to take into account who, under Law, and who, by appointment by the Gov-

error, would naturally first be held or considered responsible for this matter of roads.

If I turn to Supplement No. 1 published in Gazette 25 of 1988, under "Assignment to Members of the Executive Council of Responsibility for Certain Business of the Government and for Certain Departments of Government", I see that at that time the Honourable Linford Pierson, who was then Member for the Portfolio for Communication, Works and Natural Resources, was assigned the subject of roads and bridges.

If I look under the same Gazette dealing with Assignment of Responsibility, and turning to the Gazette dated Wednesday, 2nd November, 1992, I see the subject of roads and bridges being assigned to the Portfolio of Agriculture, Communications and Works, and the Minister responsible is the Honourable John B. McLean, JP.

If I turn to Gazette No. 7, of 1994, to the Assignment for Ministers and Members of the Executive Council of Responsibilities by the Governor, I see that then, too, the subject of roads and bridges are assigned to the Minister for Agriculture, Communications and Works, Honourable John McLean, Sr., JP.

So, as far as the Governor's assignments of responsibilities, it is clear that in the first instance the Minister responsible is the Honourable John B. McLean, Sr., JP, who is the Minister for Agriculture, Communications and Works.

This question of roads, and the questionable way that roads are coming about these days really makes one wonder who is really responsible for them. When the closure of the road at the Airport came about, the first person to make statements about that road was the Minister for Tourism. What he said was contradicted by the Minister for Aviation—the road would not be closed as was said, and it would only be closed on Sunday when this plane from the United Kingdom was coming in.

Then the Minister who is responsible for roads, shortly after the Minister for Aviation, was on national television reading a statement from the Minister for Aviation about the road. And, lastly, the person ending up saying that the road would be closed and what would be done is the Minister for Aviation.

Something is seriously wrong with who is doing what. It is not wrong from the perspective of what has been stated in law or gazetted as to who is responsible, but it seems clear someone is playing rounders; unless if a plane flies over a certain piece of road that becomes the subject for the Minister of Aviation and the rest of it is for the Minister of Agriculture, I do not know. But it is clear that roads come about in some strange ways now, including the "accident loop" at the airport.

On Wednesday, 2nd November, the Minister for Communication and Works - the Minister for Roads - was on national television making it clear that no elected Members of Government signed vouchers, therefore Elected Ministers of Government could not have misappropriated funds. It was clear that this was a matter, in his opinion, that fell in the laps of a civil servant, or civil servants. All that I can say in that regard is, "poor civil servants", they have my sympathy for surely one of them

will be figuratively *beaten to a pulp* by the Elected Ministers who, that Minister said, do not sign any pay vouchers. But, obviously, if there were payments made, someone did.

I state again: There are no civil servants who have any interest in fixing or building private driveways in West Bay.

There is a continuance of this situation that has been adopted. Why I say that, is because in Estimates for 1995, on page 340, under Construction of Roads, the sum of \$2,880,000 has been provided - and I use, *provided*, to make it clear I am not talking about the money being appropriated - it is provided in blocks: \$560,000 for the construction of the Harquail By-pass Road (which can not even be half of the cost); \$400,000 for construction of repairs in West Bay; \$400,000 for East End; \$400,000 for George Town; \$400,000 for Bdden Town; \$400,000 for construction of various repair to roads in North Side; \$320,000 for construction and repairs in Cayman Brac.

When this came up in the Estimates, I asked which roads had these block amounts been appropriated to. In other words, any time the Finance Committee meets, as it did to consider the Estimates of Revenue and Expenditure, there are lists of these roads that were to be done and some were always known and selected. Therefore, when the Finance Committee voted money of that block amount it had been appropriated to certain road construction.

What I learned from that question was that a new thing had been ushered in, where the block amounts are put in and the Minister for Roads—and there are three, obviously, but I would say the Elected Ministers of Executive Council—would decide how the money was to be appropriated in consultation with the Members from the various districts.

I can speak very bluntly, and truthfully, and factually: After this the chances of my being able to speak to any of the Ministers has diminished considerably, I am sure—talking roads or otherwise. That is the way it is in this House. And, when I take the matter of the Minister for roads, that I will be able to go and consult him on this matter, I must judge it from his past performance. He does not even consider it necessary to instruct his secretary to call me on any occasion that he is going to the Brac to look at road work, or anything that comes under his Portfolio. He is down here in Grand Cayman too, so that is real easy, and just like how he goes up there, I go up there.

So, surely, whatever is assigned out of this \$320,000 will be assigned as he sees fit. I cannot say that the privilege will be extended to my colleague the First Elected Member for Cayman Brac and Little Cayman to have a say in it, but I am sure that I will not hear anything about it.

I prefer, since we are doing Government's business, to talk about it publicly in the Finance Committee before God and all the people, so that when I say, "Yes, I agree with that one", or "No, I do not agree with that one for this reason", everybody knows my position. I do not have any

road here that I would feel more compelled to discuss in private than I would in the Finance Committee. I make this point because by this being done this way, there is the chance of monies being spent on other private driveways.

In fact, I am of the opinion that this is the intention, for in the same 1995 Estimates on page 375, it reads: "33-452-1 1405 Plan and design new private access drives and roads in other districts." Government does not seem to be planning properly for the access ways to relieve the congestion in the country and the problematic traffic but they are planning and designing new private access drives and roads. I find it very, very questionable.

Madam Speaker, my contention is that the matter of the Estimates is a matter for the Finance Committee, and when monies are appropriated for certain works it must be done by the Finance Committee. The Finance Committee did not appropriate money to do 41 private driveways in West Bay, therefore, something irregular has occurred—something illegal.

As I look at this matter, and present it, there will be much said, no doubt, about it. And I suspect there will be excuses *that this thing happened in the past*, or whatever— whenever it happened, if, indeed, it did happen in the past, I am dealing with the present. It is incorrect, it is wrong, and it is a matter that funds were misappropriated. Irrespective of when this occurred, it was wrong.

Madam Speaker, I think as we attempt to bring about a situation in this country where elected representatives of the people are being called upon to show by word and deed that they are open to public scrutiny, with a Register of Interest on the way, and with a Code of Conduct to come and to be determined, I think this type of a situation cannot be allowed, and in this case I think this absolutely amounted to blatant vote buying in West Bay by those persons interested in seeing the road work done there.

If there are other private roads to be done with Government money, then I think that the Government should tell this country because there are lots of people who would like to put in their wish list—

Hon. W. McKeever Bush: *[Interjection]* Like you. You already got yours in.

Mr. Gilbert A. McLean: The public should be told.

I have been speaking in the usual fashion amidst disrespect and misbehaviour in this House - there has been constant babbling from the Government Bench...

Hon. W. McKeever Bush: *[Interjection]* We only want to know about Lazzari.

Mr. Gilbert A. McLean: On page 329 of the 1995 Estimates, marked in the account centre - 14-248-1, perhaps this says it best of all: The sum of **\$1,700** is provided there, and I read the information: **"to cover the cost of a shredder. Confidential material is now being taken out by Public Works for destruction and there is a concern for the potential of embarrassment to the**

Cayman Islands Government."

I think it is the duty of this House to censure this action which has been brought before it through this Motion and that the Auditor General be asked with **all** haste to look into the matter.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED AT 12 NOON

The Speaker: Please be seated.

The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I rise to offer my comments on Private Member's Motion 31/94.

Section 10 of the Public Finance and Audit Law sets out the responsibilities of the Financial Secretary as follows: **"The Financial Secretary shall, subject to this and any other Law, have the management of the finances of the Government and the supervision, control and direction of all matters relating to the financial affairs of the Government."**

Acting in accordance with this authority, I requested the Public Works Department to provide me with information on works carried out on private roads in West Bay, and the beneficiaries of such works. The response from the Chief Engineer, dated 12 November 1994. Madam Speaker I should point out that this memorandum is addressed to the Permanent Secretary Agriculture, Communications and Works and copied to the Financial Secretary. It reads:

"TO: Permanent Secretary AC& W; FROM: Acting Chief Engineer; SUBJECT: West Bay Private Roads

"The Honourable Financial Secretary has requested that Public Works Department provide information on the works recently carried out on West Bay private roads and on the benefits of such works.

"The works were identified by the West Bay Members of the Legislative Assembly at a district visit on 10th February, 1994. Public Works Department was requested to cost these works which were then prioritised by the West Bay Members of the L.A. On 26th August, 1994, Public Works Department received a written directive from the Ministry of Agriculture, Communications and Works advising that Members of Executive Council had approved a reallocation of funds and directing Public Works Department to proceed immediately with the West Bay road works.

"Public Works Department was instructed that these works must be completed in 1994. Consequently, it was necessary to contract out a large portion of these works to the private sector.

"Six projects were carried out directly by Public Works Department. Twenty-six projects were packaged into five contracts and were put out to tender to

five contractors. Six projects were put on hold due to land acquisition requirements or right-of-way problems. Tenders were evaluated by Public Works Department Tenders Committee and contracts were awarded to the low bidder in each case.

"The successful contractors were: Rollin Ebanks - 3 contracts; East End Aggregates - 1 contract; Island Paving - 1 contract.

"Works started on the 29th of August, 1994, and were completed on 2nd November, 1994. The attached schedule provides details of works by project, including location, length and width of roads, number of residences served and the cost. In all of the above projects an existing road, or access, was upgraded and surfaced with a single application of spray and chip.

"The benefits accruing from such benefits are: Improved access for residents including access to land-locked parcels; improved conditions for residents, particularly the reduction in dust from dirt roads; and, improved access for emergency vehicles.

"The problems associated with dirt roads exist in all districts throughout the Cayman Islands.

"We trust that the foregoing supplied the necessary information. However, should the Honourable Financial Secretary require more, detailed information in the form of maps of each location is available."

Madam Speaker, with your permission, following this brief presentation, I will arrange for a clean copy of this Memorandum to be tabled.

In order to vouch the correctness of the information supplied by the Acting Chief Engineer, I requested the Chief Internal Auditor to review the Acting Chief Engineer's response and provide me with an independent opinion based on his findings.

I will now read selected sections from a confidential memorandum received from the Chief Internal Auditor setting out his findings. I have taken the decision not to read [certain] sections of his report due to the possibility that the conclusions arrived at by the Chief Internal Auditor could differ from those that will be drawn by the Auditor General following his review of expenditures in connection with these contracts.

The selected sections of this confidential memorandum read as follows:

**TO: Mr. G. McCarthy
Financial Secretary**

**FROM: Gordon Bird
Chief Internal Auditor**

SUBJECT: West Bay Private Roads

"In accordance with your instructions yesterday, I have visited Public Works Department and discussed the above topic with Peter Multon and Ron Koehn. I have also examined the Public Works

Department correspondence file. I consulted with Philip Tatum this morning.

"As far as I can determine, the contents of Mr. Jones' memorandum of 12 November are factually correct. A copy of the Permanent Secretary's instruction of 26th August, 1994, is attached.

"Time precluded a detailed examination of the tendering award of contracts processed, but I received assurances that for all five contracts awarded to private contractors, the normal procedures were followed. . .

"Sixteen of the twenty-five West Bay private roads are 12 feet wide or less. It was stated to me by Public Works Department officers that roads of this width have not been built in the last five years (or so) using public funds. Wider roads serving more people and providing public thoroughways have been built in this time scale. The dirt road behind the Middle School heading towards Thomas Russell Way will be in this category and will be gazetted.

A senior officer within the Ministry of Agriculture, Communications and Works "was emphatic that the principle of building private roads is well established. He took me to view roads in George Town which had been laid by Public Works Department in the past to serve private properties. Most of these roads were indeed narrow. He agreed that there had not previously been the same amount of expenditure at one time, and within one district, but is aware that the 1995 Budget reflects similar works to areas around the Island."

While conclusions could be drawn that roads were built in 1994 that previously would not have been constructed, further investigation which I made revealed that such roads were not built for political expediency but essentially for the purpose of providing road access to certain homes within the West Bay community that previously could not be reached by: 1) the fire truck, in the event of a fire; 2) the ambulance, in the event of illness; 3) the garbage truck, for providing refuse collection from these homes.

After examining all of the information provided the conclusion which I have reached is that if the expenditures are examined on the basis of previously stated established precedents, this will always lead to differing interpretation of events irrespective of the given circumstances. But, if looked at on the basis of providing essential road access to homes within West Bay that previously did not have such access, and the advantages which accrued from such access being provided, then the conclusion could be drawn that the decision to provide such private roads was quite rational.

On a personal note, it is my view that the greatest obligation of any government is to protect the life and welfare of its citizenry. Road access if not available in the event of a fire, or other life threatening emergencies, could certainly be viewed as detrimental to the well-being of the citizenry of any community within these Islands.

Finally, no evidence could be found to confirm or impute any dishonest dealings in the awarding of any of

the contracts I described earlier in detail to Members of this Honourable House.

At this time I am going to provide details to the contracts which I have alluded to, but not yet in detail.

As I mentioned earlier, according to the Chief Engineer five contracts were awarded. Three were mentioned as having been awarded to Rollin Ebanks; 1 to East End Aggregate and 1 to Island Paving. I will start with the contract which is described as contract A, for a sum of \$104,694, that was awarded to East End Aggregate.

A breakdown of the details is as follows:

“East End Aggregate: WB19, Willow Close (Garnell Rivers) approximate length of road – 320 feet, width 14 feet, approximate homes now served - 6, future homes – 8

WB34 Road off Willie Farrington Dr., approximate length 500 feet, width - 30 feet, approximate houses now served - 2, future - 9

WB9 Cul-de-sac off Birch Tree Hill Rd., approximate length - 650 feet, width - 30 feet, approximate houses now served - 7, future - 14

WB20 Road South of Powell Close, approximate length - 1100 feet, width - 18 feet, approximate houses now served - 7, future - 14.” That is the total of the roads awarded under Contract A to East End Aggregate.

Continuing with Contract B to Rollin Ebanks: **“WB120 Bernie Bush Subdivision, approximate length - 1400 feet, width - 30 feet, approximate houses now served - 10, future -18**

“WB103 Montgomery Road, approximate length -300 feet, width - 30 feet, approximate houses now served - 5, future – 6

“WB 117 Road off North West Point, approximate length - 480 feet, width - 24 feet, approximate houses now served - 4, future - 8

“WB121 Road off North West Point, approximate length - 200 feet, width- 30 feet, approximate houses now served - 0, future - 6.”

That is the total of Contract B.

Continuing with Contract D, to Rollin Ebanks: **WB7 Driveway to 4E/430, approximate length - 270 feet, width - 11 feet, approximate houses now served - 4, future - 6**

“WB14 Fredson and Touslin Ebanks, approximate length - 130 feet, width - 11 feet, approximate houses now served - 2, future - 3

“WB15 Sonny Felner, approximate length - 270 feet,

width - 11 feet, approximate houses now served - 5, future - 5

“WB28 Driveway opposite Water Course Road, approximate length - 200 feet, width - 11 feet, approximate houses now served - 7, future - 7

“WB29 Road off East Park Road, (Lily) approximate length - 400 feet, width - 11 feet, approximate houses now served - 4, future - 5.”

Continuing with Contract E to Rollin Ebanks: **“WB49 Driveway on 4B 237, approximate length - 400 feet, width - 16 feet, approximate houses now served - 3, future - 6**

“WB51 Alfonso Ebanks, Driveway, approximate length - 110 feet, width - 11 feet, approximate houses now served - 2, future - 2

“WB53 Theresa Powery, Driveway, approximate length - 50 feet, width - 11 feet, approximate houses now served - 1, future - 1

“WB59, Richard Welds, approximate length - 400 feet, width - 11 feet, approximate houses now served - 7, future - 8

“WB61 Roy Grant, approximate length - 150 feet, width - 11 feet, approximate houses now served - 2, future - 3

“WB70 Track off Ash Road #2, approximate length - 130 feet, width - 11 feet, approximate houses now served - 2, future - 2

“WB73 Myers Driveway, approximate length - 150 feet, width - 10 feet, approximate houses now served - 1, future - 1

“WB89 Road off Boatswain Bay Rd., approximate length – 450 feet, width - 11 feet, approximate houses now served - 3, future - 6.”

Contract F to Island Paving (\$32,492): **“WB90 Darwin Ebanks Road, approximate length - 350 feet, width - 10 feet, approximate houses now served - 3, future - 4**

“WB91 Ella Ebanks Driveway, approximate length - 250 feet, width - 11 feet, approximate houses now served - 1, future - 1

“WB92 Ironie Ebanks Driveway, approximate length - 150feet, width - 11 feet, approximate houses now served - 1, future - 1

“WB93 Kivey Ebanks Driveway, approximate length - 420 feet, width - 12 feet, approximate houses now served - 4, future - 7

“WB I 07 Raymond Welds Access (Deferred) but the approximate length - 150 feet, width - 6 feet, approximate houses now served - 2, future - 3.”

The remaining jobs are works carried out by Public Works Department.

What we have seen here is that in many of these instances, although these roads have been described as private roads, we have seen many instances where the number of homes being served range from 10 homes, 6, 7, 5, and in a few instances 2 and in some instances 1.

As pointed out, it is imperative that every home in Cayman can be accessed by Emergency Vehicles and there have been instances in the past where ambulances could not get to some of these homes to assist these individuals in the event of an illness and other instances of emergency.

Bearing in mind the obligation of any Government to protect the well-being and lives of its citizenry, it is very important that whatever convenience can be provided, which will not be detrimental to the society overall, to extend their lives in instances of emergency and life threatening situations, be provided.

As I said, the Auditor General has not as yet concluded his audit on the 1994 accounts as such which will quite likely be reviewing all areas of expenditure by the Government. He will be rendering an independent opinion on this, and this is why I have chosen to read only selected sections from the confidential memorandum that has been provided to me by the Chief Internal Auditor. It is likely that the views he has formulated will be in conflict with those that will be arrived at by the Auditor General.

Thank you, Madam Speaker.

The Speaker: May I say to the Honourable... Have you finished?

Hon. George A. McCarthy: Yes, Madam Speaker.

Madam Speaker, if you would permit me, just to make a few additional comments.

The Speaker: Certainly, Honourable Third Official Member.

Hon. George A. McCarthy: I had mentioned to you that I would be arranging to table a copy of the memorandum from the Acting Chief Engineer of the Public Works Department. I can now detach it from this document, but to do so I have written all over it and that is why I will be asking the Serjeant-at-Arms to make a clean copy of this deleting the notes that I have made and then to table it.

The Speaker: Yes. I would also like to advise that as you have quoted certain paragraphs from the confidential memorandum from the Chief Internal Auditor, that the quoted paragraphs should also be laid on the Table. The matter is of sufficient importance as you did not make a summary of the whole letter.

So, will you arrange to have the paragraphs

which you quoted laid on the Table of the House too?

Thank you.

Hon. George A. McCarthy: Yes, Madam Speaker, I will do that.

The Speaker: The Honourable Minister for Education and Aviation.

Mr. Truman M. Bodden: Thank you, Madam Speaker.

I must say that I find this Motion one of the strangest and one which borders on dishonesty, which I will go on to show, on the part of the Mover and the Sec-
order.

The Motion is a censure Motion for misappropriation of funds in relation to the paving of private roadways. I have copies of this and I will be laying them on the Table to show that the people who have asked for more private property, marl, private roadways than anyone else is the Second Elected Member for Cayman Brac and Little Cayman, the Mover of this Motion, and the First Elected Member for **Bodden** Town, the Sec-
order of the Motion, including, in one instance, their own road.

I will be beginning, and I will lay these on the Table, with a letter dated 17th November, to the Honourable John McLean, Minister for Agriculture, Communication and Works: **“Dear Sir: We write subsequent [and this is the 17th of November, Madam Speaker, after the Members had laid the Motion on the Table of this House in relation to this very matter] to our conversation, Kirkconnell, McLean and yourself, concerning the possibility of assisting Mr. and Mrs. Leon Lazzari to gain improved access to their land on the Bluff to tend their cattle.**

“As you are aware, there has been a long standing contention concerning the question of access the face of the Bluff and over Crown Land along the foot of the Bluff which Mr. and Mrs. Lazzari have been walking for most of their lives but which has now been legally restricted by the Court. Both of these people are senior citizens and are gradually becoming less able to climb the cliff than before and because of age will, in the foreseeable future, have W cease altogether. If an agriculture access road could be created which can offer them an alternative route this would provide significant assistance to their lives. If you would designate an amount from the Agriculture Development vote, 52-109, or such other vote as deemed fit for this purpose, it would be appreciated and supported by ourselves. It would help to resolve a long and unhappy state of affairs for these two residents in the ongoing effort to earn a living and to play a part in the agricultural development in Cayman Brac. Yours faithfully, [signed] Capt. Mabry Kirkconnell; Gilbert A. McLean.”

Madam Speaker, I would like to lay that first one on the Table of this Honourable House.

The Speaker: So ordered.

Mr. Truman M. Bodden: I am now going to proceed to comment on it.

This request for assistance to persons in need for private roads, in this instance, this letter confirms a substantive Motion brought to this House, which this House rejected, trying to get the Government to appropriate property so that this road could be done for one person's property. Here it is.

The Second Elected Member for Cayman Brac and Little Cayman said to the Minister for Agriculture, whom he spent his whole morning pounding on this matter, "If you would designate an amount from the Agriculture Department..."

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order, please.

Mr. Gilbert A. McLean: Madam Speaker, the Minister for Aviation has just said that I brought a Motion to this House asking that private property be appropriated to give access to some individuals. Madam Speaker, such a motion has never been allowed in this House and he is obviously not just misleading, he is absolutely stating a falsehood to this House. I have certainly not brought any such Motion, nor do I think anyone ever has.

The Speaker: Honourable Minister for Education, can you give the terms of the Motion you are talking about which was brought to this House?

Mr. Truman M. Bodden: Madam Speaker, I will get it and I will bring it here. It was a Motion in which the Member put that the face of the Bluff be deemed to be Crown Land - because it is now private land - and the reason for it was so that he could get exactly what he has set out in this letter, a road for Mr. Lazzari. I will get the Motion...

The Speaker: Please.

Mr. Truman M. Bodden: I will ask the Clerk if she will please get that Motion and the transcript that goes with it, please.

In any event, be that as it may, this is a letter dated 17th November, 1994. The Motion was laid on the Table of this House on the 27th of October, 1994. I am going on to show requests before the Motion, as well as after, to show the integrity of the Mover and the Seconder of this Motion. What they are here trying to condemn . . . they are signing letters asking the Minister of Agriculture (who they spent the whole morning pounding on) to do the same thing and to take it from the Agricultural vote. They were not even asking it to come from the roads' vote.

They went on to say, "**any other vote as deemed fit.**" So they are saying to the Minister for Agriculture, "**go out and try to find this money, take it from anywhere you want and go ahead and build a**

private road to a private piece of land for one person". It is not as if this is something that is only done by certain Members of this House.

I have it in writing where request after request has been made, but this letter requesting a road for one person's land to be taken out of a vote, regardless of where the vote is, not even a roads vote, is exactly what this Motion is for and the Mover and the Seconder are therefore bringing a Motion against themselves. This is the stupidity of this situation - they are condemning themselves with this Motion because they have been the biggest propagators of building private roads.

The next letter that I will lay on the Table of this Honourable House is headed "Roy Bodden", and it is to the Honourable John McLean, Minister for Agriculture, Communications and Works, Government Administration Building, Grand Cayman, 24th October, 1994. The dates of these are very important because the date of the Motion is the 27th day of October, 1994, and on the 24th of October, 1994 when that Motion should have been considered by them, here is the request made on stationery headed "**Roy Bodden**". It reads:

"Please receive our requests for some work in the constituency which has been outstanding for some time. [And it goes on here with street lights, block & parcel numbers].

"Also the intersection of North and South Cayman Palms.

"There is also the request outstanding for many years now of additional lights on the main road of the constituency.

"Drain wells. We have received requests from property owners as follows: . . . [and we are going beyond roads now and into drain wells]. Also just below Daniel's Drive, Lower Valley (in the vicinity of Margaret Powell's residence), this shoulder was repaired some years ago but heavy rains cause the area to flood. Finally, major flooding occurs after heavy rains at the entrance to Jay Bodden's subdivision, [private subdivision] east of Corrine Eden's residence in Savannah. . . . [Another thing here on road shoulders.]

". . . especially persons living in the Gun Square area.

"Cumber Avenue. The road through Cumber Avenue continues to be a source of concern to us. Both entrances (the Gun Square and Adventist Church sections) are problematic to negotiate, especially for drivers coming from the Avenue. There is also the problem of speeding vehicles . . .

"There is also the matter of that section off Cumber Avenue leading to the residences of Norman Frederick, Tom Hill and Mrs. Doreen Wood. This section of road is a virtual "dust bowl" and has been in need of surface sealing for some years now.

There it is very clearly, a road "**leading to the residences of Norman Frederick, Tom Hill and Mrs. Doreen Wood**". I am going on to show that nearly three years previous to this the specific numbers of private properties and roads were set out in a letter by that

Member. This is the section now that picks up on previous correspondence.

"We have received requests from residents in Plantation Heights, Arlene Avenue/Rackley Boulevard, Belford Estates and Pease Bay Colony as to the poor state of the roads.

"To the best of our knowledge some of these, for example, Belford Estates may not be gazetted roads".

Madam Speaker, what could be more clear? The First Elected Member for Bodden Town goes on to state:

"The general deterioration, however, necessitates Government to fill the numerous potholes since the residents and road users have no where else to turn".

That is quite a good justification for going and doing a road and as the Honourable Financial Secretary has said, if you cannot get an emergency vehicle to a house, such as an ambulance or a fire truck or you cannot get the garbage truck in, it is quite good justification for our helping the public. But do not come here as if you are lily white and try to blame the Government for something that you yourself are doing.

I submit, this must be the first time in the history of this House that Members have been so stupid that they have brought a Motion that condemns them, themselves. They have put their heads into the noose and they will pull the trigger when they put the Motion to the vote, and that is signed, **"Roy Bodden, MLA and Roy Bodden for Haig Bodden"**. I find that very interesting, but I want to point that out, and I will read it again before I lay it on the Table, **"To the best of our knowledge some of these, for example, Belford Estates may not be gazetted roads"**.

I am going on (since that Member is so uneasy and frustrated at what I am saying), to give him the parcel numbers of his private roads that he has asked for I am going to give him the prices so the public can see the calibre of those two members and what they are trying to do in wasting the time of this Honourable House.

The next one that I refer to is dated 5th November 1990. It is to the Honourable Linford Pierson and I hope that he understands what the two Opposition members are bringing upon him in this House, triggered by them.

**"Honourable Linford Pierson,
Member for Communications, Works and Agriculture
Government Administration Building
Grand Cayman.**

Sir,

"We wish to refer you to your letter of 18th September, 1990 as well as to bring to your attention some other outstanding projects which we hope can be addressed in the coming financial year.

"The following roads which appeared on the Bodden Town District Visit Summary Report - February -

have yet to be worked on." [Here is where the truth of the matter comes out. These are all private block and parcel numbers listed by that Honourable Member]

"Job # / Blk & Pcl. # / Name / Description

"9 44B Cleveland Carter Construct Rd.

[Now we know who these people are and who they obviously favoured and supported at the time as the First Elected Member for Bodden Town is assisting me on.]

20 38B 379	Mary Woodward	Construct Rd.
28 44B 82	Josie Solomon	Construct Rd.
40 28C 112	Savannah Heights	Patch & 2nd app.
11 28D	Savannah Acres	2nd app.
[And this is a classic one, look at the number it has]		
13 44B	Roy Bodden	Construct Rd."

Madam Speaker, if this had been a court case I would merely have tendered these, sat down and shut up because it has totally destroyed, in my view, the integrity of this Motion and of the Movers of it. And it goes on:

**"32 38C 41 Ken Kelly Patch & 1/2 app
33 32C 162 Bob Watler Patch & 2nd app.**

"In addition to these, there is a request from Edmond Terry of Pedro for a patching and 2nd application to the road leading to his house.

A recent visit to South Cayman Palms has brought a serious problem to our attention. At the lower end of this road where the residences of Woodward Terry, Verdon Terry, Francine Gardner, Alden Welcome and Moises Bonilla are situated, the road is so constructed that in an emergency the fire truck would find it difficult if not impossible to negotiate a series of acute corners." This is even a road that is wide enough to get it in, it just has bad corners.

"We bring these matters to your Portfolio's attention with the request that they be given early attention. We look forward to an early favourable reply and thank you for your prompt attention."

These are some of the roads that I understand from the Minister for Communication and Works, whom they attached this morning, that the Member up until recently in the last few weeks was doing a tour around Bodden Town asking that some of these private roads be fixed.

I would like to lay this on the floor (*sic*) of this House.

The Speaker: The Honourable Minister is ordered to lay it on the Table of this House. Thank you.

Hon. Truman M. Bodden: I am sorry—on the *Table* of the House. I guess after six weeks in here . . . Madam Speaker, I apologise. [*Members' laughter*]

Here we have the attack on the Minister for Agriculture—well let me say the Minister for Works—because these are different. But, here is a letter to Mr. Linford Pi-

erson who was then the Member for Communication and Works asking him to do exactly the same thing. I believe that he followed the course of action that that Government and previous Governments had followed. The rationale behind it is very simple, it is brought out in this letter - **"emergency and fire trucks would find it difficult to negotiate the corners."**

What is wrong with assisting in areas where roads need upgrading? Suppose someone dies because an ambulance cannot get there. Are a few dollars worth it? Suppose a house burns down and there is somebody in it and we cannot get the vehicle in when a few dollars could have paid for it? Surely, there has to be a line between what is necessary for the public and that which is just undue expense.

There is nothing, as I know it, where we have actually had a request for a road to be made direct to the MLA's house. I am going to show you how much that is: Job 13/44B (block & parcel #)/Roy Bodden/Construct Road.

What can be more clear, Madam Speaker? Self-interest? They are talking about or threatening about this Code of Ethics that we just passed. No Code of Ethics, Conduct or Etiquette, is going to stop dishonesty—I am speaking generally. Where that dishonesty exists, people will always get around it.

What, then, is the cost of these roads that the Second, the First Elected Member for Bodden Town, has requested? Here is a memorandum dated 21st May, 1992, and it is to Mr. Phillip Tatum, Communications Works and Agriculture, and it is from the Executive Engineer. I want to show what the cost of these roads are. If we believe that the few that have been done recently, and we know, as I have just read, that it has not just been in West Bay that they have been done because the evidence is here in writing. This memorandum states:

"As you requested, we reviewed [and the subject is the Josie Solomon Driveway (Block 44B, Parcel 82) but it goes on to deal with a lot of other roads, even though this is the heading of it] the file for this driveway.

"HISTORY: As we noted in our 24th February, 1992 memo, the cost is \$8,500 to build and chipseal this private driveway. In a later district visit, it was requested that some marl "be thrown in the deepest holes when crews are in the area."

I am going on to show about the marl as well, Madam Speaker, and perhaps there is a little joke of the Executive Council Member who ended up with the marl in the yard and the grass grew over it before they could find the marl—speaking generally, and as a joke.

"This driveway was first requested in a 1990 visit [The letter that I just read is a 1990 letter referring to that visit], and was one of 10 private driveways listed in the 21st January, 1992 letter of MLAs Mr. Roy Bodden and Mr. Haig Bodden.

"There are now a total of 19 private driveways that have been requested by the District Representative for Bodden Town. These will cost at least \$210,000 to build.

"FUND AVAILABILITY: Currently, there are no funds allocated in the Roads maintenance budget for marl patching, and we have a backlog of marl patching requests on heavily used dike roads.

"We have no existing capital projects in the Bodden Town area that would have extra funds for this driveway. We note, however, that there are supplemental funding requests pending that may allow some marl to be released for this work."

Here, Madam Speaker, if the public listens carefully, they will see where the money is going and why we need a Code of Ethics.

"Date requested: 10th March; Project: Roy Bodden, H. Stephenson Farm Road; amount - \$160,000. Capt. Shelby Subdivision Phase I - \$63,000. Marl Road patching and repairs - \$45,000." A total of \$268,000.

It is the Roy Bodden Road, regardless of what it is called and what status it is, and it goes to his house. It goes on, Madam Speaker, to say **"if these are approved, some assistance for private driveways might be provided. However, private driveways are difficult and expensive work due to the tight working room and intensive handwork involved."**

Now we see the cost, of which the largest cost is the Roy Bodden, H. Stephenson Farm Road - \$160,000. I would like to lay this on the Table of this Honourable House.

The Speaker: So ordered.

Hon. Truman M. Bodden: Before going on further with the laying of these on the Table (because it is getting a bit monotonous—I have so many of them), I want to point out several things that were pointed out by the Honourable

Financial Secretary and expand a bit on them.

People and Members come to this Honourable House and requests are made for funds to be appropriated. This Honourable House appropriates them. One of the things unanimously approved in last year's Budget, was the construction of roads in private subdivisions in West Bay - \$192,000. But, I do not believe that you can find an equivalent of that for Cayman Brac and Little Cayman or Bodden Town.

Be that as it may, this House is not fooling the public when it comes to this because this course of action where there have been upgrading of private roadways - and I should point out that there are three categories of roads—there is a gazzetted Road, under the Law, Public Roads which have numbers to them and Private Roads. But where these are necessary to ensure as the First Elected Member for Bodden Town, who I am afraid, as a follower of his leader, has followed him straight into the fire on this Motion because I am going to further show that that Honourable Member did not stop at private roads, he got into the marl business for private residences.

I believe that the Honourable Second Elected

Member for Cayman Brac and Little Cayman does not think when he puts these in - especially questions. There has been a multiplicity of questions that have just been an embarrassment to them for a lack of thinking them through. This type of leadership in a country would spell disaster to the country. Actions, words that are not well thought through, can be damaging sometimes to one's self. Leadership requires a lot more than that, it requires one to be sensible, to have sound thinking and to not put forward questions or Motions for the sake of putting them forward. I think this is a very good example of it.

The vote control, as the Honourable Financial Secretary has mentioned under the Public Finance Law, and, indeed, in the Appropriation and Supplementary Appropriation Laws which we bring is one in which the Financial Secretary and his department ensure that votes are properly dealt with. Occasionally a matter of urgency has to be dealt with and is brought back to the floor of this House and we are asked to ratify it. This comes out many times. For example, if someone is ill and there are no funds, obviously one has to find the funds. But, at the end of the day, all that is done is properly appropriated and properly spent.

The Ministers themselves do not sign the cheques that go out, but the Second Elected Member for Cayman Brac and Little Cayman, while attacking the Minister for Communications and Works unfairly, in my view, this morning, said to him, **"Please fix a road to a piece of private land, and you find the funds."** Sometimes that is done; what is wrong with that? He said take it from the Agricultural vote, or any other vote you deem fit.

So, that Honourable Member cannot come afterwards and talk about when that Member is requesting the Minister to do this, that it is wrong. In Law there is a clear rule that says, "He who comes to equity must come with clean hands." One cannot request a Minister to do something and then turn around and say it is wrong. That is bordering on dishonesty of opinion.

Now we are hearing that what was done on these private roads for the Mover and the Seconder of the Motion is wrong, that the funds are misappropriated. It should be very interesting to see how the Mover and the Seconder wiggle out of this trap that they have so blatantly walked into.

The references to "Banana Republic", if there is any history of Banana Republic, it is the leader of the Opposition within the Government of the Banana Republic. This is the type of Motion you find in the Banana Republic—Members bringing Motions which condemn them and voting for the condemnation. It is like walking to the guillotine, with your eyes open, putting your neck there and pulling the trigger on it yourself. If this is the type of leadership that is exhibited, it is a wonder that the leader only has one follower, part of the time.

I understand that mention was also made of the road around the Airport. Most of that road vests in the Civil Aviation Authority. As the Second Elected Member for Cayman Brac and Little Cayman said in his letter, which he signed after the Motion, I asked the minister for

Communication and works, in the same words he put in his letter—to please build a road and take it from whatever votes were appropriate for it to be taken from. He even went wider than that. I did not say to him take it from an Agricultural vote, as did the Second Elected Member for Cayman Brac and Little Cayman - who should be trying to promote agriculture in those Islands - in suggesting using up an Agricultural vote to build the road for the one private supporter he has bordering on the Bluff.

The Motion which I referred to earlier is Private Member's Motion 23/94 and it says:

"WHEREAS the Bluff is an outstanding geological feature of Cayman Brac and has had continuous significance to the people of Cayman Brac over generations with access to the Bluff being of most vital significance, particularly in times of hurricanes;

"BE IT RESOLVED THAT Government officially declare that the face of the Bluff, including the 'foothills' or 'keys', is deemed to be included as Crown land forming the face of the Bluff, unless individual landowners can positively establish that those 'foothills' or 'keys' are cultivated or otherwise used productively by them as part of their land."

Madam Speaker, I submit that Motion is one to declare private land public land. It is very clear. It says **"declare that the face of the Bluff, including the 'foothills' or 'keys', is deemed to be included as Crown land . . ."** If it is Crown Land, then we do not need to deem it Crown Land. There are only two types of land - Private Land and Crown Land. I submit that this would have benefited Mr. and Mrs. Lazzari, about whom this letter was written after the Motion failed. I do not think I need to lay this on the Table. I have just referred to it and I have it here if the Honourable Member wishes to see it.

The Speaker: Would this be a convenient time to take the luncheon suspension?

Hon. Truman M. Boddin: Yes, Ma'am.

The Speaker: Proceedings will be suspended until 2.30 p.m.

PROCEEDINGS SUSPENDED AT 1.10 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated.

The Honourable Minister for Education and Aviation continuing the debate.

Hon. Truman M. Boddin: Madam Speaker, I have just received partial transcript of what the Second Elected Member for Cayman Brac and Little Cayman said, and just to ensure that I am quoting correctly what I am going to comment on, I will read it. **"Public money is not supposed to be spent on private driveways."** Further in his speech the Honourable Member said this: **"Madam**

Speaker, in this situation someone has to be held accountable; for something has occurred which is absolutely unorthodox, irregular and has not happened in this country before."

Madam Speaker, how in the world could that Member make those statements, knowing very well that that Member has made requests, more so—and I will show the cost of the wish list of the First Elected Member for Bodden Town—when they, themselves, have asked for and had public money spent on private driveways. Their Motion condemns them.

Some of these roads in the West Bay project that are now going on are roads that were requested as far back as the 18th of April, 1990, by the then Members for West Bay, including Mr. Benson Ebanks and some of these are listed here. I do not want to have to lay too much more of this on the Table, but in summary, Madam Speaker, it lists job No. 12 - Kenneth Ebanks Road; Road through Capt. Shelby's property (to Buddy); Garnell Rivers Road; and Muriel Jackson's Road. It was to Mr. Linford Pierson who sent it on for action and attention. Some were done some have not been done.

Madam Speaker, this morning I showed one of the roads that was requested by the Second Elected Member for Cayman Brac and Little Cayman. But I am going to read out in summary quite a few other roads that were requested and done. And these I assumed were perhaps requested by both MLAs, because all Members of the Legislative Assembly from time to time in this House requested that private roads should be done for purposes of emergency vehicles, or whatever.

Let me just give a few of these—and these are not gazetted roads. But let me say this Madam Speaker, it matters not as I see it, if someone has been shrewd enough to get the Government to gazette a road when in effect it is doing the same thing. I know the First Elected Member for Bodden Town while I was speaking, stated that some road that leads somewhere near to his house was gazetted. If he has managed to get someone in Government to gazette it, does it really matter? *"A rose by any name is just as sweet a rose"*. In substance there is no difference; the road serves that Member's house and it is named after him and it is his block and parcel that he put in his letter requesting it.

In Cayman Brac there are these non-gazetted roads that have been done and these are all Block 111 E; Silvennia Avenue, Brac Drive, Walton Drive, Scotts Avenue, Temples Road, Ryan's Road, Nitting Road, Martin Lane, and I could go on and on. There are some 22 roads here of which most of them are not gazetted. And those Members for those islands, I am sure must have asked for these to be done. There is the Charlotte Road, the Peter Bluff Road—and Madam Speaker, since I see a bit of consternation let me just refresh the memory of the Second Elected Member for Cayman Brac and Little Cayman—and if necessary I will lay this on the Table. It is a letter dated the 14th April, 1992 to the Honourable Linford Pierson and whatever was wrong, then surely, their next-in-line leader (as he appears to be) was in this up to his ears because a lot was said about the

present Member for Communications, Works and Agriculture. But Madam Speaker, I will surely hit on what misappropriation of funds really is, and why did the two Members who brought this Motion not get up and say something on that. I am going to show what misappropriation of funds is, but it affects their colleague so they had to keep their mouths shut.

This letter is dated 14th April, 1992:

"Re: Charlotte and Peter Bluff Roads

"We write concerning the above Bluff Roads which you have inspected on your most recent visit to Cayman Brac on the 8th to 10th April few days ago. On these two proposed projects we both support the requests by the concerned parties for work to be undertaken on these roads, and would recommend that efforts be made to commence work as soon as possible. Our reasons in the two instances are as follows:

Peter's Bluff Road

"a) This roadway already exists to a width defined by fence on both sides. . . . [and these are non-gazetted roads, these are private roads]

"b) Filling this road creates easy access to Peter's Cave for hurricane shelter for citizens who as a matter of course use this shelter in preference to buildings designated as hurricane shelters. At present it is only accessible by climbing the face of the Bluff or walking over the very uneven rocks on the Bluff which exits in this roadway.

Peter's cave is a popular tourist attract... and the other paragraphs; **"d) The road would greatly assist the farmers who have cattle on land bordering the road. One such farmer is Mr. Silas Bodden whom you will recall Mr. Gus Joseph stated to be one of the farmers having the biggest herd of cattle..."** Charlotte's Bluff Road, similar sort of things were said for it and that is signed by Gilbert A. McLean, MLA, and Capt. Mabry Kirkconnell, MLA.

POINT OF PROCEDURE

Mr. Gilbert A. McLean: Madam Speaker, on a point of procedure.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. Could I ask that the Honourable Minister lay a copy of the letter he is reading at this time?

The Speaker: Honourable Minister, would you...

Hon. Truman M. Bodden: Sure! I am very happy to Madam Speaker. I have the authority of the Honourable Minister for Agriculture, Communications and Works, and

I will lay another one with it, Madam Speaker. I hate perhaps to get to this stage but the allegations against us have been very serious. I am merely going to read this letter and I am not going to comment on it, but I will lay it on the Table.

It is a letter:

"From: Communications and Works

**"To: Mr. Erbin Adolphus Tibbetts
P.O. Box 27
Cayman Brac**

"Dear Mr. Tibbetts,

"Re: Road Affecting Block 107A, Parcels 17, 18 & 32

"Pursuant to Section 3(1)(B) of the Roads Amendment Law, 1988, please find enclosed herewith a declaration for your information in respect of proposed road which affects Block 107A, Parcels 17, 18 and 32.

"I refer your attention to paragraph 3 of the declaration, which deals with the line and anticipated boundary of the proposed road, and refers to a Boundary Plan which may be inspected at the Lands and Survey Department.

"Section 9 of the Roads Law (Revised) details provisions by which persons affected may serve notice of intent and claims for compensation to the Governor..."

I lay both of those on the Table, Madam Speaker.

The Speaker: So ordered.

Mr. Truman M. Bodden: That road was obviously not a gazetted road because that is a notice dealing with the gazettement.

Madam Speaker, misappropriation of funds was raised some days ago. Misappropriation of funds is where a person gets a personal pecuniary advantage. In other words, he gets something for himself as a result of actions that are taken during the time that they are in the official office and which has not been approved. But when there was blatant misappropriation of funds on the floor of this House, the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town stood speechless; they did not get up, they did not debate it because it was their colleague.

When the water-bills of an Executive Council Member had been understated or reduced by some \$1,800 and not authorised by the Board—that is what those two Members should have been getting up and making allegations on. Vast sums of money; money in relation to sports, money in relation to hospital bills, money in relation to subdivisions that had been written off, but the Mover and the Seconder of this Motion did not have one thing to say about it. Madam Speaker, that

shows the insincerity, and then we have them bringing a Motion against this Government for misappropriation of funds which those Honourable Members have requested in writing (and I have gone on to show this) and which has directly benefited the First Elected Member for Bodden Town and indirectly the Second Elected Member for Cayman Brac and Little Cayman under this Motion—under the Motion in which they are condemning themselves.

If those two Members had the interest of this country at heart, they would have said something about the funds that were never approved. They were *ultra vires* in fact, they were not approved by the Water Authority and very large sums of money. So if they wish to talk about misappropriation, Madam Speaker, they have enough of it in their camp. And anyone who joins that camp must understand the responsibility for matters such as that and the irresponsibility of a Motion, such as this, must rest on their shoulders.

So this Motion was never brought because the Members had the interest of the public at heart. It was an attempt, a very stupid attempt, to embarrass the Government and now it has blown up in their faces. We have seen the written evidence that they have requested these things for private purposes. Madam Speaker, I have a letter here dated 22nd October, 1990, from Messrs. Roy Bodden MLA and Haig Bodden MLA addressed to Mr. L. A. Pierson, Communications, Works and Agriculture, Government Administration Building, Grand Cayman. It reads:

"Dear Sir,

We write to request that you arrange for some PWD staff to place approximately two truck-loads of marl on Rosedean Jackson's Road."

Madam Speaker, what further evidence does one really need? Time and again, from 1990 there has been a pattern for [requests] for marl, paving of roads. I would like to lay this on the Table of the House. And what has been the cost of this wish list that the First Elected Member for Bodden Town had put forward? We know there have been other private roads and subdivision roads that have been done. Since all the blame for those matters seem to be attempted by the two Members, to fall on the Minister for Communications, Works and Agriculture, what about the subdivision up in Randyke Gardens? That was all done. That was private road and is still not gazetted and they continue to prepare it. Madam Speaker, they are the people who benefited. So it was not just the water where there were funny things done, but it was also with the marl and the paving.

Madam Speaker, the upgrading of roads has been done from day one. Successive Governments have shown here requests that were made. The last document that I have is the list of roads listed on the 3rd July, 1992 relating to the Bodden Town district. I do not want to bore the House by going through it all, so I will lay it on the Table for Members to use it as they see fit.

Madam Speaker, the total amount estimated by the Public Works Department is \$3,838,691 and included in it is a private road for the First Elected Member for Bodden Town (I would assume), some of his marl-giving. The largest sums on this list I am going to read out because a whole string of subdivision roads are in here and are obviously private roads. I read: road to A.J. Miller's residence; road leading to Rhoda Forbes; road to Carlos Whittaker's residence, et cetera. Those only came to a total of \$227,457 but job #12 that I referred to earlier and laid on the Table, road to Roy Bodden's residence - \$353,000. It is the largest single private road costing on this list. The estimated cost of \$353,000 for the road to Roy Bodden's residence. Road from Belford Estates to North, and we all know where that is, that is in the vicinity of this same area - \$1,056,000. New construction of roads Madam Speaker, and there are a lot of others; road to Mary Woodward's residence and it goes on and on and on.

There are three pages of this and it lists an eternity of residences. It also lists them under private driveways; there are 12 private driveways in this alone. I do not want to go through all of this because some of these were listed in the previous ones. The total amount of the public roads and the private roads was \$3.8 million with the development and the subdivision roads of \$1.49 million; private driveways - \$121,809. I would like to lay that on the Table of the House.

The Speaker: So ordered.

Mr. Truman M. Bodden: Madam Speaker, I do not know what the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town intend to do with this Motion. I believe it was to embarrass this Government and to try to mislead the public into believing that this is the first time in West Bay that private driveways had been done. In fact, when we look - and I believe the Second Elected Member for Cayman Brac and Little Cayman, is going to try to twist this somehow to attempt to get out of the dilemma that he has laid his only follower into - he said public money is not supposed to be spent on private driveways, yet he and his colleague have requested and have had public money spent on private driveways, going into private yards. Worst than that, Madam Speaker, the largest sum of money was the \$353,000 (as stated in the Memo) to build the road to Roy Bodden's house.

Madam Speaker, this is not a question of even having *'tongue in cheek,'* this is a very insincere and vicious attack that now has turned on the Mover and the Secunder of the Motion.

If there had been something unusual about this, I believe that the many Auditors General, Financial Secretaries, and everyone else that we have had over the many years, would have done something about it. It is a policy that has been followed, and it has been followed even more fervently by the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little Cayman.

In all of this debate what perhaps is forgotten is the fact that there are people in the community who have need for getting the emergency vehicles - fire trucks, ambulance, garbage trucks to their houses - a need for getting their cars to their houses and some of these people are elderly people. I believe it has to be proper for the Government to assist these people whenever possible in this way.

I know that the upgrading of the Roy Bodden road was not to get an emergency vehicle into it because it was wide enough. Perhaps this is where the abuse of this has come in, where Members pave their own roads to their houses when it is not necessary.

I would submit that the overwhelming evidence that we have, and ironically some of it is damaging evidence - these letters - I think perhaps the two most damaging letters were the letter of the 17th November, 1994, signed by the Second Elected Member for Cayman Brac and Little Cayman after the Motion was put, requesting the Minister for Communications, Works, and Agriculture, whom he attempted to destroy this morning, to create an access road to one person's land. To take the money as he said—"if you would designate an amount from the Agricultural Development vote"—he is asking the Minister, whom he has been beating on all morning, to take money out of his vote or such other votes as he deems fit for this purpose. And it would be appreciated and supported by us, after the Motion [has been brought] for a private road to a private owner's land.

Madam Speaker, I think that something seems to be cuckoo about this whole situation because having put a Motion - it is bad enough finding evidence before, but getting evidence after which caught up squarely by what the Motion before the House is trying to do - and calling it misappropriation of funds. This is like standing up and saying someone who commits a criminal offence should be punished, then going and committing it and saying, very piously, "I am clean, I can do it, but nobody else should"—And three days before the Motion.

The other time, I believe the First Elected Member for Bodden Town had to have this in his mind. He makes a request on 24th October, 1994 for sections of roads going into private residences that I have called out also, reminding the Minister that Belford Estate may not be a gazetted road—very clearly knowing that they are asking the Government to pave, to construct or to put marl on private driveways. And there is no doubt that the Members knew what they were doing, because the signed evidence is here. The last that I referred to was the letter dated the 5th November, 1990, signed by the First Elected Member for Bodden Town asking specifically to construct a road to the Block and Parcel 44B in the name of Roy Bodden. Madam Speaker, as we know the cost of that was estimated some years ago at \$353,000 and we know that Belford Estate that is referred to just three days before the Motion, the cost of developing that road there is \$1,056,000.

Madam Speaker, what more can be said other than the fact, that when Members find themselves in this type of difficult situation, it is unfortunate that they bring

their ignorance - not really ignorance, there must have been knowledge of signing all of these letters over the period of time, but deviously bring to the floor of the House a Motion which when it is voted on will condemn the two Members who moved and seconded it.

I submit Madam Speaker, there has been no misappropriation of any funds. In fact the West Bay vote of which I referred to earlier - \$182,000 was specifically passed for private roads. It is the only vote there that was passed for private roads. So there was not even a specific fund for what has been asked for by these two Elected Members who are bringing this Motion. It was not even coming from the roads vote in the case of the Lazzari Road. There were no funds appropriated for it but the request was in there - take it "from the Agricultural vote, or anywhere that the Minister for Agriculture, Communications and Works deems appropriate."

So, there is no censorship against this Government. If there is any censorship Motion in this House it is against those two Members. It could possibly be the first time in history that we have two Members voting against themselves knowing full well that they are censuring themselves for a matter which is legal, appropriate and which has been authorised by this House. The procedures that were followed have been carried out by them for the last four years at least and I would believe that if we dug back years previous to that we would find many letters where Members have requested that certain roads be upgraded for purposes of emergency vehicles.

So, if there is anyone at fault in this, it is the Mover and the Secunder of this Motion. The Government is clean, the Government has nothing to hide and the Government says that what has been done has been done for many, many years and has continued to be done up until a few weeks ago - the latest request came from the Second Elected Member for Cayman Brac and Little Cayman, and the next latest request came from the First Elected Member for Bodden Town. At least none of the roads in West Bay go into an MLA's house, named after that MLA, as was the \$353,000 appropriated for the Roy Bodden Road.

I would suggest that the Motion is unfounded and it does nothing more than to show the ignorance of the Opposition.

Thank you.

The Speaker: If there is no further debate, I would ask the Mover if he would like to exercise his right of reply.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I thank you for the opportunity of replying to what I have heard here today, as a pitiful excuse for the Government of the day building 41 private driveways in West Bay with public money. I was hoping to get a copy of the papers which the Financial Secretary tabled, and I do not know if they are available, and there has been a press of time, so I have not been able to consult all of the letters which have been tabled here, in particular the document which

he tabled.

I have observed (as is always the case in moments like these in this House when there are matters to deal with Government's inappropriate actions— in this case a misappropriation of public funds) that the Minister for Education, in particular, has attempted to show that using public funds to do private driveways is the most acceptable thing that there can be in the world. God save us, and save this country.

It totally alluded him that such could not be correct, even if it happened from the days of the Vestry—to say nothing about 1990 or 1992. It is inconsistent with the proper use of Government money. If all of the gibberish and vicious tearing at me who is answering him, (and I will answer him thoroughly before I am through), to say nothing of a former Member of Executive Council who does not have the ability to answer him on a level playing field from this House, has adopted the policy that henceforth this Government, and admits that this Government takes public money to use it for private driveways then this country ought to become afraid—very afraid.

These private driveways were not requested by any Member, as I am aware of, as it has been cited where I requested Government assistance, in some instances, to help people who needed help for agricultural roads and so forth.

This decision was taken, according to the Financial Secretary, in Executive Council by these Elected Members who chose those persons whose driveways they wished to fix and, moreover, fixed them. Executive Council did it, so it was done. The Ministry for roads instructed Public Works Department to fix these roads and to build these roads. Because, according to the Minister for Education, it is all right, that is what one is supposed to do.

We heard from the letter read by the Financial Secretary that the Chief Engineer was instructed by the Minister for Roads that he should proceed doing the roadways. It cannot be any great mystery unraveled, or de-mystified, when someone writes Public Works Department saying that one of the improvements brought about by paving these roads is the reduction of dust. Any school child would know that; they only have to stand on a paved road, and stand on a dirt road and see which one has more dust.

It provides access for people. The truth is, people for generations have made roads; some of them little tracks through the middle of pastures, which we call 'grass-pieces', to reach their houses. There must undoubtedly be hundreds of roads in this country that are there because they had to be built to reach a particular person's house that might have been far off the road or otherwise.

The question is: Is there an obligation on this Government, or any government in the world, because one of its citizens builds a particular road somewhere that, in modern day times, is considered too small, that the Government has to build a 30 foot road and pave it?

Now, it would take the mind of some of the Ministers of Executive Council to say yes to that. Particularly

that they would say yes to using Government funds to do so. There are hundreds of houses in this Island, hundreds. And they are among some of the oldest, to which these humongous fire trucks and ambulances could never get through. What is the story? Government now has an obligation to build roads to these houses and pave them? I wonder.

On the question of the letter from the Chief Auditor as to how money was spent (I do not know who the Chief Auditor is and I really do not have any cause to know, except that it would be good to know in my capacity as a legislator). I will find out. But it seems that he did what would have been the normal thing—to have gone and examined the papers, and so on, in the Public Works Department, as was said he did by the Financial Secretary. I have no knowledge that there was anything strange about the way the awards of these contracts were done. That is not the point. The point is that public money was used to build 41 private driveways that were chosen by Members of the Executive Council, and I am sure more particularly the Members from West Bay and, of course led by the Minister for Education, who has expertise in everything.

There is one thing that really grabbed my attention in the statements made by the Chief Auditor that it did not appear that there were any political reasons as to why these roads were selected - and I am summarising here, Madam Speaker, because I do not have the document and I cannot quote directly, but I think that is what it was. All I can say in this instance is that while each point that was made and read by the Financial Secretary in that letter seemed very straight forward, I think that any Auditor would not really be in a position to determine whether it was politically influenced or not. In fact, one does not calculate that in figures, therefore I discount that political comment.

Yes, the Government, any proper government, must look to protect the life and welfare of its citizens. But, I say, in so doing it is doing less of a job protecting the welfare of the majority when it takes money that could have been spent to assist the majority to assist 41.

I do not like answering every insinuation, innuendo or accusation made by the Minister for Education. But I made a note of some, I might even attempt to answer those in his type of style.

He said this Motion is strange and in bringing it shows dishonesty. He has a warped sense of what dishonesty is. For this point, Madam Speaker, I would like to say that I received a note from the Serjeant that the remark concerning the expenditure on private roads was not done for political expediency was made by the Financial Secretary and not the Chief Internal Auditor, so I would just like to make that comment. I knew the point was made, but without the document I could not be absolutely sure.

Dishonesty is when one tries to deceive and, surely, 99.99 per cent of what the Minister for Education was saying was an attempt to deceive a population whom he believes is so silly that they can be so easily deceived. He is wrong! He is just as wrong as he was in

1984, when they buried his effigy by the Court House—quite an appropriate place. He knows how that went. He knows very well.

Let me refer to the letter of the 17th November, 1994, which he made so much ado about. This letter came about as a result of a conversation, of which I was a part, with the Minister for Agriculture. The Minister, having been previously approached by my colleague, the First Elected Member for Cayman Brac and Little Cayman, if there was anything to be done to assist the case of Mr. and Mrs. Leon Lazzari which we both know the story of and it has been ongoing now for at least six years.

This good, hard working, Christian couple are two of the hardest-working people in these Islands. Honest? I have no doubt they are. They have been struggling for I do not know how many years, but for long before I knew them, to raise some cattle on the Bluff, to raise some chickens for eggs. They cultivate what we call grounds for provision. They are in their high 70s, one very close to 80. They have walked the face of this Bluff that, according to the Minister for Education, is private land. I would like him to go up there and claim it if it is private land, or try to go and buy it off somebody and see what happens. He no doubt has the money to do it. Go and try to buy a piece of the face of the bluff.

I did not believe that I would have to speak about this, but I can tell this House as an unquestionable fact, that the Governor of the Cayman Islands, the immediate past Governor, gave to this couple the right to walk along the strip of land that runs on the ground along most of the Bluff, certainly beginning way up in Spott Bay and coming westward, that is, between the sheer face of the Bluff where it meets the ground and the keys, or rocky area immediately opposite the sheer face, and the parcels which run through the foot of that rocky area from which every single parcel of land is measured back toward the road, except one.

In this one instance it could not be because there is a question of someone—and perhaps he was instigated by the Minister for Education—who went and nailed a spike about 20 feet up on the sheer face of the Bluff.

POINT OF ORDER

Mr. Truman M. Boddin: Madam Speaker, on a Point of Order. The Member is alleging something to me that I know nothing about. I do not even know what piece of the Bluff he is talking about.

The Speaker: Honourable Minister, I am afraid that that is not a Point of Order because that had been thoroughly discussed on the Motion which the Honourable Member brought to the attention of the House.

Mr. Truman M. Boddin: Madam Speaker, he said I nailed something...

Mr. Gilbert A. McLean: I said no such thing.

Mr. Truman M. Bodden: ...on a spike on the Bluff, and I said I never did.

The Speaker: I am afraid, Honourable Minister, he did not say that. Let him repeat what he said, please.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I said, Madam Speaker, that one person went and nailed their mark at about 20 feet up on the shear face of the Bluff, and I wondered if it was instigated by the Minister for Education.

The Speaker: That is what he said Honourable Minister, so there is no Point of Order there.

Hon. Truman M. Bodden: Madam Speaker, with respect, he is imputing something improper that I did not do.

The Speaker: I do not agree with that Honourable Minister. Please proceed, Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

This situation with the Lazzaries, they could not use the pathway they were using anymore. The person who nailed the spike 20 feet up on the face of the Bluff, got a court injunction and the court - never going to the site or seeing, or knowing what it was all about - said, "Yes, these people own 20 feet up on the shear face of the Bluff and you cannot walk across that strip that is Crown Land everywhere else, anymore."

To reach the face of the Bluff, they must walk far above where their home is and take another road that goes up the face of the Bluff westward. The people are old, Madam Speaker. My colleague and I, the First Elected Member for Cayman Brac and Little Cayman, discussed it many times, for we get representation very often. All Members of this House, at one time or another, I believe, have gotten representation from this couple, asking if there is any way they could help.

My colleague first mentioned it to the Minister, asking if there was some way they could help because what they are trying to do is to carry on a little agricultural business - that is how they earn a living. They climb the Bluff, milk cows, bring it down, bottle it and sell it, for an amount, I am sure, much less than the Minister for Education sells a paradise plum in his shop.

So, we talked to the Minister for Agriculture and he said that he would like to have something in writing. I talked with my colleague and said let us try to put something in writing so that he can look at it, maybe there is something that he can do to help. And I want to read the letter. He read it, but he read it and I noticed that when he got to certain parts he began to mumble and it was not very clear. I have a big voice and I want to read it to emphasise the proper areas. It is written to the Honourable John B. McLean:

"Dear Sir:

"We write subsequent to our conversation, Kirkconnell, McLean and yourself, concerning the possibility of assisting Mr. and Mrs. Leon Lazzari to gain improved access to their land on the Bluff to tend their cattle.

"As you are aware, there has been a long standing contention concerning the question of access up the face of the Bluff and over Crown Land along the foot of the Bluff which Mr. and Mrs. Lazzari have been walking for most of their lives but which has now been legally restricted by the Court.

"Both of these people are senior citizens and are gradually becoming less able to climb the cliff than before and because of age will, in the foreseeable future, have to cease altogether. [That is going to happen one day to the Minister for Education, although he does not believe it.]

"If an agriculture access road could be created which can offer them an alternative route, this would provide significant assistance to their lives. [They tell me they have arthritis, they wake up with pain, but still they go. AN AGRICULTURE ACCESS ROAD, there are such things in this country in fact, in this year's Estimates there is such a vote that provides for this, as well as in last year's budget.]

"If you would designate an amount from the Agriculture Development vote, 52-109, or such other vote as deemed fit for this purpose, it would be appreciated and supported by ourselves."

Naturally, we want to. We are hearing now, from the time of the Finance Committee that it is going to be the Minister and the Elected Members of Executive Council who are going to decide from henceforth what is appropriated on the roads. So who do you write to? Not to ourselves, and not to the Finance Committee, it now becomes the Minister's prerogative. So we were banged on.

"It would help to resolve a long and unhappy state of affairs for these two residents in the ongoing effort to earn a living and to play a part in the agricultural development in Cayman Brac through cattle rearing."

That is the truth, Madam Speaker, and it is signed by the First Elected Member, Capt. Mabry Kirkconnell, and myself. That is the truth - simple, plain truth - and I do not have anything to hide from anybody that that was done. As for a Motion to censure what this Motion is doing wrong in relation to this, I never thought about it because the two are separate and apart.

Of course, it is left to the Minister for Roads if he decides that there will be an access road or not and where it will be put. The only point made by myself and my colleague was that if in putting an access road in that area, it could get them to their land a little bit easier and ideally it would be big enough (normally 12 feet) so that their son might be able to drive them there in a car and drop them off. This couple sleeps (at least one person does) on the Bluff because it is so hard to walk back and forth each day. I do not have any apologies to make for that and

that has no relationship other than the twisted, deceptive attempt by the Minister for Education to try to make one.

Now, he talks about the letter from Roy Bodden, asking for certain roads in Bodden Town from as far back as November 1990 - about four years ago. There is no doubt in my mind that he will do anything, that is the Minister for Education, to try to misrepresent things when he would have a particular point of view put forward.

I have no knowledge, personally, about this letter that was written, but I see it here and I believe that it is a genuine copy of a letter that was written because I see it is signed by Roy Bodden and Haig Bodden, and at the time it was written to the Honourable Linford Pierson. I would not go into reading it again, but it was certainly asking for the patching of these various roads. It refers to the District Visit Summary Report for they may say anything they wish about the former Minister for Communications and Works, Mr. Linford Pierson, and I am not here to make any attempt to speak on his personal behalf, or, indeed, to attempt to refute some of the vicious allegations I have heard made by the Minister for Education.

But I will say this—and I know this to be the truth—I do not know of a time when that former Minister was doing anything in any district, that he did not write (if he did not write, he made his Permanent Secretary do it) inviting every single Member of this House to go to see whether it was a farm, cows, or whatever. I can personally say that many times I deliberately did not go because at that time I was among people that would accuse me of being too nice to him and we should not go along with that and that I should not turn up. Many times I deliberately did not go, but it was not that I was not invited. Sometimes when there were examinations of farms they would get a bus and everybody, from morning to night, stopped at each one so that everybody could see and everybody could hear. Visits to the districts? You bet your life that he made sure every MLA was there to show him what they believed should be done. I am not saying that he always did all that was requested. The point that I am talking about is the way the man managed the Ministry at that time. That is more than can be said now.

I can look at about three of these roads here in Bodden Town where no work has been done. I but make the point that four years ago, the now First Elected Member for Bodden Town (and he was also then) made a request on behalf of certain people who had obviously made requests to him.

The Executive Council, of which Mr. Linford Pierson was a part, did not sit down and by proclamation (or however they did it) say we are going to fix 41 private driveways - not even in George Town. I think there is much that could be said for that particular attitude towards things.

The Minister for Education then went on to trumpet about a request for a road to be called the Roy Bodden Road. Now, if it is not a deliberate perverted act to attempt to give the impression that there was \$130,000 or \$150,000 (whatever it was) requested by Roy Bodden

to do his own road, I would like to know what is the truth. I happen to know this much about the road that Roy Bodden has his house on - it must be almost two miles down in an area known as 'Look-out', and he went there to live by himself when he went there many years ago. I happen to know that R. Selkirk Watler sold him the land and R. Selkirk Walter put that road down in there. I also know that he started driving a pick up truck then and he is still driving it because it had to take that type of vehicle to get over that road. But, he went to live there. I often asked him if he was crazy or what, was he quitting civilization or what? That is where he chose to go.

That road was tagged by that name by the PWD (because there is no such road) simply because the man had a house there. What caused the Minister for Agriculture to act to put some fill in that road was because Mr. Harvey Stephenson has one, as far as I know, of the biggest farms in the Cayman Islands on the other side of that road opposite it. It was a matter of getting access for trucks taking out produce, cows et cetera.

Mr. Roy Bodden: *[interjecting]* True.

Mr. Gilbert A. McLean: But, you know, people can be nasty, dirty and down right vicious. I have got to say that the Minister for Education is the 'Taskmaster'.

Mr. Roy Bodden: *[interjecting]* It is a good example. True!

Mr. Gilbert A. McLean: He spoke about me attacking the Minister for Roads, the present Minister, his colleague. I am sorry that he is not here today because anything that I have to say to any Minister of Government, I like saying it to his face. Anything that I have to say, I say. Surely, what I have to say on behalf of the people that I represent, I make sure that I say to their faces and more particularly, I like to say it here in this Legislature where the whole world is hearing it.

I would not try to go to pick and to impute to all of these good law-abiding citizens of Bodden Town by reading their names off here, and I would not try to raise the names again where it has been imputed as if they were in some kind of cahoots with their two Elected Members to get the Government to do something that it should not do.

I am sure that a number of those who are on that list listen to the radio and these broadcasts, and I will tell the Minister for Education one thing, they might not sport 10 degrees behind their names, but they are some of the sharpest people that he will ever meet in his lifetime. They will hear what he has to say and they will know why he is saying it, and what he is imputing about them, and I am going to make sure they listen to the radio because I am going to call them this evening and tell them to listen. I did not attack the Minister for Roads. I pointed out that the Minister for Roads has been dodging, considerably, making statements about roads. He leaves it to his other colleagues and it lies squarely on the person who has been assigned the subject of roads—the Honourable

John McLean, Minister for Agriculture, Communication and Works. He has to be the lead man, although it seems like the Minister for Education has taken that away.

Madam Speaker, whether Mr. Linford Pierson did the same thing, I do not know. If it is the case, I am certain of one thing: If he or any of his three colleagues had attempted to sit down and approve 41 private drive-ways in any one district, by God the political pressure that was on them between 1990 and 1992, they would have really had to resign on that one, even if Motion 3/90 did not get them, so it had to be less.

The Minister for Education said suppose someone dies because it is a bad road. How on this earth is the Government going to assume the liability for every citizen here in our country that has a road that the ambulance or fire truck cannot get to? What an insane piece of argument! Incredible!

I cannot speak about any marl either for Josie Solomon, or indeed, for Rosedean Jackson. There were more allegations about persons whose names were bantered around in here. Surely, one of them is well up in age and if a request was made from a humanitarian point of view, and I am aware that there are instances in Government (and it has been for many years from the 1970s) where if there is a humanitarian ground and it is half a truck of fill or something that will prevent an old person from breaking his leg in a hole, that PWD, particularly if they are working in that area, will be told to put a few shovelfuls in it. I know that. So, I would imagine that this was something similar.

They too, will make up their minds about what the Minister for Education has to say about them. He talks about roads—that there are three types of roads, and that I, along with my colleague the First Elected Member of Bodden Town, stupidly brought this question up here, when he imputed that we are basically dumb.

I want to tell the Minister for Education that his biggest problem with me and the First Elected Member for Bodden Town is that we are not dumb, that we do not sit down in this House like dumb-dumbs and swing out legs and swing in the chair and say nothing. We ask questions, we bring Motions, and challenge what they want to do when clearly it is wrong. We are not given to grinning like hyenas, like I see here in a certain sector speaking in the House on the other side. That is his problem. If I and the First Elected Member for Bodden Town were dumb, he would simply love that. He would love it if we were brainless dumb-dumbs that did not know and did not have the gumption to speak up on issues; did not have the guts to represent the silent majority who are out there afraid of what he and his colleagues are doing in many instances. Then he would think we were the greatest people in the world.

He still goes on in this matter of bringing questions and Motions to this House, the audacity of this Minister, about wasting the time of the House and that we bring stupid Motions and questions and so on here to the House that are not thought out. He would love if that were true. They are all thought out and they all irritate

him just the way he would not like to be irritated for he seems to labour under the belief that he is someone *divine* among us - that he has it all. He sits here and tells me that he recommends that I withdraw the Motion, like a few days ago when I moved a Motion about expunging certain things from the record to make the record right. Me? He is talking to the wall when he is talking to me on issues where principles are involved and where right is involved over wrong.

Mr. Roy Bodden: Hear, hear!

Mr. Gilbert A. McLean: I do not, for one minute, believe that the Financial Secretary does not look after the funds of this country. But I will say one thing to the Financial Secretary, and to all the people in the Finance Department: they have to look even harder with someone like the Minister for Education around because he will try to look around them for ways around them, it seems clear to me, and if he says it is so—it is so!

He went on to say that we were asking the Minister for Agriculture to take money from Agriculture when we should be trying to be promoting it. What a twisted, perverted statement! When the point we are making in the letter to the Minister for Agriculture . . . maybe we should have written to him; maybe he has taken that subject too is talking about the efforts being made by this older couple for agriculture.

He said that the requests for roads going on in West Bay went back as far as the 18th of April, 1990. Then he went on to impute that Mr. Roy Bodden was shrewd enough to get Mr. Linford Pierson to gazette this road that he is calling the Roy Bodden Road and, again, the implication was that he was trying to con someone into doing this for his (Roy Bodden's) own benefit. He is right about these requests, from far back in 1990 and 1991. In the minutes of the Finance Committee of 4th of November 1991, Mr. Linford Pierson was then Minister for Communications, the now Minister for Youth was asking questions of Mr. Pierson, where he says, and I quote:

“Mr. W. McKeewa Bush: Thank you, Madam Chairman.

“On Friday when I received this paper I asked Mr. Tatum of the Portfolio of Communications and Works to bring along some proof of gazetted rights-of-way making these roads public roads. I am wondering whether that has been done.”

Those people who requested and who have obviously seen that private roads have been done were questioning Mr. Linford Pierson about whether the roads were private or gazetted which then made them public roads.

Mr. Linford Pierson replied: **“As regards to Goemer Drive, that is an existing public road that requires major repairs.”** He spoke of various roads.

Then Mr. McKeewa Bush came back and said: **“Madam Chairman, I believe the Member said that two were existing public roads. He might have men-**

tioned that **Mary Reed and Annie Bonnie Crescent are existing. Are they all gazetted, is my question ?**"

The reply from Mr. Pierson was: **"Yes, Madam Chairman. All those referred to as public roads would be gazetted roads."**

Mr. McKeeva Bush still oppresses the Minister: **"You said Mary Reed. To get it absolutely clear, Mary Reed and Annie Bonnie have been gazetted?"**

"Hon. Linford A. Pierson: Yes, Madam Chairman, that is my understanding."

"Mr. W. McKeeva Bush: Madam Chairman, why I am asking this and I note that at least two of them are old roads; here of late whenever we requested some of the roads which we submitted for West Bay, the excuse was that they were not public roads or were not gazetted and needed work done and "horse fat and cow dead" Madam Chairman, I have been requesting some roads that are existing roads that should have been fixed and I want to bring to the Member's attention again Willow Close Road, Captain Shelby Road, Buddy Parsons Road and Juniper Street."

Madam Speaker, it is right, they have been in the works for quite some while. But it is also clear that the Minister of the day was making it clear that these were private roads and that the roads where Government did repairs should have been public roads.

The now Minister (the then Mr. W. McKeeva Bush), went on to name some roads. They were: **"Autry Powery Road, East Park Road, Irvin Rivers, Charley Welds, Kivy Ebanks, Mae Scott, Touslon Ebanks, Arnie Ebanks, Elford Ebanks, Birdell Ebanks, Gwen Bush, Madam Chairman, these are homes which at least five of them ..."** Yes, these requests were in for a long time, but the then Minister would not take the public funds to put these driveways in. This Government did it. Mr. Pierson, on being further grilled said: **"As regards the gazetting that is required, I am informed that this is now in the process and hopefully, depending of course on the budgetary constraints, we will be able to take care of as many of these roads as possible during 1992."**

Madam Speaker, there was a Motion moved by the now Minister which has the long list of names of the very roads that have now been done with Government money. A Motion was moved to that effect for these roads to be done. It was Motion 6/92 - West Bay Road Work Programme. This is what is the result of it now. No other private driveways in this country, obviously, need to be done, but these need to be done.

The other requests from other districts are to be sanctioned or disapproved, but Executive Council can sit down and approve these for West Bay. You know, the Minister for Education has talked about me being hypocritical. He has said some of everything in regards to me in this House, but this matter of roads is something which a lot of gums have been beat up over. As early as the first meeting in 1993, let me read some of the comments from Members of the newly formed House on the 11th of March, 1993. Mr. Haig Bodden said: **"I just used this**

illustration to show that the Government is looking at projects and doing them on their merits and is no longer paying somebody to vote." This is talking about roads. I wonder if there is any pay to anybody to vote, with what has occurred this time around.

On the 15th of March, the Elected Member for North Side made this statement: **"The other matter I will mention here is that when I look through the Estimates for 1991 and 1992, and I see the amount of money that has been spent by the Government on roads to subdivisions. I hope that this money was not spent at the last minute during 1992, to obtain votes for the General Election. I hope these roads were in genuine need of repair and construction. I hope that these roads were public roads."**

"I hope that in the future, when monies are being expended on roads of subdivisions, we will make certain that these roads are public roads and not just private roads."

"On a number of occasions I tried to get roads repaired in the district of North Side. Roads which were leading to someone's home, or three or four homes may have been on that road, but I was told that it was a private road and the Government does not upkeep private roads." [Official Hansard Report, 15 March, 1994]

That is a whole lot of cheers for the last Government who has been accused of everything on the earth. Obviously, doing private roads was not their bag, but it sure has changed at this time.

To shed a bit more light on this matter, there was a question asked by the Second Elected Member for Bodden Town, also in 1991 (question 110): **"Can the Honourable Member say at what stage does the Government assume the responsibility for roads and street lights in a subdivision which has been privately developed?"**

Mr. Linford Pierson answers: **"Government assumes road work maintenance for subdivision roads by letter to the developer when the road is constructed to suitable standards. Street lights are installed as the area develops and funds are available."** That gives a little peek into the truth of the past.

I will read what was said by the now Minister for Youth when he was debating the Budget in 1992 where he actually got a suspension of Standing Orders so that he could go on for almost eight hours. He says:

"I have two minds before I am finished in this debate and I will make up my mind tomorrow morning whether I will move that Censure Motion that I have been talking about for so long. I might just move it. At least that would have them all here in the Chamber [most of them are absent today, too]. I will tell the world that if I move that Censure Motion tomorrow morning it will not be against Tom Jefferson, Richard Ground and Lem Hurlston." [Of course, I make it clear too that this Censure is not against the three Official Members, it is squarely on the Elected Members, just like the Minister did in 1992.] **"It will be against Norman Bodden, Benson Ebanks, Linford**

Pierson and Ezzard Miller and the Member for Cayman Brac because they are responsible for what is happening here. They have let this country run aground." [Official Hansard Report, 2 December, 1991]

Madam Speaker, he also says here: **"It is time that this sort of rot be exposed in this country and I am not done with it yet. They can throw all of the red herrings in my path but one thing I have always been is strong on my legs and they are not going to stop me. We need to do something to clean up this country. Corruption in high offices, that is what we have."**

I wonder if any of this is appropriate to these times. I wonder.

The Minister for Education talked about certain roads in Cayman Brac. I personally know that road works would have often been done in Cayman Brac, but the necessary gazetting was not in place and it seems that for one thing or another there was always some hold up in getting them gazetted. District Administration would send down the list as they were requested to do and there was always some hold up with it. I am not here to say that there may not have been some road there that was widened or that had fill put in, or it may even have been sprayed and chipped, and not gazetted. I cannot say, for that was not my duty.

My duty was to make a request where I saw a request was necessary to come here to support the voting of the funds and it was the business of the District Commissioner and the Minister of Communications and Works to see about that. So the names of the roads that he was reading I cannot answer to.

When he talks about the Peter Bluff Road, and Charlotte Bluff Road, he can mark it down that for years I have been attempting to get the Government to do something about them. And indeed, something was done in the last year of the last Government, as I recall—when those roads were widened and they went into the interior of the Bluff into grasslands and agricultural lands.

Peter Bluff Road was for various purposes—as was stated by the officials who were associated with agriculture (some of whom still are), and Charlotte Bluff Road is one of the main Bluff roads that goes from north to south and only the south side was done where the most flat lands are.

So, if he wants to sing a song about that he can feel free to do so. I certainly try not to deny anything about the effort I have made to have that road gazetted. Government undertook to do it and I dare say, not by myself alone for I could honestly say my colleague, the First Elected Member for Cayman Brac and Little Cayman also did his share in bringing this to the attention to the Government of the day.

To the best of my knowledge and belief, these are gazetted roads. I simply note, once again, that it seems the Minister for Education would now try to take them away from Cayman Brac, even though they have been fortunate enough to have them.

He brought up one letter here from October 14, 1992, which was written to Erbin Adolphus Tibbetts, of Box 27, Cayman Brac. According to him, he was not go-

ing to comment on this. Well, I do not know if in his state of deviousness that he brought this up with the belief that this has some bearing on me, since I am married to a Tibbetts, and he believes that this is supposed to show some wrong doing on my part. But this gentleman has passed on, unless it is his son that he is talking about. All that this letter refers to is that apparently his property would be one of the parcels affected by this road. There were maybe a dozen or so such persons and it was telling him what his rights were under the Law. But, I suspect that is what his devious action was about. I can tell him one thing: This has no bearing on me because this man is his own man, and I am my own man.

He said he was not going to comment on that. That is how he does it- *weaselly!* Well, I commented on it for him and I will pass on to them the information that this letter was tabled here in the House and I will surely invite them to listen for themselves tonight. I take note at how the files in the Portfolio of Communication and Works must have been rummaged to bring letters of those files in here to show whatever he hoped would be something to damage the First Elected Member for Bodden Town. and me.

The Charlotte Bluff Road: Again, in 1992, the First Elected Member for Cayman Brac and Little Cayman and I wrote to the then Minister urging him, if he could, to do something about these two roads, as I am pointing out they were agricultural lands, and I am grateful that the Government so responded.

The Fourth Elected Member for George Town is asking me if I am sure these lands are not for my in-laws. I must tell you, not to the best of my knowledge. But, if you know they are, then you can make that statement public.

The misappropriation of funds is, according to the Minister for Education, where vast sums of money were wasted by Mr. Linford Pierson. It is my business whether I speak on any particular motion before the House, I speak on most and most people do not. But, they attempt to speak to me when I am speaking. So, the misappropriation of funds which he accused Mr. Linford Pierson, I cannot say if it is true. What I read in the PAC Report was that there were under-billings on three accounts: 1) supposedly by the former Member; 2) by the then Director; 3) the mother of an officer who worked in the Water Authority. Within that same report, there is a statement that there was no evidence found that any of the beneficiaries of that under-billing knew or agreed with that under-billing. They could only find the director of the Water Authority who knows, supposedly, and directed that it be done. I do not know if that is true either.

What I do know is true, is that as a Member of Executive Council—which the Minister for Education is, and he has been a former one too—when one alleges and makes statements as have been made here about the former Member, Mr. Linford Pierson, one would hope that it would be tempered to some extent since he cannot [come in here to reply]. I think there is a certain ethical situation there where one draws the line at a certain degree. But, as for his 'butchering' of him and Mr. Ezzard

Miller, he can go right ahead because, particularly with the latter, I do not think anyone can accuse him of not being bullish enough to respond. I dare say he will in due course, and so will Mr. Linford Pierson.

As for me, I still make no comment about the report other than what I have just made.

The Speaker: It is now 4.30, Honourable Member. Will you be finished shortly.

Mr. Gilbert A. McLean: Madam Speaker, I have about another half an hour at least. But, I will take the adjournment if you so wish.

The Speaker: Would the Honourable Minister for Education wish to move the adjournment of the House?

ADJOURNMENT

Mr. Truman M. Boddén: Yes, Madam Speaker, I move the adjournment of this Honourable House until 10.00 o'clock tomorrow morning.

The Speaker: The question is that the House do now adjourn until tomorrow morning at 10.00 o'clock. Those in favour please say Aye. Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10.00 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 16 DECEMBER 1994.

**FRIDAY
16 DECEMBER 1994
10.40 AM**

The Speaker: I will ask the Third Elected Member for George Town to say prayers.

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, Official Members and Ministers 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. Order. Proceedings are resumed in the Legislative Assembly.

APOLOGY

The Speaker: I have an apology from the Honourable Second Official Member who might be somewhat late in arriving at the sitting this morning.

Government Motion 9/94, Adoption of the Tourism Management Policy 1995 - 1999. The Third Elected Member for West Bay, continuing the debate.

GOVERNMENT MOTIONS

GOVERNMENT MOTION 9/94

**ADOPTION OF THE TOURISM MANAGEMENT
POLICY 1995- 1999**

(Continuation of debate thereon)

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

On Wednesday before we adjourned, I was dealing with the confusion created by the Opposition. They were saying that the present Tourism Policy was replacing the long term Ten Year Tourism Plan which was laid on the Table of this Honourable House in 1992.

I also took time out to review the two documents and the conclusion that I have reached is that the TMP has been arrived at as a result of the TYTP.

Tourism in the Cayman Islands has done very well over the past 15 years. In the TYTP, it mentioned that between 1979 and 1989 tourism growth globally grew about 4% per annum. Over that same period of time tourism in the Cayman Islands has grown on an average of 8% per annum. So we can see that tourism in the Cayman Islands was double the global average.

If we add 1993 and 1994 to those figures, we have had an average increase of approximately 20 %. So, tourism in the Cayman Islands is doing very well and there are a number of reasons for that. They are all outlined in the plan. But one of the key reasons is that we have a good environment here, a very safe environment, despite the attempts by the opposition to say that crime is on the increase. If we were to listen to them, Madam Speaker, we would never come out of our homes after dark.

We have a relatively safe environment. Like any place, one has to be careful. I am a Caymanian and I still adhere to certain precautions, I do not go to sleep at night with my doors or windows wide open. But our visitors to these Islands can feel safe. Tourists can walk the strip at all hours of the night and the chances are that there is nothing to be feared and that is very important. When you compare the environment here with some of the other tourist destinations, where we see security guards with machine guns, it is a bit intimidating. When one goes on holiday it is important to go an environment where one can relax and feel safe.

What has also been a very positive contribution to our tourism industry here in Cayman is the quality of tourist facilities that we have. We have three diamond rated hotels, as well as first class accommodations offered by the condominiums in this country. This is very important. But the point that I want to make is that a year ago the Opposition, that is the two in the House, plus the extensions on the outside, have been criticising Government, talking about the unemployment situation.

During my contribution on the Budget Address debate, I was able to show that unemployment in Grand Cayman was down to a very minimal figure. When we took over in 1992, I recall Government asking the Labour Department to go out into the Districts and invite people who were unemployed to register. As a result of

that exercise over 1,000 people, Caymanians were unemployed. As at the end of September, which was the period my latest figures covered, we had something like 148 people unemployed, of which 84 were Caymanians.

One of the objectives of the Tourism Plan here in this country is to cater to the upscale market as far as the calibre of visitors is concerned. But that creates a problem in that in order to attract this type of visitor to our Islands, we have to have the right facilities in place. We need another Hyatt-quality hotel in this country. That is the reason why the present Minister for Tourism has pushed so hard and has been successful in finding a group of investors who are prepared to build (and ground has already been broken for it) a Marriot Hotel, a four or five star facility.

This is very important because if we check out the occupancy rate at the Hyatt, they are probably ranging between 80% to 85% or 90% all year round. There are not many extra rooms there, regardless of what time of the year people come. So we need another first class facility.

But the Opposition had to jump on this too, including the Fourth Elected Member for George Town. The question they ask is. Who are we developing for? It is obvious. We need an additional first class hotel in this country if we are going to pursue the Tourism Plan objectives, which the Fourth Elected Member for George Town supports when he went on and on about this TYTP. That is exactly what it calls for.

As a matter of fact, one of the recommendations of the plan is that it recommends that we build at least three additional - three diamond calibre - hotels in this country. That is the plan that was established by Coopers & Lybrand. The same one that the Fourth Elected Member for George Town, the Second Elected Member for Cayman Brac and Little Cayman, the First Elected Member for Bodden Town [support].

The present construction of the Marriott Hotel is in line with that. I also understand that Government has plans in place, and they already have a developer, to put in another first class hotel facility in one of the Eastern Districts - I think the district of East End, where my colleague controls.

So it goes along in keeping with the plan. That is why Government has recommended and assisted with the construction of another first class hotel in this country. The other thing that this does is take care of unemployment in the construction industry and it makes me feel good to drive by there in the morning and see Caymanians who were looking for jobs on that site now because they were able to find a job:

One of the things that I think we need to do as far as construction is concerned, is to weed out the number of foreign contractors who are out there competing with our Caymanians. They are making it very difficult indeed. That is, some of the larger contractors as well as what my Colleague from West Bay referred to as anybody with a wheel barrow and a shovel. We need to start putting in place, and this is where management comes in, controls with regard to licencing of contrac-

tors, especially in the construction industry.

The Fourth Elected Member for George Town had a lot to say about training. He emphasised the present lack of training which is being made available to our people. But that is not as a result of the present Government. I recall during that the Government of 1976 - 1984 had put in place the Hotel Training School and I recall people who were interested in being employed in that industry attending those classes where they could be trained and qualified as bartenders, front desk officers and even in management. They even had a marine section also established where people could go and be trained in engineering and some of the other services that are water related. But one Government came in with the attitude to overturn everything that the previous Government had done and they squashed it. Now, the present Government is working towards putting in place a proper training programme for Caymanian in this country.

I know the Minister for Community Affairs is the Chairman for the Manpower Development Programme. That programme is geared towards the professions side of things, the banks and trust companies, the accounting firms and all the other businesses in the Financial Community. There is going to be an assessment of where Caymanians are, what the labour requirements are in this country and from that information we will be able to put in place a proper labour programme where maybe every two or three years we call the employers in and ask what are their requirements for labour over the next three years and get that information. We can ask how they intend to replace the officers we are presently issuing work permits for over the three year (or five year) period of time. There must be a programme in place. After the three years that those permits are granted, there must be monitored and a review over that period of time. So that at the end of that period we can assess where people are with regards to training to ensure that they can take over those positions once the work permits have expired.

I think we are going to have to take the same approach (and I am aware that the present Minister for Tourism is working on that) with regard to the Tourism industry. The Tourism Development Plan does emphasise partnership arrangements, for co-operation between Government and the private sector. The plan is that we will arrange with one of the large hotels whereby a classroom setting where people who are interested in being employed in that industry can attend classes and do part-time work at those facilities to get the necessary experience.

What is important for us to do, to ensure that we have Caymanians that we can train in that area, is to provide certain incentives. I recall the 1976 to 1984 Government again, when they had their training programme in place those persons who were enrolled got a stipend each month. They were paid to attend classes and get the necessary training from which they would be able to earn a decent living. We have to take the same approach.

One area that concerns me is the age group between 15 and 29. Every year we are invited as Members of this House to attend the graduations of the high schools in this country. Every year we probably have 400 to 500 students coming out of high school. Many of them are not coming out with the basic skills where they can go out there and find employment.

If we do not employ that group, of young people, we are going to have problems in this country in the future. All we have to do is drive down Eastern Avenue at 11 o'clock on a weekend and you will see exactly what I am talking about; people are congregating in that area just looking for trouble.

We have to find a mechanism by which we can attract them into these programmes and ensure that they get a qualification in order for them to earn a decent living in this country.

It is not going to be easy, but I believe with the Government and private sector working together it can be achieved. There is no doubt in my mind about that. That is very important because we depend so heavily on foreign resources, human resources, to fill many of the jobs in this country and if we have Caymanians who cannot find jobs and some of those who are not interested in finding a job. But they see people in this country walking around employed, making a decent living, that is bound to create resentment. And that is a problem that we have never had in this country and it is essential that Government and the private sector work together to ensure that that type of resentment or attitude, does not develop to any large extent in this country. It is the one thing that has set us apart from all the other tourist destinations that compete with us. Our people have always been warm and they have always welcomed people from the outside. With the continued dependence on tourism it is important for us to ensure that that attitude continues.

Some of the comments that we hear from visitors, and it is natural if I go to Jamaica to a tourist facility, I want to be served by Jamaicans. That is one of the comments I hear in the Cayman Islands: "We are in the Cayman Islands, but we do not see many Caymanians in the tourist industry."; "Not many Caymanians are waiting on us as waiters", or waitresses or bartenders or middle management or management." We have to ensure that this trend changes because there is no one who is able to promote the Cayman Islands like Caymanians.

So Government is moving ahead with regard to training to ensure that our Caymanians continue to benefit from the success that we enjoy in this country. I also believe that the hotels have to do more and have to have more of an interest, a genuine interest - not Government forcing them to do it (if Government has to force them to do so I guess it will). It would be much better if they had a genuine interest themselves and see to it that they go out there and find Caymanians who have the potential to be trained and expose them. We have a few multi-unit facilities in this country, like the Hyatt, the Radisson, the Holiday Inn, they have units all

over the place. What is important for those facilities to do is identify certain Caymanians who have the potential to move up and take the initiative to see that these young people are exposed to every area of tourism. And also see that they get some outside exposure by transferring them to one of their other destinations where the young person can be exposed to another environment. They will then be in a position to really appreciate and enjoy the kind of environment we have here in the Cayman Islands.

What is also important, as far as tourism is concerned, and we are talking about managed tourism now - we could go out there and spend \$12 million a year and take a shotgun approach to tourism and probably have twice what we have by way of stay over visitors, but that is not what we are after, is to attract the type of tourist that we are catering for, that is, upscale tourists.

I think we even have to make certain conscious decisions in the cruise ship industry. It is all right to say we have 70,000 or 80,000 cruise ship passengers visiting the islands. But the question has to be asked: How much do we benefit from those cruise ship passengers? There are many different cruise lines, different quality lines, and I think what the Cayman Islands should do is go after the premier tour category. The majority of the cruise ships that call presently at the Cayman Islands are the standard peanut butter tourists that come here.

I believe it is important to make conscious decisions in this area. Also we should limit the number of cruise ships that we allow to come here on a daily basis. Maybe we should also look at the possibility of spreading them out over the week, rather than concentrating them between Tuesday and Thursday each week, which causes a lot of congestion in downtown George Town.

The other thing that I want to add in regard to the Cruise Ship industry concerns what the Fourth Elected Member for George Town said about moorings. He raised the issue of permanent moorings in West Bay and it was his attitude that we have already destroyed Hog Sty Bay, and there is also some damage at the Spotts landing area. So if we are going to put down permanent moorings it should be in those areas. I support one area, that is the Spotts area, but I believe that we need to encourage, as much as possible, the cruise ships by developing other facilities like the Spotts landing and the West Bay landing. That is going to be done. The Member was a bit misled by saying that in West Bay we have the majority of the Dive sites. But he thought permanent moorings in that area would destroy the dive sites. That is total nonsense.

It is my understanding that these permanent moorings would be in about 1500 feet of water. We do not have too many people who go down to that depth, so we would not be destroying any dive sites at that depth.

The idea of tenders passing over these dive sites on their way to shore to off load cruise ship passengers, that is not going to cause any harm. What causes harm is the dive boats in those areas on a continuous, daily basis that carry hundreds and hundreds of

tourists to those areas where they break off the coral and take some of the other natural resources that we have.

I do support the permanent moorings, I believe that is the way to go at the present time. The idea of docking facilities for cruise ships is a little expensive and I am not sure how much the benefits would be compared to the investment required for that kind of facility in this country.

I must also add that it is important for us to establish additional tourist attractions in this country. For about a year I was also employed in the transportation industry and I did a lot of tours. But the attractions that one can take visitors to see in this country are limited at the present time. I support the Government and I support the idea on the Ten Year Tourism Development Plan to invest some money to develop some additional tourist attractions, like the Queen Elizabeth II Botanical Park, the Pedro St. James Castle. We are presently looking at adding an aquarium at the Turtle Farm as an additional attraction. The Salinas National Park is also one of the other attractions that Government has in mind to develop. Also mentioned in here is Sting Ray City.

Let me make a few comments with regard to Sting Ray City. Sting Ray City is probably one of the major attractions that we have at the present time. What concerns me is the number of inexperienced operators who operate in the North Sound with regard to offering tours to Sting Ray City.

I recently heard a few horror stories. I am a 44 year old Caymanian, but let me tell you if there is one area that I have respect for as far as boating is concerned, it is the North Sound. In that area, unless you know exactly where you are going, one can run into a lot of problems. That is what is presently happening in the North Sound. There are foreign operators who do not know the waters and rather than trying to find a Caymanian to employ as a captain to ensure the passengers are safe, they are bringing in people on work permits who probably just arrived last Friday and they put them in the boat on Monday. They are running into shoals in that area.

I was told the other day that one boat, I think the outfit is named *Big Mama*, ran up on the coral with a boat load of visitors. This is one area where I believe Government really has to step in and put in place some controls for the safety of our visitors.

That is an important part of the whole tourist product or attraction - safety. Not only a crime free environment, but a safe environment as far as the divers and boat operators are concerned. I believe that we need to pay more attention as to what is going on in the North Sound.

One of the recommendations of the Tourism Development Plan was to also limit the number of water sports operators. I support that. From now on, only Caymanian, and I am talking about 100 % owned Caymanian companies should be allowed into this industry. I also believe that when we do facilities such as large ho-

tels, we should not provide all inclusiveness where they are allowed to provide all the services; be it dive services, Sting Ray City Tours, you name it. That is the Position that we now find ourselves in. Most of the major hotels offer an all-inclusive service. What would be a better situation is where they have to contract with Caymanians who are employed in those areas to provide that service.

There is a definite need for additional tourist attractions in this country. For some time now we have been talking about diversifying our tourism market. At the present time 80% of our visitors to these Islands are from the United States. We do welcome visitors regardless of what destination they come from and we do appreciate those Americans who choose the Cayman Islands for their holiday destination.

The old saying goes that when the United States sneezes, the Cayman Islands catches a cold. I believe that it makes more sense for us to continue to promote that market, but to also look to promote visitors from other markets such as the European and Asian markets. I am aware that Government does have plans in place. It started its campaign of promotions in Europe and Japan in order to attract visitors from those areas.

I must congratulate the present Government once again for the achievements that they have been able to accomplish in this area because I think it was just last week when we, for the first time in the history of these Islands, had direct flights from the United Kingdom. This is very good because it puts us in a much better competitive position, not only tourist wise, but business wise, with some of the other destinations that we compete with. For example, in the Bahamas, they have direct flights to the major European cities and this is very convenient because a visitor or a businessperson can get on a flight and fly direct to the Cayman Islands.

I also understand that in May of next year, British Airways has plans of introducing weekly scheduled air service to the Cayman Islands. This is very positive.

Despite the comments that I heard this morning from the former Minister of Communication and Works who is sitting in our gallery, this Government has done a good job and has realised some very impressive accomplishments.

What is important is to not only diversify the market for our visitors, but to also diversify the tourist product by offering more attractions. We will then have people who are prepared to stay a little longer. The longer people stay, the more money they will spend. I understand the latest figure as far as tourist contribution to the Cayman Islands is around \$300 million per annum. That is a lot of money.

It is also important for us to take care of our environment. I have been privileged to visit many of our Caribbean neighbours, and there are some very beautiful islands. I have not been to any that I would exchange for the Cayman Islands, be it the physical environment as far as that in which we live, but also the marine environment.

We have become know world wide as one of the premier dive destinations. It is important for us to continue to control and promote that side of the tourism industry because it brings in a lot of revenue to this country. It is important for us to ensure that our marine parks. The marine parks were established by one of the previous Governments, that I support and congratulate, when they established the Marine Parks Conservation Law. But, I believe that Government has to spend more money in this area as far as employing additional persons to properly and adequately patrol these marine parks - based on a 24-hour basis. I understand that we have poachers who go in there early in the morning and take out lobster, conch, fish and anything else they can find in those parks. If we are going to continue to allow this to happen then we are going to have problems in this area.

I also believe that we need to control the number of persons that we allow to visit any of our dive destinations on a daily basis. With all that activity and with visitors being as curious as they are, breaking off coral and all the other things, it will not be long if we are not careful before we lose the marine environment of which we presently are so proud.

In order to accomplish all of this, it is very important for us to have a proper marketing strategy. I must congratulate the present Minister for Tourism and the Government for the changes, which they have put in place over the past two years with regard to promoting the Cayman Islands.

Just a few months ago we were invited to the launching of a new tourism campaign entitled 'Ours and Yours'. The theme of that campaign is promoting more of our people through brochures, videos and whatever medium that can be used so that people get the right impression of our people when they visit these Islands. Prior to this time there were very few Caymanian faces displayed in brochures, on television and in other media used by the Cayman Islands. It is very positive. The display that they had at the Hyatt of the photographs that were taken of Caymanians was a *very* good cross section of these Islands.

One of the strategies of the present Government is niche marketing, gearing their marketing dollars to a specific calibre of persons. Like I said, the results for 1993 was over a 20% increase in tourism compared to the year before and this year is probably going to top the 20% mark compared to 1993.

I believe that tourism is in good hands, that the present Government must be congratulated for the accomplishments that we have seen in all areas, turning around the financial position of this country which is where it all had to start; addressing some of the social needs that we have in this country; addressing sports needs in this country which had been so neglected over the years; and also recognising the tourism increases which we have seen over the last two years.

I believe it is important for us, regardless of what side of the floor we are on (Government or Opposition) to ensure that we work together to promote the

Cayman Islands as a safe and friendly destination. When the Opposition gets up and talks about crime being on a rampage, someone reading that headline will come up with the wrong conclusions. After all, regardless of what side of the floor we are on we are all Caymanians and our objective should be to promote those things that are in the best interest of our country and our people.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

MOTION TO ADJOURN THE HOUSE

Hon. W. McKeever Bush: Madam Speaker, under Standing Order 83, I move to suspend Standing Order 10(2) for the House to be adjourned for a date to be fixed.

The Speaker: Would the Honourable Minister speak further to that Motion?

Hon. W. McKeever Bush: Madam Speaker, we have been here quite a long time and I know that I am going to get some quarrel, but the Government has important matters that are being passed by. I think that we have spent sufficient time here doing what we are now doing, which is just talk. People are under duress, not only this Legislature, but all the Ministries including that of the Official Members.

I hope Members will agree, we are not leaving anybody out the Opposition can reply to their Motion in the New Year, as will the Government on their Motion.

The Speaker: I would like to draw the Honourable Minister's attention to Standing Order 83 which states: "Any of these Standing Orders may be suspended at any time with the leave of the House for a specific purpose ..."; and also we have Standing Orders which say that unfinished Motions (we have two which will not have been finished) which would have to be brought back *de novo*. That means that a period of six months would have to elapse before these Motions could be brought back.

Hon. W. McKeever Bush: Madam Speaker, they would not have been completed. So the six-month qualification would not stand because they would not have been completed.

The Speaker: I think it does, Honourable Member, because the effect of prorogation of the House is that any business which has not been finished must be started over again, that is the effect of prorogation, and we have had no amendment to our Standing Orders to that effect.

Hon. W. McKeever Bush: As you rule, Madam

Speaker.

I move for the suspension, as I stated earlier. That Motion stands, the House can vote on it if they please.

The Speaker: I will have to put the Motion if there is going to be a debate. The Motion is that, under Standing Order 83 (which provides for the suspension of Standing Orders at any time for a specific purpose) that Standing Order 10(2) be suspended so that the House can adjourn until a date in 1995.

The Motion is open for debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I cannot support that Motion for the following reasons:

We are the people's elected representatives sent here to discuss the business of the country and the people's business. Which is what we are doing. The Government [Ministers], often like to tell the Opposition that they are not successful because they have no business is now suffering as a result of their running mouths.

We have two important items of unfinished business. We should finish it and it is a pity that the Honourable Minister did not realise that what he has done now is carry the House into a direction where every Member is going to speak on this, further delaying the process. If he had allowed the Motions to continue we would have been well on our way to winding up.

I reiterate, Madam Speaker, the parliament takes precedence. It is from this point that we set the tone and make the policies for the Government to carry out. This is the most important institution in the country and we should not delay, postpone or cut short its business. I will not be supporting it. Thank you.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I rise to seek some guidance on the Motion as I hear what you said when it was initially moved. If what you are saying holds, then I think it would be wrong for us to take a vote. Maybe you could clarify that position for us before we go on any further.

The Speaker: I am not sure that I understand what the Member for George Town is getting at. I thought I made it quite clear when I read from the Standing Orders and said that under the principles of prorogation of the House any matters which have been left outstanding must be started afresh. I think that is what I said.

The Fourth Elected Member for George Town, continuing.

Mr. D. Kurt Tibbett: So if I may - and I am sorry about it, but I just want to make sure that I fully understand - we are saying that the House is suspended now, both these Motions will have to start afresh? Is that correct?

The Speaker: That is correct. That is what I said.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I just wanted to make sure of that. That being the case, I certainly cannot support the Motion to suspend the House. I think from every indication it is very possible that the business of the House might be finished today. We are now at the hour of 11, and to suspend the sitting would have saved a mere matter of a few hours to reconvene again in January will certainly carry on for many days. So I do not see the validity of the point. I certainly will not be supporting the Motion.

The Speaker: The Second Elected Member for Cayman Brae and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker. I have long given up ever being surprised by what the Government does or what it suggests to be done. The suggestion from the Minister for Community Development in the middle of two Motions being debated in this House, at nine minutes past eleven in the morning (jumping up in this House) that we close the House down because Government has such pressing business, is ridiculous.

The way the Legislature of the Cayman Islands or the parliamentary process, is being treated by the Government is absurd. This is precedent-setting in a way - that is damaging and destructive.

There is a Censure Motion on the floor, one of the most serious kinds of motions that can be here. It is also at the end, since the winding up debate is now taking place. The Government Motion on Tourism, the subject that is considered by all to be so important, is being debated. I wonder how many others would be debating that? I guess none. So in the normal sequence of things the Question would be put. The Government is so hard pressed and that Minister has so much to do, and the country is going to fall on its face if this House is not suspended today until a day in 1995 (we may all be dead, there is a possibility of that). It is ridiculous and an absolute abuse of the Standing Orders of this House where he [the Minister] expects he will have this absurd proposition passed because the numbers are there to say "Aye" when he says so. It is ridiculous.

The business of this House has to be treated in the light of what is proper parliamentary practice and procedure. This is not proper parliamentary practice and procedure. Things cannot be done this way unless we are going to become a ridiculous little bunch of people in what is called the Legislature, and one person can just jump up and say that he has so much work to do and people are stressed out. I wonder if he is the only one stressed out? If he is stressed out, then he should seek aid for that. He cannot stop the business of the House because he is, supposedly, stressed out.

No time is being saved when only this week we have seen a circular sent around by the Speaker to look at dates and times for next year for the four meetings that would normally be. Why would we be having a fifth

meeting to wind up two Motions that are on the floor and are almost at the point of taking the question on them?

Madam Speaker, it is mischief! I most surely would never vote to do what this Member has moved to be done. I will watch and see who will go along with this particular show.

The Speaker: The First Elected Member for Cayman Brac and Little Cayman.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker. I have listened carefully to what has been said. I do not know what the Executive Branch of Government has to do. I do know that there has been advertisement in the *Caymanian Compass* that it was planned that the Civil Service would close their offices at noon today, which would include the Legislative Department and the [Portfolios] of Official Members.

I would like to recommend, Madam Speaker, that you suspend the House for a matter of ten minutes so we could have an informal discussion in the Committee Room to see if we can resolve this issue.

I understand the parliamentary procedure, but if there is urgent business then I think we should be men enough to sit and discuss it and understand the situation before coming to a conclusion.

Thank you, Madam Speaker.

The Speaker: There is a Motion before the House and if there are no other persons to debate, would the Mover of the Motion wish to reply?

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I do not think that this is abuse of any rules of Parliament. This House has been sitting since the 4th of November.

The Opposition cannot say that they have not had their day in parliament. This House should have adjourned yesterday afternoon. Why the Opposition continues to carry on? I know I have been here long enough and I have heard them say that their ploy is to keep us here as long as possible. They have done that. They have had six motions - much more business than the Government - on the floor of this House and they have not been denied their business. They will not be denied by this bit of business. All we are going to do is adjourn the House. When the House meets next time their Motions can be carried over by a new Motion if that is the way you rule, Madam Speaker. Nevertheless, I think the country's business is suffering. The Opposition has nothing to do but talk. We have work to do - the country's business. The Member speaking, especially, does not even have a business.

Mr. Gilbert A. McLean: Garbage!

Hon. W. McKeever Bush: Garbage? The garbage is what I have heard going on here for the past several days. That is where the garbage lies.

[addressing the Second Elected Member for Cayman Brac and Little Cayman] Your business is your business and you love to talk and that is your business.

The Speaker: *[Gavel]* There shall be no talking between Members. I have already asked you not to do that. Please continue the correct procedure in this House.

Hon. W. McKeever Bush: Thank you, Madam Speaker, for your protection.

Parliament takes precedence when Parliament is doing the country's business. All we have been doing...they have been moving Motions asking us to do things which we are already doing, to give them a change to run by the mouth.

Parliament does not mean Opposition's business, it means Opposition and Government. We have given them due time. I am hopeful for the day next year when we can amend these Standing Orders because what is happening is they can talk and that is what they have been doing. It is a good ploy to keep the Government's business down.

I have many [departments under my] Ministry, not only me (but I can speak for myself at this point), and this is the time of the year when we visit the old folks' home, when we visit the Social Services Department, all the Children's sections in Social Services. Nothing is able to be done because those Members have already said that their tactic is to keep the Government in as long as they can -and they have done that. Next week is Christmas.

There is no abuse of Standing Orders and there is no damage nor destruction to any parliamentary procedure. What is happening here is done under the Standing Orders, the only thing is that they did not believe that the Government had the gumption or the will, to do what we are doing.

For those who do not want to vote with the Government, fine, but I am going to keep the Motion on the House. The Motion is that under Standing Order 83, we suspend Standing Order 10(2) to adjourn until a date is fixed for the new year, and that is the ceremonial opening of Parliament.

I repeat: No Member will lose anything. If anything, the Opposition Member who proposes to speak would have had more time to put his Motion and speech back together. We know that they have no business, they only talk. That is what they are good for.

Madam Speaker, I have a very large Ministry, as does the Financial Secretary, the Chief Secretary, the Attorney General and my other colleagues. He is not the only one... Government has a Motion which will have to lay over, but so be it. The country's business - the businesses in the Glass House are suffering. I am not talking about any closure of Government offices as is normal at this time of the year to allow civil servants to get together. I am not talking about that. There are other major businesses yet to come and we cannot get them done. In fact, Finance Committee is going to meet here Wednesday and we have not even had the chance to

put all the papers together.

[Addressing the Second Elected Member for Cayman Brac and Little Cayman] Oh, SHUT UPI You have nothing to do except talk in this Parliament.

The Speaker: *[Gavel]* Honourable Minister! *[Gavel]* Please, please. That is really out of order, and I cannot tolerate that. You are abusing the privilege of the House by shouting and that is not the correct procedure. Please bear that in mind.

Hon. W. McKeever Bush: Madam Speaker, you can say what you like.

There is a Motion, I wish you would put it.

The Speaker: I will put the Motion, Honourable Minister, and I must advise you that I am not prepared to take any rudeness from any Member, Minister, or otherwise in this House because you are abusing the privileges of this House.

[Members: Applause. Hear, hear!]

The Speaker: *[Gavel]* Order!

The First Elected Member for Cayman Brac recommended suspension. But I am afraid that under the circumstances I cannot put a suspension, there is a Motion, which I must now put.

The question is that the House do now adjourn until the date for the meeting which is set for the 3rd of March, 1995; that under Standing Order 83, Standing Order 10(2) be suspended for the adjournment of the House until 3rd March, 1995.

I shall put the question. 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.

The Clerk:

DIVISION NO. 27/94

AYES:8

Hon. James M. Ryan
Hon. Michael Marsden
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks

NOES:3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

ABSTAIN: 2

Mrs. Berna L. Thompson Murphy

Capt. Mabry S. Kirkconnell

ABSENT: 5

Hon. Thomas C. Jefferson
Hon. Truman Bodden
Dr. Stephenson A. Tomlinson
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

The Speaker: The result of the division is eight Ayes, three Noes, two Abstentions. The Motion has therefore been passed and the House will be adjourned until the 3rd of March, 1995. However, before the House adjourns, I think the Honourable First Official Member...

[Addressing the Honourable First Official Member] You are not making your statement?

The Honourable First Official Member had advised that he would be making a statement, but it is not being done now.

Before the House adjourns, I would just like to wish everyone a pleasant Christmas and a Happy New Year. I hope that during this season of Peace and Good Will that there will, indeed, be peace and good will among Members, their families and the whole community of the Cayman Islands - this is very sadly needed.

The House is now adjourned.

AT 11.25 AM THE HOUSE STOOD ADJOURNED UNTIL FRIDAY, 3 MARCH 1995.