



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT ELECTRONIC VERSION

1995 SESSION

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

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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 Bodden, OBE, JP

Elected Member responsible for Education, Culture 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 Third Electoral District of George Town

Capt. Mabry Salisbury Kirkconnell, MBE, JP

First Elected Member for the Third Electoral District of Cayman Brac and Little Cayman

Mr. Gilbert Allan McLean

Second Elected Member for the Third Electoral District of Cayman Brac and Little Cayman

Mr. Roy Bodden

First Elected Member for the Fourth Electoral District of Bodden Town

***Mr. George Haig Bodden, MBE, JP, Deputy Speaker**

Third Elected Member for the Fourth Electoral District of Bodden Town

****Miss Heather Diane Bodden**

Third Elected Member for the Fourth Electoral District of Bodden Town

***** Mrs. Edna Marie Moyle, JP, Deputy Speaker**

Elected Member for the Fifth Electoral District of North Side

** Passed away on 3 September 1995*

***Elected in by-election, sworn in on 11 December 1995*

****Elected Deputy Speaker on 13 September 1995*

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Abbreviations. *1r, 2r, 3r*, first, second, third reading; (A), Amendment; **BT**, Bodden Town; **CAL**, Cayman Airways, Ltd.; **CDB**, Caribbean Development Bank; **CPA**, Central Planning Authority; (C), Committee; **DOE**, Department of Environment; **DOT**, Department of Tourism; **GHHS**, George Hicks High School; **GM**, Government Motion; **GT**, George Town; **ICCI**, International College of the Cayman Islands; **JGHS**, John Gray High School; **PMM**, Private Member's Motion; (**RBPS**) Red Bay Primary School; (**R**), Report; **SO**, Standing Order.

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**FRIDAY
3RD MARCH, 1995
9.41 AM**

The Speaker: I will ask the minister to say 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, 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.

I will, ask the Clerk to read the Proclamation summoning the new Session of the Legislative Assembly.

PROCLAMATION NO.5 OF 1995

The Clerk: "Proclamation No. 5 of 1995.

By His Excellency Michael E. J. Gore, Commander of the Royal Victorian Order and Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

WHEREAS, section 46 (1) of the Constitution of the Cayman Islands provides that the Sessions of the Legislative Assembly of the Cayman Islands shall be held at such places and begin at such times as the Governor may, from time to time, by Proclamation appoint;

NOW THEREFORE I, the Governor, by virtue of the power conferred on me by Section 46 (1) of the Constitution of the Cayman Islands, do hereby proclaim that a Session of the Legislative Assembly of the Cayman Islands shall be held at the Legislative Assembly Building in George Town, on the Island of Grand Cayman, beginning at 10.00 a.m., on Friday, the 3rd of March, One Thousand Nine Hundred and Ninety-Five.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman, this 10th day of February in the year

of our Lord, One Thousand Nine Hundred and Ninety-five in the Forty-third year of the Reign of Her Majesty Queen Elizabeth II.

God Save the Queen."

The Speaker: I now recognise the Leader of Government Business.

Hon. Thomas C. Jefferson: Madam Speaker, I apologise for my lateness.

I rise and propose that this House do rise to await His Excellency the Governor and re-assemble on his arrival to receive a Gracious Message from the Throne.

The Speaker: The question is that the Assembly do rise to await His Excellency the Governor and re-assemble on his arrival to receive a Gracious Message from the Throne.

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

AYES.

The Ayes have it. The House will accordingly arise and re-assemble on His Excellency's arrival. The proceedings are accordingly suspended.

PROCEEDINGS SUSPENDED AT 9.45 A.M.

**ARRIVAL OF HIS EXCELLENCY THE
GOVERNOR
(10.00 AM)**

The Serjeant-at-Arms
The Speaker
His Excellency the Governor
and Mrs. Gore
The ADC

The Clerk of the Legislative Assembly
The Deputy Clerk

The Serjeant-at-Arms: His Excellency The Governor.

The Speaker: Your Excellency, I have pleasure in inviting you, sir, to address the Honourable House.

**THE THRONE SPEECH DELIVERED
BY HIS EXCELLENCY THE GOVERNOR
MR. M E. J. GORE, CVO, CBE**

Madam Speaker and Honourable Members of the Legislative Assembly, it is with great honour and humility that I present the speech from the Throne.

A year ago when Her Majesty addressed you during her second, memorable visit to the Cayman Islands, she spoke of the economic problems then facing the region. I am afraid that I must repeat that message this year. We are not alone in having to face economic problems. I do not think there is any country in the world which has not been adversely affected by the recession. But Cayman enjoyed

exceptional growth in the 1980s, and it has taken a while for us to realise how necessary it is to keep Government spending within the resources now available to us.

In 1994 Cayman faced one of the most serious problems it has encountered in recent times - the influx of illegal Cuban migrants to our shores. Over the past 35 years we have from time to time received small numbers of Cuban migrants but between August and September last the number suddenly climbed to 1,183. This severely stretched the limited number of staff in the Immigration, Police, Social Services, Public Works, District Administration and Prison departments as they tried to cope with unprecedented numbers of Cuban migrants. The financial resources of the government have also been stretched to the point where capital projects may have to be reduced. While some of the illegal migrants have been transported to Guantanamo Bay, the financial burden on this country is still significant.

We have been loath to return the Cubans to Havana but because of the enormous cost to this government and the unacceptable pressure on our services (Police, Social Services, Immigration, etc.) I regret that we may have to resort to forcible repatriation of those who do not go to Guantanamo Bay or to third countries. This is particularly the case of those who arrived in the Cayman Islands after 16th September last when the Cuban government closed its borders again. The Cuban authorities have agreed to accept these people back.

Ever since the influx of Cuban migrants last year, the need for a Cayman regiment has been more evident. Recently a government delegation went to Bermuda to observe that country's regiment. The Government is now considering setting up a Cayman Islands Regiment to assist the country in times of need, particularly in times of natural disaster, and a Cadet Corp - as a disciplined service where young people can be given guidance in self-control and discipline.

That said, Cayman is one of the more fortunate countries in the world with a standard of living and, perhaps even more important, a quality of life second to none. I should like to take this opportunity to pay tribute to churches of all denominations who look after our spiritual well-being and who serve the community in so many ways, as well as to the voluntary organisations who look after those less able to look after themselves or concern themselves in areas which are outside the scope of Government, and to all residents who contribute to make the Cayman Islands such a wonderful place in which to live.

Let me now proceed to report on the activities and intentions of the various ministries, portfolios and departments.

THE JUDICIARY

The improvement of court administration, including the upgrading of the building and more extensive use of computers, is a goal for 1995. The difficulties in enforcing court orders are being addressed by proposed amendments to the Judicature Law which are already approved as a Bill and by the redrafting of the Grand Court Rules. The collection of Court fees will be simplified. A review of the Legal Aid system has begun.

Priorities will be established for detailed consideration and, where accepted, the findings of the review of court procedures prepared for the Chief Justice by Mr. Michael Bradley last year will be implemented.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

The Portfolio of internal and External Affairs saw a change in its leadership in late 1994 with the retirement of Chief Secretary Mr. J. Lemuel Hurlston, and the appointment of Mr. James M. Ryan in November as his successor. Mr. Donovan Ebanks became the new Deputy Chief Secretary.

The Civil Service reached another milestone during 1994 as their General Orders were amended to remove the sections which in the past discriminated against female officers. Now for the first time male and female officers are treated equally.

I will shortly be appointing a Committee, which will be chaired by the Chief Secretary, to carry out a comprehensive review of the General Orders and the Public Service Commission Regulations. This review is intended to bring these regulations in line with the needs of a professional civil service in the nineties and beyond.

Consideration is now being given to amending the Elections Law to allow for a permanent register of voters as well as to streamline procedural deficiencies which have been identified in the law.

THE ROYAL CAYMAN ISLANDS POLICE FORCE

The Royal Cayman Islands Police Force are under new command with the appointment of Mr. Anthony Grey as Commissioner of Police last month. The drugs task force also has a new head, Det. Chief Superintendent Derrick Haines.

Public concern has been understandably raised by the high incidence of burglaries during the past year. The Police continually review their methods of dealing with these and other problems, but must rely heavily on the cooperation of the general public in taking simple measures to safeguard their property.

Last year's increase in the establishment of the Royal Cayman Islands Police enabled its operational capabilities in drugs interdiction and uniformed patrols to be significantly enhanced.

Practical benefits of increased drug arrests and a reduction of most other crimes flowed from this extra manpower. The Royal Cayman Islands Police will seek to maintain, and where possible, improve still further on these results.

The continued co-operation of all law-abiding citizens is a vital element in curbing crime. Such co-operation is on the increase and must remain a strong partnership if crime levels are to be reduced. Special mention must be made of the success of the ongoing Crime Stoppers programme.

The Cayman Islands remain one of the safest countries in the world in which to live or visit and the Royal Cayman Islands Police are committed to Government's policy to ensure that they remain so.

THE PRISON DEPARTMENT

The Prison has maintained a high standard of operational efficiency in complying with its mission statement to keep in custody those committed by the courts and to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

The approved funding for 1995 will enable the department to provide an education program which will give inmates an opportunity to improve their educational qualifications.

Job training and interviews to secure employment on release, with a follow up programme will be put in place this year.

Drug counselling, in conjunction with the counselling centre will be given high priority.

The prison will continue to be involved in community projects and assist the Department of the Environment.

As in the past, the Prison department will strive to achieve the best standards of efficiency and economy in its management.

THE DEPARTMENT OF IMMIGRATION

In 1994 we saw the consolidation and settling down of the Immigration Law, 1992 (as amended in 1993). It is proving to be a robust and effective piece of legislation in terms of both port control and enforcement activity.

The work of the Immigration department has been seriously disrupted by the recent arrival of Cuban Asylum Seekers. A trickle of Cuban arrivals, prior to August, had become a torrent leading to almost 1,200 arrivals by the beginning of September. The strain of human and financial resources placed on Government has been considerable. A primary objective for 1995 will be to attempt to assist the Cubans to move on to other destinations, conduct the appeals process and arrange resettlement for the refugees as appropriate.

Considerable priority will be given in 1995 to reviewing the shift patterns of Immigration Officers, recruiting essential staff and reducing levels of overtime payment.

This year it is expected that a review of the other primary legislation of our main (Immigration) Laws, namely, The Local Companies (Control) Law and the Trade and Business Licensing Law will be carried out.

It will also be appropriate in 1995 to review the Directions to the Immigration Board. Immigration workloads have increased across the full range of responsibilities: work-permits applications, port arrivals, application for extensions, enforcement activity and latterly, refugee work. Our policies, procedures and resources will have to be reviewed accordingly in the light of these developments.

INFORMATION AND BROADCASTING

The department of Broadcasting and Information will strive to build on its achievements in all aspects of operations for 1995. It will continue to provide a service to the people of the Cayman Islands which is in keeping with the objectives of the department. Special attention will be placed on the community's general educational needs, cultural mores, and religious heritage in an effort to maintain the Caymanian way of life.

DISTRICT ADMINISTRATION

The economic growth and development of Cayman Brac and Little Cayman remains dependent on Grand Cayman. Government continues to be the major employer, and financial input to the Islands. Tourism has experienced a satisfactory occupancy level, especially in Little Cayman.

In January Cayman Brac had a call from a cruise ship for the first time and although local businesses did not gain much financially, it is felt that future regular stops could be very beneficial. Every effort was put forward to make the visit the success it was.

At the end of January Mr. Oswell Rankine, District Commissioner retired from the civil service. Replac-

ing him as temporary District Commissioner is Mr. Joel Walton, the Deputy Financial Secretary.

Little Cayman

Tourism continues on the up-swing with more condos being built. The newly completed villa/restaurant complex (Paradise Villas) is now open. Phase I of a hurricane shelter/civic centre has now been completed.

Cayman Brac

During 1994 the emphasis was concentrated on maintenance projects rather than on new projects, although a new community park was started in West End and this continues to be developed during 1995.

It is our hope that with a strong infrastructure in place, some companies and other professional organizations will consider establishing satellite offices in Cayman Brac as there could be significant savings in operational and administrative costs on that Island.

PERSONNEL, TRAINING, MANAGEMENT AND COMPUTER SERVICES

The work of the Personnel and Training Department will be involved in the comprehensive revision of General Orders and Public Service Commission Regulations which I spoke of earlier. The job evaluation exercise will be completed. Human resource development programmes will be targeted to improve public sector performance and increase levels of individual skill and competence.

During 1995 Computer Services will implement major new or replacement systems for the Courts, Attorney General's Chambers, Police, Customs, Companies Registry, Financial Services and Planning Departments. This will improve the function and reliability of existing computer systems by continuing the move to ORACLE-based applications and PC networks as appropriate. Preparatory work will be undertaken for the introduction of new Government financial and personnel administration software which will provide departments with better management information.

THE LEGISLATIVE ASSEMBLY

During the term of the present Legislature, various Select and Standing Committees have been appointed. Reports have been tabled at the completion of the Committees' deliberations but final Reports of the Committees as listed below, with the exception of that of the Penal Code, are still to be tabled. Information of the various Committees that have not yet tabled final Reports are as follows:

- (i) The Select Committee to Consider A Register of Interest for the Legislative Assembly was established on June 9, 1994, with the passing of Private Member's Motion No. 11/94. The Committee held three meetings during 1994 and tabled an Interim Report in December 1994. The Committee will continue its deliberations during 1995.
- (ii) The Select Committee to Consider a Code of Ethics and Conduct for Legislators. Private Member's Motion No. 29/94, passed on December 7, 1994, resolved that the House refer the matter of legislation for a Code of Ethics and Conduct for Legislators to the Select Committee now reviewing the Register of Interest for Members and that the legislation in relation to the Code of Ethics be considered as "Companion" legislation. The Committee

will therefore commence consideration of this matter in 1995 as part of its terms of reference.

- (iii) The Select Committee to Review The Gambling Law. Private Member's Motion No. 25/94, entitled, "Amendment to the Gambling Law" was defeated by a majority on September 29, 1994. However, on a motion moved in accordance with Standing Order 24(9)(ii) by the Honourable Second Official Member, it was passed by a majority that "the matter" be referred to a Select Committee. The Committee tabled an Interim Report on December 8, 1994 and will continue its deliberations during 1995.
- (iv) The Standing Select Committee to Review the Sunday Trading Law. With the passing of Government Motion No. 7/94 on September 12, 1994, the Standing Select Committee to review the Sunday Trading Law was appointed. The Committee held two meetings. Public input has been invited. The Committee will continue its deliberations during 1995 and individuals/entities that have expressed a desire to make personal representation will be invited to meet with the Committee on this very important piece of legislation.

The Select Committee to Review the Penal Code was established on March 25, 1993, with the passing of Private Member's Motion No. 1/93, moved by the First Elected Member for Bodden Town and seconded by the Third Elected Member for Bodden Town.

The Committee held 13 meetings during the period June 1993 to October 1994. The Second and Final Report of the Committee was tabled in the Legislative Assembly on December 1, 1994. In accordance with the terms of reference of the Committee, the recommendations of the Committee have been referred to the Legislative Draftsman for preparation of the draft legislation.

The Select Committee to consider the Bill of Rights will continue to meet during 1995 and recommendations will then be made.

THE CAYMAN ISLANDS GOVERNMENT OFFICE IN THE UNITED KINGDOM

The Cayman Islands Government Office, together with the Department of Tourism and Cayman Airways Offices in London, moved to alternative premises last month, with substantial savings in rental, as well as increased space.

THE PORTFOLIO OF LEGAL ADMINISTRATION THE LAW SCHOOL

1994 marked the graduation of the first students from the recently-introduced University of Liverpool Bachelor of Laws (Honours) degree with all

eleven graduates achieving a second class degree (two at upper level). The guest of Honour at the graduation ceremony was His Honour Judge Stephen Tumin, Her Majesty's Chief Inspector of Prisons, who was appointed by the Attorney General as the Law School's first Senior Honorary Fellow.

In 1995 it is expected that ten further students will graduate from the Honours degree programme and one student from the Bachelor of Laws degree programme. This will bring the total number of graduates since the first ceremony in 1987, to fifty four.

The announcement by the Right Honourable Lord Templeman, the Law School's first Patron, of his intention to retire in 1994 was received by the Law School with much sadness. Lord Templeman had been appointed Patron in 1987. The Law School was honoured, however, to report the acceptance by Lord Nicholls of the invitation to become the new Law School Patron. Lord Nicholls, a graduate of Liverpool University, will be attending the Law School's graduation ceremony in 1995.

LEGISLATIVE DRAFTING

1994 was a busy year for the Legislative Drafting department; 18 Bills were passed by the Legislative Assembly and some 30 Regulations and Orders were drafted. The Attorney-General considers it appropriate to recruit a second Legislative Counsel and hopes that a suitable candidate will shortly be found.

LAW REVISION

The Law Revision Commissioner has begun his task and to date 18 revised Laws have been approved by Executive Council. The process will continue during 1995 and revised Laws will be published on a regular basis.

LEGAL DEPARTMENT

Possibly the most notable achievement of 1994 was the successful prosecution of the persons involved in the robbery at Cayman National Bank

The department continues to embrace specialization through local recruitment and training. A Caymanian Crown Counsel is presently studying in Rome at the International Development Law Institute. The Attorney-General is also hoping to recruit in 1995 an Attorney with particular expertise in prosecuting Commercial or White Collar Crime.

THE PORTFOLIO OF FINANCE AND DEVELOPMENT

In 1994 the Portfolio of Finance and Development amended key financial services legislation, revised company fees, and produced the Medium Term Financial Strategy and Public Sector investment document. A study of factors affecting local insurance rates and the Government's own insurance programme was also completed. The Portfolio successfully hosted the Red Ensign Conference.

The Portfolio has recently hosted conferences in New York, London and Hong Kong to promote financial

and shipping services. It is proposed to introduce new legislation to foster the development of the Cayman Islands Stock Exchange and further amendments to the Mutual Funds, Insurance and Company Laws. A revision of Government's Financial and Stores regulations is also planned.

THE CUSTOMS DEPARTMENT

In 1994 the Customs Department exceeded its revenue expectations with a record total collection of CI\$61.6 million.

In 1995 the department will continue to thoroughly examine loose and containerised cargo and will maintain vigilance in the areas of prohibited imports such as narcotics and firearms. Joint drug awareness courses with the Royal Cayman Islands Police as a means of strengthening cooperation between the two organisations will be held. The department also plans to develop a Commercial Fraud Unit. The major capital project planned for 1995 is the Phase 2 extension of the Customs Office at the Owen Roberts International Airport to accommodate the remainder of the Customs staff currently situated in the Tower Building.

THE GENERAL REGISTRY AND SHIPPING DEPARTMENT

General Registry and Shipping performed well in 1994. A number of Government initiatives resulted in a record number of companies being registered. Five thousand four hundred and nine (5409) companies were added to the register bringing the total number on the register at the end of the year to 31,612 companies. The revenue for this period exceeded CI\$16 million. Improvements in efficiency have been achieved by organisational and system changes.

In 1995 further enhancement to the computer system will be undertaken to allow limited electronic access by the private sector to the Registry database. To sustain the increased growth in the register the department will be reorganised and additional staff recruited.

The Shipping function, namely Marine Survey and Shipping Registration, have been integrated and staffing levels and administrative procedures streamlined to provide an improved and responsive service to existing and potential ship owners. There has been a healthy growth in Yacht registration and a new marketing strategy has been developed to promote the register which should lead to a further growth in the size of the commercial ship register in 1995.

Representation at major shipping exhibitions in France and Norway are planned. As international pressures on sub-standard ships continue to mount it should place quality registers such as Cayman in an increasingly strong position.

THE ECONOMIC & STATISTICS OFFICE

The amalgamation of the former Economic Development Unit and the Statistics Office to form the Economics and Statistics Office has progressed extremely well. A further strengthening of the economics section is envisaged for 1995. The office has com-

pleted its second year of monthly Visitor Exit Surveys and has been generating visitor expenditure statistics on a quarterly basis. In addition to the regular publications the office compiled the first set of balance of payments statistics with assistance of the Eastern Caribbean Central Bank.

THE BUDGET AND MANAGEMENT UNIT

The Budget and Management Unit is now fully integrated after the amalgamation and completion of cross training. In 1994 the unit completed Inspections of the Planning Department, the Central Planning Authority and the Health Services Department. Organisational and Efficiency reviews were completed in Company Registration, Information and Broadcasting and Immigration and Customs service in District Administration.

In 1995 the Unit plans to streamline budget procedures and conduct major reviews in the Department of Agriculture, Department of Social Services, the Legal Department, the Post Office, Prison, Economics and Statistics Office, Currency Board and District Administration. The Internal Audit Unit has continued its task of examining systems with a view to ensuring that Government operations achieve their objectives in an efficient and controlled manner.

THE CURRENCY BOARD AND PENSIONS BOARD

The Cayman Islands Currency Board is committed to improve the quality of future Cayman Islands banknotes, manage a production plan for a 3 year remint of circulation coins and a 5 year reprint of currency notes with upgraded security features to protect against counterfeiting.

The Public Service Pensions Board completed an actuarial assessment of the Pension Fund which was used to assist the Government in reassessing the pension contribution. Plans have been developed to place the fund with investment managers with a view to increasing returns. The Board also plans to implement an automated pension administration system by the end of 1995.

FINANCIAL SERVICES SUPERVISION DEPARTMENT

The Financial Services Supervision Department has had continued success in 1994 and continues to meet its revenue targets, and in the case of Mutual Funds registration surpassed the 1994 budgeted figures by 57%. A total of 37 new Bank and Trust licenses were issued which after allowing for 14 cancellations 23 resulted in being added. This is the largest net increase in the past decade bringing the total to 560 banks at the end of the year.

On the insurance side 1994 was a record year for growth with 45 new captive (Class B) licenses being issued bringing the total to 361. Mutual Funds continue to do well at the end of 1994, 68 entities had been licensed or exempted as Mutual Fund Administrators and 890 entities had been registered or licensed as mutual funds. It is expected that 1995 will see continued growth as prime financial institutions seeking sophisticated services in an offshore domicile, which is well regulated yet responsive to the needs of the industry, will recognise Cayman as the choice for their operations.

THE TREASURY DEPARTMENT

Treasury increased its collection of tourist accommodation tax in 1994 by 54% over the 1993 figure which substantially exceeded the Treasury target of 30%.

Implementation of the Treasury on line payment system which facilitates direct access by all departments was completed. The target of paying all invoices one week after receipt was achieved.

In 1995 Treasury will manage a phased implementation of the Integrated Financial, Manpower and Project Management Information System which, it is anticipated, will replace three independent systems by mid 1996.

THE MINISTRY OF TOURISM, ENVIRONMENT AND PLANNING

DEPARTMENT OF TOURISM

This year the Department of Tourism will seek to foster further partnerships between the public and private sector raising the understanding and image of tourism locally. Efforts will be increased in the area of training and development and it is expected to be able to make study and work experience placements for eligible Caymanians in Europe through Caribbean Tourist Organisation/European Union programme funding. These 16 week placements will allow the participants to gain skills and experience in working in the European tourism marketplace. Additionally, teacher education workshops are planned for 70 teachers and training for an additional 100 individuals (Immigration officers/custom officers/taxi drivers etc.) within the allied tourism sector. Last month the joint scholarship between the Cayman islands Hotel & Condominium Association and the department was put into action when a young lady was selected to attend University to complete a programme in hospitality management.

With the laying on the Table of the Legislative Assembly of the Tourism Management Policy a comprehensive framework has been officially announced which will guide the development of efforts in 1995. Activities such as research, advertising and promotion will receive greater attention through the restructuring of the Department of Tourism ensuring that a Caymanian perspective is present throughout. The opportunity for more Caymanians to be involved in Tourism will naturally emerge. The establishment of an Information Systems Unit within the department will allow all services to be fully automated which will increase the availability of data as well as enhance decision making, also allowing for the repatriation of some research work now carried out overseas.

Further strengthening of the property inspection programme will seek to ensure high standards for all visitor accommodation. Additional to that will also be the upgrading of rating and inspections procedures of the Hotel Licensing Board. Efforts will continue to open up of European market with major promotions in the United Kingdom and Spain.

Overall, 1995 will be a year for strengthening the department both by manpower and re-

sources to more proactively address the challenges we face as we seek to move this tourist destination forward into the 21st century. These challenges are represented not only in our efforts to retain our market share of Caribbean tourism but we also face intense competition building in the USA as aggressive efforts are made to keep Americans at home by almost all States. Our success in the future is largely dependent on increased efforts to promote these islands as unique by virtue of their culture and people as well as our efforts to pursue a high degree of environmental consciousness as we seek to preserve the marine and terrestrial sites which are only on loan to us for future generations of Caymanians.

A new career development initiative is also planned which will be a joint effort between the hospitality sector and the Department of Tourism. This program is aimed at providing support, guidance and work program opportunities for Caymanians who may be considering work in the tourism industry or those who may wish to further their career in the Industry but unsure how to go about this.

DEPARTMENT OF ENVIRONMENT

During 1995 a major focus of the Department of Environment will be to review and consolidate the laws that relate to the environment and to facilitate the drafting of new legislation which will better enable the department to carry out its responsibilities to preserve our environment. An environmental lawyer will be contracted on a temporary basis to assist in this legislative drafting programme.

The department will also aim to finalise the Oil Spill Contingency Plan for the Cayman Islands and to implement a Response Plan for Grand Cayman by the end of the year. The programme will involve further staff training in oil spill management and spill response procedures, as well the acquisition of spill response equipment and materials. The department will take the steps in 1995 to address the problem of waste oil disposal and the protection of the Sister Islands in the event of a significant spill.

A comprehensive coral reef monitoring programme will be implemented in Grand Cayman and in the Sister Islands by December 1995. The existing Resource Monitoring programmes will be continued to facilitate sustainable management of these resources, and a study to determine the carrying capacities of our marine protected areas is being proposed. Additional moorings will be installed on the North coasts of all three Islands, as well as at East End, Grand Cayman.

The enforcement of conservation laws and regulations will continue to be a priority and will receive increased attention with the hiring of additional Marine Enforcement Officers.

The recycling programme will be further developed with the introduction of recycling of cardboard and office paper. This, together with the mulching of yard waste, will divert 32% of the mainstream waste from the land fill. In addition, a new land fill site for Cayman Brac will be identified and the design completed in 1995.

The Department's mosquito larviciding programme will be continued in the wetland areas. Further research will be carried out to better enable the management of insecticide resistance. In addition, a concerted effort will be made to ensure the eradication of the *Aedes aegypti* mosquito. The Port disinfection programme will be strengthened by the addition of

a Senior Environmental Officer who will assume the responsibility of coordinating all Port health matters.

The rodent control programme will be re-established on an island-wide basis in 1995.

In consideration of the fact that approximately 1700 persons are employed in the food preparation industry, there will be a series of seminars offered by the department aimed at insuring that all persons involved are trained in proper food sanitation procedures.

Finally, the Department of Environment plans to complete construction of its new office building and ancillary structures by December 1995.

PLANNING DEPARTMENT

In 1994 the Planning Department was kept busy, having processed for approval a total of 585 applications valued at \$137.2 million. This amounts to a 24% increase over the 1993 value of approvals.

1995 promises to be an equally busy year for the Planning Department and the Central Planning Authority. Construction activity is expected to increase substantially with at least two major hotel projects slated for completion. Shopping and office complexes, large luxury homes and apartment buildings are also slated for completion.

Additionally the Development Plan Review moved a step closer towards completion, having been under consideration by the Central Planning Authority for most of the year and released for public comment in December.

Highlights of the Plan include new road corridors, the creation of an Historic Overlay Zone, the creation of an Institutional Zone, the creation of three categories of Commercial Zones, increased Public Open Spaces and an extension to the Stormbelt (to be renamed Mangrove Buffer) adjacent to the Central Mangrove Area.

The Central Planning Authority intends to undertake a number of electoral districts re-familiarization visits, with a view to producing area plans for each of the electoral districts.

The Central Planning Authority also intends to increase its enforcement activities to prevent the proliferation of illegal development. The addition of seven Planners to the Planning Department staff and the transfer of responsibility for the planning office in Cayman Brac to the Director of Planning demonstrates Government's commitment to long range planning.

PORT AUTHORITY

The Port Authority in Grand Cayman experienced an active year in 1994 with an increase of 8.4 percent in cargo landed over 1993. Cargo landed at Cayman Brac decreased by 6.5 percent in 1994 over 1993.

In 1994 the Master Port Development Plan was completed. This plan provides the Authority with the necessary development strategies to meet the challenges of the next decade. The report was accepted by the Authority and tabled in the Legislature.

Major rehabilitation of the Authority's cargo moving equipment was carried out during 1994.

On recommendations contained in the Master Port Development Plan major structural rehabilitation to the Cayman Brac dock will be carried out in 1995. Also planned for 1995 is the removal of the cargo warehouse at the Grand Cayman dock which will provide additional working space on the dock and greatly improve the efficient handling of cargo there.

The Port Authority is presently examining the installation of permanent cruise ship moorings for George Town harbour.

In addition, consideration is being given to a possible extension of the Cayman Brac dock to attract a weekly visit by a cruise ship- and to provide safety for passengers disembarking and embarking.

The need for additional work at the Little Cayman dock to provide safety at the dock and facilities for storage of goods is also being considered,

FIRE SERVICES

The year 1994 was one in which emphasis was placed on training and during August to October 32 officers attended Recurrent Airport Fire Fighter Training Courses in the United States.

The Fire Service, working in close cooperation with the Central Planning Authority, and the Hotel Licensing Board ensured that new and existing buildings met with basic fire requirements.

Statistics show that value of property involved in fires during 1994 to be approximately CI\$4,666,000.00. Damage sustained was estimated at \$615,950.00 showing that more than \$4 million (\$4,050,050.00) was saved as a result of the response by the Fire Services.

In 1994 a new Airfield Crash Tender was ordered for the Aerodrome Fire Section at Owen Roberts International Airport. The vehicle arrived in January 1995.

During 1994 a significant upgrading of staff was completed. In all, 18 posts were upgraded. All posts were filled by internal promotions.

The year 1995 will see the continuation of fire prevention and training programmes.

CAYMAN TURTLE FARM

The Cayman Turtle Farm continues to be a popular tourist and local attraction. 1994 was another successful year financially.

The emphasis for 1995 will be on continued profitability and the addition of attractions that will enhance the farm's popularity. The board is looking at the viability of adding an aquarium.

THE MINISTRY OF HEALTH, DRUG ABUSE PREVENTION AND REHABILITATION

The Ministry of Health, Drug Abuse Prevention and Rehabilitation came into being in March 1994, and in just 10 months has laid the foundation for the achievement of major objectives in 1995. With the decision to undertake

Strategic Planning for the Health Service, as well as the Drug Abuse Prevention and Rehabilitation Programme, this Ministry has detailed and costed plans for approval and implementation during 1995.

It is recognised that the Health Practitioners' Law of 1974 is in need of considerable review and with input from the professionals, legal drafting has begun with amendments to be brought to the Legislative Assembly in 1995.

HEALTH SERVICES

New and Improved Facilities

The Master Planning Study for the development of the present George Town Hospital site was completed in 1994 and approved by Executive Council in November. The construction of new facilities will commence later this month. These new facilities will be built in phases and are expected to include Paediatric, Physiotherapy, Maternity, Neonatal and Mental Health units as well as a Surgical Ward, Operating Theatres and a Maternity Operating Room. A Forensic Laboratory, Materials Management Building, Hospice/Geriatric Unit and Chapel will be amongst the new features. Additionally the Casualty/Emergency Department, Medical, Intensive Care, Radiology and Dialysis units, Pharmacy and Medical Records will be provided with urgently needed space.

Work commenced on the Bodden Town District Health Centre in December 1994 and is scheduled for completion in September 1995. The construction of the West Bay District Health Centre is due to commence this year. Plans for the health centres in North Side and East End will be developed this year.

A Continuous Quality improvement programme will be pursued in 1995. This programme will assure patients that a consistently high quality of care is provided with a built-in mechanism to monitor patient feedback and satisfaction.

OUT-PATIENT AND EMERGENCY SERVICES

The Out-Patient and Emergency Services will continue to be monitored and every effort made to deliver high quality services in a timely manner by reducing the waiting time and increasing access to these services.

Efforts will be made to encourage more Caymanians to pursue careers within the Health Services. Doctors, Nurses, Physiotherapists, Medical Technologists, Radiographers and other professionals on staff will be visiting the schools to give encouragement to any Caymanian student wishing to pursue a career in health.

With the anticipation of new purpose-built facilities, the Health Services staff will ensure that the facilities will have an appropriate level of technology and that a high level of health care will be

provided to our community, thereby making it more attractive to Caymanians as a chosen career.

DRUG ABUSE PREVENTION AND REHABILITATION

The Cayman Counselling Centre, under the direction of the ministry will be reverting in 1995 to its original function of treating alcohol and drug addicted clients and the family members directly affected by drug and alcohol addiction.

The need to expand the services is increasingly apparent as drug abuse has begun to find its way into schools and to affect our children. To accommodate these and other needs (such as space and confidentiality), the Cayman Counselling Centre was relocated on 1 March, and the complement of counsellors will be increased. Two will be recruited to provide structured educational and individual treatment for adolescents at risk and those already addicted.

The Cayman Counselling Centre has reinstated the counselling programme for inmates of HMP Northward on 7th February. An additional Counsellor will be recruited to expand this service to a five-day intensive group and individual counselling programme to drug addicted inmates or those in prison for drug related offences.

At present the Cayman Counselling Centre is developing an Intensive Outpatient Programme for the Sister Islands with an office in Cayman Brac. A Counsellor is in the process of being recruited for the Sister Islands.

NATIONAL HEALTH INSURANCE

Following an undertaking given in 1994 by the Minister at a session of the Legislative Assembly, a Health Insurance Advisory Committee has begun its deliberations and it is planned that a National Health Insurance scheme will be in place by the end of November.

THE MINISTRY OF COMMUNITY DEVELOPMENT, SPORTS, YOUTH AFFAIRS & CULTURE

SOCIAL SERVICES

1. Juvenile Law

In 1994 the Juvenile Law 1990 was reviewed and drafted into two separate Bills for Laws; the Children Law 1995 and the Youth Justice Law 1995.

The Bill for the Children Law 1995 reforms the Civil Law relating to children and seeks to protect them and promote their welfare. The latter Bill makes provision for disposition of criminal offences by young persons, and is based on the relevant sections of the Juveniles Laws 1990, 1975 and 1964 and the Joint Trial Law of 1976. The two Bills will be presented to the Legislative Assembly in June, after public consultation.

2. The Young Parents Programme

The Young Parents Programme was started on July 11th, 1994. It will be officially opened in March 1995 and will be named after Mrs. Joyce Hylton, a veteran in the field of social work. The programme caters to teens and young adults between the ages of 14 & 24. The first group is progressing well in the pilot stage of the programme. Perhaps the biggest disappointment is that young fathers have not yet become involved. It is intended that all avenues will be explored with a view to overcoming this drawback, wherever it is feasible to do so.

3. The Status of The Family in the Caymanian Society

In keeping with a commitment made during 1994 "The Year of the Family" the Department of Social Services, supported by the United Nations Development Programme, will conduct a study during 1995 on "The Status of the Family in Caymanian Society". Such a survey is being conducted because the Islands over the past thirty years have undergone rapid economic growth and change which has had a tremendous impact on society as a whole. This study should better equip government and the community at large to tackle the social issues facing us in Cayman today.

4. Annual Youth Week

It is planned to hold a first Annual Youth Week in 1995. Included in this week will be a National Youth Day, when an award will be given for an outstanding youth, and there will be competitions in Art & Craft, music, and other areas. Other activities will focus on the parent/child relationship and the encouragement of youth to be exemplary citizens.

5. Crime Survey

It is proposed to carry out a crime survey in Grand Cayman. The preliminary work for this survey has begun and the survey should be completed by June 1995.

DEPARTMENT OF TRADE & LABOUR

Plans for 1995 include assistance with the completion and implementation of a Manpower Development Strategy, amendments to the Labour Law to increase its effectiveness. A Minimum Wage Advisory Committee has been appointed, to advise on the need for minimum wage. The department also plans to explore suitable apprenticeship schemes for implementation on a pilot basis; enhancement of the job placement system and extension of technical assistance to help the unskilled secure and retain suitable employment is also pro-

posed. One additional labour inspector will be hired to enable the department to increase the frequency and scope of workplace inspections, as well as to increase the awareness of the Labour Law amongst employees and employers.

HOUSING DEVELOPMENT CORPORATION

To date 4 banks have become participants in Government's Guaranteed Mortgage Scheme. Approximately two dozen mortgage guarantees have already been issued, with several more in the pipeline.

A survey of housing needs in the Islands will be conducted by the Housing Development Corporation in 1995 assisted by the Statistics Unit.

The Housing Development Corporation intends to divest its mortgage portfolio in 1995. This will be done through a suitable tender arrangement to the existing debenture holders and under terms which do not disadvantage the mortgagees.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

As a result of the policy decision to phase out the Board as a direct lender for student loans, caused by new unacceptable terms proposed by the Caribbean Development Bank, government has embarked on a new initiative to meet the demand for such funding. The guaranteed student loan scheme, which like the new housing scheme represents an important partnership between government and the banking community, is expected to be formalised and officially launched in the first quarter of 1995. This new initiative is a significant step towards supplementing the funds available to support Cayman's manpower development strategies.

WATER AUTHORITY

In early 1995 the Authority intends to conclude a debt refinancing package with C.I.B.C Bank & Trust Company valued at US\$22.15 million. This refinancing will consolidate two existing loans which were taken with the Caribbean Development Bank in 1986, which was a multi-currency loan resulting in losses to the Authority over the years due to currency fluctuations. This consolidation will give the Authority the capacity to act on any needs arising with respect to future extensions of the water and sewerage systems.

NATIONAL MUSEUM

1995 will be a very busy year as the Museum will move its collections storage, conservation laboratory, workshop and research centre to a new 4,000 sq. ft. leased facility.

The "Wreck of the Ten Sails" exhibit closed in February and is being redesigned as a travelling exhibit which will be taken to each of the districts on Grand Cayman as well as to the Sister islands. A book on the subject written

by the Museum's Archaeologists will be published during the second quarter of this year.

The Museum will also feature temporary exhibits including "Artists of Cayman Brac", "Patrick Broderick: Yesterday's Cayman" recent acquisitions, "The Art of Miguel Powery", and "Traditional Caymanian Crafts".

The museum will assist with the upgrading of the operation of the Cayman Brac Museum.

Utilizing a grant from UNDP, the museum will also create a comprehensive master plan for the next five years.

THE NATIONAL ARCHIVE

The Caymanian people desire to explore and understand their history. With this in mind the Archive will further develop the publication of relevant books and papers, the first being the republication of Hirst's "Notes on the History of The Cayman Islands."

Storage facilities for government records will be expanded so that more government departments can take advantage of the Archive's secure and efficient records management system. A new microfilm camera designed to film large and vital documents will be installed.

The oral history programme of the memory bank will continue its work of capturing the social history of all three Islands through interviews and transcriptions. Growing numbers of researchers, from genealogists to academics to school children, are now using the reading room at the Archives, and making both archival and oral history sources available for the public is therefore of increasing importance. All these resources will be fundamental to the preparation of a new history of The Cayman Islands, which will start in 1995.

THE PUBLIC LIBRARY

In 1995 the Public Library in Cayman Brac will have its grand opening celebration. This facility was donated by the Rotary Club of Cayman Brac last year.

The public library will initiate a membership campaign to promote library services to those who are not aware of the variety of reading materials and information sources that are available in the libraries. This will also be promoted through the formation of a "Friends of the Library" organisation.

Plans are in place to turn District Town Halls into District Libraries once Civic Centres are available for all and appropriate discussions held with the public. The exception to this will be in East End, where it is thought to be more appropriate to relocate the Post Office to the Town Hall, and use the entire building now shared by the Post Office and Library, for Library purposes. This building is more accessible to the Public. Therefore this on

balance seems to be the most appropriate of the uses for the building.

SPORTS

1995 will see the continuation of several sports capital projects, the hosting of three regional games, the hiring of technical directors for football and basketball, and coaches for netball and cricket, and the ongoing involvement of sports office employees in the "Time Release Scheme" to supplement the after school programmes.

The George Town Sports Centre will be completed by early April and will host the upcoming CARIFTA and Shell Cup Games. The CARICOM U17 Basketball Championships will be hosted at the Lions Centre in April.

The plans for Phase I of the National Sports and Recreation Centre in Spotts will be completed. Phase I will consist of a 50 metre swimming pool, with necessary amenities, and a multipurpose hall. The contribution through private sponsorship of a recreation park will also be realised in 1995 at Spotts.

In West Bay the Scholars Community Park, a facility for the West Bay Heritage Day Committee, softball diamond and cricket pitch will be completed as well as additional toilet facilities and upgrading the lighting facilities at the Ed Bush Field.

In Bodden Town a master plan is being developed for the completion of the community field. Land has already been cleared for this project. It is expected that Breakers Community Club will assist with the developing of the Breakers Sports Field.

The North Side Field will require more land space to house toilet facilities and parking, so acquiring this land will be a priority for 1995.

THE CAYMAN NATIONAL CULTURAL FOUNDATION

1995 will see the Cayman National Cultural Foundation continue its efforts to broaden awareness of the arts by providing programmes for youth, promoting greater participation at district levels and providing professional development opportunities for local artists. The Cultural Foundation hosted the Carib Art Exhibition, the largest-ever travelling exhibition of Caribbean contemporary art, in January to February 1995.

The theatrical season is planned to include five productions, three of them locally written including the winner from the Foundation's National Playwriting Competition.

The Foundation will participate in the 1st Annual Festival of the Creative Arts in England and Caribbean Festival of The Arts in Trinidad and Tobago.

There will be ongoing training for local artists and the formal establishment of a core of Caymanian actors.

THE MINISTRY OF EDUCATION AND AVIATION

EDUCATION

The Education Strategic Planning exercise commenced in January 1994, when awareness sessions were held in all the districts and for selected audiences, including the Legislative Assembly. The first meeting of the 35 member planning team took place in Cayman Brac in March. From this meeting, a mission statement, four objectives and nine strategies were developed. The mission, objectives and strategies received wide coverage in the press, and interest in serving on the action teams was high. Eighteen action team leaders from Grand Cayman and ten from Cayman Brac took part in 6 days of training, the first of which was held in May just prior to the start of action team meetings. The total number of individuals involved in the planning team, and the action teams numbered three hundred and fifty three. In November 1994, the Education Planning Team approved one hundred and five action plans which were then costed and scheduled over the next five years.

A detailed Five Year Development plan for Education to be implemented during the period 1995 - 1999 has now been accepted by the Minister.

It has been recommended that all government schools develop their own site-based plan by 1998. Site based planning is the process by which the overall mission, and strategies of the public school system will be interpreted and carried out for a specific school.

The Second Annual National Education Conference took place in November. The theme of the conference was "Partnership - Education's Vital Link". All teachers in the Cayman islands attended the conference. A School Inspectorate will be established this year.

The United Nations Development Programme will give the Cayman Islands over US\$400,000 towards the development of education over the next five years. The first draw down of funds was used to effect the implementation of the strategic plan activities in January 1995.

While all our schools continue to make very real gains in both academic and social areas, most notable in 1994 were the results of the first CXC examinations taken by students at the John Gray High School and the Cayman Brac High School. In terms of numbers of good passes and quality of passes these were the best results in the history of secondary education in the Cayman Islands. We were delighted to learn of our high standing in the region at the recent CXC meeting in the British Virgin Islands. However, in those cases where CXC either provides no examination, or the syllabus is not appropriate to our students, Cayman has opted to use the International General Certificate of Secondary Education (IGCSE). Ten subjects will be examined at CXC in the next examination series in 1996, six will be examined at IGCSE and three at GCSE.

Capital works completed in 1994 included the laboratories and class rooms at the George Hicks High School completed in the record time of 19 weeks by McAlpine at a cost of \$1.78 million. The Community College's new general studies block, which is being built to accommodate the Sixth Form group transferred from the John Gray High School, was completed at an approximate cost of \$1.2 million.

Construction has begun on two other projects, the hall, administration block and library for the John Cumber Primary School, and four classrooms for the Red Bay Primary School. An extensive maintenance programme was carried out in all the schools during 1994. Emphasis will continue to be placed on maintenance, in order to maintain a high standard of physical facilities in all schools.

A new programme for Spanish speaking students was instituted in September 1994 to accommodate the school-aged children of Cuban Caymanians offered residence in Grand Cayman. The programme has now been extended to deal with the children of Cubans granted political asylum, as well as other non-English speaking students in the school system.

The private school system continues to provide a vital service to government, accounting for 33% of the total number of school places needed in the islands, at an approximate savings to government of \$6 million per annum. The St Ignatius High School was formally opened in December 1994, and will eventually provide place for three hundred high school students. The Cayman Preparatory School and the Triple C School have also announced plans for expansion. These developments in private education should, if they come to fruition in the next few years, postpone the need for a new public junior high, or senior high school until well into the next century.

The Education Council continues its valuable work. Under its directives twenty three of the twenty five existing pre-schools were licensed, and methods of yearly inspection streamlined. A new school was formally registered, the Faulkner Academy which will eventually cater for one hundred children with specialised individual needs. The scholarship programme continues with forty two students being granted scholarships in a variety of fields. The Cayman Islands Scholar Award was approved, and will be offered for the first time in 1995.

CIVIL AVIATION AUTHORITY

The Owen Roberts International Airport terminal has been expanded, both at the departure and arrival concourses. Additional stations were provided for the Immigration service, and additional check-in facilities were added to cope with the increased number of flights, as well as carriers. Crewe Road was displaced some 600 feet to allow for an additional 600 feet of built runway to be utilised. This has increased the runway length available for landing from the west and added to the safety of all aircraft using the runway. In 1995, there is a proposal to further expand the arrivals concourse, specifically the Customs Hall, to allow for increased capacity and efficiency. Following a major security audit carried out by the U.K. civil aviation

authorities, security arrangements for the two international airports have been revised so that the Civil Aviation Authority is now responsible for all screening of passengers and carry-on baggage. In Cayman Brac, the security equipment at Gerrard Smith International Airport has been upgraded to allow for X-ray screening of carry on baggage. Progress was made on surveying possible sites for a proper runway on Little Cayman. It is anticipated that a decision on a permanent, government owned runway for daylight landings of light aircraft in Little Cayman will be made very soon. The inter-ministerial committee dealing with all airport services was initiated in 1994, and shows promise of solving some of the long standing problems of organisation and management.

CAYMAN AIRWAYS

The recapitalisation and downsizing of the national flag carrier has been completed and for the first time in recent history, it appears that Cayman Airways has a fighting chance of survival. At a mid-year meeting the Board decided on a period of conservatism over the next twelve months. This included a decision not to apply for any new routes, and a policy to retain the 737-200 series aircraft presently in use. One of the 737-200s leased from International Leasing Finance Corporation (ILFC) was returned in 1994, with the other due to be returned in 1995. Another 737-200 has been leased at a savings of over \$300,000 per year, and arrangements are ongoing for another plane to be leased mid-year. Cayman Airways has no plans to increase its fleet for 1995. Instead the company will concentrate its efforts on maintaining a high quality of service and strengthening its marketing strategy. It is expected that the company will realise a small profit, after subsidy, at the end of the year.

Cayman Airways continued to handle US Air and, in addition to handling several repeat charters, in 1994 picked up contracts for both Air Tours and Caledonian Airways.

AIR SERVICES AGREEMENT

The UK Department of Transport has continued to work assiduously on our behalf to secure protection for Cayman Airways on the vital Miami/Cayman route. Earlier this year the Ministry prepared a position paper on behalf of government to be submitted to the United States government in preparation for talks on route allocation. However, on February 3rd, only a few days before the talks were scheduled, the United States offered a roll-over of the existing agreement for a further twelve months. This has been accepted by the United Kingdom on Cayman's behalf, and gives Cayman Airways a further 12 months to consolidate and build on the very real gains of 1994.

THE MINISTRY OF AGRICULTURE COMMUNICATIONS AND WORKS

This Ministry continues to pursue its objectives which will be substantially increased in 1995 with the many projects proposed and slated for completion. In addition to completion of various pieces of long awaited legislation, it is proposed to also complete the much delayed street naming and numbering project. Considerable emphasis is to be placed on finalising road corridors in George Town and other districts in order to maintain adequate traffic flows.

THE DEPARTMENT OF AGRICULTURE

The Agricultural Development Plan will enter its 5th year of implementation in 1995. A comprehensive evaluation of the progress that has been achieved to date has been completed. 1995 will see intensive development in capital projects in this department. These will include the preparation of a new access road to the agricultural complex at Lower Valley, initiation of the plans to relocate the Department's offices to Lower Valley as well as the commencement of the abattoir for improving the conditions under which local meats are processed. In 1995 the department plans to place greater emphasis on consumer education about the quality and value of locally produced food. It is a major objective of the department to stimulate greater efficiency of production through a more intense extension programme, more food security and better health to the Islands through the availability of fresh wholesome foods.

TELECOMMUNICATIONS

The Telecommunications section of the ministry is embarking on several major new projects in 1995. Foremost on the list is the establishment of an enhanced 9-1-1 emergency communications system. An emergency operations centre is to be constructed in the fire services headquarters to accommodate the E-9-1-1 system as well as to provide a coordination and operations room for any disaster or emergency that may occur. The Emergency Operations Centre will provide the National Hurricane Committee with effective command, control and communications capabilities.

Cayman Brac and Little Cayman will be getting a new 200 ft. telecommunications tower to provide improved radio communication throughout the two Islands both in 800 Mega-hertz and F.M. All radio communication requirements will be met by the Telecommunications Section for the 1995 CARIFTA Games.

THE POSTAL DEPARTMENT

The Post Office will continue an ambitious programme to improve all areas of its operations, buildings and quality of service. Renovation to some district post

offices as well as the construction of a new mail sorting and distribution centre is planned for 1995.

A new organisational structure will be introduced which will provide more efficient managerial and operational control. Additionally, there is to be the introduction of a guaranteed international express mail service.

LANDS AND SURVEY

This Department continues to grow demand for its services in increasing. This reflects the growth and overall development of the Islands as a whole. Development of the land information system will continue despite the curtailment of funds in the 1995 budget. It is anticipated that by the end of the year land registry records and data will be computerised.

THE PUBLIC WORKS DEPARTMENT

In 1995 the Public Works Department will continue its role of maintaining public buildings, roads and planning and implementation of the necessary expansions and improvement to these vital elements of Government's infrastructure. Much of the capital works proposed for 1995 will either be constructed by this department or contracted out with direct supervision provided from the engineering pool with the department.

Emphasis will continue on training of Caymanians to fill the engineering posts in the department.

DEPARTMENT OF VEHICLE AND EQUIPMENT SERVICES

The Department of Vehicle & Equipment Services (DVES) will continue to provide maintenance services for government vehicles and heavy equipment. The department is also responsible for replacing approved vehicles and equipment in consultation with user departments.

Ongoing negotiations with the two local oil companies will be completed and a purpose built facility will be constructed at the PWD/DVES compound on North Sound Road to provide fuel and lubrication services to all government vehicles. The facility will provide significantly easier access for the larger trucks and will be automated to allow 24-hour service for emergency vehicles.

Madam Speaker and Honourable Members, as I conclude my speech from the Throne, I should like to record my thanks to the many persons who were involved in providing me with the material for this speech.

At the recent Governors' Conference held in Cayman last month, my colleagues, the Governors from the other regional dependent territories offered their congratulations on the high level of organisation and efficiency of the government and

particularly the civil service in this country. I concur with their views.

Indeed, I would like to take this opportunity to thank the Cayman Islands Civil Service for their dedication to duty and their support. We are fortunate indeed to have a service of this calibre. It is perhaps timely to emphasise that the Civil Service comes directly under my command and I take full responsibility for all decisions regarding the CMI Service. I am, of course, aware of a rumour of outside interference, particularly in connection with the announced early retirement of two senior officers. This rumour has been conveyed to London recently. I think it appropriate to make the point that these retirements were the subject of discussions solely between myself and the officers concerned and that no one else was involved or even aware that they were taking place.

Finally, as you embark on the first sitting of the 1995 session of the Legislative Assembly, I pray that Almighty God will bless and guide your deliberations. May He always prosper the people of these Islands.

DEPARTURE OF THE GOVERNOR

Serjeant-at-Arms (Mace bearer)
The Speaker
His Excellency the Governor
Mrs. Gore
Chief Justice
Mrs. Harre
ADC
Minister

THE SPEAKER'S PROCESSION

The Serjeant-at-Arms: Madam Speaker.

PROCEEDINGS RESUMED AT 11.19AM

The Speaker: Please be seated.

Proceedings are resumed. I recognise the Honourable Minister of Tourism, Environment and Planning, Leader of Government Business.

MOTION FOR THE DEFERRAL OF DEBATE ON THE THRONE SPEECH

Hon. Thomas C. Jefferson: Madam Speaker, I am pleased to move the following Motion:

"Be it resolved that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this Meeting;

Be it further resolved that debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 8th of March, 1995."

The Speaker: The question before the House is as read out by the Honourable Minister, the Leader of Government Business: **"That debate on the Address delivered**

by His Excellency the Governor be deferred until Wednesday, 8th of March, 1995.”

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

AYES.

The debate is accordingly adjourned until Wednesday, 8th of March.

AGREED: DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR DEFERRED UNTIL WEDNESDAY, 8TH MARCH, 1995

The Speaker: I will now ask for a motion for the adjournment of the House. The Honourable Minister,
Leader of Government Business.

MOTION FOR THE ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, I move the adjournment of this honourable House until 10 o'clock, Wednesday, 8th March, 1995.

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 Ayes have it. The House is accordingly adjourned until Wednesday morning at 10 o'clock.

AT 11.21 AM THE HOUSE ADJOURNED UN11L 10 O'CLOCK WEDNESDAY, 8TH MARCH, 1995.

**WEDNESDAY
8 MARCH, 1995
10.09 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. Proceedings are resumed in the Legislative Assembly.

The administration of the oath of affirmation to Mr. Donovan Ebanks, MBE, to be the Temporary First Official Member.

Mr. Ebanks, would you come forward to the Clerk's Table?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF AFFIRMATION

Mr. Donovan Ebanks, MBE

Hon. Donovan Ebanks: I, Donovan Ebanks, 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 place, Honourable Member, and I welcome you to the House during the period of your temporary appointment.

Questions to Honourable Members and Ministers. Question number 1 is standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 1

No. 1: Mr. Gilbert McLean asked the Honourable Minister responsible for Tourism, Environment and Planning, what action has been taken by Government with regard to the recommendations of the Review Committee on the proposed preservation of the wetlands and the Mangrove Buffer Zone.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The Government, as stated in the *Caymanian Compass* of Monday, 29th August, 1994, had called for further scientific study and input from a wide cross-section of the community. In this regard the Ministry of Tourism, Environment and Planning is currently involved in discussions with the National Trust, the Department of Environment and the Central Planning Authority regarding future action on the wetlands.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Thank you, Madam Speaker. Could the Minister give any indication, then, if emerging from these discussions there may be a change of policy in terms of what was published in the originally proposed plan which has been in public circulation?

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

Hon. Thomas C. Jefferson: I do not think there is any change in policy—I do not think there is any policy as yet. The policy is made after the legislation is passed by this House. What we are basically doing at this point, having a number of public meetings being held on the subject, having had a significant number of members of the community who have given us feedback on the issue, we have taken that on board and, obviously, we will use that in our thinking when the time comes. But the procedure is still that objections have to be heard by the Field Tribunal, which is the next step.

The Speaker: The next question is No. 2, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 2

No. 2: Mr. Gilbert McLean asked the Honourable Minister responsible for Tourism, Environment and Planning what is the present status on the issue of cruise ship moorings in West Bay.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The proposal to consider the installation of cruise ship moorings in West Bay requires further study. This is not a project that Government ever intended to rush into without serious consideration being given to the surrounding environment.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Minister give any indication as to how far discussions have gone—whether there has been technical study, recommendations or whatever in regard to this?

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I believe that when all the records are checked we will find that from the outset we said we were considering it. Considering it means just that—no action has been taken, and certainly we will continue to consider it. If any action is taken, a marine environmental impact study would have to be completed.

The Speaker: The next question is No. 3, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 3

No. 3: Mr. Gilbert McLean asked the Honourable Minister responsible for Tourism, Environment and Planning what are the qualifications of the new manager of the Turtle Farm in respect of breeding and rearing of turtles.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The new Managing Director does not possess any technical qualifications in respect to the breeding and rearing of turtles. However, he has extensive experience in Business and People Management. It should also be

noted that Mr. Ebanks' predecessor had minimal knowledge of turtles and management experience at the time of his appointment also.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: As a matter of clarification, is the Minister saying that Dr. Jim Wood did not have scientific qualifications in the management of turtles and their breeding, reproduction and so on?

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

Hon. Thomas C. Jefferson: My understanding is that when he arrived at the Turtle Farm in the early 1970s, the people who were already there had to teach him what to do in respect to the rearing of turtles. One can have academic knowledge, but the practical implementation of that knowledge in rearing turtles is a different matter.

The Speaker: The Third Elected Member for West Bay.

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

I wonder if the Minister could say what arrangements have been put in place to ensure that the technical side, as far as the scientific aspect of the Turtle Farm, is taken care of?

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

Hon. Thomas C. Jefferson: The Board of Directors of the Cayman Islands Turtle Farm is of the opinion that to successfully direct the Farm, one does not necessarily require experience with turtles but should, more importantly, be experienced in management. A competent and qualified individual will be hired to oversee and direct technical, scientific and data collection aspects of the Farm's operations, together with a suitable young Caymanian understudy who will be trained academically on the job.

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

Mr. Gilbert A. McLean: Could the Minister say if there is anyone now at the Turtle Farm with the scientific knowledge to make determinations in the case of illnesses or viruses and the like which might occur within the Turtle Farm among the herd?

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

Hon. Thomas C. Jefferson: If the Member does not mind, I think the answer will come in question No. 6. He may hold his supplementary if it is not flushed out by that.

The Speaker: The Honourable Minister is quite right, we can leave that until question no. 6. If there are no more supplementaries, the next question is No. 4, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 4

No. 4: Mr. Roy Bodden asked the Honourable Third Official Member what was the purpose of the Minister of Education and Aviation, the Minister for Community Development, Sports, Youth Affairs and Culture and the Minister for Tourism, Environment and Planning, Leader of Government Business, accompanying the recent Financial Industry promotion delegation overseas.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the concept of the financial industry promotions which took place recently in New York, London and Hong Kong was put forward by the Private Sector Consultative Committee, otherwise known as the PSCC. All members of the PSCC were, as a matter of course, invited to participate in the promotions. It was felt particularly appropriate to the nature of the exercise and the calibre of the intended audience that the Ministers be involved given their dual capacity as Members of Executive Council and of the PSCC.

This involvement proved to be key to the exercise in very concrete ways. An issue at the conferences was Cayman's political status, especially since some Governments in other leading offshore financial centres are discussing independence. Ministers were able to personally assure the conference attendees that such changes were not being contemplated by the Cayman Islands.

The presence of the Ministers also resulted in the significant opportunity to meet with the United Kingdom Branch of the Commonwealth Parliamentary Association at the House of Commons. We were thus allowed to fully brief an influential audience on the operations of Cayman's financial industry and regulatory regime, with particular emphasis on legislation and associated measures promulgated to deal with drug money laundering.

The impact of the briefing was such that one of the lords commented afterward that his suspicion that the BBC documentary, aired last September was a hatchet job, was confirmed.

At the Hong Kong conference a leading trust attorney pointed out that Cayman was considered the jurisdiction of choice in terms of quality for the setting up of restricted trust companies; however, because of the fee of C1\$6,000 per annum, as opposed to the standard fee of US\$2,000 per annum in other jurisdictions, Hong Kong law firms were referring business to the less costly jurisdictions.

The Ministers were able to consider this issue on the spot and later that same day it was announced that a de-

cision had been taken to realign Cayman's fees to US\$2,000 per annum, effective 1st March, 1995.

It also has to be noted that the previous experience of the conference organiser suggested that attendance levels would average 80 persons; our conferences exceeded all expectations with attendances in New York, London and Hong Kong of over 170, 200 and 130 persons respectively. Again, it is clear that the presence of the Ministers was a contributing factor to these above-average numbers.

The overall conclusion to be drawn is that although the absence of the Ministers would not have led to the conference being unsuccessful, the fact that they were involved elevated the status and recognition given to the Conferences with distinct results.

Thank you, Madam Speaker.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

What formal presentations did these Ministers make? What were the topics of their presentations?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, an important segment of the conferences were the social gatherings after the conferences concluded for the day. This is where the Ministers had the opportunity to meet different individuals within the audiences in London, New York and Hong Kong. Particularly in Hong Kong this was quite a regular question that was posed. The Ministers were identified during the course of the conference and it was pointed out that they would be available. As a result, they were targeted with questions that could best be answered by politicians providing the assurances being sought.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Am I to understand then that the Ministers' role was purely one of social importance and that they offered no technical or political expertise of a formal nature through the method of presenting positions or policy papers?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: That would not be a fair conclusion to draw. Whenever conferences are being held or attended at an international level, one of the disadvantages that Cayman always finds itself in is that there is only one individual leaving the Cayman Islands for such conferences. I have attended conferences in countries such as the BVI and elsewhere, where there is normally a contingent of government officials and ministers in attendance.

Because of the fact that quite a number of the leading jurisdictions at this time are contemplating the subject of independence, and some of them are not far removed in terms of moving into that political area, it was felt important for Ministers to be available to deal with these questions. It is to be regarded as a contingent measure put in place.

At this time hardly anything can be taken for granted and, most importantly, what we find is that although recognition is given to officials when answers are provided, this does not provide the level of assurance that comes when such answers are given by the political machinery of any government.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Were these audiences handled in a formal way, that is, in small groups with question and answer periods, or were they purely at a social cocktail level?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: No, Madam Speaker. For example, during the luncheon arrangement several tables were set up and Ministers along with other government officials were ably dispersed at the various tables in order to deal with the questions.

I sat at a table where six individuals all seemed to be using a form of unique language, and I found out while sitting there that these six persons were from a country called Micronesia. The six persons consisted of the Attorney General, her Deputy and two other persons from the Legal Department, the Finance Minister and the Permanent Secretary. I thought for a minute, then raised the question why such a large group from any one country? We were told that Micronesia is now contemplating the setting up of an off-shore financial service industry, and obviously they wanted to glean as much as they could from being in attendance at the Cayman Islands Conference.

It was also noted, particularly in relationship to the BVI, that not only was their private sector represented, but the PR firm that does the representation for that country was also represented at the New York conference, and raised questions as well.

The Speaker: The next question is No. 5, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 5

No. 5: Mr. Roy Bodden asked the Honourable Minister for Tourism, Environment and Planning, what is the policy regarding the sale of "public open space" in subdivisions.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

Ownership of land for public purposes in subdivisions normally remains with the developer, and protective measures such as restrictions on the land register and a series of 'Lands for public purposes' files are maintained to prevent any alternative use from occurring.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Have there been any cases recently where application was made for the sale of such land, or where actual sale of such land has been made?

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

Hon. Thomas C. Jefferson: Not to the best of my knowledge.

The Speaker: The next question is No. 6, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 6

No. 6: Mr. Roy Bodden asked the Honourable Minister for Tourism, Environment and Planning what provisions have been made for the continuation of scientific research and data-keeping at the Cayman Turtle Farm.

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

Hon. Thomas C. Jefferson: Madam Speaker, the Farm will continue all scientific research as this is an integral part of its conservation effort. It should be noted that the majority of research and data-keeping was previously conducted by Mrs. Fern Wood and not the former Managing Director.

These duties are currently being conducted to a certain extent by Mrs. Wood's former assistant, Miss Michelle Cascante. Efforts are presently underway for the recruitment of a qualified scientist to head up all research as well as a suitable young Caymanian understudy who will be trained academically and on the job.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

On a point of clarification, could the Honourable Minister explain what is meant by the term "suitably qualified" scientist, in this case?

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

Hon. Thomas C. Jefferson: I do not claim to be a scientist, neither do I claim to know all the qualifications necessary to deal with turtles. But it seems to me that it has to be in the marine biology area, or zoology.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Let me assure you that the question was not intended to be facetious, as I would not wish to waste the time of the Honourable House. What I meant was if the Honourable Minister deemed it necessary for a scientist to be at the doctoral level, or to be someone who is conducting research prior to doing a thesis in this particular area.

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

Hon. Thomas C. Jefferson: Madam Speaker, I think we perhaps should step back one step. We do have scientific people already in the Department of the Environment—we have PhDs as well as massive degree individuals who are in the marine biology area. So we are not adrift for expertise, if that is what is trying to be conveyed.

What we said from the very beginning, as the Board of Directors of the Turtle Farm, is that we will recruit a person. In the meantime, the Department of the Environment has sufficient expertise to bridge the gap until we recruit this new person.

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

Mr. Gilbert A. McLean: Would the Minister say if attempts are being made, within the job description of such a scientific person, to recruit someone who has had some dealings with turtles—be they from the French farms in the Islands where a farm closed... and, also, if Mrs. Fern Wood was formally appointed or was she an employee of the Turtle Farm?

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

Hon. Thomas C. Jefferson: Madam Speaker, the answer to the last question first: She was an employee of the Turtle Farm, and very ably remunerated.

Personally, I would not be too eager to hire someone from the farm which closed down. I do not know what the background of that closing down really is. Was it all financial, or were there also technical problems which resulted in the closing down, or was it not operating efficiently? I would be inclined to recruit someone who is seen by an interview panel to have some expertise in the area of which we are seeking. Obviously, the advertise-

ment should say what exactly this team of experts (helping us to do the advertisement) should be.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if there are currently existing at the Turtle Farm any records of scientific research and data kept by the departed director and his research assistant wife?

The Speaker: I believe that the Honourable Minister answered that when speaking about research and data keeping. He said the duties are currently being conducted to a certain extent by Mrs. Wood's former assistant Miss Michelle Cascante. I think that was the answer. You may not have that supplementary.

The Second Elected Member for Cayman Brac and Little Cayman.

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

Seeing that the Cayman Turtle Farm is supposed to be the only one in the world that has had success with breeding and rearing of turtles in captivity, it would seem to give Dr. Wood a certain degree of expertise. Would the Government be inclined to rehire this gentleman to continue the success story?

Hon. W. McKeeva Bush: No way.

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

Hon. Thomas C. Jefferson: Madam Speaker, I hear various answers coming from this Chamber to the Member. I am not proposing to give those answers. What I would say is that sometimes people are deemed to be experts and to be successful because they have a good team of supporting people below them. If I have to put my marbles on the table, I would say that much of what has been accomplished has been by the people who have been working at the Turtle Farm before and after the former director—some of whom are still there doing their daily work needing no supervision, and who understand turtles.

I think the Second Elected Member for Cayman Brac and Little Cayman can listen and understand what my answer is to him on the latter part of the question.

The Speaker: May we now leave the matter of the turtles and go to a more solid matter concerning question No. 7, asked by the Fourth Elected Member for George Town.

QUESTION NO. 7

No. 7: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Communications and Works what plans exist for the Public Works Department to carry out repair on the hard-courts at the John Gray High School.

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

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

The Public Works Department is currently carrying out a detailed survey of the hard-courts to obtain existing grades and elevations in order to formulate plans for the most cost-effective measures for improving the playing surface and drainage.

It is anticipated that this project will be completed in April or May.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Minister could say if before the \$64,000+ dollars was authorised to the private company for the servicing of this court Public Works inspected it?

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

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

I am not certain of what \$64,000 the Member is speaking of, but, yes, it was checked out by Public Works prior to the contract being given.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

The \$64,000 that I refer to—we were told during a tour of the school—was authorised by Public Works to the private company that had worked on the court. My concern is that there is some disagreement between the school and Public Works because no one wants to accept the responsibility for this court. That is why I asked this question.

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

Hon. John B. McLean: Madam Speaker, it is my understanding from the Public Works Department that only the usual 10% on any contract has been paid out to date on this project. I do not think there is a disagreement between Public Works and teachers or the school, I think there is a misunderstanding between the contractor and the Public Works Department, which as I understand it, is presently being worked out. As I pointed out, the project will hopefully be completed by early May.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

I wonder if the Honourable Minister could give an undertaking, based on the fact that the school's faculty have certain opinions about what needs to be done with the repair work, that whoever is dealing with it does so in consultation with the people at the school.

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

Hon. John B. McLean: I can give that undertaking because that is exactly what I have said about it. I would point out that the work that is being carried out presently will assure that we have a smooth court when it is completed.

As a matter of fact, I visited the site only two days ago and there is one area that is not quite level and not as smooth as we would like it, but that will be corrected.

The Speaker: The next question is No. 8, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 8

No. 8: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Aviation to give a statement on the Drug Awareness Education Programme in the Primary Schools.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Drug Awareness Education in Primary Schools is currently being addressed through the Quest Programme which directly complements the health curriculum. All primary school teachers on Grand Cayman and Cayman Brac have received training in the presentation of the Quest Programme supported by the Lion's Club.

The programme "Skills for Growing", ideally geared for the primary grades, uses the holistic approach to teaching self-esteem, relationships, refusal and problem-solving skills to younger pupils.

The programme is further enhanced through the local chapters of Cayman Against Substance Abuse (CASA) and Youth to Youth.

Drama, skits, guest speakers and a variety of video presentations are utilised to demonstrate ways pupils can deal with external peer pressure and subtle internal pressures. Following the Skills for Growing Programme in primary schools, students then make the transition to the Skills for Adolescence and Skills for Living which is being addressed at the middle and secondary levels.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Minister is in a position to tell us what type of existing timetable there is with regard to the last part of his answer about the drama, skits and guest speakers, or is this something that is only done when it is available?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the curriculum aspect of it would be time-tabled. Things like skits, or when the police visit, would naturally be put in when there is time. This is given top priority. It is being looked at in depth, as the Member knows, through his Lion's Club, as well as through the Ministry and the Department.

I pledge to do everything possible to ensure that everything is done. But while I am saying this, I hope that Members will support doubling the penalty for drugs in relation to any adult who gives, sells or otherwise deals it to a juvenile or within the vicinity of a school.

Thank you.

The Speaker: The next question is No. 9, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 9

No. 9: Mr. D. Kurt Tibbetts asked the Honourable Third Official Member: (a) If unbudgeted expenses have been incurred since the approval of the 1995 Budget; and (b) If projected revenue is on target.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Thank you, Madam Speaker.

The answer to part (a) is yes, unbudgeted expenditure has been incurred since the approval of the 1995 Budget. Up to the 6th of March, 1995, CI\$653,503 has been spent as authorised by Executive Council. Included in this sum is an amount of CI\$115,268 previously approved by Finance Committee on 21st December, 1994, for the purpose of settling an outstanding loan balance due to the Agricultural Industrial Development Board from a farmer. A re-vote of this sum will be sought at the next meeting of Finance Committee.

The answer to part (b): At the end of January, 1995, 9.83% of budgeted revenue had been collected. However, as noted during the winding up on the Budget debate last November, two areas in which shortfalls are likely to be experienced are tourism accommodation tax and garbage fees. A decision by the Government to consider expenditure reductions in line with this likely shortfall is on hold pending the results of the financial position of the year ended 31st December, 1994, being established. If the surplus realised exceeds the CI\$2.9 million as projected in the Budget, the excess will be applied as an offset against the likely shortfall which has been approximated at CI\$2.4 million.

If an enhanced surplus balance is not achieved, expenditure programmes will be examined by the Government and adjustments proposed with a view to realigning the Budget for 1995.

SUPPLEMENTARIES

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 could expand on the last part of his answer by telling us whether the expenditure programmes will be examined with regard to capital expenditure?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, that is a possibility, but at this time I cannot give an answer in the affirmative because if it is likely that necessary savings can be achieved in the recurrent expenditure that will also be considered as well.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Honourable Member could give some details about the approximately \$538,000 of unbudgeted expenditure which would be the remainder of the \$115,000 of the outstanding loan balance which he mentioned.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: This amount is broken down as follows: Reallocating of Cayman Counselling Centre—a sum of \$44,976 has been approved; payment to Universal Postal Union (this had to do with rate increase) \$4,735; Interest on land purchased at the Spotts jetty, \$40,764 (this is a loan that is currently outstanding with the Bank of Butterfield—the full amount of this loan will also be included on the agenda at the next Finance Committee meeting); Maintenance of refugees, \$435,511; Office furniture for the Department of Tourism, a sum of \$11,554. That is the breakdown.

The Speaker: The Fourth Elected Member for George Town.

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

The Member just mentioned some \$400,000+ dollars for the maintenance of refugees. I wonder if he could enlighten us if there are any outstanding payments which the Government will be responsible for while these people are in Guantanamo?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: There will be a briefing made to Honourable Members of the Legislative Assembly during the course of this meeting, and I think this will either be done by the Acting Governor, or the Acting Chief Secretary. But the answer to that question is yes, the Government will be required to make a payment.

The Speaker: That concludes Question Time for today.

The next item, Statement by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

STATEMENT BY MINISTER OF GOVERNMENT

ESTABLISHMENT OF A CADET CORP

Hon. W. McKeeva Bush: Madam Speaker, Honourable Members of this House are aware that a concern exists in the community regarding the future development of our young people. While it is generally agreed that the law breaking and general negative social behaviour is exhibited by the minority of our young people, there is also a feeling that efforts need to be made to improve the social infrastructure and, thus, the social environment within which our young people must "live and move and have their being".

Accordingly, parents have been encouraged, exhorted and offered training and support from a number of quarters. Youth organisations have been established and strengthened, sports facilities and amenities augmented, schools have sought to establish partnerships with the home, rehabilitation facilities have been set up, legislation is being overhauled, and major studies are being organised.

Much of this activity is geared to addressing the perceived need for enhancement of youth discipline, broadly interpreted as an approach to life geared to seeking out and building on opportunities for personal growth and self-improvement. The aim, as I understand it, is to optimise the chances of producing a body of good citizens.

In this regard, the idea of establishing a cadet corps possibly attached to or based in schools, has been discussed for a long time and further investigation of this, was part of the purpose of the official delegation which I led to Bermuda at the end of January. I shall now give Members a brief description of some of the positive attributes of the 'Bermuda model', so that we may see some of the aspects we may wish to emulate here.

The Bermuda Cadet Corps is secondary school-based. It may be treated as extra-curricular, or integrated into the curriculum, depending in part on the judgment of principals of the schools. From a curriculum perspective, it is regarded as 'life skills' training. There is apparently a move afoot to incorporate the corps into the schools' curriculum formally.

This may derive from the growing popularity of the cadets with parents because of the discipline it requires, and with the young persons it also seems to be reaching

that critical age group when most young people tend to drop out of other organisations such as Scouts, Brigade, et cetera.

Another positive feature of the Bermuda experience is that cadets are required as part of their programme to do community service, for instance, give assistance to elderly persons.

On the same visit, the Bermuda regiment was discussed in some detail. This again arose out of interest here in the possible establishment of a Cayman Islands regiment. Government is aware that there are many differences between the Bermudian and the Caymanian situation, and, therefore, the purposes which the regiment might serve here would not necessarily be identical. Important information was gathered, however, on the Bermuda regiment's background, organisation and management, legislation, and so on. Other useful contacts were also made and relationships forged.

No detailed planning for the Cayman Islands regiment has yet taken place, but it seemed to be important to advise Members at an early stage in the initial thoughts about the matter. In brief, it is considered that as in Bermuda the regiment would be extremely useful in the event of natural disasters or possible industrially related environmental impact responses, such as clearing up of oil spills. It could possibly also relieve the police from duties outside of basic police work, such as marine patrols, guard functions such as at Government House, and possibly ceremonial duties. The idea has also been floated that some serious young offenders might benefit from a stint with such a regiment, and a serious young offenders programme is being considered to be a part of, or attached to the regiment somehow.

Members will observe from what has been said in this brief statement that the proposed cadet corps and regiment is still in its formative stage. It is hoped that the gesture of providing this information at this early stage will be appreciated and, if anything, constructive comments will be provided, whether critical or otherwise.

This is a good opportunity for Members of this Honourable House and the public at large to let me know what their feelings, or ideas are on these two programmes.

Thank you, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Would the Honourable Minister undertake to inform Her Majesty's Loyal Opposition as to any technical or useful information he thinks we could use in broadening our understanding on the ideas he just quoted?

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

Hon. W. McKeeva Bush: I just finished saying that I hoped that the gesture of providing this information at this early stage would be appreciated and, if anything, con-

structive comments will be provided—whether critical or otherwise. This is a good opportunity for Members of this House to let me know, or the Government know, what their feelings or ideas are on these two programmes. I thought I was clear on asking Members to provide comments.

Equally, I would not only provide Her Majesty's Loyal Opposition, but I will do what I have done today—provide the House.

The Speaker: Honourable Minister, I think this is what the Member wished to find—if there were further details. So that has been cleared up, thank you.

The next item is the commencement of the debate on the 1995 Throne Speech delivered by His Excellency, Mr. Michael E. J. Gore, CVO, CBE, Governor of the Cayman Islands, on Friday, 3rd March, 1995.

The Third Elected Member for Bodden Town.

GOVERNMENT BUSINESS

COMMENCEMENT OF DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

Mr. G. Haig Bodden: Madam Speaker, I would like to offer congratulations to His Excellency the Governor for the Throne Speech which was delivered last week.

It is the most positive Throne Speech I have heard in this Chamber during the time that I have been here. The National Team Government has a lot to crow about and they are justified in pluming their feathers.

The country has been brought back from the brink of the financial disaster we faced in November 1992. The unfettered borrowings have stopped, the grandiose and wildcat schemes have been replaced with sensible projects. Cayman Airways has been able to lift up its wings and regain some of its former glory. I think the speech actually said that the airline now has a fighting chance of survival.

Investor confidence has been restored to these Islands. The tourist industry is doing well, the banking industry is on the move. Finance Committee has been put back into the hands of the Elected Members, and we have at the top of the Civil Service a Governor whom we are all proud of, one who commands the respect of the public.

It will not be possible to deal with the many details of the Throne Speech, but there are many positive factors in it and many positive projects which should be mentioned.

First of all, there is the Government's handling of the Cuban refugee crisis. When the refugees started to arrive in these islands everybody thought that the country would be choked with them, believing that the finances necessary to take care of them would bankrupt the Government. The expenses have run into millions of dollars per year; this is a large sum for a small country that did not have any advance notice and did not have the resources

set aside to deal with this particular problem. Yet, money-wise, the Government has coped with the situation and the public, not only individuals, but certain organisations, have come forward and provided humanitarian care on a high level.

Throughout the Throne Speech mention was made of many areas in which the Government will be making a physical improvement on buildings. It mentions the Courts Building and it says that more extensive use of computers will help in the proper administration of the offices and provide an improved service to the public.

The Governor mentioned that in 1994 the General Orders had been amended to remove the discrimination against the female members of the Civil Service, and this is welcomed news. Also, he made it clear that he will be setting up a committee under the Honourable First Official Member to review the General Orders and improve the Civil Service.

Someone in the press indicated that it is his hope that more freedom of expression will be given to the members of the Civil Service. I must say that this has to be handled with caution because every business, and particularly, every big business, has certain rules which have to be followed by the employees. If you work with Esso's or Texaco's bulk plant, you are not allowed to smoke in the area of the gas tanks; if you work in the construction business you are compelled to wear a hard hat; and if you work with the Government where the situation is loaded with politics, civil servants cannot be allowed to curse, condemn and criticise the Government, because there would be a breakdown in the Service between the employer and the employee.

There is a sacred trust where the employee must be loyal to his or her employer, and if we do not have complete loyalty, complete trust, there is a breakdown in production in that business. Nobody would be able to work for a law firm or a bank if that person went out and constantly downgraded the institution for which he worked. This is not to say that civil servants cannot have their say, but it must be done in the right manner—and the right manner already exists.

Sometime ago Mrs. Lucille Seymour, a top-ranking civil servant in the Department of Education, said on a television talk show that the mechanism (these are not her exact words, but this is what she meant) for a civil servant to air his grievances already exists in the Service. If there is something the individual is not satisfied with he must go to his superior officer, and perhaps through the superior officer on to the Governor who is the head of the Civil Service, and make his dissatisfaction known. No member of the Civil Service is going to be injured by this type of action.

If someone works in one of the Portfolios headed by an Elected Member, and that person does not seem to like the policies of that Portfolio, there is a provision for the person to make his thoughts known. But he cannot be allowed to go out and write letters to the press that are critical of the people whom he serves. No intelligent person would tolerate that because he would not be govern-

ing his own house. If this happened there would be chaos.

The Governor also took the opportunity to mention that he had been inflicted with rumours regarding outside interference which may have influenced his actions with the Civil Service. He made it quite clear that no such thing happened. In fact, we, the Members of the Legislative Assembly, know that this could not have happened because there is a section in the Constitution which is very clear. That section says that the Governor has sole responsibility for the Civil Service in regard to hiring, firing, discipline and so on. The Executive Council has nothing at all to do with it.

While the Governor may inform his Council of any action he has taken with regard to a senior-ranking civil servant, or a lower-ranking civil servant, the Governor cannot consult them as to what he should do.

This is not a new thing. From as far back as I can remember the Constitution has stated that the Governor, and the Governor alone, bears the responsibility for the firing of civil servants and, of course, hiring. It is true that he has the help of the Public Service Commission, and undoubtedly he receives recommendations from the Heads of Departments, but the sole responsibility is his. This Governor has not shirked that responsibility.

On the last page of the Throne Speech he had this to say, and I quote: **"It is perhaps timely to emphasise that the Civil Service comes directly under my command and I take full responsibility for all decisions regarding the Civil Service."** But, here again, if there is a rebellious civil servant who cannot contain himself and abide by the rules and the regulations of the Civil Service, that person can find another job, or he should be helped along to another job. You cannot bite the hand that feeds you.

I am certain that any civil servant who is dissatisfied with his lot can get an audience with the Governor or an audience with his Head of Department, or his Supervisor; and if he wants to write a letter to the press the regulations also make that provision. But the letter has to be approved by the Governor. So, there is no getting around it. In order not to damage the relationship between a worker and his employer, the worker must always abide by the regulations of the organisation in which he finds himself.

The Elections Law is to be amended, according to the Throne Speech, in order to provide a permanent Register of Voters. This will replace the register which is completed every four years. It should eliminate the problem that has been encountered so many times when, during the short period of registration, some people find themselves unregistered on Election Day. It seems like a small item to be in the Throne Speech, but it is very important and I support the move.

One of the pluses of the Throne Speech is the announcement that we have a new Commissioner of Police. I know this is welcomed by my friend the First Elected Member for Bodden Town, as well as by myself, and probably will be welcomed by many of the inhabitants of the islands. Only last week we visited the Police Station

in Bodden Town and found that despite all the additions to the Force, the previous Commissioner could not find a way to have 24-hour service in the Bodden Town Police Station. We trust that the new Commissioner will be able to properly deploy his men so that this can become a reality without the addition of more officers to the Force.

A positive step is the announcement that the Government will in earnest have an education programme for prisoners. There will be job training, and what is even more important help in finding jobs for the prisoners upon release from prison, because the rate of recidivism at our prison is very high. The same persons tend to go back again and again. Perhaps it may be the attraction of the fine accommodation and the excellent food at 'Her Majesty's Hotel in Northward', but I believe one of the reasons for a prisoner becoming a recidivist is that when he comes out of prison he comes out probably in the same condition in which he went in—unemployed, not interested in a job, and not having the skills to compete in the work force.

I know that there are some that no one will ever be able to help. But, certainly, among the younger prisoners an attempt must be made to salvage them so that they can lead a beneficial and productive life and become interested in a job which they can hold. If this programme results in saving even one life it would be worthwhile, but I believe many of them can benefit from it.

On the financial side, there will be amendments to the Local Companies Law, Trade and Business Licence Law, and other areas affecting the financial community. It is necessary that we keep our house in order and that we continue to be a leader.

Only this morning the Honourable Financial Secretary mentioned that another country, Micronesia, is becoming interested in the financial services which are currently only offered by a few of the world's many countries. It is absolutely necessary that we continue, as we have for many years, to be amongst the top countries offering these services.

Mention was made in the Throne Speech of the visit of a cruise ship to Cayman Brac. This was really a red letter day for Cayman Brac, and I am certain that the inhabitants of that island will be happy with repeat visits. But this initial visit is important because it took the National Team Government to bring that visit to Cayman Brac. It was the first, which is important because it showed that it could be done.

I understand from some of the people I spoke to in Cayman Brac, that comments made by most of the visitors about the way the people of Cayman Brac received them were very favourable and many of them would be delighted to come back again. Every day I talk to people who have been to other Caribbean countries and many times their comments are not favourable. I would like to say that most of the comments I have received about the Cayman Islands have been worthwhile repeating. The first two that we get are: 'You have a clean island, when we move around George Town we do not notice any ugly smells,' and, 'We are delighted with the attitude of the Caymanian people towards us.' These two things go a

long way. I believe that Cayman Brac is, perhaps, even more able to provide the friendly atmosphere which is the delight of the tourists.

The Speaker: Honourable Member, would this be a convenient time to take the suspension?

Mr. G. Haig Bodden: 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: The Third Elected Member for Bodden Town, continuing.

Mr. G. Haig Bodden: Little Cayman also came in for positive comments in the Throne Speech. Mention has been made of the completion of Paradise Villas, together with an excellent restaurant, and that the Government has completed Phase I of the Hurricane Shelter and Civic Centre project.

I know that there are a few people who would like Little Cayman to remain undeveloped, but no place can remain undeveloped or under-populated forever. One of the major problems with Cayman Brac is that the population is so small that it is very difficult to support businesses, it is very difficult to provide jobs, and there has to be a certain amount of infrastructure in the country.

Many people know that as long as Grand Cayman remained in isolation there was no development. I believe that the economic success story of the Cayman Islands started many years ago when the government decided to build an airport that could connect us to other countries. There has to be a high level of infrastructural development if the country is to enjoy the benefits of economic growth, and Government is responsible for putting in the infrastructure.

In the Throne Speech it was mentioned that in Cayman Brac emphasis had been placed on maintenance projects, that is, continuing to upgrade the services which already exist. For example, this is very true of the roads. I believe all the roads in Cayman Brac are superior to the roads we have here, especially in many of the well-populated subdivisions. This has come about because for many years the Government has spent a lot of money on roads—not because they were in such bad shape, but because they felt the need to provide work in Cayman Brac. So, in a small place you will find that some of these services will be highly developed, and because there is not as much use, these projects stand up better and last longer.

It was mentioned that a new Community Park has been started in the West End area, and that this will be completed in time. The point that I am trying to make here is that the present government seems to be looking at the overall picture, that the Cayman Islands is not only

Grand Cayman but it includes Cayman Brac and Little Cayman, because whenever they suffer we will suffer as well. So the Government has to pay attention to the Sister Islands.

Mention was made that the Computer Services Department will continue to improve the services to many departments of Government. They have singled out the Court Office, the Attorney General's Chambers, the Police Department, the Customs Department, the Companies Registry, the Financial Services Department, and the Planning Department.

The Legislative Assembly (although some may not realise it) is comprised of the Elected Members and has carried a heavy load and has performed well over the period under discussion.

The Penal Code has gone through a Select Committee and a report was tabled in the House. That report has now been sent off for drafting and shortly, I imagine, the Draft Bill will be coming back to the House for passage. Other Committees have been active, and reported that they had done some work, that is, the Register of Interests Committee, the Code of Ethics and Conduct Committee, the Committee to Review the Gambling Law, and the Committee to Review the Sunday Trading Law at the end of 1994. Hopefully, sometime before election time next year, these Committees should have presented the reports which can be used for drafting the necessary legislation to complete these important matters.

In addition to that, 18 Bills were passed through the Legislative Assembly, some of them were minor amendments to existing Bills, but necessary legislation. In addition, another 30 Regulations and Orders were drafted. Some of those Regulations came to the House for approval while others, according to Law, only had to be sanctioned by the Executive Council. In addition to this, 18 Laws were revised by the Law Commissioner and have been completed.

The revision of the Laws is merely putting into one document all the amendments which had been made over the years. The revision does not in any way change the existing Law.

The London Office of the Cayman Islands Government, headed by Mr. Thomas Russell, a former governor, has been moved to a more spacious and, we understand, less expensive office. The Cayman Airways Office in London also moved to a more spacious accommodation with substantial savings in rent. It is important that we keep up our image abroad, and whenever we can, reduce the expenses to do so. Perhaps some of them who referred negatively to the Government not reducing expenses do not care about these matters.

On a very positive note, 11 students graduated from the Law School in 1994 with the prestigious University of Liverpool Bachelors of Law Honours Degree. We were told that another ten students are on line to graduate during this year. The 1994 Graduation brings the total number of students who have graduated since the establishment of the Law School to 54.

The Honourable Financial Secretary has to be congratulated on moving into another area of the finance

market. It is contemplated that new legislation to foster the development of the Cayman Islands Stock Exchange will be introduced, hopefully this year. This will be another first for the Cayman Islands.

The Customs Department, the heart of Government's revenue, had an excellent performance in 1994 and produced the record sum of \$61.6 million dollars in revenue. That is no small accomplishment for an Island of less than 30,000 residents. All areas of finance seem to have done well, and I maintain that they did well simply because of the Government. Investors have other places to go, but if you have a government that creates a climate where the fiduciary institutions can be content, those people will come—and this is not mere talk; the results bear it out.

Last year 5,409 companies were added to our Company Register, an average of 15 companies per day. Which other country can boast this? Yet, the Chamber of Commerce talks nonsense about the Government and its expenses and its lack of financial stability; because that is what the report said, although it might not have said it in the same words. That is not borne out by the facts because those 5,409 companies that were added to the Register brought the total of registered companies up to 31,612. These are not peanuts. The revenue from these companies in 1994 was a total of \$16.0 million—not a small sum.

Thirty-seven new banks were added bringing the total of banks registered here up to 560, and amongst them are some of the world's largest banks.

Since the National Team took over, they have introduced Mutual Funds and passed the Law to allow for Mutual Funds Companies to be registered here. It was an overnight success. The budgeted figures for revenue from the Mutual Fund area in 1994 was exceeded by 57%. This is Government not looking to squeeze and to tax the residents, but to bring in money from other areas. We had the same success in the Insurance industry where 45 new Captive Companies were added to the register in 1994—a record year for growth.

Now, I have only merely touched upon some of the positive actions of this Government. But, unfortunately, I may not be here tomorrow, and there are some other matters which need attention so I would like to look at some of them.

During 1995, as mentioned in the Throne Speech, the Bodden Town Health Centre will be completed at a cost of \$485,000—almost half a million dollars. There has been some criticism of the site upon which that clinic is being built, but the objections are very feeble indeed. Some say it should be put where the old clinic is—which is utter nonsense. The reason why the clinic is being put in another place is because there is absolutely no parking facility at the old site. What would we do with our patients? Do we put them in a refrigerator while we pull the old clinic down and build the new one? That is nonsense, it cannot go there.

The main reason for building a new Clinic is that since the old one was built the population of the Bodden

Town district has increased seven-fold, maybe more, and the old facility can no longer serve the public efficiently.

The present site can provide adequate parking and the entrance is off the main road. People will be using the side entrance to the building, which means that there will be safe and easy accessibility for those who will use the Clinic. This is a very important factor when we are going to have sick people, old people, physically incapacitated or otherwise infirmed, and very small children going to the Clinic.

Another objection is that it is close to the Bodden Town Police Station and there is not adequate space for emergency vehicles to pass. The fact that it is close to the Police Station enhances the Clinic, because it will be less vulnerable to vandalism and, in the case of a real emergency, they can be helped by police officers who know a little about First Aid and in coping with emergencies. So, it is a plus that it has been put on this site. As to the nonsense that there is not enough space—what do they want? Last week I had another look at it and the distance between the Police Station and the Clinic is at least 50 feet, maybe 60 feet. How much road do they want when the main road in Bodden Town, the main highway is less than 30 feet wide? There are other areas where the road is not 50 feet wide. So, why just to get into the Clinic do we need more than 50 feet of road space? On 50 feet of road you can park cars one side of the road and two large vehicles, bigger than any of our emergency vehicles, even two of the large fire trucks can pass at a comfortable speed. But it is my understanding that no cars will be parked in this 50 feet-wide roadway.

Another objection is that the Clinic blocks the view of the James Manoah Hall, which is on the same property. That has to be the most ludicrous of all objections, because the Clinic is not sited in front of the Hall but is more to the west of it. And anyone who cannot see that Hall through a 50 foot-wide roadway must be blind indeed.

The Clinic is bound to enhance the James Manoah Hall rather than to detract from it, because you will have a fine, new modern building on the same site and the Hall has to be enhanced.

What gets me about the James Manoah Hall is how it has grown in stature over the 11 years that it has been built. When we opened that building in 1984, the opposition in Bodden Town did not want to go to it and boycotted it for a number of years. They would not go there for any function. Now, they are worried about whether you can see it. The press at that time had so poisoned the minds of the public against the Unity Team Government that people called the Hall a "White Elephant". But, I am glad to report that the years of rain and heavy wind have washed away the political muck from the James Manoah Hall. Now, this magnificent Hall stands as a symbol of the Government that put it there.

It had been used over the years as a hurricane shelter, it has been used as a refugee Centre, as a hall for the General Election, it was the venue of Princess Alexandria's visit. Political meetings have been held there, Church services have been held there, weddings and receptions, social activities and hundreds of other events.

Some sporting events have been carried out in the hall and in the yard.

What I am saying to the new Member (because he may get worried about these nonsense criticisms) is that the day will come when the Bodden Town Health Centre will be accepted, used and appreciated by generations to come.

It is true that the Government could have gone and found another piece of land for the Clinic, but everyone knows that the National Team Government inherited a bankrupt purse, and does not have a lot of money to squander. But even if things were different, and the land had been available in Bodden Town (and land is scarce there), this particular spot is still the best spot for the Clinic.

Having made these few comments on the Clinic, I want to state that the real reason for the objections to the clinic is political envy. The Clinic will cost, as I mentioned, C\$485,000. This is the first Capital Project by Government in the Bodden Town district since 1984 when the late Jim Bodden and I lost our seats in the Executive Council. Eleven years we had to wait for a major capital project. It is true the last Government bought the public beach, but I am talking about a construction project.

You know, my enemies rate my representation very low, but that is all right because I have survived for more than two decades against an unfavourable press and against those people who could not control me. So, they are wasting their time on me. Eleven years we had to wait. During the few years we were in Council there were at least a dozen capital projects, such as things like the Civic Centre, the Police Station, the Fire Station in Frank Sound, the Prison, the Water Plant in Lower Valley, the Community Hall at Breakers, the new School Buildings in Savannah and Bodden Town, and the first playing field—the only play field in fact, in Bodden Town and Savannah. And I could go on and on and on. But it is just political, because this Government is doing what had not been done in 11 years. While they know we need the clinic, they pick at some little thing to make the public believe that the Government does not know what it is doing.

The reason why we had nothing in those 11 years is because the Executive Council controlled, with their majority in the Finance Committee, the spending of Government and dictated where the projects should go. In those years we had no representation in Council. But today I am glad to say that we have a Member in Council and I would like to believe that although the other four Elected Members may be favourable to Bodden Town, the voice of the Bodden Town Member helps to get projects like this done.

But do you know why they criticise? Not because we are building a single clinic. No. But, because the Government is spending \$3,820,489 this year on a capital works project, of which the clinic is only a part. So, is it any wonder that the Opposition cannot contain itself? They are as surprised as *Alice in Wonderland* that something is coming to Bodden Town and not only is the clinic coming to Bodden Town: there are plans this year to commence the West Bay district Clinic, and to develop a

Health Centre for North Side and East End. A Government looking at the whole picture!

Some of the projects in this nearly \$4 million package are worth mentioning. One of them is the public beach for the Savannah District, and here I would like to congratulate the people of Savannah and Newlands for showing their strong appreciation of the Government's purchase of this piece of land. It is my understanding that the people of Savannah did not find out that the land was being bought until late Friday evening and, while the ink was not even dry on the paper, they turned out on Sunday and cleared up the beach. They dug a hole about 12 feet deep and brought up the white sand and covered all the black sand. By the next day the ladies of the district had prepared refreshments and held a reception for the workers and anyone who wanted to share in it. In spite of all of this, we get criticism that the Government is doing nothing.

This year \$32,000 will be spent to put on a new roof and ceiling on the Breakers Civic Centre. Over \$400,000 will be spent on construction and repairs of the Bodden Town roads. Yet, we see that nonsense article this morning giving the Government a "below average" score on roads. I am going to deal with that in its entirety later on. But I only mention these things in passing.

The Department of Agriculture, according to the Throne Speech, will be relocated to Lower Valley—this has to be a plus for Bodden Town. The Abanks Dive Lodge is to be renovated; another \$610,289 will be spent on prison facilities—the first major enlargement of the Prison since it was built; \$154,400 is to go on the Savannah Primary School improvements. Yet, the Bodden Town Members get a low score for not representing their constituency.

One million dollars is to be spent on the Pedro Castle Restoration project. We are not talking about peanuts. The Elected Members of Bodden Town also supported the purchase of that land and any improvements that go with it. There will be a sum of \$160,000 that will be spent on the Bodden Town Post Office. There is mention in the Throne Speech about the new Postal Building, and also the mention that in some of the other districts the Post Office facilities will be upgraded. I wonder if the people who published that nonsense in the newspaper today can really look at themselves in the mirror, because they are not being honest.

The facts are here: There is \$22,000 for cemetery maintenance so that our dead may find sweet repose, and rest in dignity.

The Throne Speech mentioned that there is a detailed plan for constructing the playing field at the Civic Centre in Bodden Town. What the speech did not say was that \$100,000 will be spent.

I remember in 1984 when we completed the Civic Centre and immediately like Sir Winston Churchill, after he won World War II, lost the Election to Executive Council. I was asked by the Council Members at the time, what would I like in Bodden Town? I mentioned four projects, and neither one of them has yet been done. But one of those four projects was the playing field in Bodden

Town. They promised that they would do it and when the first Finance Committee Meeting was over they looked at me and said: "Haig, you will have to wait until next time." That kept up for the 11 years that have ensued since.

Now, the Government—the Government with a heart, the Government with a knowledge of what is right and wrong, will complete that field. When they kept this facility from Bodden Town, they were not hurting me. I am too old to kick a football—it is the youth. They were trying to 'starve me out', they said. In their vicious circle they were hurting the youth of this country and we are going to correct it with positive actions; positive actions that will flow from a Government that knows what it is doing; positive actions that run through the Throne Speech.

The Speaker: Honourable Member, at this time proceedings will be suspended until 2.00 PM.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.11 P.M.

The Speaker: Please be seated.

The Third Elected Member for Bodden Town continuing the debate.

Mr. G. Haig Bodden: Madam Speaker, I had about concluded my remarks on the large package (\$3,820,489) which is earmarked for spending in the Bodden Town District, some of which has actually been spent.

The last item I would like to mention regarding that package is the purchase of the O'Connor house for a retirement home for elderly people. This house and land has been purchased at a cost of \$137,500, but it is well in keeping with the National Team's promises and the fulfilment of those promises.

I also touched upon the final stages of the Civic Centre in Bodden Town, and I would like to say that it is not only in Bodden Town that work is being done on civic centres. In fact, the Throne Speech mentioned that once the civic centres are in place it is the hope of Government that the Town Halls can be converted to libraries. Perhaps in Bodden Town a good use for the old Clinic would be to turn it into a library, although I do know about the restrictions of parking in that area, and would have no strong objections to the Town Hall being utilised as a public library.

In North Side the Government will spend almost \$1 million this year to provide a Civic Centre. This is in contrast to what was done when another Member was a part of Executive Council, because I did not see any projects like this in North Side, although there was a Post Office built at a cost of \$350,000 on land which had been a public beach. The only other major project in that district was an upgrading of about one-half mile of road.

So, for the first time, the district of North Side will have a hurricane shelter, and also on this, it is the first time that the tourists are able to visit the Kaibo Beach and enjoy it because it has been cleaned up. I could go

on with this, but I do not want to get into too many details on the other districts.

This morning I was surprised to see an article in the *Caymanian Compass* headed "Survey Rates Government." If the contents of this article were true, every word in the Throne Speech would have to be a lie. If we believe this survey, which berates the Government, we cannot accept the Throne Speech as being true. I, however, prefer to believe the Throne Speech, because the words in it are backed up by facts.

When they speak of having done something, or planning to do something, we can go back to the Estimates and see that the money has been approved. I do not believe that we should sit idly by and let the Chamber of Commerce get away with this article.

It was Richard Thornburg who said, "**If the other guy is out there saying unfair things about you, you have to respond or people will start to think they are right. When you are being attacked by the other guy you had better say something.**" The only fault I have with the Elected Members of Executive Council is that they have played the gentleman too often with these people who have no interest in this country.

There are two individuals (not Caymanians) who continually berate the Government, yet they earn their daily bread here. As leaders it is wrong for us to allow these people who do not have a *pot to pee in, or a window to throw it out of*, to get away with this. If their sayings were true that would be a different matter. We would not dare to try to say that the Chamber of Commerce should not criticise. We believe in freedom of speech. They can say whatever they like, providing that it is not libellous. But, when they say it, I feel that the Government should correct it. They should show the areas in which these people have failed.

It was Harry S. Truman who said; "**If you want to get on the front page of a newspaper, you should attack someone.**" Now, the Chamber of Commerce certainly knows how to get on the front page of the newspaper.

I am not certain that their survey actually produced the results which they said. I seem to be quoting authorities all the time... Benjamin Disraeli said; "**In estimating the accuracy of a political opinion, one should take into consideration the standing of the opinionist.**" I understand that there is one gentleman who controls the policy of the Chamber of Commerce; one gentleman who is very angry because of a personal matter with the Government. I am very worried that the Chamber of Commerce, which hitherto had been an organisation of great repute, has allowed the vendetta of this member to cause a deterioration in the standing of the Chamber and to allow it to degenerate into what I call a ribald and a vicious organisation.

As far as I am concerned, the Chamber needs to survey its own actions. It is not carrying out the functions of a Chamber of Commerce when it tries to put down the Government. Constructive criticism is all right, but there are many large matters in business on this Island that could take up the attention of the Chamber of Commerce

but they seem to ignore them while they gallivant all over the elected politicians.

When I received my phone bills recently, I noticed what has been going on for a long time: the bill says that this invoice must be paid within 14 days from the date on the invoice (this is contained on the little remittance slip). We know that the bill is made up on the first of the month and only mailed out a few days later. By the time the person gets it, the 14 days are gone. The result would be that his phone lines would be cut off. That is a matter that the Chamber of Commerce should be taking up if it wants to benefit the people of these Islands.

The other big utility is in the same position—Caribbean Utilities gives 21 days from the date of billing to payment. It is not sufficient time. This is a matter the Chamber could well investigate.

I know the policy of Florida Power and Light is that when a bill is mailed to you, you have 90 days in which to pay it, and if it is not paid within 30 days you are charged interest. But you get 90 days before you are cut off. Here our people are cut off after 21 days, the phone is cut off after 14 days. These are serious matters which the Chamber of Commerce could look into.

There is the matter with the cruise ships and how they try to monopolise the business so that it goes to only a few individuals. These are matters that the Chamber of Commerce should look into. When I was making my notes yesterday, I listed about 25 to 30 business matters that are crying out for attention—and the Chamber of Commerce uses its time to be a watch dog for the Elected Members.

They have put themselves in the same position that the press had put itself in during the late 1970s and early 1980s when they thought their business was to run the Government, not to report and criticise or commend what the Government did. The Chamber of Commerce is out of its league, and I believe that there are only one or two people in it—but those two people are very articulate and seem to control and influence the others. I say to the Chamber of Commerce, *Pull up your socks and deal with the business of commerce and stop your vendetta against the Elected Members.*

Their survey is so unprofessional and so biased that the *Caymanian Compass* wrote a scathing editorial against it. For example, when they say that the responses they received from North Side could not be published because they only received a few, that tells me that politically they are trying to victimise the North Side Member and perhaps help their favourite previous member who was discarded by the public.

When they tell me that they cannot report the responses received about the Member for East End, I know it is because those responses are good. In my opinion, both the North Side Member and the East End Member received 100% good responses and the Chamber absolutely refused to publish it because they do not like those Members. It is not because the responses are small: the responses must be small because North Side and East End are two of the smallest districts. The population of George Town and West Bay is many times as much—

maybe 15 or 20 times as much. So, what do they expect? If they get 20 responses from West Bay, they are lucky to get one from North Side. They hide the responses, claiming that they are too small. No, they got responses and they were good ones.

The editorial in the *Caymanian Compass* contains almost the same words that I had put in my meagre notes last night. My notes were based on the previous article in the newspaper. They say it is interesting but it must be seen in its proper perspective. I do not know what the writer had in mind, but it is a sound statement. Is this a fair survey? The survey was not done by professional pollsters. We do not know what the error margin is on it. I do know, however, that any questionnaire can be rigged to get the response one wants.

It says: **"The Chamber will readily admit that the survey results are not based on scientific procedure, the poll is not representative of the population as a whole, although the results are an indication of what many people believe."** The reason why I take the time to answer this survey is because it appears on the very day that we are debating the Throne Speech and I could not honestly say that I agree with the Throne Speech if I did not believe this poll was specially conducted. What is even worse is that the results published were managed so as to reflect the view that the Chamber wants reflected, rather than publishing the response that they received. According to the newspaper they would not tell anybody how many people replied—it might only be the two individuals that I spoke about, we do not know.

The editorial says: **"The Chamber declined to reveal how many questionnaires were returned, except to say that the number of completed questionnaires was overwhelming."** What does the word 'overwhelming' mean? In the biased mind of two people, the word 'overwhelming' might mean their two responses. **"It is therefore impossible to say what portion of the population or even if the Chamber membership responded."**

The way the questionnaires were sent out—by post office boxes—regulated, to a certain degree, the replies which would come back. Even the most stupid person must agree with the next paragraph of the editorial: **"Having said all this, it is still interesting to see how the overwhelming sense of optimism that swept the Cayman Islands after the last election has turned to a much more critical attitude."** How, in such a short space of time, could the electorate, which put this government in power, change when this government has carried out nearly every item set out in their Manifesto?

The other night I had a look at the Manifesto and I only found four items promised by the National Team which have not yet been concluded. One of them was the reduction of the 25 cents on the diesel tax. We know the reasons for that. When the new Government took over, they found the finances of this country in far worse condition than they had expected to find it. But there is a motion before the House now, asking the Government to consider reducing this tax. I do not know what the position of Government is, but they will probably agree be-

cause it was a part of their Manifesto. In this short time (two years) they have reversed the years of deficit and turned them into years of surpluses. So, it may well be that this could be done now.

The Chamber seems to believe that if this Government does not mend its ways that it may be rejected at the next election. I guess the Government (because the Members are mortal) has made a few mistakes. I will mention one of them: Not correcting the lies and propaganda being spread by organisations like the Chamber of Commerce and other people. But, I think in order to be elected next year, all this Government has to do is to keep on doing what they have been doing.

The editorial says, "**Government performance [speaking about what the survey shows] does not seem to rate highly on any issue, but most poorly regarded are its efforts on the development plan, environmental protection, long-term planning, public consultation and advance notice on bills. This is followed by road improvement and immigration which rates only slightly better.**"

From 1994 the Chamber has been harping on the fact that the Government is not giving 90 days notice for Bills. I remember saying that during the election time I would support a long notice for Bills, but we also have to consider that there are times when it is impossible for the Government to give long notice because some things come up that are very important that have to be acted upon right away. The Government has been elected to run the country and if something is going amiss, they must take action—and take it swiftly. When things are well ordered, sure, they can publish a Bill and wait six months before it goes into law. But there are times when action has to be taken—and taken right away. If this were not so, the Government would stagnate; the business of the country would come to a halt or would grind to a slow pace and they, the Government, would be accused of lethargy and not taking action. I would rather see a government which acts, doing what it believes is right, and if a Bill is passed which contains some clause that does not sit well with the majority, the Government should amend that Bill, they should not hesitate to amend it. The Government, as the government, must do what it has been elected to do.

It says that the "**Government's Election Manifesto contained its intention to improve on public consultation.**" I think there has been a big improvement—a lot of things are known to the public long before they are known to the Members of this House, and on many occasions the Government has been invited to give their comments.

What amazes me, by the comments in this survey, is that many of them have been heard many times in the past by certain individuals whom we know do not mean this Government any good. For example, I see here a statement which is untrue, but which appeared in a letter to the press only a couple of days ago. The statement is: "**It is ridiculous to spend \$21 million on the old hospital site.**"

That same statement appeared in a letter to the press, written by Mr. Ezzard Miller, sometime ago, when he said that the Government had stopped his \$16 million new hospital and was spending \$20-odd million on the old one—identical to the words in this survey. If one looks at the Throne Speech (I think it is on page 17) it is made abundantly clear that the Government is not spending this \$20-odd million on the old hospital. I will read the exact words: "The Master Planning Study for the development of the present George Town Hospital site was completed in 1994 and approved by Executive Council in November. The construction of new facilities will commence later this month. These new [I repeat the word NEW] facilities will be built in phases and are expected to include Paediatric, Physiotherapy, Maternity, Neonatal and Mental Health units as well as a Surgical Ward, Operating Theatres and a Maternity Operating Room. A Forensic Laboratory, Materials Management Building, Hospice/Geriatric Unit and Chapel will be amongst the new features. Additionally the Casualty/Emergency Department, Medical, Intensive Care, Radiology and Dialysis units, Pharmacy and Medical Records will be provided with urgently needed space."

While the new plan will undoubtedly use whatever of the old hospital is still in good condition, the bulk of it is going to be new. But, you know why we hear this comment from the Chamber of Commerce? Because they cannot accept the fact that this Government will be providing a hospital on the 13 acres site—which is already there on one site—instead of the nonsense split site that had been proposed. They know full well that when this purpose-built medical facility is completed on one site there will be a substantial reduction in the cost of operating it as compared to a facility which might have been built on two separate sites.

As to the public turning so quickly against the Government, as far as I am concerned, all the Elected Members here (at least those who were elected on the National Team—certainly the Bodden Town Members) were elected to stop the hospital, to stop the madness and to have an economical and workable hospital.

The other thing that strangles the opposition to the Government is the fact that—as set out in the Throne Speech—the hospital will be built in phases. In the middle of the paragraph I just read, it said that these will be built in phases which means that they will be built not all this year, but in the years to come as the government can afford. This must be hard for some people to accept, but these are the facts.

I am not surprised at the comments in this survey. But I found it difficult to believe that my friend from West Bay, the Honourable McKeever Bush, or I should say, the Honourable Minister of Executive Council, received a low rating in looking after the affairs of his district.

There has been no Member of this House either present or past—not even in the days of Jim Bodden—who showed more love and respect for the needs of the people in the district. I go to West Bay, and I probably know more West Bay people than most people who live outside the district because I have been going there for

years, and everyone that I speak to gives that gentleman top marks for his efforts. He may not always be right—and he does not want to always be right because the man is mortal, and if he gets too perfect the gods may take him [Members' laughter]. He has done a good job in representing his people, and for them to say in this survey that he gets zero marks—a lot of marks have to be wrong. A bogus survey.

One of the comments is that the decision to remodel the George Town Hospital was a hasty one which could backfire. That was probably written by the same people that signed the contract for the hospital which the public asked us to stop. That contract was signed on the eve of the election, despite all the technical people in the government—including that of the Governor himself, I understand. Now they say that this decision was hasty? The public demonstrated to stop that hospital in the swamp. I, myself, marched with the noble throng that day.

All through the campaign at every election meeting the cry from the candidates was that if we get elected we will stop the hospital. I know that every time Roy and I mentioned it in Bodden Town, we got tremendous applause. I do not think the feelings of the public have changed. We are now on the right track.

Whose hospital does he think is best—Ezzard's or the National Team's? Confused? I bet—you are right, they are confused [Members' laughter]. Confusion!

It has been said that when you are in the majority you should vote, but when you are in the minority you should talk. [Members' laughter] I believe they are carrying out that political axiom. They know they are in the minority; in fact, they are singular in their beliefs. So they can talk, and talk, without any substance or without any facts to bring it up.

My good friend, the Honourable Minister for Aviation, also got low marks. I do not know what he has done to these gentlemen who control this organisation. How can they give him low marks when he single-handedly rescued Cayman Airways—single-handedly made education bloom within this country again. He has plans, as set out in the Throne Speech for continuing to upgrade the educational system. I know that there are a lot of people who do not like his manner, one of the reasons being that he works too hard and really does not have the time to palaver with these no-gooders who do not work. But to give him a below average for education and a below average for aviation is an insult to the intelligence of the people of the Cayman Islands...

Hon. W. McKeeva Bush: Hear, hear!

Mr. G. Haig Bodden: ...who know better, who have seen better.

They gave my colleague from Bodden Town low marks for his representation. In fairness I must say that cannot be right, because everyone knows that he has tried to put forward whatever any constituent whispers in his ear. So, whether they like my friend or not, they need to be honest, because they are putting the survey out as

by belief; and, if they were charged for putting forward an honest survey, they could not be convicted.

The Chamber has, in my estimation, fallen to below average because even if they received a few crank responses, it is their responsibility as an organisation of worthwhile objects and aims to present to the public not only the crank observations, but the good ones they received about the Elected Members for North Side and East End.

The Throne Speech mentioned the action being taken by the Planning Department and indicated that two hotels will be coming on line sometime this year. I can only wonder if one of these is the hotel to be situated in Bodden Town.

I saw in the newspaper some months ago that the Central Planning Authority had approved the construction of the hotel in Pease Bay. But, reading from the article, which I must admit was not clear, I got the impression that some 17 or 19 restrictions had been put on it—it had been given permission but there were some 17 or 19 conditions that would have to be met. It appeared to me that these trivial conditional requests had been the work of someone in the Planning Department, and I am asking the Member to examine this and find out why it is we cannot get a hotel in Bodden Town. I understand that the big objector is a stranger to our land—a person who does not care whether there is development in that area or not.

Bodden Town is the only district that does not have a tourist facility. There are hotels in George Town; on the West Bay Beach; West Bay; North Side; East End; Cayman Brac and Little Cayman. Bodden Town is the only district that does not have a hotel.

It is strange that quite recently rapid approval was given to a hotel on the Seven Mile Beach, an area that is almost saturated with hotels. Yet, when somebody applied to put in the first hotel in the Bodden Town district, stumbling blocks are put in the way by the Department of Planning and the Central Planning Authority. I am asking the Minister to investigate this matter and to urge these people to have a new look at this.

This hotel would provide work for the Bodden Town district. Very few of them work in the tourist industry and those who work have to travel to Seven Mile Beach to get employment. I understand that this facility would have been a first class one; and one of the things to go along with it was that the people were prepared to clear the island channel which is the deepest channel in Bodden Town and the only one that can be safely used by a big boat.

Anybody can object. We find that the objections come from people who are not hurt if the development does not go through. There has to be a balance between the nonsense spread by the environmentalists. We live, as far as I am concerned, in a world where the human being must come first—not the little prickly pear or the little water snake—man must not become extinct because certain people have the clout to raise objections.

So, as the Throne Speech says: "The Planning Department was kept busy, having processed for approval a

total of 585 applications valued at \$137.2 million", we, in Bodden Town, would like to see this hotel go ahead.

I am alarmed about the addition of seven planners to the Planning Department. I was hoping that they would cut the staff in half. Maybe then we could get along with the job in Planning and the job of building this economy, rather than having dozens of people listening to all the silly objections which flow from the mouths of those who really have no interest in this Island.

Whatever we may say about economic growth, we must remember that we cannot do anything in a country—we cannot feed the poor, we cannot help the homeless—unless there is economic growth. The country must go forward, it cannot stagnate, and it cannot go backwards because the standard of living will fall.

The Throne Speech outlined one fact that we need to seriously look at. It said that the importation at the Port in Grand Cayman increased by a reasonable percentage, while in Cayman Brac they decreased. I have no idea what caused the decrease of importation into Cayman Brac, perhaps it is because there is not enough economic activity. The Planning Department needs to give special attention to Cayman Brac, because in the Throne Speech there is a paragraph that deals with the need for repairing the Port dock at Cayman Brac. This is necessary for the safety of the vessels, and is necessary to keep the dock from further deterioration. If there is to be a large capital expenditure on this dock, which I support wholeheartedly, we need to look at the proper utilisation of the port so that in times to come it will be able to pay its own way.

I cannot close without congratulating the Honourable Member whose score was not published, that is, the Minister for Agriculture, on the improvements at the George Town Post Office—both inside and outside of the building. There has been a face lift which has been needed for many years. Despite the refusal to publish his score on another matter, I can only say that I feel proud when I go into the Post Office now and see the new counters and the pleasant staff that is there, and I am very happy that he is not as bad as the score makes him look.

One of the most remarkable events of this year has been the new road by the airport. The Government has come under a lot of fire for this, but when we consider that an additional 600 feet of runway is now available for the use of aircraft at such a low cost, this is really a feat to boast about. If the airport had been extended into the North Sound, as some had suggested, to provide this additional 600 feet, we would have had a cost of many millions of dollars. Perhaps the time will come when the airport will have to be extended into the North Sound, but what has been done is practical management of the facilities that already existed and could not be used.

It is true that there was some discord when the stop signs held the traffic on the main highway and allowed the right-of-way to the traffic from the airport, but this has been corrected and is working well and there is nothing wrong with trying something and if it does not work, we change it around.

So the job of increasing the use of the runway which existed, will benefit all airlines. There were a few who

said that we were doing it for one aircraft, but on a short runway such as we had, every aircraft was in danger. The increase in length will benefit the users, the pilots who have to make the decisions, and best of all, the safety of the passengers.

The speech mentioned the work of the Legal Department, the Police, and the Courts, how they are coping with some of the problems. I seldom read the crime reports in the newspaper, but yesterday I was alarmed to read of the many cases that had come before the courts of people driving while intoxicated. There must have been 6 to 10 cases mentioned which had been dealt with in the courts. This has become a serious problem on our roads.

Sometime ago, we had fatal accidents which were attributed to drunkenness, and I think the Government should increase the penalties for driving while intoxicated because when we have a drunk driver on the road, every user of the road is put in peril. I would support increased penalties, including jail sentences and loss of licence.

I think Government should take a look at the law and if they feel that it is not sufficiently harsh, they should increase it.

The Speech dealt with the role of the Public Works Department in maintaining public buildings and taking care of all of the elements of Government's infrastructure. The large capital works programme for this year will be carried out either by Public Works or by contractors who will work under the supervision of the department. We know that it is never possible to satisfy the public when it comes to road works. It is really comforting to see that each district has been allotted a certain sum of money this year which will be used for maintenance and repair of roads. The district of Bodden Town has been allotted some \$400,000 for construction and repair for the roads. I would like to personally thank the Finance Committee and the Executive Council for this provision.

We note that the oil companies will provide the facility for supplying Public Works Department and the Department of Vehicle and Equipment Services with fuel and lubrication services. They will have provisions for servicing emergency vehicles on a 24-hour basis. They will make it easier for the larger trucks to be serviced. This is something that has been needed for a long time and, hopefully, because of the more efficient facility Government will have better control of their vehicles.

I mentioned that I would not endeavour in one speech to list the many positive aspects of the Throne Speech; I think it would become too tedious. Therefore, Madam Speaker, I would like to close by saying if the Government continues to do as they have done in the past, the little flurries from the Chamber of Commerce will certainly not affect their standing among the real people of the Cayman Islands. Those few people who are outside will always find something to bark about. I am always consoled by the book of Revelation which tells me that "without are dogs and whore-mongers", but I believe that the people who really matter are satisfied with the Government and will continue to support them because they continue to do a good job.

[Members: Hear, hear!]

The Speaker: Proceedings will be suspended for 15 minutes

PROCEEDINGS SUSPENDED AT 3.26 PM

PROCEEDINGS RESUMED AT 3.59 PM

The Speaker: Please be seated. *[Long pause]*
The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Thank you for your patience in that no one would rise. Since I am not shy, I will come to the rescue and offer my input on the 1995 Throne Speech.

Madam Speaker, this was a very positive and upbeat speech, and I appreciate all of the effort that went into producing this, outlining the projects and the works for 1995.

One of the statements in the introduction of His Excellency's speech was, and I quote: **"it has taken a while for us to realise how necessary it is to keep Government spending within the resources now available to us."**

This is quite a switch from two years ago when we had overspending. If we are responsible representatives and we have responsible civil servants then we must work within the resources that we have, and keep the Government spending within those resources that are available to us. I believe this was the main theme of his speech, at least I tend to think so.

Unfortunately, we do have some serious problems: everything is not a bed of roses. But then life is never intended to be easy in anything we put our hands to. We have the influx of Cuban migrants and all the problems that have arisen over the past several months.

I believe that we have been too soft. In fact here it says: **"We have been loath to return the Cubans to Havana."** Caymanian people on a whole are very hospitable, very receptive and kind to others in need. But, Madam Speaker, I feel that we should have given them food and had them continue on their way as it has really burdened our three islands, our resources and services. Resentment has come about as some of our people feel that their needs are not being met—yet the Cubans are being served three meals a day, with free medical and everything else that goes with opening our arms to the Cubans.

I realise that they are human beings, they have feelings, and we could be in their same shoes, and that we cannot completely turn our backs on them. But, enough is enough. I noticed in the news this morning that more are leaving for Havana, but this should have happened several months ago. It is not the fault of the British Government, or the Cayman Government, that they have had to seek visas from the United States outside of Cuba in the hope of getting to the United States. I feel that they have not addressed the problem with Castro being in power for

over 33 years; take care of him and get help to get rid of him so that they can get their country back in order.

I am a little reluctant... I am scared of Castro, if the doors ever open up. What will happen to us and our tourism and banking and all the other economic freedoms that we are enjoying? Should we be helping when in turn he is probably smiling and saying, "Oh yes, this way I can help my economy and begin to build my tourism." In the mean time, several years down the line we will be suffering.

Earlier this morning, the Minister shared the tour that was taken in Bermuda in investigating the regiment and the development of a cadet corps for our young people. I am pleased to know that this includes men and women. In times of need, especially in time of disaster, we can fall back on this cadet corps or regiment, and have some help. It will also develop self-esteem and discipline among those in the regiment.

The churches are doing a good job, not only for our spiritual well being, but they are also working with our young people. They have several youth programmes going in all of the churches. Maybe not all of the youth attend like adults would like for them to be attending, but I would like to commend the churches for the part that they play in the Caymanian society.

Moving on to the different sections: In the Judiciary I am happy to learn that a review of the legal aid system has begun. I have heard publicly that this needed to be addressed and that certain firms were getting more legal aid cases than others. One particular lawyer even mentioned that if he continued with more legal aid cases that he would have to consider closing down. This might be a bit over-stretched, but I feel that a review is necessary and I am very happy that it is taking place.

The Judicature Law is placed on the Order Paper for this Session, after having been made public back in November. I think that this is a useful law and I look forward to all of my colleagues supporting it.

I realise that there should be a separation of the judiciary from politics. I must comment, however, on some of the sentencing that I have read about in the paper in the last few weeks, especially on the defilement case of the 14-year old child; sentences for theft by bank employees and an increase in driving while intoxicated. We, as politicians, must be separated from the judiciary; yet our constituents are very concerned as well about the sentencing and what is taking place.

Sometimes we hear the comment that the laws are written for the criminal and not the victim. Perhaps it is time that younger magistrates be awarded contracts—maybe the present ones are too old, and not in the best interests for justice in our Islands.

Last year the Civil Service amended their General Orders, and it was gratifying to see that male and female officers are now treated equally in all aspects of the Civil Service. I am not saying that males do not have their place, and with the Biblical society that people from our Islands were raised in, where the female is submissive to the male, I can understand how this was neglected for so many years.

As a matter of fact, in going to the library of the archives, I was thrilled to see and read the petition by women petitioning to be able to vote in these Islands. Most of the people who had signed it were women I knew in our community. I was pleased to see that they had spoken out. I am very happy that this has taken place and that female officers will be treated equally in the civil service. I believe that women have their equal rights, not as individuals, but rather based on their ability.

A permanent register of voters is being considered and this can only help in our elections so that the huge task of streamlining and registering individuals to vote will be done quicker and more efficiently for the next election and those to come.

In the Throne Speech, His Excellency said that "**the Cayman Islands remain one of the safest countries in the world in which to live or visit...**" and even though we hear that crime is on the increase, statistics are apparently not being kept for some of these crimes that are taking place, such as abuse in the home. We are perhaps more aware of what is taking place with the public relations officer established in the Royal Cayman Islands Police Force.

This works both ways, Madam Speaker, in the public being made aware of crimes committed—maybe we thought that these crimes did not exist before—we are more aware that we need to protect ourselves and not put temptation in one's way. Also we should be more cautious.

Some of the programmes, like Crime Stoppers and Neighbourhood Watch, seem to be very effective and they should be complimented for the success they have in helping the Royal Cayman Islands Police deal with crime.

In the previous sitting last year, I shared some statistics on crime via the super-link highway in California. I hope that these statistics, since they were challenged, even though they were by the hundred thousand, and Cayman placed very high in those statistics, I hope that the Department of Statistics has been able to correct this and help in changing the statistics that were printed and sent out saying that we were very high in crime. As a matter of fact, in the Daily Mirror, earlier this year, it states that Cayman was the fourth highest in crime in the world. If these statistics are being put out they should be corrected as this was in England, and it goes all over the world. The superhighway was in California for North America. This is very damaging for our Islands and it should be corrected.

About three weeks ago I had the task of going to the Prison to visit an inmate and I am a bit upset because the individual has been there from the 26th January, and will not have an assessment until the 15th of March. If this individual had mental problems prior to this, I would have thought that counselling, or an assessment, would have been speeded up. He could have been given an opportunity for an appointment sooner, as this is a very long time to wait for an assessment.

I am happy to see that drug counselling from the counselling centre will be given high priority. Having en-

countered this situation and listening to some of the other individuals who visit the prison, this seems to be one of the major concerns with Her Majesty's Prison, in that they are not given the opportunity to receive drug counselling and other counselling needed while they are at Northward Prison.

The Department will continue with its Education Programme so that when individuals come back into the community their self-esteem will be improved. They will have some type of trade that they can use to go back into the society and be better citizens in the hope that they will not return to Northward. So, I hope that the Education Programme will get started as funding was approved for the 1995 fiscal year.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30 PM the hour for interruption. But, before I ask for the motion of adjournment, I would like to bring to the attention of Members that Mr. Calvin Glidden, the brother of the Sergeant-at-Arms (Mr. Cline Glidden), is seriously ill in the hospital. I am sure that Members would like me to express our hope for the best. We shall be praying for the whole family during this time.

May I 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 have pleasure in moving the adjournment of this Honourable House until ten o'clock tomorrow morning.

The Speaker: The question is that the House do now adjourn until ten 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 ten o'clock.

AT 4.31 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 9 MARCH 1995.

**THURSDAY
9 MARCH, 1995
10.05 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, 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, forever 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. Question No. 10, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION 10

No. 10. Mr. Gilbert A. McLean asked the Third Official Member responsible for Finance and Development, what was the cost to Government for the closure of Finsbury Bank and how does Government intend to recoup the cost.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The amount paid out to the Government's appointed controller and his lawyers in connection with the closure of Finsbury Bank was C1\$124,488. Of this sum, C1\$121,548 is reimbursable to Government by the liquidators of Finsbury Bank, and legal proceedings are being taken against them to recover it.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Member say if these legal proceedings have actually taken place or are they in progress at this time?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I understand that while legal proceedings are entrain, the current position is as follows: The status of the proceedings against the liquidators of Finsbury Bank for the funds reimbursable to the Government is that, discussions are continuing with a view to settlement and it is hoped that an amicable resolution will be reached.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you. I wonder if the Honourable Member could state whether the liquidators will be liable for the costs of the legal proceedings?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, according to information provided by the Honourable Attorney General the costs are included in the claim.

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

Mr. Gilbert A. McLean: Could the Honourable Member say if the bank is counter suing the Government on the basis that it was wrongly closed down by the Government?

The Speaker: I am not certain that is part of the original question. The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker, I appreciate your intervention. According to the Attorney General there is no counter claim.

The Speaker: The next question is No. 11 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION 11

No. 11. Mr. Gilbert A. McLean asked the Honourable Third Official Member for Finance and Development, what is the total cost of the publicity seminars on the Cayman Islands recently held in New York, London and Hong Kong.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The cost of the Cayman Islands' overseas' Conferences is broken down as follows:

Fixed cost: developmental fee	\$130,000
Variable cost: hosting expenses, receptions and collateral material (maximum)	96,000
Conference space and equipment	9,000
Travel	36,653
Accommodation	28,224
Subsistence	9,900
Gross Cost:	\$309,777

The Conference attendees were required to pay a fee of US\$150 yielding a total of CI\$52,200 in revenue. This results in a net cost for the Conference of approximately \$257,577.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member elaborate on the developmental fee, and could he also say if spouses of Members of the delegation were paid for on this trip?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the developmental fee was the amount paid to the Conference Organisers, International Business Communications Incorporated, the firm that was commissioned to organise the conferences. On the second question, the costs of spouses were borne by themselves.

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 to what extent this figure of \$257,577 would have been reduced had not

the Elected Members of Government gone along on this particular trip?

The Speaker: The Honourable Third Official Member.

Hon. W. McKeever Bush: *[addressing the Second Elected Member for Cayman Brac]* Jealousy is going to kill you!

Hon. George A. McCarthy: Madam Speaker, the three items that would have been affected are, travel, accommodation and subsistence. From what can be seen here, this would represent a marginal reduction in that figure. It would not have been a significant percentage of the cost.

The Speaker: The next question is No. 12, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION 12

No. 12. Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development, (a) what was the total number of employees working for Guardian Bank at the time Government appointed persons to assume its management; and (b) what is its current status as a bank.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The total number of employees working for Guardian Bank at the time Government appointed persons to assume its management was 20. Part (b): Its current status as a bank is that its banking and trust licences were revoked on 24th January, 1995, and it was placed in compulsory liquidation on 10th February, 1995. Messrs. Christopher Johnson and John Dinan of Coopers & Lybrand have been appointed as official liquidators.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: The bank having being placed into compulsory liquidation, does it mean then, in effect, the 20 persons are no longer employed and only the liquidators are now doing whatever is necessary in relation to the bank? And, was the bank placed into liquidation by Government itself or by its shareholders?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the company was put in compulsory liquidation by the Court on the petition of the Government.

On the question of staff, those staff members that the Inspector of Financial Services has taken the decision

that they should remain to assist with the liquidation are currently employed.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. If the Honourable Third Official Member has the information, I wonder if he could confirm how many members of the staff are Caymanian?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the number is 14.

The Speaker: The next question is No. 13, standing in the name of the First Elected Member for Bodden Town.

QUESTION 13

No. 13. Mr. Roy Bodden asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation, to provide the details of the programmes implemented against the spread of sexually transmitted diseases (STD) since he took office.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Over the last year, the Ministry has been fully committed to the prevention and control of sexually transmitted diseases (STDs).

As a reflection of this commitment, having recognised the need to strengthen programmes on STDs, the Ministry has appointed an STD Coordinator who is based in the Public Health Department. The STD Coordinator offers pre-test and post-test counselling, organises follow up treatments on contacts, and participates in educational programmes.

The Ministry is also committed to an accessible and confidential STD screening service and our aim is to maintain an effective treatment programme for people with STDs and their contacts.

As a result, a comprehensive programme of training for healthcare workers, both public and private, has been implemented, including Seminars on HIV/AIDS and the management of STDs.

To promote greater awareness of the prevention of STDs and screening for STDs, the Public Health Department has designated the last week in November as STD Awareness Week. During that week in 1994, a number of activities took place including free STD screening, distribution of leaflets on STDs via all mailboxes, radio spots, interviews with health professionals on radio and television, as well as education sessions for local schools.

In addition, continuing community education programmes have been developed. To date, the Health Promotion Officer and STD Coordinator have run training

sessions for voluntary organisations, schools, the Prison and local companies.

Pan American Health Organisation (PAHO) funding has been obtained to organise seminars for teachers during 1995 to equip them with knowledge to be utilised as they see fit, depending upon the ages of children they deal with.

Finally, in mid-October, 1994, a two day workshop was arranged to update doctors and nurses on the management of HIV infections and AIDS. Two eminent specialists from the University of Miami School of Medicine were the guest presenters at these extremely well attended seminars and participants were enthusiastic at being exposed to the very latest techniques in dealing with HIV infections and AIDS.

I must add, Madam Speaker, that I did attend this last seminar and it was quite a revealing thing.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say what support was received from those elements of the community to which the education programmes were targeted and also, what follow-up plans are there by his Ministry for continued dispensation of information?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, we continue to have these awareness sessions and the feedback that we keep getting from the public is very good.

I would ask if the Honourable Member could repeat the last part of his question, I did not get that.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. What plans are there for continuation or follow-up of these programmes set in place?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, we plan to keep working with the television, the radio, and meeting with the people. As was probably heard this morning through the media, Mrs. Pauline French was appointed coordinator of the STDs, and this will lead us and guide us in a definitive position where we have only one person dealing with it with much support.

The Speaker: The Third Elected Member for West Bay.

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

In the answer provided by the Honourable Minister, there were some references to schools. I want to know at what level are you coming in at, is it at the primary level through to the High School? And, how often are these visits made?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This information is disbursed at all levels, but with the pertinent information depending on the actual age-level within the schools. We are also working with the Education Department to include it in the curriculum.

The Speaker: The Third Elected Member for West Bay.

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

The reason why I asked the question is that I was just recently informed that there is a student at the primary school level who is now infected with AIDS. I want to know what plans the Government has in place or plan to put in place to educate our students at a very early age as to the dangers of STDs or AIDS?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

This is certainly a tragedy at this the primary school level. But this is what our Public Health Department is dedicated to—getting into the schools at as early a level as possible. Also, in relation to drugs, we will be getting into the schools at a much earlier level than has been happening before.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: I heard the announcement this morning with regard to the appointment of the coordinator. What size staff is she going to be working with? It is impossible for her as one individual to do very much. What kind of contingencies as far as staff is concerned do you envisage?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, this lady will be the coordinator but at her disposal she will have all of the Public Health doctors and nurses to give her assistance as needed.

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 the Public Health system has the ability now, to determine results for the various diseases when tests are taken?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker. I have been made aware that through the Hospital Laboratory all these diseases can be confirmed.

The Speaker: The next question is No. 14, standing in the name of the First Elected Member for Bodden Town.

QUESTION 14

No. 14. Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to state why the new clinic in Bodden Town is being erected on that particular site?

Hon. Anthony S. Eden: I am very pleased to say that the Ministry of Health, Drug Abuse Prevention and Rehabilitation has not only been very careful in the selection of the site for the new Bodden Town Health Centre, but it has also complied with the requirements of the Public Sector Investment Committee and the Central Planning Authority in this regard. In addition, the Ministry consulted the constituents of the Bodden Town district at a meeting held at the district Town Hall on 19 May 1994. Over 50 persons were in attendance at the presentation where the need for a new health centre was outlined and the various options for its location described with the aid of charts. The option of purchasing land for the purpose was described as prohibitive and it was therefore considered prudent to erect the health centre on Government's property next to the civic centre and right across from the police station.

Finally, at that meeting I put it to the people of Bodden Town that if they were comfortable with the proposed location, construction could begin in two to three months.

Madam Speaker, the overwhelming response was that a new health centre was desperately needed and that construction on that location should proceed as soon as possible. With the support of the constituents, construction of the new facility was initiated.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if one of the options outlined was the possibility of construction of the clinic at a different section of land in that general vicinity presently owned by the Government?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, originally, certain areas were looked at but when we met on site with the Public Works Department with regard to the devel-

opment of the playing field, because of the amount of space that was needed, it would have been almost cramped with the playing field coming against the clinic. That is why we decided on siting it in this location.

The Speaker: The First Elected Member for Bodden Town

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if it will become necessary now to purchase additional land for parking after the completion of the clinic?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker.

The design that has been shown to me by the Public Works Department and the architects shows very much adequate space for the clinic going toward the civic centre and for the police station on the east side. Once you go there and see the space between the two buildings, and the layout, I have no doubt that we have adequate space.

The Speaker: The next question is No. 15, standing in the name of the First Elected Member for Bodden Town.

QUESTION 15

No. 15. Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, how many patients have been referred to the Baptist Hospital since the agreement has been in place?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Since the signing of the contract with Baptist Hospital in late July 1994, the number of patients referred up to the end of January 1995, was 128.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Minister in a position to say how this compares with patients referred to the Cleveland Clinic for the same period of time, and, also, any savings that may have been realised?

The Speaker: Honourable Member, I think that is far beyond the question that has been put. Research would certainly have to be done to get the figures and probably comparative figures of patients.

If the Honourable Minister could provide that at a later date, he may so indicate. Honourable Minister for Health.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I will certainly undertake to pass the information on to the Honourable House.

The Speaker: Thank you.

The Second Elected Member for Cayman Brac and Little Cayman.

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

Could the Honourable Minister give any indication as to the overall costs involved with the 128 patients that have been referred to the Baptist Hospital?

The Speaker: I think that is another supplementary that would certainly require further investigation. If the Honourable Minister would undertake to provide the figures in due course... Honourable Minister.

Hon. Anthony S. Eden: Yes, Madam Speaker, as has been requested.

The Speaker: The next question is No. 16, standing in the name of the Fourth Elected Member for George Town.

QUESTION 16

No. 16. Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to give an update on the Manpower Development Study presently being conducted.

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

Hon. W. McKeeva Bush: Madam Speaker, it is a well known fact that this Government is concerned about the training and long-range career development of able and willing Caymanians as a means of fostering sustainable economic development and continued labour tranquility. The articulation of well-defined and workable manpower development policies and strategies are essential tools for achieving these important objectives.

As Honourable Members should be aware, Government's policy on manpower development and training supports the Caymanianisation of positions within the public and private sectors whenever there are competent Caymanians to fill these positions. The policy further requires that adequate training programmes become common place in order to ensure that Caymanians are able to fill responsible positions consistent with career paths and succession planning and the development and monitoring of workable and specific labour budgets.

In order to fully examine this policy for implementation, Executive Council appointed an Advisory Committee in July 1994, and my Ministry developed broad terms of reference to guide the Committee in its deliberations.

The Manpower Development Advisory Committee, is comprised of 20 members representing a broad cross-section of knowledge and expertise from the private and public sectors, all of whom have been working diligently in accordance with the Committee's terms of reference.

The general terms of reference for this Advisory Committee are:

- (1) Review existing studies, surveys and policy directives on the subject and identify existing issues or potential obstacles to Government's policy objectives.
- (2) Consult with employers/ employee groups and professional or trade associations or other bodies on problems and realistic approaches to solutions.
- (3) Consider appropriate solutions and make recommendations.
- (4) Advise on any institutional or regulatory or tracking mechanisms which may be necessary to ensure the consistent execution of any accepted policy initiative or strategy.
- (5) Prepare a report to Executive Council by June 1995, with recommendations for the establishment and implementation of a National Manpower Development Strategy.

Madam Speaker, ours is a country which has significant over-employment, together with a large number of foreign workers, due to a lack of persons and skills to fill all of the demand for labour and skills in our economy. We are a service economy, which suggests that the development of skills, a sound work ethic, and good attitudes are of strategic importance if these Islands are to remain competitive in the global market place.

At the same time there are undeniable and well documented cases of unfair treatment and insensitivity to the upward mobility of some of our qualified and/or experienced and willing Caymanians.

Government is confident that this initiative is a bold step towards meeting Cayman's needs for long-range manpower development and labour tranquility whilst working within a free enterprise philosophy. The mandate of this Government calls upon us to actively pursue this important policy through effective leadership.

No longer can we continue to address this strategic interest with Band-Aid solutions; instead time is of the essence to deal with this challenge in a comprehensive, equitable and responsible manner.

The Committee is presently undertaking a survey of private sector employers to gather information on existing policies and practices regarding the training and career development of their Caymanian employees. The information from this survey will assist the Committee in making well informed recommendations to Government on this subject.

The Committee expects to report to Government in June of this year. If the recommendations are accepted, Government will formalise its policy framework together with assessing the institutional strengthening which may be needed to support the manpower development and training strategy.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister can say if, whenever the policy framework is formalised, the leaning will be towards dealing with the public sector as a priority simply because that may be more readily accessible?

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

Hon. W. McKeever Bush: Thank you, Madam Speaker. I think in this answer I have laid out the policy as initiated by this Government. The broad framework will be formalised in dealing with the private sector. The Government's policy speaks for the country, but we all know the Governor is constitutionally responsible for the public sector, that is, the civil servants.

The Speaker: The Fourth Elected Member for George Town.

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

Just to explain, if I was not clear, I simply asked the question because if the manpower development and training strategy is developed and put in place in the private sector—while I understand the chain of command with the Governor being in charge of the Civil Service—is this something that is expected to be adopted by the mechanism which provides upward mobility within the Service?

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

Hon. W. McKeever Bush: Madam Speaker, I can only add further to what I have said, by saying that the Civil Service Training Unit and the Personnel Department of the Civil Service are both represented on the Committee. I think I answered the rest of the question in the first supplementary.

The Speaker: The next question is No. 17, standing in the name of the Fourth Elected Member for George Town.

QUESTION 17

No. 17: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture if the Government is giving any consideration to the establishment of a National Pension Scheme.

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

Hon. W. McKeeva Bush: As I have been saying for the past year or so, Government is committed to developing a fair and workable National Pension Plan framework for the Cayman Islands.

Government's stated policy on pensions calls for the introduction of legislation to enable Government, through a relevant inspectorate, to properly regulate existing and future private pension plans.

In order to fully examine this policy for implementation, Executive Council appointed an Advisory Committee in July 1994, and my Ministry developed broad terms of reference to guide the Committee in its deliberations.

The National Pensions Plan Advisory Committee, is comprised of 13 members representing a broad cross-section of knowledgeable individuals from the private sector, together with a number of public sector counterparts, all of whom have been working diligently in accordance with the Committee's terms of reference.

The general terms of reference are:

- (1) Review guidelines and regulations of existing public sector and private sector pension plans or proposals.
- (2) Identify prudent and equitable provisions and safeguards.
- (3) Consult non-Government and private organisations on their plans, as well as on their ideas or suggestions in achieving Government's policy objectives.
- (4) Advise on the institutional and regulatory mechanisms which would be needed to monitor and enforce the Law.
- (5) Prepare a report to Executive Council which may be used as drafting instructions for a National Pensions Plan Law.

Clearly, there is an urgent need for a National Pensions Plan framework for these Islands. Government's role would be to prescribe the legislative environment, establish a regulatory authority and licence the companies that will be allowed to provide pension plans in these Islands.

Some of the minimum standards which have been identified to date include:

- (a) Immediate vesting of the employee's and employer's contributions for the benefit of the employee.
- (b) Portability between private plans or employer plans within the Cayman Islands.
- (c) Prudent and conservative investment guidelines which produce the maximum yield.
- (d) Equal contributions from both the employee and employer, at a level which provides a reasonable retirement benefit.
- (e) Mandatory plan for all employers and employees in Cayman.

- (f) Existing plans which meet the minimum standards will be allowed to continue, even if with a phasing-in period.

Madam Speaker, the Committee is also concerned about the "**graying of Cayman**" and the tremendous financial liability associated with this phenomenon. Many of our elderly people are of limited means, either due to the inability to accumulate sufficient retirement provisions or having depleted what little provisions they may have had. This Government has tried to respond to this.

Through the Social Services Department, we have increased the financial assistance to the elderly twice in the past two years (from \$50 in 1992, to \$75 in 1993, and then to \$125 at the last Budget sitting). Hopefully, ideas will emerge from the review exercise by the Committee on how best to deal with the issue of financial assistance to the elderly citizens in these Islands.

The Committee is presently undertaking a survey of private sector employers to establish the state of pension plans availability in Cayman. The information from this survey will assist it in making the well-informed recommendations to Government on this subject. The Committee expects to report to Government in June of this year. Government intends to introduce appropriate legislation and a regulatory framework during 1995.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I thank the Honourable Minister for the abundance of information that has been provided.

I would just like to ask the Honourable Minister if any consideration has been given, or might be given down line, in comparing the various plans from the companies which might be licensed in order that the possibility may exist that one plan be accepted based on having put together the consortium of plans?

When I get that answer, I might be able to follow-up with what I am really trying to get at.

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

Hon. W. McKeeva Bush: Madam Speaker, I think the answer, as the Member himself agreed, was quite specific. We are not considering a one-pension-plan-situation. It will be multiple plans once they conform to minimum standards.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I will best try and explain in a little more detail what I am trying to get at.

Looking into the future when plans have been made available to the Government for them to consider licensing these bodies, from a cost point of view (by way of contribution and the benefits that are to be derived) that will vary from plan to plan, would the Government not quite rightly wish for the best plan to be the one that the people have access to? That is my question.

While I understand the free enterprise system, if it is simply to licence bodies to provide these pension plans and people will simply be paying into any plan without knowledge of which is best, I am wondering if the Government would not be considering taking some of that responsibility, because many of the people, including the employers, might not be in a position or know which is the best plan.

If I am going too far with this, I will take it back. But this is what I am trying to achieve.

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, the Government's position is that we are going to be a Regulatory Body that will prescribe minimum standards. There will have to be more than one plan in the country because I believe from what was said to us in recent times, and what had been said to us leading up to the Election when we canvassed the country on pensions, people were not satisfied that Government was getting in as a pension provider. Therefore, we took the position that we will be regulating pension plans and mandating minimums. Of course, people who have better plans will not be able to downgrade their plans.

We are certainly not going to be a provider of pension plans. There are going to be multiple plans in the country as the people want except, again to say that they have to conform to the minimum. Thank you.

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

QUESTION 18

No. 18. Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, what are the Government's plans are for the future use of the property in Breakers known as the "Hawley Estate", originally purchased to be used as a Drug Rehabilitation Centre.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Strategic Plan for Drug Abuse Prevention and Rehabilitation has addressed the urgent need for local rehabilitation facilities and has made recommendations for a comprehensive approach that will meet the needs of drug abusers and the community at large.

It is anticipated that later this year, once all the required procedures have been completed, that the necessary renovations to the buildings will commence.

The proposed date for commencement operation of the Rehabilitation Centre has not been set as yet.

In the meantime, voluntary work on the grounds of the Hawley estate to prevent further deterioration has been undertaken, both by the staff and inmates of Northward Prison.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

While I fully understand the answer, which says that the proposed date for commencement of operation of the Rehabilitation Centre has not been set as yet, I wonder if the Honourable Minister might be able to give us some timeframe when we might be able to expect this based on what information he might have available to him, or any thrust that he might know is going forward with this matter?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker. A lot of the design work is now, and has been in place for the idea of this facility. It will be submitted shortly to Executive Council because there was no money approved in this year's budget for it. But knowing of the desperation and, as we all know, each time we pick up a newspaper, the judges, the prosecutors, and the defense attorneys continue to talk about the necessity of this facility, I must say at this time that what we now have is more of a place where people who are using drugs are going. So, we are hoping that as soon as we can get in there this problem will be eliminated and we will get down to treatment, getting many of these problems solved and getting these addicts off the streets and back on a desired course.

The Speaker: The last supplementary. The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I wish it to be very clear in my mind . . . the second paragraph of the answer, which referred to the necessary renovations to the buildings that will commence, . . . are we talking about the Hawley Estate?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, estimates have been done by the Public Works Department and it is just a matter of getting things rolling.

The Speaker: That concludes Question Time for today. Government Business. Suspension of Standing Order 14(3), the Honourable Minister for Tourism, Environment and Planning

SUSPENSION OF STANDING ORDER 14(3)

Hon. Thomas C. Jefferson: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 14(3) to allow the debate on the Throne Speech to continue as was recommended by the Standing Business Committee of the House.

The Speaker: The question is that Standing Order 14(3) be suspended in order that the debate on the Throne Speech might be continued today, today being Private Members' day.

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

AYES.

The Speaker: The Ayes have it. Standing Order is accordingly suspended.

AGREED: STANDING ORDER 14(3) SUSPENDED TO ENABLE DEBATE ON THE THRONE SPEECH TO TAKE PRECEDENCE OVER OTHER BUSINESS.

The Speaker: Debate will continue on the Throne Speech. The Third Elected Member for George Town, continuing.

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Continuing with the debate, I would like to touch on the Department of Immigration. This is one department that I hear a lot of complaints from the public at large about the delays in dealing with work permit applications or for residency and mostly for temporary work permits.

In the past, an application for a temporary work permit was processed within three or four days. Now, such an application is taking almost two weeks.

In 1994, the Queen's visit was blamed for everything by every department; and the Cuban refugees are getting the blame in 1995. But things in our community are being neglected: status applications for those who are eligible for status, applications for work permits are taking four or five months, lives are at stake and I think that an overall review of the administration of this department needs to be looked at very carefully and seriously as it is affecting a lot of businesses and individual plans so that people can continue with their everyday lives.

The Review of the Local Companies (Control) Law and the Trade and Business (Licencing) Law is very necessary. The problem of fronting... I am sure most of the Honourable Members of this House have seen the *Newstar* Magazine where my colleague, the Second Elected Member for George Town and I expressed our feelings in dealing with the fronting problem and the Trade and Business Licensing practices that are taking place in Cayman.

Going back a bit to the Department of Immigration, I would like to share a little incident that took place—and not only is work and business being hampered, but Government is losing revenue with the lack of administration in the Immigration Department.

On 12 January 1995, a gentleman who uses our post office box came to me with a letter from the Department of Immigration and said it was for me because it was for Daniel Murphy (my son's name is Daniel Murphy). He said this is a work permit for Daniel Murphy. Daniel Murphy is ten years old and he has been granted status, and I did not understand it. So, I looked at the letter and it was for Daniel Murphy—in St. Thomas!

This had been returned to this Daniel Murphy through the Immigration Department. On 8 November he applied for a temporary work permit to come to these Islands as a salesman (I think he sold resort beachwear). Here it was 12 January. This gentleman has not been told—it came to my mailbox here in the Cayman Islands, when it should have gone to St. Thomas.

Now, I know mistakes are made, but I called the Department and they asked me to bring the letter to the Department of Immigration. I asked them to kindly call the gentleman. Not only has he not come—or if he has, Government lost out on the revenue—but this was a serious mistake. I am not sure whether this gentleman was contacted or not, and I am sure that this is only one of the problems taking place in the Department of Immigration and this should be corrected.

Another concern with the Department of Immigration, which I have had several complaints about, is the counters at the airport being manned. A lady told me that she arrived on a flight (she was Caymanian) and walked right through Immigration as there was no one in any of the booths. The flight was from Jamaica and it was very full. She got up to the counter and there was not one Immigration official there. She walked right through, went to Customs (actually she only had a little tote bag) and told the officer that there was no one in the booth. The Customs Officer said that it happens all the time and he checked her through.

This is serious and this needs to be addressed. I am calling on the [Temporary] First Official Member to kindly make sure that these practices are corrected as this is not very businesslike, nor is it a good practice for Government to have in any of its departments.

In the Department of Broadcasting and Information, Radio Cayman is very well used. I think many of our residents listen to Radio Cayman, especially for the news and the Bulletin Board. I would like to especially commend Radio Cayman for some of its educational tips and

programmes that it presents in dealing with the educational tips, like bicycle riding on the correct side of the road, and different things that Radio Cayman puts out.

It carries the proceedings of the Legislative Assembly and a lot of the residents look forward to this and it is very well listened to. I would like to thank them for their efforts in this regard.

Another area that I am pleased to see that Radio Cayman is doing is that they are carrying the sports on the radio on Sundays when the different sports, especially soccer. One can sit and listen if they are unable to go and I am very appreciative of that, and I want to thank them for that as well.

The Department of Information, I know, has a very heavy workload with the Gazette and other things that need to be published. I feel that public relations, on behalf of the Government is one area where the National Team is very, very sadly lacking. This is an area that I have pushed for, in fact the whole Team is trying to find an individual who could do public relations as the Department of the Government's Information Services is stretched. While they are very helpful in helping to carry out Public Relations, I feel that more should be done on behalf of the Ministers.

Dealing with Little Cayman. When I joined the Economic Development Review Committee back in 1990, there was a guideline for planning in Little Cayman that was presented by the Department of Planning—a very comprehensive plan. It was not perfect, but it was a very good plan, mainly because at the time (1991) Little Cayman was not so well sought after as a resort or for tourism, or as a getaway site. This is a very careful plan with recommendations for policies and action. But this has never been accepted. I would kindly ask that this be reconsidered. It was very carefully planned—setbacks, bicycle trails, walking trails, even the street lights were all uniform and of a special design that would be very appropriate for Little Cayman, as that is a very special little Island. That could be developed and very well planned and used as a model for other islands in the Caribbean.

I think we have to determine if we want lots of development helter-skelter, or do we want careful, planned Development in Little Cayman? Or, do we want it to continue as here in Grand Cayman, with trees being torn down, a building going up and things not being properly planned? So I kindly ask that these plans be studied again, and taken a very close look at to see if they could be implemented.

The idea of satellite offices in Cayman Brac is very good and I believe that the Chamber of Commerce should be trying to push these satellite offices in that significant savings in operation and administrative costs could be felt if these satellite offices were to open up over there and more development could take place in Cayman Brac. Then fewer of the residents would have to move over here to Grand Cayman in order to work and be a part of the community.

A few weeks ago the Elected Member for North Side and I took it upon ourselves to go to the Department of Personnel and Training to learn about the record-keeping

of Personnel and to see how their follow-up records were kept for members of the civil service as to sick leave, vacation. We were a bit curious about the computer services in that each time we come to Finance Committee we see large sums of money being requested for computer services. We were both surprised to learn that the computer software that is in place for Personnel is very sadly lacking. The files for Personnel are done manually and if a file is lost there is no other record that is kept on an individual, and that should be addressed. Proper computer software should be implemented so that employees' records for the civil service are properly and efficiently kept.

I would like at this time to say a very special thank you to the staff of the Legislative Assembly in their efforts in dealing with the Members of this House and the efficient and congenial manner with which we are always met—starting with you Madam Speaker, and all the members working in this department in dealing with the Members of this House.

The different Select Committees have met and have been reported. I am very anxious to get the Code of Ethics Committee started, and also the review of the Sunday Trading Law. I have had lots of letters and verbal representation from individuals on the Sunday Trading Law and we have had two meetings. Input was invited and we need to get working on this, as it is very important.

The Committee to review the Penal Code has made its recommendations and it is now up to the Legal Department to follow through and come up with a revised Penal Code.

The Bill of Rights Committee met last week and we are working on this, and I am sure that before 1996 a Bill of Rights will be in place for the people of these Islands.

The Law School is working well and the number of graduates (54) is very remarkable in that it only had its first graduation ceremony in 1987.

I am not much of a feminist, but I am always anxious and pleased to assist and favour the women. Of those 54 graduates, a high percentage was women. They take advantage of the Law School more than the men. And I would like to commend these women.

Earlier this year there was a letter in the newspaper from an unnamed individual regarding the advertisement for a legal draftsman for the Legal Department, saying that we had a law school and lots of lawyers. They asked why the advertisement was being tailored for someone from overseas. I wondered the same thing. After speaking to the Attorney General, I learned that legal drafting is quite different. It is like being a doctor—it is a specialised area in the Legal Department.

We had one drafts lady, Mrs. Sheridan Brooks, who unfortunately left the Government and is in private practice now. The Legal Department did not take the time to explain or respond to this letter. So for whoever the individual was (as usual—unsigned) I would like to take this opportunity to say that it is different, we do not have an individual at the Law School who is studying drafting. But I would encourage new candidates who are thinking about attending the Law School to consider legal drafting

as this is a specialty within the law; there is a need within our community and I encourage candidates to consider this.

The Law Revision Commissioner has revised 18 laws, and is continuing. I hope that the Legal Department will continue with its drafting.

Last year a private member's motion dealing with photo identification for people within our community was passed. It has been almost a year and nothing has been done by the Legal Department about this; also about having designated places for smoking. I would like to have the Legal Department follow through with what is necessary to get these two particular things in place.

I am happy to learn that a Caymanian Crown Counsel is studying at the International Development Law Institute, and that expertise in prosecuting commercial or white collar crime is being sought. I am sure there are more cases of white-collar crime that take place within our community than the public is aware of. Those people committing these crimes must be dealt with and justice must prevail as this can be damaging to our reputation as an international finance centre.

From the Portfolio of Finance and Development, the study of factors affecting the local insurance rates has been completed. I wonder what the results of that study were, and I wonder if this could be shared with the Members of the Legislative Assembly.

After we were elected, I think every Member of this House was approached by constituents about these very, very high insurance rates that everyone that has a mortgage has to pay. If the study was conducted by Government, then I think we need to see and understand what the findings were. I would like to find out if there is any way that the insurance rates can be regulated and if they can be adjusted; or if Government is satisfied that the rates we are being charged are reasonable or justifiable. This needs to be addressed as well.

The revision of Government's Financial and Stores Regulations is very important. I would have thought with all the various contracts that were issued by the previous Government in their heyday that the Financial and Stores Regulation would have been reviewed before 1995.

The Customs Department should be commended for the amount of collection that took place in 1994 (\$61.6 million). One of the recommendations of the Public Accounts Committee was for the Customs Department to be able to examine loose and containerised cargo on a much larger scale. Government is losing revenue in that they are short-staffed and not able to carry through. We are not sure what is being imported and we are dealing with firearms, narcotics and other illegal things in the containers that are not examined. I hope this will continue to be a priority for the Customs Department.

The new building that was completed at the Airport for the first phase of the Customs Department is very well used. I look forward to the second phase taking place to accommodate the remainder of the Customs Staff in the Tower Building.

In the General Registry and Shipping Department, I am very pleased to learn that a healthy growth of Yacht

Registration is taking place. I have felt for a long time that this is one area the Marine and Shipping Registration should target, and I would like to commend them for working and being diligent in increasing this number.

The Budget and Management Unit seems to have been very busy in that they carried out inspections of the Planning Department, Central Planning Authority, Health Services and Organisational and Efficiency Reviews were completed in Company Registration, Information and Broadcasting, Immigration and Customs Service, District Administration. Hopefully these recommendations will be implemented and streamlining budget procedures is very important.

I know in the different Departments that I work closely with, such as the Library, the Community College and Museum, that from about September through November a lot of effort goes into preparing the Budget for the following year, and this can only benefit the Heads of Departments in working on their Budgets.

The Financial Services Department should be commended for their increase in their banking licence with 560 banks at the end of 1994. Considering the number of years that Cayman has been a financial centre, and having so many banks it is to be commended that we have only had four (that I am aware of) closures of banks. This is a very small percentage considering the number of banks that have licences. So, I think the Financial Services are watching and monitoring this very closely and I would like to congratulate them as well.

Another area of concern for the Public Accounts Committee was the collection of tourist accommodation tax. In 1994 this was increased by 54%; this exceeded the Treasury target of 30%. Treasury is diligent—an individual was hired and revenue for Government has been increased. I would like to thank them for looking at this.

The target of paying all invoices one week after receipt was achieved. If Government is to run like a business, this is very commendable. The Treasury deals with all different aspects of Government and to be able to pay an invoice one week after it is received is very, very commendable. I know that years ago, before computers and sophistication arrived in Cayman, it would sometimes be months. So this is very heartening.

Moving to the Ministry of Tourism, Environment and Planning. The partnerships between the public and private sector can only be beneficial, not only with raising the standard of the tourism sector, but I would hope that they would also have a partnership in advertising, and working with the airlines and some of the major hotels. The amount of money that the Department uses on advertising could be cut back and a partnership developed.

The European tourism market seems to be on the increase and this was one of the things that the National Team said in their Manifesto that they would endeavour to work on. So, even though we are accused of making promises, this is one promise that is taking place and we can see the fruits of that promise.

I am very concerned about the opening of Cuba as a tourist destination, which is possible. With all the restraints and restrictions that are taking place, there is only

one way that Castro can go, and that is to try to negotiate and have free trade again if Cuba is to survive. If this does take place, where does Cayman stand in regard to tourism? I hope that plans are being looked at, and the possibilities if this does take place. Perhaps a three-day cruise could be developed to include Florida, Havana, Cayman, maybe on to Jamaica and back up to the United States so that we can benefit. We cannot be complacent and sit back and let Cuba come and take tourism away from us. We know that individuals are very curious and many people will be curious about and want to visit Cuba.

The culture and heritage continue to be promoted by the Department of Tourism and I think we need to be grateful for this as well.

Environment consciousness is being brought to the forefront in trying to preserve our marine and terrestrial sites so that we can be good stewards over them. I think that we need to concentrate very much on the marine and terrestrial sites that we have as this is the way for tourism for this century. We should preserve and protect our environment as much as possible.

The Department of Environment is working diligently on their recycling programme. The recycling of aluminum and cardboard and paper has long been needed. We know that garbage accumulates, and one has to stop and wonder where does all the garbage come from? A recycling programme can only benefit these small Islands and I would like to commend them for getting this started, as well as the larger businesses that recycle cardboard and office paper.

The Speaker: Honourable Member, may we take the suspension at this time?

Mrs. Berna L. Thompson Murphy: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.38 AM

PROCEEDINGS RESUMED AT 12 NOON

The Speaker: Please be seated.

The Third Elected Member for George Town, continuing.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

When we took the break I was dealing with the Department of Environment and I will continue on this department. I am happy to see that a comprehensive coral reef monitoring programme will take place this year so that the capabilities of our marine life will be protected and, maybe more protection will be necessary, but an assessment will be done which is so very important to our watersports operators and all the divers who enjoy our reef,

The Rodent Control Programme will be re-established and I wonder why it was ever stopped when we know that we have a lot of rodents in the Islands. I am pleased that it is being done again.

One of the areas of concern that I have had for several years is the lack of laws drawn up by the Department of Environment and the Public Health Department to establish standards for people selling food from their vehicles. This is very dangerous in a hot climate with products, such as mayonnaise, that spoils very easily. Individuals going from site to site... laws should have been established a long time ago to deal with this problem.

I am sure that when individuals in the community have a virus or salmonella poisoning, it is probably as a result of contaminated food not being properly inspected. Nine times out of ten it was probably from food being sold out of the trunk of a vehicle. This should be addressed immediately by the two departments to ensure that someone does not react and have a very serious case of food poisoning and perhaps die. This should really be addressed.

The Planning Department (next to Immigration) is perhaps the most talked about department in Government. Perhaps because it is the most used by the public for applications and development. I was there on Tuesday and I was happy to see that they are redecorating and getting better organised, as it was very cramped and not very spacious. It will now be easier to deal with and please the public.

I am wondering, like the previous speaker, why the addition of seven planners to this department? A lot of development must be expected to take place. But, then again, I had an individual come to my house yesterday morning to complain about an application for a commercial building that went to Planning back in September. No formal response has been given to the gentleman and he is still waiting for the approval or disapproval of this building. Perhaps they will need seven planners, if they are so backed up in dealing with applications.

The application by a developer, namely, the Beach Club Colony, for further development with two buildings five stories high, I am sure will be quickly placed on the agenda. But I hope that this will be looked at seriously, in that it causes me grave concern with the development on West Bay Road. When I look at the existing site where these two buildings are proposed to go, I wonder, with commercial shops and a resort, if it can adequately take care of parking adequately, as it is a very, very cramped area at that resort now. I hope that this will be closely examined.

The Development Plan Review has been a very hot subject for several weeks now. This has not been reviewed since 1977, and I feel that there are many, many important issues in this review that need to be addressed. I would have thought that public input during the meetings that have taken place over the past two years by the Central Planning Authority in coming up with the Development Plan Review would have been better included. In listening to the public and to the media, apparently many

of the views expressed at those meetings have not been considered and put into this Plan.

I can attest to this as well. The Honourable Minister for Tourism, Environment and Planning, with the Chairman of the Central Planning Authority and the Director of Planning met with the George Town Representatives and shared this plan. I expressed some concern over the plan and asked for some things to be changed. When the plan was made public again, I do not think one change I suggested took place. I hope that when the extension is granted to the review of this plan that the public will be listened to and an agreeable plan for all will be put in place and that the environment... not only environmentally because we have to have some development, a carefully planned development will take place and that all will be happy with the Development Plan Review that will take place.

With the new town planners, I hope that the planning inspectors will be relieved of some of those duties. Since being elected in 1992, there are two particular sites that individuals have constantly complained about. I have spoken to Planning. There is one in Bodden Town and one in George Town where a small office, or workshed, has been established prior to the building of a house and those sheds now have individuals living in them. The one in George Town has a fence, an extension cord (because it does not have its own electricity) and I have constantly asked Planning to address this. Enforcement is not carried through. If we are to have proper planning, and not create situations like this, then it must be followed through.

In South Sound where there is a very popular restaurant, the residents in that area are very disturbed that for almost three years an enforcement has been given to the owner of this restaurant to address the parking situation. On Friday and Saturday night cars have a hard time driving through this area, yet nothing has been done in the last three years. I am calling upon the Planning Department to address this situation, as this is not fair to the residents or to the drivers on the South Sound Road.

The Master Port Development Plan was completed in 1994 and I am pleased to learn that this will enable it to meet the challenges of the next decade. They are presently examining the installation of permanent cruise ship moorings for George Town Harbour. This has been talked about and tossed around since the Port Authority, I am sure, was established. I do not understand why the installation of these permanent cruise ship moorings has not been established before if this is what is necessary.

We all remember that back in 1984, the cruise ship *Rhapsody* ran aground in George Town. Some of the equipment (anchors) that was used to free the ship from the reef was purchased by the Port Authority to be used, I understood, as permanent moorings for George Town. That sat on the Port Authority dock for many, many years, with several thousand dollars invested. Where they are today? I am not sure. They could probably be at the cargo distribution centre. But from 1984 (and it is now 11 years later) these cruise ship moorings are still not installed and no serious effort has been made to put them

in place so that other areas of our Island will not be destroyed by the cruise ships mooring.

The Fire Department seems to be working fairly well. It is commendable that over \$4 million has been saved because of the quick response by the Fire Department. Often times we hear the public commenting about how Caymanianised the Fire Department is. I think the Fire Chief should be commended in trying to maintain a very, very high level of Caymanian staff members.

The 9-1-1 Emergency Number is coming in place, and I am sure that the Fire Department will be working closely with that in their fighting and prevention of fires.

The Turtle Farm seems to be progressing successfully, from a financial point of view. The viability of an aquarium I am sure will be a much added attraction. Not only tourists, but residents will enjoy the aquarium, more so than they are presently enjoying the Turtle Farm. However, the public should be given an explanation of the exact development with the resignation of Dr. Jim Wood, and the new manager, and all the letters and controversy that has come out in the media. I think that a proper explanation should be given to the people of these Islands concerning this situation. When there is information and people understand then there are no questions asked.

Moving to the Ministry of Health. The Minister has had less time than the other Ministers with his Ministry in that he only joined the Ministry in early 1994, but he seems to be progressing well. The construction of the new hospital facilities will take place later this month, but that seems an awful long time. I am sure that he has received a lot of opposition in trying to get this going. I wonder why the same architects were used as they dealt with the former Minister, and I wonder where their loyalty might be. Perhaps this is why the facility has taken so long to get operating and begin construction.

The Mental Health Unit is very important and I am extremely happy that the Minister had included this in the new facility with a Chapel, the Hospice and Geriatric Unit. I feel that this will all be very beneficial in that it is being phased in and not hurriedly prepared like the former Minister was doing everything.

The programme for Sexually Transmitted Diseases in the George Town Clinic seems to be reactivated, which was one of my concerns when I visited the Public Health Clinic in George Town. It seemed to be at a stand still. We learned this morning that a coordinator and a good programme has been put in place, and that our young people will benefit in that they will have this included in their curriculum and an awareness in our community so that these diseases can be prevented.

Some individuals have said that the Bodden Town District Health Centre is not going in at the proper site. I think the Minister explained this morning why it is being built there. We learned that consultation was made with the people so this is what most of the constituents of Bodden Town want and he has to carry out their wishes. I feel that the Minister has made a good choice in placing the district health centre at the present site.

I would just like to say that in talking about the former Minister of Health, I was not referring to the Honourable McKeever Bush, but to the Honourable Ezzard Miller. I just wanted to clarify that.

Waiting time at the outpatient and emergency services is being closely monitored and this is very encouraging. Often times it is used by young children and mothers have to wait hours upon hours and it is rewarding to learn that this is decreasing and being more efficiently run.

Efforts to encourage careers in health can only be helpful to our community. I also hope that students will have an opportunity to do an internship (maybe two or three days per week) at the hospital to understand the running of a health care centre, to learn if this is a career that they would like to pursue before moving off of the Island to further their education. This is very encouraging and I commend the Minister for putting this in place with the medical technologist and members of the medical staff.

The counselling Centre is reverting to its original treatment of alcohol and drug addicted clients; also in helping the families of these clients in dealing with their addiction. This is very good as well as I heard some constituents saying that it had gotten off of its original function. Again, the Minister is to be commended for reverting it back to its original function of dealing with clients that are addicted.

They have also relocated and this, I am sure, will aid in confidentiality and being more accessible to the public. I am happy to see that the counselling programme started at Northward in February. The Sister Islands will be receiving help in this area as well. It sounds like the counselling centre will have its hands full in developing all of these programmes.

I must say that I am disappointed that the National Health Insurance Scheme has not taken place as yet. I feel that Government should have regulations in place almost like our car insurance—let individuals shop and purchase the best insurance scheme for all of their employees so that health insurance can be enjoyed by all working individuals in these islands. Government should purchase a policy for its employees and that should be funded the same as the private sector with a programme for the indigent, or those that are overage who are not able to obtain insurance so that it will not be a financial drain on the government in providing health care and so that everyone will have the opportunity to obtain health care. I hope that this will take place by the end of November as stated here in the Throne Speech.

The Ministry for Community Development, Sports, Youth Affairs and Culture is a very busy Ministry. I know because I work closely with this Ministry. The Minister has had a lot of criticism for his sports facilities. I am commending him for the facilities and the programmes. Yesterday we learned about the regiment and cadet corp. programme that is being considered. The Juvenile Law is under review and we have the Children's Law and the Youth Justice Law. After public consultation this will be brought to the House in the next sitting in June.

The Young Parents Programme is one that is very essential. I was so happy to be able to attend a presentation, explaining what this pilot programme is all about and to see the way that it is helping young mothers who are just children themselves. They are being taught how to handle their affairs, how to budget, how to shop, how to care—to the very idea of rocking, reading and singing to the child. The programme was opened on Tuesday and I hope that more fathers will also take advantage of this programme, which was very ably named after Mrs. Joyce Hylton who has spent her life working with our youth and the Social Services. I am happy to see that her efforts have been rewarded and that she could enjoy this, and that we did not wait until she passed away to name something in her memory.

The Study of the Family is long overdue. I am happy to see that this will be assessed because the family has been affected by the rapid development in our community. When the study is completed, I am sure that some of the family problems, and the far-reaching effects in our community, will be tackled as a result of this study.

The Annual Youth Week is also to be commended in that it will encourage our young people to work toward developing their talents in arts, crafts and music. A competitive spirit will be developed.

Watching the Youth Choir when it performed last December was very touching as they shared their talents with the community. I am sure with Youth Week this will create more self-esteem and develop more competition among our young people.

I hope the Crime Study will be completed by June of 1995, as this can only help. We hear so much about crime, and while we know where some of it takes place, finding out the reasons behind it will be assisted by the study.

The review of the Labour Law and the Manpower Development Strategy was explained to us here this morning. The Committee has the task of completing a report by June and I am not sure if that will be accomplished, but we are working very diligently in trying to assess and make recommendations on the manpower development in these islands. An additional Labour Inspector is required in that many complaints are received by constituents from all districts who are having problems with injustices at work. I am sure that with an additional inspector these problems can be lessened and our labour force will be better served.

Two dozen mortgage guarantees have been issued since the Government Guaranteed Mortgage Scheme has been put in place and this will show that there are individuals who are in need of housing. I am sure when individuals have a home that they can relax in pleasant surroundings, then we will have better workers in the work force.

The Water Authority is seeking refinancing of \$22.15 million. This is a large undertaking. But with the demand for water services I believe it is realistic. This was one area of concern for the Public Accounts Committee. I hope that the recommendations made by the Public Ac-

counts Committee to the Government will be followed and adhered to concerning the Water Authority.

The National Museum seems to be working very well. As I serve as the Chairman of the Museum Board, I spend a lot of time there at the Museum. It is expanding and moving its collection from the Archives Building, as the Archive is in dire need of extra space. So the area that they shared will now be solely for the Archives. The work-shop and research centre will be better established with a little more space.

The Wreck of the Ten Sails exhibit was quite successful and it will be travelling to the districts. So I encourage all those who have not viewed this exhibit to take an opportunity to do so when it comes to their respective districts.

The Cayman Brac Museum now has a representative on the Grand Cayman Museum Board. This was done so that we may liaison and work closer with the Cayman Brac Museum with the view to eventually having a museum in Little Cayman as well.

The Archives has a very comprehensive library and it is very enjoyable to go there and read. I would encourage the public to take advantage of the Archives Library as it is very enlightening and there are many good books, not only on the Cayman Islands, but on the regional area. Hopefully a list of books will be published by the Archives so that the public will know of the different sources available there in the library.

Yesterday the George Town Public Library was declared an historical building. We are very grateful to the Trust for recognising this as it is a very beautiful building. Unfortunately it is becoming inadequate. As the Chairman of the Library Committee, I can tell you that we have been working on a position paper to have libraries in all districts. An educated community can only be a healthy community and having Libraries in all of our districts is very important.

The Library received a facelift within the last week. Not only would I like to take this opportunity to thank the Library Committee, but I would also like to thank Steve and Frankie Flowers for donating the pavers, and Mr. Amil Scott of Paving Systems for graciously donating the labour to install the pavers and for the wonderful face lift at the Library.

Sports is an area that is very dear to me. Not being athletic, I enjoy watching others perform. I must say that I try to attend all the football matches that take place on the weekend, especially when FC International is playing. I think most people know that I am a very big fan of theirs. But, George Town needs to have a football practice field. When the representatives from George Town accompanied the Minister for Education to the School, this was one complaint that the George Hicks and John Gray High Schools had—their fields are so widely used for football, softball and racquetball practice that the fields are over used. Hopefully, by the end of the year we will be able to identify a field for football and softball users in the George Town area.

The park at Spotts will hopefully be completed this year. This was one of the things that the George Town

representatives decided to take on and to follow through on when the land became available at Spotts. We felt it would be enjoyed by people not only from George Town, but from the outer districts as well, and they would have an opportunity to enjoy this recreational park that we would like to have in our island.

The National Cultural Foundation should be commended for hosting the Carib Art Exhibition and for the establishment of training for local artists and Caymanian actors. I wonder if the importation of foreign entertainers, like Patra last week (which was not done by the National Cultural Foundation, let me hasten to say, but done by private enterprise) are the types of entertainers we would like to have in our community. I feel that a closer look at importing entertainment from overseas should be addressed either through the Department of Immigration or a Committee established for application for entertainers and what they are promoting, and the way they entertain should be looked at very closely before entertainers, like what was here last week, are brought in to perform for our people. It was distasteful and very unnecessary in our Island.

Also, with the advertising, I feel that the Caymanian Compass, in particular, should be more responsible. There is an ad that I received at least six telephone calls about, as well as verbal representation, regarding Rum-heads' ads. I feel that the media should be more responsible in printing these ads, in that it is going out to the public, especially our children. I call upon them to be more responsible in printing ads such as this.

The Ministry of Education and Aviation seems to be working well. Only this morning I was speaking to the Permanent Secretary there, and the implemented Strategic Five-Year Development Plan for Education has been accepted for 1995-1999. The site base planning is being worked out so that all the schools will have a mission so that strategies for the schools can be carried out and that a specific school will meet a certain need, and this can only work well in any public school system.

The school inspectorate is going to be established this year, and this is very necessary as this has been neglected for so many years. Most of our preschools have been granted licenses. This is very encouraging. I will not touch on the results of the CXC, as this was already touched on in previous sessions, but it is to be commended. Our children seem to be working very hard in performing and carrying through their schoolwork.

The Community College General Studies Block is now completed and the sixth form will be transferred there from the John Gray High School. The Associate of Arts Degree will be in place in 1996 at the Community College and the Board of Directors for the College is working very diligently in putting this into place so that members of the community will be able to work on a part time basis towards earning a degree and be better educated and take their place in our society.

The Maintenance Programme was carried out during 1994 in all the schools. When we visited the schools the main complaint was the hard court at the high school,

and this was dealt with in a Parliamentary Question yesterday, so I will not deal with this at this time.

The private schools seem to be working well and expanding, taking some of the burden off of Government—not only financially, but they also can be competition for the public schools in keeping the level and standards of education high.

The Education Council continues to work well and in the new school recently registered, the Faulkner Academy, I am very disappointed in that this academy will be going on Walker's Road, a road that is very heavily used by the other schools yet Planning Permission was granted on this site against the wishes of my constituents whom I worked very hard to help when they were objecting to this school being placed on only half an acre on a road that is heavily used and in a residential area. Yet, permission was granted. I wonder if all the facts were presented to the Central Planning Authority and to the Education Council in that the fee for this is about \$300 per week to attend this academy and I know that the average child, if they have a specific education need, how in the world will this fee be met. So this academy is only for select individuals, against the wishes of the residents of that area. I must say that I am very distressed that it will be placed in this area.

Under the Civil Aviation Authority is mentioned a runway for Little Cayman. The Planning for Little Cayman should be looked at carefully, as I mentioned earlier, in planning the runway to protect the environment in Little Cayman.

Cayman Airways seems to be working well and will realise a small profit. This was one of our concerns when we were elected—that Cayman Airways was draining our economy. This has been corrected and now has a fighting chance for survival. The Air Services Agreement has been finalised, or extended, and this can only help Cayman Airways as well.

Moving on the Ministry of Agriculture, Communications and Works. The street naming committee is up and running. We met on Tuesday, after being inactive for two years. This will work along with the 9-1-1 emergency number and with the Post Office in the event that we will have a postal code or home delivery. The street naming committee will be contacting the schools to have a competition in providing names for the streets. I encourage all children and parents in helping to name the streets, so that there is no duplication and that the names will be agreeable to all residents of these Islands.

The Department of Agriculture seems to be working well and is to be commended for their fast action on the white fly on the poinsettias and the disease on the mangoes to prevent further spreading in our islands. The Agriculture Complex at Lower Valley will enhance the department. Through the efforts of the Agriculture Society in staging the Agricultural Show it is hoped that more local produce will be purchased and the importation of certain products will decline.

The Emergency 9-1-1 system can only help as lives can be saved through the use of this number, as I have seen on television.

The Postal Department, with the new Postmistress, seems to be working well. There is a new facelift at the Post Office and the Post Offices in the other districts are performing. The international express mail service is to be introduced and this will help our financial centre.

The Public Works Department seems to be working hard, at times, but I feel that at times they lack supervision in some of their projects, such as the hard ball court that was mentioned earlier. Our children are not benefiting from the use of the hard ball court, because of a lack of supervision (or whatever the problem seems to be) and hopefully this will be addressed.

In the new road at the junction at the airport, the bids that were put out, it seems to be that one company is benefitting from a lot of the private sector bids in supplying the material for the roads. I hope that it is not necessarily the cheapest that is also the best but I think that it should also be spread around so that all private sector companies have an opportunity to benefit in working with the Public Works Department. In speaking of the new road at the Airport/Kirk Motor junction, on Monday the flow of traffic was directed in the opposite direction with the traffic from the airport stopping, which is the way I thought it would have been from the beginning. It has caused some confusion. I am confused myself at times, I am not quite sure how to turn to go towards the airport. I must say that I kindly ask the Public Works to go back and take a look at the way the directional arrows are placed, as it is not a very professional job. The lines and arrows should have been completely sanded down and repainted before new arrows were placed there as this is, perhaps, going to cause an accident. This should be re-addressed and a more professional approach must be taken in dealing with this.

In dealing with the civil servants, the Governor stressed that this is his responsibility and the former speaker mentioned yesterday the loyalty of the civil servants. I will not touch on this since it was so ably expressed by the Third Elected Member for Bodden Town. But one thing that I must touch on is that I have had two individuals (who are civil servants) come to me that are now past the age of 60 and they have been told that they have to retire.

In 1989 a law was passed by the First Elected Member for Bodden Town and Mr. Franklin Smith, changing the requirement for civil servants so that they could continue to work until the age of 65 if they were physically examined to prove that they were physically able and if the Head of department agreed to it and if they were not keeping a young Caymanian from promotion. The two individuals who approached me are very capable, looking at them physically. But I call on the Governor to make sure that these two individuals will be treated fairly and that if the private member's motion in 1989 passed with these requirements, then I hope that these two individuals will be dealt with fairly.

I have to wonder, and this was also expressed by these two individuals and members of the public, that we have judges that are 67 and 68 years old who are imported, yet our Caymanians are not being treated fairly

and they must retire at 60 or 65, if the 1989 private member's motion is accepted by the Governor.

The review of the performance and the recurrent expenditure of the civil service should be ongoing. In 1993 the Governor, in his Throne Speech, mentioned that a review of the performance of the civil service, perhaps cutting back by 7%, would take place. Hopefully this will not just be carried out in 1993, but this should be done on a yearly basis.

The recurrent expenditure for civil servants is over 60% of the expenditure just to pay their salaries; yet when I was studying economics and business management at university the cost of your labour should be between 10% and 15% of your sales (in the private sector). So I wonder if Government would consider looking at this and reviewing the performance and expenditure of the civil service each year.

The Speaker: Honourable Member, proceedings will be suspended until 2.30 P.M.

PROCEEDINGS SUSPENDED AT 12.58 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: Please be seated.

The Third Elected Member for George Town, continuing with the debate.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

When we took the lunch break I was talking about the performance and the recurrent expenditure of the civil servants, and maybe it is time that we look at some of the Government Departments being privatised, for example, the Public Works Department, the Environmental Department, Garbage Collection, and so forth, in cutting down on some of the bureaucracy that we campaigned on.

When one goes to the Department of Vehicles and Inspection to have their car inspected... it is the most frustrating department that I have ever seen in my life. You pay \$10 to someone, you go and get your car then you come back, you go again and you never see the same individual twice. I believe that some of these departments should be reviewed to see how we could avoid some of the runaround, and cutting back and maybe consider privatising some of them.

For the last several years back in England, this has been one of the things that has been strongly considered by the United Kingdom's Government—to privatise and get rid of some of the departments in the Government.

In dealing with the George Town district, the Sports Complex for the CARIFTA Games is near completion. As a matter of fact, I will be there on Saturday for Sports Day. So, we appreciate the Ministry allowing us to use that facility before the CARIFTA Games.

The Spotts Recreation Park we hope will be completed this year. We are looking at putting in some practice areas for football.

Road improvements in the different areas of George Town. We have taken a tour and I hope we will have a listing from the Public Works Department shortly and the Ministry of Agriculture, Communications, Works so that we can see the listing and prioritise the roads so we can get to work on the roads in the George Town district.

One area on Eastern Avenue that has raised some concerns for the people of that area has been the building of the new McDonald complex. About three individual landowners have been landlocked with no access to their properties, and I know that the Fourth elected Member for George Town and I have worked closely with these individuals in helping them. I am a bit disappointed again, in that the Planning Department did not try to help these individuals, whereas I worked, spending many days on this project trying to deal with the problem and nothing seemed to have been accomplished and will probably end up in court. This was not necessary and could have been avoided if some help had been forthcoming from the proper department that should have been helping.

The representative of these islands... the former speaker has been the first one, and in talking with the other Members about the performance of the different Ministries and the representative, according to this Chamber of Commerce survey is a bit confusing. Here in the different sections of the survey we have a report of things that are trying to be put forward and in what I have said over the course of this morning, this is not all perfect. Things are getting done. I am not as patient as the average person and feel that the wheels of the Government can move faster in a lot of areas. A lot of my constituents feel the same way too. But I guess that is the way it is and I supposed we will just have to learn to live and accept it and keep pushing in hopes that things will move and get accomplished faster than we would have done sometimes.

When I look at the Ministry of Tourism and see some of the things they are working on (and you have heard my concerns in some areas, and the same thing for the Ministry for Education and Aviation) . . . and then this survey says that their performance is below average. Yet, Cayman Airways seems to be on a level keel with a minimal profit again. I wonder how this survey could be very accurate. First of all it says that the numbers had not been revealed for the people who participated—I know of different individuals who have a post office box, yet it never came to theirs—but the one thing that I would challenge all representatives is that if we do not feel that it is representative, let us conduct our own survey of our constituents to see in what areas we can better represent them, what areas they would like for us to work on and have improved.

In the *Caymanian Compass* one of the areas that the performance was rated very low, according to this survey, was Public Consultation and Advance Notice on Bills. I agree that public relations have been slow with the National Team in a lot of areas, but in different districts we hold meetings; we have our offices and we are readily available by telephone. We receive letters and, in George Town particularly, we try to move around and

meet with our constituents to get input from them. For the Chamber of Commerce to talk about advance notice on Bills and in giving 90-day notice, I agree that in some instances it is very important. We cannot be expected to come in hear and receive a Bill and vote on it and not have consultation from our constituents. But charity begins at home, and I have yet to see the result of this Chamber's survey. They have said that they will share it with the Members of Executive Council and I believe that the Members of Executive Council have not received a copy of this survey, therefore, consultation is lacking with them as well. It is a two-way street and it must work for the betterment of all involved.

The present Government is made up of human beings. No one is perfect, and there are a lot of things that need to be corrected. But when we took office there were so many things that needed to be addressed that I believe that finally we are now beginning to level off. We must put in different checks and balances and start working together to improve the surroundings, the environment and all aspects of these Islands to make it a better place not only for us, but for our children and our grandchildren so that some of our heritage and culture and things that we believe in will be carried on down through the years. And we as good responsible Legislators will make sure that all of this takes place while we are here.

Going back to the results of the survey on the Government's performance, as the Editorial said, with the obvious shortfalls of this survey there is a definite message that Members of Government should ponder. And I feel that we should all sit back and take a look and see how we can make things better as representatives of the people to make sure that we have very good Islands to live in and truly represent the people.

I hope that we will all continue to ask for guidance as we take on this responsible role of being elected representatives of the people.

Thank you, Madam Speaker and Honourable Members of this House, for your indulgence.

[pause]

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

Mr. Gilbert A. McLean: Madam Speaker, it never fails to amaze me that in this Legislative Assembly, when the most important matters are up for debate (such as the Budget Address and the Throne Speech) that there are so few who rise to make use of the time.

Yesterday afternoon almost ten minutes passed before anyone rose to speak. I compliment the Third Elected Member of George Town who finally got up and spoke. Considering that there were 17 people in the Chamber, one should marvel at it all.

After the last Throne Speech, which was delivered by Her Majesty the Queen, no one spoke at all. I happened to have been out of the Chamber at the time getting some papers I was going to refer to, and by the time I got back (in about five minutes) it was closed. This one,

however, Madam Speaker, will not close as the last one did, since I feel sure that once I have spoken it will stimulate the others to then get up and talk about me—as is normally the case—rather than about the Throne Speech. I do hope that I give the reluctant ones something to talk about.

The Third Elected Member for Bodden Town said yesterday that he found this particular Throne Speech to be the best that he has ever heard in the House from the time he has been here. That gentleman has been serving in this Legislative Assembly for 20-odd years. Personally, I found this Throne Speech quite bland, nothing earth-shattering, and it simply reiterated what has been in the press from time to time as claims by the Government with regards to work it intends to do, or is doing.

The Second Elected Member for Bodden Town also listed a number of things which he said had been done by the National Team Government which were left untouched by others prior and, indeed, which they, the National Team Government, had fixed.

I think, in presenting that list, Madam Speaker, he left out a number of achievements of the National Team Government since 1992. I believe it is necessary that all of its achievements be brought into focus and, as I fill the role of Opposition in this House, I am duty bound to try and create a balance in perspective. So, I would like to refer to a few achievements.

Its first major achievement was the stoppage of the Dr. Hortor Memorial Hospital—at a tune of almost \$6.0 million which had to be paid out in damages on broken contracts. The country does not have a hospital, the new facility that it could have had.

It accomplished the repealing and stoppage of the Health Authority, the Body which made it possible for the Health Services to be managed by an entity that was at some arm's length away from Government. It also accomplished the task of stopping free medical aid to the seamen and their spouses of the Cayman Islands. It stopped the National Health Insurance Scheme that was in place and was possible to be carried on. All of the citizens of this country could have been insured for health; we now only hear talk about it.

The Education Plan which was in place was stopped and put on hold, as was the Caribbean Examination Council Examination (CXE). With the gallant effort of teachers and students it was proven that with good teachers, and students who are challenged, they could pass this examination which, according to the Minister, was only suited to 35% of the population.

Certainly, one of the most recent things that has been done is the road which has been diverted at the Airport—perhaps the most travelled piece of road in the Cayman Islands—into a maze that seems to change every few weeks. As one driver said on television about two or three mornings ago, it seems like a suitable enough name of "malfunction junction".

This Government must take the credit for buying land, which was transferred on one day for US\$140,000 and sold to Government on the same day for US\$880,000. Also this Government can take credit for

spending, for the first time ever in the history of this country, public money to build over 32 private driveways in the district of West Bay with other districts not receiving similar consideration.

This Government must take credit in its accomplishment for stopping the Housing Development Corporation which offered funding for lower income housing to bring into play another programme that does not offer the same type of funding, and has not replaced nor provided for these persons in the lower income brackets.

Of course, in keeping with its promise the first move was to reduce the civil service of the Cayman Islands by 7.5%—falling short of this, I understand, by 2.5%. So, for one to get a balanced view one has to look at the other side of the coin and that is the other side, without question—as it is all facts and factually known to anyone who chooses to know.

I wish first to speak on matters relating to the civil service, and to look at what I consider the function of the civil service is, and what has happened with it and what, in the Throne Speech, supposedly will be happening with this organisation.

The civil service in my opinion, is the means by which Government goes on and why Government continues. It is not the changing of politician every four years in this country that guarantees the function of Government. For there are separations between the civil arm of Government, the Legislative arm, the Judiciary and the Executive—at least there is supposed to be.

The Cayman Islands civil service has grown from a minuscule number to now over 2,000 people. I have been a civil servant as have a number of people who are presently Elected Representatives in this country. I have a great deal of respect for the civil service and for what it does and for its accomplishment. I am also one who criticises various areas of it where I think it lacks impetus or performance. When one looks at the civil service, anyone who knows must first understand that it is there as a service-machine for the country. It is quite true, as was stated by the Third Elected Member for George Town, that if it were a retail businesses and any retail business that attempted to pay the percentage of some of the recurrent expenses and to pay staff—that would be a business that would be out of business. But the vast difference is that the civil service is all about people and delivering certain services, most of which the private sector do not wish to be into. Yet, these services have to be delivered because it is the obligation of the state.

I said, when I first heard that the Government was undertaking to hastily cut civil servants out of the civil service, that it was not the way to do so. For, in any such exercise a sensible manager would first do a proper study and determine if there are duplications, if one can amalgamate, reassign or shuffle duties and responsibilities, and then make such reductions. This was not done.

If we just look at the figures, at the end of 1994, there were 2,043 established posts. For this year 1995, there are 2,151 posts. Can that 151 be taken out? It cannot. If they are taken out, something is seriously going to suffer. So is the reality of the civil service.

There are some services that would interest the private sector; there is the Water Authority for example. Of course the private sector would like to take that up, that is a money-making venture. But Government, in the first instance at least, made a smart move in that it was put into an Authority where a management was in place with the ability under legislation to collect bills, to do business in a more private sector format, than it being a department of Government.

One thing is wrong with it, I certainly believe, and that is the Minister responsible for the Authority is also the Chairman of the Authority. For there it loses its autonomous side to some extent because the Minister just happens to be an Elected Member of the people there are always some political demands present by the public on him or her as the case may be. With an Authority and the person employed being someone other than a political figure, it can, in my opinion, operate much more smoothly.

The Cayman Islands Civil Service is in a state of flux; it is threatened; it is fearful, and I do not foresee it getting any better any too soon. The First Elected Member for Bodden Town and myself, made a recent visit to the United Kingdom where we had the opportunity of meeting with the Officials of the Foreign and Commonwealth Office who have the exercise of legal and administrative authority for the Cayman Islands. We expressed to them our concerns about the civil service and what is happening at this time. We told them that we thought the civil service is very unstable, and with good cause.

Civil servants on a whole began down the line and worked themselves toward the top, at least in years past. This was so to some extent because we did not have a large pool of professional people, technocrats, and so on, to draw on. That is still the case, but we have improved the base; there are increased numbers in that area. They grew with the civil service, they knew its every nuance, and many of them made it to heads of departments, permanent secretaries and otherwise.

Many of those persons who joined in the early years quailed and hold qualifications relevant to the job they hold. The younger officers and heads of department, and at the top, permanent secretaries, and so on, many of them hold qualifications in one area or another. What is for sure, is that the Cayman Islands that I live in... and as I am aware of them by the Government produced statistic which tell me that if there is a society in the world who has to attempt to get from its qualified citizens every bit of service, work or duty, it has to be the Cayman Islands; this country does not have the luxury or can afford to send people into early retirements.

I believe it is truer in the United States and England, for example, to think of people just over 20 as being old. Songs are written about being young and beautiful and so on—supposedly, young means being a teenager. But in these parts of the world, perhaps you defy nature or the concept, because there are 60 and 70 year-old people in this country as healthy as many of our 20 year-olds—in some instances, healthier than them, if we compared some of them to some of the unfortunates here

who wreck their bodies with illegal drugs. So, we cannot afford to retire our people in this country who have the ability and the willingness to go on working. Too much of that has happened in recent times.

It has happened during the time of this present Government, and never before under any other Government. There are persons, former Chief Secretary and First Official Member, Mr. Lemuel Hurlston, who disappeared off the scene—early retirement. The latest casualties: Mr. Oswald Rankine, Mr. Audley Scott—young men, by no means old, willing to work and who have worked. Something is seriously wrong, and I share the view of the majority of the Caymanian public, that much of it is due to political activities causing undue pressure on some persons in the civil service.

The First Elected Member for Bodden Town and I said as much to the Foreign and Commonwealth Office. Perhaps that is why the Governor in delivering the Throne Speech on the last page spoke about a rumour of outside interference; that outside interference, we believe, is political interference and it is no rumour; it is popular belief in this country—that would be a more correct definition.

Certainly, my before mentioned colleague and I stated as much to the United Kingdom Officials. In doing so we took along various articles from newspapers, and we did not just ask the officials to believe us, we encouraged them to take whatever steps they believe are necessary to look closer into the situation. We left with the distinct impression that they would, and I suspect that they have to some extent. How much? I do not know. But I hope it continues, for this country cannot afford to lose any more civil servants as it has been losing them in the recent past.

I will not call the names of civil servants that are still in office, but I prepared quite a list of those who are still supposed to disappear off the civil service scene. We will see whether that happens or not.

Madam Speaker, I try to keep as close in touch with changes in the world around me as I can. I am aware that manpower resource is something which is limited in many instances, such as in our country, and even in the United States—when one compares by their statistic the need for qualified, trained people and those who they actually have, as well as the fact that persons who are trained in a particular field now make deliberate decisions to enter another field and are retrained. I think we need to adopt such a practise right now. We cannot send any more civil servants out to pasture.

I believe it should be timely for the General Orders to be reviewed was stated in the Throne Speech. I trust that there could be an awakening in what used to be a highly recognisable body called the "Cayman Islands Civil Service Association". This used to be a force to be reckoned with, and it did not just include top and middle managers, it included representatives from every level of the civil service. In the times that I can think about, when strides were made in the terms and conditions of services of civil servants in the Cayman Islands, one saw to it that persons who were head of departments did not hold the

post of its presidency; for that created a situation where you had top management having to wrestle with matters which were real to those, in many instances, who were in the lower echelon of the civil service, who did not accord with what was top management's view on the matter. I trust that there will be a reawakening of this Association and that they will look very carefully at the General Orders that govern them—both in terms of what might be rightfully theirs in terms such as money, safety in the work place, pensionable rights, or whatever, and that they will make clear and specific recommendations to the Government, to the Governor, the Government Executives, as to what they will be prepared to live with, what they want to see changed, or whatever may be their views for making the civil service an improved place to work and to be.

I think the Public Service Regulations also need to be reviewed quite regularly, and to the best of my knowledge it has been some time coming. So, the fact that there may be in place a review, I believe the civil servants should seriously become involved in that process also.

If the Cayman Islands' Civil Service Association fails to exercise its significance on its own behalf and that of civil servants, there is going to be more of the trauma the civil service is undergoing presently: because of the early termination of the District Commissioner and the Deputy District Commissioner in Cayman Brac, we now find a dislocation in the Portfolio of Finance and Development, where the Deputy Financial Secretary has been sent over to the Brac to act in that position. This is also causing the Permanent Secretary of Personnel to be displaced from that office to supposedly go to the Brac to fill that position. It is then creating a vacancy in Grand Cayman in the post of Permanent Secretary for Personnel. Who is in line for it? That will be, I daresay, another surprise.

Madam Speaker, in my opinion the civil service ought to be so organised, so managed, that it is clear to anyone working in the service the line of ascension and who is in line within each department, or who is in line in any given category of posts within the civil service so that there is no speculation every time a vacancy occurs.

There is not, in such an unsettled state of being, the question that political favour may work on anyone's behalf, or that a good word said in a particular place might work to someone's destruction. The civil service is not so designed at this time. It is most unfortunate. It is no mammoth task that persons can be clearly identified by grade, by category, so that if there is a vacancy that has occurred in the position of a Senior Assistant Secretary level, for example, one knows immediately how many are there that might be moved across the board, or who have seniority within the Assistant Secretary level to move up. It should not be a secret. It should be top management making this easy transition to be in place.

Rather than firing civil servants and rather than going afield hiring civil servants into the very top levels of the civil service without the relevant experience born from working within the civil service, there should be a clear policy for training of civil servants. There is some. There is, as far as I know, the Training Unit. To what extent it is

allowed to function by monitory consideration and manpower, I really do not know. But, surely, there has never been a time in the history of the civil service before—like now—where that is necessary.

There is another matter, Madam Speaker, that is wrong, unjust and unfair. If a civil servant is found committing a misconduct, an illegality—whatever, justice says that you must charge that person and give that person the opportunity of defending himself or herself against that charge; and it must be done as quickly as is possible. That is not happening in this country now. There is one case that I can think about for an officer who did head the office of Supervision of Insurance—Superintendent of Insurance the post was, I think. I believe until this time that man is still suffering the trauma of being accused and no one as yet has him to where he can defend himself. In the meantime he is being kept out of a job. He has suffered health problems, and that is what is happening in this country at this time, that is what is happening to civil servants.

If he did something wrong, let the court find him guilty and punish him accordingly. But the man should not be left hanging in the air as is the case now—he or anyone else. What kind of government is this? What kind of management is this? I trust that the Governor will take cognisance of it—as he said in the Throne Speech, the civil service is directly under his command. So, all I would want to say to the commander is: 'Please do the right thing', as we all know the right thing to be.

As to how many in this country believe that the early disappearance of the civil servants in the civil service in recent times has been a matter between those officers and the Governor, I would make no comment. It is really odd, though, that months before everybody knew who was getting it and why, and how. It ought to stop. It is bad for this country, it is bad for me; it is bad for every member in here. It is bad for our children, and it is bad for our image. It is bad for proper Government management.

Reference has also been made to pensions and service—pensions for civil servants. A study has supposedly been done to determine the liability to Government in this particular area. If there is an actuarial assessment, I wonder why it is such a secret? I remember back in 1991, I think it was, when the former Member for Health and Social Services had a study done (and it was the first one so done) that I think determined that there was \$32 million (thereabouts) that was a liability. That was certainly made available to every Member of this House and, of course, interested organisations and other persons as well. Why is this such a secret? I would say to the Government that if they have such a study, they should let the country on a whole know, for it is everybody's business. Why I say it is everybody's business, it is that civil servants who retire with pensionable rights have the first call on the finances of the country. I do not know how many of us know that, or agree with it, or whatever, but that is a fact. The bigger the number, the bigger the piece that is coming out of the revenue. One wonders just how safely, how wisely, how well managed the money that is earmarked to meet those pensions is. This report ought

to be made available to the public on a whole. Public input in these times is good, indeed.

This is another reason why people who are able and willing to work, and who can work, should be kept on. What is the sense of retiring someone six, eight, ten years early and having to pay them what they would not have had due them until ten years later? What type of management is that? It is happening, though, in lots of instances.

Precedents have been set in this country where one can retire at 50. It was the first instance where someone retired at 50—simply took early retirement. The Governor has certain discretion to give a person retirement, basically when he chooses. But 50 years old has become the magic figure when a certain civil servant retired early. He is around with us nowadays, in fact—in Government!

Madam Speaker, this country is in for more trouble than we need if something serious is not done to regularise situations in the civil service. This country cannot be helped if conditions persist where we hear of more and more top people who are loosing their jobs—call it what one will. If you can take away my superior (the man at the very top) and I am just a small fish down in the middle, what about me? It surely does not inspire confidence. In fact, it makes me rather fearful. Will I be next? When? How?

When I speak of considerations to be given to keep civil servants in place, I am talking about civil servants that are prepared to work. Civil servants who are loyal to the organisation, civil servants that are, indeed, the type of people anyone would want to hire because they are good, dedicated, hardworking persons. Be it far from me that I should suggest that if there are persons who are slacking on the job, who do not care about the job, who do not get to work on time, who get there in all sort of dress or manner, with an 'I don't-care' attitude—no. Any organisation, including the civil service, must rid itself of those persons. But, surely, it is not grounds for getting rid of a civil servant if all that civil servant did wrong was to say: "There is another way we can do this. I suggest we do it this way", and they chose to have an opinion about the job they are doing. Or, for that matter, an opinion about the job that Government is doing. As long as they do not get on a soapbox like the politician or the Elected Representatives can do, they have the right to that opinion. And as long as that opinion does not cause disruptive activity within the organisation, then that should not be grounds for a civil servant losing his job or, indeed, the country losing a civil servant.

Madam Speaker, there has been reference made to a study recently done by the Chamber of Commerce. Much has been said in the press, the written media, the radio the television, and it has also been mentioned in the debate in this Legislature in the past few days. Now, I want to first of all say that I believe I know what the function and role of a Chamber of Commerce is, even one in the Cayman Islands. I also want to say that I have been at variance, numerous times, with the Chamber of Commerce of these Islands, for I believe it has assumed positions or roles that it has no business in and, indeed, has

promulgated opinions about things which, in effect, would direct Government policy and various matters, laws and otherwise.

However, I know that the Cayman Islands has a Chamber of Commerce and I know that there is a push and a shove between the Government and the Chamber of Commerce when there should not be one. I do not kid myself to believe that it does not wield significant influence and authority in these Islands. This survey has to be something which the Government of the day does not want to hear about, for I have read it and I see where the findings as published by the Chamber of Commerce are most unfaltering in almost every way to the work of Ministries, their work on issues and, indeed, an assessment of Ministers.

I have also read the *Caymanian Compass*, which had an editorial regarding it, pointing out that it could not lay claim to being a scientific study. I think there is truth in that. I believe that various things that were pointed out within the article in the *Caymanian Compass*, including the fact that the Chamber of Commerce chose not to say how many replies it had received and how many from its members and from the public, gave a certain scope for one to form one's own opinion.

There is one thing that I think is significant about it at this time, however, that it did not just poll its members, it polled the public on a whole—it blitzed mailboxes around the country. I know I received one, I am aware that my mother received and, I heard numerous people said that they received one. I did not answer or reply to mine. I did not do that basically for one main reason, and that was that I did not believe that in assessing a Government you assessed the personalities of each individual person, for I am advanced enough in my thinking to understand that Government is a collective body, and if you wanted to assess what the Government is doing in sports, or with roads, or with whatever, you assessed Government—you do not assess individuals. Purely on that ground, I objected to answering it, and I did not.

I might just mention here, Madam Speaker, that, supposedly, the Executive Council is held to collective responsibilities. On that principle that is why you can have one person who speaks for it in the form of a chief among the Ministers called the "Chief Minister", because if he gives you an answer on any one subject that is the answer for all five of them. But, unfortunately, we live in a country that has five Governments—each Minister is a Government. I had difficulty with that perverted concept of Government, so I did not answer it. However, some people obviously did.

I think it is very significant, Madam Speaker, to get a political perspective in our country at this time, which one can from some of these findings. I would like to refer to this document in some instances.

The Speaker: Honourable Member, before you refer to the document could we take the suspension for 15 minutes?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.43 PM

PROCEEDINGS RESUMED AT 4.11 PM

The Speaker: Please be seated. The Second Elected Member for Cayman Brac and Little Cayman, continuing.

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

At the point when we took the suspension I was about to refer to the Chamber of Commerce's survey. I want to add, before I quote from it, the point that there is no doubt in my mind, nor do I believe there could be a doubt in the mind of any reasonable person in this country, that the Chamber of Commerce favoured the present Government to the furthest and widest degree in the 1992 Election, and that every report, with few exceptions, from that time to now has been in favour of the Government of the day. So, when I hear the protestations from Government Members about the awful Chamber of Commerce, and what that is doing to them now, it is certainly falling on my deaf ears; for I believe if the Chamber of Commerce could have truthfully avoided this, they would have.

As I read it, I get the feeling, in any event, that it is more cajoling the Government, to say: *'Look, you better make some changes for it is clear to us what you are facing.'*

In the introduction of the document it says: "**The 1995 survey reveals a disturbing depth of dissatisfaction with Government.**" And it goes on to make certain disclaimers. For example, the percentage, and I quote: "**While the Chamber received a considerable number of responses from the general public, these represent a far smaller percentage return than the percentage of Chamber members who responded. For this reason, we recommend that the general public's results be considered as a sampling rather than a comprehensive review.**" I think it is very fair in pointing out these things.

Relating to what I said earlier with regard to the concept, the feeling of victimisation in this country, the Chamber in the Introduction says: "**The public are more fearful than Chamber members of offering any information which could serve to identify them, with many of them expressing fears of victimization.** [These are not my words] **(This is understandable. It has taken years for Chamber members to accept that the Chamber will never provide any information which will identify them, even if they sign their names to the forms, which many of them now do).**"

It also says: "**The verbal comments supplied by the general public have reflected the same opinions as those received from Chamber members; however, those from the general public have been, by and large, more strongly stated.**"

Madam Speaker, under the section dealing with Ministries it dealt with the Ministry for Aviation and Education. The public thinks that its performance is satisfactory and the Chamber feels that it is below average. Education: both the public and the Chamber think that education in the country after two years is below average.

Two comments from that section state: **"The school system and attitude of students needs looking into"**, and another one says: **"There still appears to be no concrete direction, regarding secondary education on the Island."**

The Ministry for Communications, Works and Agriculture, on the matter of Communications, the public feels that its performance is below average and the Chamber thinks its performance is satisfactory. On Works, both the Chamber and the public believe it is below average. On Agriculture the public and the Chamber think its performance is satisfactory.

The Ministry for Health and Human Services (sic): Health—the public thinks that its performance is below average and the Chamber thinks it is below average.

Madam Speaker, I try to keep my personal feelings out of this, but I must add my share to this one; I surely do believe that it is atrociously below average. It is a crime and a shame what is happening in the medical services of this country. During the suspension I had a telephone call telling me that my mother, who had been operated on two weeks ago, has been rushed to the Hospital where she lies on a banana cart in the Casualty Ward waiting to see who can be discharged so that she can get a bed. Yet, in this Honourable House, time and again, we have heard lies that there is always the sufficiency of beds and no such thing happens.

Human Services: both the public and the Chamber think they are below average. Two comments listed in the section are; **"It is ridiculous to spend \$21 million on the old hospital site . . ."** and **"The decision to remodel the George Town Hospital was a hasty one and could backfire."**

The Ministry for Community Development, Sports, Youth Affairs, and Culture—and, we could add to that, everything else—Community Development: the public thinks that its performance is below average and so does the Chamber. Youth Affairs: the public and the Chamber think it is below average. Sports: the public thinks it is satisfactory and the Chamber thinks it is satisfactory. Culture: the public thinks it is below average and the Chamber thinks it is poor.

Comments from the public: "Too much emphasis on sports has far exceeded that which is prudent." and another, **"He has a misguided conception that sports, and not culture and education, is the priority in stabilizing the community."**

The Ministry for Tourism, Environment and Planning. Tourism: the public thinks it is below average and the Chamber thinks it is below average. Environment, the public and the Chamber think its performance is poor. Planning, the Chamber and the public think its performance is poor.

Comments: **"Should not have lifted the moratorium. Our infrastructure cannot handle what we have now."**, another, **"Pays lip service to environmental concerns and totally ignores public input into planning."**

Madam Speaker, that is not what the Government wants to hear, but I do not believe that the Chamber in this exercise made up any negatives on this Government. Be it far from me to ever imagine that. What they have compiled here has been said, and the thing about it that makes it so real is that nobody inside the peoples' houses or offices when they were filling out those forms where there to see, or to intimidate, them and they felt freer from fear and victimisation. They could do it anonymously, and they did.

They chose certain areas, the limited amount, for issues such as Trade and Commerce although the Government and, particularly, the Third Elected Member for Bodden Town who presented the major view on behalf of the Government and on this survey, spoke about all that is happening in Commerce and Trade and all the rest of it. The findings? Both the public and the Chamber think it is below average. Crime: both the public and the Chamber think it is below average. Reduction of Government expenditure: the public thinks it is below average and the Chamber thinks it is below average. They listed a comment: **"They have saved some just to turn around and waste it somewhere else."** Another comment is: **"Fire more civil servants. Please this time not for political reasons. Fire the useless, not the ones you do not like."**

Road Improvements: The public thinks it is below average and the Chamber thinks it is poor. The Development Plan: both the public and the Chamber think it is poor. They listed a comment: "No notice taken of public input." A judgment call on the Government by the Organisation that undoubtedly has supported it in its general efforts and, certainly, I think subscribed to its promises and its Manifesto.

Another comment: **"Not satisfied about providing private driveways with public money, for voters in West Bay."** And: **"The private drives and roads look good. The public roads need help."**

One thing that we talked about here in the House is tourism. Everywhere now environment has become the thing and we hear much about this. Environmental protection: both the Chamber and the public think it is poor. Immigration: the public thinks it is below average and the Chamber thinks it is poor. Long-term Planning: both the public and the Chamber think it is poor. I could not agree with them more.

Public Consultation: both the public and the Chamber think it is poor. Absolutely, because the Government at this time it knows it all. Most Ministers in their minds have become experts in the subjects that they are supposed to be politically responsible for. That is why persons like myself, who in this Chamber may have a view about something and rather than exploring or condemning that view and showing reasons why, they get up to condemn me—standard practice. That strikes me like

that is all they are capable of—the personality attack, not the insightful analysis of the subject.

Here is one that even those persons most inclined to deficiencies in truth could agree with: Advance Notice on Bills—the public, poor; and the Chamber, poor.

I stated earlier that where it polled people individually, or elected members individually, I did not see the right in that particular situation, in that the Government Executive is a collective body acting under collective responsibility. And I think that the survey missed the point in that ordinary Members of the House cannot make things happen—although it seems that you have Ministers also misguided in accusing Members on the Backbench about not doing so and so, and what they did to do and so. They miss the point that it is they who are supposed to be doing. They missed the point that it is the duty of the Members on the Backbench to bring to them the requests from the people of each district, and it is they who are suppose to do something about it. They are suppose to do it—roads, environment or whatever. Where do the rest of us on this side, including the Opposition and the Government Backbench, where do we have the authority to tell the Permanent Secretary that he/she should spend such and such or make a move and tell the Head of Department to do whatever by Thursday or Friday. We do not. So it is absurd.

I think that asking people to poll individually in this survey, missed the whole point. But it comes back to the disease we suffer from in the Cayman Islands, that is, that unfortunately we are a society and largely a cult of personalities. That is why political parties—which are groups of people subscribing to specific goals, views, hopes and aspirations for country and Government—is not good enough. Each one has to have his own agenda. So, that is simply just carried on in this particular case.

To find Ministers of Government, and ordinary Members of the House rated on a listing, to me is unrealistic and farfetched. It does not make a lot of sense.

Certainly, the managers of the Ministries are those persons who do have hands-on authority and ability to do, and there were comments made on this. Without naming names I will quote but a few comments. I quote:

"This member needs to take a hard look at what is best for the people, not to appease his conscience. He needs to look at the country's future. At meetings he is too busy agreeing with everything that nothing gets done."

Comments on another: **"He is too much of a yes man and can't stand on his feet. He will do what he is told. Easy going and out of his league."**

Comments on another: **"He apparently went along with the paving of the private roads and driveways."**

Comments on another: **"He is a big mouth man blowing a lot of hot air. He is a disgrace to the community. Ill mannered, no self respect, or respect for anyone else."**

Comments on another: **"He must get out!! He is putting our country in great danger! Unbelievable. Is he trying to ruin the country. Will he fire everyone**

that is competent? Change his title to King or Dictator."

Madam Speaker, I but make the point that there are those persons in this country who do not believe that this is the best Government that has ever been in place.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30. May I ask for a motion for the adjournment? The Honourable Minister for Tourism, Planning and Environment.

ADJOURNMENT

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I move the adjournment of this Honourable House until ten o'clock tomorrow morning.

The Speaker: I shall put the question that this House do now adjourn until 10 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 10 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 10 MARCH 1995.

**FRIDAY
10 MARCH, 1995
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, 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. Questions to Honourable Members. Question No. 19, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION 19

No. 19: Mr. Gilbert A. McLean asked the Honourable Third Official Member if Government has disqualified Hurlstone Construction Limited from bidding on works tendered by Government.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the answer to this question is yes. This decision has been taken as a reasonable precaution pending the resolution of the Court case brought against Government by this Company.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Member say if the company has been so informed by Government?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I am not aware of this decision being communicated to the company in writing, Madam Speaker.

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

Mr. Gilbert A. McLean: Would the Honourable Member give an undertaking that this company would be so informed, and that Government do so in the usual, proper manner—in writing?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I will convey the request that has been made by the Honourable Member. But at this time I will have to consult with the Honourable Attorney General as to the implications of that undertaking.

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

Mr. Gilbert A. McLean: Would the Honourable Member say, if I am understanding this correctly, that the fact that Hurlstone Construction, if it was allowed to bid on jobs (even jobs unrelated to any that it may be litigating) that this would affect Government's position vis a vis the two entities—Government and this company?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, according to the advice given by the Honourable Attorney General, the decision is up to Government whether it wants to

continue doing business with a company that is presently suing it.

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

QUESTION 20 (Deferred)

No. 20: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture Communications and Works what is the cost to date of the diversion road at the end of the Airport runway.

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

Hon. John B. McLean: Madam Speaker, I would ask that this question be delayed a bit and set down on the Order Paper for a later date. I had to withdraw the answer for some corrections.

The Speaker: The question is that the answer be delayed for a period at the request of the Honourable Minister. I shall put the question. Those in favour, please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Permission is granted to delay the answer to this question.

AGREED: QUESTION NO. 20 DEFERRED UNTIL A LATER SITTING.

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

QUESTION 21

No. 21: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Communications and Works what is the present 24-hour average car movement on the new diversion road at the end of the Airport runway and Smith Road, compared to the last published statistics.

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

Hon. John B. McLean: Madam Speaker, an unpublished summary of the 1994 Island-wide traffic survey showed the following traffic volumes: Crew Road south of Owen Roberts Drive: 19,162 vehicles per day; Smith Road west of Crewe Road: 10,577 vehicles per day. These counts were made in March of 1994.

On 8th February, 1995, a 24-hour traffic count on the diverted Crewe Road at the end of the runway found

17,865 vehicles. It should be noted that this is only one day and is not necessarily an average number to compare to previous years or to other averages.

A recent traffic count has not been made on Smith Road. The entire Island-wide annual traffic survey is scheduled for March and will provide comparable average traffic counts for Smith Road as well as the other locations.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Taking note of the fact that there has not been sufficient statistical data to strike a meaningful average, it appears that there has been a decrease on this road. Does the Honourable Minister have any indication whether this traffic has diverted down Smith Road instead of the usual movement across Crewe Road?

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

Hon. John B. McLean: Madam Speaker, Yes, I believe that traffic has diverted in two areas: I think more traffic is presently on the Airport Road and also on Smith Road.

The Speaker: The next Question is No. 22, standing in the name of The First Elected Member for Bodden Town.

QUESTION 22

No. 22: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to state how many persons have completed the Drug and Alcohol Rehabilitation Programme offered at the Counselling Centre during the past two years.

Hon. Anthony S. Eden: Madam Speaker, a total of 57 clients completed the Drug and Alcohol Rehabilitation programme at Cayman Counselling Centre in 1993, and a total of 43 clients in 1994, which brings the total to 100.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, Can the Honourable Minister state what was the rate of recidivism amongst these clients?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I have been told that it is in the area of 60%, but I could look into this and get a more accurate figure.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, Can the Honourable Minister state if in the cases of recidivism the programme is merely repeated, or if alterations are made to take into account some factors which may have led to recidivism?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, this is looked at and necessary adjustments are made. Just recently the programme was extended to 10 weeks.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker,
I wonder if the Honourable Minister is in a position to say if, from the statistics, there is any rationale to understand the decline from year to year.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the problem is that we have not had a complete staff until recently. The numbers were put in the Budget for last year, but they have not yet been put into place. We are planning shortly to bring a requisition to increase the staff to full total and we have recently moved over to Paddington Place. We now have more space, we had been so cramped with hardly any place before to put the counsellors.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, am I to understand then that there are people who have been turned back?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, no one has been turned away; but because of the lack of staff, not as much time has been spent with these people. With the increase to 10 weeks we hope to see a major improvement in this area.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, can the Honourable Minister say if, in the rehabilitation programme, a distinction is made between alcohol abuse and other substance

abuse; and, also, if the distinction is made which of the groups constitutes the greatest number of recidivists?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The treatment (counselling) is basically the same for both. The greatest area of recidivism is with the crack cocaine.

The Speaker: The next question is No. 23, standing in the name of the First Elected Member for Bodden Town.

QUESTION 23

No. 23: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what is Government's position on the call by the Cayman Islands Medical and Dental Society (CIMDS) to limit the number of doctors allowed to practise in the Cayman Islands.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, an inspection of the Health Services was ordered in 1994 and one of the terms of reference was "**to review the role and function of the Health Practitioners' Board**" which is appointed by the Governor in Council under the Health Practitioners' Law of 1974. The function of the Board is the registration and discipline of health practitioners practising in the Cayman Islands.

The Health Service Inspection Team, in response to the previously stated terms of reference, met with members of the Cayman Islands Medical and Dental Society (CIMDS) to seek their perspective on the role and function of the Health Practitioners' Board. At that meeting CIMDS made the recommendation that manpower guidelines for private health practitioners be legislated.

An extensive report on the inspection of the Health Services, with 104 recommendations, has been presented to Executive Council along with recommendations on the call by CIMDS for manpower guidelines. When Executive Council has completed its review of the recommendations, Government will be able to say what its position is on the call by CIMDS to limit the number of doctors allowed to practice in the Cayman Islands.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, can the Honourable Minister say if it is the intention of the Government to seek public input, or to take this matter for public consultation before the decision is made?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

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

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

Mr. Gilbert A. McLean: Madam Speaker, would the Minister say (and, indeed, this has been told to me by a practitioner and I would like to query the Minister) if there have been regulations made in the very recent past which have limited, or with the intention of limiting the number of doctors who work in the Cayman Islands and these have been put on hold rather than being published in the Gazette as would be the normal process?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Not to my knowledge, Madam Speaker.

The Speaker: The next question is No. 24, standing in the name of the First Elected Member for Bodden Town.

QUESTION 24

No. 24: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation what scholarships, loans or financial assistance does the Government provide for Caymanians studying at the International College of the Cayman Islands.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The Government provides no direct assistance to Caymanians studying at the International College of the Cayman Islands, but this is now under consideration by the Ministry. However, despite the fact that the yearly grant had been stopped by the previous two governments since 1985, the Ministry now provides a yearly grant to the College.

At the Standing Finance Committee meeting, which considered the last Budget, the First Elected Member for Bodden Town did not ask for such assistance.

SUPPLEMENTARY

Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, if my asking for the assistance is enough to grant it, may I now convey my request to the Honourable Minister?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, we are not in Finance Committee. If this was uppermost in his mind, and he was thinking about the International College... He has been in a Finance Committee every two or three months and has done nothing about it. It is a question now, I suggest, he puts up when he remembered the college for the first and the last two years.

The Speaker: The next question is No. 25, standing in the name of the Fourth Elected Member for George Town.

QUESTION 25

No. 25: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what is the present average waiting period for outpatient treatment at the George Town Hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the average waiting period for outpatient treatment at the George Town Hospital varies, and is dependent upon the following factors: (i) the time of day; (ii) the medical condition of the patient; and (iii) whether the patient had an appointment.

Genuine emergencies are provided with services immediately.

Patients without an appointment (walk-in) are triaged within an average of 15 minutes. Upon the completion of the triage, and if the patient is assessed as a genuine emergency, the patient is provided with services immediately.

If the patient is not assessed as an emergency then the waiting period can vary from half an hour to one and a half hours or more, depending upon the availability of the doctor dealing with a genuine emergency.

Patients with appointments wait an average of 20 minutes.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: During the course of the day, namely nine to five is when it is most likely that people would seek appointments, can the minister say how many doctors are available for such appointments on a regular basis during that time period?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, there are three doctors for walk-in patients and for specialist visitation there are between three and four doctors.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Minister can tell us if the three doctors are extended to five onward through the night?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker up until 10.00 in the evening there are two doctors, after that there is only one. But if an emergency arises and a doctor determines that help is needed, he has the responsibility to call another doctor in for help.

The Speaker: The next question is No. 26, standing in the name of the Fourth Elected Member for George Town.

QUESTION 26

No. 26: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to provide an update on any forthcoming legislation regarding National Health Insurance.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, in late 1994 Executive Council approved the setting up of a Health Insurance Advisory Committee which would assist my Ministry in its efforts toward achieving the goal of providing a realistic, workable health insurance programme for Caymanians and legal residents. This Committee has been meeting since January of this year and will report its findings to me as soon as its deliberations are completed. At that time I shall be in a position to make a statement to this Honourable House setting out the Ministry's programme for ensuring health insurance coverage for the Islands.

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 give us some idea of who makes up this advisory committee?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. Yes, I can.

The Members of the Committee are: Miss Andrea Bryan, Chairperson, Permanent Secretary for Drug

Abuse Prevention and Rehabilitation; myself; the Honourable Truman Bodden, Minister of Education; the Honourable McKeeva Bush, Minister responsible for Community Development, Sports, Youth Affairs and Culture; the Honourable James M. Ryan, Chief Secretary; Mr. John Darwood, Deputy Insurance Inspector; Mr. Ervin Conolly, Director of Health Services; Mr. Leonard Dilbert, Permanent Secretary for Community Development, Sports, Youth Affairs and Culture; Mr. William Adam, Hobbies and Books (as a private sector individual); Mr. Roy McTaggart, representative of the Chamber of Commerce; Mr. Derek Bogle, of Derek Bogle and Associates, Insurance; Mr. Danny Scott, Cayman General Insurance Company; Mr. Spencer Marshall and Mrs. Laverne Dalkon of Cayman Insurance Centre, Ltd.; Mr. Roger Corbin, Cayman Insurance Brokers, Ltd.; Mr. Harvey Stephenson, British American Life Insurance; Mr. Norman Wilson, Capital Life Insurance Company, Ltd.; Mr. Colin Luke and Associates; Mr. Chris Gunby, Bankers Association Representative; Dr. Victor Lookloy, Cayman Islands Medical and Dental Society; Mr. Jeff Schofield, British Caymanian; Mr. Colin Ross, as an Assistant Secretary; and the Minister of Health and Drug Abuse as the Secretary to the Advisory Committee.

The Speaker: The Fourth Elected Member for George Town.

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

If I do not pry too far, I wonder if the Honourable Minister could advise us as to how often the Committee meets or has been meeting?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, the overall committee meets at least once per month and we have now broken down into a smaller group which meets at least once per week as subcommittees.

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 any target date has been set for the committee to make a report?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, not a specific date, but it will certainly be before November of this year.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: This may be seeking an opinion...

The Speaker: Well, Honourable Member, if you are aware that you will be seeking an opinion...

Mr. D. Kurt Tibbetts: I will ask the question... sorry.

I wonder if the Honourable Minister could say if in his opinion a greater thrust should be made toward this, seeing it is so important, and there has been nothing done about it since the Health Services Authority and the Insurance Law were repealed.

The Speaker: That is still seeking an opinion because the Honourable Minister has arranged for a committee and I cannot allow that.

The next question is No. 27, standing in the name of The Fourth Elected Member for George Town.

QUESTION 27

No. 27: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what is the status of the proposed new George Town Hospital facility.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. The answer: A major planning exercise was carried out during 1994, culminating in a report entitled "Master Planning Study for George Town Hospital". This study was conducted with major input by the Hospital staff, through its Facilities Review Committee.

In December 1994, a Steering Committee chaired by the Permanent Secretary in my Ministry was set up. One of the primary functions of this Committee is to ensure that the project implementation is in strict accordance with Government's established procedures.

An Interim Project Manager was appointed in January, 1995, to lead the implementation of the Master Planning Study. The current plan is that this Project Manager will see the completion of design and award of construction contracts for phases I and II. Another person will be appointed to oversee the construction of the remainder of phase I and phase II.

The first item to be constructed as part of the overall project is a desperately needed new waste-water treatment plant. Responsibility for design and construction is with the Water Authority and the new plant will be in operation mid July of this year.

The first building to appear on the site will be a materials management building. This building has been advanced from the main body of the work because it is desperately needed. At present, Government is paying \$5,000 rent per month for an off-site storage facility and in addition there is considerable cost, inefficiency and delay in transporting materials to and from this store. The new building will be a steel-frame metal-clad structure, able to withstand hurricane-force winds. Completion will be in December of this year.

Eight consultants with international experience have been shortlisted and invited to submit proposals by 17th March of this year. From these will be selected one consultant who will be engaged for the final design and supervision of the construction of the main components of the project.

It is expected that construction will begin in mid-October of this year.

SUPPLEMENTARIES

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

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

Are funds in place to undertake the construction envisaged this year?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, there are funds to get us going for the first phase of this in the budget. We may need a supplementary to get through, but we have funds there that will get us going into the first phase. As we know, the majority of the buildings will be going on in 1996.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Minister could say whether the \$21-odd million that has been cited as a figure for completion of the new facility is based on a bill of quantities or simply on a generic plan?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, a very detailed plan was done with the square footage, and the consultants that did this during the latter part of last year have put this forward. There is not a detailed quantity surveyor on this as yet. We hope to have that going next week to get the actual final figures. But this came from an estimate by the people who worked on the design of the previous facility.

The Speaker: The Fourth Elected Member for George Town.

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

So, is it fair comment then that the amount quoted is an estimate, not a final figure?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

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

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

Mr. Gilbert A. McLean: In view of the answer given by the Minister, the matter, then, of tendering could not be started until an accurate figure is known. Would the Minister say if it is the Government's intention to set a ceiling as to what the Government will pay to have the hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, we have asked for the detailed bill of costs to be in place shortly, and until this is in place the contract would not be offered. But the consultants will have their estimates in by the 17th of this month.

The Speaker: That concludes Question Time for today.

Government Business. Continuation of the debate on the Throne Speech. The Second Elected Member for Cayman Brac and Little Cayman, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Mr. Gilbert A. McLean: Madam Speaker, when we adjourned yesterday afternoon, I was discussing the Political Survey done by the Chamber of Commerce regarding the performance of the Government at this time.

In its concluding comments, I quote: "**The following unedited comments are representative of the most repeated views.**" Once such view is: "**This is the most vindictive Government I have known in these islands. Their bullying tactics do not belong in a democracy.**" Another quotation is: "**Gradually Cayman is degenerating into a banana republic.**" There is another which says: "**It is time for a big clean up. We hope that it doesn't have to wait for the next election.**" And a fourth: "**Help us, Lord, to correct our grave voting mistake in 1996. Chamber of Commerce—please, please help Cayman to get a respectable Government again!**"

As I said yesterday, the situation regarding the Chamber of Commerce's survey leaves it open to various views and conclusions. I stated some of my reservations, which I do not propose to restate, but I think it is real enough to say that the public of this country and, indeed, the members of the Chamber of Commerce, have given considerable indication of their private thoughts as to the Government's performance and their view as to the Government on a whole.

The Chamber of Commerce also offers some opinions, and one is: "**If a Government does not follow the**

path of representative government, it will surely be removed." I believe this is a very true statement, and it follows through not only in the Cayman Islands but elsewhere.

It also makes the comment: "**There is no shame in a Government taking a wrong turn now and then. There is only shame in refusing to correct that turn, once it is learned that it is considered wrong in the eyes of the people.**"

In learning these things, any well-thinking government takes into account also the views that they hear in parliament which do not necessarily coincide with its own. One of the most unfortunate conditions with governments—and I think this one suffers considerably from it—is that because of the large majority which forms the Government, the Government is led to believe that it is infallible and can do anything and everything it might want to do. Obviously, there are those who know better, and those persons are the lowly people who vote every four years. Among those must be some with the views as expressed in this survey.

In the conclusion the Chamber of Commerce notes: "**It is entirely likely that the constituents have not spoken directly to their MLAs with the vehemence that they have expressed here.**" And, "**Airing the problem now gives Government an opportunity. The choice is clear: to continue to act in a fashion which has been described as arrogant and dictatorial, or to return to the campaign promises which inspired the people to vote for them in 1992; to provide Cayman with a truly representative government in 1995.**"

The point that I return to is that the Chamber of Commerce and this present Government in the beginning, in my opinion (I said it then, and I say it now) was synonymous. Obviously, something is wrong, and it is coming from a larger representative body than just myself and the First Elected Member for Bodden Town as Opposition Members in this House who do offer a differing point of view from time to time on issues and on the performance of Ministers in their duties.

I would like at this time to offer some comments regarding District Administration, or the administration of Government in Cayman Brac and Little Cayman.

Oddly enough, I see in most references to Cayman Brac and Little Cayman that they fall under the terminology of "Sister Islands", even though major revision was made in every Law in the Cayman Islands to remove (would it be correct to say) a *nom de plume* of 'lesser Islands'. Now it seems to have been replaced by 'Sister Islands'. The two Islands of Cayman Brac and Little Cayman seem to not even be afforded their proper names. The Islands are referred to verbally and in print by Sister Islands. I really do not know of any such. I am referring in this instance to Cayman Brac and Little Cayman.

One of the most outstanding conditions existing in Cayman Brac and Little Cayman at this time is the uncertainty with regard to its management. The District Commissioner and the Deputy District Commissioner are gone from the scene. With them is gone the continuity of

management and the knowledge of prior work activity which they would be aware of.

In the position of top management and in an acting position at this time is the Deputy Financial Secretary, whom I have no doubt is giving of his knowledge and experience and best endeavours while he is at this post with the demands of his normal duties in Finance. It is not a happy state of affairs.

To come yet is a new District Commissioner in the person of the Permanent Secretary of Personnel, as recently announced in the newspapers. I believe that this lady will also give of her very best endeavours. But, it is my understanding that she will be occupying this post for about a year and no one is absolutely certain—certainly I have seen no official statement as to any long-term projection for this particular post. I do believe that post can be better served with certain limitations of time in terms of the number of years (I would not say a yearly turn over) rather than indefinite service by any given officer.

The fact that these Islands are somewhat displaced from the seat of central Government here in Grand Cayman, and due to its geographical location and general attitude over the decades by successive administrations, it tends to get lost. As such, a District Commissioner or an administration can get lost to some extent from the main stream, the main management process, and more and more decisions become those of anyone who is a District Commissioner and continues indefinitely in the post.

I have heard something—and from quite a reliable source—which disturbs me considerably, especially seeing the way things have been going with civil servants. I would not be surprised if such a thing occurred, and that would be something quite major—because I have heard that there have been considerations of downgrading the post of District Commissioner from that of a Permanent Secretary level. I would simply say on that matter that if anything, like the post of Financial Secretary, which is above Permanent Secretary level, if anything, that post should be graded above the Permanent Secretary level line.

Irrespective whether one hears that Social Services is now answering to the Director of Social Services in Grand Cayman, and it is not under the District Commissioner there, or Public Works is under the Public Works in Grand Cayman and not under the District Commissioner there, or MRCU, or any string of departments that are appendages or extensions of the departments in Grand Cayman. The on-the-ground responsibility for Cayman Brac has to sensibly rest with the District Commissioner and that person needs to be someone of the level of Permanent Secretary or above who would be the person to give an official point of view, a Government assessment and summary of what is the case in any instance where any matter relating to any government department is concerned.

I have heard that there is the suggestion that, because there is supposedly a reluctance among Permanent Secretaries in Grand Cayman to even think of transferring there, even for limited terms, thus if the grade is

reduced it becomes more common-user and civil servants may be directed to take up posts there. I hope seriously that no such attempt is made.

Anyone thinking a bit further would realise too that the District Commissioner is in many ways a mini-governor over there who is expected to officiate at everything that is of any official significance. One who can speak with some degree of authority as to what is happening in Grand Cayman and share similarity of relationships with Permanent Secretaries here who are the ultimate accounting officers for Government business as set up under our form of Government administration.

The economic needs of Cayman Brac and Little Cayman continue. Fortunately, during the time of the last Government most major infrastructure took place. There is now a bulk storage of fuels on Cayman Brac and there is no longer a question of whether so many drums or tanks full come on a particular boat. There is water in place on the western end of the island; people who might want to invest in the tourism business or homes or otherwise can hook up to it. There has been in place for some time telephones and there have been certain upgradings there. The Power and Light people have a very good service going there. Roads have been considerably improved, maintained, and some have been built. So, there are basic infrastructural developments in place.

What is causing these islands problems is the lack of investment. I believe there is a need for Government to seek to promote Cayman Brac and Little Cayman in a more meaningful way with a harder push for people to invest in these islands—foreign or local persons.

I firmly believe that if it is possible in these two islands to create a certain number of jobs—100 or 200 jobs—that it will take care of young people coming out of school seeking jobs, and it will provide employment in a more full time way for middle age and older persons on Cayman Brac. An unfortunate truth is that every time we hear of a graduation of young people in Cayman Brac (12 or 15 as the case may be) inevitably, almost every one has to leave his island to come to Grand Cayman to find employment. It is the truth. It is fortunate that there is employment here, but, indeed, that is a recurring condition that is not the most favourable. Families also continue to have to leave homes and come to Grand Cayman. In many instances it is not even possible to find renters for those homes that they leave behind and which, for all practical purposes, tend to deteriorate.

On the other hand, in Little Cayman, there is considerable development going on. But, quite recently (I would say about one month or five weeks ago) there were only about two people who were from Little Cayman working there in the many jobs that have been created in Little Cayman. So, there is a considerable, unusual social condition in these two islands which I believe the Government needs to practically address.

A considerable number of hospitality developments have been established—a hotel, apartments et cetera. But almost in every instance there are foreign people who are working there. I understand that as part of their pay the foreign people get housing while others are

charged for their housing, although the housing is being offered by their employers. For people to leave Cayman Brac to go to Little Cayman to work they have to pay rent, because there is not sufficient transportation between the two islands for them to travel daily—although some businesses have to make arrangements by small plane, to pick them up and take them back.

The potential for tourism in these two islands is unlimited. Each one offers a different type of tourism. It is possible for the Government, for the Minister of Tourism, for the Department of Tourism, to offer tourism packaging of visits in these islands to include Cayman Brac and Little Cayman so that the two latter islands can be helped more than they are being helped now.

There has been some improvement in arrivals by jet, but I would suggest that there is a need for a planned programme of usage by the jet planes which Cayman Airways operates, to ever keep in place air services which are dependable and which do not change every month or every other month. That is my opinion, and that was a recommendation made, back in 1991, by experts in the field who have made that very same finding and recommendation.

There is an urgent need in Little Cayman for a place where fire engines can be properly housed, where firemen can have someplace to sit, even a shed, instead of frying in the broiling sun—which is the case in Little Cayman. A few months back the only housing for trucking personnel while on duty was sitting in those trucks in the intense heat under a coconut tree about halfway down the present runway.

The small terminal building there, as far as I understand, has been taken over by Island Air, the private inter-island service. Now there are regular flights into that island, sometimes 16, 22 flights per day, shuttling in and out, and there is more and more use of that little building by visitors and persons connected with the airline industry. More and more, the firemen who must be there are not being given an opportunity to be properly housed while in the performance of their duties.

Anyone who goes there and stands around that terminal building on any given day will see what I am saying to be a fact.

Even in this age we have a lack of air services within these islands. There is 100% better air service between the outside world and Grand Cayman than there is within the Islands of Cayman Brac and Little Cayman and Grand Cayman. One of the problems has been the lack of a proper runway in Little Cayman. It has been talked about for decades. What presently exists has been existing for decades. There has always been the suggestion that the runway needs to be extended and levelled (because now it has a huge belly in the middle of it) so that planes of a larger capacity can land there with safety. Of course, those larger planes can serve Cayman Brac, therefore overall, the service can be upgraded. No one has done anything about it up to now. The present Minister has done what the Minister before him did—cut trails to the north into the interior land to,

supposedly, look at the topography to see whether it would be better to put an airport in there.

Madam Speaker, I want to see the best for Little Cayman and Cayman Brac, but it really stretches my imagination to think that on that island of about 10 local people (and I am stretching the number there) that we would put down a \$5 million or \$6 million runway to say we put down a new runway somewhere in the middle of it, when for the past 30 or 40 years the one there has been serving.

I have seen what was done during the time of the previous Minister for Aviation. There were three sites looked at, yet the engineers concluded that where it is, while it was not the most ideal in the world, it could better continue there. I try not to be too naive as to not understand that to the north, middle and further north there are certain lands (some Government owned, some would have to be purchased by Government) so there is always business interest involved in the affairs of Government in any event.

But, I surely believe that with the Scott's development and with the quarry, it is possible for Government to make one final decision, as should have been done 40 years ago, and decide that the present runway will be the runway to serve Little Cayman and that they will acquire such land to the west of it and to the north of it to make that acceptable to the grade of runway that will fall in line with ICAO standards. If there is going to be the constant talking about it, nothing will change.

It is fortunate that there is a hurricane shelter there now (started during the time of the District Commissioner who has just left) and it is near completion. Someone became wise enough to realise that if there is threat of hurricane—hurricane conditions can come down upon these Islands so quickly that it does not coincide with what the Miami Hurricane Center is saying—the idea of shuttling people out of Little Cayman to safety in Cayman Brac is ridiculous. There has to be some place there that they can go to quickly which offers some degree of shelter and protection. As best I can see, this has been the case with the shelter that has been built.

I think that there are other ways one can help, that the Government can help, and that is considering the fees for banks and trust companies in Grand Cayman and charging half of that in Cayman Brac. Accounting firms could be dealt with in the same way—money savings attractions so that they will make investments. For people who are doing business, there is no good reason why, if they can get direct air service to Little Cayman and Cayman Brac to do business like they do here in Grand Cayman, that it would not be satisfactory to them; particularly if they were paying a reduced cost to do business there.

The island also needs to make serious efforts for a cruise ship call at Cayman Brac. The Third Elected Member for Bodden Town made reference to this matter. He said, and I quote from the *Hansard*: "**Mention had been made in the Throne Speech of the visit of a cruise ship to Cayman Brac. This was really a red-letter day for Cayman Brac and I am certain that the**

inhabitants of that island will be happy with repeat visits. But this initial visit is important because it took the National Team Government to have brought that visit to Cayman Brac." [Hansard 8 March 1994]

I am very happy that the visit was made, but I think one should deal with it in the truth and circumstances in which it occurred. Two people from Cayman Brac called me and asked me to correct that wrong impression and to tell the truth about how Cayman Brac got a cruise ship visit. I would like to present the true facts on that.

Quoting from the Hansard, the Honourable Thomas C. Jefferson made this statement: **"Madam Speaker, I rise to advise Honourable Members and the listening public that the Minister for Tourism, Environment and Planning and the Department of Tourism has been working for some time to bring a small cruise ship to Cayman Brac and, with God's help, we feel that we have succeeded. The ship's name is Kazakhstan II, with between 450 to 520 passengers on board who are mainly Germans. It is due to arrive at 8 AM, on Monday 9th January, 1995, and depart at 1.00 PM on the same day."** [Hansard 8 December, 1994]

That brief statement having been made, Mr. Haig Bodden is quoted in the Hansard as saying: **"Madam Speaker, may I be allowed one question?"**

The Speaker said, "You may." Mr. Haig Bodden is quoted as saying: **"I would like to ask the Honourable Minister if it is expected that these visits will be on a monthly basis."**

The Honourable Minister for Tourism, the Honourable Thomas C. Jefferson said, **"Madam Speaker, as I understand it, this ship is on a `round-the-world charter and was due to come into George Town Harbour. Unfortunately, we were unable to allow them 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."**

I feel certain that the Third Elected Member for Bodden Town forgot that exchange on that occasion and he, like myself, has to remember the word `No'. There was no special effort in getting a cruise ship to go to Cayman Brac—it was because there were too many in George Town on that day. Therefore, they suggested that they go to Cayman Brac. My suggestion to the Minister is that it should then be suggested more often so that Cayman Brac can get a cruise ship call.

Since that time, I have inquired about cruise ships and what has been done, and I have been told that there are some smaller ships that have shown an interest in calling here at Grand Cayman. But, indeed, they would have to call on days when the big ships are in. That would simply add to the numbers over and above what the Government believes could be sensibly handled on any particular day. But the key thing about that is that the Government has not suggested to those smaller ships to call at Cayman Brac. I would like to see efforts made for this to be done.

Naturally, the people of Cayman Brac and Little Cayman were not ungrateful for the call, and they rolled

out the red carpet for the people who visited, even though there were few who could speak enough English to talk freely with the residents of Cayman Brac and Little Cayman. Fortunately, there were one or two foreign residents there who were more than happy to offer their help in conversing with the visitors in their native language, helping to sell the idea that Cayman Brac is a place that would welcome them (and others like them) again.

The islands of Cayman Brac and Little Cayman have special needs. If these needs are to be truly met, it has to be through deliberate action and not by chance. I would say to the Government (when they propose to talk in such flowery language about all that they are doing for Cayman Brac, and all of the considerations that they are giving Cayman Brac and Little Cayman) bear in mind that the citizens of those islands are very perceptive, and because things are on a much smaller scale they are more easily discerned, and because of hard times over generations they are very perceptive people and they can easily separate the flak from the fact.

I share the view of the Third Elected Member for George Town, that something needs to be done in bringing about some sort of development guidelines in the two islands. I recently said this at a public meeting, that the exercise of looking at a development plan should include Cayman Brac and Little Cayman; particularly from an environmental point of view because there are still many undamaged physical conditions remaining in these islands to be preserved. Secondly, from a developmental point of view, that people who wish to invest and develop would be guided through the zoning so that they would know what to put where, and what were the considerations.

There were some very detailed guidelines drawn up for Little Cayman, and I think they are largely being disregarded simply because the people who own the land there just do not want it. They have been successful in that. I think practical and sensible guidelines are needed, and I go on record in stating that.

I would now like to turn my attention to the Police Department. The police in this country, as in any country, are a necessity of life. They have become a necessity ever since mankind chose to live in certain structured societies and realised that they had to choose from among themselves those to whom they would give the authority to coerce them under certain legal restraints.

I think that overall the Police Force in the Cayman Islands does a good job. I think also (and I know) that percentage-wise we have one of the highest ratios of police to population. There is talk of increasing the Police Force. I have recently heard advertisements on the radio looking for persons to join the Police Force. I am one who believes that numbers count in some situations, but in some situations quality of service is the biggest thing to be desired.

As far as I can tell, there are many young officers in the Royal Cayman Islands Police Force. I think that is good, because it creates a situation where there will be those who can fill the ranks as the older officers, or their superiors, move on.

I believe that there can be better deployment of police in this island and in Cayman Brac (there are none in Little Cayman). A deficiency in deployment creates a problem for policing. I firmly believe that when you can drive the streets any morning or evening and there are two police officers in a parked car who lay waiting for someone who might be doing five miles over the speed limit, if it is possible to find police to do that, there are too many police. The police are not being deployed properly.

The police must be the ones who control and supervise traffic movement and watch out for it. But they have to serve a better purpose if they are on the move where traffic is on the move; their presence there has a better stimulating law-abiding effect I think. No one—I do not care who it is, including the Commissioner of Police, himself—loves to see a car shoot out from a side road or from the edge of the road behind them with the siren on. Sometimes it has to happen, but I think we can use less of it in these islands now. The amount of traffic flow alone in these islands does not allow one the ability to be able to speed, or for crazy driving as before. That, in itself, should be an indicator where this particular situation is concerned.

Those police who are sitting in motor cars, dodging somewhere on the road, could be better utilised on patrol in areas where there is crime during the day and the night. We do have certain restrictions under the Communities Law on the loudness of music, and even right here in central George Town one could be in an office building and some of these cars pass and the walls vibrate from the sound coming out of them. It is against the law. Do they want something to do in stopping that traffic? There is an opportunity to do so.

It is also my understanding that until now there has not been a gadget purchased that can test the decibels and immediately tell if they are breaking the law or not. This amendment was passed, easily, three and a half years ago, maybe four. These are the things that need to be addressed.

I think that the Royal Cayman Islands Police need to be trained within specialised areas. They need to be trained in public relations. Because the law gives certain people in our society the right to break a citizen's head in certain circumstances, or to break a leg, if that is necessary to subdue someone, they do not have to walk around with an attitude all the time; "Listen boy (or woman), I can break your head and break your leg." They can just carry that around in their minds, and display the most pleasant attitude to the world. I think it is generally done, but I think an awareness, not just about the laws, but an awareness to help, to protect and to serve needs to be introduced. We need specialists.

We need police officers who are trained in law to the degree that is necessary. We need them trained in investigative skills so that when cases are taken to court and so on, they can stand up without question. We do not need any dishonesty whatsoever.

We do not need a situation in the Cayman Islands where articles that are taken from people who are arrested and put in safe places are stolen within the ranks.

If they are stolen within the safe-keeping of the police, if necessary, every single policeman on duty during that occasion should be dismissed. That is my feeling. It would send a message to everyone else that it should not be. We should not have problems like that to deal with.

We have a new Commissioner. I imagine that he will find this an interesting post, for it has to be unlike any that he has had in the past. He is on an island surrounded by water, driving along a coastline, different people and cultural conditions. So, I hope that he will give an ear to people like me. I hope in the not-too-distant future to have an opportunity to speak with him for a while on certain issues. He is new and he will be coming in with some new rules and attitudes.

Because the Police Force is a coercive force, there is always present a certain distrust and certain resentment from the civilian population. There are civilians who will untruthfully complain. There are civilians who respect the law and the police to the highest degree and I would say to this new Commissioner, or to any who come after him: When complaints come in that they have them dealt with by someone who will hear those complaints and record them accurately and truthfully; take them seriously and investigate them in a manner consistent with proper process of law. Somewhere along the line, the police have to be wrong and the public has to be right.

Important to this exercise is that the public has the 'pleasure' (there is a certain amount of 'pleasure' when those who can beat us up get stuck themselves) to hear that policeman "X" has been found guilty of misconduct and has been punished for it. It balances the equation.

The Police Force obviously needs equipment, including motor cars. That became absolutely abundantly clear during the Finance Committee meeting when we were dealing with the Appropriation Law. They asked for 18 cars. A very large number anyone would say. But when they explained that the cars that they are driving have mileage over 100,000 miles (just about all of them) then it makes a lot of sense. When we understand that there is no programme of writing off like they have in the United Kingdom after so many months or so many miles, when they explain that there is an emergency call and they get in the car and the car does not start, then a lot of things become clear. I do not say give the Police the whole budget as was suggested by the Minister for Tourism on that occasion. I say do not give them any money: give the people of this country the proper use of their money to purchase the necessary amount of their cars that their police can drive. That is what I say. Do not believe for one minute that the police can perform where they do not have the tools to perform with.

I certainly am one who believes that there is a limited amount of money in this country and that it has to be used in the right priorities. The right priorities are such things as giving police motor cars and such equipment as they need. That is a greater need than a stadium in Spotts—a much greater need. There is a greater need to provide funds so that police officers can be sent overseas and trained in specialist areas, so that more training

can be done locally, which includes civilian training and public relationships. That is where we need to put money.

The Speaker: Honourable Member, proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.39 AM

PROCEEDINGS RESUMED AT 12:05 PM

The Speaker: Please be seated. The Second Elected Member for Cayman Brac and Little Cayman, continuing the debate.

Mr. Gilbert A. McLean: When we took the break I was speaking on the subject of the police. In this regard I would like to say that I think it is most important to the welfare of these Islands that we get back to where we were 20 years ago, in terms of having police presence in each district of the Cayman Islands 24-hours per day, including Cayman Brac.

When I say police presence, I mean that the police so conduct their deployment or the allotment of their time and manpower so that one can find officers at the police stations where one would expect to find them; that there would be persons at all times at the stations and there can be one or two who might have to go to answer a call.

It is not sufficient that one calls the police station, as is the case in Cayman Brac, and gets an answering machine. I do not believe it is sufficient in other districts in Grand Cayman where one hopes to get police responding from another district. Persons need to be on duty in these various stations.

The police need to work within a framework of organisational structure so that each one who enters, and, indeed, those who are there, have the opportunity for advancement by merit and by acquiring certain qualifications. I have heard of some instances of dissatisfaction where persons feel that they have not had the opportunity of moving upward where they deserved it.

What also comes into play with regard to the Police Force is that we cannot dispose of men and women of good, able mind and body simply because they reach the age of 50 or 60. We cannot have the Royal Cayman Islands Police Force progressively becoming more and more made up of non-nationals, we have to make every practical effort to keep the Royal Cayman Islands Police Force an indigenous force.

As I mentioned earlier, I believe that, generally speaking, the Police Force in the Cayman Islands performs well. But, I also believe that there are problems that need to be solved. There are a few officers who do not do the very best for its image, and those persons need to be identified and they need to be either re-trained, admonished or removed because it is unfair for the majority to suffer because of the faults of the few.

Lastly, I wish the new Commissioner and the Police Force the very best in carrying out their many and varied duties, even though they must do so in an environment

where the Government seems very unsympathetic to some of their most basic needs.

I would like to refer to the Health Services as covered in the Throne Speech and to offer some views on this.

I believe that one of the most pathetic and unfortunate situations in this country is that we can boast of five-star hotels, five-storey modern buildings in the middle of George Town, \$2 million condominiums on Seven Mile Beach and yet we have at this time an aged and decrepit little building that is serving as the hospital for every single inhabitant of this country—for that matter, the hundreds of thousands of people who visit this country.

The management of the Health Services in the Cayman Islands—political management, that is—leaves miles to be desired. The first hard-nosed, modern approach to revolutionise it and to bring about some changes happened during the time of the last Minister, Mr. Ezzard Miller. What was the revolution? He believed that fees should be collected for service and that there should be more pure management in managing this service. Thus, there was a statutory authority formed, which has since been destroyed by this Government.

He believed that the hospital was inadequate and that a new building facility was necessary. This Government obviously thinks that it is not. And in statements in this House over the past two years we hear about its adequacy and all the rest of it.

He obviously believed that there was a need for something called health insurance and he made efforts in that direction. That has been destroyed with nothing in place of it. He obviously believed that there was a way to systemise the performance of health care professionals and technicians, and certain recommendations and suggestions were made in that direction.

I cannot say that every view held by him, and every idea suggested for implementation was absolutely perfect. But, what I can say is that there were some—and it was for the first time—and he had the gumption to push that effort. I would have thought that any responsible government would have taken those basic conditions that were in place and modified them to suit its own policies. Rather than that, they wiped them out with nothing to replace them.

The hospital that was stopped has set this country back, who would guess how many decades? It drew the terminology 'the hospital in the swamp'. I, myself, used that handy title during the time of its coming to life. When the decision was taken in this House that it would come about, I respected the wishes of the majority and, indeed, I respected the legality of it.

One serious point which needs to be made is that that hospital was not Ezzard Miller's hospital, that was a hospital for the people of the Cayman Islands, and by stopping it they have been denied such a facility.

What were the costs? They were alarming—\$6 million paying off contracts and other associated costs. Government's withdrawing its guarantee damaged this country's credibility. Now we hear talk about another

hospital, supposedly in the same spot, and I want to speak to that just briefly.

At this time, we do not have accurate figures as to what it is going to cost. We have a guesstimate of approximately \$22 million. Twenty-two million dollars is more than \$16 million, which was what the so-called hospital in the swamp would be costing. There had been no feasibility study done as was done by the past Government to show how many rooms would be needed and so forth, yet I understand that it is something like 130 rooms, whereas that other hospital was something like 98. The amazing thing is that, at the time, there were medical professionals and political professionals, and so on, saying there were too many rooms. Nothing like that has been done in this case, that I am aware of.

The tendering process in the last instance was the first that I have ever known where the Minister said, **"Look, this is the amount of money that I have to spend, as directed by the Executive Council, and by the information given by the consultants and the Public Works Department...."** The tenders had to come in within that figure if they wanted to get that tender. Most interesting to that process was that each person had to agree that the amount that he tendered must be publicly known. That immediately set a precedent which I recall asking the Financial Secretary at Question Time thereafter, whether it would become more a practice, and he said, at that time, that it would become something positive and it would be ongoing. I have not heard too much of it since those times, but that is, indeed, on record.

I stand very appreciative of the fact that the people who work within the present facility with all of the problems (and, indeed, there are many I can personally speak on that I am aware of), they do so well. And with nationalities from all over the world. So, it goes to show that the general feeling of purpose must be there in the hearts of the staff, the problem is that they have no decently designed place to work. The physical plant is inadequate overall.

If a hospital is to be built on the same site, it is going to cause major disruptions. The MRCU has to be knocked down, costing who knows what. I understand that it will be re-built somewhere in the North Sound costing a few million dollars. That is cost that has to be added to any concept of true costing of the hospital.

There is a four-way traffic junction by the hospital. I wonder how many people feel thrilled at the thought of heavy equipment, trucks and so on, in that four-way junction in the mornings and during the day. That was one of the things that the former Minister pointed out, to which I disagreed because I did not see that argument at the time; surely, after thinking about it I now see it.

There is a problem with major construction on the same grounds where you have sick people in a hospital bed, where ambulances are going to be moving in and out. Again, that is what the consultants said the last time. Perhaps that went over my head at the time, but I do not have a problem with admitting my wrongs, or my difference of opinion. I see that now at this stage.

About a week or two ago I saw an aerial photograph of the Dr. Hortor Memorial Hospital and it is clear to see what that building would be like. That is standing there, up to the belting with sections completed, now housing refugees, and we cannot house our own needy people in that by completing it. They are not completing Ezzard Miller's hospital, that is a hospital for the Cayman Islands.

The Throne Speech mentioned careers in health; I would like to see that in this country. But I would also say to the Government that for those who are there already in the health field in their particular profession, be it nursing or technicians, we had better hold on to them as long as we possibly can instead of putting them out to pasture as is apparently the policy under this Government.

Training doctors is a long process. For that matter, training nurses is a long process, and do we have that large of a pool of persons to draw from? I think not. If they want something to soothe their conscience they are in a position to refer to a scenario of building a hospital in a swamp and building a health clinic in the street, and to compare whether Caymanians (being good swimmers) would be more likely to drown or more likely to be killed by a car. That is, at least, a comparison.

Health Insurance in this country is an absolute necessity. Private doctors do not have any less of a problem, in some of the instances I have heard about, collecting money for services than does the hospital—simply because people cannot afford to pay. They are less able to pay when they are sick. This country needs a health insurance plan. We will never have one that pleases everyone, but we need it fast and we need it desperately. That is a priority. If people are injured in sports—broken arms, broken ankles, broken heads—they have to seek medical attention. That is a priority.

This is an area that is woefully lacking in this country which needs to be addressed with the greatest haste. The situation is worsening. If we talk about careers in health we have to think about doctors. How many do we have? Perhaps three Caymanian doctors, there may be more, or a few persons in training.

I was very interested to learn this morning (in an answer the Minister for Health gave to a question I posed to him), that there are no directives or regulations where limitations have been placed on doctors. I had been told this, so I inquired, as this is the place to do so.

I think that before any move like that is made in this country there needs to be a very serious examination. Good doctors with the right public relations, the ability to treat the ailments that a person goes to have treated, are those who are going to get the patients going to them; those who do not will not have a good practice. But to consider that there is a suggestion to put limitations on persons in practice (and we only have two or three of our own) really stretches the imagination.

I think that rather than talk about limitations being placed on doctors . . . and there are some in any event because they have to go the route of the Practitioners Board and the Caymanian Protection Board or the Immigration Board, so checks and balances are already in

place. But to deliberately set up a limitation and say that there are only going to be six general practitioners and only two surgeons and so on is not good for this country. I do not believe it is good for this country, and I hope that the Government takes the views of all the practitioners on board, and consults the views of some experts (other than themselves) to arrive at a proper conclusion on this matter.

Only last night I heard from a practitioner that I had the wrong idea about it and I was talking cartels. I did not talk about cartels myself, but my colleague, the First Elected Member for Bodden Town, used that terminology whether he wondered if that was the suggestion. Indeed, would we want to see that happen? Certainly not I, myself. That needs very careful consideration.

Of course, the health services in this country have been further pressured by the presence of Cuban refugees. They came in vast numbers, unchecked, to these shores. At no point were they prevented as they were in the United States, where, by Presidential Order, they were not allowed to enter—although I believe that the British Government could have lent a similar hand in this instance. This has brought exceeding cost to this country—not to the money of the Ministers of Government, to the revenue of this country that belongs to the people of this country.

We heard about various attitudes of Caymanian people towards the Cubans who are on these shores. We have heard about outpouring of love and kindness. We definitely have heard of millions of dollars spent by the Government for this particular situation of paying for every need of the Cuban nationals—when we are not doing similarly for our own people. I do not know about the various Ministers of Government or, indeed, the Backbench supporters of Government, but I have heard many vehement statements about the unfairness and the unacceptability of this situation.

When my colleague, the First Elected Member for Bodden Town, and I were in the United Kingdom, this was one of the matters that we discussed with the officials there. It was clear to us that the British Government has a very straight forward policy on it, and that was generally that the Cuban nationals could not continue indefinitely in the Cayman Islands. It was stated by the Minister of State and also by the Civil Service Officials.

We also gathered that the speed or the slowness with which the Cuban nationals left these shores was basically dependent on the view of the Governor and his Executive Council as to their movement, including the Cuban nationals who came here last and landed in Cayman Brac. It was stated to us that they simply could have been repatriated to their homeland, for that was the agreement that was in place between the Cuban Government and the British Government and, by extension, the Cayman Islands.

I think there has been great laxity in this country in dealing with the situation. I cannot for one minute believe that it is fair and reasonable that one nationality comes here illegally immigrated into the country, and has free access to walk the streets simply by wearing a name tag;

whereas, another nationality, may I say Jamaican, for example, legally immigrated into the country, stays a few days over time, and is arrested and taken before the courts and made prohibited Immigrants. There is something wrong. The same law must be applied similarly across the board to all nationalities, including Caymanians.

We have two places where Cuban nationals are being kept: one is Tent City and, certainly, if not in the immediate past, I gathered that that had become a lonely hearts club [*Members' laughter*] where Caymanian men sought friendship with females, and Caymanian females sought friendship with males there. I thought what a sad, sad situation.

What have we come to? Why is it being allowed? Why are Caymanian people being allowed this traffic in and out of a refugee camp where persons who have illegally entered into the country are being held in detention? Incredible situations of civil servants—top civil servants—and some even applying to be married to some of them. These things alarm me, perhaps they do not alarm anyone else.

I hear that in the processes of outpouring of love, that in the district that I represent there are three children of love on the way with young ladies who have been allowed freedom of total interaction with men there walking around the place. Does the Government not take responsibility for this? Do they not see that it is the duty of the Government to stop this situation?

These things cannot be stopped if some Ministers of Government entertain refugees at their homes. How are those Ministers expected to objectively make a decision relating to their presence here? The situation is real.

I share sympathetic feelings, as do other members of the community, with people anywhere who are repressed, suppressed or imprisoned, or made to live under hardship. But my first and foremost obligation has to be to the people who elected me. I have first and foremost to see that Caymanians are provided for. As soon as we can provide for every need of our needy, then I can go 100% overboard to provide that for non-Caymanians. But, until that time, I have to see it in its proper perspective.

Madam Speaker, I think the Government needs to see to the situation of the repatriation of the Cuban nationals. Those who want to go on and leave these shores should do so. I do not believe that there should be any instance whatsoever where officially, persons are helped to go wherever. It is my understanding that if we provide these persons with their boats, food and rations, that they can legally leave and move on to whatever destinations they choose. I think we should do that.

If there are five who want to leave, then we should get a charter to take five; if there are 20, 100, however many, we cannot begin to count the cost of chartering an airplane when we see the way money is being spent left, right and centre on things which do not benefit all of the people of this country.

This brings me to the point of the suggestion for a regiment in the Cayman Islands. The implication there, of

course, is that a regiment would have use in these types of conditions which have been straining the police and so on, to guard the people at Tent City. When we talk about a regiment, we are talking about an Army. I fail to conceive how we could start a regiment here if we were talking about filling it with Caymanians—since we do not have enough Caymanians to fill our Police Force and we do not have enough Caymanian to go in the Prison Services.

The question of the Cadet Corp makes a lot of sense. The First Elected Member for Bodden Town and I talked about this years ago, pointing to the days when we were at Mico College and we saw the students at Wolmers High School, parading and drilling. I personally believe that is a good thing to have in the high school—a Cadet Corp—it is a discipline and a training.

But I would say that in the statement made by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, that the seriously bad eggs in this society should be put into the regiment, I would not want to put rifles into the hands of some of the young punks that are giving trouble here in this society, or even worse, to train them in military knowledge. That could create a real problem—we may all have to take guns to defend ourselves.

I cannot perceive the concept of a regiment here as being practical or sound, unless what is being thought about is that we go to some other country and choose their nationals to make up our regiment. I would be 110% against that. But I think the idea of a cadet corps within the high schools is a good one. If the Minister wants to set up some type of a boot camp idea, where they train and drill, it cannot be in the true sense of an army or regiment.

Tourism is the life's blood, to a large extent, of this country of ours. It is extremely fickle. It is unpredictable, particularly for ourselves as we have no control over it. At best, we can try to attract people by providing for them the entertainment they seek, the hospitality they want, the prices that they hope for, and encouragement to come again. But we have no control over what happens in the countries that these people come from.

There have been considerable increases in the numbers of tourists coming to these islands and we know that the Minister for Tourism has taken credit for this. So, it is only natural that he must also take credit for the decrease in tourism that we read about recently.

I do not think the decrease is because of the genius of any one individual. I think where we have to look in regards to increase or decrease is in what we are offering. We have to look at how well we are advertising our product. We have to look at the quality of our product and see that it is as good as, or above that in the region. We have to look at the prices that we are charging. I think it is the duty of the Minister to prevail on the hospitality properties in this country to arrive at costs and fees where they make a fair profit but do not kill tourism for all of us. I believe that is of grave necessity.

We, in the Cayman Islands, have but so much to offer. We do not have the kind of topography—the beau-

tiful forests the mountains to climb et cetera. Nor do we have the horse-riding that goes on in some other places, the canoeing on rivers, the rafting: we simply do not have those things. We have to be sensible in arriving at cost and not so cocky about what we have to offer, for it is limited. There needs to be some serious tourism policy in place to address this matter. We say that we have night clubs. We only believe that we have night clubs. Night life in other islands is far and beyond what we offer, so we need to be realistic.

The Cayman Islands is a free enterprise society where we welcome people making a profit. But if we allow a situation of greed to prevail we are going to destroy it.

We need to be mindful of our environmental factors. It should be so easy for the Minister of Tourism, or the Government, or all of us, to understand that since the highest percentage of people coming to the islands come to dive our waters to see what is under the sea, if we destroy what is under the sea they are not going to come. Simple—beginning and end. So, preserve our reefs, do what is needed to preserve our marine environment. This includes cruise ship moorings. They have been talked about for the last 10 or 12 years.

[Addressing the voice across the floor] The Minister is asking why do I not do something. I have never been in the position to do something about it, for if I were, it would have been done. But he is in the position and I call on him to do it. It is not as if there is not enough representation for it, for the Chamber of Commerce, among others, is making that message clear.

Career development for Caymanians in the hospitality industry is necessary. But I think that we have to look very carefully to help those who are making a career out of it now to ensure that their condition of service is consistent with our Labour Law: that they are not being unfairly treated, that gratuities are not being stolen from them, that they are being treated with the dignity that should exist between an employer and an employee, that they are not constantly threatened in the work place. These are all real matters to be addressed by tourism.

Another matter that recently came to my attention is in regard to taxi operations at the Port Authority. I was more than happy to hear and support the Bill to create a law that governed the way taxis were operated.

I heard recently from some taxi operators about how some things happened there, and I have taken time in the mornings to go there and see the line-up. There are hundreds of people on the move on the waterfront. From what I have heard, it strikes me that things could be helped immediately if there were two or three more people hired by the Authority to guide the flow of human traffic as they come off the boat to the taxis. I gather that the people offering taxi service who are best off are the large operators in that they have the large groups—they have signs, everyone routes people to them. But it becomes a problem to the smaller taxi drivers to get a fare.

If what I was hearing was correct, and I did hear it from two credible persons, the way they are routed (where they are allowed to physically pick up the pas-

sengers), is creating a logistics problem. From what they have told me, it would seem sensible to have at least three areas designated, rather than people moving from long distances and taxi cabs having to move one-by-one to a particular spot where other cabs that take 8,10,12 persons sit and wait for their cabs to be filled, while the other driver with a capacity of three or four is not having an opportunity to get any. I gather that there are conditions there which need to be dealt with. I certainly suggest as much.

In all of this there needs to be a plan. And I think one besetting problem of the Government of the day is that it does not have a plan other than to insist that it has its way in whatever it may come up with. Freedom of speech, and so on, is not necessarily the best thing to have. Suggestions, while in some instances taken, do not seem to be regarded in most cases.

The Coopers & Lybrand Report gives the greatest, most comprehensive, report that was ever done on tourism, including actual recommendations for implementation detail. I think that the country needs to be guided by that as quickly as possible.

I wish to speak on matters related to the Legislative Assembly at this time.

The Speaker: Would you take the luncheon suspension at this time?

Mr. Gilbert A. McLean: Yes.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman continuing the debate.

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

Just before we suspended I had indicated that I would like to comment on matters pertinent to the Legislative Assembly.

I am very much concerned to see certain of the select committees that have been set up, such as the Committee dealing with the Register of Interests and the Code of Ethics, and the Committee dealing with the Bill of Rights, conclude its business. These are matters which are extremely important and which deserve to be concluded as quickly as possible. A Code of Ethics and a Register of Interests impact directly on the conduct and performance of legislators. It sets up parameters in which we work and gives us certain guidelines as to what might be an acceptable range of activities, as far as it relates to ourselves and that of our official business.

I have always believed that the Legislative Assembly is one department of Government which deserves the highest regard from all persons concerned therewith, in particular Elected Members of Government. It is the

place where the nation's business is debated and discussed, and within it are certain prescribed guidelines, long-standing conventions, traditions, practice and procedure.

I have been somewhat concerned now for some time about some of the attitudes and behaviours which I see here, abusing the rules in some instances. In the latter case, I think there is more than sufficient use of the suspension of Standing Orders. I think that suspension of Standing Orders should be the exception and not the rule. I have serious concern when I see certain changes to laws come about, virtually instantaneously, by the suspension of the Standing Orders and even where these matters interrupt business that has been on the floor. I cite the example of the three minute amendment to the Marriage Law, and the amendment to the Customs Law that was passed late in the night where it changed the condition of what could be imported into the islands and put it squarely into the hands of the Executive Council. This touches on such things as parts for heavy equipment, motor vehicles, apparatus used in construction and so on.

It has been my impression, up to now, that the reason the rules are adhered to is that any group of legislators at any time would not want to create precedence which would move it away from the time proven processes which are in place; it may be slow and it may be considered somewhat methodical, but it has been time proven and I think that we need to adhere to those religiously.

I have grown used to being personally attacked in this House over (at least) the past three years, but I deplore the fact that it seems that so many legislators are unable to debate an issue, rather than debate the person who brings the issue. I am sure that will not be any different where I am concerned in being attacked once I have finished my debate today—although, in the past three days, no one has been rushing to their feet to debate the Throne Speech.

I am also somewhat put off, but I understand it very well, by some of the interpersonal relationships among legislators. While I can understand that there can be certain disagreement among legislators, and so on—and sometimes it can be pretty strong—I get the distinct impression that in many instances it is pure hate and venom that is poured out. It is destructive. I think that there is considerable protocol among legislators which is not observed. Certainly, being an Opposition Member does not mean being a leper, for the system works on the process of Government and Opposition. Between the two there normally emerges understanding and a decision.

On the other hand, I hear remarks every now and then that would suggest that I should associate with different individuals, who are most objectionable to me in a way that is beyond differences in political opinions; or that I should find it imperative that I wine and dine with such persons. Surely, that does not fall within the line of my duty in representing the people. I normally wine and dine with my friends in an easy atmosphere where I am

not constantly having to keep my ears tuned in some way to rebut some insulting or snide remark.

I think that it is well that the Election Law gets some review. I trust that this review is not going to take place solely among the members of Executive Council, for this affects all Members of the Legislative Assembly and, indeed any that will come.

I do not think, in principle, that there is anything wrong with having a permanent register of voters. But, surely, one must be aware that our Election Law provides conditions where certain people may be taken off the register because they do not fulfil certain requirements, such as a certain length of residence on the Island prior to an election or a loss of Caymanian status, as the case may be. There are considerable variations in our Elections Law in that particular section itself. So, we need to be very careful in setting up what is termed a permanent register of voters.

There are other instances I have observed during past elections as to what happens at the polling stations which I think deserves some consideration that could make it better. Indeed, I would be more than happy to share my views and observations on this, so I trust this will not be an in-house exercise for Executive Council.

I believe the Legislative Assembly needs to have all the staff and office equipment necessary to carry out the work, and all the furniture it needs to operate as it should. I also believe that the time has not just come, but is past, when we should move into the full concept of the Legislature (which was proposed by the Last Governor) being a department full and complete onto itself under the Directorship or Head-ship of the Speaker of the Legislative Assembly. That has not taken place up until now, and I can but hope for the day in the not-too-distant future when another Government will insist that this take place.

Madam Speaker, much in this country, if not everything, hinges on education. The progress we have made as a people has been two-fold in that, unlike the claim nowadays, that Caymanians are lazy, Caymanians have been hard-working people. In many instances the men have gone to sea and spent many years out there, sending home money for their families, working in other jurisdictions. So that type of work ethic has done us well.

On the other hand, the other side of the coin in our society has been where some percentage of our population has acquired higher education in different professions. We do, however, have a serious lack in the number of persons it takes to do the various jobs in the country by not having sufficient numbers of educated persons in various areas. It is highly unlikely that at any time in the near future we will have all the professionals that we need, or all the persons trained in the vocational skills, but it is my belief that the odds can be greatly improved by the education system. I emphasise the word system because education is not one individual.

By education being played as if it were one individual, as I think it has been since the present Minister has taken on the task, there are deficiencies. The Education Plan which was drawn up over two years ago should be

followed. If it needs updating in the light of present conditions it should be done. But it was a plan that was drawn up by some of the best experts in this region; indeed there were some of international standing. It also included input from our own teachers. So, there is no excuse not to follow that plan.

There is no national curriculum and it has been talked about now for years. With all the strategies that were being planned, one would have thought that a national curriculum would have been alive and well on its way to the success which I believe a proper national curriculum could bring.

We need to very carefully evaluate the need for schools in this country and evaluate that against the need, for example, of stadiums. Our children are our greatest assets: in fact the greatest asset of the Cayman Islands is its people. That is all that we have sold for a very long time—from the earliest times of our seamen to our people now. Our people are considered some of the friendliest in the world and smart enough to have, if anything, a preference for the colour green (in terms of dollars) rather than a preference for any pigmentation of the skin. We have been that smart. A small population, but, indeed, much wiser than the rest of the world in a large totality.

I do not know how successful this change to the student loan is going to be, because the banks are certainly going to want to be paid. And this business of guaranteeing students' loans as has been proposed by Government, could lead to some serious liabilities and expenses I believe.

I think the Government would have been better off (instead of some of the outlandish expenditures that it has voted money for) taking \$1 million and putting it into a special fund, to remain into perpetuity, to serve as loans for our students (the citizens who will take over for us) to pursue various courses of education—both externally and internally. Once it is in place, and by adding annually to it, and with the interest accrued, it can grow into a large sum that can take care of our needs for many years to come.

The Minister for Education is also the Minister for Aviation and that is somewhat of an odd-ball combination—something not unfamiliar in the present assignment of subjects under the present Government. It has certainly made considerable claim to success with Cayman Airways, and I dare say there have been some. However, there are some areas—many areas in fact that need serious consideration.

If I am hearing correctly, there is considerable room for increasing the salaries for some of the people in some of the lower paying echelons of the organisation—people at the counter, flight attendants and the like. In the latter case, I have no doubt that it is possible to find Caymanians to fill the posts of flight attendants. I would certainly hope that some effort will be made to do this, as it seems to be seriously skewered towards other persons in the country other than Caymanians.

There have been new leases of planes, and the gravest mistake that was ever made has to be that we

sold the 727 planes which would have been the ideal type of aircraft to be operating at this time and one which would serve the needs of both cargo and passengers and have the ability for long range flying.

Since 737s have come into vogue, I understand that this company, which indirectly is the Government, has paid some vast sums of money. I understand that there is certain electronic equipment that has been put on some of these planes that cost tens of thousands of dollars that has left these shores with these planes. I understand that the latest acquisition is not that 'honey' of a piece of equipment that it is supposed to be. I understand that almost half million dollars has been spent, or is to be spent, in changing overhead bins; it will have to have a C-check at some point; there is a fuel tank that needs to be removed, and if it is removed it will have to be replaced when it goes back. It also has to have electronic equipment to the collision avoidance system which, I understand, once it goes in it does not come back out, we have to let it go with it. Of course, there should be some repainting and I understand that the numbers run real high, indeed.

I also understand that some of the parts that are presently in the possession of Cayman Airways for 737s are not the parts that fit this particular plane now acquired. I also understand that there is over \$4 million worth of stock held by the company for the 400s that were here. If this is so, someone should at least try to dispose of them to companies which operate this type of aircraft.

The need for roads never ceases to be in the forefront for every citizen in this country, if no more than every time someone gets in his car and gets on the road. There are serious problems with traffic congestion in this country. There was a plan, the Master Ground Transportation Plan, with which there was nothing wrong in its technical comprehensiveness. What was wrong was that the government which brought about this study did not take the time to cost it by prioritised steps and phases.

Regrettably, what happened was that at that time there was a major issue: Parliament was being asked to approve what would run into about \$200 million in its entirety. There was no costing on the corridors, and the special changes to the roads that had to be done so that it could be packaged in parts and segments. Due to that, and particularly in the question of the road corridors where considerable land would have to be acquired, the House did not approve that plan which was brought before it. In effect, it reversed the road corridors in one instance.

I say that to give a brief sketch of the background, as I call it, and also to say that I think that plan is as real now as it was then. Before we go off on a tangent having more studies done, I think that those concerned should go back to the drawing board with what we presently have and select from that the parts that we need to deal with and need to know the cost of.

For example, there is a bypass road along the West Bay Road leading into the Airport. There was such a road in the Master Ground Transportation Plan. Still, no

one seems to know what it is going to cost to purchase the land and put it down. It is certainly going to be more than \$400,000. The longer the Government dilly-dallies with it, the more the need is growing, and if it is going to cost \$5 million now, it will likely cost \$6.5 million next year. If the costing is done, and the facts are known, the thing to do is to face the situation now. If we can face the voluminous cost of taking care of nationals who are not our own on a daily basis, surely we can face the cost of a road which most people agree is necessary.

I understand that the Public Works Department is a department that we depend upon for road design and engineering, except, of course, in instances where we might hire other qualified persons to do so.

It is my understanding that the road design and engineering now falls (at least some of the time) into the hands of our political leaders who design and order certain roads in certain ways. Surely, that must have been the case where the road at the airport is concerned. It could only have been designed by someone with a lack of knowledge in design and engineering, such as our political leaders, or someone who really wanted to make a monumental mess with the design that has been done there.

It has been changed. As observed by the Third Elected Member for George Town, that change has helped the flow of traffic to some extent; but someone should have at least tried to grind out some of the paint. For instance, last night it was raining and the car light was hitting the wet road showing so many lines that I did not know which one to follow. I do not see where that should be such an expensive exercise, and I daresay there are ways and means of doing it with better highlighting than what is presently in place.

I was very happy to see that consideration is being given to minimum wage. The First Elected Member for Bodden Town and I brought a Private Member's Motion to the House last year asking that consideration be given to minimum wage by category, similar to what is done in Government. At that time it was shouted down and voted down as being unnecessary, and not in the best interests and it was already being done. It has been a long time since then, and it is not being done—was not done then and is not done now—but perhaps someone is seeing the light.

Surely, unless economics have changed most drastically the principle still holds that anything, be it services or goods, can be costed or valued in terms of money. Certainly, wages that are being paid in some jobs cannot be fair hourly wages. If we consider that everyone in this country buys from the same supermarkets, has the same needs for goods and services, and faces the same prices for these goods and services, then one can see the need for minimum wage as a means of assisting those who work for wages.

It is not unusual that countries, particularly those where free enterprise exists, go for so-called cheap labour where one can import persons who would work for less wages than the going prices in the country. That is the case, in some instances in the Cayman Islands.

While we have a need for people other than our own people to fill jobs, there are cases where persons resort to cheap labour. That only helps the person who is employing that person, it does not help the would-be employee who could work as hard but who would demand a higher wage. While it helps the employer, there are few instances where that type of savings is reflected in the price of the goods or services in this country.

There is an ever-constant complaint among our own people that they are not getting the jobs that they could and would do because cheap labour is being employed. I think steps should be taken to monitor this situation and to put a stop to it. It is a growing problem, because if more jobs are created, more persons are going to be needed to fill them creating more need to import persons and a greater demand on our own people, who will resort to but one action (and it is not a very practicable one) they will refuse to work for the lower wage. Because of that, among other things, they are labelled as lazy.

Madam Speaker, we have been quite a success story in the Cayman Islands because of the good sense of our people over the generations whom, as I noted earlier, had a preference for business and the colour green. We realised that we could better our lives through commercial activity—the buying and selling process—and if there was business then the chances were that there would be employment, and through employment everyone's needs would be met to one degree or another.

The financial sector of this country has been quite a success story. I personally hope that it will be that way forever. But, I think it is very necessary to take stock of things which could damage it. The lack of credibility in Government administration and its many facets can do so. Pricing ourselves out of the market can do so and allowing businesses (be they whatever) to continue which might be such that could injure our image is also negative and disastrous to us. Allowing people, even though they may have vast sums of money, to come to our shores and invest and make all of the profits that they can, while these individuals themselves are exceedingly unsavoury, can damage our image and our financial industry. There is no one person, no two, three, a dozen or one hundred that should be allowed to do this damage to the country on a whole; there is no bank, no trust company, no accounting firm, no hotel, nothing whatsoever, that should be allowed where the credibility of this country is concerned.

I think much has been done in the line of creating legislation which makes it much more difficult for bad money to circulate or be manipulated, and I believe that we need to be ever vigilant to this side of things. I believe it is necessary to sell the fact that our banking system offers confidentiality, as the term 'secrecy' is suggestive of something that is to some extent untoward.

I also believe that if our financial industry is to continue, and prosper, we have to be as open as we possibly can, keeping the confidentiality necessary to do business in place. I am for seeing as much of the international money market as possible cornered in the Cayman Islands, for where one's money is, there will their hearts

be also. No country prospers without money, so the more we can attract, the greater are our chances of prosperity. But, I would say to the Government of the day, and any Government to come, that we need not pussy-foot around with any situation which may threaten it, be it institution or be it an individual.

In looking at areas where Government expends money, anyone who examines money spent in this country since 1993 will see that large amounts have gone into the area of sports. Sports is necessary in this country like it is in any other, but it can surely not be the answer for every need. There has to be a re-evaluation and prioritisation of where this fits in and to what extent. Sports helps and assists a certain percentage of the population, it does not have direct impact on all.

Unfortunately, while mention was made of sports in the Throne Speech, I saw no mention of Cayman Brac in it. Cayman Brac has as much need for sports because it has far less than some districts of Grand Cayman.

My main perception is that to get sports on a practical footing one needs to hire sufficient persons skilled in various games and sporting activities to be reasonably well distributed around the islands and in the various districts. Facilities that are immediately necessary are good playfields with some metal bleachers because they will withstand the elements and, in a planned manner, some lights that can light these fields in the night time; although we are talking of youth and so on, it is more likely the late daylight hours could be more conducive to games and the weekends, because one would hope that they would otherwise be at school in the day or at home at night.

I think the Middle School complex, which I understand is reaching completion, is indeed what we need for some foreseeable time for grandstand operations and for necessary fields for Track and Field and other such activities. It is also close to two of our major schools.

There is an entity in these islands, the Turtle Farm, which plays a very significant role in tourism. It is the only such farm in the world. I guess that is particularly so since the one operated by the French has recently closed. As such, it is a national attraction and the fact that the farm is making money is because of its being a tourist attraction—not the sale of turtle meat.

Turtle meat has long been looked upon in these islands as our national dish. History and seafaring has been made around our men going to sea and the turtle trade. I was told that at the Lord Mayor of London's Banquet there was always turtle soup served from the Cayman Islands.

I take note of the fact that the manager of the Turtle Farm, Dr. Jim Wood, in more than one article appearing in the newspapers, has expressed certain concerns that too much attention would be given to the sale of the turtle meat and less to the growing of the stock and the scientific side of things.

I know there has to be a limit on the number of turtles that are at the Turtle Farm that are available to be slaughtered. I observe what seems to be an increase in the sale of the turtle meat. I wonder what is happening in

that regard, whether too much of the sale of turtle meat and just how fast is the stock being replaced—how fast is it replenishing itself. There obviously has to be some limit on it.

Hon. Thomas C. Jefferson: It is in good hands.

Mr. Gilbert A. McLean: The Minister says it is in good hands. I have heard what he said, and he will allow me to differ on this, I am sure.

Madam Speaker, I think much can be done at the Turtle Farm, and I see that there are plans to make certain improvements there, including an aquarium. I think that as a sightseeing venture it can be improved much over what presently exists

I am aware that on the opposite side of the road from the Turtle Farm are some tanks, and I am not sure if they are presently being used to grow turtle stock or not. However, I hope that some serious thought will be given as to how this money-earning business here in this island can be improved and enhanced. I believe that we need to follow, most strongly, a scientific approach for there are persons connected worldwide with an organisation called CITES who believe that there should be no Turtle Farm at all. That should ring the loudest warning bell for us.

I am pleased to see that certain practical changes are being contemplated in the Northward Prison, including training and other areas of opportunity for those persons who find themselves there—unfortunately, too many of our young people. I certainly support any efforts in this area. I have heard from a reliable source that there are certain Cuban migrants there who have caused considerable disorder, but my feeling is that in a prison there should be order, rigid order. Those persons who are there should live by the rules of that institution. Whatever steps are necessary to ensure that this happens should be taken. Our own people are incarcerated there and they do not stage demonstrations, or throw soap or toilet paper over the fences, or tear up their prison uniforms; so I think some strong steps should be taken to keep the rules of the prison in place for all.

The Cayman Islands is our home country. It becomes our obligation to guard it well. The Government of the day has that obligation. The United Kingdom, as the administering authority, has that duty to see that it is done under International Law. During the visit that the First Elected Member for Bodden Town and I made to the United Kingdom, we asked the officials to attempt to keep in better touch with these islands through visits (by whomever would be appropriate to visit), as what might be their policies and perceived policies here might differ. The Government of the day undoubtedly has the belief that they have all matters in hand and that the road they are pursuing is correct. I have various disagreements with that in totality, and, certainly, there are those with which I agree.

It is my intention, as one of two Opposition Members in this Legislature, to continue—and I reaffirm that I will continue—to raise matters in this House and else-

where on issues that I do not feel are in the best interest of this country. Everyone can be assured of that. The fact that I get attacked or have all manner of evil said about me has not caused me to lose any weight.

I believe in certain things and the way that certain things should be. I think, also, that the survey conducted by the Chamber of Commerce, which meets with much disapproval from the Government, should be taken as giving a very sharp insight into the feelings of at least some percentage of this population: that the Government should modify its behaviour in the way that it thinks best. Of course, for every action there is a similar and opposite reaction and the Government is free to do what it chooses to do. Surely, I am free to offer my opinion where I feel it is appropriate. That is what I have done during my debate on the Throne Speech.

Now, I shall sit and hear the reluctant persons in this House, who were unwilling to speak on the Throne Speech, now speak about me.

Thank you, Madam Speaker.

[Pause]

The Speaker: The Third Elected Member for West Bay.

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

I rise to offer my contribution to the Throne Speech presented by the Governor last Friday. I will start by saying that I think it was a very positive and realistic reflection on the performance of this Government since it took office in November 1992.

Despite the claim from the Second Elected Member for Cayman Brac and Little Cayman with regard to Members' reluctance to get up and speak, there is no reluctance, Madam Speaker. As far as I am concerned, the Throne Speech reflects the financial performance and otherwise of the National Team Government, of which its Backbench is a part. Once that Throne Speech was presented, it reflected the position that has been attained in this country as a result of a team effort. It is the responsibility of the Opposition (the few that we do have) to get up and attempt—as the Second Elected Member for Cayman Brac and Little Cayman has attempted for the past four hours—to mitigate the performance of the Government. The Throne Speech comments on a number of very important matters of accomplishment, and also highlights areas that still need to be addressed.

When we took office in 1992 we did not perceive that last year we were going to be literally overrun by Cuban refugees. That has cost this country a lot of money and effort along with everything else that goes along with that type of situation. But I must congratulate the Churches, the other social organisations, as well as the Cuban Community in Miami with regards to their support of those migrants while they are here in the Cayman Islands. Otherwise, the cost and financial burden to Government would probably have been twice as much as has been realised so far.

The Opposition, who do not have any portfolios, can say any kind of nonsense they want to say because they

are not responsible for anything. They can say what should have been done in regard to the Cuban refugees who fled their shores in pursuit of a better life and who ended up here on the Cayman Islands. But when you are a part of a recognised Government, like the British Government, there are certain conventions which exist and which must be adhered to, and there are certain procedures which must be followed in these instances.

Now, let me be swift to add that I personally do not support the very little assistance that we have received from the United Kingdom on this issue. But I do not believe that the elected Executive Council can be held at fault with regard to the approach that they have taken to this issue. I believe that they, like the majority of us in this House, were deeply concerned and made those concerns known to His Excellency the Governor who in turn made a fair attempt to convey those concerns to the British Government. But the response from the British Government has been very little in regard to financial assistance.

I am very glad to see that the Cuban refugees have basically been convinced that they should move on to Guantanamo Bay or some other base from which they can attempt to obtain a visa to the United States. Just this week there was approximately 200 that left for Guantanamo Bay. That really pleases me, because despite all of the efforts and accomplishments that the Government has realised since it took office in 1992, and the financial performance of this Government since that time, if we were burdened with that financial commitment with regard to the Cuban migrants over and above an extended time that would prove to be a very costly exercise indeed.

The people of this country have to be reminded of where we have come from, as far as this Government is concerned, in so short a period of time. The thing that amazes me, Madam Speaker, when I listen to people like the Second Elected Member for Cayman Brac and Little Cayman speak on issues that only two or three years ago he was so adamant about opposing—all of a sudden there is a 360 degree turn. For what reason? For political expediency?

Hon. W. McKeeva Bush: Yes, true.

Mr. John D. Jefferson, Jr: I recall, Madam Speaker, that no one had more to say on opposing that hospital in *the Swamp*, as he keeps referring to, than himself. Now why is it, all of a sudden, such a good idea and this Government was wrong in stopping it? Is it because he is now aligned with the former member for health, Ezzard Miller, in an attempt to form the next government?

Hon. W. McKeeva Bush: True.

Mr. John D. Jefferson, Jr: Now, Madam Speaker, I believe that the people of this country elected 12 out of the 13 members of the National Team who ran as a ticket for those very reasons. That was part of our Manifesto—that we would stop it. And we did!

Now, we did not say that we were going to stop it and deprive the people of this country of proper health services. The new Minister for Health, the Honourable Anthony Eden, has plans in place. I was very pleased to see that they will be breaking ground some time later this month for a new health facility at the present site—which makes sense.

This idea of a split site hospital with duplication of services and costs, only Ezzard Miller could think of something like that. So, it amazes me how quickly these Opposition Members have changed their position.

The Second Elected Member for Cayman Brac and Little Cayman reminds me of an advertisement I saw with regard to one of the large brokerage firms on Wall Street, known as E.F. Hutton. The ad says that when E.F. Hutton speaks, the people listen. He believes that all he has to do is get up and speak, and he has the ears of the whole world.

I believe the people of this country are looking for leadership that is consistent, that takes a position and moves forward with that position, not changing with every wind of fancy that comes along, like that Member does.

At the end of the day, the people of this country are going to have health facilities that they can be proud of and that the country can afford to support. This Government, with the conservative leadership that it has, and the conservative members of the Backbench, have always practised the philosophy of living within one's means. That is where the last Government got into trouble. They could spend money—they had no problem spending money—and they spent it as if it were going out of style.

But this Government has taken the position that I have always supported: they take projects, issues and services and arrange them according to priorities and do them when funds are available to do them. That is what we are doing with the new hospital facility. It will be something that we can be proud of, and I congratulate the new Minister for Health for the excellent job he has done in such a short period of time, and in moving ahead with his plans.

In connection with health services, I am also pleased to see that our new district health clinic (which we mentioned in our Manifesto) will be started later this year. Hopefully we will have it before the 1996 General Elections come. There is also one planned for Bodden Town which is well underway, and I believe that that is scheduled for completion some time in September 1995. Also, there are plans in the works for district clinics for East End and North Side.

The new Minister for Health is getting on with the job that he was elected to do, and he is doing a good job with regard to his responsibilities.

I also have some concerns with regard to the Immigration Department, Madam Speaker. I believe that there is still a need for proper recognition and upgrading of leadership in that department. Also there is a need for some attempt to unify that department and, hopefully, to re-emphasise the focus and objectives of that depart-

ment in providing a first class service to the people of this country. I also believe that the senior officers in that department, who are all Caymanians, have to be recognised and compensated for their efforts over the many years that they have served so faithfully in that department.

What has happened in a lot of cases, is that somebody new at the top is brought in and those officers who side up to that particular leader are the ones who always get the breaks. While the others who are so effective as far as serving the needs of the public get looked over and become frustrated. What I have found in the Civil Service, because I was there for 7 years, is that there are no clear cut career paths. In the Civil Service, the person who makes the loudest noise is normally the one who moves ahead, not necessarily the most competent. That is what is unfortunately happening in this particular department.

So, this does not fall under the responsibilities of an Elected Member, this is the responsibility of the Governor himself with the assistance of his Chief Secretary, and I believe that there are many needs which have to be addressed in this area. Unfortunately, anything that goes wrong in any of these departments, even though the Elected Member is not responsible, he gets blamed. I am saying to those who are in charge to get on with the job that they are responsible for doing and see to it that all persons, all officers in that department are fairly treated and compensated for their efforts.

I am also very pleased to see that the review of the Court procedures is well underway. I think a report has been presented to the Chief Justice for his review and comments. I trust that the recommendations of that review will be seriously looked at with regard to improving the overall administration side of the Courts.

As far as the Portfolio of Internal and External Affairs is concerned, I want to congratulate the Honourable James Ryan on his appointment as the new Chief Secretary, and to also wish the former Chief Secretary, Mr. Lemuel Hurlston, all the very best in his retirement. I was also very pleased to see the appointment of my good friend, Mr. Donovan Ebanks, to position of Deputy Chief Secretary. I believe that this is a very positive move, a welcome move, as far as he is concerned, because I believe that with his background and interests he is in a position to make a very positive impact and contribution to the Civil Service.

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

Proceedings will be suspended for 15 minutes.

PROCEEDING SUSPENDED AT 3.52 PM

PROCEEDINGS RESUMED AT 4.17 PM

The Speaker: Please be seated.

The Third Elected Member for West Bay, continuing.

Mr. John D. Jefferson, Jr: Madam Speaker, when we took the break, I was dealing with some of the changes in position by the Second Elected Member for Cayman Brac and Little Cayman. I would just like to add, and I mentioned it before to some extent, that no one took a more rigid opposition to the new hospital in the swamp than that Member. My colleagues reminded me that when the Member was a part of our Backbench from 1988-1992, he went as far as bringing down a dog doctor [*Members' laughter*] with plans for a new hospital on the present site. Even if it had been a qualified doctor, you could understand, but a dog doctor—not even a dog doctor, he was a bird doctor. So it shows how involved he was in opposing that. Now, all of a sudden, to have that Member get up and tear down this present Government for doing what we promised the people we were going to do is total nonsense.

It was also mentioned in the Throne Speech that plans are in place to amend the Elections Law to allow for a permanent register of voters, and to also streamline the election process. I must say that I enjoy the election campaign, especially West Bay. I believe that during the 1992 elections that atmosphere prevailed throughout the island. It was almost like a carnival atmosphere, as far as the people were concerned.

I look forward to some system of permanent registration as far as the voters are concerned because what concerns me is that political candidates as well as current politicians (and I am not talking about the present House, but politicians) will try to deprive individuals of one of the most sacred rights that an individual has, that is, the right to vote. That is not right. I have always contended that one has the right to vote and one has the right to cast that vote in any manner that he feels is best, even if that means not voting for me. I believe that it is time in this country, with all of the modern advancement that we have experienced here to have in place a proper election system to ensure that every eligible voter in this country has a right to cast his vote.

I look forward to the day when we have election booths where people can go in and pull the lever on the name that they want, and by the end of the day we will basically know who our new representatives are. I have enjoyed the past two elections that I have been a part of because of the people who were a part of my team, and also because of those faithful supporters, there through the thick and thin.

The only thing I would caution the present Government, and those who will have the responsibility of getting on with this, is that whatever has to be done, has to be done quickly because November 1996 is not very far away.

I also want to be one of the first to congratulate the new Commissioner on his appointment—that is Mr. Grey. Also the new head of the Drugs Task Force, Mr. Haines, on his appointment. I wish them every success in their new positions.

I believe Mr. Grey, in particular, has quite a challenge before him because with the money that we are spending to date with law enforcement, the number of

officers that we have employed in that area, he has to come up with a system, a scheme of better deployment as far as his personnel are concerned. I see no reason why every district, every outer district police station is not properly manned, and I believe there are still enough police around that we could also have a very active foot patrol in each district. The only time I see most police is when they pass in an air-conditioned car. That poses no deterrent to those who carry on criminal activity in our districts.

I believe it is also very important for some kind of public relations campaign with regard to getting the public to support the police and come forward with regard to information of criminal activity in their respective districts.

One of the problems that we have had in the past is that one goes in confidence and mentions a particular incident or activity to a police officer and before one gets home the criminal confronts them and asks why they went to the police. I believe that because of that the public, at present, is scared to come forward and co-operate with the police in regard to criminal activity. But that is a must if the police are to be effective in carrying out their duties. They must have the support and co-operation of the public.

I am also pleased to see the effective job that former Chief Superintendent Cutts did with regard to the Drugs Task Force, with regard to interdiction. I trust with the new patrol boat in place that the vessel will be properly utilised on a 24-hour basis with regard to surveillance by patrolling our waters. I heard it the other day and I checked it out. I was told that it was not so. But I still believe that my source was reliable about that boat being docked there for weeks because it did not have a captain, or another officer, in order to make sure that it is fully utilised at all times.

The other thing that baffles me is that here we are a people whose history was derived from our outstanding performance as seamen, and we cannot find enough Caymanians. Not that we cannot find them: I think the Force refuses to appoint them—to see to it that that boat is properly manned and carries out the responsibilities for which it was purchased. Madam Speaker, Caymanians were known worldwide as some of the most outstanding seamen.

I am also pleased to see the progress that has been made in regard to educational opportunities which are made available to the inmates while they are in prison to enhance their education. I know a number of inmates from my own district who have taken advantage of these opportunities and have come out with GCE levels, or GED Certificates, which is the equivalency of the High School Diploma. This puts them in a much better position when they come out to successfully land a job.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30. I will ask for the adjournment to the House.

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 Honourable House until 10 o'clock Monday morning.

The Speaker: The question is that this Honourable House 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 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 13 MARCH 1995.

**MONDAY
13 MARCH, 1995
10.05 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, forever 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.

**READING OF MESSAGES AND
ANNOUNCEMENTS BY THE SPEAKER**

LIGHTHOUSE STUDENTS

The Speaker: First of all, I wish to welcome to today's sitting a group of students from the Lighthouse School together with their teachers. We hope this will be a profitable sitting for them.

**OBITUARY
Mr. Cavell Glidden**

The Speaker: I would also like on your behalf to extend our condolences to the widow and relatives of the late Mr. Cavell Glidden who passed away. He is the brother,

as you know, of our Sergeant-at-arms, and we send our condolences to the family. I would ask the Clerk to convey these condolences in writing. Thank you.

As Honourable Members know, today throughout the Commonwealth is being observed as Commonwealth Day and Speakers of parliaments who are sitting today, in all Commonwealth countries, have been asked to read the message from Her Majesty the Queen, which I now take pleasure in doing.

**1995 COMMONWEALTH DAY
MESSAGE FROM HER MAJESTY THE
QUEEN, HEAD OF THE COMMONWEALTH**

(Read by the Speaker)

"The General Assembly has proclaimed 1995 as the United Nations Year for Tolerance, a choice which is particularly appropriate for the Golden Jubilee of the United Nations Organisation itself. The same theme has been chosen for this year's Commonwealth Day.

"We in the Commonwealth can teach the rest of the world something about tolerance, because it is of the heart of the unique association to which we belong. Although our countries are spread all over the world and face many different problems, we know a great deal about each other and it is therefore easier for us to understand each other's point of view even when we disagree.

"That understanding is essential to a tolerant society, which is not simply one which gives to the individual scope and freedom from restraint. Rather it is a society which actively develops the people who belong to it, brings out their gifts and enriches their lives because it values their diversity. It does not condone persecution or the harming of some people by others, but it knows how to make allowances when things go wrong. It can forgive mistakes as well as give encouragement and guidance on how to avoid them. It knows also that enhancing the quality of life of the individual brings benefit to the family, to the community, to the nation and to international relations.

"That sort of tolerance is something which all of us must learn if we are to restore peace in the world, and here the young people of the Commonwealth have a special part to play. The young have the vision and the ability to make the world a better place, and are not fettered by experience. They can see where the older generations have made their mistakes through intolerance, and they can do better.

"Over the last year we have seen shining exam-

ples of this quality in action in the emergence of a new South Africa, which I shall be visiting next week, and in the recent signs of change in Northern Ireland. We pray that these examples will inspire everyone to try harder to make tolerance a universal rule of life. On this Commonwealth Day, as we make the traditional affirmations which are at the centre of the Commonwealth Day Observance, I send to all of you, with these examples in mind, a message of encouragement and hope for the future.

"Elizabeth R. 13th March, 1995."

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

The Speaker: Continuing with the orders of the day. Questions to Honourable Ministers/Members. Question No. 28, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 28

No. 28: Mr. Gilbert A. McLean asked the Honourable Minister for Tourism, Environment and Planning if the advertised post of Press Officer in the Ministry of Tourism is to be a Civil Service one.

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

Hon. Thomas C. Jefferson: Madam Speaker, the answer is no.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if it is intended that money from the revenue of the Cayman Islands be paid to the person for doing the job?

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

Hon. Thomas C. Jefferson: Madam Speaker, it is intended that the work on behalf of the Government and the people of this country will be charged.

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

Mr. Gilbert A. McLean: Madam Speaker, I wonder if the Honourable Minister could clarify what he has just replied; I do not understand what it means 'that the work on behalf of the Ministry and people of the country shall be charged'.

The Speaker: The Honourable Minister for Tourism,

Environment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, obviously, the appointment of a press officer is to carry out work. It should be the work of the Ministry and the Portfolios of the Government as advertised, and that work will be a charge.

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

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

The advertisement in the newspaper said that this press officer would be carrying out the business of writing stories and feature articles about the Ministries, and the person is to apply to the Minister of Tourism.

Could the Honourable Minister say why the usual route of this advertisement going via the Public Service Commission was not adhered to?

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

Hon. Thomas C. Jefferson: Madam Speaker, I thought it was clear to the Second Elected Member for Cayman Brac and Little Cayman, he is a former civil servant and he knows the procedures. There is no need for this post to go via the Public Service Commission.

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 such an officer would be allied to, or would it be opposed to the work now carried out by Government Information Services which is supposed to keep the public abreast of official activities.

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

Hon. Thomas C. Jefferson: Madam Speaker, I think the Second Elected Member for Cayman Brac and Little Cayman can search his own memory, as the Principal Secretary for Tourism, Environment and Planning, when we had a similar body of people who worked in that area.

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 there are any funds in the 1995 Budget to fund such a post with a salary of \$50,000 per annum for such a person?

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

Hon. Thomas C. Jefferson: Madam Speaker, the answer is yes.

The Speaker: The next question is No. 29, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 29

No. 29: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Communications and Works if the parcel of land known as the "Old Gal-leon Beach" has been sold or had its lease extended.

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is No.

SUPPLEMENTARY

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 there are any discussions on course with any parties as to the extension of the lease or the sale thereof?

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is still No.

The Speaker: The next question is No. 30, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 30

No. 30: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Communications and Works if consideration is being given by Caribbean Utilities Company Limited to install underground electrical power lines.

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is No.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: One observation made by persons who have been studying various things about our

islands—especially knowing that these islands are subject to hurricanes—is that the overhead electrical lines present some dangers and are unattractive. Has Government thought of discussing with Caribbean Utilities the possibilities of installing underground electrical power lines?

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

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

Madam Speaker, this has been something that has been discussed many times, but one has to take into consideration the present franchise which exists between the Government and CUC. Indeed, to place lines below ground would be very costly and in some areas impossible.

However, under the franchise one must realise that in whatever Government goes along with CUC to invest, under the franchise they must have a rate of return. Therefore, what I am saying is that with such a very costly exercise it would no doubt be passed on to the people of this country.

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

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

We are aware that CUC is allowed to tax the country 15% for profit each year. We also know, from what the Honourable Minister has said, that it would be costly to carry out this exercise. Has any actual study or attempt been made to analyse the cost of underground installation versus leaving it the way it is, from the point of view of cost and safety?

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

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

I know of no actual study that has been carried out. But I am aware that in certain parts of the country, namely, George Town, it would be utterly impossible to put lines below ground. We already have fuel lines, we have Cable and Wireless' lines, we have water lines and going west we have just about the same lines with the exception to the fuel line. We do have sewage lines on the West Bay peninsula.

So, Madam Speaker, I cannot see how this would be possible in certain areas of this country without creating a very, very high cost.

The Speaker: The next question is No. 31, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 31

No. 31: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Aviation what is the Ministry's policy regarding school visits.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the Ministry's policy is to visit all public schools in the Cayman Islands at least twice during the school year and to meet with the teachers and principals to hear their problems and concerns first hand.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what is the procedure of the Ministry when problems and concerns are discussed as a result of these visits?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: If they relate to policy, I try to solve them.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if any visits are made to schools in the private sector and, if so, why not?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker, upon their invitation.

The Speaker: The next question is No. 32, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 32

No. 32: Mr. Roy Bodden asked the Honourable Minister for Education and Aviation to provide a list of the educational institutions visited by the educational delegations from the University of the West Indies and United Nations Agency during 1994.

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: The answer: Sir Alistair McIntyre, Vice Chancellor of the University of the West Indies, visited the Ministry of Education in October 1994. During this time he visited only the Community College campus.

Two UWI pro-Vice Chancellors, Dr. Hamilton and Professor W. Marshall, visited the Islands in December. Dr. Hamilton visited the John Gray High School and the

Community College and Professor Marshall visited the Community College.

Mr. Joachim von Braunmuhl, Regional Representative of the United Nations Development Programme, visited the Cayman Islands in October. He did not visit any schools.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister briefly outline to the House the purposes of the visits by these gentlemen?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, that is not directly within this and it will take some time if the Elected Member is looking for briefing on what they did and where they went.

The Speaker: In the opinion of the Chair, it does really come within the ambit as a supplementary of the original question. But, if the Honourable Minister is not prepared at this time, could he undertake to give the information in writing at a future date?

Hon. Truman M. Bodden: Sure, that will be good, 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, due to these visits by these various persons from the University of the West Indies and the UNDP, there have been any offers of scholarship funding or opportunities for resource persons, lecturers, or teachers with the education system here on the Island?

The Speaker: I do not know if the Honourable Minister can reply to that.

Hon. Truman M. Bodden: No, Ma'am.

The Speaker: The next question is No. 33, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 33

No. 33: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications and Works which private sector companies have been contracted to carry out road design work for the Cayman Islands Government since June 1993.

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

Hon. John B. McLean: Thank you, Madam Speaker. Since June 1993, no road works had design work contracted out. The Chief Engineer of Public Works employed the services of a design engineer from Quarry Projects on a per hour basis to assist with road works on two occasions in 1994.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Minister say if this arrangement continues?

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

Hon. John B. McLean: Thank you, Madam Speaker.
The individual is still working on that basis to complete some small projects for the Department.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
I wonder if the Honourable Minister could advise this Honourable House if there are any design engineers employed full-time at the Public Works Department?

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

Hon. John B. McLean: Thank you, Madam Speaker.
As the Budget was cut for Road Works in 1993, and as the Finance Committee advised that the total Capital Works would not exceed \$5 million for 1994, it was decided to cut this post during the 7.5% Civil Service cut-back in 1993. However, it is anticipated that with the upswing in road projects this post will be reinstated.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Minister could say if the per hour cost for this design engineer exceeded what the annual full-time employment costs would be.

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is No.

The Speaker: The First Elected Member for Bodden

Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Madam Speaker, through you, can the Honourable Minister say what is the per hour cost of this person to the Government?

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

Hon. John B. McLean: Madam Speaker, as I pointed out, the Public Works Department has been dealing with a company, Quarry Products, and the figure was \$28 per hour.

The Speaker: The next question is No. 34, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 34

No. 34: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Communications and Works to provide the list of outstanding requests for street lights for the district of George Town as requested through the Ministry by me—the Fourth Elected Member for George Town.

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

Hon. John B. McLean: Madam Speaker, according to the Public Works Department and Caribbean Utilities Company Limited, most of the lights requested have been installed. The remainder will be installed in due course as priority has been placed on heavily trafficked roads, isolated areas, and high crime areas. It should be noted that George Town has received the lion's share of street lights since the lighting programme commenced. The following areas have been lit with 400 watt lights:

1. North Church Street
2. Bodden Road
3. Diaz Lane
4. South Church Street to Smith's Cove
5. Walkers Road
6. The Hospital compound
7. Elgin Avenue to the hospital
8. Shedden Road
9. Lower Crewe Road to Kirk Motors
10. Airport Road to Crewe Road
11. George Town Primary School
12. School Road
13. Crescent Lane

The street-lighting programme is still ongoing, and will continue into 1996, or until all areas outlined in the programme have been lit.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

I thank the Honourable Minister for informing us about the various locations. But with the greatest of respect, the question asked to provide a list of the outstanding requests made by me.

If the Minister is not in a position to do so, at least I would like an undertaking to have it in writing.

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

Hon. John B. McLean: Madam Speaker, I do not have a problem with that. I thought that by saying that most of the places which the Honourable Elected Member had identified in his request for lights had been covered, that that would have been sufficient. But I will definitely write to him and give him what he wants.

The Speaker: The Fourth Elected Member for George Town.

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

Madam Speaker, the purpose of the question was to determine if any of the requests had been lost in the woodpile. I just wish to express to the Honourable Minister that that was the reasoning behind it, and I would appreciate the answer in writing from him so that the question that I asked could be answered properly.

The Speaker: Honourable Member, perhaps next time you will avoid making such a lengthy statement.

Mr. D. Kurt Tibbetts: Yes, Ma'am.

The Speaker: The next question is No. 35 standing in the name of the Elected Member for North Side.

QUESTION NO. 35

No. 35: Mrs. Edna M. Moyle asked the Honourable Minister for Tourism, Environment and Planning why has the proposed Development Plan not been taken back to the public, through public meetings, as was promised during public meetings held to bring about such a Plan.

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

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The method of presentation for the proposed Development Plan complies with the requirements of Section 8 of the Development and Planning Law.

Although it was envisaged at the time of the first district meetings that further public meetings would take place, it was subsequently decided by the Central Planning Authority, in the interest of expediency, that further

public meetings in the districts would be forfeited. Public concerns, it was felt, would be more effectively addressed if they were submitted in written form in accordance with the Law.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Minister will say if he would be prepared to give some consideration to amending section 8 of the Development and Planning Law, whereby, in the future, documents of such public interest and concern could be dealt with by public meetings, as we have found that Caymanians would prefer to put their views in a public meeting rather than in a written form.

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

Hon. Thomas C. Jefferson: Madam Speaker, section 8(1) of the Development and Planning Law, if you would allow me please, reads: "**The Authority shall, in the course of preparing a development plan related to any land, or proposal for alteration or addition to any such plan, consult with the Board [in this case being the Development and Control Board] and any other public authority concerned with the development contemplated in the area concerned, and may consult with such other persons or bodies as they think fit, and the Authority shall, before submitting any such plan or proposal for approval by the Legislative Assembly, give to the Board and to any public authority as aforesaid, and to any such persons or bodies as aforesaid an opportunity to make objections or representations with regard thereto.**"

That is really subsection (1) of Section 8 being referred to by the Elected Member for North Side. I believe that we could look at it, and see whether there is need for an amendment to give further public opinion on matters of such importance as a Development Plan that will take us into the future.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Honourable Minister could kindly outline the procedure that took place in coming forward with the proposed Development Plan.

The Speaker: If the Honourable Minister for Tourism, Environment and Planning can so do.

Hon. Thomas C. Jefferson: Madam Speaker, I will do the best that I can, off the top of my head. I understand that district committees were established and those committees held public meetings in the various districts, with the exception of Cayman Brac and Little Cayman because the Development Plan is looking specifically at

Grand Cayman.

The district committees produced reports of the various meetings which then became a centralised document within the Department of Planning under the umbrella of the Central Planning Authority.

The Central Planning Authority in conjunction with the various chairmen of the district committees, who I understand went back to their members, then produced a survey report. That survey report, as I understand it, formed the proposals which have been advertised to the public where they have been given until the 3rd of March, 1995, to send their objections in written form to the Planning Department where those objections will be heard by the Statutory Board called the Appeals Tribunal for Development. I understand there are something in the area of 140 objections which have to be heard by the Appeals Tribunal.

Madam Speaker, once that process is completed, we then move on to deciding what amendments should be put to the Development Plan, and whether the Law and the Regulations need to be amended.

The Speaker: The next question is no. 36, standing in the name of the Elected Member for North Side.

QUESTION NO. 36

No. 36: Mrs. Edna M. Moyle asked the Honourable Temporary First Official Member for Internal and External Affairs why, and on whose instruction, was the Immigration booth at the Airport serving Caymanians changed to the extreme left of all the other booths.

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

Hon. Donovan Ebanks: Madam Speaker, the Immigration Booth serving Caymanians arriving at Owen Roberts Airport was changed in an attempt to improve passenger-flow during peak arrival times.

The change was authorised by the Chief Immigration Officer following discussions in late 1994 between representatives of the Ministry of Education and Aviation, the Civil Aviation Authority, airlines operating locally and the Immigration Department.

The matter will be reviewed in late April after the current winter tourist season.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Temporary First Official Member would say how the Caymanian booth being at the extreme right disturbed the traffic flow of passengers arriving at the Owen Roberts International Airport?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, I am unable to say how it disturbed the flow. As I have said in the substantive answer it was the consensus of various parties involved in the airport operations that this configuration would enhance the flow of all passengers.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Temporary First Official Member could tell us, since this is going to be reviewed in late April, if in the meantime it is being monitored to see how it is affecting the flow of traffic that takes place at the present time?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker. The situation is being monitored.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Temporary First Official Member can say if he is aware that the Caymanian Booth at the airport is normally not manned by an Immigration Officer when flights arrive in this country.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker, I was not aware that it was not normally manned.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Honourable Temporary First Official Member can say if there is a policy at this booth regarding Caymanians arriving to these Islands?

The Speaker: I do not know if the Honourable Temporary First Official Member could answer that. It does not, in my view, constitute a part of the original question.

The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker.

The Speaker: Would you then, perhaps, be in a position to supply some information in writing to the Member?

Hon. Donovan Ebanks: Yes, Madam Speaker if she will give me the question as she has just stated it, because I did not understand what she meant by "if there is a policy."

The Speaker: Would you sit, then, and let her give you the question again?

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. What I am trying to arrive at is, if a policy has been given to the Immigration Officers that are manning the booth upon the arrival of Caymanians, if they are allowed to move to the front of the line above visitors—if this is the policy—as I do not believe that this is taking place at the present time.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, I am unable to say whether that is the policy.

The Speaker: Perhaps the Honourable Member will undertake to give the Member an answer in writing once it has been investigated. Thank you.

The Speaker: The next question is No. 37, standing in the name of the Elected Member for North Side.

QUESTION NO. 37

No. 37: Mrs. Edna M. Moyle asked the Honourable Minister responsible for Agriculture, Communications and Works if any consideration is being given to the installation of parking meters or the setting aside of an area as one-hour parking in central George Town.

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

Hon. John B. McLean: Thank you, Madam Speaker. Ten one-hour time limited parking spaces are now in operation on a trial basis in the old Public Works Department compound in central George Town.

SUPPLEMENTARY

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I would like to thank the Honourable Minister for setting aside these ten parking spaces so quickly after receiving my question, but I would like to ask how are they being policed, and if the public is now aware, through any media, that these ten parking spaces are available in Central George Town.

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

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

There are signs indicating the time limit on parking in the area. And I would like to say that it was not be-

cause of the question I received from the Honourable Member, but this has been something that we have been looking at for several months from the time the old Kirk Plaza parking area was taken over by Barclays Bank PLC. We finally decided on this present area. So it is all timely.

The Speaker: The next question is No. 38, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 38

No. 38: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture if the Minister would say what progress is being made on the preparation of the building to house the facilities of indoor sports in West Bay.

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

Hon. W. McKeever Bush: Madam Speaker, in West Bay, it is proposed to house the indoor sports facilities and the new Civic Centre under one roof. And I will ask the House to disregard the last sentence, Madam Speaker.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

Could the Honourable Minister say if there is any time factor for the starting and finishing of the project?

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

Hon. W. McKeever Bush: Madam Speaker, as soon as the Honourable Financial Secretary agrees to the request for a new Civic Centre in West Bay, which has been on the Table for some time.

The Speaker: The next question is No. 39, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 39

No. 39: Mr. D. Dalmain Ebanks asked the Honourable Minister for Community Development, Sports, Youth Affairs and Culture if any consideration is being given to the construction of a building in Cayman Brac to house indoor sports.

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

Hon. W. McKeever Bush: Madam Speaker, in regards to the supplementary a while ago, I should have added

`when the money is voted'. I said: `when the Financial Secretary agrees'...

The Speaker: You were being a bit facetious, right?

Hon. W. McKeeva Bush: No I was not, because we actually have to get his agreement.

The Speaker: Fine, thank you.

Hon. W. McKeeva Bush: The answer to question No. 39: Yes, consideration is being given to the construction of a building to house indoor sports in Cayman Brac.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Minister give any indication of how soon such assistance might be considered for Cayman Brac and Little Cayman?

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

Hon. W. McKeeva Bush: Madam Speaker, that is a very good question this morning, because this Minister has been accused by that same Honourable Member of spending too much money on sports.

Madam Speaker, Members cannot criticise Government bench or Government for spending too much money on areas and then come with a long list wanting to get this, that and the other thing.

If we want these things the country will have to spend money to get them. And that sports centre in Cayman Brac is part of our long-term development sports plan.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if any location in Cayman Brac has been identified where the Sports Centre might go and if any thought has been given to spending any money in the area of Cayman Brac?

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

Hon. W. McKeeva Bush: Madam Speaker, I am also glad the Honourable Member has asked that question. I would like to inform the House of the different improvements in Cayman Brac since we took over.

There was the lighting of the playing field at the Cayman Brac High School; some upgrading and maintenance of that same playing field; the purchasing of the Lazzari property which includes the pool, property for parking for the pool, the school and the community play

field; and additional land for other development which has a cement slab on it for possible development of a hard court.

There was some upgrading of the other football field; lighting of the hard court; the surfacing of the running track; and there is a cricket pitch to be built this year.

Madam Speaker, some research has been done on possible sites for new playing field and a building to house in-door sports.

The Speaker: That concludes Question Time for this morning. Statement by the Leader of Government.

The Honourable Minister for Tourism, Environment and Planning.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS

FURTHER PROTECTION FOR MARINE ENVIRONMENT

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The statement which I am about to read is titled "Further Protection for Marine Environment."

Madam Speaker, Honourable Ministers and Members, I am extremely pleased to report to this Honourable House that Government has made further progress on one of its long term initiatives aimed at safe guarding the marine environment of the Cayman Islands.

At an earlier session of this House, I advised that Government has reached agreements with both Holland America Line and Carnival Cruise Lines that their ships would adhere to a "zero-discharge" policy within the 12 mile limit of the Cayman Islands' territorial waters.

Government has now also received a similar commitment from Princess Cruises, another of the major cruise lines whose ships call here. Specifically, it means that the *Crown Princess*, *Regal Princess* and new ships the *Sun Princess*, *Dawn Princess* and *Grand Princess* agree that there will be no discharge of raw sewage, solid food or galley waste, as well as ballast, laundry and galley waste water. In addition, the ships will not conduct any over-the-side chipping or painting while in port.

In 1994, the Cayman Islands enjoyed the benefits of some 465 cruise ship calls, and some 599,387 passengers. The three Lines that have now agreed to uphold the "zero discharge" policy, together made 178 visits and brought some 266,734 passengers in 1994. This means, effectively, that at least 38% of the visiting cruise ships, carrying 45% of the total passengers will meet these very high environmental standards in 1995.

Madam Speaker, I believe these agreements between Government and the Cruise Lines are shining examples of what can be achieved through mutual respect and co-operation between the partners in our tourism industry. And as the Cayman Islands continues to take a leading role in the area of marine conservation, I look forward to discussions with other visiting ships to

achieve similar commitments to those already made by Holland America Line, Carnival Cruise Line and Princess Cruises. Thank you, Madam Speaker.

The Speaker: Government Business. Continuation of the Debate on the 1995 Throne Speech. The Third Elected Member for West Bay.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

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

Madam Speaker, when we took the adjournment on Friday, I was dealing with the comments in the Throne Speech with regard to the Royal Cayman Islands Police Force. I mentioned that I felt that there was a need for greater deployment of officers, a definite need for foot patrol in the districts, and an effort to enhance the co-operation between the public and the police because it is almost impossible for their efforts to be successful without the support and co-operation of the community.

There is one comment that is mentioned in the Throne Speech regarding the Royal Cayman Islands Police that I agree with, and that is that the Cayman Islands remains one of the safest destinations of any place in the world.

I was a little taken back by some of the statistics that I heard read by the Third Elected Member for George Town, which basically said that the Cayman Islands are fifth on the list among the most unsafe places in the world. I think that is total nonsense, Madam Speaker. It is only propaganda, and I believe that we here in this House have to be very responsible and see to it that we check out our source of information, and the credibility of the source, before we get in the House and make those kinds of comments because it could affect our visitors who come here for that main reason. They are convinced that it is a very safe environment and are able to come here and not have to worry about someone knocking them over the head and taking their money.

I think here in the Cayman Islands we do not recognise exactly what we have, as far as our country is concerned. I, for one, like many of the other Members of this House, have had the privilege and opportunity of travelling quite extensively, and I am convinced that there is no place I would give up the Cayman Islands for. Madam Speaker, I believe that we have to make a conscientious effort to keep these Islands with that type of safe reputation.

Before going on to address the other areas of the Throne Speech, I was kindly given a copy of the Second Elected Member for Cayman Brac and Little Cayman's

opening remarks which I would like to address at this stage. First of all, Madam Speaker, he said and I quote: **"...as I fill the role of the Opposition in this House, I am duty bound to try and create a balance in perspective. So, I would like to refer to a few achievements."**

He did not even have the courtesy, Madam Speaker, to acknowledge, at least, the First Elected Member for Bodden Town as being a part of that Opposition.

He went on Madam Speaker, to say that he would "refer to a few achievements" of the Government, and at the top of the list is mentioned the stoppage of the Dr. Hortor Memorial Hospital at a tune of almost \$6 million. On Friday when I stood up to speak, I briefly outlined the inconsistencies, as far as this Member's position on this subject, that is, the stoppage of the new hospital. I pointed out that no Member of the House at that time fought harder, had more to say, than the Second Elected Member for Cayman Brac and Little Cayman.

What he advocated was that we look at the possibility of constructing a new hospital on the present site of the George Town Hospital. In order not to be accused of making statements that I cannot support, I was also given copies of the Hansard Report dated 29th of November, 1991, which included the comments of the Second Elected Member for Cayman Brac and Little Cayman on this subject. The excerpts are not very long and I crave your indulgence just to read a few of them in order to support what I am saying.

He said: **"We are talking about expenditure and there is no one except the Member [the Member he was referring to there was the former Member for Health, Mr. Ezzard Miller] that has said that \$16 million can build a hospital and fix that site."** The site he is talking about is the site in the swamp that was chosen for the Dr. Hortor Memorial Hospital. He said: **"When I read in the papers from one of the engineers and so on, was that the mud was not any deeper than what it was somewhere down around Lime Tree Bay. He is fixing his posture, nobody is going to nail him down when it takes \$10 million to fill the site."** [*Hansard*, 29 November 1991]

So, the Second Elected Member for Cayman Brac and Little Cayman was convinced that, contrary to what he is saying now, \$16 million could build the Dr. Hortor Memorial Hospital. He was contending that it could cost as much as \$10 million just to fill the site for the new hospital. So, he was not convinced that it was a good idea, and he contended that the Government of the day should move forward to construct a new hospital on the present site, that is the site we now have the George Town Hospital on.

He says here: **"I personally believe that MRCU should be ideally moved from there, that is, on the present site. Take that to the area of the land the Government owns in the swamp on the dyke road."** So, he is advocating moving the MRCU in order to create sufficient space for the construction of the new hospital. He said: **"Knock it down and use that large area**

there that the people of this country have known of forever as the Hospital and build a new hospital there in phases."

Madam Speaker, what he is saying here makes sense, and this was the position that the Backbenchers of the day, of which he was a part, took. We were not prepared to deprive the people of this country of proper health facilities, but we wanted the Government to be sensible with regard to moving forward with this very expensive project and ensuring that at the end of the day we had a facility that the people of this country could afford and one that in one or two years would not disappear—being situated in a swamp.

So, Madam Speaker, it kind of reflects the inconsistencies as far as that Member is concerned with regard to positions he has taken on very important issues in this House.

Madam Speaker, this Member has gone as far as—and he has mentioned this in his speech—that this was one of the issues that they discussed with the Minister responsible for the Foreign and Commonwealth Office during their recent visit to London. What a change of heart, Madam Speaker!

He also accused the present Government of repealing and stopping the Health Services Authority. That was one of the most important decisions this Government has taken since it took office in November 1992. We had a situation, contrary to what the former Member for Health was saying at the time, that it was going to save us money and improve the overall efficiency of the George Town Hospital, where expenditure was not controlled, there was total anarchy as far as the running of the operations was concerned, and the Member, himself, played such a vital role in running that hospital on a daily basis. All major decisions were not taken by the Health Services Authority Board at the time, but a lot of those decisions were made with the support on a daily basis of the Member himself.

So, it was a very wise decision to repeal the Law, cancelling the Health Services Authority, and bringing the medical services back under Government as a government department.

He also went on to accuse the present Government of stopping free medical aid for seamen and their spouses in the Cayman Islands. The Minister for Health at the time, the Honourable McKeever Bush, had to start somewhere because of the rampant abuse of free medical services, with regard to depriving those persons who were on the list who it was felt could afford to pay for medical services. He had to start somewhere, Madam Speaker. Gradually, what has been done—I think it has been accomplished so far as the seamen are concerned, and I support that position—is that those seamen who have made such a valuable contribution with regard to the development of this country, who cannot afford to pay for medical services, should be offered free medical, they and their spouses. But only those who cannot afford to pay for those services on a personal basis.

He also accused the National Team Government of

stopping the National Health Insurance Scheme. That was also a very wise decision as far as this Government is concerned, because the scheme that was established by the former Member for Health, that is, Mr. Ezzard Miller, did not have the support of the insurance industry. It was not practical as far as the premiums that were being charged, and it would have been realised to be a failure in a very short period of time.

I am aware that the present Minister for Health is moving ahead with a National Health Insurance Scheme, but it is with the support of the insurance industry, which is so vital.

Madam Speaker, the difference with regard to approach is that the Minister for Health is saying, let us come up with a scheme that people can afford; one that does have the support of the insurance industry; one that will meet the needs of our people with regard to medical expenses.

At the present time the Government of the Cayman Islands is called on quite frequently to refer residents overseas for medical attention, and that is a very expensive venture, indeed, Madam Speaker. We need to come up with some scheme that will offer the same kind of benefits, including overseas medical referrals; one, as I said before, that the people of this country can support and afford.

The Second Elected Member for Cayman Brac and Little Cayman went on to comment on the extension to the airport and to criticise the diversion of the road around the extension.

Madam Speaker, I must congratulate the present Government and the Honourable Ministers for the outstanding job they did with regard to providing our pilots with an additional 600 feet of runway which is so critical with regard in approach and landing, while at the same time providing a diversion as far as the road is concerned, which I personally have only gotten positive comments on. The comments that I have heard is that driving on this road does not feel like you are in the Cayman Islands. It reminds you of some highway in the United States.

So, I do not believe that those criticisms are warranted. I believe, also, that the businessmen in those areas that were to be affected are very positive and very pleased with the way the whole project turned out.

Madam Speaker, the Second Elected Member for Cayman Brac and Little Cayman also made a statement which is, in my opinion, totally false. He said, and I quote: **"The first time ever in the history of this country, of spending the public's money to build over 32 private driveways in the district of West Bay with other districts not receiving similar consideration."** There is nothing further from the truth than that comment.

The Budget process has always been—and I have a Member of this House for the last seven years like himself—that a provision is put into the budget with regard to district roads. The representatives from the districts get together and determine what roads have priority, because you always have more requests than you

are able to take care of from the funds that are voted. But, it is done as a joint decision as to what roads are given priority in that year. That is the way it has always been. To give people the impression now, Madam Speaker, that since November 1992, all of a sudden the present Government is doing something that is dishonest, I think is totally unfair.

I personally have no apologies for the Second Elected Member for Cayman Brac and Little Cayman, or any other Member of this House, for attempting as a representative of the district of West Bay to see to it that my people have decent roads on which to drive back and forth. No apologies, whatsoever, Madam Speaker.

There were also budget provisions for road work in all of the districts—all of the other districts. In 1994 those districts also received their fair share of road works.

What was so amusing with regard to that Honourable Member was that the Minister for Agriculture, Communications and Works could produce requests from the same Member, that is, the Second Elected Member for Cayman Brac and Little Cayman, for private roads that he wanted done in that district. So, on one hand he is saying, do not give West Bay any roads but give me private roads in Cayman Brac that will be repaired at Government's expense.

I imagine that when he and his colleague, the First Elected Member for Bodden Town, mentioned this to the Minister of the Foreign and Commonwealth Office for the Cayman Islands, it must have been quite amusing to him, because this is total nonsense. If he believes that because he brings a motion to this House calling on Government to consider changing its policy in this area it is going to be done, I can guarantee him, Madam Speaker, that the majority of the Members of this House support the present policy and will continue to support roads being dealt with in this manner.

What is important to remember, with regard to public funds, is that no Elected Member or Minister of this House has the authority to sign any cheques for such works. There are all the controlling officers who take care of carrying out these instructions in seeing to it that money is well spent.

So, Madam Speaker, I trust that in the future, before the Second Elected Member for Cayman Brac and Little Cayman gets up and pounds his chest, he will think about what he is going to say before he says it. I believe, Madam Speaker, and I am quite sure that I am not the only one who is going to mention that. I think that I have been able to quite adequately reflect the inconsistencies as far as the Member's position is concerned.

Madam Speaker, getting on with my contribution to the Throne Speech, I would like now to offer my comments on the Prison Department. I am very pleased to see that the Educational Programme at the Prison has been strengthened and that inmates who are interested now have an opportunity to further their education. I recall on a number of visits to Northward Prison that we were requested to go on tours actually visiting some of these classrooms, meeting some of the staff and the inmates who are enrolled in the programme. I, person-

ally, know of a number of former inmates who, while in prison, took advantage of the opportunity to further their education to the extent that many of them came out with their GED certificates or passes at GCE O Level. This will instil personal confidence in the individual who finds himself in problems—and that is probably one of the main reasons why so many of our young Caymanians find themselves in prison—they have very low self-esteem. By their accomplishment in the area of education, it makes them feel good about themselves and it also enhances their chances for employment upon being released from prison.

I am pleased to see that the job-training and interviewing-process at the Prison is being emphasised, because I recall in my first term as a Member of this House that I brought a motion asking specifically for this to be done. I do not care who you are, how qualified you are, if you have been to prison, upon your release it is much more difficult to find a job. If our inmates can be assisted with landing a job before they are released, then it enhances their chances of adjusting well in society; it reduces the incidents of repeat offenders and it gives the person a second chance of making a very valuable contribution to society.

I am also pleased to see that the frequency of the Drug Counselling Services at the Prison is being increased. Madam Speaker, I feel (and maybe I feel a little different from other Members of this House) that if you are convicted and you are serving a term of imprisonment, especially for drug abuse, that it should be mandatory while you are in prison to attend these drug counselling sessions. Not only that, after you are released from Prison it should be mandatory for you to continue to attend those sessions in order to get the support from other members of the public who may be suffering from similar experiences. Madam Speaker, I believe that it is much easier for an individual to kick a habit of this nature if he has others who have had a similar experience to lean on for support.

I am also one Member who has called on Government to expand the Prison Work Programme, and I know that to a limited extent we are now using inmates for certain projects and programmes. I think the National Trust has used them on a number of occasions. But I believe that greater emphasis has to be placed on utilising the skills of these persons while they are in prison.

In prison you meet persons from all walks of life: you meet those who are not educated to those who are highly qualified—who possess certain skills which government could use. I see no reason why we could not have work teams of prisoners assigned to districts for clean up purposes in seeing to it that our roadsides are kept clean from litter, and other services that are needed in our community. I certainly would welcome such a team in West Bay, Madam Speaker, in order to ensure that my district is kept clean.

I think the idea of not using them because of fear that they will run away is total nonsense. I would not put persons who are convicted of murder or other serious crimes on the street like that, but the little boy who is in

there for consuming a stick of ganja does not pose that much of a threat to our society. He knows that if he is out there on a work programme and he escapes... where is he going to run? Once he is recaptured it will probably add another six months to his sentence. So, I do not think that poses much of a threat to our society.

Madam Speaker, it could provide a valuable service to the community and to Government, and the Government would in turn recognise a savings in those areas because regardless of who provides the services it has to be done and, if the prisoners are not used for this purpose, the Government has to pay somebody else to do it.

Many of these inmates are qualified mechanics, qualified painters, who could be used in connection with the Public Works Department programmes on building maintenance and the other services that the Public Works Department is called upon from time to time to provide. So, I believe that we have to look at what we have and do our best to ensure that persons who are in prison are, first of all, exposed to proper work ethics, exposed to an opportunity of furthering their education, if that is a necessity, and when they are in prison to make a contribution to our society by getting out there and working in the community providing the kind of services I mentioned earlier.

I recall being told that in North Carolina—I believe it is—the Governor's residence is fully staffed by inmates, (that is, by chefs who provide the cooking, gardeners, and other personnel who are needed), who are all inmates provided by the Prison System. I was also told that when many of those inmates, especially ones who are in there as chefs or cooks, are highly recruited upon being released by some of the major hotels. So, I believe that the programme here could work.

Immigration: I believe it is time for the Civil Service to recognise the Senior Officers in that department because many of those officers have been there for 20 to 25 years. They are at the top of their scale and there is no hope of any promotions because of the scheme. But many of those officers provide a very important service to the public. Madam Speaker, there are four names that come to mind: people like Dolcy Powery, Sharon McCoy, Darlene Owens and Pat Godfrey [*Forbes*] who I believe is married now—I do not know her married name. These are officers who have been there over the years and have provided first class service as far as the public is concerned. Yet, they go on from year to year with little or no thanks or recognition. I do not believe that is right.

As an employer, I know how important it is to motivate staff and to make them feel important. I believe that much has to be done in that area with regard to the Civil Service as a whole, but in particular the Immigration Department. What I see is a group of young mavericks going into the department who do not necessarily have the interest that those senior officers have portrayed over the years with regard to public services, but who are more interested in earning stripes and promotions.

I believe it would be in the best interest of that De-

partment if something is done to recognise these Senior Officers for their efforts and measures taken with regard to some type of regarding of posts to reflect the appreciation for their years of hard work.

There have been some changes to our policies on temporary work permits, and the intention was that those applications would be dealt with by the Chairman of the Board and the Chief Immigration Officer. There were some reasons why that was done, but my experiences have been that the process now with temporary work permits—and temporary work permit means exactly that, "temporary"—it is normally a permit that people need within a day or two and sometimes that process takes as long as two weeks to issue. In a lot of instances the person has come and gone before the permit is actually issued. I think it is time for us to have a second look at that process.

I believe that if you are going to have senior officers in the department you have to delegate some responsibilities, as far as they are concerned. And I also believe that they could help tremendously in this area.

The other thing that I am not totally happy with, Madam Speaker, because I recall in 1992 as part of the National Team's political campaign we emphasised the need for looking out for, and ensuring that Caymanians have their fair share of what is going on in this country with regard to positions, and after the 1992 Election visiting a few establishments that were the topic or issue that was being addressed. How do we put in place programmes for the training of Caymanians?

I believed at that stage people had a genuine interest in training Caymanians. But shortly after taking office there was an article by, I think the Chamber of Commerce, that Government was being too restrictive with regards to its work permit policies. I, for one, as a Member, recognise that you always have a need for work permits in this country—always. We are not producing Caymanians that fast to fill all the positions that are created in this country.

But, I believe that it is the responsibility of the Immigration Board, with the support of Government, to ensure that any job that can be filled locally by Caymanians, where they are willing and are available should be filled by Caymanians. I also believe that it is time that we put in place some type of sensible Immigration Board policies with regard to issuance of work permits. It is impossible for the Immigration Board to meet one or two days a week and deal with 400 to 500 applications for work permits at any one sitting, and to expect them to do a good job in perusing those applications to determine which ones are legitimate from those that should be refused.

I do support the philosophy as put forward by the present Minister for Tourism, Environment and Planning. His feeling was that the Immigration Board should call in your employers and they come forward with a staffing plan for the next three or five years. They sit with the Immigration Board and say exactly what their needs are in regard to personnel from the outside that they are going to require work permits for. And, also, insist that the

employers have in place a training programme to ensure that at the end of that period of time (be it three years or five years) that there is a Caymanian who has been trained and capable of filling at least some of those positions.

I believe, Madam Speaker, that unless Government insists that it is done on a national basis very little will be accomplished on a voluntary basis as far as training of Caymanians by the private sector.

The Speaker: Will this be a convenient time to take the suspension? Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.43 AM

PROCEEDINGS RESUMED AT 12.11 PM

The Speaker: Please be seated. The Third Elected Member for West Bay, continuing.

Mr. John D. Jefferson, Jr: Madam Speaker, when we took the suspension I was dealing with the Immigration Board and the issue of work permits. The issue, as far as I am concerned, is that at the present time it is too easy to obtain a work permit, especially in areas where there are sufficient Caymanians looking for jobs.

I also mentioned that I am conscious of the fact that there will always be a need for work permits in this country because we are not training and producing Caymanians fast enough to fill all the positions which are available in this country.

Frankly speaking, Madam Speaker, there are some positions that Caymanians have no interest or desire to fill, so if you are going to have a service in those areas it must be provided by someone from the outside.

I also touched on the idea of there being a proper policy established by the Immigration Board with regard to the issuance of work permits in order to, first of all, reduce the volume of permits the Board is called upon to deal with on a weekly basis, as well as to put the Board in a much better position to scrutinise those applications that have come before them, and to also determine from the employers what they are doing in regard to the training of Caymanians to eventually fill those positions, especially in the financial industry. There are a number of very attractive positions available in that sector, and I believe that, given an opportunity for training, Caymanians are capable of filling any positions that may be available in that industry.

Madam Speaker, I also believe that it is time that our people enjoy a greater degree of opportunities which are available in this country, especially in the higher echelon of positions that are available. I also emphasised the need for Government to insist that vigilance be kept by the Immigration Board with regard to work permits. I am aware that Government is moving ahead with its Manpower Survey Development Program and the whole issue of that is to determine exactly what the needs are, as far as labour is concerned and what pro-

grammes are in place with regard to the training of Caymanians so that Government is in a position where they can make informed decision on the issue of labour in this country.

I am also pleased to see that there are plans to review the Trade and Business Licensing Law and I believe that this is every essential. We, as Legislators, have to take a very close look at the rules in that area. Because of the attractiveness of investments in this country at this present time we have to be very careful to ensure that Caymanians are protected to some extent, because Caymanians do not have the financial resources to compete with Peter Saville, and people of that calibre who have unlimited resources available to them.

The other issue that we have to be very careful with and one that has to be addressed, is the issue of fronting. That is a serious issue at the present time in this country; many, many businesses have been established with some little Caymanian up front who is not benefiting at all, just allowing their names to be used for pittance. I have been given some suggestions on how to address this issue. For example, insisting that the Cayman partner is designated as your managing director and maybe chairman of the board to retain some control as to what goes on in the company. But, I believe that the Board should take the approach of not just automatically granting new Trade and Business Licences, where there is a foreigner involved, without paying very close scrutiny and asking questions on the proposed business, the Caymanian partner involvement et cetera, et cetera.

Madam Speaker, I believe that there are areas where we should restrict the issuance of new Trade and Business Licences. One area that comes immediately to mind is the area of Watersports. There is a lot of conflict at the present time between the Caymanian operators and foreign operators in this area.

First of all, because the foreign operators have the contacts with the cruise ships, they have the financial resources available to advertise and do whatever they have to do in order to attract the business. And a lot of times they under-cut, or under-sell the Caymanian just to get the business because they can afford it and be in a position at a later stage to write it off as a tax or business expense. So, we have to address this issue.

I hear horror stories of operators in the North Sound, for example, who are just coming here on a work permit who have no knowledge of the environment in that area, they do not know the waters. They are placed in position of Captains of these watersports boats that go back and forth between the dock and Stingray City and other attractions in the area. Because they do not know the area, boats loaded with passengers run aground on the reef, destroying the marine environment and also posing a very serious risk to the safety of passengers on those boats.

I do not believe that Government can take the attitude that competition can take care of itself in that area. I think some type of controls have to be put in place to ensure that operators in this area have the proper

knowledge and skills to operate in these areas. Also, to ensure that those Caymanians like Capt. Marvin, Capt. Crosby and Capt. Ertis and the others who have made a living in this area for so many years are in a position to continue to earn a livelihood in this industry.

Madam Speaker, another area that I feel that licences should be restricted is the area of boutiques. It looks like on every corner, regardless of where you go, you will find a boutique. What has happened, Madam Speaker? Because the policy is so relaxed you get all these people going into the business, and there is only so much for everybody. As a result many of these small entities get hurt financially because there are too many competing for such a small piece of business.

The other area where I believe that Trade and Business Licences should be restricted is the area of building contractors. You have in this country at this present time a sufficient number of Caymanians and other foreign entities that are capable of constructing anything that has to be constructed. What is happening, Madam Speaker, especially with the recent slow down in construction that we have experienced, and this industry is on the rebound, but there are those Caymanians who have made a livelihood in that area and those who have had difficulties continuing to find employment in the industry.

I believe that as a representative, regardless of what people say, my primary responsibility is to ensure that our Caymanian people who make a livelihood in this area continue to be able to do so.

I was very pleased to see the Local Contractors' Bill circulated on the 22nd of February, 1995, to the Honourable Members and you, Madam Speaker. I am also pleased that the Minister of Tourism, Environment and Planning decided weeks ago that the Bill would not be passed in this sitting, but would probably be addressed in the June session which is some three months away. It gives ample time for the local contractors to offer their input and also to get input from the general public on this very important piece of legislation.

So, I believe that this Government, over the next year and a half, has a lot to do and there is definitely sufficient to keep them busy. The issues that we are faced with are issues that must be addressed in order to safeguard the interest of our Caymanians. I would also urge Caymanians to think twice about selling their birthright, that is, by allowing their names to be used to front businesses that are owned by foreigners in this country.

I was most surprised just recently to learn that a comedian at the Holiday Inn is no longer only a comedian: he now has I think one or two boats that he operates in the North Sound, competing with our Caymanians in the watersports industry. This is ridiculous, Madam Speaker. When I enquired about it I was told that there is a Caymanian up front providing the Caymanian partnership side of the operation.

Madam Speaker, I believe that this type of thing has to be looked at very carefully and licences issued only when the Immigration Board is convinced that this is a genuine partnership between a Caymanian and a for-

eign investor in the area of watersports.

Moving on to District Administration, I was very pleased to see that in January of this year a cruise ship made a call in Cayman Brac. I was also pleased to see the positive responses and the reception received that this incident got by the residents of Cayman Brac.

Madam Speaker, Cayman Brac and Little Cayman, especially Cayman Brac, is in a very unique position in that its development, its labour activity, is basically Government funded, or driven, in that they are highly dependent on capital projects funded by the Government for their very financial survival. I believe that this could be the beginning of a good thing for those Islands, because if you can encourage cruise ships to call in Cayman Brac, what you will find is that they will spring up and create industry in the area to service the need of the cruise ship passengers, which would put the Island in a position where it would not have to depend so heavily on Government's funding.

I have found the Cayman Brac people to be an independent group of people. They are very industrious, very ambitious, and they have a lot of pride and I believe they will welcome any opportunity of earning their own keep as far as employment is concerned. I think this is an alternative that maybe Government should pursue, because it will only be positive as far as contribution to the economy of Cayman Brac.

Despite all the rumours, the reason why that happened is because the Minister for Tourism and his department were instrumental in convincing the cruise ship to make that call in the Brac.

Madam Speaker, I am very pleased to see the result of the investment in the Law School, which has been going for a number of years now. I am proud to see the calibre of Caymanian lawyers being produced by the school. At the last count there were approximately 50 Caymanian lawyers trained by the school, and this speaks well for the foresight of previous governments. Today, Caymanians have the opportunity to earn a living by being trained locally in the Law profession, earning qualifications that are recognised, and not having to travel overseas away from family, friends and the other things that go along with going overseas to school.

I believe the same approach can be taken with regard to education as far as training of Caymanian teachers and other areas that we find we have a need for. I believe that if Caymanians have the opportunity to be trained locally, that it will first of all increase the number of Caymanians who would have an interest in earning a qualification in this area. Many of them are responsible parents—perhaps a wife with a family to care for, who would have a desire to further her education but does not have the luxury of leaving her family for three or four years in order to travel overseas to earn a qualification as, maybe, a teacher, or in some other profession. So, I congratulate the Law School and its accomplishments.

One area that I am not so pleased with—and I think that to a certain extent even though we are not responsible it reflects very poorly on us as Elected Members in attempting to get something done—is that of legal draft-

ing. One of the key issues right now is the new Traffic Law that was passed back in 1990 or 1991, and we are still not in a position to implement that Law because we are still waiting on the Regulations.

My attitude is that if the Attorney General's Office needs more personnel in order to keep up with the work load, then request it and let us get on with the job. But I believe it is totally unacceptable to wait three or four years in order to be in a position to implement a piece of legislation because there is an insufficient number of persons responsible for drafting that legislation.

I trust that the Attorney General will take note of that and also recognise that he has my support if he needs additional personnel to keep up with the rate of passing of legislation in this House—the drafting side of it.

Madam Speaker, I want to congratulate the Honourable Financial Secretary and his portfolio for the many accomplishments in the areas that he is responsible for. I was very pleased (and this was something we had harped on) to see that some reduction in insurance premiums has been recognised locally this time around. Not only reductions, but considerable reductions. For I recall last year hearing from a number of home owners who had made the decision not to insure their homes because they could not afford to pay the insurance premium. I am talking about ordinary Caymanians being called upon to pay \$3,000 or \$4,000 in way of premium. This year I have personally seen a reduction in my own home owner's premium, which I welcome. This happened through negotiations spearheaded by the Honourable Financial Secretary. I also congratulate him on the recent promotion that he put in place on visits to New York, London and Hong Kong which are the main financial centres, to further promote the Cayman Islands as a first class financial entity.

Madam Speaker, from talking with persons who attended those conferences, there is already evidence that it was a very successful promotion because business is already headed in this direction as a result of those promotions. And despite the claims and questions of the Opposition (the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town), it was necessary for the Honourable Ministers of Government who travelled with that party to have been there. You can go out there and talk as much as you want about any type of promotion, but the one concern that most investors have is how politically stable is that country. Having the Ministers present to answer any political concerns that the audience may have had was a very positive advantage as far as that promotion was concerned. I believe that even though it cost approximately \$257,000, that was money well spent, as far as our future is concerned.

We can no longer take a position of just sitting back expecting business to come in our direction. We have to go out there and be aggressive like all the other destinations are doing; spend money in order to attract the right calibre of business to these Islands.

I am also very pleased to see that the Mutual Funds

Legislation has been so successful in that at the present time there are a number of mutual funds that have been licensed here and that number is increasing on a daily basis. These are huge pools of funds that can only be positive as far as spin-offs in benefits to the Cayman Islands.

I also congratulate the Honourable Financial Secretary for his foresight in this area. Not only him, Madam Speaker, but his predecessor because I recall having an opportunity to travel with the former Financial Secretary (who is now the Minister for Tourism) on one of his promotions to New York and that was one of the issues that was discussed—mutual funds. So, I believe it speaks well for the leadership of this country.

I must also offer my congratulations to the Collector of Customs and his Department for the excellent revenue record that they have established in 1994, having collected in excess of \$61 million in import duties. The whole budget of Government depends very heavily on import duties that are collected in this country and the Collector and his staff are doing a good job in this area.

I am pleased to see that plans are in place to increase the examination of loose and containerised cargo in 1995 to ensure that people are only bringing in what should be, and to restrict such things as narcotics and firearms which this country now has a problem with. I am also pleased to see that the Department plans to develop a Commercial Fraud Unit. That has become big business, and we must do everything that we can to discourage any criminal activity in this area. So, the Collector of Customs and his staff are doing a good job.

I am also pleased to see that 37 new banks were licensed in 1994, and that at the present time there are about 560 banks which are licensed to operate in the Cayman Islands. This speaks well for us in that these entities have confidence in our political and economic stability to choose to license their branches here, rather than in one of the other offshore financial destinations.

At the end of 1994, there were also 361 insurance companies that were licensed here in the Cayman Islands, and this also speaks well for us as a financial centre because it is evident that we have the confidence of the financial industry.

I believe that as a result of the recent promotion, as I have mentioned spearheaded by the Honourable Financial Secretary, that we will see an increase in the requests for a number of private banks. And I think that the Government has to be attentive to these requests just to ensure that those entities to whom licences are issued are of the right calibre. But, I believe that with the volume of big business that is coming here from areas like Hong Kong, that we have to be in a position where we can compete for such business. Madam Speaker, we need to do whatever we need to do to ensure that we have our fair share.

Tourism. There has been a lot of excitement recently as a result of the recent Chamber of Commerce survey. I also received one of those questionnaires in my mail and I put it in the garbage; I did not fill it out. But, for Ministers like the Honourable Minister for Tourism,

the Minister for Communications and Works, the Minister for Community Development, to be given the type of ratings that they received in that survey leads me to believe that there was something mischievous that went on in the entire process. Because in the area of tourism, for example (and I am going to touch on the other Portfolios as well), last year, 1994, we had a record number of air arrival visitors to this country. What is the basis on which the Minister was judged? You are judged based on performance, you are judged based on results. For the first time in our history we had direct flights from Europe. That is something that we have been talking about for the last 15 to 20 years, I would say. But it only happened last year.

Why did it happen? Because you have a progressive government in place, and you have a Minister for Tourism who is able to get out there and negotiate deals of this nature and it provides this country for the first time, with some degree of diversity as far as the tourist-base is concerned. It allows us an opportunity to reach more wealthy visitors because there are many wealthy persons in Europe who would like to visit the Cayman Islands, but were discouraged by having to fly through Miami or New York in order to get here. Now, all they have to do is get to London and take a direct flight to the Cayman Islands. I understand that it is sometime next month—the 28th of this month I am told—that British Airways will introduce a weekly scheduled flight direct from London.

Madam Speaker, that has done a lot of things because the calibre of persons that you are now catering to, it immediately created a need for additional first class hotel accommodation. I have heard people ask why we agreed to build the new hotel along the Seven Mile Beach. You cannot bring these people here who are used to a first class service and stick them in your Sleep Inns and the Islander Hotel or the Holiday Inn. They are used to a certain calibre of services. Do not get me wrong, Madam Speaker, those entities provide a very valuable service to some visitors to this country. Otherwise, those visitors would not be in a position to visit because they cannot afford to pay \$400 or \$500 per night for hotel accommodation. But, we need additional first class tourist accommodations in this country. If you take a survey of the occupancy rate, at for example the Hyatt Hotel; it probably runs in the region of 85% to 95% all year round. So, that does not give you much opportunity to offer that calibre of services to too many additional visitors.

As a result of that the new Westin Hotel is under construction and I understand that there is another hotel planned for the Pease Bay area and another one along the Queen's Highway area. I welcome that. I prefer to see new hotels rather than additional condominiums, because the only thing you get from the condominiums is the little material during construction and basically after that the Government collects its accommodation tax. But employment requirements are minimal, they only need a couple of people, and it does not provide an opportunity for additional Caymanians who may be desir-

ous of pursuing employment in that area.

So, all of the comments with regard to a new hotel, as to whom we are building it for—we are building it for the calibre of tourist that we are catering for, that is, those persons who can come in here and spend \$200 to \$250 per night and up for a hotel room, with the services that are expected to go along with that type of price tag.

The Speaker: At this time proceedings will be suspended until 2.30 pm.

PROCEEDINGS SUSPENDED AT 12.53 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated. The Third Elected Member for West Bay, continuing.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. Madam Speaker, when we took the lunch break I was dealing with tourism and the accomplishments of the Honourable Minister in this area. I was also dealing with the issue of the need for new hotels. I must add Madam Speaker that I am aware that one of the conditions that was agreed upon between the Minister and the parties involved in building the new hotel on the old Galleon Beach site, is that every available Caymanian who is interested in finding a job had to be employed before any work permits would be entertained for foreign personnel.

I must say that it is obvious that the developers are adhering to that agreement because as I drive by there on my way, to or from town, I am very pleased to see the number of Caymanians who are employed on that site. They have not been able to employ every Caymanian who has been interested in a job so far, because of the stage of the construction. But as they progress, it will provide an opportunity to employ the additional Caymanians who are looking for jobs on that site. They are being paid a very decent wage, and some have offered to work six days a week in order to keep on schedule and are being paid very well indeed for their services.

Madam Speaker, I believe that in the area of tourism which is the other major pillar of employment for our people, more has to be done in this area to first of all encourage Caymanians to look at the tourist industry as a career opportunity and steps must be taken to ensure that a proper Hotel Training School is established where our Caymanian students, especially the ones coming out of High School, can be encouraged to enroll and to learn as much as they can about the hotel industry. I believe it should be along the same lines as the policies that were established with respect to the former Hotel Training School, whereby students enrolled in the programme, while they are in training, are offered some type of stipend while they are in training. In order to accomplish this I believe that there must be a very close working relationship between the Department of Tourism and the Cayman Islands Hotel and Condominiums Association, because the people involved in the industry are aware of

what the needs are and they will be able to not only provide some of the training, but to address with the Government those areas that the training should cover.

Madam Speaker, I believe that opportunities must be created in the hotel industry for Caymanians to be able to move up. In other words, be in a position where they can make a decent salary at a senior level in the industry. With the type of hotels that we have in the country at the present time, more properties should come forward on a voluntary basis and say because of their interest in training Caymanians they will offer a scholarship to one or two Caymanians to be fully exposed and trained at all levels in the hotel industry, so, that over a period of time, those persons have an opportunity to occupy a senior post. We have a few Caymanians who are doing well in the hotel industry, but I believe there is room for a lot more to be done in this area.

I must also congratulate the Honourable Minister for the Department of Tourism and the Cayman Island Hotel and Condominium Association for awarding their first scholarship to a young Caymanian to attend university to receive training in Hotel Management. This is very positive, and I believe that with the type of joint co-operation between Government and the private sector much can be accomplished.

The one thing that I always keep in the back of my mind is that the reason why we enjoy the type of environment that we have here in this country is because Caymanians have always been in a position where they have benefited from the development that we enjoyed in this country. That is at all levels in all walks of life, and it is to our best interest to ensure that these types of opportunities and harmony continue to exist in this country. But that can only be ensured if we continue to see to it that Caymanians have their fair share of opportunities.

Madam Speaker, I was also very pleased to see (about a year ago now) where the Department of Environment had started its recycling programme. I assume it is going very well, but as an incentive in this area, it would be good if the Department came up with some kind of competition, especially among the schools, whereby over a period of time, depending on the number of cans that are collected, the winner receives some type of reward. I recall the recycling programme that was put in place by a private individual. That was very successful, indeed, from that standpoint because the schools who collected the most cans received the PS/1-IBM Computer as a reward. This is a good investment because a lot of our success here in the Cayman Islands depends on maintaining a clean environment. So, I believe that this is something that would enhance that process and at the same time give greater consciousness among our school children with regard to the necessity of keeping the environment clean.

I also believe, even though we can still boast of having one of the cleanest environments of any place in the world, that we have to continue our efforts to ensure that remains the case. I believe that the Department of Environment has to see to it, through some type of legislation which is actually implemented and carried out, that

culprits who have no social consciousness whatsoever with respect to maintaining a clean environment are properly punished through fines, or whatever. But we must create a consciousness among our people of the importance of keeping our districts clean, our marine environment clean, because of the role that that plays with regards to our success. I believe that consciousness is being emphasised in our schools, but you have many adults who have no regard whatsoever in that area—they think nothing of using a bottle and throwing it along the streets, rather than looking for the nearest container to put the can in and dispose of it properly. So, there is a lot of educational work that has to be done in that area, but we must keep this in the forefront of our people as to the importance of maintaining a clean environment.

With respect to the Planning Department, I must congratulate the Director and the Central Planning Authority for their success in 1994 in having processed 585 applications valued at \$137 million. That is a lot of applications, Madam Speaker. I think it reflects two things: It reflects that the decision of the National Team after the Election of reducing the stamp duty on land transfers from 10 to 7.5% has been a very positive move in that people are now investing in the purchase of land and building. This is very positive. The other thing it reflects is that there is confidence in the present Government, so the foreign investors are no longer sitting on the side line but are getting actively involved in wholesome investment in the country, be it hotels, private homes, or otherwise.

I must also remind the House of some of the measures taken by the present Minister for planning. I recall that he brought legislation here to improve the administrative process at the Planning Department for dealing with routine requests, such as signs, satellite dishes, minor renovations, houses and small apartments, etcetera. Those applications can now be dealt with by the Director and the Chairman of the Central Planning Authority, and that has immensely improved the processing time for applications of this nature.

Madam Speaker, I know that there has been some criticism with regard to the length of time for certain applications to go through the Board for approval, but on a lot of occasions what has happened is that someone may come in for a change of use and that triggers an appeal process or a polling process, whereby it is then the responsibility of the Planning Department to receive whatever objections to that particular change of use. It takes time.

So, I believe that we have come a long way as far as the planning process is concerned. There is still room for improvement. I doubt that we will ever get to the stage where someone will not be finding fault with the process. I think that, as a general rule, the process is working fairly well.

I am also aware that at the present time, in order to avoid any unnecessary delays, there are certain time periods established with regard to responses from certain sectors, such as the Fire Department, the Depart-

ment of Environment or some of the other bodies involved in the process; and if they do not respond as they should, then the application moves forward to the next stage. So, I believe that it is working, as far as the planning process is concerned, and I believe that in order to improve the process further we might need to have a serious look at the conditions and requirements of the Planning Law which the Department of Planning is guided by with respect to approving applications.

Madam Speaker, there was mention in the Throne Speech with regard to permanent moorings for the Port of George Town. I support that idea. I think that the permanent moorings are a little late in coming because the last time I had an opportunity to accompany a number of other Members of the Legislative Assembly (at the invitation of the now Minister for Tourism) considerable damage had been done to the Port area of George Town by cruise ships.

I am not a marine biologist, but I was told that in order to reverse that process it will take many, many years. I have also been pushing for the idea of permanent moorings for cruise ships, maybe in the Spotts area where cruise ships are on occasions required to anchor because of weather and other reasons. I would like to see Government move ahead in these areas as well. But I do support the idea of cruise ships moorings, and I also appreciate the approach that the present Minister has taken in that he has involved, and welcomed, the participation of the cruise lines themselves in making this decision and also assisting maybe with the installation of these permanent moorings. By having them involved eliminates to a large extent the potential liability that goes along with that type of decision.

I also mentioned earlier that I welcome the idea of cruise ships stopping in Cayman Brac. I also support the idea of the Port Authority Board studying the possibility of extending the dock facilities in Cayman Brac to accommodate cruise ships to enable them to actually tie up during their visits to Cayman Brac. The difficulty, as I understand, is that because of the weather pattern and the wind directions it is almost impossible to find safe moorings offshore that will allow the visitors to be ferried back and forth by tenders as it is done here in Grand Cayman. I believe that decision would be a very positive one and it would bring some degree of economic stimulus as far as the Brac is concerned, and the economy. I believe that the people of Cayman Brac would welcome Government in pursuing such a policy in that island.

Madam Speaker, I am going to speak on a subject that is of great interest to me: it is the area of the Cayman Turtle Farm. For the last three years I have been a member of the Turtle Farm Board. As you are all aware, the Minister for Tourism is the Chairman of that Board. What gets to me is that you get the opposition like the Second Elected Member for Cayman Brac and Little Cayman, the First Elected Member for Bodden Town and also the Fourth Elected Member for George Town—even though his colleague, the Second Elected Member for Cayman Brac and Little Cayman does not give him credit for being a part of the opposition—actually calling

for Caymanianisation. In other words, give Caymanians a chance to fill some of these senior positions. Then the minute you take a decision to provide that kind of opportunity to a qualified Caymanian, you have to answer all kinds of questions. Why?

Madam Speaker, I personally have no apologies to the Chamber of Commerce, to the Members of the Opposition, or to anyone with regard to the decision of the Turtle Farm Board in replacing Dr. Jim Wood as the Managing Director of the Turtle Farm. As I said earlier, I worked with that gentleman for the last three years: a very difficult man indeed. He did not want to follow directions. He is a person who wants to have his own way and when he does not, then he acts like a spoiled child. The mistake that he made, Madam Speaker, was that he tendered his resignation and thought that the members of the Board were going to run to him and ask him to take it back, as had happened on a previous occasion, I learned.

What I was also surprised to learn when I became a member of the Board was that that gentleman has no special qualifications in that area—none, whatsoever. He was strictly acting as the Farm's manager in providing budgets, watching the expenses and paying bills. It was his wife who was in the position to provide the scientific experience or background and support for the Farm.

But the decision to replace him as a managing director with a qualified Caymanian—that qualified Caymanian being none other than Mr. Atlee Ebanks . . . Let me remind the Members of this House as to that gentleman's qualifications: First of all he is a qualified Caymanian with many years of managerial as well as banking experience. So it is natural that somebody of his calibre would have been chosen to replace Dr. Wood in this case.

Because of our concern and interest to ensure that the scientific support continued, all the Board had to do, through the leadership of the Minister, was to utilise the qualified Caymanians that we have as members of staff at the MRCU. There are three or four of them there who have the necessary qualifications. I understand when Dr. Wood had a problem at the Farm there was a laboratory where he sent samples. That laboratory would send instructions telling him what to do. We can do the same thing here through our qualified Caymanians.

I have said many times, that our Caymanians are our worst enemies. We feel hard when we see a Caymanian climbing to the top; we want to know how he got there; it must be through pushing drugs or something else, right? I, for one, am a Caymanian and I feel proud when I see Caymanians getting an opportunity and taking advantage of it. I really do, Madam Speaker.

Hon. W. McKeeva Bush: Hear, hear!

Mr. John D. Jefferson, Jr: I believe that this attitude of talking out of both sides of the mouth at the same time has to stop. If you have a genuine interest in Caymanians, you must push for their welfare: that is what we did

in this case.

And we are not talking about any small pittance: between him [Dr. Jim Wood] and his wife they were probably earning in excess of CI\$100,000 per annum, plus we were providing them with free housing, free transportation, and we took care of all their utility bills. He had a very good thing going, indeed. I do not find it hard to provide those benefits and opportunities to a Caymanian, especially someone from West Bay.

I recall on one occasion when the ex-politician (now have in mothballs in West Bay), who was Chairman of the Turtle Farm Board, approached me personally and said: "John, would you consider coming on as a member of the Turtle Farm Board because I am going to replace McKeeva." I asked him why. And he said because McKeeva did exactly what we are doing right now—questioned this man. He wanted him to be accountable for some things that went on in the organisation. Do you know what happened? The former Member/Chairman went as far as changing the Laws that required a member from West Bay to be a part of that Board in order to eliminate my colleague from West Bay. So, in the past 20 years he has had full sway with regard to the running of that Farm.

What has happened since he has been replaced? There is a totally different atmosphere among the staff. I doubt that in the 20 years that he was the Managing Director he had more than one or two staff meetings. He never gave the staff an opportunity to air how they felt about anything. One of the first things the new Managing Director did was to have a staff meeting. During Christmas time he took the staff on an outing, and expressed to them how much he appreciated their efforts with regard to their work at the Turtle Farm. The atmosphere has totally changed.

The other thing that has happened is that for the first time in this country there is a possibility of getting a couple of pounds of turtle meat—that was not possible before—delivered to your district. The Managing Director told me the other day that when the Honourable Minister recommended that some district policy be implemented with regard to the distribution of turtle meat, I think, North Side, East End, and Bodden Town, their particular allotments were taken out and members of the public were told when it would be distributed. When they got there, there were lines in place with people waiting on an opportunity to buy some turtle meat and within a matter of minutes those portions were all gobbled up by Caymanians.

Madam Speaker, I believe that the changes that have taken place at the Cayman Turtle Farm have been very positive; they have been in the best interest of Caymanians. I have no apologies to Dr. Wood, the Chamber of Commerce or anyone else, including the Second Elected Member for Cayman Brac and Little Cayman, who seems to be the voice in here now for all these different special interest groups.

Madam Speaker, I am going to do my poll on my ratings of the performance of Ministers of Executive Council. I believe that my poll will be more objective than

the one conducted by the Chamber because I am still of the opinion that when the National Team supporters received it in their mailboxes maybe they are put in the garbage and the responses were from supporters of the Opposition.

Hon. W. McKeeva Bush: How come they made you number one then, John?

Mr. John D. Jefferson, Jr: So, Madam Speaker, as far as the Minister for Tourism, Environment and Planning is concerned, I believe that he should be given an "A+" rating for his performance over the last three years. He is on the right track, and I believe that between now and 1996, a lot of people are going to be disappointed that their plan with regard to his re-election and the re-election of the Members of the National Team is not going to come about. We will win at the polls in 1996. I have no question about that.

What is important to me as a Member is not any popularity contest, I am not in here for that reason, Madam speaker. So, it does not matter to me what kind of rating I received as far as the Chamber of Commerce is concerned. What concerns me is that I have the support and confidence of my people, especially the people of West Bay.

If with that information the Chamber of Commerce arrived at its polling, as far as my rating is concerned, then I welcome that, but that is what is important to me. Come 1996 when the four Members of West Bay, along with the other Members of the National Team in the other districts, are returned then that will be gratifying as far as I am concerned. That is the real creme of the pudding. That is where it counts. The Chamber of Commerce does not vote for me in West Bay, Madam Speaker.

So, as I said, I believe the Minister for Tourism, Environment and Planning has done a good job with regard to his responsibilities over the last three years and much has been done for the improvement of tourism since he has been the new Minister.

The Minister for Health, Drug Abuse Prevention and Rehabilitation. Madam Speaker, I must also congratulate the new Minister for his revolutionary approach to his responsibilities. I am very pleased to see that he is moving ahead with plans to provide our people in this country, as we, the National Team promised, with a first-class health facility in George Town. Construction will be done in phases in order to continue the operations of the Hospital. I understand that we are supposed to break ground later this month.

I was very pleased to see the number of services that will be included in this new facility. Not being a medical man myself, some of these things do not mean anything to me, but I got the impression that all these areas of service will be adequately addressed by the Minister with regard to this new facility.

Madam Speaker, I believe that time will prove this to be a very valuable and prudent decision, first of all, to stop the Dr. Hortor Memorial Hospital, where the con-

tract was signed on the eve of the Election, in order to attempt to put us into a position where we could not do anything about stopping the construction. But, we were true to our words, we stopped it; and we are now in a position where we are going to provide the people of this country with a first class health facility.

I am also pleased to see that the Drug Counselling Programmes are moving ahead and are being expanded. I believe that it is important for the Minister, and us, to work toward. I know that part of his overall plan for our people who are hooked on drugs is for counselling sessions to be offered on the district levels. I recall many persons from my own district who have a genuine interest in taking advantage of those services; persons who are not in a position to do so because transportation is lacking and there is no sure way of getting back and forth to the sessions. If the sessions are offered at the district level it would be much more convenient for them to attend.

I am also pleased to see that the Honourable Minister is moving ahead with the National Health Insurance Scheme, and it is hoped that by the end of November we will have our health insurance plan in place.

So, Madam Speaker, I believe that during the short period of time that the new Minister has been responsible for Health he has done a good job, and I would like to congratulate him and encourage him to keep up the good work; keep the focus on the objectives and do not get side-lined between now and 1996. So far, Madam Speaker, his performance also warrants an "A+" rating.

Madam Speaker, my colleague the Honourable Minister for Community Development, Sports, Youth Affairs and Culture, has come under a lot of criticism for his plans and programmes. Now, I believe that the Minister is on the right track, in that one of the first things that he had to address was the issue of providing our young people in this country with wholesome alternatives. The best way of doing that is through the area or venue of sports. The only way he and the Government were in a position to do that was to spend some money on sports. On occasion I attend a game at the Ed Bush Playing Field and I feel justly proud of the facility that we have in our district.

Just last week I was in George Town near the Community College and I was amazed to see the progress that has been made in regard to the new sports complex for the George Town District. Madam Speaker, these are facilities that are badly needed and should have been done 20 years ago. I believe that any criticism with regard to these facilities by the Opposition is totally unwarranted.

Because we had the proper facility in place last year, and because there was a commitment in place from the Ministry with regard to sports, the Cayman Islands defeated the Jamaican soccer team. We have had some very exciting matches at the Ed Bush playing field.

One of the things that we have pushed for, and the new Minister approved, is to ensure that Government will now make an investment with regard to the employment of proper coaches for all the major sports in the

country, that is: football, basket ball, netball and all the other sports that so many of our young people involve themselves in.

I was also very pleased to attend the recent game between the Cayman Islands National Team, the Under-19 Boys Team, and the visiting Jamaican National Team of the same age-bracket, to see that for the first time—because the Minister had the foresight to invest money in sports facilities and recruited a qualified coach for basket ball—to see that we were successful in winning the match; not once, not twice, but three times we won the match, beating the Jamaican team in basketball. That was very gratifying, indeed.

So, my advice to the new Minister for sports is to forget about what the critics are saying and move on with his programmes in that area because the young people of this country enjoy and appreciate the new facilities which are being made available to them. Prior to now, for a country that boasts of so much economic success to have been in a position where we had the kind of sporting facilities which existed prior to now, was totally unacceptable. We were not in a position to invite any teams from any area, be it soccer, be it basketball, whatever, to the Cayman Islands because we did not have any adequate facilities.

So, Madam Speaker, this Government is committed to an investment in our young people, and I say to the Honourable Minister, who is my colleague, keep up the good work and I guarantee that at the end of this term we will have no problem in West Bay being re-elected as a team.

I am also pleased to see that plans are well in hand to recruit another qualified person who will be working with the Labour Department. I think this person should have an accounting and/or auditing background to enable him along with other members of staff to go into the respective properties to ensure first of all that our tourist accommodation tax is being properly calculated and collected.

Also, to ensure that the provisions of the Labour Law are being carried out, especially with regard to the distribution of gratuities among our people, because at the present time there is much abuse in this area. What happens? Prior to now, basically all you could do was talk about it and as a result our people suffered from the lack of payment of these funds which rightly belonged to the ordinary members of staff that were being paid to management.

So, I believe that this will improve and strengthen the services of the Department of Labour. All that has to take place is that they go in and do an inspection of some of the properties, and if there are violations see to it that those violations are corrected, management is penalised for their behaviour, and believe you me, the message will be spread that the Government is serious about insisting and ensuring that we get for our people what they have so rightly earned, that is, their wages and their gratuities.

I was also pleased to see that plans are in place to look at the minimum wage legislation. I think we have to

be very careful with this, but I believe that something has to be done because of the ridiculous wages that I see being offered, especially in the hotel industry for maid services. A lot of times that is an attempt to discourage Caymanians from applying because one thing about a Caymanian, he does not mind working but he wants to see what he is working for by way of salary. I believe that it is time to pay some attention to a minimum wage in this country.

One of the things that I have pushed for since being elected in 1988, is for district libraries. I think public libraries play a very important role in any society. A library encourages young people to visit its facilities to do home work, to do whatever research they may need done, and it provides a studious environment for those persons who are interested in academic accomplishments. It also offers a place where members of the district can visit just for relaxed reading. I welcome the plan of converting the district town halls into district libraries once civic centres are available in all districts. So, I look forward to seeing a proper public library in the district of West Bay.

With regard to sports, I would just like to add my vote of thanks not only to the Minister, but to congratulate Mr. Tony Scott, the president of the Basketball Association to coach Victor (Voot) O'Garro and members of the Under-19 National Team for their recent success against Jamaica.

Madam Speaker, it does not stop there, because next month the Cayman Islands will be hosting the CARIFTA Games and the CARICOM Under-17 Basketball Championships right here in Grand Cayman. That speaks well for this Government. I am also pleased to see in West Bay the Scholars Community Park, the facility for the West Bay Heritage Day Committee, and the Softball field and the cricket pitch will be completed shortly, as well as there will be additional toilet facilities and upgrading at the Ed Bush playing field in West Bay. So, Madam Speaker we have much to be proud of in the area of sports and the other areas that my colleague is responsible for. I feel as well that he must be given an "A+" for his performance as a new Minister.

I recall before he took a position on the Executive Council that there were many who said that he could not handle it, that he did not have the educational background, he did not have this and that. I think that the Minister has done well in carrying out his responsibilities, despite all the opposition and criticism that has been levied against him.

Next, I congratulate the Minister for Education for his revolutionary approach to education, which offered the widest possible public input. It took a little time, but I must say that what has been accomplished, relatively speaking, has also been accomplished in a short period of time. At the end of the day—whenever those new plans are implemented—one thing the Minister should not be accused of is preventing anyone with an opportunity to offer input. I think that because of that approach the Education Plan has the support of the general public. For the Minister to get the kind of marks that I saw the Chamber of Commerce reflect in its poll, was totally un-

realistic and biased because he has done a good job.

His accomplishment at Cayman Airways stands on its own. It does not need any comment from me. Basically what he has done with Cayman Airways is exactly what I contended since 1986 when I was an employee with the company—that with a fairly substantial Government subsidy—and I look at an investment in Cayman Airways the same way I look at investment in tourism—it is money well spent. But, because of the measures that have been taken since he took office as the Minister responsible for Cayman Airways, that airline is now in a viable position where it can compete and it is able to carry itself financially. That is all the people of this country were asking with regard to Cayman Airways, and it has been accomplished by the Minister of Aviation with the support of the Members of the National Team.

I was somewhat flattered by the recent rumours that were propagated by *The New Caymanian*, entitled "Will Johnny be the New Managing Director?" or something to that effect. But what concerns me is that there were no attempts from any journalists from the publication to reach me to say: 'John, I want you to confirm whether or not it is a fact that you are being considered for the new Managing Director's post at Cayman Airways.' No attempt was made, Madam Speaker. To tell the truth, I have a good mind to sue them, because I believe this was mischief on the part of the Opposition in trying to make the people of West Bay believe that one of their representatives, who they elected in 1992, was now suddenly considering giving up that responsibility to go run Cayman Airways. Nothing could be further from the truth. One thing I did feel proud about was the fact that they considered that I was qualified for the position. But I have no intention, whatsoever, of giving up my position as an Elected Member for the district of West Bay until the people say it is time for me to step down and give maybe some younger blood a chance. From all indications that will not be any time soon.

I must also congratulate the Minister who sits as Chairman of the Civil Aviation Authority for his role and the Authority's role in regard to the new extension at the airport. The Honourable Minister for Agriculture, Communications, and Works under whose responsibility the Public Works Department falls, has come in for a lot of criticisms. A lot of it was probably warranted, a lot of it is unwarranted, but I must truthfully say that the only compliments that I have received with regard to that new extension have been very positive. It accomplished and addressed the concerns and the needs of both the public and the Civil Aviation Authority.

The Civil Aviation Authority was concerned from the standpoint of public safety as far as the aircraft was concerned; the public was concerned, and rightfully so, the merchants in the area that maybe they would lose business if the road was shut off. But a happy medium has been found. What has been done in that area was a face lift, and it is something that we can all be proud of.

So, Madam Speaker, I would rate the Minister for Education and Aviation at the "A+" level as well. He has done a good job, and I say to him continue to do what he

feels is in the best interest of this country. Like the rest of the National Team Members he will have no problem at the polls in 1996 with respect to re-election.

The Ministry for Agriculture, Communications, and Works, Madam Speaker, covers a number of areas. The one area that I would like to offer my congratulations to the new Minister on, is the Postal Department. I believe the appointment of the new postmistress was a very wise one and with the support of the Ministry no one can say that there has not been a substantial improvement regarding the postal services.

Now, when I walk into the post office, especially the George Town Post Office, I feel proud. It is a modern facility that serves the public well, and the public have only positive comments about the improvements.

He continues to do a good job especially in the area of agriculture, which is his first love, like myself. If I had my way, Madam Speaker, that is what I would have done as a career. I love farming, I love to see things grow, and I love to plant things. It is very rewarding come harvest time when you can say you grew a particular pumpkin, or whatever it was.

I must say that we have come a long way in this country in regard to agriculture. I had the opportunity along with my wife to attend the Agricultural Fair. I was very pleased to see the quality of products on display—first class. It was better than any that I have seen in any grocery store in this country as far as imported products are concerned. I believe that is one area that we can probably work towards being self-sufficient in—the area of agriculture.

I am aware that the Department of Agriculture is doing much to assist farmers by way of new methods of growing, as well as providing feed and other support for the farmers.

Madam Speaker, I also believe that the Minister for Agriculture, Communications and Works is doing a good job. He is an old veteran at the job, and with all those years experience he has to know what he is doing. So I believe that the people of the district of East End can be rightfully proud of their representative, and I think that the country as a whole can be proud to have a man of that calibre in charge of this very important area.

The Speaker: Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3.43 PM
PROCEEDINGS RESUMED AT 4.08 PM**

The Speaker: Please be seated.

The Third Elected Member for West Bay, continuing.

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

When we took the break I was dealing with the Ministry for Agriculture, Communications and Works. I would just like to add a couple of additional comments in this area.

On telecommunications there are plans in place to establish a 911 emergency system, whereby if there is an emergency of any nature all someone has to do is remember one number. At the present time there is a degree of confusion because there is one number for the Fire Station, one number for the Hospital, and probably another for some other emergency unit. But, when there is one central number that you can dial and the call is relayed to the respective department, I think that it better serves the public and it makes it easy for them to remember the one emergency number. So, I congratulate the Minister for his foresight in this area, and I believe it is a very positive development.

I would also like to add that with regard to the Public Works Department which as I mentioned before is so highly criticised by all, that during the last year the Department more than pulled its weight in the area of road works. I recall that we had something in the region of \$5 million in the Budget for road works in the respective districts. They were called upon to do the new diversion to the Airport, and they were called upon to carry out a very extensive maintenance programme with respect to schools.

So, the Public Works Department, as I said, did an excellent job in carrying out its responsibilities. I believe that the Minister and his staff have to be congratulated on their high level of performance.

The only thing that I would like to add with regard to road works, Madam Speaker—and I touched on it a bit this morning—is the nonsense that was raised in regard to private roads by the Second Elected Member for Cayman Brac and Little Cayman. I recall that in the last Session there was a motion attempting to censure the Government...

The Speaker: Honourable Member, I am going to ask you to refrain from continuing any further debate on that issue, because this is the second time during this debate you have raised it, and it will be coming up later for discussion. Thank you, very much.

Mr. John D. Jefferson, Jr: Madam Speaker, I will wait until that Motion is filed to offer my additional comments in that area.

As I said, I think the Minister for Agriculture, Communications and Works should be congratulated on the level of performances by his Ministry. I would also give him an "A+" rating on his performance for carrying out his responsibilities.

Madam Speaker, in conclusion, the Governor touched on the issue of the Civil Service and some of the rumours brought about from the misconceptions of certain members of the public, including the Opposition, regarding political influence on the running of the Civil Service. He set the record straight in saying that the changes that have taken place in the Civil Service were his doings, because he was responsible.

I would like to add that we do have a good civil service. We have some very dedicated, very loyal and some very qualified people in the Service. Many of them

are Caymanians and we can be proud of them. But I believe it is time for us to look at the Civil Service as a unit with regard to further upgrading the quality of service that civil servants offer to the public.

I was personally pleased with the exercise that was commenced by the Governor shortly after the 1992 Elections in trimming the Civil Service, and the consolidation of certain comparable departments in order to reduce costs and to reduce the size of the Service. I recall that the savings as a result of that exercise, which was not completed, was in the region of about \$3 million a year. But, I believe that the exercise did fall short of where it should have stopped, and it is an exercise that I believe should continue.

I, for one, as a representative, would like to be in a position where I can adequately reward those civil servants who are doing a good job and who should be recognised for their performance. But it is impossible to do that to the extent that we would like to as legislators because of the mere numbers involved. We are talking about three percent or five percent increase in salaries, for example, amounts to millions of dollars. What I would recommend is a Civil Service that is relatively small, highly qualified, well paid, and one that is capable of providing a first class service to the public.

Madam Speaker, I believe that it is time for us to look at the levels at which returning graduates come into the Service because at the present time it is too low. Most of them go in at the clerical officer level and after spending four or five years at University to start at the same level of some colleagues who did not take advantage of the opportunity is pretty discouraging, indeed. It discourages the qualified Caymanians from looking at the Civil Service for a career, and then you find that the Service is in a position where it only attracts persons who are unable to find suitable employment in the private sector. So you end up employing three people to do what one qualified person could do if he were in a position to be attracted by the Civil Service and could look at the Civil Service as a career.

It is time for Government to look at the Civil Service from the standpoint of decentralisation. When you look at the Budget, for example, you have no idea what a department costs Government to run because there are certain expenses that are consolidated under respective portfolios, rather than looking at the costs for the Tourism Department, not only in salaries but in rent, utilities and all the other expenses in operating the service. I believe that if you put civil servants in the position where they are responsible for their budgets, we would develop the management skills and end up with a much better civil servant.

Also, there is a need for definite career paths in the Civil Service for new employees, especially your bright, young Caymanians who may be interested in a career in the Service. There should be a route they will take that will also show where they are intended to end up, as far as a senior office is concerned.

I believe that a lot can be done to improve the Civil Service as far as the numbers and the quality are con-

cerned. And it should always be our objective to work as a unit towards providing a Civil Service that we can continue to be justly proud of.

Madam Speaker, the last issue I would like to deal with in my debate is *culture*—or maybe it could be called *art*. Basically, what I will address is the issue of foreign artists visiting this country. We still have a lot of decent residents in these Islands who continue to feel very strongly about our conservative way of life, and people who continue to support the basic principle of honesty, decency, respect for one's elders and emphasising the idea of hard work in order to achieve what one wants in life.

I believe in this country—and I think it was shortly after we allowed Maxi Priest to perform here—prior to that anyone wanting to visit the Cayman Islands, if he was a dreadlocks he had to conceal his hair by putting it under a cap or something. I remember that for many years the policy was in place of not allowing artists of that calibre to this country. But because of political pressure, and all the other reasons (I guess), we decided that it could not be that bad so we allowed him to perform here.

Then I remember an act at the Treasure Island Resort where this gentleman named 'Savage' came in, and his act consisted of a chain saw and a snake—all in the name of entertainment. And I think it has been culminated, this past week, with the visit of an artist by the name of Patra.

Madam Speaker, there are two things that I would like to mention. The first is that if the *Caymanian Compass* does not have any more responsibility on any other issues of more public interest than going up to the concert and interviewing someone of that calibre, and taking photographs for public viewing of an artist like that, then I say, 'shame on them!' Shame on them, Madam Speaker. I say shame on any government that continues to tolerate that type of person in this country under the pretence of entertainment.

It was quick to be pointed out that this is not a responsibility of an elected Member of this Government. I do not care if it is or not. The elected Members of Government, including the Members of the Backbench, the National Team Government, got the blame for allowing that thing into the country—even though I understand that the responsibility falls under the Chief Secretary, and he is required to issue approvals for artists of that nature. In all fairness to the Chief Secretary, I understand that he also had a commitment from the By-Rite Cricket Team, who, I understand, was responsible for bringing her in, that she would tone down her act while she was performing here in the Cayman Islands.

Madam Speaker, if what I saw was toned-down, then God help us, because we do not need that kind of thing in this country. There are enough wholesome activities to amuse us, rather than resorting to that kind of activity—all in the name of money.

I might not be a very popular person for saying this, Madam Speaker, but I am calling on the Elected Executive Ministers of Government to see to it that some type

of board or committee is established consisting of persons who are appointed by Elected Members of this House. The purpose of this is to see that any applications of this nature in the future are vetted by this Committee and approved only when the Members are satisfied that the performer coming falls within those specifications that we regard in this country.

I believe that the committee should consist of members of the clergy, it should have an elected Minister also as a member of the committee, along with a number of other conservative, responsible people of our community.

What really concerns me is—and I was not aware of this because I do not go to nightclubs or those kinds of places—for our juveniles to be exposed to that type of performance. Then people ask why we have problems with our juveniles. No, Madam Speaker. It is time for us as Government to put our feet down. We have become much, and I emphasise, much too tolerant in regard to foreign influences in this country. Much too tolerant!

We also have on our books Decency Laws where, for example, persons going into certain public places must be dressed a certain way. Those laws are not enforced. How many tickets have we seen written for people who are indecently exposed? None! The Police, rather than stopping persons on the street who are sparsely clad and notifying them that they are indecently dressed, they gape at them like everybody else.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member it is now 4.30 PM. I assume you will be finished shortly. You have about 12 minutes before the expiration of your four hours.

Mr. John D. Jefferson, Jr: Madam Speaker, I would like an opportunity to finish this afternoon, if possible.

The Speaker: I have no objection. Would Honourable Members allow the Member to finish?

The Speaker: I think there is a consensus that you may finish. Please proceed, Third Elected Member for West Bay. You have 12 minutes, would you like to complete your contribution?

Thank you.

Mr. John D. Jefferson, Jr: Madam Speaker, I am sorry that I have so little time, but I think it is time for us to put our feet down. I really do. Believe you me, I do not support or admire people like the former Ayatollah Khomeini. I think the Third Elected Member for George Town was telling me that on a visit to Mexico they were told before they arrived what was expected of them as far as dress code was concerned.

In the name of tourism here in the Cayman Islands, we accept anything. A lot of decent people are concerned, and they are mad, Madam Speaker. They have a right to be and I share those concerns. It makes me angry as well. I believe that as the elected representa-

tives of the people, we must say *enough is enough*. Continue to welcome people here to this country who have a genuine interest in coming here to enjoy their vacation or to do business while they are here, and even continue to welcome entertainers who are prepared to comply with our way of life here. Or, we say: 'You are not welcome.' I have no problem with that at all, Madam Speaker. But I believe this is an issue that has to be addressed.

One of the comments made to me was that we have provisions in place with regard to planning as to how a house should be built and how far from the fence it should be. We have legislation in other areas to make sure that things are done according to the way we want it, but in the area of performers and advertisements there are no restrictions because we are scared to be accused of depriving someone of their freedom of expression. Total nonsense, Madam Speaker! Total nonsense!

We have to get on with addressing this issue, and put in place legislation to say how things are supposed to be done. Madam Speaker, if you look in the newspapers, on a weekly basis, there are advertisements from Sharkeys, Rumheads, and other establishments in this country that have such sexual connotations totally unnecessary in order to attract people to their place of business.

I say, once again, we must say enough is enough, and let us see to it that these genuine concerns of our people are addressed.

In closing, I want to congratulate His Excellency the Governor on the positive contribution as far as the Throne Speech is concerned. And I look forward over the next year-and-a-half that the National Team has in the Legislature, to continue working with them to foster and promote the interest of all residents in this country and, especially, looking out for the interest of our Caymanian people.

Thank you, Madam speaker.

The Speaker: I will ask the Honourable Minister responsible for Tourism, Environment and Planning, Leader of Government Business, to move a motion for the adjournment of the House.

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 on 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 10 o'clock, Wednesday morning.

**AT 4.34 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 15 MARCH 1995.**

**WEDNESDAY
15 MARCH, 1995
10.03 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, forever 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.

**ANNOUNCEMENT BY
THE SPEAKER**

POLICE CONSTABLE MARK SCHOFIELD

The Speaker: I would like to take this opportunity to welcome Police Constable Mark Schofield, who is filling in for the Serjeant-at-arms, Mr. Glidden, on the occasion of the death of his brother. I am sure that Mr. Schofield will do a good job, although, perhaps, it is natural that he is a bit nervous, but he will soon overcome that.

Questions to Honourable Members and Ministers. Question No. 40, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 40

No. 40: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member for Internal and External Affairs what is the financial arrangement between the Cayman Islands Government and the United States of America with regards to the Cuban asylum seekers being relocated to Guantanamo Bay.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the financial arrangement between the United Kingdom Government on behalf of the Cayman Islands' Government and the United States of America with regard to the Cuban asylum seekers being relocated to Guantanamo Bay, is that the United States Government will be paid US\$10.00 per person per day as a subsistence payment while these persons are accommodated at Guantanamo Bay facility.

The precise details of the agreement and the method of payment are still being worked out. No requests for payment have yet been submitted and no payments have been made.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say, according to the numbers that have been sent so far, what sort of figure would be presently payable?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, there are currently 573 Cuban nationals at Guantanamo Bay as a result of this arrangement. Technically, we are accumulating charges at the rate of \$5,730 per day. Unfortunately, how long they will remain there is a question that

I am not able to answer, and in turn it is difficult to give a numeral projection of what the total cost will be.

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

Mr. Gilbert A. McLean: Could the Member say if Government has been, or will be, pursuing discussions with the United States in an attempt to have the Cubans who do leave the Cayman Islands to go to Guantanamo Bay eventually entered into the United States, and as early as is reasonably possible?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Certainly every effort will be made to ensure that those persons are moved on as quickly as possible.

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

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

Could the Member give an undertaking that in discussions held by whomever on behalf of the Cayman Islands Government that we make some attempt to see that this figure of \$10 per day could be reduced, or, for that matter, that we would not have to pay this, if at all possible?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Certainly, every effort will be made to minimise the costs, whether by virtue of reducing the unit cost or reducing the duration for which it is payable.

The Speaker: The next question is No. 41, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 41

No. 41: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member what is the total cost to Government, to date, for the maintenance of the Cuban nationals.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: The total expenditure for the maintenance of the Cuban nationals from 1st January, 1994, to 23rd February, 1995, was \$2,115,190. There are commitments locally of approximately \$450,000

which are currently being processed which will bring the total to just over \$2,500,000.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Member say if these costs include identified cost elements among the various departments, such as Immigration, the Prison Services, the Police and Medical Services and so on, which would not have normally been there, or is this cost purely reflective of food and shelter and the likes for the Cuban nationals.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: These costs include some elements of expenditure which were incurred for which additional payments had to be made, such as overtime.

Costs, such as the Member referred to in respects of Health Care, which were provided from existing resources and without incurring any additional labour costs, for example, are not reflected in this amount.

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

Mr. Gilbert A. McLean: Following on the reply of the Honourable Member, would it then be safe to say that the cost is definitely over \$2.5 million if all of the various factors were factored in?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, there would obviously be some additional costs if allowance were made for those services which were provided from existing resources.

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

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

Seeing that it is only about \$150,000 provided in the estimates for this particular cost, if Government is indeed paying these bills, is it the case that bills are being paid from a suspense account or advance account from the revenue?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, a facility referred to as a 'contingency warrant', in fact, two

contingency warrants have been issued to date, and it is anticipated that the Finance Committee of this Honourable House will be requested in the very near future to consider appropriating additional money specifically for this purpose.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Temporary First Official Member could tell us if the Governor has full responsibility for these Cuban nationals, or does it fall under him and Executive Council?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the matter of the Cuban nationals is obviously one that relates to Internal and External Affairs, for which the Governor, under the Constitution, is responsible. Their care while here has been managed by Social Services, but he is ultimately, and in this case primarily, responsible for matters relating to the Cuban nationals.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Member would say if in this figure is included any financial assistance, say, from the United Kingdom.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, is the question whether the expenditure includes any expenditure which was met by funds provided by the United Kingdom Government?

Madam Speaker, I understand that the United Kingdom Government has not provided any direct financial assistance, they have provided assistance in the form of a staff member and there was some assistance provided earlier in the form of facilities for the establishment of Tent City. But there has been no recent direct financial assistance from the United Kingdom Government.

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

Mr. Gilbert A. McLean: Madam Speaker, as a matter of clarification regarding the answer prior to the last given by the Member, could the Member say if the Governor, in his sole right, has been making all the decisions relating to the Cuban nationals being here without the involvement of the rest of the Executive Council?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker, I do not think I said that he was making the decisions without any involvement of other Members of the Executive Council; I said he was ultimately, and in this case primarily, responsible for those decisions which were made.

The Speaker: The next question is No. 42, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 42

No. 42: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member how many Cuban nationals are presently in the Cayman Islands as non-landed immigrants.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: There are currently 451 Cuban nationals in the Cayman Islands as non-landed immigrants.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say if, indeed, this figure is absolutely accurate in that various official announcements have indicated figures using the word "about" a certain number, rather than a specific figure. Can this be taken as the known exact figure of the number of non-landed Cuban immigrants in the country?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, I did not do a count this morning, and I do not think anyone else did. But this is the current figure based on the number which arrived and the numbers which are known to have departed.

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

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

Only this morning I heard, quite reliably, that at least 10 more Cubans have landed in Cayman Brac, it could well be more. Would these be temporarily added

to the numbers at Tent City, or the prison, or wherever and would these persons be repatriated, as can be done, straightaway?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: I gather that there was a landing this morning, what the number is I am not certain. The policy currently in place is that those persons who land now are not in anyway eligible to be incorporated into the numbers at the tented facility. It is more likely that they would be temporarily housed at Northward; and, with respect to repatriation, that facility has always been considered, and it is one which will no doubt be considered again in respect to these latest arrivals.

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 say when the firm approach, as mentioned in the Throne Speech, will be taken—to wilfully send the Cubans back? When will that be enacted?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: I am not aware of any timetable or schedule having been affixed to that approach over the last 10 to 12 days since the Throne Speech was delivered.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Member could make an undertaking to please express that I, personally, would like to see this put into effect as soon as possible?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Certainly, Madam Speaker.

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

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

I wonder if the Honourable Temporary First Official Member will give this House an undertaking that efforts will be made to transfer the recently arrived Cubans in Cayman Brac to a more secure facility in Grand Cay-

man, as the last bunch that we had there created quite a problem.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker. Certainly, those who have landed in the Brac have always been moved on as expeditiously as possible. The last groups were of a new characteristic in that they were post September 1994 arrivals, and there was some considerable confrontation that went on as to what would be done with them.

These latest arrivals, obviously, are similar to the last and I do not expect that a decision on moving them will take as long as it took in respect to that last group of 34.

The Speaker: The next question is No. 43, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 43

No. 43: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications and Works to provide a breakdown on material purchased (including supplier, quantity and price) for road construction since January 1993.

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

Hon. John B. McLean: Since January 1993, to December 1994, material purchased for road construction included marl, crusher rock, chips, asphalt and hot mix. The supplier, quantity and price are listed as follows: (see Appendix)

These are based upon a hand-compiled summary based upon invoices from 1993 and 1994 and are the best numbers possible in the short time allowed to respond. Note that in some cases, the price includes hauling and/or placement of material. The foregoing list is for Grand Cayman only.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say on what basis local materials are procured?

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

Hon. John B. McLean: Madam Speaker, this is all done by competitive bidding, as I understand it.

The Speaker: The next question is No. 44, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 44

No. 44: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Communications and Works to provide details of the arrangements between the Public Works Department and Quarry Products Limited regarding the design and construction of the realignment to Crewe Road and the Airport Road.

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

Hon. John B. McLean: Madam Speaker, due to the short time-frame given for the design and construction of the Crewe Road realignment, it was necessary to seek engineering and construction services in the private sector, and Quarry Products Ltd. as a supplier, assisted Public Works Department by providing some engineering services, aggregate and equipment.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Can the Honourable Minister explain what is meant by "some engineering service"?

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

Hon. John B. McLean: Thank you, Madam Speaker.
A Quarry Products employee carried out the road design as directed by Public Works Department's officials and the decision on the choice of materials was finalised by Senior Officers.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Minister can explain to this honourable House why there was such a short time-frame given for the design and construction of this realignment?

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

Hon. John B. McLean: Madam Speaker, I have been blamed in the past for not defending this road. I can defend the construction of the road, but as far as the deci-

sion as to when it was going to be built, Public Works has to be left out of that.

The decision was taken, and as everyone knows, the main thing with that road was the safety factor of aircraft coming into Cayman and especially knowing that one of the larger aircraft that has ever been to the Islands, Caledonian Air, was going to make its first trip on a set date (I cannot remember the date now) gave us very little time to play with. So this is the reason why it was necessary to do what was done.

The Speaker: The Fourth Elected Member for George Town.

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

For the sake of clarity, I want to make sure the Minister is saying that the date of arrival of the Caledonian Airline was made prior to any time-frame received for construction of the road.

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

Hon. John B. McLean: Madam Speaker, I understand that a date was set for the plane to come in, yes, before the road was started. But as I pointed out earlier, the construction of that road is not only for Caledonian Airline, it is for the safety of all aircraft. It is a known fact that that type of aircraft comes to this country on a yearly basis for the air show, so it was not that the plane could not land. It was a safety factor, more than anything else, why that road was constructed.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Minister can say if the present design for the flow of traffic was designed by the Public Works Department or by Quarry Products?

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

Hon. John B. McLean: Thank you, Madam Speaker.
The Public Works Department.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether Quarry Products denied any responsibility for the design of the road on the basis that they claimed the road was designed by persons other than qualified engineers?

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

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

I would have to say that the Member will have to direct that question to Quarry Products. The Public Works Department, as I stated earlier, was the body that designed the road.

The Speaker: The next question is No. 45, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 45

No. 45: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works to provide a list of the outstanding requests for street lights and road works in the Bodden Town constituency.

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

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

Regarding outstanding requests for street lights there are currently eight uncompleted requests.

1. Block 37E Parcel 28
2. Block 32E Parcel 61
3. Block 28E Parcel 134
4. Block 27D Parcel 346
5. Block 37A Parcel 88
6. Block 37A Parcel 104
7. Block 44B Parcel 123
8. Block 28D Parcel 192

However, in keeping with Government's street-lighting programme, Bodden Town proper was the first area outside George Town to be lit with high intensity 400 watt street lights late last year.

As to outstanding requests for road works, 12 projects have been identified for completion during 1995. These are:

1. Roy Bodden/Harvey Stephenson Farm Road (survey and clear) \$70,000 (construction costs for this road were not budgeted for 1995, but would be approximately \$691,330)
2. Bob Watler Road (relay and reseal) \$31,000
3. Northward Junction realignment \$39,000
4. Road off Cumber Avenue \$2,900
5. Road off Northward Road (spray and chip) \$16,900
6. Eden Crescent (relay and seal) \$8,200
7. Farrell Road (Newlands) (relay and reseal) \$18,000
8. Rackley Canal Road (spray and chip) \$21,700
9. Arlene Avenue (relay and reseal) \$22,000
10. Bodden Town Road (level and seal shoulders) \$31,000

11. Belford Estates (marl patching) \$2,000
12. Main road in vicinity of old Everglo Theatre (reseal and patch) \$45,000

Total: \$307,700

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will the Honourable Member make an undertaking that the road off of Cumber Avenue receive early attention when this road work in the District of Bodden Town is being done, as the residents of this area suffer an acute problem, particularly in the dry times of the year?

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

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

I can give that undertaking. I would just like to point out that this little road is one of the so-called private roads that we will be dealing with in that district.

The Speaker: The Third Elected Member for West Bay.

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

I wonder if the Honourable Minister can confirm how many of these requests consist of private roads, and who initiated the request?

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

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

I listed 12 roads a few minutes ago which form a part of a list that was compiled after a visit in December by the Member posing the question, the First Elected Member for Bodden Town, and Mr. Eden, my colleague on this side. From among those, there are several considered as private roads, including the one I just mentioned off Cumber Avenue and Belford Estates. There are another five or six, at least, that form a part of the actual list.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister can inform us as to whether it is going to be a policy of the Ministry, or of the Public Works Department, to gazette roads that are going to be maintained by Government in the future, including those that are being done now—those so-called private roads.

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

Hon. John B. McLean: Yes, Madam Speaker, when a request is made, we will happily have it gazetted as was in the case of the Bob Watler Road. I understand that that was requested to be gazetted a couple of years ago, and the Roy Bodden Road was also requested.

The Speaker: The Fourth Elected Member for George Town.

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

The Minister just mentioned 'by request.' I wonder if requests are made for roads to be fixed which are private and someone does not include in the request that the road be gazetted, is that something which Government takes on itself since it is, by way of repairs to the road, taking on the maintenance of that road?

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

Hon. John B. McLean: That is the process. If the road is brought up to standard by Government and funds are available it would be gazetted.

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

Mr. Gilbert A. McLean: Can the Minister say if requests for work on roads which he termed private roads are simply done by the Public Works Department without gazettal, and is it the ultimate intention of Government to take those roads over as public roads?

The Speaker: This will be the last supplementary, because I think we are going into the matter of policy and not talking about the Bodden Town roads. If the Honourable Minister for Agriculture, Communications and Works would like to reply to the last one, he may do so.

Hon. John B. McLean: Madam Speaker, let me point out that the roads which have come under heavy criticism recently, and referred to as private roads, Government sometimes has to fix roads as was the case of the ones I am mentioning. It was not that Government just went out and looked for roads to fix; it was because representatives of various districts have always made requests in areas where they see it as necessary, and poor people are suffering as a result of bad roads, to endeavour for Government to have roads brought up to standard. It is the same thing in the case of the list I just read in Bodden Town. Once the roads are brought up to standard by Government, and the funds are available which will be needed to have them gazetted, it will be done.

The Speaker: That concludes Question Time for this morning. Statements by Members of the Government. The Honourable Minister for Tourism, Development and Planning, Leader of Government Business.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

THE LOCAL CONTRACTORS' BILL

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. The statement which I am about to read is titled "The Local Contractor's Bill."

Madam Speaker, Honourable Ministers and Members, it is important that I inform you that the Local Contractor's Bill which was drafted from suggestions which came to the Ministry from representatives of the Cayman Contractors Association, and which draft was discussed with Members of both the Caymanian Contractors Association, and Society of Caymanian Builders and Contractors, is only a draft.

The decision was taken weeks ago to put the Bill out for public input. That is, it will not be presented at this meeting of this Honourable House, but will come at a later meeting when all input from the public has been received and considered. In addition, regulations will be drafted which will indicate the mechanics of operating the provisions of the law. Both documents will need to be studied by the public in order to reach a reasonable decision regarding their contents.

Thank you, Madam Speaker.

The Speaker: Continuation of the debate on the 1995 Throne Speech.

[Pause]

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Mr. Gilbert A. McLean: Madam Speaker...

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

MOTION TO CLOSE DEBATE Standing Order 38

Mr. Gilbert A. McLean: I beg to move, under Standing Order 38, that the question now be put.

The Speaker: Is there a seconder for that?

Mr. Roy Bodden: Madam Speaker, I beg to second that Motion.

The Speaker: The question before the House is that the question be now put, and if so I shall put the question because we have been waiting for people to debate the Throne Speech. I think every opportunity has been given for people to do that.

[pause]

The Speaker: 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 please?

The Speaker: Certainly, you may.
Division, Madam Clerk.

DIVISION NO. 1/95

AYES: 3

Mr. Kurt Tibbetts
Mr. Gilbert McLean
Mr. Roy Bodden

NOES: 12

Hon. Richard Coles
Hon. George McCarthy
Hon. McKeever Bush
Hon. Thomas Jefferson
Hon. Truman Bodden
Hon. Anthony Eden
Mr. John Jefferson
Mr. Dalmain Ebanks
Mrs. Berna Murphy
Capt. Mabry Kirkconnell
Mr. G. Haig Bodden
Mrs. Edna Moyle

ABSENT:

Hon. Donovan Ebanks
Hon. John B. McLean
Dr. Stephenson A. Tomlinson

The Speaker: The result of the Division is 12 Noes, 3 Ayes. The Motion has, therefore, failed.

MOTION TO CLOSE DEBATE UPON THE THRONE SPEECH NEGATIVED BY MAJORITY.

The Speaker: I will now call upon a Member to continue the debate on the Throne Speech. Before I do that, I wish to recognise Students from the St. Ignatius School who are here to observe the proceedings of this House.

I hope that when they go away they will have a good impression.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I am glad to be able, since this honourable House has voted against the closure of the debate, to speak on a very positive Throne Speech. I am made to understand that this is the penalty that I have to pay for being a freshman on Executive Council; but I do it with great pride, as one year ago I was on the Backbench and this year I am on the Government side looking at many, many positive things that have transpired in the first two years of the National Team Government. I am very proud to be associated with this team, and I look forward to continuing to serve this country to the best of my ability.

As was mentioned in the Throne Speech by His Excellency the Governor, we have come a long way. No other Government in history has had to face the crises that our Government has with the influx of Cuban immigrants. I must say that we have come a long way.

There has been a major strain placed on the economy of this country. But, thanks to prudence under the leadership of our able Financial Secretary for the past two years we have been able to stabilise what was going on here and withstand this storm. I know that it will be with us for a while, but we will not give up.

I was made to understand this morning that more immigrants have landed on Cayman Brac. It is my understanding that with the agreement reached with Cuba, that those who left after a certain date in September can be returned by us to Cuba, whether they want to go or not. I feel sure that if they do not return as requested, we will be able to send them on shortly.

I am proud to read where His Excellency has said that Cayman is one of the more fortunate countries in the world with a standard of living and, perhaps even more important, a quality of life second to none. I am very proud of this and I must say that this Government has contributed quite heavily towards that stability which has come about in our islands.

I would like to take this opportunity to welcome our new Chief Secretary, although he is not in the Chamber at this time, and also his Deputy. I think they are very capable and I have had an excellent working relationship with both of them. They have assisted me through my first year in Executive Council with some very wise guidance.

I would also like to pay tribute to the departing Chief Secretary, Mr. Hurlston. I have a lot of respect for him and I wish him well in his endeavours.

His Excellency mentioned that an amendment was moved to the General Orders where the discrimination against female officers was removed. As this honourable House knows, one of the prime movers of this was the Elected Member for North Side, who continues to

put forward her views without fear or favour. She does not have to depend on anyone to tell her what to do. She has been on conferences overseas for this Government and she has made observations that I feel will go a long way toward helping women's causes in this country. I think this country should be proud of her.

I must add, on another note in this same regard, that this change of including spouses has affected the planning for our overseas medical referrals, it has increased some. I know that in the last Budget [Session] questions were asked. But this is a small penalty to pay for equality for the women in our civil service.

In recent weeks we have had the addition of a new Police Commissioner. I am very impressed by this gentleman and I feel very optimistic for the future of this country under his leadership. I think he is taking the bull by the horns, and the process and procedure that he is using to get familiar with these islands is a very professional and competent one. I must also add that in recent times we have added a new head of the Drug Squad. A very impressive gentleman, he is a no nonsense man and since drug prevention is part of my Ministry, I look forward to a long relationship with Mr. Haines.

I know that it has been alluded to in the public that his predecessor may have been coerced into leaving from pressure within Government. This, Madam Speaker, is utter nonsense. This gentleman will tell the country that it was because of problems within his family, something beyond his control, and I would like to pay credit to the efforts and the reduction [in drugs] that Mr. Cutts brought about during his short tenure with this Government. I hope that if the opportunity ever arises, and he is able to get his situation sorted out back home, that we would be able to have him back at some level in the Cayman Islands, as he has proven to be a very capable and fine leader.

We keep hearing about crime being on the uprise. From reliable sources I have been made to understand that in the most recent survey done there has been a significant decrease in this area. With the addition of the many police that were added to the force just after this Government took over, I know that this will continue to decrease.

I remember just a few weeks after taking over the Ministry representations were made to Government in regard to increasing the number of police on the Drugs Task Force. I sat down and discussed this with other Members of Executive Council and without batting an eyelash we agreed to add six more to that. This is what this Government is about—dedicating ourselves to improving the Cayman Islands.

We constantly hear the crying of our police force. With your permission, Madam Speaker, I would like to briefly touch on an article which recently appeared in the Off-shore Financial Review, published by The London Financial Times, by a Mr. Tony Heatherington, headed "Cayman cops clean-up". As I relate this, it certainly does not sound like the Cayman Islands that I have con-

stantly heard of in recent weeks being referred to by the Chamber of Commerce. I am wondering if they are living in the same three islands that I am.

"Something rather nice is happening in the Cayman Islands,... [and it goes on to say] On November 8, Cayman Police Officers led by Inspector Joseph Wood arrested York and two Amalgamated salesmen, Mr. Terrace Tater and Mr. Darius Dubash, as they prepared to leave the country. They were carrying well over \$30,000 in cash.

"It would have been easy for a small jurisdiction to turn a blind eye to a fraud with no local victims. It happens regularly. But the Cayman Islands accepted the burden of investigating, arresting, prosecuting and finally jailing the three Canadians—much to their shock."

It goes on to conclude; **"Two swallows may not make a summer, but I for one am happy to believe that the Cayman Islands has woken up to the damage that international fraud can do to the reputation of an Island which sees an awful lot of financial business."** And they urged other jurisdictions to "please copy."

Is this the same Police Force that has received such poor ratings in recent surveys? Not to me, Madam Speaker. I remember in an interview with the past Commissioner of Police by CITN, when he was asked about the Cayman Islands, and he said that if he had a choice of living anywhere in the world without having to worry about crime, the Cayman Islands would be that country.

About two weeks ago our new Honourable Chief Secretary took the time to go with me, my colleagues, and other colleagues from the Eastern Districts, to visit the Police Station. This made me feel good, because even at this level concern is shown by the official Members of this Government. We visited and observed what was there, and I am firmly convinced that the commitment will now be there so that the Bodden Town Police Station will be manned 24-hours a day. I look forward to that for the people of Bodden Town and the other districts.

As was mentioned recently about the major problems which have developed in East End, I honestly feel that if this had been addressed earlier by the constant presence of the police in the area, the situation would have been dramatically reduced.

The Prison. As we saw on the report by Judge Tumin, quite a bit of credit was given to our Prison System. We know that there is still much improvement to be made. But we are committed to doing what is necessary to improving it.

I would like to pay tribute to Mr. McIntyre, who is one of the able gentlemen there working with our inmates, trying to help them improve. Until we can educate these people and show them the difference, prepare them to face the world when they are released, and show them the right direction, we cannot be successful in rehabilitating them.

About one month ago, I had the opportunity to sit down with the Director of Prisons and the Deputy Chief Secretary. There have been a number of people from Public Works, and I will call a name—Mr. Allan Moore—who have been spending time up there with these inmates trying to help them, teaching them about electricity, plumbing and mechanics. This is very admirable. I ask the Director and the Deputy Chief Secretary to continue this programme and to expand on it toward helping to prepare these prisoners to face reality when they get out and to find a better way of life.

I am proud to let the Honourable Third Elected Member for George Town know that the counselling that she touched on in her debate is now under way. The foundation is being laid and the counsellors are there gathering information, finding out what needs to be put together. I have been made to understand by the Director that a room will be provided where for five days a week, and more if necessary, Cayman Counselling Centre is willing to put people there. We will increase from one to two counsellors as soon as possible. We are dedicated.

We know that over 80% of the inmates are at Northward Prison because of drug-related problems; we must educate them. They have no choice once they have gone astray. It should be somewhere in the regulations that mandatory counselling be there. I know that if we can get to many of these young people and show them the difference and help them to prepare we can get rid of many of our drug problems and keep them from going back into surroundings where they have come from.

I look forward to the day when we can feel comfortable with those people who come out of there. The community must also give these people a chance and not look down on them; work with them and try to cheer them up and support them wherever possible.

I must give special credit to the Immigration Department as we all know the extremely heavy burden that they have undergone in recent months with the Cuban situation. I know that they receive a lot of criticism, specifically the Immigration Board. I do not know about the rest of the Members of this House, but I am proud of the representatives that we have there now. They are doing a fine job. They are not victimising people. I have had members from a prominent business institution who said to me that for the first time in recent history the Immigration Board is working along the lines where, when expatriates come in, a Caymanian must be identified to work along with them. Is this why they get so much criticism—because they take the time and effort to help Caymanise our work force?

It is good to note that in the near future Government plans to dedicate much effort towards helping Cayman Brac and little Cayman. We cannot and must not leave Cayman Brac out while we here in Grand Cayman forge ahead. They are part of us, we must assist them wherever possible.

I know that there are plans to fix up the Dock and to extend another dock out so that it will be possible for tourist ships to come in. I know that this will be welcomed by the people of Cayman Brac.

Moving on to Legislative Drafting: I would like to take this opportunity to pay tribute to our present legal draftsman for the mounds and mounds of work that he has churned out in recent times. Almost overnight he has been called on to produce many laws. I certainly hope he will get some relief with the recruitment of another member of staff soon. I have found him to be a very dedicated individual.

In regards to the Law Revision, it certainly simplifies, through consolidation efforts, to read these laws in their entirety. This is an admirable job put in place by the Honourable Attorney General's Office. We look forward to many more of our laws being put together in such an easy-to-handle fashion, rather than oodles and oodles of little pamphlets all over the place. I must pay tribute to them.

The Legal Department, as noted in the Throne Speech, was successful in the prosecution of the persons involved in the robbery of Cayman National Bank. Once again, positive results. For the first time in many years we have seen sentences appropriate to the crime.

The Portfolio of Finance and Development: There are not adequate words to give praise to this Portfolio of Government under the leadership of the Honourable Financial Secretary. He is extremely capable, but he does not sit on his laurels. He is always trying to improve things for our Cayman Islands to make it easier for us as citizens to live here, creating an atmosphere conducive for overseas conglomerates to want to come in here and do business.

Since I have been here there have been so many efforts put forward by him and these have not been toward directly taxing our Caymanians. These are ways that he has been able to formulate and put forward where the burden of having to fund recurrent revenue can be brought in from outside sources.

In 1994 the Portfolio of Finance and Development amended key financial services legislation, revised company fees and produced the Medium Term Financial Strategy and Public Sector Investment Document. A study of factors affecting global insurance rates and the Government's own insurance programme was also completed, and I look forward to the people receiving some benefits as we continue to work towards getting a reduction in the premiums which were placed upon us in recent times. It was a situation that was beyond his control, as it was said that the surrounding territories brought this on us and we had to share in their difficulties. But I know that he will not rest until these islands get some relief.

I remember when he introduced the idea of Mutual Funds last year. Once again, he demonstrated beyond the shadow of a doubt his ability to look into the future. There is now talk also—plans, not talk—for the devel-

opment of a Cayman Islands Stock Exchange and further amendments to the Mutual Funds Insurance and Companies Law.

These Cayman Islands are looked upon as a leader in areas of regulations. We are no longer looked down on as a secondary place. We have put that behind us under his leadership and we are now within the top five financial centres in the world. Is this the same place that people are saying is not going in the right direction—according to some surveys? Shame on them!

I was pleased to note that in 1994 the Customs Department collected over \$61.6 million. It is also good to note that they have brought in a consultant to further develop the manner in which customs duties are collected and to plug many loopholes which may have existed. This is the dedication of a good government.

Before leaving the Financial Portfolio, through you, Madam Speaker, I would like to take this opportunity to give much credit to the Director of the Budget and Management Unit. It is in extremely capable hands. This gentleman worked in a team that did an inspection on the Health Services, and I must say that it was an excellent job that was done by all of those involved in that.

Continuing in the Financial Services Supervision, as I mentioned earlier about Mutual Funds, it says that their registration surpassed the 1994 Budget figures by 57%. This is not a small figure. "A total of 37 new Bank and Trust licenses were issued which after allowing for 14 cancellations 23 resulted in being added. This is the largest net increase in the past decade bringing the total to 560 banks at the end of the year [1994]." Does this sound like a country that the investor no longer has confidence in? Let us go back and compare this with previous administrations.

It makes me feel good to know and to see that that confidence is back. It is also good to note that within our list of banks, the sad fate of Barrons did not affect us, thank heaven.

Once again, more credit must go to the Treasury Department. We know, by looking at the Auditor General's Report, of the problems that have existed in collecting of Tourism Accommodation tax. That is being addressed. Over 54% of the 1993 figure substantially exceeded the Treasury target of 30%. Well done! It is amazing that a little government of this size achieved the target of paying all invoices one week after receipt. Madam Speaker, it is good to know that the funds were there, that we did not have to wait. I remember years ago when I was in the water business, when things were slow in this country (and I am not crying it down, it happens to all of us) sometimes we had to wait two or three months to get a check. I know that the people who do business with the Government must be very happy to see such a thing instituted.

I would like to touch on the Ministry of Tourism, Environment and Planning. We must give great credit to the leader of this Ministry. We see poor marks for him in the Chamber of Commerce survey. But this does not

make sense, as the figures and the facts are there—1994 was a record year for visitors to these islands. This just does not add up.

Once again, like other Members of this Government, he is not sitting there wondering what is going to happen next. He is out there selling the Cayman Islands, promoting the Cayman Islands, not just limiting it to North America and Canada and the region, but throughout the European and the Asian markets. The more tourists that come here to pay and assist us, the less taxation and burden we will have to put on our people because these are funds coming into our revenue that do not put a burden on our people of the Cayman Islands.

There is continued further strengthening of the property inspection programme to seek to ensure high standards for all visitor accommodation. This is very important because, as has been said, the Cayman Islands may be one of the higher-priced destinations. That is why it is important to ensure that everything is in place so that when the visitors come here the facilities are proper, that they are welcomed and comfortable. We must go that extra mile for them so that in another year or two they will return and also tell their friends about it. This is what the Cayman Islands has always been about—friendliness. We must continue on this road.

In addition will be the upgrading of rating and inspection procedures of the Hotel Licensing Board to attempt to improve on the product that we offer to our visitors.

I note that within the Department of the Environment a recycling programme is being developed with the introduction of recycling of cardboard and office paper. This, together with the mulching of yard waste will divert 32% of the main stream waste from the landfill. Once again, the Government leads the way in innovative ways to improve things in Cayman by reducing the size of our landfill which has, on occasion, caused problems because of the odour.

I must say that the young gentleman who is in charge of the department of the Environment is making every attempt to alleviate this problem. I know that there are plans to find materials to put over the landfill to reduce the odour. This will be welcome.

It is good to see the re-establishment of the Rodent Control Programme as we cannot sit and wait until that problem gets out of hand. The Government has gone forward to tackle this before it becomes a major problem again.

The Department of Environment plans to complete construction of its new office building and ancillary structures by December 1995. I welcome this, as the country knows that this part of the MRCU building which is being moved out will form part of the new hospital system. We welcome this additional space which will provide these Cayman Islands with adequate space for expansion into the 21st century.

The Planning Department approved a total of 585 applications valued at \$137.2 million. This is no small figure for a small population of 30,000 people. I can remember in 1992 when we looked at planning approvals and they were down because there was nothing going on. People were all over the place looking for jobs. It is good to see that our Caymanians can once again get back to work and earn a good honest dollar. As a matter of fact, that increase was 24% over the 1993 value.

Much criticism was in place on the Development Plan Review. I remember the many meetings that were held in the districts and those that did not make their objections known cannot say that they did not have time. Once again, because this Government is in touch with the public, an extension was given for one more month and if they wanted to make objections, we would give them that opportunity. We are not here to ram things down the [throats] of the public, we are here to work with them and do what is good for this country.

It says that "**The Central Planning Authority intends to undertake a number of electoral districts re-familiarization visits, with a view to producing area plans for each of the electoral districts.**" I know that this will be welcomed by everybody.

The Ministry for Community Development, Sports, Youth Affairs and Culture: Under the very able leadership of the Honourable Minister from West Bay, Hon. McKeeva Bush, we have seen great strides in every aspect of this Ministry. Just this morning someone was telling me that a few years ago, before he took over the Ministry, they were getting assistance from Social Services in the amount of \$50 per month—a mere pittance. I think this is one of the first things he told the Executive Council that needed to be improved. It was brought up to \$75, and in recent months it has gone up to \$125 for the elderly. Is this the kind of government that people are saying is not in contact with the people? It is ridiculous!

I had the opportunity two evenings ago to attend the opening of his Young Parents Programme. I was very touched. We see the perception of this Honourable Minister in preparing a place for those very, very young teenagers, 12, 13, 14 [years old]. That was not accomplished by previous administrations. We know that anybody can make a mistake; we must be able to help them, not look down and shun these people and hope that the situation will go away. We must help them. And this is what has been done.

The Speaker: Honourable Minister, will you take a suspension?

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.33 AM

PROCEEDINGS RESUMED AT 11.55 AM

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 looking at the many positive improvements in the Ministry of Community Development, Sports, Youth Affairs and Culture.

The Crime Survey: It is pleasing to know that it is now brought back. It has been a very controversial subject and, for some unknown reason, when this should have been put into force sometime last year, there were some hiccoughs that developed. We have now been in touch with the person who is supposed to do this and, with the support of this Government, it should go on to completion. Through this we are hoping to find out many of the underlying factors which seem to contribute to the development of certain areas of crime within the Islands.

Trade and Labour: I will venture to say that never before in our history has a Minister responsible for this area paid such close attention to our labourers and attempted to try to improve their standards. I know that underway within his Ministry is the Minimum Wage Advisory Committee which has been appointed. Without a doubt, this will be very welcome by many of our underpaid Caymanian labourers out there. A number of people from within my constituency have come to me saying that on occasions they have been denied payment for public holidays, like Christmas and Easter, which most people, for instance in the banking industry, take for granted. Yet those who work so hard out in the hot sun mixing cement and laying steel are not given the benefit of these days. I certainly hope that this will be addressed in this Minimum Wage Advisory Committee.

The Housing Development Corporation: I remember when this was brought to the House last year, the doomsday sayers said it could not work. But, as we have been told, right now over 30 of our own less fortunate Caymanians who did not have that necessary down-payment of up to 35% were able to take advantage of this scheme that has been put in force by this Government. Over the next few years there will be over \$20 million available for our Caymanians to take advantage of; whereas before they had no chance to qualify at any of the big commercial banks. If they did not have that big deposit to put down, they would not be looked at.

This has been addressed under the leadership of this Minister. Many Caymanians have gotten relief and I feel sure that in the very near future this will be addressed in even more detail where even lower schemes can be put together for those that cannot afford any major repayments on their mortgages. This is what a good government is all about—looking toward helping our people, making things better for them.

Sports is probably one of the most controversial areas in government, an area that receives more criticism than anything else. It is very hard to believe that people will try to put down what is being attempted in

the area of sports. I know that it can be revealed that over the past few decades the multiple millions of dollars which have been spent on the provision of police, prisons and other facilities to put away the hardened criminal, whereas, if a foundation had been laid back then, we would not now be experiencing many of the problems that we are now experiencing.

It was good to see that for the first time in the history of these islands indoor basketball, and other sports, can be played because the base for the new basketball court was laid at the Lion's Centre. I remember just a few short years ago (four or five years ago) that there was a team that came from Belize, or one of the other South American Countries. They came during the rainy season and they could not hold their tournament because the Cayman Islands had nowhere for their young people to play inside. This made me feel bad to know the affluence that we experience in this country and yet we had no provision for our young athletes until this Government took over and provided us with an indoor arena. This is what it is all about, Madam Speaker—trying to help our young Caymanians.

Just a short time ago we hosted the Shell Cup and for the multiple thousands who attended that function, the electric feeling in the air, cheering for their Caymanian team which eventually beat the Jamaican team, for the first time in our history. Can you imagine where our athletes would be if we had taken the time years ago to provide facilities for them in which they could train, practise and prepare for competition? I say shame on those who would say that we are spending too much on sports. There can be no better investment than on our young people. They are the future of this country, and if we do not take care of them, and provide them with alternatives, they will continue to end up at Northward Prison.

For the first time in history the Cayman Islands will host the CARIFTA games. I have not been to the new facility at the George Town Sports Centre since its completion, but I am told that it is one of the finest sports centres, certainly in the Caribbean, and probably throughout the world. The base of the running track is similar to that used in the last Olympics. This is what this Government has provided for our young people.

We will also be hosting the CARICOM Under-17 basketball championships at the Lion's Centre in April. Once again, we will feel very proud of our young athletes.

With the acquisition of an excellent coach, in recent times the Cayman Islands was able to sweep a three game series from the Jamaican National Team. Does this not make us feel good, Madam Speaker?

Much has been said about the National Sports and Recreation Centre in Spotts. But I know that this is not something that will be done overnight—one year, two years; this is a master plan preparing for the future of these Cayman Islands—up to 10 years into the future.

Funding for this can be spread over a period of time. It will all be to the benefit of these islands.

I know that there is a prominent company willing to sponsor the development of an area for a park. I would urge other members of the community to get involved, to spend some of their vast sums to make things nicer and easier for people in our community. This is what working together in a community is all about.

Since this Government took over, specifically in my district of Bodden Town, under the guidance of the Minister and with the assistance and insistence of Mrs. Gore—a very special lady—through one of the service clubs, we have been able to have lights at the Bodden Town playing field. It made me proud to see how the field had been reconditioned, re-grassed. It is very attractive. Many of our young people go there and practise football. We are not finished. We will continue to provide facilities for the District of Bodden Town.

I know that there is a master plan for the playing field up by the civic centre. We have purchased land for that. We have started to fill it. The layout of the football field is a bit tight against one of the boundaries. So, with the support of my colleagues on Executive Council, we are looking toward purchasing another piece of land so that it can adequately fit in where we can have bleachers similar to the facility in West Bay. This is being done through a master plan and will not all be done at one time. But I can tell you that in the Budget this year there is over \$100,000 to continue in this area in Bodden Town.

We are looking at continuing development of the Breakers Sports Field, and I must thank the Breakers Community Club for their time and efforts in doing a survey and an assessment to determine what is needed there. This will be presented to the Minister at which time action will be taken to improve this for the children of Breakers.

In reference to culture in the Cayman Islands, once again, under this Government, and for the first time in history, the Cultural Foundation hosted the Carib Art Exhibition—the largest travelling exhibition of Caribbean contemporary art—in January—February 1995. Some of the exhibits were those of our own Caymanian artist, Miss Lassie Bush from South Sound. I am glad that at her age she is being recognised, and I pay tribute to her.

I will now move on to Education and Aviation. As we all know this Ministry, like my Ministry, undertook a strategic planning approach for the development of education in this country. Representatives of this country in this honourable Chamber, along with all the teachers of the Cayman Islands attended the second annual National Education Conference which took place in November last year. The theme was *Partnership—Education's Vital Link*. We experienced the feeling of excitement and enthusiasm put forward by those teachers. I wonder if any of the members of the Chamber of Commerce took the opportunity to go there and witness

firsthand what was going on, instead of writing absolute rubbish about being below average, et cetera, in regard to the Minister's efforts in regard to education.

Under the United Nations Development Programme the Cayman Islands will receive over US\$400,000 towards the development of education over the next five years. As we know, this is the time period of the Strategic Planning. By putting this vehicle for assistance from outside entities in place, our Caymanians will not have to be taxed for education. This is what good government is about—not taxing our people. Some are complaining about the 25 cent tax on diesel. These are the same people that put it on. Oh, my goodness!

The results of our first attempt at the CXC examinations was historic. I must give credit to all of the teachers for the dedication that was put in. The results are evidence—one of the best in our history.

The Capital Works programme continues. In 1994 it included the laboratories and class rooms at the George Hicks High School, completed in the record time of 19 weeks at a cost of \$1.78 million. The Community College new general studies block, which is being built to accommodate the Sixth Form group transferred from the John Gray High School was completed at an approximate cost of \$1.2 million. Is this a weak attempt at improving the education in these islands? Providing the facilities and infrastructure? It does not make sense.

Construction has begun on two other projects: the hall, administration block and library for the John Cumber Primary School, in West Bay; four classrooms for the Red Bay Primary School; and an extensive maintenance programme was carried out in all the schools during 1994. The same is planned for 1995.

I know, specifically to my constituency, the Primary Schools at Savannah and at Bodden Town will receive over \$154,000 in planned improvements. One of these very special areas that will be improved for the comfort of our children and their parents, specifically when they have their Christmas programmes, will be the air-conditioning of the two halls.

When it comes to scholarships the records show what this Government has done, and continues to do, about scholarships. I feel that I can safely say that there is not one child, not one student out there who wants to continue his education who will not receive assistance from this Government. This assistance will not come because of who one is related to, but because one deserves it. There can be no better criteria for helping our people than that.

Cayman Airways: For the first time in decades it has not been termed the political football. The Second Elected Member for Cayman Brac and Little Cayman referred to the disaster that has been caused by giving away our 727s. That did not happen during our administration—that happened during the past administration. It has been noted that for the first time in a long time Cayman Airways now has a fighting chance to survive. I

think it has been projected that, after the subsidies this year, a small profit will be realised.

By the acquisition of another plane to replace the one that was returned to ILFC, this country has been saved approximately \$300,000. This is no small amount of money. This is money that can be spent on our Caymanians and our children. It is not like that 'sweetheart' deal that was put together by the last Government, which if it had been extended to the length of its contract, would have cost this country over \$50 million. Thank God, that under the able guidance of a different managing director and the Minister, we were able to get out of that lease.

I know that the public will not easily forget how they talked about the billions that the 737-400s are going to realise for these islands.

I would like to look at the Ministry for Agriculture, Communications and Works. It is in order that the Minister be congratulated on another very successful Agricultural Fair. Up until this National Team Government took over two years ago, they were not having the Agricultural shows anymore. Within a short period of weeks after we took over, in 1993, the one that was held at the Lion's Centre was something to behold. The multiple thousands of people who attended were glad to see it return, and our Caymanians could once again enjoy the time spent there with their families looking at the heritage upon which these islands have been built. It was good to see the encouragement that was given to the farmers, the provisions that have been put in place to help them through difficult times. All I can say is, 'Keep up the good work.'

In regards to telecommunications there are plans to establish the E-911 system. This will be a far-reaching occasion for these islands when we will be brought up to par with countries like the United States where in a case of emergency one number can be dialled, and even if the person passes out the number can be traced and the ambulance service will be able to find them.

It is good to see that they are also planning to install a 200 foot tower in Cayman Brac to improve the service to both Cayman Brac and Little Cayman in the 800 Mega-hertz FM stations. We must not forget Cayman Brac, because in the long run no matter what happens we are all one people. If they have difficult times which are not addressed, Grand Cayman will eventually suffer. So, let us work together to improve Cayman Brac and Little Cayman.

We have all seen the dramatic changes at the General Post Office in George Town. It is incredible what a few improvements in certain areas can do for a building like that. I know that the public welcomes it.

Probably the most criticised department in Government is the Public Works Department. But I must pay tribute to these very hard-working people. They have done very well under extremely difficult and trying circumstances, especially with the recent arrival of the Cubans. I specifically remember when a hurricane was

coming and they had to move almost 1,000 Cubans from one location to another. We do not hear about them getting credit for this kind of thing. Let us be fair and stop putting them down.

I would now like to look at the last part where the Governor addressed the situation of the civil servants. And for the benefit of the public, I will quote: "I am, of course, aware of a rumour of outside interference, particularly in connection with the announced early retirement of two senior officers. This rumour has been conveyed to London recently. I think it appropriate to make the point that these retirements were the subject of discussions solely between myself and the officers concerned and that no-one else was involved or even aware that they were taking place." I, personally, can assure this Honourable House that I knew nothing about it.

As a follow-up to this, I would like to share with this Honourable House a few observations made by none other than Mr. John Redman of the *Caymanian Compass*, made in his article in the February 1995 *Newstar*. And I quote: "**Civil servants are muffled by the Public Service General Orders which says that a Civil Servant cannot write, speak or broadcast anything which may reasonably be regarded as of a political nature or be interviewed on questions of public policy or on any matter of a political or administrative nature.**

"This is not totally unreasonable, after all, civil servants are there to carry out the policies set by their political masters. They are supposed to be politically neutral, carrying out the policies of whom-ever is in power. If through their work they have knowledge which they feel suggests that a policy has weaknesses, they should approach the policy makers with their concerns, either directly or through their superiors. They should not air their views in public and undermine the credibility of the politicians. It does not look too wonderful to have civil servants criticising the policies they are supposed to be carrying out.

"This applies to the private sector as well. My publisher and editor would not be too pleased if I criticised editorial policy at the [Caymanian] Compass through a letter to *The New Caymanian*." I think this was a very well-written article.

I would now like to look at things within my Ministry, the Ministry of Health, Drug Abuse Prevention and Rehabilitation. It came into force about one year ago, and in just 10 months has laid the foundation for the achievement of major objectives in 1995, with the decision to undertake Strategic Planning for the Health Service, as well as the Drug Prevention and Rehabilitation Programme. This Ministry has detailed and costed plans for approval and implementation during 1995.

During this exercise, similar to the one in Education, we went into the districts and shared our views with the people on how we feel, that through Strategic Plan-

ning and the involvement of community members is the only approach for a plan to be successful.

We recognised that the Health Practitioners Law of 1974 is in need of considerable review and with input from professionals and the CIMDS we will be addressing that this year. As a matter of fact, the Legal Draftsman now has this in his possession, and I hope that later this year it can be brought to this Honourable House.

One of a number of things being put forward is the creation of three counsels—one for Doctors and Dentists, one for nurses and one for ancillary services. These are ideas being put forward by the professionals themselves. They feel that it is very important that this be regulated and that only people practising specifically within the Health Services field should be in control of such situations.

As the country now knows, we are in the process of putting together all of the details for the construction of the new hospital. A Master Planning Study Development was undertaken last year. It has been a very detailed master planning study. It was not a 'guesstimate', as was put forward by Mr. Ezzard Miller. When we shared some of these details with some of the architects, they said that the detailed work and the professional effort that was put forward in this was exceptional and extremely well done.

We have heard that we should not be going ahead with this in this area, but I feel that the mandate was given to us in the last election to go ahead at this time. This new facility will provide Paediatric, Physiotherapy, Maternity, Neonatal and Mental Health units as well as a Surgical Ward, Operating Theatres and a Maternity Operating Room. A Forensic Laboratory, Materials Management Building, Hospice/Geriatric Unit and Chapel. These will be among the new features.

In recent weeks the dialysis unit was becoming very crowded, so we had to find more space for that. Thanks to the Department of the Environment we have been able to utilise the facility in which they house their lab. I am hoping that on Friday afternoon they will be able to move in where much more space will be provided.

After speaking with the Chief Nursing Officer this morning I was informed that the space that was occupied in the present site by the Dialysis Unit can now be utilised for psychiatric patients. I must thank the Permanent Secretaries from the Ministry of Environment, Tourism and also the Ministry of Communications, and the quick work that was done by Public Works in getting the other site ready so that the Department of the Environment could move in their laboratory facilities. Once again teamwork taking place.

The Third Elected Member for George Town mentioned in her debate wondered if there was any opposition within the Hospital to the construction of a new hospital. I can assure her that to the best of my knowledge, and knowing the long hours that the doctors and nurses

and other people working at that facility put in, they support what we are doing. They long for the day when they can be operating in proper facilities.

The selection of the architect was also questioned. I would like to say that when I took over the ministry a year ago I found them there, they were already in place; I inherited them. But I can see the reasoning and the logic for using them because there is no other firm on the Island more familiar with the hospital site than the firm chosen to do it. They have been over it many times. As a matter of fact, if we had to put someone else in there it would probably have cost this Government another \$100,000 to get the background that this firm already has. I was not prepared to incur that expense for the Government. I can assure you that these very same people have assured me that the site that we are now building on is very adequate, and will take us well into the 21st century.

I will also say that the study done by these people cost less than \$50,000; not \$1.4 million as purported by Mr. Miller in one of his political meetings. This can be substantiated if anyone doubts me, Madam Speaker, through the engineering department at Public Works.

I fully agree with the Second Elected Member for Cayman Brac and Little Cayman that we need better facilities and as quickly as possible. We do not need a split-site facility, with the major part of that facility going into the swamp. Does he forget the thousands of Caymanians who paraded in front of this House in opposition to that move? We respected their wishes. As a matter of fact, in our National Team Manifesto our intention in regard to the Hospital is mentioned no less than three times. On the very last page in bold letters it says **"We are against the building of the new hospital in the swamp and we will review the hospital plans and documents and accordingly take any necessary action which is legal and prudent."**

We were elected on this precept, with the knowledge that if we did not do that we would be letting our supporters down.

Hon. W. McKeeva Bush: Hear, hear!

Hon. Anthony S. Eden: We would not have been doing our job.

I note that in his contribution to a debate on the Loan George Town Hospital Amendment Bill, 1992, on the 11th March (just three short years ago), the Second Elected Member for Cayman Brac and Little Cayman said: **"I have believed for a long time that the present Hospital can serve us for some time yet and that steps should be taken to improve certain areas of it to a certain standard so that the physical plant can be in a position to better do the job for which it was intended."**

"Certainly the idea or suggestion that the present Hospital is to become a place, a very second-

dary place, to what is envisaged as a new hospital, I do not agree with."

"In recent times the press and the local television programme have been carrying stories about the situation with the particular land in that area and various people are saying that the costs will be very high to develop that ... from what I can understand the fill alone will go into exceedingly large amounts of fill and money."

He was right because about a year later the estimate to put the fill in that area was over C1\$1.3 million. That could have built several new buildings at the present site on a very firm foundation that would not be sinking down into the South Sound swamps.

Continuing, he said: **"Madam Speaker, this situation is one where I think the Government has failed and the Member has failed..."** That Member was none other than Mr. Ezzard Miller.

"When we reach the future and we are more clear of our present financial position in this country, then let us look at the situation of a new hospital." [*Hansard* 11 March, 1992]

I am glad to say that the future is now here and later on this year, within a few months, we will commence construction on this hospital site.

He also queried the dissolution of the Health Services Authority by this Government. As we all know, this wise decision has subsequently been substantiated by findings and reports shown in the Auditor General's report that was presented in this House a short time ago. For the clarification of the House and for the knowledge of the public, I will just briefly touch on some of these areas which have been the reason why this Government saw fit to stop the Health Services Authority.

The true value of pre 1992 Medical Fees receivables cannot be determined, estimated to be in the region of \$4.5 million. **"These debts are not being pursued by management and appear to be irrecoverable."**

The authorised computerisation budget was overspent by a large amount, approximately \$266,000 on computers for the Health Services Authority. These are some of the reasons why we had to do something about this.

Seven constituencies employed at a humongous cost of over \$.5 million. The hurtful part of that, and it is recorded in the Auditor General's Report, is that six out of seven of those consultants resulted in literal total failure. To have left this monstrosity in place would have been the abnegation of our responsibilities to our Caymanian people. This cancer had to be removed, and removed quickly. That we did.

It was noted that during the Health Services Authority two-year existence, that it did not institute any formal financial regulation to ensure the regular and proper conduct of its business by management and employees. **"So far as can be established, none of the consultants examined were advertised or tendered**

either in Cayman or overseas." As a matter of fact, one consultant was said to have been hired in contravention of General Orders. This is why we had to stop the Health Services Authority. This is what we found, and we had already stopped that when this had been subsequently revealed by the independent Auditor General of these Cayman Islands.

Consultants were paid expense allowances between \$200 to \$500 per day. This was more generous than the scheme for senior civil servants. A car allowance of over \$250 per month was double that allowed for Heads and Deputy Heads of Departments. This is not me putting this forward, I must say. This is what was found by the Auditor General.

"Numerous other benefits provided in cash and/or services", which meant that some of these people were receiving over \$120,000 per year. I am not sure, but I do not even think His Excellency the Governor makes that kind of money. Yet, we must leave in place something like this that was robbing this country blind? No way!

How long could this country have survived with this exorbitant spending? I suggest that if Mr. D. Ezzard Miller, had been left in charge and allowed the Health Services Authority to continue, the job of my very good friend, the Financial Secretary, would probably have been redundant by now. We would probably be under the International Monetary Fund or someone else; probably someone worse.

To think that we have people out there advocating Mr. Miller's return to politics in 1996, with some of his colleagues who, after four years of mismanagement had accumulated over \$55 million in deficit spending before funding.

How long could this country have survived? I will say here that I saw an ad in the paper this morning. I see that my colleague from Bodden Town is having a meeting with Mr. Miller tomorrow night. It pains me—I will say that.

This is what the silent majority will remember in 1996—where we were when we took over, over \$7.5 million deficit. They are now going to come back and say that they are going to be better than they were before? Rubbish!

I trust that with these few brief highlights as shown in the Auditor General's report the public will understand the reasoning behind the Government's closing the Health Services Authority. If we had not closed it, we would have no government to administrate. It could not continue the way it was going. Do not take it from me; anyone can pick up the Auditor General's Report and read these things.

I think that it is my duty as an Elected Member not only for the district of Bodden Town, but for these Islands, to warn the public about a person like Mr. D. Ezzard Miller. I attended a funeral Saturday evening, along with my colleagues. Of the hundreds of funerals that I have attended in this island, I was never so stunned in

my life as when this gentleman made a tribute with political connotations. The people were stunned. I spoke to many of the attendees, and they said that they had never seen this kind of political chicanery at a funeral. Should we get ready to welcome this type of person back in 1996, to these hallowed Chambers? That is for the public to decide, but I feel that they will know what to do. So much for the Health Services Authority.

I would now like to go on to another area that is being developed by the Ministry, that of the Cayman Counselling Centre which, without a doubt, is desperately needed. Almost in every paper we read of judges and attorneys saying that the only way to help our young Caymanians who have been touched by the scourge of drugs is to provide a facility for them.

In July 1994 a diverse planning team of 29 persons representative of a broad cross-section of the three islands recommended that we strive to have 100% of the resident population free from drug and alcohol abuse and its ill effects with implementation of the Drug Abuse Prevention and Rehabilitation Strategic Plan.

One of the people serving on that planning team was the Elected Member from North Side. As a Minister I did not serve on that. I could not be there because the first thing we would have heard was that I, as the politician, was putting forward these ideas. For strategic planning to be successful it has to be coming from the people, with their input as to what they see and experience. They are the ones with the children. They want to make life better in these islands for them. This is what strategic planning is all about.

One of the nine strategies that came up was, and I will read it: **"We will guarantee treatment and rehabilitation services and facilities to meet the diverse needs of individuals."** That action team submitted 10 specific results which were accepted by the original planning team; 10 different diverse areas in which they felt anew by working along with a cross-section of people in the country. One of those is to **"provide residential facilities for treatment and rehabilitation of substance abuse clients by, amongst other things, modifying the proposal for the residential treatment centre in Breakers to accommodate a primary and a half-way house programme. To renovate the main building according to the proposed plan."** I think a lot of this has been done by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture. This will be implemented in the first year of the plan. With the approval of the Executive Council I have asked that this strategy be brought forward so that we can work on it as quickly as possible.

A brief overview of what we look forward to at the rehabilitation centre is that it will be instituted on the conviction that chemical dependency is a treatable illness with a good rate of recovery. The clients will receive a low cost, high quality programme based on the 12 steps of Alcoholics Anonymous, which combines a

multi-disciplinary approach designed to ease the transition from primary treatment to community life.

The second phase of the facility will provide a half-way house designed to provide individuals with a supportive environment and a structured programme to bridge the gap between inpatient treatment and a return to everyday living.

I know that there is concern in the community about this being there. But the way it is envisaged is that it will be in a university dormitory setting with a combination of home and clinical assistance which meets the clients' needs of nurturing and professional help. These will be people who have made a determined effort to help themselves with assistance from professional counsellors. Residents will develop the self discipline and responsibility necessary to gain self acceptance and to strengthen their recovery.

Emphasis will be placed on five areas of their lives: Physical, Spiritual, Psychological, Social and Financial. It is felt that these are the guidelines considered for the prescription for wellness.

It is important to note that each year we lose someone to this dreaded disease of Chemical Dependency through drunk driving, domestic violence, birth of crack babies, and over 80% of prison populations are there from direct or indirect involvement with drugs.

Looking at placing a treatment centre in any neighbourhood may seem threatening, however, there are people actively using drugs in most of our neighbourhoods. Seeing that this particular disease does not discriminate, the rehabilitation centre would provide 24 hour care, random drug screening with a clientele that is not doing drugs. We cannot say that about some of the people in our neighbourhoods.

Treatment gives people hope where there was desperation, new direction and a reason for living. We can compare this disease with cancer, diabetes, tuberculosis, with an understanding that with these illnesses we do not put these patients out on a farm somewhere, secluded from everybody. We try to treat them and help them. This is what we are trying to do through our rehabilitation facilities.

These are not dangerous people, they could be our own sons and daughters looking and begging for help and guidance. It does not matter how much money we have, this problem can touch us all.

I will list a few of the benefits from a programme such as this: Reduction in crime, development of productive people, a decrease in the number of crack babies, decrease in jail population, decrease in death from the many accidents. This is just a brief outline of what we have planned for the next few months with the development of the counselling centre.

The Cayman Counselling Centre has reinstated the counselling programme for inmates at Northward Prison and we plan to add one more person.

I would like to briefly touch on the Health Insurance Programme. The Third Elected Member for George

Town asked some questions about that. We are actively working on that and as recently as yesterday afternoon a meeting was held. Many good ideas are being put forward and I look forward to bringing to this Honourable House, and to having in place, a sensible insurance programme for these islands.

The Speaker: Honourable Minister, may I interrupt at this time?

It has been the consensus of members that we should adjourn for the day at 1 o'clock, to enable those who wish to attend the funeral to do so.

At this time I will ask for the motion for the adjournment. 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 tomorrow morning.

The Speaker: The question is that this Honourable House 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 Monday morning at 10 o'clock.

AT 12.57 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 16 MARCH 1995.

**APPENDIX I
QUESTION NO. 43**

Supplier	Material	Quantity 1993	\$ Value 1993	Quantity 1994	\$ Value 1994
Caymarl Ltd	Marl	2435 cu yd	21306		
Rollin Ebanks	Marl			682 cu yd	5966
Scott's Ind	Marl			42 cu yd	473
Simmons Int	Marl	2508 cu yd	21945	9355 cu yd	81860
Caribbean Stone	Crushed rock			203 cu yd	3454
Scott's Ind	Crushed rock			40 cu yd	870
Quarry Products	3" minus	7741 tons	85148		
Quarry Products	1" minus			15444 tons	216216
Quarry Products	3" minus			17522 tons	201513
Caribbean Stone	Shot rock			54 tons	918
Quarry Products	Shot rock	4549 tons	45494	5803 tons	58030
Quarry Products	Shot rock			10463 tons	136021
Quarry Products	Hammered rock		57920	2526 tons	42958
Caribbean Stone	1.5" chips	2896 cu yd		558 cu yd	11170
Caribbean Stone	3/8" chips			400 cu yd	8007
Scott's Ind	3/8" chips			20 cu yd	435
Mariani Asphalt	Liquid Bitumen	93484 gal	56091		
Mariani Asphalt	AE 60			105000 gal	63000
Mariani Asphalt	AE 200			10000 gal	6000
Island Paving	Hot mix	256.15 gal	59542	630.0 tons	77238
East End Aggregate	Hot mix	80.27 tons	15000	1153.6 tons	146830

**THURSDAY
16 MARCH, 1995
10.08 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, forever 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.

Questions to Honourable Members/Minister. Question No. 46, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 46

No. 46: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member responsible for Internal and External Affairs how much money has been collected since the recent amendment to the Marriage Law and how many marriages of cruise ship passengers have taken place.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the Amendment to the Marriage Law was with effect from 18 November 1994. From that date to 28 February 1995, revenues collected for the grant of Marriage Licences amounted to \$14,850. The number of Marriage Licences issued to cruise ship passengers was 12.

SUPPLEMENTARIES

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

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

When the amendment was passed there was a clear indication that there was a large demand for licenses for marriages of cruise ship passengers. Is the Member in a position to say why there have only been 12 applications made?

The Speaker: Honourable Member, that is asking for an expression of opinion and it is not allowed.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if, under the new amendment to the Marriage Law, government has taken any steps to direct persons interested in being married who are passengers on cruise ships to any marriage officers in the Cayman Islands?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker.

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

Mr. Gilbert A. McLean: Can the Member say if he is aware of any advertisements of this new change?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker, there has been no promotion of the facility, but consideration will be given to this in consultation with the Department of Tourism.

The Speaker: The next question is No 47, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 47

No. 47: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member responsible for Internal and External Affairs if there are plans to downgrade the post of District Commissioner in Cayman Brac and Little Cayman.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, there are no plans to downgrade the post District Commissioner.

The Speaker: The next question is No. 48, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 48

No. 48: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member responsible for Internal and External Affairs what are the plans for the permanent appointment of an officer as District Commissioner on Cayman Brac and Little Cayman.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, an announcement was made recently regarding a substantive appointment to the post of District Commissioner. While I am not certain what meaning the Member is assigning to 'Permanent' in this context, I can say that the officer who has been appointed is currently serving on permanent and pensionable terms. It is unlikely that a long-term appointment will take place until such time as an officer resident in Cayman Brac is appointed.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Member say if the person who will be appointed as District Commissioner in Cayman Brac will be given any specific term of service?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the appointment is initially for one year.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
I wonder if the Member could say if any individual who is resident in Cayman Brac has been identified for

any further training to bring that person in line to be able to take over permanently?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, no individual has been identified at this time. There is one officer in the Sister Islands who is currently pursuing studies and a diploma in public administration who would perhaps be a potential candidate somewhere down the line. There were recent attempts to fill the post of Deputy District Commissioner and, subject to the type of candidate who comes forward for that post, it may be possible in the near future to identify a number of potential candidates who could be developed to the level of District Commissioner.

The Speaker: The Fourth Elected Member for George Town.

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

Based on the movement of bodies in this post, will the Honourable Member say if this may be of some importance to the civil service and if any serious attempts would be made in this direction to identify an individual so that continuity can take place?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, efforts will be made in the not-too-distant future to better identify potential replacement candidates for all senior posts in the service and, certainly, that post will be one of those posts to consider.

The Speaker: The next question is No. 49, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 49

No. 49: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works what was the purpose of the most recent visit to Bodden Town by himself and other officials.

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

Hon. John B. McLean: The most recent visit to Bodden Town by other officials and me was on 9 February 1995, which was to the Bodden Town Post Office where I was accompanied by Ministry and Postal personnel. The purpose of the visit was to carry out a postal services infrastructural evaluation exercise in keeping with the long range Postal Services Development Plan.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what plans or suggestions emanated from this with regard to the Post Office in Bodden Town?

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

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

Presently, we are looking not only at the Bodden Town Post Office but we are looking throughout the districts with the exception of North Side as they have a fairly new Post Office. We are trying to improve the facilities and plan for the future of Postal Services throughout the Cayman Islands. At this present time we are still evaluating what we saw in the various districts.

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

Mr. Gilbert A. McLean: Can the Minister say if any of the elected representatives of Bodden Town were invited on this particular visit?

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

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

It was not felt necessary at that time to invite the members from that district. It was just more or less looking at the facilities that were there, and I am sure each member is familiar with what is in his/her respective district. We were just looking it over and if at a later date we see something that can be done I will be more than happy to invite the representatives.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, may I ask the Honourable Minister if, in carrying out the postal services infrastructural evaluation for the Post Officers outside of George Town, he will be considering putting in postal boxes and letter drops in small areas, like Pedro and Breakers and Gun Bay, rather than trying to establish a new building?

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

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

There are certain areas such as Old Man Bay, Gun Bay, and Breakers that have never had a full-fledged Post Office, it has always operated from somebody's home. Yes, we will be looking at the drop boxes and post boxes within those areas.

The Speaker: The next question is No. 50, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 50

No. 50: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works to state Government's policy regarding the production of the capital expenditure programmes by Caribbean Utilities Company Ltd. and Cable and Wireless (West Indies) Ltd.

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

Hon. John B. McLean: Government's policy regarding capital expenditure programmes by the said companies is as outlined in each license agreement. In addition to what is contained therein, the Ministry has initiated regular meetings to ensure that all parties are kept current on all matters affecting their respective spheres of operation. A copy of the relevant section of each licence, which provides for capital expenditure programmes accompanies my answer for Members' enlightenment (see Appendix I).

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if the Government has any facilities available to ensure that the capital expenditure as outlined by these companies is carried out, and also if any raises in rates applied for are dependent on capital expended?

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

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

As I just pointed out, we hold regular meetings. The companies are quite open as far as their capital projects are concerned. Indeed, should we feel that they are not being fair with us, I guess we would just have to have an audit into the company.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, can the Honourable Minister say if a large capital expenditure, say, like the construction of a new building by Caribbean Utilities or any of the other utilities, would result in direct rate increases of the services provided?

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

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

The rate of an increase to CUC, for example, is laid down within the franchise.

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

Mr. Gilbert A. McLean: Can the Minister say if there is anyone in Government, any officer or office that is specifically assigned duties or responsibilities for the coordination or liaison with these utility companies, that has sufficient technical knowledge to make true assessments which are then passed on to the Ministry for its decision?

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

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

The answer is yes. Whatever to do with finance is dealt with on a monthly basis through the Finance Department, and whatever else needs to be done we have that through the Ministry and through the Public Works Department.

The Speaker: The next question is No. 51, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 51

No. 51: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Communications and Works what is the current status of the long requested "Bodden Town back road."

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

Hon. John B. McLean: There is currently no design work underway and no funding identified for the Bodden Town "back road." Over the past years there have been several proposals for different connecting roads between Bodden Town and North Side. In 1989 several alternatives were considered, most utilising the Master Ground Transportation Plan (MGTP) east-west arterial. In 1990 this east-west arterial was deleted along with the rest of the MGTP and no further design has been done on this road since that time.

The current development plan now under review shows an east-west road to connect the Pease Bay area to the Newlands area. This road would serve the same traffic demand as the "back road." It appears to be about four miles long and would cost between \$3.5 million and \$4.0 million for construction only. No design work has been done on this proposal.

Any other connector road between central Bodden Town and the North Sound will require construction across the deeper swamp to Little Sound. This road, while only about three miles long, would cost \$5.0 million to \$5.5 million to build due to the swamp.

It should be noted that clearing and some marl work for the realignment of the Roy Bodden/Stevenson Farm

Road has been requested for 1995 work. This road would be part of any connecting "back road" network.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Minister in a position to say, with regard to the design work on the Pease Bay to Newlands area, how much this design work will cost and approximately how long will it take to complete?

The Speaker: I think the Honourable Minister answered that because the cost is there—four miles cost \$3.5 million—

Mr. Roy Bodden: Madam Speaker, I beg your pardon, Ma'am, he said no design work has been done.

The Speaker: Can you answer the question Honourable Minister?

Hon. John B. McLean: Madam Speaker, it is impossible for me to answer that question because no design work has been started. I have no idea what it would cost under the circumstances and the location of the road.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say if there are any maps currently available showing this particular area as regards to aerial surveys?

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

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

Yes, through the Lands and Survey Department there are maps of the whole island.

The Speaker: That concludes Question Time for this morning. Continuation of the debate on the Throne Speech. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Hon. Anthony S. Eden: Thank you, Madam Speaker.

When we paused for the break yesterday afternoon, I was talking about the development of the new hospital and other items within the Ministry. I would like to share with the Honourable House that yesterday evening Government signed a contract with the firm of JEC Building Consultants to provide the quantity surveying services for the main consultant on the new hospital.

All of us would like our new Cayman Islands Health Care Complex to start construction today and be built within weeks. But a major project such as this takes time, particularly when Government procedures are followed as strictly as we are doing. So I would say to the public at large, and to the dedicated health care providers at the hospital, bear with us. The project is underway and for the next few weeks and months we will see other contracts being signed bringing this project to a reality.

Tomorrow will be the deadline for the eight consultants who have been short-listed to submit their proposals to the Central Tenders Committee. I am told that early next week one of these consultants will be selected to do the final detailed drawings sitting down with the technicians at the hospital to finalise the complete layout of all of the compartments in the new hospital. I can tell this Honourable House that the budget for that area of the development of the new hospital was estimated at \$160,000, and we have been able to come in \$14,000 under budget (on the first contract that we have signed) at \$146,000.

As we know, the present hospital consists of approximately 56,815 square feet. When our project is completed we will have demolished 10,170 square feet of this and remodeled 28,215 square feet. The remaining 18,430 square feet are in very good condition and, as we know, it consists of the Dental Clinic and the facility provided by the Lions Club for the Eye Clinic.

In addition to this we will have 105,007 square feet of nine new—and I must repeat, new—buildings making a total of 152,652 square feet which will be almost three times the size of the present hospital—all on one easily accessible site. As a matter of fact, I have been reliably informed that with the provision being designed by the contractors for the future, we can go as much as five times the size of the present site in the future. So I feel confident that the site we have selected will be adequate to do what is planned.

I would like to take this opportunity to thank the staff and the dedicated workers at the George Town Hospital. They have survived under extremely difficult circumstances and I appreciate their efforts and the amount of time they have put in on this new plan.

I would like to share with the public that we are now, with the recent purchase of instruments that I think was initiated by the last Minister, able to perform laparoscopy surgery at our hospital. I know, from a number of people that have undergone this procedure, that this has been very successful. It will save our Caymanian citizens many thousands of dollars by not having to go overseas to have this procedure done. Literally, you can go in one day, specifically in the case of gallbladder surgery, and go home the next day with a minimum of difficulties or

major pain and suffering.

In recent times we have seen the accomplishment of some of our doctors, led by Dr. McIntyre, where a neonatal operation was performed and, thank goodness, that young infant was able to survive.

It is with much satisfaction that I can also tell this Honourable House that a new post of Chief Medical Officer has been created and will be filled no later than July of this year.

An inspection of the Health Services commenced last year. It has been finalised and passed on to Executive Council where over 104 recommendations were made. I would like to take this opportunity to thank those who were involved in that inspection: The Deputy Chief Secretary, my Permanent Secretary and the Director of Budget and Management. They did a very thorough and professional job. I feel that this report will assist me in dramatically improving the services at the hospital.

I would now like to touch on the development of the Health Centres. As we all know, the one in Bodden Town is well underway; as mentioned in the Throne Speech it will be finished in September, but with the progress that I see there it should be very well ahead of that deadline. I must give credit to the construction team, they are really doing a good job and it is quite an impressive building for the district of Bodden Town.

There is provision in the Budget for the commencement of the building of the West Bay Health Centre. Also, plans for the North Side and East End Health Centres will be commenced later this year with construction starting, hopefully, in 1996.

There has also been a study in Little Cayman. As many people are going there we feel that the Government should now provide a facility for the people of Little Cayman. Cayman Brac is in relatively good shape, they have a very nice hospital. I am pleased to see what is there; they have a very dedicated doctor and staff. We look forward to assisting and putting in place whatever is necessary to ensure that Cayman Brac has the highest calibre of service available.

I would now like to address the concerns of some of the public regarding the registration of Cuban doctors who have been granted refugee status in the Cayman Islands. There are six doctors who have been granted this status. Some of them have expressed interest in working in the Cayman Islands Health Care industry.

With input from the Healthcare Practitioners Board, the Health Services Department and the CIMDS, the Board has decided that the Cuban doctors should meet the same requirements applicable to other doctors. Noting that it would be logistically difficult for the Cuban doctors to get licensing in the United Kingdom, the United States or Canada, the Board expressed the opinion that it might be better for these doctors to be processed through the Jamaican system. A prerequisite for their working would be to get registration from the Jamaican Medical Council and letters of competency. To meet this goal the Board decided that these doctors would need to do one year rotating internship prior to registration, and another year of residency in the speciality of interest to the doctor,

which would enable the consultants to certify if the doctor is competent to work independently.

The Cuban doctors would also need to have proficiency in the English language. These decisions were made in order to ensure the safety of the public. As a follow up, the board has also written to the Pan American Health Organisation (PAHO) seeking advice on the proposed plan of action. It will, however, be the individual responsibility of any health practitioner to provide satisfactory documentation required by the board to get licensed, including the responsibility to finance their own costs—Government does not pay for their accreditation.

Our incidence of communicable disease is very low. We are very fortunate not to have polio, diphtheria, whooping cough, tetanus, measles, and so forth, in the Cayman Islands. Our success in this area is due to our (high) immunisation coverage (being around 95%), exceeding the target set by the World Health Organisation which is in the area of 80%. As a matter of fact, an immunisation campaign will be mounted during the week of the 3rd through 7th April to ensure that all children are immunised.

I know in recent times there has been concern about the vacant post of Genetics Counsellor. I am pleased to say that this post is now filled, and it is filled by a Caymanian. Her title is Genetics Coordinator. She is a trained nurse and will be able to offer counselling on genetic diseases, follow up care and educational programmes. She was sent to Jamaica for training in Sickle-Cell diseases. She will be visiting Mailmen's Centre at Jackson Memorial Hospital and Miami Children's Hospital for an observational visit to their genetics programme.

We are planning to have Dr. Banky, the genetics specialist at Mailmen's Centre, in the Cayman Islands to review our cases of neurological disorders and advise on any action required.

I would like to take this opportunity to thank the Lion's Club for recently sponsoring a social for the elderly residents of East End and also in Bodden Town. They were assisted by the Public Health Department under the leadership of the Medical Officer of Health.

I would also like to thank the Lion's for providing their centre at Red Bay to house the new basketball flooring which had been provided from the Ministry of Sports. I apologise for not mentioning them yesterday, but we all know of the valiant efforts being put forward by the Lion's Club of Grand Cayman.

As I wind down my contribution, I could not close without addressing the Chamber of Commerce survey. As this Honourable House knows, no one has supported or defended the Chamber of Commerce more than I have, and the *Hansards* of this House will reflect that.

I took the opportunity to look up the definition of Chamber of Commerce. The *New Standard Encyclopedia* says it is: "**an organisation of business professionals, men and women working together to stimulate and improve business conditions and to build a better community.**" I fail to see how this vicious attack on this Government can fulfill any of these expectations.

I would like to briefly touch on how they spoke on

each of the separate Ministries, starting with the Ministry of Education and Aviation, where the Chamber specifically rated this below average.

We all know the millions of dollars that have been saved since this Ministry came under new management—probably \$70 million alone from the Guinness Peat Aviation (GPA) deal. As a matter of fact, it is expected that this year we will be making an operating profit after subsidy.

The Chamber of Commerce rated Education below average. This is a joke. Did any of them attend that education conference held last year? I think if just one or two of them had gone and witnessed the great concern by the people, by the Members of this House and, specifically, the teachers, the enthusiasm that was shown there, they could not possibly be writing this nonsense.

We know about the new classrooms that are being built at the primary school in West Bay and the George Hicks High School. Scholarship programmes—how many scholarships have been offered by this organisation? I can assure them that there is no child in our school system that is not given financial assistance for the furtherance of their education, if they so desire.

We were recently able to deal with a child who needed financial assistance very quickly. Thanks to one of the Assistant Secretaries in the Ministry of Education, we were able to deal with that child right away. Yesterday afternoon she confirmed to me that after taking this problem to the Education Council this very deserving Caymanian now has a full scholarship. This is what the Ministry of Education does.

The Ministry for Agriculture, Communications and Works is soon to implement the Emergency 9-1-1 system, which will certainly improve our emergency situation in the Cayman Islands.

Works was rated below average. I would venture to say that there is no organisation anywhere as small as our Public Works Department, that is called on to do so many diverse things and to also supervise so many multi-million dollar projects as the Public Works Department. I know firsthand of the amount of time that the Acting Chief Engineer has recently spent with our Hospital Steering Committee and the Master Planning Study. Has the Chamber of Commerce taken the time to step down and talk with this gentleman? I say: 'shame on them' for leveling this unworthy criticism.

All we need to look at is the strain that has been put on that department by the Cuban crises. I say: Well Done. Just trying to satisfy the diverse needs of Elected Members is quite an accomplishment.

Look at the streetlights. Never before in history have more streetlights been put in these islands. When we look at the Queens Highway, where it was reported that many drug drops had taken place, it is pleasing to see that this is now fully lighted to reduce the risk of drugs entering our island.

Surprisingly, they said that Agriculture was satisfactory.

I would like to see what they said about my Ministry—they are still not sure what the title of that is, they

have it listed as the 'Ministry for Health and Human Services.' For their information it is the 'Ministry for Health, Drug Abuse Prevention and Rehabilitation.'

I wonder if they took into consideration the length of time it has been in existence. I ask for no special consideration, but in all fairness I feel that when this was put to the public my Ministry was probably in operation for less than nine or ten months. I do not think our best farmers can grow a good banana sucker in that amount of time.

Did they take the time to come and find out what was going on within the Ministry with our plans for Strategic Planning, or try to get involved? No, Madam Speaker. They preferred to sit down and criticise without putting forward alternative solutions.

In recent months we have been operating two Strategic Plans—one for Health and one for Drugs—involving several hundred dedicated Caymanians. I feel we have established the groundwork through this and the foundation for future development in these two very important areas. Would this not be fulfilling part of their overall objective (which I quoted earlier), to build a better community—to have come and joined hands with us and worked toward this very special project of helping the Cayman Islands to get rid of the drug scourge?

I can say that my Ministry has had three independent observations as to the process that we are now using through community involvement, and from all three we have received high praise. As a matter of fact, just about a week or two ago Mr. Jean Lug Lemahieu from the United Nations Drug Control Program visited our islands and after studying our documentation in preparation for an overall Master Drug Plan, he said that, with some refining, what we had developed in just seven short months was much more advanced than most of the other 27 Territories in the Caribbean basin. Yet, these people say that this Ministry is below average. That amazes me.

They said that **"the decision to remodel the George Town Hospital was a hasty one and could backfire."** I say that they are not acting responsibly. We are not remodeling the George Town Hospital. The majority of the work there will be new buildings. I note in the *Caymanian Compass* issue of Tuesday, 3rd January, 1995, it was stated that **"this government is not spending \$21 million to repair the old hospital. The facts of the matter are that there will be over 106,000 square feet of new building."** Yet they could not even take the time to put that in an accurate manner to the public. How can the public give an opinion on something that is inaccurate? Incredible!

"Whose hospital is best? Ezzard's or the National Teams'? Confused I bet." No, Madam Speaker, I am not confused. There is no comparison, especially when we look at it from the split-site perspective. It does not require a nuclear physicist to tell us that when we add Mr. Miller's two split-site facilities, which would have been required to have a complete hospital, not just the inpatient facility in the swamp but also the improvement of the present site. And once again, Madam Speaker, what is listed in the *Caymanian Compass* is their figures—not my figures!—that it was over \$27 million. Let us be fair.

Community Development—below average. I just wonder if any of these people in the hierarchy of the Chamber of Commerce took the time to go out and visit when the Young Parents Programme was opened up. They could not have possibly come to this conclusion if they saw what was provided there. Youth Affairs—below average; Sports—they gave that satisfactory; Culture—below average. It says, **"He has a misguided conception that sports, and not culture and education, is the priority in stabilising the community."** When we see the exhibit that was brought in of the Caribbean, these are positive ways of encouraging culture in the Cayman Islands.

Tourism—how warped and twisted can they get? After a record year of arrivals they said that the Honourable Minister's performance in the Ministry is below average. This is very unfair.

The Environment. Just in the last year of this House, this Honourable Minister pioneered legislation where a fine of over \$500,000 was put into place for ships polluting our waters. Have they not seen the Queen Elizabeth II Botanic Park up in the Frank Sound Area? The efforts made for recycling garbage? I must say that the garbage collection service that we have here is second to none in the world: Yet, they talk nonsense about poor.

Have they been to some of the other islands in the Caribbean and seen the problems that exist with garbage and other major problems in the environment? This is sad.

We know that there are problems out there—we inherited many of these. But in our very two short years many of these problems have been addressed. We could have been a lot more successful if they had participated in this community effort instead of expecting Government to do everything as it would be in a socialist state.

I wonder if the Chamber of Commerce wants us to go back to the time when this Government took over in 1992—when tourism arrivals were plummeting, there was no development going on, absolutely no construction, unemployment was at the highest level in the history of these islands. Is that what the Chamber of Commerce wants our native Caymanians to go back to? They ought to be ashamed to publish such nonsense.

Not even in the Banana Republics, that they so like to talk about, could such nonsense be published against the duly elected government. I know, from when I used to go to sea, in Venezuela and some of these other places, they would probably have been machine-gunned down if they had said this about the government.

Trade and Commerce—below average. This is a disgrace to these islands, when we know where we have come from, the incentives that have been put in place by the Financial Secretary, the many, many opportunities that have come to these islands to create more revenue for us. Just to name a few, there are Mutual Funds, many Insurance Companies. They said license fees for companies were too high. Did they not see where legislation was brought to this Honourable House to reduce most of these fees? But are their members implementing the reduction of these fees? There is no use in Government

putting forward the incentives asking for the reduction if the companies that form part of their huge following do not take action and reduce their fees.

Crime. In the two years that this Government has been in place, the police force has been increased by several people, yet they say that our concern in this area is below average. I am made to understand that when you compare the 1994 statistics with 1993, there is close to a 20% reduction in crime in most areas. Yet, they say that nothing is being done about crime.

We have strengthened the Drug Task Force and we have seen the results that have come out of that. More people are being picked up, but many of us feel that what needs to be done is that the big boys need to be put away—and put away for a long time. But this Government will continue to go after them. We will not stop until this entire country knows that it is socially unacceptable—we will not accept or tolerate any kind of drug dealings in our midst.

Reduction of Government Expenditure—below average. How did they possibly arrive at this? This is a deliberate attempt to twist the facts. We know what we took over here. I have seen the figures from the Financial Secretary's Office where, in the four years prior, there was an accumulated deficit of over \$55 million and in the year that we took over there was over \$7 million in debt. In two short years we have been able to turn that around. Yet, they rate us below average in what we are doing with the finances of this country.

They try to poke fun at us; **“They've saved some just to turn around and waste it somewhere else.”** When we put money on our people we are not wasting it—it is being invested.

Road Improvements. Where we are today did not spring up over night. Many of these problems we inherited, but we are working on them. We will continue to work on them. I see the work that is being done in my constituency in Bodden Town and there will be much more of it to come.

The Development Plan is not something that is carved in stone, Madam Speaker. The public still has the chance and the opportunity to have input. How can they knock us on this until it is finalised? This is a deliberate attempt to try to make this Government look bad.

Immigration. The public said below average and the Chamber of Commerce decided to go lower and they said “poor.” They said we should put persons of only the highest calibre on the Immigration Board. I am very satisfied with the people who I see on there. Is it because this Board is seeing that our Caymanians are now being trained and put in place so that down the line they can take over many of these high positions?

They said; **“I've never seen so many cases of victimisation.”** I would like to share with this Honourable House what I personally know as victimisation in regard to the Immigration Board. That victimisation did not come from members of the Immigration Board. The victimisation that I am familiar with came from members of the Chamber of Commerce when one or two of our duly appointed Members were being castigated. They even went

so far as His Excellency the Governor to try to have some of these people removed. That is victimisation.

When I checked into this I did not stop until I got to the top. There were unfounded allegations against one specific person—and they are going to put in this survey that our Immigration Board is victimising people? Tell the truth, the whole truth, and nothing but the truth.

Public Consultation. One of the main things that we have been castigated for was when a foreign entity was running a muck over some of our Caymanian people a little over a year ago. We decided as a Government that it was not fair to our Caymanian people so we brought in temporary legislation in regard to the buses and other heavy equipment. This is what we did for our Caymanian people.

They said that I am out of my league. I am man enough to say that I know I have no formal training or expertise in Health or medicine. But on my first trip to sea at age 17—and I am not bragging, I am just stating what happened—I was chosen as ship's delegate by all of my shipmates. I entered the United States Army and on my first assignment in Korea, I was selected as a team chief to head one of their finance departments. There were many, many more qualified soldiers who were citizens of the United States, but they appointed me to fill that position.

Upon my return to the United States I, as a foreigner, was assigned to the First Armored Division in Fort Hood Texas, the largest armored division in the free world. There were hundreds of other soldiers, but I was assigned as a Finance Liaison Officer between the First Armored Division and the Finance Centre in Indianapolis, Indiana.

I am not bragging, but when I left there, the First Armored Division was the highest rated division in the Department of the Finance of Defence with the lowest error rate in their division. Yet, these people say that I am out of my league.

Madam Speaker, working with the team that I have in the Ministry and on Executive Council and within this Legislative Assembly is how we can succeed. I may be out of my league, but I promise the Chamber of Commerce and the public of these Cayman Islands that I will not waste millions of dollars on failed consultants. I can assure the Chamber of Commerce and the public that anything that I do will be done by established government guidelines, and that no system will be circumvented.

I may be out of my league, but I promise not to pay almost \$2 million for a building that was valued at \$1.175. I promise not to squander and waste the public's money like giving away government land, manipulating water meters and authorising connections of over \$900,000 when less than 13% of them are bringing back revenue to this government.

What really disturbs me about this survey is that just three short months ago, towards the end of last year, once a month this Government used to meet with the management of the Chamber of Commerce, sharing with them. On the last page it says: **this has met repeatedly with ExCo to offer guidance as to public opinion, in**

an effort to act as an early warning system...” They did not bring these things to our meetings. We shared with them, if they had concerns we told them what we would do. Now, just three short months later you see this survey come out. This does not add up. What is the real reason behind this?

I hear that there is a possibility that two of the Ministers who have been slandered plan to take action in the area of filing a suit in the area of \$10 million against this Chamber of Commerce for these inaccuracies that they have portrayed. As a matter of fact, I would also urge the Attorney General's Office to take a serious look at this smear campaign, as it seems to be a deliberate and calculated attempt to destabilise the Government that was overwhelmingly elected by its supporters.

In contrast, after going through so many very serious allegations and misrepresentations, I would like to share with this Honourable House an article that appeared in *The Royal Gazette* in Bermuda. It was entitled “Cheering in Cayman.” I will briefly read a few excerpts:

“The Caymans enjoy a growing reputation because it has more regulation than any other offshore centre in the world.... It is impossible to find anyone in the Islands who wants independence. The islanders are not going down some radical Independence route. It is an extremely conservative Island.”

It also says, **“Cayman has always been about sensible long term planning.”**

“The Cayman Islands are a unique oasis. Here, society offers a reminder of the kind of standards that many Western societies have lost over the past three decades. The God fearing and very religious islanders wish it to remain that way.” [But we need the assistance of the Chamber of Commerce if we are to continue on this route.]

“It is unbelievable that in 20-odd years you can change a country where there weren't many jobs and most of the people were working either in the United States or on a ship sailing around somewhere.”

“You see, there is no magic formula to the Cayman Islands but the difference is we don't have these issues associated with nationalism, colour prejudice and so on.”

“The banks know that in the Caymans they have an almost idyllic situation. A perfect climate, reliable and friendly local people, zero tax regime, low crime rate, British dependency status and close proximity to the United States.”

“With over 300 years of British rule, Caymanians have steadfastly maintained close ties constitutionally with Britain, content with provisions which fall short of full internal self-government. [I think this article was triggered because of talk of independence in Bermuda] The stable political climate has contributed to a peaceful society which enjoys a high standard of living.”

“It is a level playing field with little crime and no corruption, something which is so prevalent in other countries.”

“Cayman is the living example of what can be achieved in a country with good government and management. Consistently good decisions have delivered a high level of prosperity for not just a few but for all its citizens.”

When we compare this—the outside world looking in at the Cayman Islands—I must ask, once again, is this the same Island that I see and that the outside sees, and the perspective given in the Chamber of Commerce survey? It certainly does not sound so to me.

In closing I would like to briefly touch on a few developments in the district of Bodden Town and the constituency.

Allocated this year is the highest amount of Capital Development in the history of Bodden Town—\$3.8 million. Some of this money will be spent on very good and worthy causes—improvements to our two primary schools, the one at Bodden Town and the one at Savannah.

Earlier on there was a question about the Post Office. There is allowance in the budget for improvements to the Post Office (and I think in Bodden Town we need a new Post Office) of \$160,000. There is about \$100,000 to finish developing the Civic Centre play field.

We know of the recent purchase of the O'Connor residence for a retirement home. These are just some of the things that will be happening in Bodden Town.

We continue to work to make things better for our people. And as long as I am here I will be fighting to try to do what is best, not only for Bodden Town but for this country as a whole.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.25 AM

PROCEEDINGS RESUMED AT 12.22 PM

The Speaker: Please be seated.

Debate continues on the 1995 Throne Speech. [pause] The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

The Throne Speech, delivered by His Excellency the Governor, was a very comprehensive and positive one. It carries a lot of encouragement, for it shows what can be done when cooperation is put into an effort to do something that has to be done—anything can be done once we cooperate and try for the same thing. It may be that sometimes one may differ in matters of opinion, but once we are fighting for the same thing the chance is there to win.

I would like to congratulate the Governor and all those who had a part in putting this Throne Speech together. Madam Speaker, this speech shows what strides and progress has been made since 1992. I cannot see where anyone living in these islands cannot say that something has not been done—and well done.

The progress made since 1992 is something unbelievable. Whether it is the Chamber of Commerce and the Opposition or just the lay-abouts, they know that such a change did not just happen, but came about through the good stewardship and management of our Government, the National Team Government.

I am not saying this because I am a member of this Team. I am saying it because it is a fact. It is a known fact that in 1992 the Cayman Islands was on the brink of disaster. There was nothing left to boast about. What we found was a broken country.

At that time business was low and the banks did not want to do any business with us. There was no work here, unemployment was at its highest point; the tourism industry was at its lowest. We were suffering.

Cayman Airways was just about finished. Cayman itself was staggering under the financial burden. There were problems; wherever one turned, one faced the problems.

This was the time when nobody really knew what was going to happen next. The banks refused to do business with us—and I am only touching on some of the problems the new Government inherited in 1992 upon taking office.

When we look back now at 1992 and compare our present condition, I do not see how in the world some people can say that this Government has not done anything, and that it is not any good. I feel that the National Team Government has done more in the past three years than any government has done for this country. We were in a dilemma that no one could see a way out of. The National Team took it on as a challenge and, by God, they won. Now, we have a country that boasts of high prosperity again, it is rated in one of the highest positions in the tourism and financial industries.

We have to feel proud of our government. I am not saying that they are perfect, no one is. They are working hard for the benefit of this country. We have had problems that we have not had at any other time, but with good stewardship and management we pushed forward and ultimately saved the country. I pray to God that we will continue with this.

Regardless of what is said on the outside or by the Opposition, we are progressing very fast. When we look at the problems that we inherited when we came in here in 1992, and see where we are now—Cayman Airways was a failure, it was about finished. But the Minister responsible took up the reins and fought a valiant fight. Almost single-handedly he pushed and worked. With the help and support of his Team Members, today Cayman Airways is flying almost as a free bird in the air again.

That same Minister, who is responsible for Education, has moved that forward. Our Education system is up. We are building new schools. I think that he should be highly congratulated and not discredited.

We also have the Minister of Sports—a striving, fighting, pushing man—who has done for sports in this past three years what no other government has ever done in these islands. What he has done should have been done 25 to 30 years ago.

Although they want to criticise him about spending so much money on sports, I cannot see anything else more important to spend it on than our youth. That is what is needed to save our youth because they are our future, and sports is one big thing in the life of the young ones.

The Minister may have big plans, but we have to realise that those plans are not just for one year—it is a consecutive thing. We will be progressing with that as with everything else. It is needed, and we all should support him and give him the hand that is needed.

I, for one, give him my full support and I am very proud to have him as our Minister of Sports—a man from West Bay.

Plus, we have another thing, and that is agriculture. We had a fair this time that I think we would have to look a long time in a wide margin to find a better one. This was brought back by the National Team Government. The other government stopped it and we brought it back. I am sure that it carries the praise of this island. Although they might not want to praise the Minister they have to if they have any conscience at all—which I believe some of them do not have. They have to admit it was a job well done.

It goes to show what can be done in our little island. All we need is somebody to lead and we can produce, as any country. While at the fair I overheard people speaking of the beautiful things, but mostly the cattle. Now, I am a guy who has seen cattle from different countries; I run cattle. But I have never seen any to beat what we had at that fair. I say, again, to that Minister: Well Done! Continue the hard work.

Madam Speaker, we have the Minister of Health. He is a new rookie on the team, but he has the respect of the people. He is doing a job that is needed in this island and he is not rushing blindly into it. He takes his time, takes the advice of those who can give it to him, and he moves forward. Our health plan covers a lot of ground.

I am proud to know that the facilities of the hospital will soon be started. We have the rehabilitation centre that will soon be going and we have health care in the districts which is needed very badly, all under this Minister's Portfolio. He, too, needs to be congratulated and supported.

The tourist industry, or hospitality industry, is one of the mainstays of our economy. If we do not try to improve on that we are lost. Competitors that will take over.

The Minister for Tourism has come under a lot of fire. I cannot see how the people can say that he is not going a good job. We have an industry here that surpasses all others, but to keep this industry going, we have to meet the demands of that industry. We cannot stop half way. This means that we have to keep progressing, and to progress means development.

I know that the critics are criticising the development of the tourist industry. I have heard it, *'Who are they progressing for?'* The thing is, we are improving for the Cayman Islands. We have to have a hand on this, I do agree. We have to put our efforts together. We have to see that development is there. But most of all, we, as Caymani-

ans, have to have a hand in the tourist industry. I know that the jobs are there, but the saying is that we cannot get work out there. I do not know about that. I have looked around and I have seen where there are a lot of Caymanians working and I am proud to see them there on the job.

The thing about it is that we have some Caymanians that will not push very hard, that will not stay on jobs. What I beg these people to do is get in there and hang in there with it. There is no job that will be totally pleasing to you, but you have to be man or woman enough to stick with it.

We talk about having to bring in so many people to do the work. What I would like to let this Honourable House know is that I do not know of any country in the world that was developed by its own manpower—it never happened. The United States, Australia, New Zealand, Africa—you name it—every one of them was developed with outside help.

The same thing here—we can train our people, but we cannot train enough. Some of them will still not stay on the job, and the work has to be carried on. Therefore, this is where the gates are open for the immigrants to come in and get work.

I want to bring up something about labour. In the early 1930s, little Aruba (which is no bigger than Little Cayman, and the population was similar at that time), underwent a development scheme. It started in 1939, I believe. When I went there to work in 1946, the population of Aruba was 1,600 people—a little island the size of Cayman Brac. That work went on, as far as I know, without any problems; everybody jumped in and did their work. They were all friends (I know we were), and we were like a big family. So I cannot see where a little country island like Aruba, with 1,600 people for its population... and mind you, they were not all the Dutch people, they were from all over the Caribbean and central and South America. But they worked together and did their job.

That is the same thing that we have to do here. We have to learn to cooperate and work with one another. There is no job where everybody will tap you on the shoulder and say you are a good fellow, or where somebody is not going to say a harsh word to you—that is not human nature. Someone will speak harsh to you. You have to have the knowledge of how to reply—if you are going to reply, if not walk away. I have done that myself many times.

Madam Speaker, I want to say this: I am proud to be with this Government and all the departments that have done their job. Somebody there has done it well for this little island to progress the way it has. We are now climbing the ladder, and one of these days, with the National Team Government, I am hoping that we reach the top. And when we reach there, I feel that then the Opposition and the critics on the outside may say; “Well, you know, they have done a good job. The job is well done.”

Thank you.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.31 PM

The Speaker: Please be seated.

Debate continues on the Throne Speech. [pause]
The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddén: Thank you, Madam Speaker.

I would like to congratulate His Excellency the Governor on a very progressive, very detailed Throne Speech, and for the presentation of that Speech in his usual able and dignified way.

This Throne Speech has set out very clearly the policies of the Government, both new and continuing. It has dealt with aspects of the country's policies that are very important to the country.

On the first page it deals with one of the main problems that we have at present, that of the Cuban migrants who came mainly last year, who are costing this country a lot of money. And, while I am sympathetic to children, women, and elderly people, we have to make decisions that are good for this country on a whole, with the interests of our people taking priority over those of the migrants. I believe that while a solution may be difficult to find, the way that Government has approached it—unusually endorsed by the Opposition Members—is the best way in the interests of the people of the Cayman Islands.

It is unfortunate that the majority of those who arrived here came as a result of the policies of the United States of America. And, while they have been helpful in many ways, I believe that far more assistance could have been given. We are also grateful to the United Kingdom and the European Community for their assistance, but I think it could also have been more, and quicker.

The Judiciary is one of the most important elements of democracy and justice in this country; it is an independent and very capable judiciary. It is crucial to democracy and the stability of the Cayman Islands when viewed both internally and externally.

That is why it is very important that at a very early stage this year there must begin the new extension to the Courts Building which presently houses possibly five times more people and courts and officers than it should. It must affect the persons who work there, as the building and the conditions there are not sufficient or up to standard.

I would like to specifically thank and congratulate the Grand Court Rules Committee for producing the Draft Grand Court Rules which are so badly needed in the legal practice of the Courts within the country.

On the Portfolio of Internal and External Affairs, I would like to welcome the Deputy Chief Secretary, the Temporary First Official Member, and to ensure him that wherever possible in the many difficult areas of his Portfolio I will assist.

It was good to see the efforts of the Lady Members in here. Perhaps the most vocal at this point is the

Elected Lady from North Side in relation to getting the General Orders amended to remove the discrimination against female officers. I think that was quite a milestone, as well as the move to establish the Women's Desk within the Government. I believe the review of the General Orders is very important and this should be carried out as soon as possible and as comprehensively as possible.

The new Police Commissioner, whom I had the privilege to meet recently, said that the Police Force is a *Police Service*, not a *Police Force*. Well, the Civil Service is a service that is paid by the public and has its overriding duty to give service to the public. To that effect, I believe that a small, professional, well-equipped, efficient civil service is better than a very large civil service that has excess bureaucracy built into it and the inefficiencies that go with that.

The most controversial topic in this debate has been in the area of the public dissemination of information and what has come out—in what must be the most unusual course for a Chamber of Commerce to take—in the report that it has given on Government.

One of the criticisms within this report is that proper notice of three months on all bills... And let me say in relation to that, as I told them, there are some bills that require three months' notice and, for example, the Constitution required a six month notice; but there are others that do not require three months' notice. However, they breached that rule that they have set as one of the principles and ideals of the Chamber of Commerce.

On Thursday, when the letter came out on the survey in the *Caymanian Compass*, I spoke to the president of the Chamber, Mr. McTaggart, and asked him why he would put a letter in the newspaper without giving us the courtesy of even one day's notice of the survey. He expressed some surprise that we did not have the survey and said that we would have it. However, that following Monday he went on television and dealt with the survey, and up to that stage we had no copies of that survey.

Now, what I am coming to is this: The Chamber of Commerce cannot set standards that it is not prepared to abide by. No notification of this very important survey was given to the Government. I do not believe that the problem arose because the directors did not want to give it to us, it arose because Mr. Wil Pineau, the new managing director, who has suddenly changed the relationship between the Government and the Chamber, has now taken control of the Chamber of Commerce.

So, where they are asking for a three month notice, they do not even have the courtesy to give us even three minutes' notice because the survey appeared on my desk the following Tuesday—some six days after the press had it and so did other Members of the Opposition of this House, as I understand it. I am very surprised that the Chamber would go this stage.

I have been one of the strongest supporters of the Chamber of Commerce, but the relationship that has been brought in by the new manager is going to be the same as it has been in the cheap little newspaper *The New Caymanian* that he and Mr. Jackson have financially

bankrupted over the past few years.

I would like to believe that the Chamber of Commerce is in a situation now where the tail is wagging the dog. The new manager has come in and he is carrying out dirty newspaper tactics within the Chamber. That may hurt the Government, but members of the Chamber have to realise that it is also going to hurt members of the Chamber of Commerce. This is where I think they need to intervene.

I would just like to set something clear for the record. There was a lot of talk about immigration and appeals, and this sort of thing, but this Government allowed the appeal in relation to Mr. Pineau to allow him to work for the Chamber of Commerce. And what we have seen from the very start is a change from a manager (Mr. Phil Hinds) who was a very fair, intelligent person whom, we were able to work with over the past two years, which enhanced the Chamber as well as enhancing the Government, for us to get into a stage where there is nearly a war between the Government and the Chamber of Commerce. This is bad for this country. The people who are going to suffer as a result of it are going to be the members of the Chamber of Commerce and the people of this country. That is why I believe that after this round the Chamber has to get back to reality and realise where its role is.

Let me show you why the manager, Mr. Pineau, was able to take and manipulate the Chamber of Commerce to get the results they wanted, because we know they have pledged to bring down this Government. I think he is going to now begin to realise that that is not going to be allowed by the people of this country. He should try to be within this country long enough to understand it—he is a newcomer here—he should try to understand it before he takes the steps that he has now, unfortunately, led the Chamber into.

The first survey by the Chamber of Commerce was a survey of its members. What he has done is widen that into a survey of members and persons of the public. What is happening now is that members of the Chamber of Commerce are being hurt by the views taken by a selected few that we understand took these survey reports... and to call it scientific is being very polite, it was really a disaster.

The editorial in the *Caymanian Compass* bears that out. He has widened it out from the Chamber of Commerce to members of the public. That is wrong. The Chamber of Commerce crossed over the border between dealing with its members to dealing with a selected few in the public.

The questionnaire was not numbered. We understand that one person (a member of the public) filled in about 15 and got them signed and sent in. But the deviousness of this was the way in which the questions were put to the public. I am a lawyer, Madam Speaker, and after 25 years I know that if a question is put a certain way it can only extract a certain answer. Journalists use the same tactics—not professionally, unfortunately, because we are within the conduct and etiquette and Rules of Evidence of a Court. They are not. The questions that

were put, and the persons it was circulated to is what has brought back a very damaging and unfair report.

I only want to give a few examples of this to show that how you do it and how you deal with the results is the report that you will get.

Just a year ago a questionnaire went out under Mr. Phil Hinds. In relation to Cayman Airways—at a time when we had estimated a \$6 million loss—and this is very important, when this went out we estimated a \$6 million loss, which is about what we made when you remove the subsidy from it—they came back on Cayman Airways saying: “29% excellent, 46% good, 17% satisfactory, and 8% poor.”

What Mr. Pineau has concocted is that that situation, where we were in a loss, and the public now knows that we are in a profit after subsidy and much better off, he has come back saying that the public finds Cayman Airways satisfactory and the Chamber finds it below average. So the Chamber has gone from having 92% (of which 29% is excellent and 46% is good) the 8% poor that they had has now turned into 100% below average. This is the most stupid thing that I have ever seen and the directors of the Chamber of Commerce had better come to grips with the Chamber of Commerce, or they are going to be led into the same disaster that Pineau has led *The New Caymanian* because it is now in serious financial trouble.

The Chamber of Commerce will be in the same situation. He has no managerial capabilities, but very mischievous writing abilities.

It is like everything else—if you pay cheaply for something you get a cheap product. They should have paid more money and hired the two Caymanians who applied to them, rather than paying cheaply and getting a cheap product who, believe me, is going to waste a lot of time of the directors by the time that this is all over.

I cannot believe that a company that has gone from a loss and was rated as excellent, is now making a profit and rated as poor. That is the most stupid thing that I have ever seen.

Hon. W. McKeeva Bush: Hear, hear!

Hon. Truman M. Boddén: I took a long time thinking about this before I got up, but what I am trying to stress to the directors of the Chamber of Commerce is that they have to take control of it. If they could not get someone the calibre of Mr. Phil Hinds, who was a capable, fair gentleman who got a better job... and that is the difference. Here we have a man (Pineau) who was in a job at *The New Caymanian*—which they had bankrupted—and he left just in time and went into this job. He could not have gone anywhere else.

The *Caymanian Compass* stated that, “**the Chamber [of Commerce] will readily admit that the survey results are not based on scientific procedure and is not representative of the population as a whole.**” And that, “**the survey form was distributed to members of the Chamber as well as to the general population through Post Office boxes.**”

All I can say is that having taken Cayman Airways from a situation of massive debts and losses, and having been told that 75% of the people felt it was excellent and good when I was taking a loss, and now I turn it to a profit and the Chamber finds it poor—I mean, it is really ridiculous that people of the calibre and professional ability of the directors of the Chamber of Commerce would let this nonsense go out to the public.

I would tell the public to reject this. This is what Mr. Pineau thinks. It is not what the public thinks. I have had so many people call me up and say to me what a ridiculous thing. I say to them (and I am saying to them now) call the directors up and tell them this, because they may believe that they are being led in the right way. Those directors are: Chairman, Mr. Roy McTaggart; Mr. Adrian Briggs; Mr. Robert Wood; Mr. Steve Hawley; and Mr. Sydney Coleman. I suggest that instead of calling me they start calling them and tell them to get their manager back on the right track, or see if they can sufficiently tie his hands so that he carries out the wishes of the directors.

I do not believe that these fine gentlemen would have produced this sort of thing. I believe they trusted him; I believe they trusted Wil Pineau and have found out what *The New Caymanian* found out—you cannot trust him. They are now the people who are suffering as a result of it.

I could go on and on. It is the same thing in agriculture. Only 12% said that was poor, which means that 88% said it was excellent, good and satisfactory. Yet, the most that it got was satisfactory. So, I would ask them to reject this.

Quite frankly, if the Chamber of Commerce is not more competent to deal with Mr. Pineau, they had better see if they can get a Caymanian who understands Cayman, and understands that islands here have a very difficult economy to deal with and that this sort of thing is damaging. But it was interesting to see that even the *Caymanian Compass*, one of his fellow journalists, felt that he had also messed it up and that you could not rely on it. I submit that he has concocted what is in there and what has come out is not the Chamber's view, it is the view of Wil Pineau and his frustrations with *The New Caymanian*.

The Cayman Islands Police Force, despite it being questioned at nearly every sitting of this House by the First Elected Member for Boddén Town and the Second Elected Member for Cayman Brac and Little Cayman, and the battering that the Police and the Prison have taken at their hands, is a good Police Force. Not everyone and everything is good, but what has been achieved (and I commend the Chief Secretary for this) is that for the first time in many years, as reported in page 2 of the report, and I quote from that report: “**With the exception of drug offences, it is gratifying to report a reduction in almost every category of crime; of particular significance is the drop in reported burglaries from 765 in 1993 to 595 in 1994.**” [Royal Cayman Islands Police Annual Report for 1994]

“**Drug offences are known in police parlance as**

'victimless crimes'." What is meant by this terminology is that the victims are the persons who consume, so it is a different category of offence from burglary, where one goes into a person's house and attacks a person.

So in all areas of crime, except in relation to drugs, there was a decrease. I believe that if the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman would stop constantly criticising the police and the prison officers they would be able to get on with their jobs and try to do something constructive, rather than having to listen and worry about the way that they are being attacked here from time to time. So I call on those two Members to try to get positive in relation to the police and to leave the negative side of things to other areas where it matters not as much.

Mr. Gilbert A. McLean: [interjecting] ...better stop attacking Wil Pineau!

Hon. Truman M. Bodden: They know, the questions are there. They are asked time and again. A lot of the problems that have arisen, have arisen because of the constant exposure that they have tried to direct against the police. So I call on them to be positive—support them. The police have a very difficult job to do...

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: It seems as if the Minister for Education and Aviation is saying that I, as a Member of this House, am creating problems for the police.

Madam Speaker, what he has said is a falsehood, and I think that such allegations should not be made against me, or my colleague, the First Elected Member for Bodden Town.

The Speaker: Honourable Minister I am not certain what you actually said, but if you did make an indication that the two Members are responsible for making trouble, that would be out of order. If you are referring to the number of questions that they ask on the police—

Mr. Gilbert A. McLean: Madam Speaker, the questions are not trouble—

The Speaker: I do not think we have had any questions this time concerning police.

Would you please just go on with your debate, and avoid any inferences of mischievousness unless it can be proven?

Thank you.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

This is, however, one of the few sessions that questions were not put in relation to prisoners or the police.

Mr. Gilbert A. McLean: [interjecting] ...I told you it is to see if you understand Question Time in the House.

Hon. Truman M. Bodden: I am only talking about questions because those questions can put questions in the form of attacks in relation to a person, and the area that you are asking the question.

I am calling for something positive because we get a lot of negatives out of those two Opposition Backbenchers but very little positive. Very little at all in the way of solutions.

Madam Speaker, a lot within society depends upon the attitude of people toward the police and the prison. When that attitude is negative it obviously produces negative results. Maybe there are people who wish to see negative results coming out of the police and the prison, but while it may suit those person's own personal views in relation to those people, it will hurt the country.

I believe that the new Commissioner's approach is going to be new and I believe that this House should give its support—as the National Team Members have always done—to law and order, rather than having him waste time answering stupid questions or otherwise from the public.

The area of Immigration is very controversial. A lot of the ground that has been achieved during the time that we have been in the Government has been lost during the stage when there had to be large deployments of staff in relation to the Cuban migrants. I believe that the Honourable Chief Secretary and his Deputy are going to come to grips with this because many of the staff deployed either need to be replaced or brought back into the Immigration Department.

I know the Board itself is quite up to date on matters, but the impact of the Cuban migrants and the deployment of staff did not hit there the way that it hit the department itself. It is important that this be corrected as early as possible to get the Immigration Department back on an efficient track, so that when the Board makes decisions the time to process the applications can be brought back within the three week period that we sought.

On the question of the Civil Service and what has been said about their right to say whatever they wish in public, whenever they wish to say it, I would like to draw Members' attention to the fact that if you work in a bank, or a construction company . . . or better yet, suppose you work in the television company. You never see their employees going on television or writing to the press saying that the television company is no good, or saying that the bank is no good, and that sort of thing. There has to be support for the organisation that one works for, otherwise the organisation will come under what mighty Rome came under after 1,00 years—it will fall from within.

There must be a balance of freedom of speech and of the civic rights of the civil service; but that has to be tempered by a commonsense approach. If people who are in a public organisation continuously undermine it

publicly it will finally fall. I do not think that is what a democracy is all about when it talks about freedom of speech.

In fact, anyone who knows the Bill of Rights knows that freedom of speech is subject to many exceptions. Not only does a person not have the right to slander or defame another, but he has to respect his neighbour and other members of the public, otherwise the law will impose heavy damages on him.

The letters that we see in the newspapers are many times written by frustrated, unemployed people. In fact, some that are writing some of these letters are unemployed. In fact, some of them who are writing columns, for example in *The New Caymanian*, talking about their unlimited right to go out there and destroy the business they work for, or the Government they work for, we have to look at as an extreme. Common sense tells us that there must be freedom of speech within boundaries that make sense and that we cannot have rights that are going to infringe on others, especially where they infringe on the company that employs them and they finally destroy it.

We have recently had some controversy being stirred in relation to District Administration. I believe the Governor (and I will come to that later on) made it very clear in the Throne Speech that the decision to hire, fire and discipline Civil Servants is his, and it is exercised by him along with the Public Service Commission—it has nothing to do with the politicians.

I know it sometimes upsets people when their favourite person employed anywhere (not just in Government) is transferred, retires, or is fired. But they are being very mischievous when the Constitution is very clear as to who has responsibility for the civil service.

I believe that Mr. Joel Walton, a Cayman Bracker, is a very capable person to be in the position of District Commissioner. I have the highest respect for that man who is now in a position to look at the District Administration from a different perspective, and I believe that what he will do there will be good for those two islands.

I would have thought that after the Minister for Tourism arranged for a cruise ship to call there that the Second Elected Member for Cayman Brac and Little Cayman would have bowed down and said *'thank you very much for getting the first cruise ship to go around there.'*

Mr. Gilbert A. McLean: That is what is wrong with them, they expect people to bow down!

Hon. Truman M. Boddin: Instead, what we have is the negative side of things again, where they say it went there, but possibly for the wrong purpose. If the cruise ship is there . . . and he got it there, give him credit for it. This is the difference between finding solutions and being negative. He found a solution to the problem and I believe that the First Elected Member for Cayman Brac and Little Cayman appreciated it. That is why he is the First Member for Cayman Brac and Little Cayman—because he has the good business sense to see when things are to their advantage in those two islands and when they are

not.

Cayman Brac and Little Cayman have very good infrastructure government after government, not just with this one. There were days when the First Elected Member for Cayman Brac and Little Cayman had that all-powerful single vote, and he got just about everything he asked for up there. But we have the infrastructure up there and I think there has to be a solution as to how we can build on that, always having regard to the wishes of the majority of the people of Cayman Brac and Little Cayman when doing so. I am prepared to assist in any way that I can in that respect.

The Honourable Attorney General, the Second Official Member, has had his hands more than full with legislative drafting, dealing with advising and generally dealing with the legal aspect of the Cayman Islands which has now come to be a highly sophisticated Government that is dealing with very complex legal problems. I believe that his decision to strengthen the Legal Drafting Department and to bring in and institute the revising of laws that is being carried out under him by Mr. Michael Bradley, QC, is one that is much needed and one which will help.

I am very pleased to know that we have also had within the Legal Department and the Courts Office the young Caymanian attorneys who are coming up who will one day, as senior attorneys, take their place within Government and the private sector. The Attorney General's support and guidance, also that of the Council on the Law School, is something that I very much appreciate.

It was good to hear professors (who are international in their scope and internationally acclaimed) at the University of Cambridge External Examination Syndicate saying what an achievement it is to produce a law school within such a tiny island which has the standard of acceptance of Honours Degree by the University of Liverpool. That achievement stands out. We are the only West Indian country, other than the University of the West Indies Law School, . . . in fact, there is no other small territory or island that has achieved those high standards in education. I fully support it and I urge the law firms and practising attorneys here to assure that young Caymanian lawyers get fair treatment in relation to employment, and that they assist them in their early stages in legal practise.

The Portfolio of Finance and Development is in very capable hands. In fact, the country is in such a good state that a majority of the Government can actually leave it to go on short trips promoting the country knowing full well that it is so properly run that they will come back and find it continuing.

I fully support the Third Official Member in his promotion of the offshore industry, because it is one of the two main economic lifelines of this country—either we promote it, or it will stagnate. There are too many other jurisdictions out there that would be prepared to take the business for us to let it stagnate.

I believe that we will see, in fact we have already seen the results from that trip. A substantial amount of applications have been made in the banking and trust category as a result of it and, like everyone else, I believe that we must promote it if we are going to move on.

There has been criticism by the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, about the reason why two-thirds of the Government Members went on this trip. One of the main things that we were promoting was a stable government. That is what brings business here, not the fact that we have beaches—there are 50 other islands out there with beaches that are very good—it is the fact that we are a stable government, and the best way to promote a stable government is to show it. The Members of the team who went there are capable of holding their ground in an international setting.

What I found very amusing is that while only a part of the Government went off, leaving very capable members behind... in fact, despite what the *Caymanian Compass* said, I was at an Executive Council meeting that they claim I was not at because I went mid-stream. But, be that as it may, let us look at the other situation. All of the Opposition got on a plane and went to the United Kingdom. They did not even leave one-third back. The leader and his follower jumped on a plane and they all went.

Looking at it another way, they must believe that the Opposition is running good too, because they can leave the country and not have to worry about it.

A question came up (and I will deal with his a little bit later on) as to how we could do it. The answer is very simple—the Government, as everyone knows other than the two Opposition Members and Mr. Pineau, is in a very stable and good position. The members of the Chamber of Commerce are the happiest they have ever been. They call me up time and again to say how good it is—the economy is booming, there is increased tourism, thanks to the Minister for Tourism, everything is going well. We always tell them that most of those who are saying [negative things] are unemployed and unemployable, they have nothing to lose so they can say anything. Sensible people do not make erratic and extreme statements like that.

The New Caymanian, Madam Speaker, in its 24th February to 2nd March 1995, newspaper... and you know that *The New Caymanian* has a way of attracting losers. If you look at people writing in its columns (not all of them, but some of them—I am just limiting this to some of them) you will realise that they normally do not have a job so they go and write for *The New Caymanian*.

Mrs. Bridget McPartland wrote a very critical article under “My View”, as to why there was such a large Government delegation. As I mentioned earlier, the Government went to show the world that we had a stable Government, and that the Cayman Islands would continue whether or not people were sitting there with their ears to the telephones. This is not the way something that is properly run operates—you can leave it. If your business is running good, you can go off on vacation. It is when you cannot go off that the country has to worry.

In it, she stated: **“Justifiable participation for the Minister of Education is amiss in regards to his portfolio, and the same can be said for the Member from Cayman Brac.”**

Madam Speaker, this promotion was on the offshore business. I have been in the offshore business. I have been a professional lawyer for 25 years. I have put in more time out there than she has spent in these Islands, because she spent most of her life up in the United States. I have nine qualifications ranging through banking, law, arbitration, commerce and credit management—and they are senior qualifications. But, Madam Speaker, if I had been the operator of a liquor store, then I quite agree, I should not have gone. I will agree with her that she could definitely contribute nothing to that type of delegation—absolutely nothing.

She attacked the Honourable Minister for Youth, Sports and Social Services by referring to Hong Kong’s national sport as “horse racing (gambling)”, and said that there is concern because he went there. But, Madam Speaker, if we put horse racing against selling liquor... you tell me what has ruined more people.

The First Elected Member for Cayman Brac and Little Cayman was there, and he contributed. We are trying to get business into Cayman Brac and Little Cayman, and the best way of doing that is by taking somebody who understands those two Islands. I was very proud that he was with us. I was proud of the discussions; we had round-the-table luncheon discussions at times and I believe that we will see a lot of benefit from it.

A very funny thing happened. We had a politician who declared that he was running, and do you know where he ran? To Hong Kong. And he is still there. He is her contemporary. He is possibly her running partner. Mr. Linford Pierson is up in Hong Kong. At least I went there for a few days and left it and came back to my people and my Government. That is what she should be writing about.

Madam Speaker, the situation is such that it is all well to try and be negative and destroy. The country does not need that; it does not need people with negative views in here because there is too much positive in life that can be done.

I think what Bridget [Mrs. McPartland] really needs to do is to go and try to write for a successful company or newspaper (if she is going to write at all in her spare time), and get rid of the nasty critical articles that have become the trademark of the financially troubled *The New Caymanian*.

We know that Mr. Linford [Pierson] has a way of writing letters and articles and getting other people to sign them. I really wonder sometimes... You know after a while you can see or learn the way in which people write when you know them good enough over the years in politics, and many times the articles that come out are obviously not articles of the writers themselves.

Speaker: Would the Honourable Minister wish to take the suspension?

Mr. Truman M. Bodden: Thank you, Madam Speaker.

Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.33 PM**PROCEEDINGS RESUMED AT 3.54 PM**

The Speaker: Please be seated.

The Honourable Minister for Education and Aviation, continuing.

Hon. Truman M. Boddén: Thank you, Madam Speaker.

Next in the Throne Speech is the Ministry of Tourism, Environment and Planning.

The Minister for Tourism has received very positive results in the area of tourism. I do not think there is anyone else who, year after year, could have shown the increases he has shown in this area, while keeping the quality of tourism within the economic bracket which benefits the Islands. I know that he has put in many, many long hours.

The Ministry of Tourism requires much traveling, as the Second Elected Member for Cayman Brac and Little Cayman (who was in the Ministry for Tourism many years ago) knows. He has put his full effort into seeing that this most important part—and it is the most important part—of our economy continues to function well.

The newspapers get so desperate for news that they make things up and publish it, as we saw them do about the Minister for Tourism by saying that Tourism was down. Sometimes some of the papers get confused between up and down so it is not unusual.

The policies that he has put in place in relation to tourism are sensible; they are reasonable growth policies, well thought out and they are long term. I am satisfied that we will see a continuation of beneficial increases in tourism.

I believe that his move to promote and to spread the basis of tourism into Europe is a good one, and to reduce the dependency on North American Tourists, which has been the situation in the past. I think we must continue to concentrate there, but spreading into Europe and the Far East is in the best interest of Tourism.

To be very frank—and I will refer to it after this as the 'Pineau Poll'—the lack of understanding that that poll showed for this important area of the economy is of the same low calibre as its author.

The Department of the Environment is obviously a very difficult department. Balances have to be struck between preservation and continuation of the human race in a manner in which they are entitled to continue in. What I think is important is to ensure that the policies that are in place here are not extreme one way or the other, but balanced; and that they reflect a sensible and practical approach to preservation. An extreme view of letting the human race suffer because of trees is one extreme approach; another is to destroy everything. So a balance has to be struck.

I know from talking to Mr. Cousteau that he feels that important dive sites should be left fallow, so to speak, for a period of time. It would be good to get the reaction of the divers in that area. Also, in the report from Madigan and Pratt done for the dive industry recently, it

was pointed out that in Curacao they only allowed 5,000 dives per site. The reason I am saying this is not to say that it is right or wrong, but I believe that the Department of the Environment and the Diving Industry should focus more on dive sites that are in use—for example 17,000 plus people will visit some of them—focus on those, rather than spending all of their time out in the Harbour looking at anchors of cruise ships that are anchored out there.

That area, the Harbour area, has been an anchorage for probably the last 150 years. There are areas there that are, unfortunately, gone. But what we still have are other very good dive sites, and I think that 90% of the monitoring and the time of those within the departments who deal with it should be spent seeing if the dive boats and the highly used dive sites are monitored so that we can see what the effects are on them.

The reason I am saying this is that sometime back we were taken by boat into the harbour and shown the way the anchors had torn up parts of that. It struck me that there are no dive boats in this area anyhow, and that there are another 160, or 170 dive sites that are very important to the island. What is happening with those? Who is monitoring those? We know that some monitoring is going on, but I would say get off the cruise ships because they are an important part of the economy, and get off their anchors and the harbour areas that are, as I said, unfortunately gone, and start monitoring areas where we find 15,000 and 17,000 dives per annum.

I believe that the dive industry has to have self-discipline within it. It may have to take decisions as to striking a balance. Those sites are far more damaged by large numbers of humans diving there than they are by a few fish that may not have a bit of mangrove swamp (a few feet of it) in certain areas.

I am saying that I believe that we have to be sensible in our approach—instead of wasting a lot of time in the harbour or looking at someone up in the North Sound, for example, they should be up here on the dive sites themselves, in the deep water, monitoring that so that we can see what the effect is.

I take my children out to the [wreck of the] Cali. I have seen dive boats out there that are permanently tied on to one of the Cali's tanks. The rope runs down and it is tied on. What I am saying is that there is damage in these areas. There are a lot of snorkelers in these areas who go down... and when you get a boat with 150... and it was good to see that in some respects there may be some limitation because we do not want to have these restrictions just applying to one island, I think that they have to apply across the board.

Obviously the areas we have to worry most about and monitor most are the sites that are being used; other areas away from there do not affect the industry as much as damage to the sites that they dive on. I have seen debris out there and I only go to the shallow sites normally.

I think that the dive industry must discipline itself. Rather than deflecting on the few fishermen who put down fish pots, they should be spending their time monitoring sites that may one day be lost forever if they are

not careful. No fish pot or removing of mangrove or something that is many miles away is going to be what does it—it will be the people themselves.

The Planning Department, like the Immigration Department, is always in the public's eye. The Minister for Tourism, along with the Department, has put out the Development Plan. There has been a lot of positive feedback on that, along with some negative feedback. There has been some extremist negative feedback on it. That is what will have to be sorted out because if there are people and organisations that attack everything within that plan and try to get everything they want in it, they may destroy it in the end, as they have done so many times over the past 20 years. We cannot always get everything we want. Once we get a reasonable amount we have to be satisfied with it.

I will ask the public to take a positive look at it. There are obviously problems. It is the most controversial document this country has ever seen from a political point of view and we have to go carefully with it. But the organisations that are now attacking it have to be careful that in their efforts to get too much, that they get nothing at all.

What I will say is that I intend to look at it very carefully, especially in relation to the George Town area and will form my view based on the feedback that I get in a balanced way.

The Fire Service under Mr. Kirkland Nixon continues to be one of the best-run departments, highly Caymanianised, very efficient. It is an asset to this country.

The Cayman Turtle Farm, a very popular tourist attraction, has over the past and up to the present done well. It has assisted Cayman in many ways. One day, as the turtle population increases, we will find that the meat side of the farm will contribute heavily to the financial side. I know many of us feel that the turtle takes a lot of time. We always have a wish for more.

This goes on next to the Ministry for Health, Drug Abuse Prevention and Rehabilitation. I take my hat off to the Minister of Health. He came in part way through the Government's term and has taken on his shoulders the most difficult Ministry and most important Ministry from a national point of view. Success in drug abuse prevention and rehabilitation is going to impact directly on the success and continuation of the Cayman Islands as a stable and healthy country.

I will deal with the misguided present leader, and defunct Minister of Health who has joined the negative team, tomorrow. So, I will move over that area for the time being.

I am satisfied, having worked with the Minister of Health over the past year or so, that he is very capable of dealing with this Ministry. I think he knows, as well as we all do, that it is going to be a difficult and uphill task. But, I assure him that he has the National Team behind him—and that strength of teamwork is something that has always baffled the Opposition who cannot get their act together in doing and saying the same thing. We have stayed together and that strength is behind that Minister. He is a hard worker, he is capable and his approach with Strategic Planning with the Education Strategic Planning

is the right approach.

The First Elected Member for Bodden Town should be so proud of this Minister, and he should be supporting him every time he can, rather than asking all of these little twisted questions from time to time. They both represent the Bodden Town, Breakers, Lower Valley, Savannah districts. His positive approach to this is something that one would have expected to be forthcoming. Unfortunately, it has not been. However, the Minister for Health does not really need that type of support when he has the whole Team behind him.

The Throne Speech next goes on to the Ministry responsible for Community Development, Sports, Youth Affairs and Culture. I had Social Services under my Ministry for eight years, and with that, areas such as what are now in this Ministry. I will be the first to admit that in the last two years the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture has done more than, perhaps, myself and the previous Ministers who had this Ministry. I think he has come to grips with what I found to be the most diverse and difficult area to deal with—trying to find solutions within areas of Social Services and the complexity of the problems of the youth.

Despite a bit of criticism by some misguided letters written by Mr. Linford and signed by one of the Wight boys who tried to criticise areas of this, I was extremely proud when I went to the Red Bay Primary School and George Town Primary school, to see that those children were able to perform on a proper sports track and field. I do not know if anyone here has ever seen what a young child's knees and legs look like when they fall down while running on the asphalt which the last Member left there, but parents of this country should say a very hardy thank you to the Minister for Sports for what he has done there. I can assure him that the people of George Town very much appreciate what has been done. I think his approach, being a very forthright one, is the only way to deal with some of these projects to get them through because it is so easy to sit and procrastinate over whether something is right or wrong; but until one finally takes a decision and gets on with it—which is the ability he has—one cannot get the results that he has.

I know that his heart is fully in his Ministry, and I know that whenever he does anything that it is for the advancement and the betterment of the Cayman Islands as a whole. I will never forget his closeness to the vast majority of the electorate and his sensitivity to their views.

The Third Elected Member for George Town has done wonders with the National Museum. She has continued to mold that over the last two years into what is a very important and good National Museum, both from a local and tourism point of view. The preservation of our past, the displaying of it and, most important, the accessibility of the National Museum to the children of this country is something that is most important to our culture. I am very happy to know that she chairs that important Board as well as the Community College Board.

I would like to commend the National Trust for the plaques that they put on the Town Hall, the Library and

the Post Office in George Town. It is the beginning of what will be important to identify the old buildings and the important ones within the Cayman Islands.

I would like to come back to the question of Culture and areas of this Ministry when I am dealing with schools, to link it for the sake of brevity.

The schools and education have just come out of an Education Strategic Planning Exercise that has involved 353 people ranging through all of the strata of the Cayman Islands society. A lot of work and effort has been put in by members of the Planning Team and members of the Action Teams. For the first time, and I will hopefully be able to lay it on the Table of this Honourable House later on in this sitting, we will have a well thought out and balanced Education Plan.

I was no part of these teams at all. I think that is important for the public to understand. The results of this are from the 353 people who were involved in this exercise.

Many good things have arisen from it. The weaknesses within the system have been looked at and solutions to the problems have been put forward. The Action Plans, which comprise about 106, were drawn up, costed, and at the end they will show who is responsible and accountable for carrying out the specific work that will arise from those strategies.

I am satisfied that the work that they did has to be about as near to being correct in all respects as any other education plan that has been produced—I think I produced the only other one in the past—or that will be produced in the future in relation to these islands.

What I always find amusing is the fact that when things work good the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town give someone else the credit for it, and when they go bad they want to blame a member of Government.

The dilemma that they had was in the excellent results of the Caribbean Examinations Council, which were the best in the Caribbean and the best in the history of this school. They said that the teachers did that. But when there are problems in the school, then it is the Minister of Education who has to be responsible for the problems. I find that very amusing because if everything is coming out right, I cannot be doing it all wrong. I am going to label that as the 'Opposition and Pineau Syndrome' because when things are working well, it has to be naive to try to tell people that we are not doing things right. I would like to develop that further in some specific areas later on.

The dilemma that the two Opposition Members and their wayward follower (I do not know if he is the leader), Mr. Ezzard Miller, now have is that they try to tear down as much as they can of what has been going on. But the results in most areas are so good... and I will give The Second Elected Member for Cayman Brac and Little Cayman credit for that, at least I know he supports Cay-

man Airways and he made some very well thought out suggestions in relation to it. When I was Opposition we had a Government that could not perform and did not even have a majority in the House, but it has to be very frustrating when they are such a small minority out of such a large majority of a well-cemented and capable National Team as they are up against. Trying to find areas to hurt such a strong team is not something that Ezzard and the two Members can even think about...

Mr. Gilbert A. McLean: [interjecting] The Chamber of Commerce took care of that.

Hon. Truman M. Bodden: ...much less appear to be capable of doing.

Am I hearing from the Member that it is 4.30?

Mr. Gilbert A. McLean: The Chamber of Commerce took care of the cementing...

Hon. Truman M. Bodden: From what I can understand the time is now by the Chamber's watch.

But, the Strategic Planning Exercise that was carried out, as I think the public will see, is one that will be good for the children of this country because it is totally built around what is good for the children and not involved in political ideas or political maneuvering or anything else.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: The timepiece in this Legislature says 4.30, Honourable Member.

May I ask for the Motion for the adjournment? The Honourable Minister for Tourism, Development and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Thomas C. Jefferson: Madam Speaker, we are happy to go by your timepiece because you are the person in charge of this House, as I understand it.

I have pleasure in moving the adjournment of this House until 10 o'clock tomorrow morning.

The Speaker: The question is that this Honourable House do adjourn until 10 o'clock tomorrow morning. I shall put the question. I see everybody is anxious to go. 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, 17 MARCH 1995.

APPENDIX I

(to Answer to Question No. 50 asked 16th March, 1995)

CABLE & WIRELESS (W.I.) LTD

Company to expand and improve telecommunications.

3.0 Throughout the term of this Licence, the Company shall develop, expand and improve the licenses national and international telecommunications systems and services, paying due regard to the advance of telecommunications technology and shall utilise suitable equipment employing the latest proven technological developments wherever these are appropriate and can be shown to be cost effective. In this connection the Company will -

- (a) provide Government annually with its approved Capital Expenditure programme for the Cayman Islands including the cost justification and economic analysis of each major project;
- (b) consult with the Government to ensure that these plans are compatible with Government's National Development Plan; and
- (c) review with Government annually their current plan for technological development including all plans for modernisation and the delivery of new features and services.

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(2) The Undertakers shall at all times use their best efforts to ensure that the reserve generating capacity of their plants is not less than the rated capacity of the largest generator installed on their system plus ten per centum of the most recent annual peak power demand. This reserve generating capacity shall not exceed the rated capacity of the largest generator installed on their system plus forty per cent of the most recent annual peak power demand unless expressly approved by Government. Any new generating unit shall not exceed 20 per cent of annual peak power demand.

(3) Not later than three months after the end of each financial year the Undertakers shall supply to the Government a report on the technical aspects of the Undertakers' operations during that year which report shall include the following information:

- (a) installed generating capacity at the beginning and the end of the year;
- (b) capacity and commissioning date of any new generating plant installed during the year;
- (c) kilowatt hours of electricity generated in each month;
- (d) kilowatt hours of electricity sold in each month;
- (e) maximum peak 15 minute load generated in each month;
- (f) imperial gallons of fuel consumed in each month;
- (g) total number of consumers at the end of the year divided into tariff categories.

**FRIDAY
17 MARCH, 1995
10.08 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.

Questions to Honourable Members/Ministers.
Question No. 52, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 52

No. 52: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member responsible for Internal and External Affairs how many Liquor and Music and Dancing Licences have been extended to 3:00 AM from 1988 to date.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: There has been only one occasion since 1988 where a Liquor Licence and a Music and Dancing Licence were extended to 3.00 AM.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say when in this period of time was this done and what was the occasion?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: The extension was granted in relation to a function on the 20th January, 1995. The function was to celebrate the birthday of some citizens of West Bay.

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

Mr. Gilbert A. McLean: Could the Member say which citizens of West Bay this extension was granted for?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: It is my understanding that one of the citizens was Mr. McKeeva Bush, and I am not certain who the other citizens were.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Temporary First Official Member say if other applications have been brought to his attention, not to 3.00 AM, but say, to 2.00 AM?

The Speaker: The Honourable Temporary First Official Member, if you can answer that you may.

Hon. Donovan Ebanks: Madam Speaker, I expect there may have been other applications for extensions until

2.00 AM, but I am not in a position to say how many or when they were submitted.

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

Mr. Gilbert A. McLean: Could the Honourable Temporary First Official Member say if he is aware of any special conditions which were related to this occasion which may have led the Liquor Licensing Board to its decision to grant this licence?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker, I am not aware of any special conditions.

The Speaker: The next question is No. 53, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 53

No. 53: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture if employees of the Water Authority are paid overtime.

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

Hon. W. McKeeva Bush: Thank you, Madam Speaker. Yes, some employees of the Water Authority are paid overtime.

The Authority pays overtime to all weekly paid staff. Some salaried staff who are on emergency call are paid a duty allowance which covers emergency work performed outside normal working hours. There is an arrangement between the Authority and its employees where all salaried staff below managerial level who are required to work overtime take the overtime hours as additional vacation leave in lieu of payment. Staff at the managerial level are not eligible for overtime compensation.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: As a matter of clarification in regard to the payment of staff, would it be correct to understand that there are some staff who are not paid overtime and are specifically granted leave in place of the overtime they would normally be expected to have?

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

Hon. W. McKeeva Bush: That is correct.

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 has been any representation from staff in regard to overtime payments where there may be an indication that the present arrangement might need adjustment for actual cash payments?

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

Hon. W. McKeeva Bush: The answer is no.

The Speaker: The next question is No. 54, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman

QUESTION NO. 54

No. 54: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what amounts have been earned by the Water Authority and paid into General Revenue since November, 1992.

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

Hon. W. McKeeva Bush: Madam Speaker, I would like to ask the leave of the House to bring the answer to this question on Monday, as the answer is not ready.

DEFERMENT OF QUESTION NO. 54 Standing Order 23(5)

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

AYES.

The Speaker: The Ayes have it. The question is accordingly deferred until Monday's sitting.

AGREED: QUESTION NO. 54 DEFERRED UNTIL MONDAY, 20 MARCH 1995.

The Speaker: The next question is No. 55, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 55

No. 55: Mr. Roy Bodden asked the Honourable Temporary First Official Member responsible for Internal and External Affairs what counselling services are available at Northward Prison.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: The following counselling services are currently available at Northward Prison:

Alcohol and Drug: A limited number of inmates are escorted from the Prison to Cayman Counselling Centre. Staff from the Centre are currently screening candidates for individual and group therapy as a prelude to expanding services upon the completion of a room for this purpose. The room is scheduled to be completed at the end of April, 1995.

Religious: Available on a daily basis to all inmates through the Prison Chaplain and volunteers under his direction, such as members of the Prison Ministry Fellowship.

Educational: Provided on a daily basis by two members of the Prison staff who are trained teachers. Assistance in special courses is also provided by volunteers.

Psychiatric: Provided by the psychiatrist and a psychiatric nurse from the George Town Hospital.

Medical: Provided on a daily basis by staff health nurse, who draws on and coordinates assistance from the George Town Hospital as necessary.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Regarding the alcohol and drug counselling, can the Honourable Member say whether this counselling is mandatory or whether it is voluntary?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, those inmates who are now provided counselling at the counselling centre are normally inmates in respect of whom the court has ordered that they receive counselling. Once the room referred to in the substantive answer is available, then counselling will be available to all inmates who seek it. It remains for the court, and not for the prison, to order counselling.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Member could say if when the room is ready in April if the counselling at the prison will be conducted by the Cayman Counselling Centre, or will it be a separate agency performing this task?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the counselling will be conducted by the Cayman Counselling Centre which has a staff member ready and available for full time involvement in this activity.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Due to the fact that there is only one psychiatrist, and he carries a heavy workload, is there any consideration being given to hiring a psychiatrist at Northward Prison?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker, I am not aware of any consideration being given to that at the moment. I suspect that if the current psychiatrist and his superiors make representation as to the need for additional psychiatric skills that representation would be considered.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I wish to ask the Honourable Member if he is in a position to state the number of those prisoners at Northward who undergo psychiatric counselling?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: No, Madam Speaker, I am unable to give that number; but, if the Member wishes, I can provide it to him.

The Speaker: That would be good. Thank you.
The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, will the Honourable Member say if in the new programme outlined in the Throne Speech, that is, the programme with regards to additional job training and work placement, is any additional counselling included in this new programme?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, I am not aware of any particular additional counselling in relation to job skills. However, there are efforts being made as part of the programme that the Member is referring to, to better facilitate the transition of inmates back into society in terms of providing mechanisms whereby they can find appropriate gainful employment. But I am not aware of any particular counselling skills related to that.

The Speaker: The next question is No 56, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 56

No. 56: Mr. Roy Bodden asked the Honourable Temporary First Official Member what is the current balance in the Priscraft Account.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the balance in the Priscraft Account as of 27th February, 1995, was \$11,992.54.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say how these funds are disbursed or utilised, and for what purposes?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the account was established under guidelines and those guidelines provide that the funds are to be disbursed for the official use of the Prison Service and in particular for improvement and expansion of training and vocational facilities for prisoners with a view to increasing the quantity and quality of work produced.

Typically they are used for the purchase of materials which prisoners use for their crafts and other work. They use it for the purchase of items, such as exercise equipment or educational materials, and other things related to the welfare of prisoners.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say who holds responsibility for this account?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: The Prison Director is authorised to expend monies from the account. He is required to provide the Accountant General with records of transactions on the account quarterly, and to annually submit a record of the entire transaction of the account for the previous year.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Would the Honourable Member give an undertaking to see that this account is strictly monitored, since during the period of 1988 to 1992, when I was Chairman of the Public Accounts Committee I remember reading in the Auditor General's Report where the Auditor General expressed concern that this practice was unusual and that such funds should be handled by the Treasury. The Public Accounts Committee supported this.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, I will certainly give the undertaking to review the previous consideration the Member has referred to and to reconsider whether the existing arrangement, or that suggested, would seem more appropriate.

The Speaker: The next question is No. 57, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 57

No. 57: Mr. Roy Bodden asked the Honourable Temporary First Official Member to provide a list of non-Caymanians serving time at Northward Prison by nationality, offence, length of sentence and time remaining to be served.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, there are 29 non-Caymanians serving at Northward Prison. The information requested is provided in the attached list (see Appendix I).

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say whether it is the practice that any of these prisoners serving long sentences are repatriated to their country of origin to complete any part of their sentence, or is it the practice that

these prisoners serve the entire sentence in the jurisdiction of the Cayman Islands?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the preference would be that all foreign prisoners be repatriated to serve their sentences in their country of origin. Those countries of origin, however, are not eager to receive prisoners, any more than we would be. Repatriation can only take place when the prisoner requests it, and there are few countries (even in instances where they do request) who are willing to take prisoners and accommodate them.

I think the most prevalent practice at the moment is for prisoners to serve a minimum of one-half of their sentence and then be referred to the Parole Board for consideration of the remission of the remainder of their sentence and their deportation. If the Parole Board favours that, it would make a recommendation to that effect to the Governor who has the final authority to decide on remission and deportation.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker, just a point of clarification. Are we to understand that upon completion of sentence or parole, whichever comes quicker, these prisoners are subject to a deportation order?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, certainly where there is remission of outstanding sentence, deportation is the norm. I am unable to say whether in instances where prisoners have served the full sentence, but my belief is that it is also the norm. But I am not positive and I do not wish the Member to feel that it is. I can clarify it and supply him with information.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Just to make the request that the Honourable Member find out if it is the normal practice that these prisoners, upon conviction for a criminal offence and serving their time or remission, are subject to deportation at the end.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, I will give that undertaking to make that enquiry and let the Member know.

The Speaker: Thank you. That concludes Question Time for this morning.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: Before I call on the Honourable Minister for Education and Aviation to continue his debate on the Throne Speech, I feel constrained to make a few remarks. These remarks will cover contents of debate on the Throne Speech which have so far taken place.

First of all, there have been many repetitions of a particular Member's arguments, or arguments of other Members in their speeches. As you know this is not countenanced.

Secondly, there have been accusations and imputations against persons outside of this Chamber. As Members are aware, there is immunity against statements in this House—Members have full immunity. If such statements were made outside the Chamber there is, naturally, recourse to the Courts. Members, therefore, in their speeches have a duty to use this freedom of speech within the Chamber with responsibility.

The Bible says, "Judge not and ye shall not be judged." If a Member can substantiate any statement of wrongdoing made against any Member in this Chamber, or against any member of the public against whom these accusations or imputations have been made, it is the responsibility of the Member to give this evidence, and if there are papers in connection with this, to lay them on the Table of the House.

I would therefore ask all Members in future debate to do so with responsibility in spite of the immunity which Members have in the Chamber. Therefore, this is addressed to all Members, and I hope that in the future this will be borne in mind.

The Honourable Minister for Education and Aviation continuing the debate on the Throne Speech.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Hon. Truman M. Bodden: The schools have come under criticism and what I find is that many times it is through a lack of understanding on the part of Elected Members of the Opposition who are levelling that criticism. The Strategic Planning Process that has been carried out is one which has been endorsed indirectly by some of the Members who are levelling that criticism.

Some time ago, 22 February 1991, the *Hansards* show that the First Elected Member for Bodden Town said: "**I would like to see more dialogue, more com-**

munication and a clearer sense of direction between the education authorities and the public." That, I submit, fully endorses what has been carried out, which is the Strategic Planning.

The process that seems to be totally misunderstood by Mr. Ezzard Miller who, in his futile efforts has levelled criticism at both myself and the Minister of Health Services, realises that if he is able to destroy such a democratic and very effective planning process that he can put the Health Services, the Drug Rehabilitation and Prevention, and the Schools back into the chaos that existed when it was under that government for the previous eight years to the 1992 election.

We know that the importance of having in place the proper plan is very important to the success of the education system. But, what is most important is that it has involved 353 people directly, and the whole public indirectly, because the way that the Planning Team was drawn from members of the public cut clearly across the whole strata of the society and brought out the best representation that is, in my view, possible. So when Members of this House, or the public level criticism at the plan they are levelling it at the population of this country because I took no part personally in any of the teams, either the Planning or the Action Teams, that put together the strategies and the action plans that we will ultimately have. It is purely the work of the people and it is what they want.

I had instances where people said to me, "**You are giving up your power within the Ministry because the people are going to do the Education Plan for you.**" I told them that was what was necessary to ensure that this plan will be successful and that it will be long term. I pointed out to them that I am not power-crazy, power-stricken, like some of the other politicians whom we find, especially those in, and those related to, the last government who lost their election mainly on the basis of wanting a chief ministerial government. They wanted a Chief Minister.

Perhaps the most amusing instance of this is that we are now finding that those same people who wanted to push this country into full internal self-government and independence are beginning to get together on one platform. Their dilemma now is that there are two leaders and, unfortunately, only one follower. That has to be very frustrating, I know, for the follower.

I commend the plan to the public and hopefully it will be laid on the Table at this meeting, and I will elaborate further on it. But, we have seen the school system go from a situation where there had been decisions made by the last government, with the endorsement of the Governor at that time, of changing for the sake of change. I have been able to carry on with many of these changes—many times I had no choice but to carry on with these changes—but no thought had been put into it.

We had instances of adding a year to the high school but not knowing where it went. We had instances where 205 children were put out of pre-schools onto the streets because the class was needed to add a sixth [year] to the primary school. I agree with adding the ex-

tra year to the primary school, but it shows the damage that can be done when you have an inconsiderate government that was reaching an election which it knew it would lose, and overnight they tried to implement everything.

I am happy to say that the many problems that we inherited with discipline within the school system, a lot of the uncertainty that existed, we have been very lucky, thank God, that discipline within the schools has reached a much more acceptable stage. That, in itself, goes for having a stabilisation of the system by having certainty and teachers now realising that a system is coming in where there will be accountability and the system can develop.

The results of the school speak for themselves. There is no good for the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman to get up and say that the system is not being properly run, attacking the system, because the results speak for themselves. The CXC exams and the GCSE results were the best that this country has ever seen and when you have good results, then the persons who run that system have to be doing the right thing. The dilemma that the Opposition, and now their other leader, Mr. Ezzard Miller, have to face is that we have been successful. If we are successful it means that we are doing the right thing.

I was really amused at the way one of the Opposition Members tried to explain why the results were so good, but why I was doing the wrong thing. That Opposition Member must know that just will not go down with the public, that is why the previous government, which he is now linked with, lost the elections—every member of it.

The Strategic Planning process that the Minister of Health has gone through is, in my view, something which should have been done years ago. The amount of money that was wasted on reports of experts... and I will give what the opinion of the Second Elected Member for Cayman Brac and Little Cayman is of Mr. Miller in a short while.

The National Team, in its Manifesto, which the First Elected Member for Bodden Town endorsed, has substantially fulfilled all of its objectives. We stated, and I will just read this under 'Our Policy': "**The Education Review and Plan must be further studied and caution exercised where radical change has been recommended. We will also give special emphasis to encouraging, training and motivating our Caymanian people for better paying jobs.**"

Our Objectives... and as I said this has the smiling face of the First Elected Member for Bodden Town, so these are his policies as well as the National Team's policies: "**1) Solicit further public input on all major changes under the Education Plan and Review.**" That has been carried out, and that is the Planning Review that has just recently taken place; "**2) Slowly phasing in any such changes for teachers and pupils.**" The action plans under the review have ensured that this is the case. We are not having decisions made

overnight, attempted to be implemented the next day. **"3) Keep an open line of communication between the Education Portfolio, departments, teaching staff, parents and students and work closely with sports and community affairs."** That communication line has been opened up and it is one that must be constantly kept open to ensure that there is a smooth operation. I go into the schools along with the Permanent Secretary and Chief Education Officer and actually sit down with staff and discuss the problems which relate to the areas of the Constitution that I can deal with—the policy areas. I believe that they appreciate this and there are also meetings that are compulsory between Heads of schools, the Principals and their staff once per month. The Heads of each school also meet once per month. There are meetings with the Education Department and also with the Ministry. We work closely with Sports and Community Affairs.

The fourth objective was: **"Increase, where necessary, financial assistance to private schools and colleges including the International College of the Cayman Islands (ICCI)."** For eight years the last two governments deprived ICCI of their recurrent grant every year. I think that was an utter disgrace—to have taken away the grant from a private institution of higher learning. We have to remember that the person involved in that government for eight years was Mr. Ezzard Miller, who was on a platform with the two Opposition Backbenchers of this House. I submit that they will do it again if they are put in, because eight years of a policy, in my view, will be repeated the next time that they are in the House. But we intend to keep them out, God willing, these next four years that are coming up.

So, it was the last government and the one before it who ostracised the funds for ICCI. In any way that this Government can assist, we will assist.

I have always held that it is good value for money to put, as we did, \$450,000 into the high school for the Catholic School. It will save the Government \$1.5 million in recurrent revenue every year. Over 10 years that is \$15 million that will be saved, for spending \$.5 million. The private schools now have one-third of the students, therefore that cost to Government would be an extra \$9 million to \$11 million per annum if those students were in public schools. So I will continue to assist private schools and I believe that assisting private schools to get high schools, Junior and Senior, will avoid our having to split the George Hicks School which now has a very heavy population of students. It will perhaps avoid a capital outlay of \$10 million to \$12 million.

Objective number five was to, **"Increase government scholarships and courses and reduce the bureaucracy for applicants."** This has been done. Madam Speaker, anyone who qualifies under the guidelines of the Education Council gets a scholarship without exception; only part scholarship and a small amount loan because we believe, as did the last government (in fairness), that students should put something into their education. They should not feel like it is totally given to

them. The amount of loan varies, it may be one-fifth, it may be a quarter, depending upon the ability of the parent to pay.

Objective six was to **"Introduce a National Teachers Appreciation Day, encourage an Education Week and launch an annual Child Month for youth, sports and community development."** As we know, Sports, Community Development and Youth has gone elsewhere but that Member has done this. The Honourable Minister responsible for Community Development, Sports, Youth Affairs has put out an extremely large amount of effort and has very capably dealt with this area.

We know that we have the Education Week. We have something that is not even here, we have the Education Conference that I know the Backbench Opposition Members fully agree with. We have substantially fulfilled many of these areas.

Objective seven was to **"Further develop technical and vocational education and programmes."** I would just like to remind Members of what is now offered in this area: —

At the Cayman Brac High School we have Technical, Woodwork and Technical Drawing taken to CXC and Certificate of Education level.

At the George Hicks School, all students in years 7 and 8 study Woodwork or Home Economics, Technical Drawing and Jewellery Making.

In the High School we have: Building; Electrical Engineering, Technical Drawing, Woodwork, Information technology, Bookkeeping, Office Procedures, Typing, Work Experience, Food and Nutrition, Clothing and Textiles, Home Management, Child Care, Commercial Studies, Food Studies, Graphical and Material Studies, Motor Vehicle Studies, Needle Craft, Rural Science, Textiles, and Art.

At the Community College level it is even more extensive. I have that somewhere and I will have to read that when I locate it at a later stage. But that has gone into the areas of hotel training and building mechanics.

Number eight of our objectives said that, **"Special emphasis will be put on the basic subjects of Reading, Writing and Arithmetic, especially in the students early years."** That is going on now, but will become far more pronounced when the National Curriculum is put in place. I think it is widely accepted by everyone that without the three basic subjects a student's ability to learn has to be hampered.

Number nine: **"Within the frame work of the Community College..."** and I would like to come back to this area because this is where I would like to read my notes about what is being done in the hotel training area.

Number 10, **"In conjunction with the private sector, to encourage an effective apprenticeship and work study programme."** We have done a substantial amount in this area. More needs to be done on number 10, however. The work-study programme and the apprenticeship area are now partly carried out by the releases from the College for work experience where the

students actually go in, and from the high schools also, to the work areas and get the actual experience.

So, we (the National Team) have been able to—despite what the dislodged politicians out there want to say—stay fully together. We stand on platforms together; we have our meetings every Tuesday and we are a full team, as effective now as we were in the beginning. It is this team work that has strengthened us and with God's help, has put this country back into the good position that it is now in.

I will now deal with what has been a topic for some time—the question of the Medical Services and the Hospital.

There is no doubt that as Backbenchers, some years ago, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman... I guess I will have to start referring to the First Elected Member for Bodden Town before I refer to the other two Members because at present he seems to be the one cementing the factor between the Second Elected Member for Cayman Brac and Little Cayman and Mr. Ezzard Miller. This is what we had agreed and which had been the Backbenchers position throughout the four years that we dealt with this when the last government was in. I would like to read from the Manifesto in relation to our position. This Manifesto does not include the Second Elected Member for Cayman Brac and Little Cayman, but it does include the First Elected Member for Bodden Town.

"We are against the building of the new hospital in the swamp, and will review the hospital plans and documents and accordingly take any necessary action which is legal and prudent." We have done that. This is a mandate that was given to us by the people of this country and it is also the position that was taken by the seven of us Backbenchers when this arose. It is only now that I am hearing favour, especially pushed by the Second Elected Member for Cayman Brac and Little Cayman, about putting this hospital up in the swamp.

On the 29th of November, 1991, the Second Elected Member for Cayman Brac and Little Cayman said, as recorded in the Hansard at page 16: **"I personally believe that the MRCU should be ideally moved from there. Take that to the area of land that the Government owns in the swamp on the dike road. Ideally that is the business it is in—Mosquito Research and Control. Knock it down and use that large area there that the people of this country have known forever as the Hospital and build a new Hospital there in phases."**

[Voice from across the floor] Who said that?

Hon. Truman M. Bodden: The Second Elected Member for Cayman Brac and Little Cayman.

What are we doing? Exactly that. I do not understand how they can continuously attempt to jump the fence. The First Elected Member for Bodden Town has hopped over the fence so many times it must be difficult to realise what is a fence anymore. But this is the posi-

tion that those two Opposition Members and we, ourselves, as Opposition took. We took it to such an extent that the Second Elected Member for Cayman Brac and Little Cayman, along with a colleague of his, proposed a hospital that would be built on the present hospital site.

You know, politics produces strange bedfellows.

Mr. Gilbert A. McLean: *[Interjecting]* You should know that.

Hon. Truman M. Bodden: But the one thing I have never done is to hop over the fence. I have always known which side of the fence I am on and remained there—I have been consistent. I opposed the hospital in the swamp then; I oppose it now. What I am going to find somewhat amusing is to see how the single follower of this team makes a decision between who to follow—one saying that the hospital should be built where it now is, and the other one saying that it must go in the swamp. In the end he may be the leader and the other two the followers.

I do not believe that there is any way the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman can deny the fact that we, as Opposition Members back in 1991, opposed putting the hospital in the swamp and leaving it where it is. I could go on to read areas of this because very cogent reasons were put forward that the Minister for Health has very ably already dealt with. He was so good at that that I do not need to repeat the Second Elected Member for Cayman Brac and Little Cayman.

What I read from the Hansard was different from what the Minister for Health read from, but he endorsed it and showed where the Second Elected Member for Cayman Brac and Little Cayman had very clearly stated about not building the hospital down in the swamp. The public needs to be reminded that where you get views that are put forward so strongly a few years ago now being revered for the sake of politics, they have to look very carefully. In fact, the Second Elected Member for Cayman Brac and Little Cayman put forward very cogent reasons that we all agreed with. But I have also found in looking at the Hansard, at page 27 of the 11th March, 1992 that the Second Elected Member for Cayman Brac and Little Cayman had this to say in relation to the hospital: **"Madam Speaker, this situation is one where I think the Government has failed and the Member has failed to do what they should have done in the time since this was first given until now."** That statement says that Mr. Ezzard Miller had failed and his government had failed. Therefore, I do find it strange as to how there could be a reconciliation of the views of Mr. Miller and the views of the Second Elected Member for Cayman Brac and Little Cayman in this situation.

I think that when you find such strange bedfellows together in politics you will find the addition of some of the other remnants of the other government, some of those who failed to get in at the last election, such as, Mr. Linford Pierson and, perhaps, Mr. John Hurlston, Mr.

Brian Wight, they are all going to be pulling together now.

But the dilemma that faces people who jump the fence is explaining to the public why you are on that side of the fence; normally it is one that they move from—jumped over, jumped back again, we have even had some hopping over again. It is like 'hippity-hop' politics.

The views of Mr. Miller, who was the Member for Health at the time, that he would write off a generation of Caymanians has got to be one of the cruellest statements that I have ever heard. The Minister for Health has taken a different approach. He has said that he is going to positively go out there and try to help those young people who for reasons many times not totally of their own, but from external and intrinsic factors, have gotten into a situation which they cannot deal with.

I would now like to touch on areas relating to education in Cayman Brac. There are many projects that have been planned with the help of the new Head of the Cayman Brac and Little Cayman Education Board—the First Elected Member for Cayman Brac and Little Cayman. I am very happy to have him heading the Education Board and education in that country because he is resident in Cayman Brac and he knows of the problems there. I think he is far better equipped to know what his people want than the other non-resident Member for Cayman Brac and Little Cayman.

I must say that the Second Elected Member for Cayman Brac and Little Cayman, while talking about part of the Government leaving the island to go and promote it for a few days, must have had his tongue in his cheek because his visits to Cayman Brac and Little Cayman are only that—visits. He spends more time out of his constituency, far more time... and my question is, if it was wrong for us to leave for five days, how can he leave Cayman Brac and Little Cayman for the vast majority of the four years that he is in this House?

Mr. Gilbert A. McLean: *[Interjecting]* You see, you do not have the sense to understand the difference between the Government's Executive and me, an ordinary Member visiting the Brac when I choose. I tell you...

Hon. Truman M. Bodden: This whole question, I can see, is creating a lot of concern. But it is a fact; if you are living 70 miles away from your constituents how can you be close to them? Your duty is to live close to your constituents, that is what you were elected for.

But the First Elected Member for Cayman Brac and Little Cayman resides there and these are some of the solutions in relation to schools that he has put up.

I know that this obviously bothers the Second Elected Member for Cayman Brac and Little Cayman, but facts are facts.

One of the things that we see and that is...

Mr. Gilbert A. McLean: *[Interjecting]* ...send in fire trucks and take them off the plane and what not....

Hon. Truman M. Bodden: ... in progress...

Mr. Gilbert A. McLean: *[Interjecting]* ...off Cayman Airways...deal with that...

Hon. Truman M. Bodden: ... we are looking at is purchasing additional land at the primary school for expansion and play area in relation to several of the schools...

I am going to have to start this over because it seems like these members are trying to break my train of thought.

Mr. Gilbert A. McLean: You have a train of thought?

Hon. Truman M. Bodden: Back to the resident Member who now heads the Education Team in Cayman Brac, having taken over from the now defunct Head that was the colleague of the Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: *[Interjecting]* ...you are talking about Oswald Rankine who you chased out of Office.

[Members talking and laughing]

Hon. Truman M. Bodden: I am wondering whether Madam Speaker does not perhaps hear the last seven minutes of dialogue to me?

Plans are in progress to purchase additional land at the primary schools for expansion and play areas. We are also looking at air-conditioning the High School Multipurpose Hall for more comfort for the students and for taking their external exams. I think this is important, and I commend the First Elected Member [for Cayman Brac and Little Cayman] who is a resident of Cayman Brac.

The Teachers' Centre is now under consideration for purchase and remodelling to suit the need of Mrs. Georgene and her staff.

As Members know they recently appropriated money and we purchased a swimming pool and now we are looking at the surrounding area, upgrading it and in due course will come for money in relation to hard courts. It is good to see the interest that the First Elected Member for Cayman Brac and Little Cayman is taking in this area, and I very much appreciate his help within the area of my Ministry and the school system.

I am very happy that the Brac schools and the system there will now get the attention paid to it that it should get from having a true resident Cayman Bracker as Head of the Education Board.

Going back to areas of the schools, one of the things that does bother me, and into this I would include the National Cultural Foundation, is that we find that in many instances the true culture of Cayman is not being taught. We find the injection of culture from other Caribbean Islands. With rare exceptions, what has been put on at the Harquail Theatre by the National Cultural Foundation has always been of east Caribbean extract.

Their culture in many ways is different from the culture of Caymanians.

I think it is important that within the schools and the Cultural Foundation itself, we get back to what is true Caymanian culture. I listened to some of the plays... and to be frank, I cannot understand half of what is being said because there is an attempt to follow some of the patois of some of the other islands. I am not saying that some exposure is not good. But I think the emphasis that will be coming out of the exercise of planning that we have done, will be to ensure that within our schools true Caymanian culture is going to prevail.

I was very shocked to see on page 10 of Friday's Caymanian Compass the vulgar pictures that were there of Patra's exhibition at the Lions' Centre. Personally I do not feel that the Caymanian Compass should have shown that. That is not culture. They were really postures and poses that I do not think helped this country. I would call on the press to be more responsible in this area. It is also the duty of the police—and maybe no law was broken—to police things because their presence many times will reduce this.

I am also concerned in parades, say, the Batabano, where we see fairly young children who are having dances that are too explicit. I know this is a touchy area, but certain things have to be said and I know that I have a very heavy duty from the school's point of view to ensure that Culture within the schools is Caymanian, but also wholesome. I call on organisations, such as The Cultural Foundation, and those who organise some of these things to try to keep the displays clean and within reasonable bounds. I would like to see more culture and plays from countries other than the Caribbean. If we are going to have exposure, then get exposure from North America or Europe and occasionally put in plays from these areas.

I think the Carib Arts exhibition was very interesting. We have some good culture in the Caribbean, but I think it has been over done from the use of patios from some of the other islands.

I was criticised, and I do not mind repeating this, for saying that the type of talk that, for example, Aunt Sookie and Zekiel were going on with, should not be taught and brought into the schools, I take that stand. We teach English in the schools, and if it is confused with a type of language that is alien to us, it cannot help the children. I know that it has been looked at in depth by the Strategic Planning Exercise and I believe that positive results will come in that area.

We have seen that there have been questions asked about the cost of the trip that we went on to New York, London and Hong Kong. I would like to show that the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman (who levelled a lot of criticism in this area) have been getting their share of spending Government's money on rides that, I submit, have produced no benefits.

The First Elected Member for Bodden Town attended a United Kingdom Commonwealth Parliamentary

Association seminar from the 2nd—14th March, 1992, in London. The cost to us here, excluding the cost of what the United Kingdom would have paid for (hotels, et cetera) was \$4,056.35. The airfare was \$3,736.35. That is more than the round-the-world ticket that members of this delegation had travelling to New York, London and Hong Kong. That is the truth; and if necessary I can get the exact amount. It was in the area of US\$3,600, about C\$3,300. But we went there to promote the Cayman Islands. This money was spent going over there to have a visit on the parliamentary side.

The First Elected Member for Bodden Town also, on the 6th to the 19th May, 1993, went to Perth, Australia. His airfare was \$5,155. That is one of the largest costs for airfare that I have ever seen. It must have been first class from here to there and back. It is twice the amount that we paid to go and promote the Cayman Islands. What did the Cayman Islands get from that? Nothing. There was no promotion of the Cayman Islands—you go to the seminar, you speak, you are involved in it...intellectually, we were represented, but the point I am making is that, as they say, *'People in glass houses should not throw stones.'*

The First Elected Member for Bodden Town also went in May 1991 to Trinidad. The airfare was \$1,028. He attended the Commonwealth Parliamentary Association Conference in Barbados in 1992: subsistence and airfare \$1,812. This is money that is coming out of funds where Government grants substantial subsidies to. It is, therefore, indirectly the public's money. So, it is not just the Government that has airfares and goes around the place. At least from our point of view we have seen the results—we have drummed up some business, we held the flag up and the public will get a substantial part back than what was spent on these promotions, if not more.

I would like the First Elected Member for Bodden Town to stand up when he speaks at a later stage and admit this—if necessary I will lay it on the Table—and tell the public for the airfare of \$5,155, a subsistence of \$520, what has the public received for it? What has the public received in return for that money?

POINT OF ORDER

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: The Minister for Education is attempting to mislead the House, or at least persons who might hear what he is saying who do not know that the First Elected Member in those instances went as a delegate to Commonwealth Parliamentary Association Conferences, which were approved by the relevant authority of this Legislative Assembly, and those funds were expended as they had to be, if even anyone else went to those. He is giving a direct impression that this was a gallivanting exercise for his pleasure.

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, that is not a Point of Order. It will be left to the First Elected Member for Bodden Town to set forth a reply to these remarks made by the Honourable Minister in his debate.

Will you continue please, Honourable Minister?

Hon. Truman M. Bodden: Madam Speaker, in May 1989, the Second Elected Member for Cayman Brac and Little Cayman attended London on a visit, a Commonwealth Parliamentary Association, United Kingdom visit. Subsistence—\$750; airfare \$2,930.30. That is about what we paid to go to the three places to try to promote the Cayman Islands. He also attended one in Belize in 1990 and the total there was \$1,113.20.

I agree, the Second Elected Member for Cayman Brac and Little Cayman did not drum up the massive airfares that the First Elected Member for Bodden Town did, but the bottom line is that it is the public's money that was spent for them to go abroad. So they should not come to this House and try to let the public believe that it is only the Government that takes trips on the public's money. At least when we go you know what it is for.

Mr. Gilbert A. McLean: *[Interjecting]* Everyone knows what it was for.

Hon. Truman M. Bodden: I understood that the trip of the two Opposition Members to the United Kingdom was partly financed through friends. I understand that was the statement that was made. At least we know where our financing came from.

Mr. Gilbert A. McLean: *[Interjecting]* The only financing you know is the Government.

Hon. Truman M. Bodden: Any time that I have to travel abroad in the interest of the Government then I make sure that the Government gets value for money.

I am possibly...I know I am the only Member of Executive Council who has held the position for Aviation who does not take free trips on Cayman Airways. On principle, personal trips I do not take—I am entitled to them, but I can afford it. I pay for myself, when I go personally and I pay for my children. In fact, I have gotten to the stage that when I personally pay I do not even put in for the mileage that I do on other airlines.

I have always tried to be fair. No Member of this Government just runs off, the way they have tried to allege in their public meetings, to spend money unnecessarily. Really, when you look at the record of the First Elected Member for Bodden Town, not too much the Second Elected Member for Cayman Brac and Little Cayman, he remains here (leaders do not get as many trips as followers) but...

Mr. Gilbert A. McLean: *[Interjecting]* That's why you go on to Hong Kong, London and so on because there are no leaders.

Hon. Truman M. Bodden: There has been a lot of money spent, and I would say to you the public (when they question us) to question them and let us hear what was done for the government of this country when all this money was spent.

The Speaker: Honourable Minister would this be a convenient time?

Hon. Truman M. Bodden: 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.

The Honourable Minister for Education and Aviation continuing the debate.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The area of expenditure in the Throne Speech, and parts in relation to it, show that this Government has been very prudent... and we have, for the first time that I can remember, fully balanced the budget in that we are not balancing it with loans.

We do have a problem with expenditure in relation to the Cuban migrants, which is extra. But it is a far cry from the days when the country (as they did in the three years prior to the 1992 election, under the last government) had to actually borrow, for the full amount of its Capital Expenditure, \$15 million. We are actually paying for capital expenditure out of our recurrent expenditure, and it is like buying your house out of the income that you get rather than going to the bank and borrowing it.

Long gone are the days where we had nearly absolute power on the separate Authorities. We know that the Auditor General, in his report of 1993, stated that, and I am reading this: "**The results of this exercise [which was checking into customers' accounts] was confirmed under billings of \$2,634 on two accounts plus an underbilling of \$818 on one other account.**" We know that underbilling was the then Chairman of the Water Authority, Mr. Pierson.

The loopholes that existed before where you had the situations of contracts for \$2.5 million being signed before the Public Tenders Committee had even finished deliberating on it, as Mr. Linford did with the Communications contract; or the granting of contracts that were not in accordance with the Finance and Stores Regulations by Statutory Authorities, as was extensively done by Mr. Ezzard Miller in his time in here as Minister for

Health. It goes to show where money was squandered and wasted by the previous government.

Perhaps the most striking statement was where the Auditor General (at page 48) stated in relation to the seven consultants by the Health Services Authority, of which Mr. Ezzard Miller was the Chairman, he said: "**No information concerning the terms of engagement of any of these six consultants appears to have been provided to the Board.**" That adds up to one simple thing, the Board was operated in a way that was exclusive to the Chairman, Mr. Ezzard Miller, who managed to force heavy contracts (\$.5 million) through the Board without going to the Tenders Committee; but worse than that, without even giving the information to the Authority. Such was the lack of accountability, the disregard and the excessive squandering of Mr. Ezzard Miller.

While we have applied the Financial and Stores Regulations to the Statutory Corporations, when this was going through in the same meeting in 1991 (which I read earlier) where the Second Elected Member for Cayman Brac and Little Cayman stated that the hospital was being put wrongly in the swamp, I said that the bill that was then being passed in that session was a blank cheque for Mr. Ezzard Miller to fill in as he wished. How right I was, because he wrote it, so to speak, by giving the contracts to Health Care and Mr. Conti.

The Second Elected Member for Cayman Brac and Little Cayman mentioned the Spotts land that he said was bought one day and sold another, when he knows that information in this House shows that property had been purchased some six or seven years before. What had happened in instances here, contracts were signed and transfers were not taken, so it is misleading to the public to let them believe that in the instance on the land at Spotts that the person who sold it had bought it the day before. That is not correct. It was contractually bound some seven years before, thus the variation in price.

But that is miles apart from taking 250 acres of land and extending the lease for another 40-odd years and getting \$1 million down and \$1 million over 10 years without interest. One million dollars over 10 years without interest. That, in my view, borders on what may be termed financial rape of the country.

We see a disregard for the process of Government. I understand that the two Opposition Members who went to the United Kingdom to discuss certain other secret or confidential matters that they did not reveal in their public meetings or press reports—I wonder if on that agenda was the question of Constitutional Advancement...

Mr. Gilbert A. McLean: *[Interjecting]* No, but it was official corruption.

Hon. Truman M. Bodden: ...the Members of the last Government lost their seats because they tried to advance the constitution of the Cayman Islands against the wishes of the people. They told them loud and clear that they could not do it. That was one of the things that brought them down.

What we do know...and in the area that deals with the Governor's Constitutional powers right at the end... is that the Second Elected Member for Cayman Brac and Little Cayman, at least when he was with us as Opposition, always thought of himself as one day being a leader and a Chief Minister. Actually, this is where a lot of other friction came.

I understand that in the meeting last night that Mr. Miller and one of the backbenchers took me to task on a lot of things. But the public knows that I have been the one single, stalwart Member—along with many others, do not get me wrong—who has always been the obstacle in the way of that Second Elected Member for Cayman Brac and Little Cayman and Mr. Miller and Mr. Linford Pierson getting this country advanced into full internal self-government and independence. I have stood against it, and throughout the governments I have been the one to say leave the Constitution the way it is because it works.

Because if you get...

Mr. Gilbert A. McLean: *[Interjecting]* Wil Pineau...

Hon. Truman M. Bodden: ...power-hungry people...

Mr. Gilbert A. McLean: *[Interjecting]*...and threatening the Board of the Chamber of Commerce...

Hon. Truman M. Bodden: ... as Chief Minister—and if you get people as Chief Minister of a country who, especially if they are unemployed or unemployable, it makes it worse, then (and I am speaking generally) you really have a country that is headed for disaster. Look at what Bermuda is facing at this time.

So, I think the Governor was very right and he very carefully pointed out in the Throne Speech that he is responsible, as he said here, "**It is perhaps timely to emphasise that the Civil Service comes directly under my command and I take full responsibility for all decisions regarding the Civil Service.**" That is the position.

But what has obviously happened is that the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman have questioned that area of the Constitution. We know that under the Constitution that was being put forward by the last Government, he would not have it directly under him.

We know about the wish for the removal of the Governor that came up during those Constitutional times—removal of the office of Governor. That really means that the country is then headed for independence.

Maybe we should learn if the question of Constitutional Advancement was on the agenda of the two Opposition Members, that is very important to the people.

Mr. Gilbert A. McLean: *[Interjecting]* Official Corruption...

Hon. Truman M. Bodden: What has been very clearly brought out is that the people of this country, whom I absolutely support... And, as I said, the reason why there is this fanatic attempt to attack me in public meetings is because I have always been the block in the way of these people who see themselves as future leaders and future Chief Ministers of this country. I will do everything within my legal power to ensure that this country is not taken over and destroyed by power-hungry people.

I would like to go to the last main area of what I have to say, and this is to lead up to Cayman Airways, to turn to the Portfolio that I did not touch on yesterday, and that is the Ministry for Agriculture, Communications and Works.

The Minister has very ably dealt with agriculture. We have seen it go from strength to strength. We know that the last Government under Mr. Linford Pierson abolished the agricultural show, which I think was one of the worst things done to agriculture because it broke the backbone of people who were interested in, and promoting, agriculture.

Everyone knows that his interest was in the big contracts not in the little man and things such as agriculture. I was very distressed to see that while the Chamber of Commerce gave that Ministry in its survey last year 12% excellent; 40% good and 36% satisfactory, this time that Ministry, which has advanced so much, has now fallen back to where they have rated agriculture unsatisfactory.

Obviously, the Chamber has been misled by Mr. Pineau. I believe that within themselves they cannot believe that this has gone downwards to that extent. There is no way that could happen—which well over 50% of it was well and good, to all of it being merely satisfactory—because the Minister for Agriculture has given his whole life to this country and to the Government and the people of these Cayman Islands and he has always advanced the good of the country.

In Public Works, despite the fact that we might say that they are not getting things done quickly enough, within the last few months I have seen a speeding up and they are getting on with projects within areas of my district and I would specifically like to thank the Minister on behalf of the constituents in George Town, I know I speak for the other three Elected Members for George Town, in the light programme that he has had. Some 400 lights have been put in and that has to help in reducing crime.

Perhaps one of the most significant things was what we promised we would do. We promised to get a reduction in the cost of electricity in relation to the private consumer; in other words, people who are using electricity—households. And there has been an increase on the commercial side. But that Minister stated when we were campaigning (and I think it is in our Manifesto, that we would see that the cost of electricity was reduced) and I think that this has been ably dealt with. Electricity has been reduced and I give the Minister for Agriculture, Communications and Works full credit for the way that was done.

We have to remember that CUC had an ongoing contract—and to negotiate within an ongoing contract is never an easy matter. But he succeeded and as a result households now have much lower electricity rates.

The Minister for Health, Drug Abuse Prevention and Rehabilitation has once again suffered in the Chamber of Commerce poll. If ever there was one fine gentleman who has done his utmost, and given of his best... and for the first time we are seeing the light with health and drug abuse prevention. And this survey has tried to detract from him.

The thing that hurts the, speaking generally now, pitiful Opposition who hit us in public meetings, is the many successes that we have had. They always try to explain that when things work right we are not doing it—only when they work badly. So, I would hope that the First Elected Member for Bodden Town will support the Minister for Health, rather than bombarding him with a lot of questions some of which waste a lot of his, and the Department's time.

The Minister responsible for Community Development, Sports, Youth Affairs and Culture has also been caught under the Pineau Poll. Yesterday I only touched on areas of my Ministry, but he has done more for sports which here is only put as satisfactory, than I did in my eight years. I think Mr. Benson had 12 years. For the first time we have actually seen Community Development, Sports, Youth Affairs and Culture move forward. He is a Minister who gets things done and he stays close to his people. This is the reason why he too was so heavily targeted by the two Opposition Members and Mr. Ezzard Miller in their meeting last night.

Throughout this the below average and that sort of thing given, the Chamber within itself has to say that this is not right. They have good directors, and I have always been a main supporter of the Chamber throughout and things have worked well until recently. But they must know within themselves that this poll is wrong and they should say so and say where the defects are.

When the Minister for Tourism increases tourism by 20% and he is given a below average rating, you wonder what in the world would one have to do to get into a stage of good. Remember that nothing here even comes into the stage of good.

The Chamber has been misled. It is a good body, but going outside and bringing in all of these extra polls has obviously corrupted the poll. There is no way that matters which have improved so well can, while they are improving, be given such low rating.

Cayman Airways Limited: I know that my Ministry has somewhat differing responsibility. I have Schools, Education and Aviation of which Cayman Airways takes most of my time. I would like to remind the public and just read to them what we said... and the First Elected Member for Bodden Town who, I must say, in spite of some questions in here, like how many passengers have flown in 10 years (I am still waiting to see the relevance of that), supported our policy: **"We support Cayman Airways and regard it as valuable to the Cayman Is-**

lands' 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'), Cayman Airways Limited should `consolidate and optimise its present position in terms of market share, load factor, revenues and cost. In pursuance of this strategy every effort should be made to contain major financial marketing exposure such as would be created by further fleet expansion."** That, we have done.

We have consolidated and we are trying to ensure that the structure of Cayman Airways is more in line with the orthodox structure of operating organisations.

I will go on to read two: **"2) Cayman Airways should have followed ASI's recommendation and should now, by legal means, reduce its fleet back to three suitable jets at reasonable lease rates."** We said three there, but when we got in we looked at a study of it and when we could get all of the details we saw that it was best to reduce to two.

I must commend the Second Elected Member for Cayman Brac and Little Cayman; he did state things fairly and reasonably in relation to Cayman Airways. But that is not because he is trying to be nice to me or Cayman Airways, but because it has improved so well that there is no flexibility for opposition.

"3) "Review CALs routes where serious losses are made." We have done that, we cut New York/Baltimore; we cut back Turks and Caicos. **"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."** This has been done. We kept the same Board and, basically, the only changes were the Minister and the Managing Director and there will be one or two minor changes. But what we did over and above this was to invite the Attorney General and the Financial Secretary. We had the Financial Secretary nominate a person, who at present is the Accountant General, to be on the Board. I sit in at times. This is how we have strengthened it and we have set clear guidelines as to what the Government can do and what the Board and Managing Director can do. So no longer must we call Finance Committee four and five times in the first quarter, sometimes at short notice, to try to ratify or find the money for something that has been done by one or two people who should not have had the authority.

"5) Abolish the Executive Committee as recommended by the consultants and reduce the Managing Director's powers and review this position." We have done that. We have abolished the Executive Committee, we reduced the Managing Director's powers and we have reviewed the position fully and set guidelines.

"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." As the House remembers, after considerable negotiations there was a judgment in the united Kingdom against Cayman

Airways in the area of US\$6 million, we had to settle that. But we got out of paying this \$20 million by paying \$1.25 million (US) to Guinness Peat Aviation. We got rid of the 737-400s that had just about destroyed Cayman Airways.

"8) In light of CALs serious losses of US\$20.4 million for the two financial years, 1990 and 1991 to 30th June, 1991, and US\$4.8 million for six months ending 31st December, 1991, immediate action will be taken to reduce future losses." That was carried out. Last year we had a loss in the area of \$6 million and at that time the Chamber of Commerce felt that 29% of the people found Cayman Airways excellent; 46% found that they were good and this year when we have actually made a profit and taken Cayman Airways out of the loss position they say that their Members find it less than satisfactory—below average. What a joke!

It is very disheartening and very ungrateful for such a public statement to come out of such an august body that is so obviously wrong. The losses at Cayman Airways at one stage per annum hit \$14-plus million. When you add up \$34.6 million (US) for these three years it is about \$3,000 for each working Caymanian and resident in the population. They had to take \$3,000 out of their pockets and put it into Cayman Airways. When they were still putting in to pay for losses from the previous Government, you want to tell me that the population of this country felt that it was excellent and good to the extent of 75% and now 100% of them feel that it is below average? I think if the Good Lord himself came down He would not be able to satisfy some people. It is unfortunate when people get misled into such a very stupid public statement like that.

"9) Ensure that there are regular, practical flights to, from and between Cayman Brac and Little Cayman which are convenient." Cayman Airways increased its flights, but more than that, we have to remember that the last government kept Island Air from flying into Cayman Brac because they felt that Cayman Airways should monopolise the route and when I got in I eased up considerably on the strings that were attached there so that the people of Cayman Brac and Little Cayman could benefit more from it.

So I submit that we have fully fulfilled, in relation to Cayman Airways, all that we promised, and much more. I told the public that if within four years we even came near to coming to a profit after subsidy, I would be satisfied if the National Team could have stopped and reduced the escalating losses. Remember these were not losses that were coming down, these were escalating losses.

I know that the airline business is volatile. We have a difficult year this year and when you change jets, as we have had to do, then it is going to cost a fair amount of money to do the change over. So the public should not expect the type of performance that we had last year this year. But I am happy to say that literally every month, I think with the exception of two months last year, we made an operating profit. That is something that in the last four or five years before this Government took

over had never happened. They last made a net profit in 1989, six months before they sold the 727-200s.

I agree with the Second Elected Member for Cayman Brac and Little Cayman who signed the minority statement in the Finance Committee against selling those jets, the same as we stood together against Ezard putting the hospital in the swamp. We should not have sold them, the county would have owned two jets that would have had a capacity of 165 passengers; would have had the capability to fly further than the present planes; carry about 10,000 pounds more freight, and we would not have had to pay any rent on them.

Quite frankly, the public should never forgive the Government that took such a disastrous step which cost this country \$35 million. Worse than that, they were not even able to raise the \$20 million that we passed because the public and the banks had lost confidence in the Government and they had cut off their credit. It took us six months after we got in to convince the banks that we were going to put forward a sensible budget.

That we did and we were able to borrow the money that they had spent and the \$20 million went to pay past debts; it did not come into the operating side of Cayman Airways. If I had \$20 million in the operational side, I could have done wonders, but I had nothing in the last two years that helped me with the recurrent expenditure with the exception of the subsidy that the National Team, and the Opposition supported for Cayman Airways.

What is important is that communication is coming back to Cayman Airways. The staff has for the first time seen raises, but I want to caution them here because when they believe an organisation is getting back on its feet, we find that the quality of service to the public drops. There has been some slipping in areas of service to the public in Cayman Airways, we know about it and we have taken steps to correct it. If the new Commissioner of Police could refer to the police as a police service, how much more should Cayman Airways give service to the public who are paying and directly affected by it.

I have pride in Cayman Airways. I have spent more time of my life on Cayman Airways from a government point of view. I believe that it has a good future. But it has to be carefully watched. That is why whoever ultimately sits in the Managing Director's seat has to be competent. The price of incompetency in the Managing Director's seat is something that the Cayman Islands cannot afford to pay for again. It was a national disaster to have lost the amount of money and to have had the staff treated as badly as they were treated in the years of 1989, 1990 and 1991—1992.

Where we have triumphed most in relation to this has been the fact that the approach taken in regard to Cayman Airways has been a conservative approach. We look carefully and in depth at recommendations that the staff make because they take part in their staff meetings (at least quarterly) and we listen to their input. We look at things carefully and whenever we refuse something

that they suggest, we try to give sensible and practical reasons for it.

I think that to keep Cayman Airways vibrant we have to have the diverging views, but at the end of the day, when the pilot goes into the cockpit, he goes alone—neither the Board nor the Managing Director nor anyone else, has control over the areas of safety in his discretion. I believe that staff must also accept that the decisions made by the Board will sometimes conflict with what they think. But the bottom line is that the results in Cayman Airways have been good.

Forget about the nonsense put out by the Chamber of Commerce. There is not one man in the street who believes Cayman Airways has not improved. In fact, people in total opposition to me have rang me up many times and say they do not like me, but they admit that I have done wonders with Cayman Airways. One of them said that it had gone from a national disaster to a miracle.

I have made my mistakes. I believe the Government, as other governments, has made some mistakes. But when the results are there, the least that we can expect from the public is that they will acknowledge those successes.

We have a country that is in the middle of a boom. There is construction out there bursting at the seams. The Government has to be sensible and keep a balance. We have put forward a balanced budget; the loans are from last year when the amount was small. We have taken the country from where all money was borrowed for Capital Expenditure—in fact, close to \$60 million was lost.

When I say that, recurrent revenue could not cover \$60 million of expenditure that the last government did in their time in here. We know of the massive losses in Cayman Airways. We have seen that the Minister responsible for Community Development, and Sports has done wonders in that area. When we look at the improvements and the sensible approach that the Minister for Health has taken; when you add up the 20% increase that the Minister for Tourism has brought in; when you look at the advances in agriculture, the pavilion; when you look within the districts at what has been achieved—the improvements in all areas—the public has to remember that when we took over the roads of this country had been estimated by the Director of Public Works at costing \$10 million to repair. We have repaired as many as we can, we have added to them. We gave the opposition their private roads, as best we could when they asked for them.

By and large, I think that the man in the street knows that the National Team, and I am being very blunt here, it is not the Government that has produced this. If there was fighting among us as it was with previous governments we could not have succeeded the way we have, but we are a team. We are together (with the exception of the First Elected Member for Bodden Town, who chose to go elsewhere). The slate of candidates put in by the electorate of this country two years ago are as

staunchly together now. We have a very good working relationship with the Official Members and the Governor. We pull together as a National Team and decisions are being made by a group of people, whether it is Executive Council or the Members of the Legislative Assembly as a whole, which has got to be a lot better than single Members making decisions that have been so disastrous for this country over the years.

I am happy that the success of the National Team has been good for this country. We pledge to continue with God's help to carry on the struggle and to take a positive approach to the development of this country to see that it moves forward to the benefit of our people and their children. With God's help I believe that He will continue to assist us and bless this country.

The Speaker: Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.51 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: Please be seated.

Debate continues on the Throne Speech. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I am rising to say that I am deputed by Government to close on their behalf.

The Speaker: I have not called for that yet, sir. The debate will continue on the Throne Speech.

The Fourth Elected Member for George Town.

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

In reading over the Throne Speech delivered by His Excellency the Governor, many things come to mind. While goals are achieved on a national level, I am minded of the fact that problems continue to pop out of the woodwork on a daily basis and our growing pains seem never-ending.

As I have listened to the debate from both sides of the floor it comes to mind that maybe the Government expects some accolades for their stewardship, but at this point in time that is not my job. The truth is, in my opinion, that none of us in this Honourable House has the time for all of that praise because there is simply too much to do. If we are doing our jobs as representatives and as the Government, I am sure that this will speak for itself. A man or woman in here who genuinely believes that all is well is, in my view, living in another world. As right as so many things are in these islands, so many other things are wrong.

Before I go on to address the various areas of the Throne Speech I would like to make the point that I do not view my responsibility here on the Backbench as to continually talk about all of the good things. My job, along with others, is to continue to point out the prob-

lems and the inadequacies simply to ensure that these things are foremost in the minds of the Members of the Government. They, in turn, as the decision-makers, decide what is done, when it is done and how it is done.

I hope that all of us on the Backbench, whether we are government supporters or not, feel the same way, as I believe that is the route whereby we will get the best results for the country.

We as legislators, both as elected representatives and leaders, should never take that responsibility as anything but sacred. To me that is why it is so important—while no one in here, including myself, is perfect—that we try to display the right attitude in our efforts and in our role as legislators.

We are the people who will play a major role in the way the majority of the electorate of this country thinks. What seems to be normal to us will certainly become normal to them—both in thoughts and deeds. We are the people they will emulate. While this discourse may not be on a specific part of the Throne Speech, I find it to be a very important area and I really do trust that all of us understand and accept the seriousness of this responsibility.

As far as I am concerned, our responsibility as legislators extends far beyond an election campaign. I know we must strive to win, but I would like to believe that we strive to win not only for the right reasons but in the right way. I hope that we do not allow our quest for power to over-ride the good principles that brought us the success that we are all very quick to talk about today.

The intangibles are also very important and we must seriously think about these things. How we do what we do will most certainly decide our fate. Because others do it elsewhere does not necessarily mean that it is good medicine for our headache.

Having said all of this, the message is that we must be strong, yet flexible; wise, yet always learning; we must be leaders, yet serve others. Madam Speaker, the steps of all good men and women are ordered by the Lord—a force much greater than ourselves.

To begin my contribution on the Throne Speech, let me just say a quick quote which I think is very relevant to the big picture. It goes like this: "**All human beings irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.**"

As the introduction of the Throne Speech was taking its course and I was listening to His Excellency the Governor, he mentioned the Cubans. He mentioned that the financial resources of the Government, which means the country, have been stretched to the point where Capital Projects may have to be reduced. Then he went on to say not very long after that, "**Cayman is one of the more fortunate countries in the world with a standard of living and, perhaps even more important, a quality of life second to none.**"

When you are on the top that is when the fall is the hardest, if it comes. That is why it is so important for us

to be almost introspective at times in our considerations, both within specific areas and at a national level.

While I try to steer clear to some extent of going into depth on certain issues, the situation regarding the Cubans is one which I have not spoken publicly on to any large degree. The one thing that is resting on my mind constantly in my travels, is a comparison that I cannot avoid making. First of all, I am truthfully sympathetic to the plight of these people. I certainly would like to see them in a normal state of life as the majority of us enjoy here. The Governor has congratulated churches and others for the role they play, and I too am grateful for their existence. There are many individuals in our community who have gone far beyond the call of duty to assist these people and to basically allow for their time here to be spent in a half-way decent fashion, to say the least. But the comparison that I continually have to make, and that I find great difficulty in accepting, is just about every day of my life I see people who are my own who need the same type of help, albeit on a continual basis. Without being too harsh on myself and others, the truth is we tend to ignore their very existence.

The point I wish to make about this is that if in the sight of God we are compelled to assist people who come from abroad who are in a certain dilemma, how can we justify ignoring our own? I wish not to castigate anyone, I just wish to bring the point into full focus. The truth is, if we are honest with ourselves, we are ignoring our own.

We can make lame excuses and say that John Brown always needs help because he does not want to help himself. We can say things like that. But there are many off-shoot situations where eight or ten people physically suffer daily as a direct result of the actions of one individual. While we may wish to punish that one individual, the truth is, those others are still suffering.

My message is: Let us all try to be more cognisant of the fact and let us live within our community in a way that we are of more assistance to those people who daily face physical needs that the majority of us, without interfering with our own life-styles, either by time spent, or by a helping hand in some other way, could make a vast difference in the quality of their lives.

So when I hear about a quality of life second to none, I am simply saying, while that is all well and good, that only applies to some of us. There are those of us who do not enjoy that quality of life and we must forever be mindful of that.

There are many other things which I will go on to discuss, hopefully to show what will cause those numbers to multiply if we are not careful. But that is another moot point to talk about.

The first specific area that the Throne Speech dealt with was the Judiciary. I am very pleased to know that the upgrading of the Courts Building to allow for more space is one of the Government's goals for 1995. I think it is a known fact that while we wish that we did not have to provide more space for the courts, the sad fact is that the demand is there. I think that as the old saying goes,

"justice must not only be done, but it must appear to be done", it is important to have those quarters in such a way that it is conducive for that to happen. The courts being continually cramped and court dates being a problem because of lack of space can inhibit due process.

Also, the Legal Aid system will be reviewed. I am happy to know this, but not 100% sure of the exact method that is to be employed which allows people to qualify. I have heard of several reports where people who appear to be eligible for Legal Aid are not receiving it and people who might well not have the need for it are qualifying for it. Personally, I welcome that review.

The next pertinent area which warrants some debate is the Portfolio of Internal and External Affairs. Let me first of all say that it was a very sad day when I learned of the retirement of the former Chief Secretary, Mr. Lemuel Hurlston. But, having said that, life must go on, and so too must the service.

His Excellency the Governor said in his Throne Speech that a committee would shortly be appointed **"to carry out a comprehensive review of the General Orders and the Public Service Commission Regulations. This review is intended to bring these regulations in line with the needs of a professional civil service in the nineties and beyond."** My most serious consideration in the civil service has always been the upward mobility of the individuals in the service.

It is my view that there are certain areas which fall short of what I would like to see and it has no bearing on any one person, I simply think the system is not conducive to enough of this happening. If we are going to Caymanianise the Civil Service and at the same time enhance its efficiency, we must identify individuals and let them know that these are the positions that we wish for them to achieve: Set schedules for them, train them, give them every opportunity to realise their potential in line with these goals. It is my view that if this is done on an ongoing basis, we will have a more efficient service and at the same time we will have our own Caymanians well-placed in the service from bottom to top and from top to bottom. The thought behind this is not to displace anyone. It is simply that I believe in the long term that this is the only sensible route to take.

I have been told that this was being done in the past. I wish not to say that none of it is being done, but it is my view that no one to this point has latched on to this type of development within the service or has given it the impetus and the forward thrust that it needs. I do not believe that those within the service, and those who might aspire to join the service are clear that this is a given position, and I believe that is why we might not be satisfied with where we are.

I believe that a lot of the people there who have had the opportunity for tertiary education are capable of absorbing such if given the opportunity. I believe that if individuals know that training will come about if they fall in line and dedicate themselves, it will happen. I firmly believe that if we make a very strong effort in this area we will see better results.

The point was made just a few days ago. If we look at Cayman Brac we see that they have had problems for some time now. When the present Chief Secretary, who was the District Commissioner of Cayman Brac, was transferred over to Grand Cayman there was no one in line ready, willing and able to fill his position. Before him, and since him, we have had to put people in there on what I would have to call a temporary basis to fill the post. I only use that as an example and I think it bears the point out that if we were to move with a stronger force within our own Caymanians to identify them and the jobs that they could potentially hold, we might not find ourselves in those problems. I feel very strongly about that and hope that those who deal with it will find some merit in my line of argument and do something about it.

The new Commissioner of Police pointed out in one of his first interviews about the Police Force... and I do not know if he was using this opportunity to make known his wishlist and how much of it can be achieved in the short term, but I think his line of argument bears some merit and we should be looking into seeing what might enhance the force—the fact that there is a claim that they are very lacking in the numbers and quality of their vehicles.

I have heard several people ask why we should be thinking about giving the police more vehicles and better vehicles when half of the time the vehicles are used for personal purposes. I cannot stand here and say if that is true or not. But let us assume the worst—that it is true. If this is true this is something that needs to be sorted out internally. The point that I am making is let us not make that the reason for not trying our best to enhance the force with what they deem to be necessary equipment, namely, better vehicles. If other problems exist they should be dealt with but not necessarily in restrictions on vehicles.

I think the good gentleman who faces me this afternoon might be thinking that I am speaking directly to him—not quite, but almost.

It is very important that we try our best to get as many Caymanians as possible to join the Police Force. I do not wish to get into a line of discussion that I do not know too much about, but I will just run on the surface of the argument.

In a newspaper article, the new Commissioner discussed personnel and he talked about the fact that he believes that the police, because they do not get overtime and because of other peculiarities that no other departments face, should be paid more. He also mentioned that qualified Caymanians are not interested in joining the force because of the disparity between the salaries in the private sector and the police. I would almost venture to say that it might well be impossible to solve that problem in its entirety, but one of the things that I think we need to seriously consider, because of the nature of the job, is bringing it more in line with the various aspects of the job as compared to other jobs.

I know several individuals who are not telling me untruths when they say to me that they have hundreds of

days of leave in lieu of overtime, and some of them if they were to get time off would have time off in excess of a year. That does not make a lot of sense to me. I do not suspect that the answer is very easy, but I think it would be in our best interest if we would not simply just leave it alone, but get all parties involved to sit down and find a more palatable situation for those who are in the force.

I am not very proud of the fact that as the numbers in our Police Force increases the percentage of Caymanians decreases. That is a bad sign in my mind. I am not suggesting that there is anyone to blame for that, but something has to be wrong for that to be continually happening. There may well be other reasonings that have more bearing than the ones that I am bringing up, but, certainly, those who are responsible need to address the situation.

There is also the continuing question of morale within the force and I would sincerely hope that each and every one of us in this Legislative Assembly would vouch support for the Force and its new leader in whatever assistance we can render towards boosting that morale. Certainly we should do our best in that vein.

Next to the Police comes the Prison. Again, in this sitting there have been some questions raised and answers given about certain aspects of the operation of the prison. One of the areas that I have always felt was most important is education while the prisoners are incarcerated. The Governor said: "**Job training and interviews to secure employment on release, with a follow up programme will be put in place this year.**" This is one sentence—Job training and interviews to secure employment on release, with a follow up programme will be put in place this year. Although it is just one sentence, this is one of the most important sentences in the entire Throne Speech.

I do not have all the numbers available with me right now, but we continually chime about the many wasted lives that are within our prison system. We know that in excess of 90% of the inmates are there for drugs. The next sentence: "**Drug counselling, in conjunction with the counselling centre will be given high priority.**" Those two sentences, lack of those two areas is costing this country close to \$15 million a year. Somebody is immediately going to say, "**I wonder what he is talking about now.**" I see the Honourable Financial Secretary looking up with a funny look in his eyes. Let me explain myself.

If we check the Police, the Judiciary and the Prison, it is costing this country in excess of \$15 million per year. I am very sure that the Financial Secretary would love to be able to allocate that elsewhere. I am not suggesting that we will ever be in a position to not have a police force, judicial system or prison, but for as long as I can remember, notwithstanding who is the government of the day, every year we have to spend more in all three areas. If more was not spent—it is not that it was not asked for—it was simply not given priority.

I remember the very first sitting where there were several hundred thousand dollars to build 65 more cells for the prison. I think it was denied. So, the point that I

am making is that if we can achieve less repeat offenders and those who find themselves in the clutches are able to use what is available to them to get back into our society as normal, active members of that society, certainly the demand will be less, the court appearances will be less and the interdiction process will not be one that we will have to be adding more personnel to on a daily basis. That may have been done in a round-about fashion, but I think I made the point.

While they are only two sentences in this Throne Speech, as far as I am concerned, they are more important than just about anything else that we will talk about in the Throne Speech. I know that there are other factors and areas which hinge on operation of drug counselling and other attachments for the job training, but all of those areas combined are certainly one of the most important areas that we need to concentrate on. I trust that while they were only two of the sentences in the Throne Speech justice will be given to the consideration.

The Prison is always a place that one wishes was not filled at all times. But it must be a signal to us, if we have to be continually enlarging it, that something is not right within us. I think that it is very important that we pull out all the stops to address these areas.

The Department of Immigration, because of its very nature, comes under fire at all times. For various reasons there will always be individuals, including myself, who are dissatisfied with either the service or the end results of any interaction with that department.

One of the ongoing criticisms has been the length of time that people have to wait for replies to applications: whatever type of application it is, work permit, et cetera. Because of the integration which has continually taken place, every one of us has to deal at some point in time with this department. I believe that there have been serious attempts to address some of the inadequacies and I am not so sure that all of the criticism is warranted or whether it is always a game of catch up. Every time we check the statistics we find that over any given period of time there are more work permits that have been granted, which means that there are more work permits that have been dealt with. I think if we assume that everything is true to form, it would also mean that there are more that have been dealt with that have been refused. So, all-in-all, there has to be more work.

Having said that, it is my belief that we might need to look at the whole operation of the department with a view to properly determining whether it can properly service the needs, functioning the way it is at present. It is a difficult one. There are some of us who feel that work permits are taboo. There are others who look at it a bit differently. Nevertheless, it is a given in this society that there is a continual need for that service.

I do not know the entire operation, but notwithstanding the Cuban asylum seekers and the strain that has been put on the personnel, I think that it is fair to say that someone always has a gripe about the Immigration Department. Let me leave it at that. It is very possible that

because of the way the system is set up it cannot cope with the demand. I think it needs to be examined.

I will move from the physical aspects to make one suggestion and it may be that every Member in here will disagree with me—it has happened before and if I am here long enough I am sure it will happen again. I feel that a system of natural justice needs to be applied within that department more firmly, and I will explain. When someone makes an application—any application for work permit, permanent residence, status, whatever—either to the Department or the Immigration Board, if that application is refused, the norm as I understand it, is that the only recourse is an appeal of that decision to Executive Council.

If the truth is known, Executive Council in this day and age meets on a weekly basis and more often as necessary. While not having any access to the agenda of Executive Council, I am totally confident in the statement that I am going to make. I am sure that every agenda for their normal meetings has something left off because they simply cannot deal with anymore business on that given date—similar to the Immigration Board when they meet. I am certain that there is never a meeting where something is not carried over from the last meeting because they were sure they could not deal with it.

The point is that there is always too much to do. It is continually a matter that has to be coped with. I know for a fact that there have been applications to Executive Council asking them to review a decision made by the Immigration Board where people have waited a year and eight months without a reply. I am told that is a conservative time frame. I know what I am talking about. I know of many that have taken in excess of six months. I am not standing here to say that there is anyone to blame for this because the truth of the matter is that there are many other urgent matters that Executive Council has to deal with on a daily basis. I am told that whenever...

Hon. W. McKeeva Bush: *[Interjecting]*

Mr. D. Kurt Tibbetts: Yes, I respect that, I am just...

Hon. W. McKeeva Bush: *[Interjecting]*

Mr. D. Kurt Tibbetts: Sorry, Madam Speaker, if I am allowed to continue I will explain myself properly.

Hon. W. McKeeva Bush: All right.

Mr. D. Kurt Tibbetts: Thank you. Madam Speaker, the point that I am coming to is that I do not believe that appeals for decisions made by the Immigration Board or Department should have to go to Executive Council to get into a system where there is no given time-frame because of other matters of urgency on the agenda, which are decided by the Clerk of Executive Council.

So the point that I wish to make is that I believe the Government should be considering an Appellant Board, similar to other appellant boards that exist, in order to

deal with these matters, simply because Executive Council has much more to do with many more important matters than the likes of these.

Because of that, it seems that no one pays any attention to the appeal. It is my view that the Government should consider setting up a tribunal which could hear matters such as these on a regular basis and process the situation speedily. The Appellant Tribunal would simply deal with what is before them by way of the Law and all of the parameters they are allowed to consider the matter under and the appeal should be upheld, and if it is overturned, then it is overturned.

I see no difficulty in operating like that. I am making this suggestion because as more applications come in, there will be more people who are dissatisfied with the end results, and more appeals, and they will get bogged down. That is a view that I hold and I would trust that someone might consider it.

The other very delicate topic on Immigration that I cannot go on without mentioning, pertains to those same people that I have been talking about for many years—those who have resided continuously in this country in excess of 20 years. They have been accepted by all and sundry. They rub shoulders with us daily but every year at a certain time they are shaking like leaves because they do not know if their work permits will be renewed. What a shame!

This is not a 'today' situation. The only thing that is happening to this situation is that as the days go on more people fall into the category. We have talked about permanent residence and recently there has been an increase in the number of people making inquiries about it to me as a representative. In talking about it I do not wish to give the impression that I hold a view that we should simply open up the flood gates and let whatever is to happen, happen. My view is that we should close the shop and put all that is within us in order, then we will know how to open it back up.

I do not know of any policy, directive, law, rule or regulation which gives a clear and concise way to deal with this very sensitive issue.

Let me show you what happens that we politicians probably would not know about unless someone told us. There are two brothers, both of them living in the Cayman Islands since 1969. Both of them are decent people. One of them has been working here for the past 22 years. He has built his home here, is married to a Caymanian and has three children. For all purposes and intentions he is doing all right. He is a good family man, his earning power is not great, but he takes care of his family and his home. His wife works and they are all right.

The other brother is all right too; he used to work for the Government. He has been here since 1969. He has no other attachments here and he no longer works for the Government. He is employed by the private sector. He rents a room, but he is happy also.

Here is the shocker, and I am not afraid to talk about it and I will tell exactly what happened. Both of these brothers applied for permanent residence. I know

both of them, and they both asked me for a reference. I gave them both a reference as truthfully as I knew them to be and the single one, who does not have a home here, was granted permanent residence and the guy with the family was refused on the grounds that he did not have a substantial investment in the islands. That happened. What must I think? I am not saying this happens every day, I am saying that this happens.

It is my view, not based on pure fact, because I have seen some of these files—not by prying, but by walking across a room seeing a desk with seven rows (and there is someone else in here who saw them with me) of files at least four feet high to be dealt with. Whenever they are dealt with it is physically impossible for all of them to be given proper consideration. It is like everything else, and we all know this: If you are overloaded with what you are doing, you are not going to take care of anything properly. That is my view.

Now that view was from the people on the outside. The people on the inside may know it to be different but that is what comes across to me. I believe that something should be done if we are going to deal with these applications with a view to doing justice and allowing justice to prevail. I do not know how Government wishes to deal with it, but I believe that something should be done to deal with these applications in an expeditious fashion, whether it means another body to deal with them or some other method be employed to deal with them. I believe that it is asking too much for one board to deal with all of these matters and do justice to these applications.

Let us say that I am the board and there are 500 applications in and I spend to the next morning dealing with them and I get to deal with 60. I am whittling away at the pile hoping to get it down. Is justice being done to these applications?

I just quoted that incident. I cannot say that it is an isolated one; I just know that it happened. I saw the paper work on it when the applications had been dealt with and the letters were sent out. That is how I know about it. But, if matters like this happen once, it can happen again, and I believe it is happening because justice cannot be done to these applications.

I know it is difficult and the point I am making is not to say who is wrong. It is simply to say what I believe is wrong and that hopefully somebody will do something about it. That is all I wish to say.

The Speaker: Proceedings will be suspended at this time 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.

When we took the break I was winding up my contribution on the area of Immigration. There are one or two more points that I wish to comment on.

During the break I was given a quick briefing on the method in which the appeals that I was talking about are dealt with. It is my understanding now that one of the larger problems with those appeals is the length of time it takes for them to reach the office of the Clerk of the Executive Council, although I understood that the appeals were made to the Executive Council. I think what happens then is that the Clerk seeks information from the Immigration Department in order to prepare a paper for Council. If this is the case, it does not change my view.

If there were an appellant board to deal with this and whenever matters were appealed they were streamlined and dealt with expeditiously, certain other problems would not occur and I will draw a reference again to make the point.

I have known of appeals that were pending where individuals have gone into the department to seek extensions to remain on the island until the appeal is heard. They have had to do so on several occasions before the appeal was dealt with. All this does is increase the work-load for the department. So if there was a method whereby this could be done more speedily, certainly a decision would be made—the person would either be here or not be here—and Immigration would not have to deal with it on a continual basis. I am just making that point.

All in all, with the Department of Immigration and the Immigration Board, my view is that the Government—and if it is the Governor who faces sole responsibility for that area, then let the Governor consult with whomever he needs to consult with, and deal with the department and address these areas in order to bring about more speedy transactions so that people know where they are and what they are doing without being in limbo for such long periods of time.

The Department of Broadcasting and Information is providing a service to these islands. I do not know of any specific problems that department faces at present. I can only say that while competition is always good to bring about the best in us, I fully support Radio Cayman.

I have noticed from time to time that there are attempts at innovation to try to enhance the programming and to bring about a wider range of news information to the public. So I wish, in short order, to lend my support to that department and I trust that the powers that be will assist them to the best of their abilities in performing their duties.

District Administration: The first line in the Throne Speech says, "**The economic growth and development of Cayman Brac and Little Cayman remains dependent on Grand Cayman.**" I guess that statement need not be refuted, but I can assure this Honourable House that the people of these two islands certainly wish to be able to fend for themselves. They have certain inherent drawbacks, but slowly but surely they are coming

into their own. I think one of the pleasing factors, especially in Cayman Brac, is that infrastructure, because of the nature of employment on the islands, has been brought in line from quite early on in its development. This may sound very funny, but I think that we here in Grand Cayman should look to the Brac to see what we should have done from many years ago, regardless of where the funding was coming from. But Cayman Brac and Little Cayman are certainly as much of a treasure as Grand Cayman has been, maybe Grand Cayman has provided resources at a much more advanced level, but nevertheless, I am sure that down the line—certainly in our lifetime—we will be able to see the value of these two islands in many, many areas.

I believe that the indigenous population there continually prove that they are very industrious and given the right opportunities they make their contribution within our society. I am quite confident that this will continue to be the case.

Under Personnel, Training, Management and Computer Services, earlier on I spoke of the upward mobility within the civil service and my only comments within this area are simply to reiterate the strong views that I have regarding the upward mobility and Caymanianisation of the service.

To sum it up in different words, I would love to see my people in command totally. I think it behoves us all to strive for that to become a reality.

The Legislative Assembly: His Excellency mentioned several select committees being established and I dare say that while everyone is very busy and while some of the areas that have to be considered by these select committees are sensitive, the truth of the matter is that as elected representatives we all hold a responsibility to the people of this country to deal with these matters. I would like to see us get on with these committees as quickly as we possibly can, so that what has happened in the past does not happen to us—before concluding these committees we find that they are disbanded and the process has to begin again.

There is the Select Committee to Consider A Register of Interests and the Select Committee to Consider a Code of Ethics and Conduct for Legislators which is looked at as companion legislation. There is the Select Committee to Review The Gambling Law. There is also the Standing Select Committee to Review the Sunday Trading Law, another sensitive issue, and I understand there has been a lot of representation from the public about that. There is also the Select Committee to consider the Bill of Rights. Each and every one of these Committees is very important. While I do not control the situation, I am suggesting that we deal with these as quickly as possible so that if there is any new legislation or amending legislation found to be beneficial that we can deal with it as quickly as possible so that the country as a whole can get on with the show.

The Law School is certainly worth mentioning in this debate. Someone else might have mentioned it before, but I would certainly like to pay homage to that institution

as I personally know several Caymanian graduates who are now in the profession in the private sector and certainly they are the results of this programme and we should be proud of them.

There are more individuals going through the Law School now. The one point I would like to make is that whatever the groups are within the legal profession, I do trust that they are cognisant of the fact that we do have Caymanians who are coming on stream who are qualified and I trust that they are making room for these Caymanians in the profession locally. Certainly, the need for people in that profession well exceeds the number of locally qualified people that we have, but as we find our own coming on stream I would not like to hear of local graduates not being able to find decent employment. I am not suggesting that this is the case, I am just making the point because we seem to have a knack for dealing with situations after a crisis point. There are not too many of them to cause a problem where people within the profession feel threatened, so I trust that they will be looked after.

There is one point which I wish to make regarding the drafting of legislation with regards to the traffic regulations and the new Traffic Law. The new Traffic Law which was passed, gazetted and is a Law that exists in our statutes, has not been brought into force because of regulations which have not been prepared. This has gone on for several years, and while other legislation keeps becoming more important, the problem that this is causing is that in their line of duty the police have seen it fit to apply new sections of the law, which in truth and in fact, are not wrong in principle, because once the law comes into effect that is the way it should be. But in effect, anyone who tests their authority in the matter always wins. So it is causing a problem. The truth is that they are trying to apply the new law because that is the way it should be, but they are being hamstrung because it is not in force.

The point with that is that whatever has to be done, however late the candle needs to be burnt, let us get it done. With the greatest of respect, I think that I am correct in saying that it is going on four years. While this may be the exception and not the rule it is not something that we need to be proud of. It is not something that only the Second Official Member should bow his head about, it reflects on all of us. We need to get it taken care of. So I do trust that this will be done in short order.

The Legal Department: His Excellency mentioned that "**The department continues to embrace specialization through local recruitment and training. A Caymanian Crown Counsel is presently studying in Rome at the International Development Law Institute. The Attorney General is also hoping to recruit in 1995 an Attorney with particular expertise in prosecuting Commercial or White Collar Crime.**"

Here we go again with specific training of our Caymanians. We have had Caymanians on stream in this department and I believe it is fair comment to say that the trend after a few years is to move on into private practice. We are continually ending up using the Legal

Department as a training ground. Each individual who has passed through this training ground can always justify his or her actions by going into the private sector by way of some dissatisfaction, whether it is salary, or not seeing any light at the end of the tunnel, or whatever. We need to have a look at this in order to identify individuals and find the situation conducive for them to stay in the system so that in years to come our Solicitor General or, for that matter, our Attorney General (with the greatest of respect to our existing Attorney General) is a Caymanian.

If we do not diligently seek for this to become a reality we are doing a disservice to the youth that we continue to talk about. Much of it depends on them, but I believe that we have to set the stage properly. That is my view.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30 PM, Honourable Member. I do not think you would be finished this evening. 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: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock on Monday morning.

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

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until Monday morning at 10 o'clock.

AT 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 20 MARCH 1995.

**APPENDIX To QUESTION 57
(17 March, 1995)**

Nos.	Prisoners' Names	Nationality	Types of Offence(s)	Sentence	Time Left in Prison	EDR
A-2494	Earl Scott	Jamaican	Possession of cocaine with intent to supply	7 years	1 year, 8 months	17-10-96
A-2308	Robert Neil	Jamaican	Being concerned in the possession of ganja	4 years	1 year, 11 months + 20 days	9-02-97
A-2673	Devon Anderson	Jamaican	Possession of ganja with intent to supply	3 1/2 years	1 year, 8 months + 9 days	26-10-96
A-2674	Lloyd Smiley	Jamaican	Being concerned in the possession of ganja with intent to supply	3 years + \$330 or 1 month	1 year, 2 months + 24 days	13-05-96
YP-179	Ricardo Wilmonth	Jamaican	Greivous bodily harm	12 months	22 days	11-03-95

**MONDAY
20 MARCH, 1995
10.06 AM**

The Speaker: I will ask the Honourable Minister for Education and Aviation to say Prayers.

PRAYERS

Hon. Truman M. Boddan: 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, forever 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 Housing Development Corporation for the year ended the 30 June 1994. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

**PRESENTATION OF
PAPERS AND REPORTS**

**REPORT OF THE HOUSING DEVELOPMENT
CORPORATION FOR THE YEAR ENDED 30 JUNE
1994**

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Housing Development Corporation for the year ending the 30th June, 1994.

The Speaker: So ordered.

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

Hon. W. McKeeva Bush: Madam Speaker, and Honourable Members, I am pleased to be presenting the Annual Report of the Housing Development Corporation for the year ended the 30 June, 1994.

The year 1994 was a year of transition for the Housing Development Corporation. It marked the beginning of the suspension of direct mortgage lending by the Corporation. This suspension was ordered by the Board of the Corporation in December 1993, in the light of the new guaranteed home mortgage scheme that had been initiated by Government.

The role of the Corporation during the year was therefore limited to seeing ongoing projects through to completion and servicing existing clients. As a result of the amendment to the Housing Development Corporation Law, which was passed at the September 1994 meeting of the Legislative Assembly, the Corporation is now in empowered to dispose of its loan portfolio. I confidently expect that the Corporation will dispose of its loan portfolio during 1995, and that it will assume different role in the home mortgage sector.

The Management of the Housing Development Corporation and the Government Statistics Office are now engaged in discussions aimed at finalising details of a new housing demand survey which will inform the future housing development policy of the Ministry on strategy of the Corporation. It is envisaged that the Corporation's new role will be to assist borrowers in the lower income bracket who may need to have assistance with housing which cannot be factored into the guaranteed Home Mortgaged Scheme.

I confidently expect the proposed amalgamation of the Agricultural and Industrial Development Board and the Housing Development Corporation to be effected in 1995. This should serve to further streamline the operation of both institutions.

Madam Speaker, let me close by expressing my thanks to the management and staff of the Corporation for their hard work during the year and to the Board of the Corporation for their dedication and leadership.

The Speaker: Questions to Honourable Members and Ministers. Question No. 58, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 58

No. 58: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation what is: (a) the total number of Flight Attendants employed by

Cayman Airways Limited with a breakdown by nationalities and years of service; and (b) the average monthly salary of the Flight Attendants.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

Madam Speaker, this question was answered on November 11 1994. I will repeat what I said then, there are 34 flight attendants employed by Cayman Airways.

TOTAL	NATIONALITY	SINCE
16	Caymanian	1981 (1)
		1983 (1)
		1985 (1)
		1986 (4)
		1987 (2)
		1988 (2)
		1990 (3)
12	Jamaican	1992 (2)
		1985 (1)
		1986 (1)
		1987 (3)
		1988 (3)
		1989 (1)
7	American	1992 (3)
		1983 (1)
		1990 (1)
		1992 (5)
1	Nicaraguan	1986
1	Canadian	1992
1	South African	1992
1	Honduran	1992
1	Bermudian	1992

(b) Average salaries of flight attendants. In-flight operations is divided into two main categories, junior flight attendants and senior flight attendants. The average salary for a junior flight attendant is CI\$1,551.50. The average salary for a senior flight attendant is CI\$2,204.20.

SUPPLEMENTARIES

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 increase in the hours worked by the flight attendants in recent time, and if the same salary has remained in place?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I fail to see how that arises out of this question, but in any event I do not have [the information].

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

Mr. Gilbert A. McLean: Would the Honourable Minister say if there has been any representation from flight attendants regarding their salaries, and if there is any effort being undertaken for enhancement of salaries for this category of workers in the airline?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the last Government so reduced the salaries of the flight attendants and Cayman Airways' staff, and/or failed to give any pay increases (some of them over a period of four years) that they eroded, and I would say depressed the staff of Cayman Airways that they automatically now ask for raises.

We have given, as the Member knows, two sets of pay raises. To the best of my knowledge, some of the flight attendants must have gotten raises. We recently did a job evaluation, and, subject to funds, we hope that in the not too distant future we should be able, once again, to look at pay raises. The last Government for four years totally depressed the staff and what I am trying to do now is to pull them back together as a team. When you work people without pay increase for four years, it is quite frankly a disgraceful thing, and it was unfortunately because of the bad financial status of the airline caused by the last Government.

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 indications that there might be Caymanians interested in the work of flight attendants seeing that over 50% of the persons employed by the airline are non-Caymanians?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, we are always attempting to get Caymanians in all areas of Cayman Airways. The Caymanianisation of Cayman Airways is one that is always uppermost in our minds. But as the Honourable Elected Member can see, 90% of the foreigners in these positions were put in by the last Government and the one before. The majority of them were put in by the last Government.

If you look at the staff who came to Cayman Airways, you will see that most of them came in from the last Government and he perhaps should ask some of the former members of that Government (who are not in this House) why they employed so many foreigners instead of trying to Caymanianise Cayman Airways.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Minister could tell us the average hours worked by the flight attendants.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I do not have that information and I am happy to supply it in writing.

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

Mr. Gilbert A. McLean: Madam Speaker, having noted the reply of the Honourable Minister regarding the time the flight attendants were employed, I do notice that in 1992 five American flight attendants were employed. I am not sure what part of 1992. However, the question I asked to try and illicit the information was whether two years—now under a new Government and indeed, under his management . . . what attempts have been made to change the situation with non-Caymanians working in the airlines?

The Speaker: I think the Honourable Minister has already answered that supplementary.

If there are no further supplementaries, the next question is number 59, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 59

No. 59. Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation if Island Air has been granted exclusive rights to fly the Inter-Island service other than Cayman Airways Limited.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: No. Island Air has not been granted exclusive rights to fly the inter-island service other than Cayman Airways Limited.

I did answer that last year as well, Madam Speaker.

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 what is the relationship between Island Air and Cayman Airways Limited, and if Cayman Airways Limited serves as an agent for Island Air or do they operate in any way together?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I do not have the answer to it and I did not think this supplementary would come up. All I can say is that Island Air is an independent private company and I believe Cayman Airways used to do handling for them. That may not be so now, but I am not certain Ma'am.

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

Mr. Gilbert A. McLean: Madam Speaker, I wonder if the Honourable Minister could say if any efforts have been made regarding the cost of travel on Island Air.

The Speaker: Honourable Member, I do not think that is a part of the original question. If the Honourable Minister could give an undertaking, but really it is not a part of the original question.

The next question is number 60, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 60

No. 60: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Aviation if the replacement for the Managing Director of Cayman Airways Limited has been identified.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: To date a replacement for the Managing Director of Cayman Airways has not been identified.

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 there have been any applications for the post and if there is anyone identified as an under-study?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I understand that there have been six applications, as I told the Honourable Elected Member last year.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Minister could say if any Member of this Legislative Assembly has applied for the position?

The Speaker: The Honourable Minister for Education

and Aviation.

Hon. Truman M. Bodden: No, Ma'am. No one from the Legislative Assembly has applied. I would hope that the press having been told by the Chairman, the Managing Director, the Press Officer and our Public Relations Officer, by the Member of the Legislative Assembly, himself, and by me several times, that no Member of the Legislative Assembly has applied for the post will finally stop printing it the newspapers.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if any of the six applications have been from persons within the airline, and if any thoughts have been given to the suitability of such persons?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I do not think it would be right for me to try and get into those details, but there was an application from someone within the airline. I would like to point out to the Honourable Elected Member that the position of Managing Director of Cayman Airways is one that if the Board makes a mistake [in its selection] it is going to be a \$35 million disaster like it was before. While the Board will do everything possible to try to get a Caymanian in the position, in the final analysis it has to be a decision in the best interest of the Cayman Islands because if Cayman Airways go bankrupt, the Cayman Islands is going to be hit extremely heavily.

We have just gotten Cayman Airways into a profitable position after subsidy, and I do not intend to be pressured by anyone—and I mean anyone, not just the Elected Member—into the choosing of someone to fill the position who is incompetent. That, in my view, would be a national disaster.

Further, I would like to say that I am not a magician. I can only look at people who apply. I cannot produce a Caymanian out of a hat to put in the post. But the person must be qualified to be able to carry on what is a \$35 million per year business. I will endeavour as best I can . . . and I give the Honourable Elected Member the undertaking to try to find somebody to put in the post and I am doing all that I can. But I think the decision is too important and that it has to be one taken free of pressure.

Thank you.

The Speaker: The next question is number 61, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 61

No. 61: Mr. Roy Bodden asked the Honourable Temporary First Official Member responsible for Internal and External Affairs what is Government's policy regarding the grant of student visas to persons wishing to attend

schools in the Cayman Islands.

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

Hon. Donovan Ebanks: Non-Caymanian persons who are not legally resident in the Cayman Islands are required to seek the permission of the Immigration Department if they wish to enter and remain in the Cayman Islands to study.

Applicants are required to have a valid passport and must submit a satisfactory police record, a medical certificate, a prospective letter of admission from the school and documentary evidence of their ability to meet the costs of tuition, accommodation and maintenance. Prospective students are advised not to commence study until they are notified of approval of their application.

Successful applicants are required to furnish a deposit to cover any cost of possible repatriation. Approvals are valid for six months and require proof of continuation of the studies in order to be extended.

In those instances where the sponsor of an applicant is the holder of a work permit, it is normally suggested that the sponsor apply to the Immigration Board for the permit to be varied by adding the applicant as a dependent.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if this is an open policy applicable regardless of geographical jurisdiction, or does this policy vary according to geographical jurisdiction from which the students apply?

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

Hon. Donovan Ebanks: Madam Speaker, I know of no geographical limitations in respect of the granting of these student visas. In fact, current holders range in nationality from as far away as Sweden or as near as Jamaica.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Would the Honourable Member give an undertaking to investigate this matter? It has come to my attention that certain applicants from certain territories, namely the Caribbean, have experienced difficulties not reported to be experienced by applicants coming from North America (Canada and the United States) to certain institutions.

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

Hon. Donovan Ebanks: Madam Speaker, I certainly will.

The Speaker: The next question is number 62, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 62

No. 62: Mr. Roy Bodden asked the Honourable Temporary First Official Member responsible for Internal and External Affairs to state the number of work permits (other than temporary) issued from January 1993 to December 1994 by nationality and category (e.g. managerial).

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

Hon. Donovan Ebanks: Statistical information from the Immigration Department denotes the number of work permits issued and in force at a particular time. For the period in question, by nationality, labour category, and skill level, these are provided in the three tables that follow: (See Appendix I)

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Is the Honourable Member in a position to say if the work permits covered during this period represent an increase over those granted for a year prior?

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

Hon. Donovan Ebanks: Madam Speaker, I am unable to say whether the actual work permits issued during the period represent an increase relative to work permits issued for prior periods. Certainly, the cumulative effect of issues versus terminations has always been a net increase.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say whether the figures given would include renewal of work permits or whether these are strictly new permits that have been granted?

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

Hon. Donovan Ebanks: Madam Speaker, these figures would include renewals. They represent work permits in force as of the dates given.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Madam Speaker, in looking at the chart, the total listed for January 1993 says 10,885. On the other two charts it says 10,898. There seems to be a slight error in the two amounts because it also listed the same figure in the skilled level. There is only a difference of about 13. Does it mean that the first page should read 10,898 although those figures do not tally up to that amount?

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

Hon. Donovan Ebanks: Madam Speaker, obviously there is a math error of 13 in the first Table. I will look to identify where it is and provide Members with the correct figure. It would however seem to represent no more than .1%.

The Speaker: The next question is number 63, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 63

No. 63: Mr. Roy Bodden asked the Honourable Temporary First Official Member responsible for Internal and External Affairs to state the number of disturbances at Tent City involving the Police, Immigration and private security agencies.

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

Hon. Donovan Ebanks: There have been seven disturbances at Tent City which involved the Immigration, Police and the private security agency which provides security at Tent City.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if any of these incidents emanated in anyone being charged? What was the nature of the charge, if so, and have any sentences been meted out to date?

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

Hon. Donovan Ebanks: No, Madam Speaker. I am unable to give any details of the particular incidents and I would be happy to provide information if the Member so request.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Member, in providing that information could provide additional information to say if the individuals who caused the disturbances are still at Tent City or if they have moved on.

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

Hon. Donovan Ebanks: Certainly, Madam Speaker.

The Speaker: That concludes Question Time for this morning.

Continuation of the debate of the 1995 Throne Speech. The Fourth Elected Member for George Town.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. At close of play on Friday, I had briefly made some comments on the Legal Department and the need to try to identify Caymanians to fill specific positions in that department. I am happy to say that the few comments I received were certainly in agreement and I trust that having established that agreement we may be seeing something positive in that regard in the near future.

The next item in the Throne Speech is under the Portfolio of Finance and Development. I would just like to quickly comment that I too recognise the important role the Portfolio plays in the success story of the Cayman Islands. I know that the staff, under the able leadership of the Honourable Financial Secretary, have very demanding jobs and I am happy to hear that to this point they are coping very well with the increasing demand. I am also pleased to know that in the financial industry the private sector is working very closely with Government. The goals are similar and I believe that this will go a very long way to the continuing success story of the Cayman Islands in this vein.

Having said all of that, I think we should note that there is certainly no time to rest on our laurels as competition is fierce. So, while I am very confident of this I just make mention that we should be on guard for the other territories who try to emulate our success and also use us as examples to try to improve on the services that we provide, not having to go through the growing pains that we have gone through. Nevertheless, the fact that we are setting the example as we go along does well for those people who are in the industry and I am sure they recognise these efforts.

Madam Speaker, the Customs Department exceeded its revenue expectations again, and I must say, having to deal with them on a regular basis, I have found that there is a continual effort to improve their services. There has been a fair amount of capital investment in providing facilities so that these Officers may perform their duties.

I must note that the new facility at the airport is computerised and I have taken time out to try to understand exactly what the new system is all about, and where it helps and where it saves time behind the scenes. But, I think we need to also pay attention to the fact that at certain peak periods when people are clearing their goods there is a backlog. It is not necessarily because of inefficiency on the part of the officers (and I will not venture to say that I know what the cause is) but there exists the possibility that deployment might need to be looked at regarding the number of Officers manning the counter, and also consideration needs to be made for staff to be added at certain times. Maybe they can be taken from certain areas that are not busy during the peak time. But it does get a bit frustrating at times and people who are very busy are not concerned with what internal problems there may be, they simply want results. That is a criticism based with the hope that they may see some enhanced results.

I have another concern which is one that I believe needs noting. I remember awhile back there was a private member's motion that came before the House regarding the Customs Department. It had to do with goods being exported from the various points in these Islands and the fact that there were no concerted efforts to make sure that all goods exported had accompanying bona fide invoices. I may be guessing here to a certain extent, but I still believe that a fair amount of the goods that are stolen within these Islands leave the territory.

I believe this because I find it difficult for it not to be known within our community (at least some of the times), when any fencing operation takes place, that is, people are purchasing stolen goods and reselling them. I am confident that within the business community there would be hardly if any at all, of those people who would knowingly involve themselves in dealing with stolen goods. I do not believe that there is any great underground network that handles these goods simply because it is very difficult in a society such as ours. Therefore, I am led to believe that many of these goods are leaving the territory under some guise and they are not being caught.

Madam Speaker, if we were to check the lists of items reported stolen and have never been recovered it would also enhance the point that I made. Because many of these items are not items that it makes sense to take apart and sell portions of them. So it is obvious that the perpetrators would simply sell the items they have stolen in order to make the best return. At this point in time, I still believe that they are leaving the territory in their natural state illegally.

The Government's position at the time when the motion was brought was while the problem is accepted as a real situation it was covered under the Customs Law. I

am not disputing that, but being able to hold up a piece of paper that says "LAW" and enforcing it are two different matters. I contend that at this point in time there is still some loopholes somewhere. I would ask the Honourable Third Official Member if he would take it on his own to examine that situation. Again, my statement is not based on all facts, Madam Speaker, but I think that some of the conclusions are reasonable, given the circumstances that we know surround them.

Madam Speaker, of note also as we move on through the Throne Speech under the Currency Board and the Pensions Board, is the fact that there was an actuarial assessment of the Government's Pension Fund and it was used to assist the Government in reassessing the pension contribution. While we have never been put to task at a national level those of us who take the time out understand the heavy burden that the Government, meaning the country, is faced with regarding the liability of the Pension.

I am happy to see that there are moves afoot to place the fund with competent investment managers with a view of increasing returns, if we recollect. Not very long ago Government added one point to their percentage of contribution to the Pension Fund and at the same point in time they increased the contribution to the Pension Fund by members of the Civil Service by the same one point. This is not going to bring it in line immediately, but at least it shows that the huge sums that can be called upon are recognised if there were to be a disaster, for instance where many people lost their lives. That is something that is probably not thought about very often and it is very unlikely. We hope it will not happen, but in instances like that we can be faced with a serious national crisis. So I am pleased to know that there is a move afoot and simply suggest that it is something that is looked at carefully. So it is not every five or ten years that what has to be done to keep it in reasonable line is done (as is the case) in many other instances.

Madam Speaker, the Treasury Department increased its collection of Tourist Accommodation Tax in 1994, by 54% and that again, is pleasing. If we pose the question again, the Honourable Financial Secretary may still have a list of uncollected fund, but I am happy to know that it is not left alone. I would encourage, through the Honourable Member, that the department keeps up the pressure in order to keep collections in line as there is much demand from all areas for funds to be spent in order for various services to be provided by the Government.

Madam Speaker, the Ministry for Tourism, Environment and Planning is naturally very active. I dare say that there will always be opinions formed on what is right and what is wrong, what is going well and what is not going well. The first thing that I have to speak about under this Ministry is the proposed increase to ten percent in the accommodation tax as of June 1 this year.

When the Bill was brought to the House there were lists of arguments for and arguments against the wisdom of this move. It was initially to commence January 1 1995, but it has now been delayed until June 1 1995.

Madam Speaker, I still have questions in my mind as to the wisdom of this move. Now, on one hand I am sure that in order for the Government to provide the services that are continually requested of them, there needs to be sufficient revenue coming in. I dare say, that is the position any Government will find itself in and it is one which the Honourable Financial Secretary lives with on a daily basis. I guess simply put, that is the price that they pay for the job that they hold. Having established the continuing need for funds, I still believe that we have to be careful in what areas we choose to increase revenue measures. Most of the schools of thought over the years from a political standpoint is that the least you tax your constituents directly the happier they are. That is a fair comment but it also makes good sense.

Madam Speaker, the country's success in many areas is also very dependent on the tourist trade, not only the numbers that pass through the territory, but the amount of money pumped into the economy by spending directly or indirectly. I hold the view that while projections may be some estimated \$4.6 million, if it were to be from January 1 1995, but in order to satisfy the need for capital projects or ongoing services provided by the Government, we need to pay attention to the possible negative impact that this might have.

There have been articles published in the newspaper and from a dollar point of view this may not seem to be adding a great amount of money to the cost of a Cayman Islands vacation, but people have a tendency, especially the repeat customer, to notice any changes in the way and the amounts they have to pay for the goods and services provided. While I cannot stand here and honestly say that we should not do anything about the accommodation tax, because it has been a while since it was reviewed, I hold the view that we may be wiser to deal with it on a timely basis. My suggestion, it being one that is contemplated on (and it may not be the perfect answer) is possibly to deal with it on a point per year basis until we achieve what we think is the right level. The truth is that if you move from 6 to 7 percent, people do not really feel that there is a huge difference, but if you move from 6 percent to 10 percent it is going to be noticed. While it is actual dollars and cents you may be speaking about a reasonable amount of money in return in the short term. I am not so sure whether we are better off from a broader perspective in dealing with it in that fashion.

Political will is what it will be and maybe the suggestion comes from the wrong corner, but nevertheless I make it, for I believe that if the truth be known many of the individuals who are in the industry would be much happier and more amenable to the situation if it was dealt with in this fashion. So that is a suggestion I make to the Government and while I heard of the wide consultation that took place with those involved in the tourism industry and the satisfaction with the move, I have heard several individuals who are directly involved and who are well-meaning members of our society voice concerns.

The recent newspaper article which puts the Cayman Islands as the most expensive vacation destination

for the Western Caribbean certainly does not help in this vein. The Director of Tourism noted in an interview recently that she thought we should be paying more attention to the fact that what our vacation cost once we ensure that people are getting value for their money that is the major train of thought that should be going on within the industry.

Madam Speaker, that is certainly correct, and I agree with it but it goes beyond that. Beyond a certain point no matter how beautiful the beaches are, how friendly the people are, once there is competition in the market and it is growing, (we all know about it), certainly we have to pay very close attention to the way we handle our affairs and market our product. Enough said on that issue.

I also note under the Department of Tourism, that new career development initiative is also planned—a joint effort between the hospitality sector and the Department of Tourism. This programme is aimed at providing support, guidance and work programme opportunities for Caymanians who may be considering work in the tourism industry or those who may wish to further their career in the industry but unsure how to go about this. The Honourable Minister has not spoken yet and I would be very pleased to get more details on this, because it is something that is very dear to me and it is something I believe we sadly lack in the Cayman Islands.

The hospitality industry is one which many more of our local Caymanians can get involved with and we need to tie down specific ways and means to train and motivate them in order to get them involved and desirous of being involved in the industry. It is something we have spoken about for many years and it is something we keep saying our local people do not want to get involved with, because it seems to be demeaning. I do not accept that anymore. I think we need to provide the ways and means to get them involved and they will be involved.

Madam Speaker, I can only say to the people in the industry that while we know that costs continue to rise in various forms and while ensuring the quality of the product, we need to do our very best to keep our prices as low as possible, simply because of competition. One of the problems we can find ourselves in by relaxing, because numbers are good, is with a large gap between our prices and others. When our numbers fall then a whole lifestyle has to be changed in order to bring them in line. I say this because we have to always think and have our lives planned for when it is not as booming as it is now. If we have ourselves slated in certain areas and are not prepared for downturns, it can affect the workers and it can affect the whole industry in a negative fashion. So we have to be careful. The time that we hate to hear about always creep upon us when we least expect it.

Under this same Ministry is the Department of Environment and the Department of Planning. Before going into each of these departments, I would like to draw a few excerpts from a recent article in the *Newstar* Magazine. It was the cover story, the title of it was "The Development Dilemma."

It started off by saying: "**Cayman seems poised for**

another economic boom, raising fears about runaway development and how that could affect the country in the long term. In this series of articles, *Newstar* tackles the question of how much development is enough or, indeed, needed."

This discussion was done via a roundtable discussion with some of the younger professionals in these islands.

Here are a few excerpts, Madam Speaker, from those individuals who are not only conscious but conscientious. I think they have a great deal to offer this country by way of their thoughts.

"We need to be looking at the long term picture. There are key questions that are not being asked by our politicians, our decision-makers and even by the public. Questions such as: What is our carrying capacity, not just in environment, but in our infrastructure, in our social systems?"

"It was pointed out that the politician concerned with re-election every four years, is not likely to raise these concerns and since regulations prohibit the civil servants' input, the questions will have to be asked by individual citizens. Given the conservative nature of Caymanians, this dialogue is probably unlikely."

It gives me great concern to think that we are not thought of as having the courage to raise these concerns. While opinions will remain opinions and they are not necessarily equated to total factual language, I think that when opinions come from certain quarters, we should certainly pay some credence to them. Those opinions may be formed by experience over the years, and there may be some of us who feel that we are judged by the actions of others, but nevertheless, that is the way the cycles run.

The article goes on to say: "**If people do not make connection between environmental quality and the quality of their life, it will be made for them. But in reality that catastrophe has to occur before people take action. Simply meaning—it takes something bad to happen before we do anything about the problem."**

One of the young people noted that: "**the rush to development which includes in our small island 50 plus real estate companies as an example of a feeding frenzy with Caymanians themselves apparently bent on consuming the very things that make Cayman unique. We are involved with satisfying the short-term appetite without due regard for the future. Naturally, the first question asked is how do we restrain that impulse? So far it seems no one has been able to do that."**

So I guess some of us might say that no one else has been able to do it, so we may as well fall in line.

Someone said that: "**No community is going to fare well in the long term if the majority of it is a transient group. Our Immigration Policies do not encourage people who come here to make this their home. We say that we have things under control, and we are showing them who is the boss, but those people do**

not have any security here at all. They are not becoming stake holders in the long term future of this country."

Those excerpts simply display a train of thought that many of the people in this country have. These are all (I hate to be saying it nowadays) people a decade younger than myself. It is my view that we should be paying a lot of attention to what these people have to say. The majority of them have not yet found themselves in the crossfire dealing with what we know should be right, but having to deal with individuals and having to satisfy the whims and fancies and desires of those individuals because those individuals carry some clout. That is what is happening to us in my opinion.

I know that the balancing act is very difficult. I know that it is hard to say that we are going to satisfy one end of the story by allowing, within reason, the amount and type of development that people desire, while, at the same time, if we are truthful to ourselves, there is always a cost equated to the development. Because the bottom has not yet fallen out, I hold the view that none of us are paying enough attention to what is happening on a daily basis in these islands.

It is not just the Minister's responsibility. It is natural that he and his departments, as the representatives of the Government arm, will face the fire. But all of us, on both sides of the fence, have the responsibility to deal with it. As an ever-growing society we need to be thinking what Cayman will look like and be like, and be made up of, in the future, and what is best for those who come after us.

We keep loosely saying that we want it better for our children and our grandchildren. I wonder how many of us fully realise the meaning of that statement.

The opinions that these people have stated go on. They come back at us politicians and say: **"To be fair to the politicians, they are elected by popular vote and the majority of the voters are happy with the way Cayman is. There has been very little difference in policy over the years, so it does not matter much who gets in. The politicians will only change when people's attitudes change."**

I would hate to know (maybe I am putting my foot in my mouth here) that when I look back at my time spent in this Honourable House that I have to say the same thing about myself.

A young lady says: **"We can have a say in how fast this boom runs, but to do that we need leadership at all levels and the public has to be educated. Choices have to be presented to the voters in a simplified matter. We cannot wait until things start crashing economically, by then the environment, along with our social systems, will be destroyed."** So true!

There is another young lady who was kind of on our side. She said: **"It was unreasonable to expect the politicians to change if the people did not."** But also that: **"Government was a case of too many separate priorities without a big picture."** I wish to repeat that last sentence: **"Government was a case of too many**

separate priorities without a big picture."

I wish I were very eloquent to say all the things that are running in my mind regarding this statement. But let me just say that I will risk the effort.

In my view, one of the problems that we face is the system of government, involving the various Ministries and Portfolios, which are from the civil service side of Government and the head of each of the Ministries and the Portfolios, represent Executive Council. Criticism that I may level I trust will not be misinterpreted, but that is the risk I will have to take as I find it in here continually.

It is my belief that at certain points in time each individual government of the day, hopefully not government of the future, will find itself entrenched in ensuring that their Ministry performs over and above what is expected or hoped for individually so that they can report back to the people that they have done an excellent job in this or that area. In each of them doing that, while taken singly and receiving all of the pluses, on many occasions they cannot put it altogether to make a good picture when you try to associate what each of them did as compared to the other because there is an overlap in just about everything that one does in conjunction with something else that is involved in another Ministry.

While I may not be painting the picture as well as some others may be able to, I sincerely hope that the thought is understood.

The development dilemma, along with the Planning Department, along with the Environment, along with the Tourists, that is probably the one that easily comes to mind and they are all within one Ministry in this point in time. But after trying to work all of these in sync, they extend to the Portfolio of Finance and Development and other areas. We need good hospital care from the Ministry of Health to ensure that our tourists are not adverse in visiting our Islands if we cannot take care of them, if something goes wrong. I am just using those little examples.

Then, we come to another most serious dilemma that involves all of what we have been talking about so far and that is, infrastructure.

As long as I can remember, we have tried to play catch-up, and we have never, ever caught up. We cannot look to say that when things slow down is when we are going to take a back seat, sit down and examine our situation, then try to put in infrastructure. How can we do that when we are going to be complaining that we do not have the money to do it? It makes no sense in the world to me. I will reiterate that this is not a 'today' problem.

We have the Planning Department, the Central Planning Authority and the Ministry trying to conclude the Development Plan Review—after many attempts. I trust that this one will come to a conclusion very shortly. This will be (I am not 100% sure) either the third, fourth or fifth attempt from 1977 to have a review of the Development Plan. Every time the Review was posted on shelf 13 before its conclusion was because of politics—the same politics that we involve ourselves with right here in this honourable Legislative Assembly.

There was a Master Ground Transportation Plan

that was made up. It was done by professionals. I remember being on the Central Planning Authority when it was presented to us. Madam Speaker, that was a plan. I bear no false witness. In my view, from my prospective—which was totally objective—the Plan was a very good plan. The Plan was a good plan simply because it had an end result where all the networks joined together. Whether it was the year 2050 or 2100 (when certainly all of us who are here will not be around) at least whenever it was completed it would have been completed in a uniformed fashion.

We now decide that this is the right thing to get the politics going and we determine that the cost is \$200 million and we cannot afford that. So we must throw the MGTP completely through the window because we are going to run this country into bankruptcy. The proponents of the plan run scared and say *'Oh Lord, have mercy. What a boo-boo. The best thing is to back off of this before we get killed any further.'* So the Plan is dead. The proponents and opponents of that Plan, if they had known all the facts and were truthful to this country, was the best thing that could have ever happened to this country.

The Plan, not its implementation, is being used as an example to show how seriously our responsibility should be taken in here—over and above the fact of how I am going to look after it is all over.

Madam Speaker, since the Plan we now have been dealing with the Harquail Bypass, which is to alleviate the traffic going to the western district. Four or five years from now when we want to do something else, if we had established the future road corridors—which was the first and most important thing with the plan, we would have saved millions of dollars because people would have developed around those established corridors.

I can be taken to task by anyone who thinks I am supporting Mr. Linford Pierson for the MGTP. Privately they know what I would tell them, but that is another story. The fact of the matter is that when it comes to the future well-being of this country, the proper development of our infrastructure, if we do not look at it from the long term basis, it is going to cost this country millions of dollars more than it should cost in the long run. I do not care who disputes what I am saying, I know that they know deep in their hearts that what I am speaking is the truth.

Politics, being what it is, will never not exist. And there is a lot of room for us to play it. But there are certain things that I believe we should all come to grips with which politics should not involve itself with because we are playing with the future of this country.

Every day those of us who live in the outer districts are crying if we do not leave home by a certain time in the morning that we are in trouble. It seems like a whole day before we get to work. The same for those from the eastern districts. Families have three or four cars. None of us have the nerve to stand up here and say that we are going to restrict families as to how many cars they can have—none of us, including myself, because that is not the life-style we are used to. So what are we going to do about it?

I guess some of us figure that we can bide our time and bob and weave, as some of us say, and at the end of the day it will be someone else's problem. It is very unfair for those of us who think like that. Too many people have thought like that before and we need to stop thinking like that.

Whenever that review of the Development Plan is completed, and after all the problems have been ironed out, after all of the concerns have been aired, after the process of the appellate tribunal, after we harangue and go back and forth with it when it comes to this Legislative Assembly and everybody will be expected to state their view, and after the forces have been rallied, and after it is passed . . . at the end of the day, the first step in my view is to pursue acquiring the road corridors on a timely basis. I accept and understand that you cannot stop everything in the country and deal with that. I understand that. But if we had been dealing with it on a well planned, timely basis, from years ago, we would not have the problem that we are faced with now, even though we try to believe or pretend that the problem does not exist—it certainly does. As it is it is going to cost us millions more than it should have.

But if we wish to leave it alone (and I certainly do not have the power to carve the minds of all of us here, but I am saying my piece at least) what will happen to us is that years down the line when someone else has to deal with it and we talk about having to acquire this five storey building, and that \$3 million house to mash down, we will see the waste that it really is.

When I speak of putting the politics aside at certain times, I say that in all sincerity to all of us—and when I say all of us, I mean ALL of us. There will be times as we go along when we see advantages that we can get, those of us who find ourselves on one side or the other, by dealing with issues in a certain way. That is practically what happens to us at all times, or who looks the best when it is all over. But we have to find the thin line where what is of national concern and at a certain level we need to be able to come together. Because one set dealt with it in a certain way it does not mean that it is right for the other set to deal with it in that way because it is their turn now, because the country is right in the middle of it. Inasmuch as we stand up and holler and ask them to vote for us and say *'Oh, I am a good man, deal me in,'* it is wrong for us to deal with it in that fashion.

I hope that when it comes to a lot of our basic infrastructure, which is more than needed, that we will find the courage and the political will—not politically correct, but the political will—to do what is right for this country in the long term. Let us not show short-sightedness by fantasising what could well be made to be something that is not right, when deep down inside you know it is right.

Another example is the hospital. This is just a dream, this is not fact, but it is a parallel. The Ministry now has a course of action and, like everything else, I do not suspect that that plan equates to perfection. I am confident that if we go back to the aborted hospital we would find that maybe that one did not equate to perfection either. If I stand here today, tomorrow, and the next day

and find the good words, the right things to say to let the new plan get half way, and then show all the things that were wrong with it, and stop it, if given the opportunity, am I doing the right thing for this country?

I really wonder sometimes, when we look at all the actions in the past, through all the inadequacies of plans that existed, is it that this country has to accept in perpetuity that as we fight each other politically a few million dollars more each year to satisfy the way we want to deal with things does not matter? I wonder.

The Speaker: Would this be an opportunity to take the suspension?

Mr. D. Kurt Tibbetts: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.39 AM

PROCEEDINGS RESUMED AT 12.04 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town continuing.

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

Madam Speaker, just to sum up the point I was making before we took the short break is to say that I hold the view that when we are dealing with situations of national concern, while at all times the voting public will form their opinions and some will be vociferous about those opinions and at the end of the day during any political campaign for one's own self preservation it is going to be most likely said what is most popular. At the same point in time when the actual working of Government takes place (which basically occur in between elections), I simply say that we need to find the ways to deal with the various serious issues that continually faces us in such a manner that we are able to draw the good points out of the conclusions that have been drawn of what may be bad about something and use those good points so that at the end of the day we do not have to be starting over and the costs end up to be more than they need to be.

It might be said that the picture I paint in drawing comparison might be an incomplete one, but the point that I wish to make has no bearing on who, it is a concept that I am trying to put forward. I firmly believe that we [the Elected Members] and the people will be better off if we are able to find ourselves with the ability to deal with it in this fashion.

I wish to make a short comment regarding the Port Authority. The Master Port Development Plan was completed in 1994, and the Report has been accepted by the Authority and had been tabled. So it seems that the Report is well equipped to deal with future needs.

I understand that there is also consideration being given to the extension of the dock in Cayman Brac to attract a weekly visit by cruise ship. I certainly believe that

this will also enhance the transportation of cargo to Cayman Brac.

But I wish to make mention of the Spotts Jetty, which I have heard on many occasions that the location is a poor one because of almost continual inclement weather.

Madam Speaker, I have said before and I will say again, I travel that road almost on a daily basis and I do not subscribe to the view that the weather is more bad there than it is good. With the acquisition of the property which is close to four acres adjacent to the Jetty, I believe that the Authority should be looking down the line to creating proper facilities especially for the cruise ships.

It is my view that spreading the landing over to that location could well assist with the problems we are faced with down at the waterfront in George Town at the dock. I think that it is possible to have some ships landing in George Town and some landing in Spotts at the same time. This would spread the need for the taxi services and matters such as that once proper facilities are in place.

I take this opportunity also to say that I think as soon as the Port Authority is able to deal with providing the proper facilities at Spotts we should look forward to the use of some of that property to create another type of national recreational centre meaning, beach facilities and cabanas because the initial Plan includes this. I do not think that the Port's facilities need to use up the entire property. Many of the residents in that area would be quite happy to involve themselves in such a project and look forward to it.

Under the Ministry for Health, Drug Abuse Prevention and Rehabilitation, I am very pleased to have heard recently that plans are afoot to commence the reconstruction of the Drug Rehabilitation Centre in Breakers. I think that having overcome the drawbacks of the location it is certainly something that is needed. While there may be problems that will ensue, again like everything else, it is something we will continually have to work on and make improvements once we can get it going. It was also a wise decision to relocate the Cayman Counselling Centre and I trust that they have every assistance needed to get going in full order.

Madam Speaker, of note I think that we must be very clear in making sure that proper counselling facilities are located in Northward. I have seen on many occasions when the Courts have had much difficulty dealing with offenders who are addicts, not necessarily pushers, to strike the balance between incarceration and making sure that they have access in getting help. So, I do trust that the Cayman Counselling Centre at the Northward Prison is given full assistance and is equipped with qualified people.

I would also like to say that I have come across a few individuals who are Caymanian and are very interested in this area and all opportunity should be given to them to further enhance their education and qualifications so that they may be able to take up the helm down line.

Madam Speaker, it is difficult at this point in time to speak about our existing Health Services. At present we

have a lot of problems in this area that stems from the lack of health facilities. The Honourable Minister has announced that the steam engines are full ahead to start the physical structures that are needed and the accompanying programmes and services will be provided once the facilities are in place. I can only say at this point in time that the country needs these facilities and whether the location is a moot point to debate, it is the will of the Government that the present site be upgraded and new construction takes place. So, with that in mind for the sake of this country I can only wish it well.

I do trust and hope that [Government] will be open to suggestions because the existing site within itself lends to certain problems and as they move on with the new Health Services programmes and in providing new facilities there are certain inherent problems that will have to be addressed. The facilities will make for a better quality of life for the indigenous population and others who reside here and the visitors. It is something that we have to deal with. Whatever may be said of me, I am not one to continually gripe about what is being done wrong especially if I know that it will be done in a certain way. I much rather take the position of assessing what may not be so right and try to point out areas that could be helpful.

Madam Speaker, there are existing problems which I think during the interim needs to be looked at. While the question has been asked in the House during Question Time, I still believe that more attention needs to be paid to try and streamline the length of time out-patient visits take in order to get assistance.

There is also a problem that has been brought to my attention and I have mentioned it to the Permanent Secretary [for Health, Drug Abuse Prevention and Rehabilitation]. I would like to take this opportunity to publicly state that the method in which people with appointment waiting for medical attention is called on is one that leaves much to be desired. I understand that people are there and are called, but because either the television is on or there is a lot of talking between visiting patients they do not hear and as a result they are passed over. They are there waiting sometimes from morning until afternoon. This may well not be the rule and there may be the exceptions but nevertheless, I think close attention should be paid to this situation.

Madam Speaker, the question of the National Health Insurance has arisen and the Honourable Minister has given a time-frame for bringing a palatable proposition to the Legislative Assembly by November, and I can only stress the importance of this National Health Insurance Plan to the best of my ability to ensure that while I know that it takes some time to put these things together, my view is that sufficient time has passed. I am very anxious to see and hear that something is being done. It is obvious that this is one of the few areas where the collective responsibility of the nation as a whole is best used. I think it will certainly be a minority who do not accept the need for a National Health Insurance and certainly the majority look forward to it.

None of us know when we will be stricken with a major illness and while most of us do not have to face

that during our lifetime those of us who do rarely find ourselves in the position to take care of expenses. If we all pay into an insurance scheme then we can have the assurance that when this happens we will be able to receive the proper care and the Government will not be saddled with all the expenses. Certainly while the Utopia situation would be that the Government is in a position to provide all these services free, the truth is if we look at it from that point of view, it would certainly cost us more in various areas as citizens of the country. So I look forward to hearing more about the National Health Insurance and I would hope that the timeframe of November is a realistic one.

The difficulty that I find with that is that if it extends beyond the period I have talked about earlier, we might end up starting a scheme over again and three or four years from now we will still be talking about it and not have the scheme.

The next area which His Excellency the Governor covered in his Throne Speech is the Ministry for Community Development, Sports, Youth Affairs and Culture. The first thing that I wish to make mention of is the Young Parents Programme. I think it is a very needed one and it certainly will serve a good purpose. I have spoken to two or three of the ladies who are participating in the programme and, knowing them before this, I can certainly see much improvement in their very thought process. So certainly this programme will do well in this area.

The Department of Social Services along with the United Nations Development Programme (UNDP), will conduct a study that will be developed during 1995 on "The Status of the Family in the Caymanian Society." The terms of reference of such a study need to be looked at very carefully and once the study is done with proper terms of reference, certainly the information gleaned from it will arm the powers that be and the relevant departments with the proper ammunition as to where to spearhead their efforts.

We have been talking about the changes that have taken place socially and economically over the many years that we have experienced tremendous development and we need to identify specific reasons for the underlying problems which we know prevail in the family unit that bear a negative impact in various areas. I am sure if we are able to pinpoint some of the problems, we will be better equipped to deal with them.

I mentioned the terms of reference because while I am not suggesting that I am equipped to outlay those terms of reference, I think we might not have another opportunity as golden as this one. So I trust that the powers that be carefully examine what they wish to achieve so that the study may be completed properly.

There was also mention of a Crime Study that should be completed by June 1995. I would also like to hear some more about it regarding its terms of reference. Just as I have said earlier on about the study of the family, if we are able to get the right information we should be able to deal with certain matters that we have been up in arms about for quite some time.

The Department of Trade and Labour. Madam

Speaker, labour is not a commodity. Poverty anywhere constitutes a danger to prosperity everywhere. That is something that we need to bear in mind at all times and I need to mention here that when we do our statistics for unemployment I always hold a reserve opinion about the end results.

At the end of 1994 there were 1,024 persons that noted as unemployed. Of this sum, 623 were Caymanians. So 401 were either people who had been working on work permits and at that point were unemployed or the spouses of people who were employed on work permits and who expressed the desired to work but could not find jobs.

In quoting these statistics we must bear in mind that there are quite likely several hundred more persons out there who, for one reason or the other, did not become a part of those statistics. It is very important that we look at these individuals, we identify these individuals and find the ways and means to make them productive. For I am certain in my own mind that many of the unemployed are individuals who are causing the Honourable Third Official Member to lose the \$15 million each year on interdiction when he would like to spend it elsewhere. I believe that if we can identify more of our problems and our individuals and find ways and means to make them productive it would enable us to spend less than \$15 million per year between the Police, the Prison and the Courts.

"A Minimum Wage Advisory Committee has been appointed, to advise on the need for minimum wage." Madam Speaker, I welcome this because I remember a Private Member's Motion coming before this House about establishing a minimum wage. It was rejected for whatever reasons at the time, but I believe then as I believe now that we need to talk about establishing some type of minimum wage. At least this is a move towards the direction of establishing whether there is a need or not. It appears that the opinion is simply not cut and dried, that there is no need.

"The Department also plans to explore suitable apprenticeship schemes for implementation on a pilot basis; enhancement of the job placement system and extension of technical assistance to help the unskilled secure and retain suitable employment." Madam Speaker, like some of the other areas in the Throne Speech, these words are nice words but I would like very much to know exactly how this is planned because it is something that is very important. It is an extension to the thought I expressed earlier and I would like to know exactly how this is planned to be done.

I am not suggesting that the Department of Labour is not capable of dealing with it but it is something that we cannot simply pay lip service to and put pen to paper and talk about it. It needs to be done and done should I say, right now. **"The additional Labour Inspector will be hired to enable the department to increase the frequency and scope of workplace inspections..."**, is all well and good but there is going to be a need for expertise in the area above for the apprenticeship scheme and the enhancement of the job placement system. It is something that is always going to be a problem because I

know from experience, that many of the individuals who wish to get a job, and if genuinely given the opportunity to work find, themselves ill-equipped for any of the jobs registered at the Labour Office and this is where the problem comes in. So I trust that identifying the problem will lead to some type of solution.

Madam Speaker, under the Public Libraries I see where there are plans in place to turn district Town Halls into district Libraries once civic centres are available for all. While I may be making the wrong assumption, what I read does not tell me whether the same plan is for the George Town, Town Hall because I know we have a Library. I just wish to say that I hope this is not the case because the Town Hall in George Town certainly serves a very well needed purpose in the community. I am not suggesting that this is the case, I just wish to make sure it is not the case. Madam Speaker, to reiterate the point from where I sit, I do not know what the plan is and what I have just read does not tell me anything regarding the George Town, Town Hall. So I wish to state my position that it should remain for the purposes that it now serves.

Under Sports, I noticed where His Excellency the Governor in his Throne Speech mentioned the hosting of three regional games. **"The hiring of technical directors for football and basketball, and coaches for netball and cricket, and the ongoing involvement of sports office employees in the "Time Release Scheme" to supplement the after-school programme."** Madam Speaker, I am not sure at this point in time regarding the hiring of technical director and coaches, but I am just passing on my views here.

I believe that there are several local individuals who might not be formally equipped for doing some of the jobs but who have all the right attitudes, will and intention and this energy continually needs to be harnessed and proper training provided for these individuals. If they are committed in these areas there is no one from another shore who can do better than our own. There are individuals that I know, people like Andy Myles who is in the Sports Office, whom I used to play cricket with many years ago but I trust that whatever he is able to achieve he is allowed to achieve in this area. There is another gentleman by the name of J.C. Connor whom I remember used to coach the National Football team, but certainly people like him could well be harnessed.

Madam Speaker, there is a lot of thought being expressed on money being spent in the direction of sports and I am one who believe that for many years there was a neglect in providing facilities and programmes for the various types of sporting activities in the Island. A few days ago when I visited the new Truman Bodden Sports Complex with other Members of the Legislative Assembly (although it is not quite completed), I have to be truthful in saying that I am very proud of the facility. A facility of that nature has been well needed for these Islands for many years. Thank God it is in the district of George Town. I do not know if that was by design or it could not be avoided.

I am really glad to see that this has become a reality. What I see as a need for the immediate future in the area of sports is to enhance the district facilities as the plan

indicates. But also especially for the district of George Town, I would like, wherever possible, to see a few more playing fields. Both fields are presently used almost to a maximum namely, the Annex playing field and the John Gray High School playing field and it causes a problem with their initial purpose to be used by the schools. I know that we cannot do everything we desire to do overnight. For instance, if we look at the teams in the Football League, there are probably six teams that are in George Town and would train in George Town, but continually they have problems with finding a playing field available within their schedule to train properly. I know this probably will not be achieved immediately but I bring it to the attention with the hope that in a year or two we may have other fields. I do not believe that it takes a huge amount of capital expenditure to my mind. There is a sports club called Naya that is developing a playing field. I think if properties are identified other clubs will not only be quite willing to assist with the preparation but also with the maintenance once they can have the use of it.

Madam Speaker, I have mentioned several other areas which are important to enhancing the wellbeing of the Caymanian society. I have mentioned several areas that are going to take real money to deal with down line and while I pay credence to the sports programmes I also have to say, that at this point in time we need to be looking to balance the act and ensure that while we all want to see some things occur we have to make sure we prioritise the needs of the country the best way possible. I would be happy if all of the wishes and requests were met, but we all know that is not physically possible.

We have to deal with it as best we can with the available funds to provide the best value for money. I make that general statement because we hear comments regarding the National Sports and Recreational Centre that the Cayman Islands do not need such a facility at this point in time. There are others who are very sports minded and have said that we are behind the times when we compare ourselves with other territories and for such an affluent society we should have such facility.

I am not the one who has to make the decisions in that area, Madam Speaker, but we need to ensure that we move along based on long term planning but at the same time we have to also remember the other areas which are needed as well, like infrastructure as I mentioned before.

There is the CARIFTA Games that we will be hosting. I know that there are some people who are jittery about our ability to successfully host such a game. Madam Speaker, I hold the view that we should simply all try to assist to the best of our ability by providing our services in regards to manpower and whatever else is required to ensure that it is a success.

The Government and the Cayman Islands Amateur Athletic Association have been working hand in hand in this area and once this is achieved it will not only be a milestone, but we will naturally find ourselves being involved regionally in other sporting activities. While we will not be hosting all the time it certainly will give rise to more exposure to our athletes. I think that is a large part of nur-

turing the quality of our competitiveness.

So I would urge the entire community to give their support not only to the CARIFTA Games, but to other sporting activities that will be coming up. To sum up the area of sports, I think that we should retain an ongoing plan but ensure that it does not weigh too heavily and inhibit progress in other areas.

The Cayman National Cultural Foundation is a very important part of the awareness of this community, Madam Speaker, and it gives rise to the opportunity for both children and adults to participate both as players and as members of the audience in good wholesome entertainment. I am sure it is a learning process for us all. The Harquail Theatre is growing from strength to strength and we have productions of locally written plays which is good for us. We have the Festival of the Arts for the local school children which also brings about the enhancement of the natural talent that we find in the schools. So, I certainly give every support to the CNCF and their goals.

Madam Speaker, under the Ministry for Education and Aviation, it is notable and I am very proud to see the results. There have been talks before about the first CXC Examination sat by our local students both at the John Gray and the Cayman Brac High School. As His Excellency the Governor said in his Throne Speech **"...in terms numbers of good passes and quality of passes there were the best results in the history of Secondary Education in the Cayman Islands."**

I remember when there was much ado about the CXC Examination. I took the time to find out as much as I could about them, the history of the examinations, their make up and what they were geared for and I was totally convinced then as I am now, that they were the right examinations for our curriculum to cater to. I am pleased to know that our local students have risen to the challenges on the first occasion which I am sure paved the way for those to follow to do the same. So there is no question of whether our students can cope with these examinations or not. I trust that the National Curriculum being developed will certainly have what these results have shown in mind with its development.

There is a question in my mind about a long-term initiative in the field of education. I must admit that I have not totally come to grips with it but is it one that I will pose here. Previously, there was some thought that down line there would be an institution for secondary education located somewhere in the outer districts.

Madam Speaker, I do not know what the thought is within the Ministry and in terms of the Strategic Planning regarding any goals along those lines, but it is fair comment that especially Bodden Town, which is probably the fastest growing district in these Islands, and while most of us hear mention of the district of Bodden Town we think of Bodden Town proper in realising where its boundaries are we will understand why I make the statement, bearing in mind that it goes from the entrance of Frank Sound to the Spotts Newlands Road just outside of Savannah which encompasses a fairly large area. Many people are relocating to the area and it is my view that unless something terrible happens within these Cayman Islands each

year we will be needing space for more students, simply because of the geography of the Islands. I wonder if it would not be well placed in thinking about providing such an institution down line.

I have always had the thought in my mind regarding more than one facility simply because of the geographic. There is always the spirit of competition and that area could well be enhanced throughout the age groups if there were another school. I quite accept and understand that this is not something for today, but if we plan for the long-term we will be able to cope with it better. So I make that suggestion in wondering if it could be looked at some time in the future.

The Pre-school Programme is another area where I have questions and I will try to be careful in my comments. I still have a certain amount of reservation in regards to the transition period between pre-school and the beginning of the primary level. I am not sure whether the separation of the two has been in the best interest of the children. I do not have a firm stand on the topic, but I recognise certain disadvantages and advantages and I do trust that in their deliberations the experts have looked at what is best for the children.

In His Excellency's Address he made mention of the very important role that the private school system continues to provide at a national level. I can only say that on a whole it is very important that those schools are able to function properly because within them they provide the spirit of competition in certain areas that I think are very important. So much so, that because it has always existed in certain areas we take it for granted.

The Speaker: Would the Honourable Member take the luncheon suspension now?

Mr. D. Kurt Tibbetts: Yes, Ma'am.

The Speaker: Proceedings will be suspended until 2.30 pm.

PROCEEDINGS SUSPENDED AT 12.56 PM

PROCEEDINGS RESUMED AT 12.31 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town, continuing.

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

Time is running out and there are a few more points that I wish to raise.

One of the points that I would like to speak about regarding Cayman Airways is the cargo service. I understand the physical problems that the airline has experienced recently with handling capacity. I do not have the answers but I think there are many people like myself who desire to support the airline. But in dealing with cargo service, time is always of the essence and because of the lack of space in the aircraft that has been leased there are some problems with getting freight on time.

While it leads to frustration, there is no doubt in my

mind that the staff are doing all that they can. I do not know exactly what the plans are, but I would like to suggest that the Honourable Minister and the Board look seriously into trying to provide an ongoing freight service in order to capitalise on the income from that area.

Under the Ministry of Agriculture, Communications and Works, I see where **"it is proposed to also complete the much delayed street naming and numbering project."** And I see where **"Considerable emphasis is to be placed on finalizing road corridors in George Town and other districts in order to maintain adequate traffic flows."**

I touched on the road corridors already. But one of the things that I would like to point out is that for the district of George Town (because most of the activity with commerce, and most of the people from the outlying districts are employed in George Town), and with the high school and several other schools located there also the traffic bottlenecks are in this district. I hope that whatever immediate and future plans there are for establishing the corridors that emphasis will be placed in making sure that once vehicles enter into this district that they are able to reach their destinations as quickly as possible. This means that connecting roads will have to be thought out and actually built.

There is one area that I wish to speak on also with regards to the point raised about the rate increase by Caribbean Utilities in commercial establishments and the decrease to the homeowner.

At first sight, this may appear to be one of the best things that could have happened to the consumer. But I draw a comparison to when we had the increase on the diesel tax. The truth is that the increase on the diesel tax, while it appeared to only directly affect the larger consumers of diesel, at the end of the day the consumer paid more than that actual tax because when the increase costs are passed on from the utilities companies to the commercial establishments, the commercial establishments, in turn, naturally do the same to the consumer. At the end of the day the multiplier effect kicks in and the consumer ends up paying more. I believe this will be the same end result in the increase in the rates to the commercial establishments and what is termed a decrease to the homeowner.

The point that I am making is that if we are really going to try to alleviate costs to home owners—who are the majority of the consumers—I think we have to be looking at it from a broader perspective if we intend to achieve what we are saying that we intend to.

I am not satisfied that the net end result will be one that will assist home owners in any way and I would think that it is incumbent on the powers that be to physically find the method to determine what the exact net result of these actions will be with a view to rethinking the utilities companies guaranteed income to continue providing the service. But at the same time I think we should determine what is the best way to deal with the cost of the service and I wish to say that I am not totally satisfied that the net result will be a decrease in cost to the consumer directly or indirectly.

The Public Works Department "**will continue its role of maintaining public buildings, roads and planning and implementation of the necessary expansions and improvement to these vital elements of Government's infrastructure.**" On that note I would like to say that it is my belief that if it is the policy of the government to allocate a certain amount of funds on a regular basis throughout the districts for road repairs and construction, I would like to see a comprehensive long range plan so that we know when certain works will take place. While I am a representative, I will continue to make requests about certain roads within my district to the department through the Minister. I think in the long run we will get much better results if we have a planned effort which will enable proper mobilisation of equipment and manpower and we might not see as much time being wasted waiting on directives as to which roads to deal with and when to deal with them.

The way it works now, if we as representatives identify various roads at the beginning of the year and we have to wait until the costs are established to decide which of these roads we will do based on the funds available, we are in to the end of the first quarter, going into the second quarter of the calendar year before action can be implemented.

Some may say that does not matter, but in thinking about it, if there were an ongoing plan re-examined on an annual basis, we might possibly get more done for the same amount of money.

There is always the latitude that we representatives wish to have if specific requests pop up in order to be able to deal with them, but in the long run if there is an identified programme I think we might get more done.

For my district, I am especially concerned in certain areas. I am concerned about many of the social problems and, while they exist nationwide, I think that simply by population distribution we will find some of those social problems more acute in the district. There are still many good people who have to face the problems of drugs and other social problems within their immediate or extended families. I hope that we are seriously looking into trying to assist in these areas meaningfully. There are organisations that try their best to play their part but their concerted effort to bring about the best results will have to come with plans at a national level. Some of those plans are being implemented at this time and I hope that they will continue and not be put by the wayside.

There is much for all of us to do and while there is only a certain amount we can do as individuals, I think that together we can make positive inroads to bring about some better results.

Universal and lasting peace can be established only if it is based on social justice. I firmly believe that the many problems that beset us need to be looked at in depth, not for what it is going to make us look like as leaders of the country, but for what we know will bring about the best end results—even if some of those end results are not immediately forthcoming.

I trust that the comments that I have made based on my beliefs regarding the Throne Speech have been ac-

cepted in the true intent in which they have been made. I will look forward, as we go about doing our jobs as representatives, to working along with each and everyone and trying to make our islands better for all of us.

In closing, I would like to say that even as we stand and differ sometimes, it is my hope that within us we can find the strength to accept those differences without making them personal because at that point in time it is when we all become counter-productive to ourselves. So I hope that we will be able to deal with our differences and still make positive decisions and create positive results for the betterment of our future and for those to come after us.

Thank you.

The Speaker: The First Elected Member for Cayman Brac.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, I rise to offer my contribution on the Throne Speech, which was ably delivered by His Excellency the Governor to this honourable House and the country on the 3rd of March, 1995.

I consider this a very comprehensive Throne Speech and much information has been disseminated to us as Members and to the public. I remember the honour we had last year when Her Majesty Queen Elizabeth II delivered the Throne Speech here in person. I have had the honour of sitting in this Chamber as a Member and have heard Her Majesty read the Speech from the Throne on two occasions. I think it has been such a great honour to this country to have such privilege and at this time I would like to convey my appreciation to the registered voters of Cayman Brac and Little Cayman, the constituency which I represent and have represented since 1980. They have had the confidence in me to return me in each General Elections since that time. It has been an honour to serve them and I shall continue to do that to the best of my ability.

I have often said on the floor of this honourable House that being the only representative here who does not live on Grand Cayman, I see things often in a different perspective. It is more difficult for me to get to meetings, and I am further removed from central Government and so are my people. So sometimes if my wish list seems to be extra long, geographically the way the Lord made us separate Islands necessitates that extra attention. I am grateful that the Government accepts the needs of Cayman Brac and Little Cayman as two individual Islands. Together we have been able to accomplish much since I came to this House in 1980. Some people may say there have not been many accomplishments but the records will show substantial expenditures and certainly, anyone with a memory can see where the money have gone.

Madam Speaker, we have much need for our revenue but during this year with the influx of Cuban migrants to our shores it has certainly created a very heavy burden on the treasury, the social structure, and the law en-

forcement units of this country namely the Police Force and the Immigration Department. During my sea-going career I have had many dealings with the country of Cuba in its days of freedom and even for a period after the revolutionary government took control and I realised what a bad government can do for a country.

Cuba has all the natural resources in the world necessary to have a successful country. It is 700-odd miles long, it had a great tourism industry but because it chose the wrong system of government it became a very poor economic system and that is the reason why today, a little nation like the Cayman Islands seems like heaven to those Cubans who have to flee their shores. So, I just say this as a word of caution to all sitting as Honourable Members of this House: We have a great responsibility on our shoulders to lead and direct the affairs of this country so that nothing like that happens to our beloved Cayman Islands.

We have a lovely little country although small in land area and I must remind you it is divided into three Islands—we are blessed. We have had great economic success, we are a Christian nation of God-fearing people and if we continue on this path we will remain a successful country.

Here, I would like to read, Madam Speaker, just one paragraph from the Throne Speech when His Excellency said, and I quote: **"Cayman is one of the more fortunate countries in the world with a standard of living and, perhaps even more important, a quality of life second to none. I should like to take this opportunity to pay tribute to churches of all denominations who look after our spiritual well-being and who serve the community in so many ways, as well as to the voluntary organisations who look after those less able to look after themselves or concern themselves in areas which are outside the scope of Government, and to all residents who contribute to make the Cayman Islands such a wonderful place in which to live."**

Madam Speaker, I spoke earlier of the honour we had being visited by Her Majesty the Queen. Before I leave that subject, long may she reign over us.

I turn now to the Judiciary. I am very happy to see that there will be upgrading of the Court building. This is very necessary in order to cope with the needs of our judiciary. It is very overcrowded and I do not think there is any argument that this absolutely needs to be expanded and improved upon. I am also glad to hear that there will be more extensive use of computers as was listed as a goal for 1995, also that the difficulties of enforcing Court Orders is being addressed by appropriate amendments to the Judicature Law which will be dealt with in this Meeting of the House. We will also be looking at a simplified method of collecting court fees and a review of the Legal Aid system. This Madam Speaker, I think is very necessary. Those who need legal aid must be afforded it, but it must be that they absolutely need it.

I would like to express my gratitude to the Chief Justice and all the Justices of the Grand Court and the Magistrates of the Lower Court for the able way in which they perform their duties. Also to Mr. Michael Bradley, the for-

mer Attorney General, who is doing a review of our Laws.

I turn now to the Portfolio of Internal and External Affairs. Madam Speaker, we have seen new faces in this Honourable House and I would like to pay my respect to the Mr. J. Lemuel Hurlston, who retired recently and who has been replaced by the Honourable James M. Ryan as Chief Secretary. I congratulate the Honourable Member on his appointment and I wish for him a very long and successful tour of duty here in this high position. Also to the Honourable Donovan Ebanks, the Deputy Chief Secretary. I welcome both of them here and may their stay be long.

The civil service reached another milestone during 1994 with the amendment of the General Orders. Before even coming to this House, I think we all realised that the female officers were not being given fair treatment in the civil service as far as medical expenses for their children and other [spouses] were concerned. I am very happy to know that today a single parent, who is a civil servant can get free medical, which she deserved right along, for her children and her spouse. For the couples where the female is the civil servant that her spouse is also covered. This is an improvement Madam Speaker, and one that should have been done a long time ago.

I could not pass over this subject without thanking the two Lady Members for the active role they have played, especially Mrs. Edna Moyle, for making sure that this has taken place and I assure you, they keep us in order.

Madam Speaker, I am also made to understand that the General Orders will be further reviewed and upgraded. This I think is necessary. I am very encouraged. I also feel that it will be a forward step if we look very carefully at the Election Law. All of us who have gone through previous General Elections realised that our system needs improving. A permanent register of voters will certainly improve the situation, and above all, I hope that some modern method will be employed for the casting of votes and the counting of ballots at the end of the Election. In the larger districts, this has been a long process and with modern equipment that is now available it can be done instantaneously as the election is completed. So, I do look forward to seeing different amendments made to the Election Law and certainly that they will improve by modernising the equipment used in the election itself.

The Royal Cayman Islands Police Force is a very important organisation in this country. The department comes in for much criticism at times but what would we do without them? I am glad to know that a new Commissioner of Police has arrived and taken charge. I thank the former Commissioner of Police for his tour of duty here in these Islands and wish for the new Commissioner, Mr. Anthony Gray, a very good term in office. I look forward to him looking very closely at Little Cayman as I have advocated for many years that there needs to be police presence on Little Cayman. It is not fair to have just a district officer who is deputised to act as a Police act as Immigration Officer and Customs Officer. In this modern era one person certainly cannot be in two places at the same time and I believe the time has come when we

need at least one police officer in Little Cayman at all times. I certainly hope that this will be looked at. Little Cayman being an Island with a lot of coastline, offers a lot of opportunities for the wrong things to be landed illegally into the Island and then moved out [without detection].

Madam Speaker, I think that in order to protect our integrity, our safety and our welfare and that of Grand Cayman as well, we need to make sure that we have better police surveillance in Little Cayman. There are many improvements that I could name here in Grand Cayman, but I think the other Members resident on the Island have pretty well covered them and others to come will probably go into more detail.

I note with concern the high incidence of burglaries. This Madam Speaker, gives us a bad reputation and I think there needs to be more foot patrol. A police car crossing at 40 mile per hour with the windows up there is not much that the officers can hear and very little they can see cruising at such speed. But if they are walking on a beat patrol they can certainly demand and command respect.

I note that the Governor has said, and I agree with him, that the Cayman Islands remains one of the safest countries in the world in which to live or visit. The Royal Cayman Islands Police Force is committed to Government's policy to ensure that they remain so. I support the Royal Cayman Islands Police, and I am saying that we need more officers. I realise that there is an expense attached to that but I do not think that we cannot actually provide the service because of the costs. We must preserve the safety and the integrity of our country by having proper police protection in all areas.

Northward Prison continues to be fully occupied at most times. Madam Speaker, every time I visit the Prison, it gives me great concern when I see the number of young men and women who have been incarcerated. I realised that they are there because of something they did wrong. Some of them, I am afraid, are there for minor crimes and are incarcerated with criminals more experienced than they are and they have become more educated during the time they are with the more seasoned criminals. When they leave the Prison to return to society, the purpose for which they were sent to Northward (to be rehabilitated and return to be a part of the society) has not been achieved. Within a short period they are back in the Court again and filling up space at the Prison.

I am very pleased to see that much emphasis is being placed on an educational programme for the inmates and I feel they should be forced to do. It should include the responsibility to attend these educational programmes and in particular, drug counselling. I do not feel that it should be voluntary. I feel that drug counselling is just as much a part of their sentence and they should attend so many sessions before they are released.

It may have been the first time for many of those young individuals to get involved with illegal drugs, but if they return after having been with the seasoned criminals and have not been counselled as to the right way to go, then we face other problems. I am also glad to know that

consideration is being given to improving the areas of exercise and different things around the Prison, also the Visitors' block.

Madam Speaker, although they the are incarcerated because of a crime, we still have a responsibility for their rehabilitation. I want to congratulate the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation for the efforts he has made in regard to the drug counselling and rehabilitation. I do believe this will be very beneficial to the Cayman Islands and help us to eliminate the heavy occupancy at the Northward Prison.

The Department of Immigration. Much has already been said about the Immigration Department. It is a very vital department to control migration to this country. The Immigration Board is heavily worked. I do not believe that the Board is supported by sufficient clerical staff because with work permits that I from time to time put in, the decision of the Board is a certain date but the postmark on the letter is sometimes months later. So, it seems to me that one of the breakdowns of the Board is in getting the decision out to members of the public.

Madam Speaker, it is said here that **"a further implementation of the shift system will be enacted this year."** I still have a question and I asked the Chief Immigration Officer on occasion here, how this shift system would work and, how many hours would a shift be? With it not being a 24-hour a day service it is difficult for me to understand how they are going to double-up the shifts and whether the ultimate result will be less or more costly. If there are more shifts and full shifts are being paid from midnight to seven o'clock, I believe that will cost more money than having one or two Immigration Officers attending to a flight. But I wait to see just how this will be determined and what the Budget will show.

I would like on behalf of the people of Cayman Brac and Little Cayman to thank Radio Cayman and the Department of Broadcasting for keeping us in touch with central Government. It is a vital link for keeping us informed of what goes on here in Grand Cayman, and also the meetings of the Legislative Assembly because they are broadcast. People who want to know what goes on just have to turn on their radios and tune in on the FM frequency. We do have some problems because some areas are not able to receive the transmission and I hope that that will be improved. Broadcasting is a vital link and we have need for regular information. It is greatly needed in time of disasters, etcetera.

I understand that funds are in the Budget for a 200-foot tower to be installed on the Bluff to improve the inter-island communications. I would like to recommend that when the 100-foot tower is removed from Cayman Brac, that that be installed on Little Cayman in order that we can upgrade the facility there as well. That will then put the three Islands communication system in good working order.

Madam Speaker, I shall leave District Administration until the last. I would like at this time to thank you for the able leadership and guidance you have given to this honourable House, and to me in particular. I was privileged when I came to the House as a freshman to have you as

the Clerk and I owe what I know of Parliamentary procedures to you, for which I am very grateful. I would also like to thank the Clerk and her staff for all the services they have rendered to us and the proper way in which this Legislature is conducted. Special thanks to Mr. Cline and Mrs. Mary.

Madam Speaker, we have in this Legislative Assembly many Select Committees that have work to be completed and they are all very important Committees. I hope that we can get on with this work in the not too distant future. I would like to just mention a few of the Select Committees. We are now considering a Register of Interest, and I feel that is important. There are Committees considering a Code of Ethics and Conduct of Legislators, a Review of the Gambling Law, and the Sunday Trading Law, and we will also be looking at the Legislative Assembly Standing Orders. So, a lot of work has been accomplished here and the actual Legislature itself has been sitting for quite some time and each meeting seems to be getting longer and longer. A Select Committee to consider the Bill of Rights will continue to meet during 1995, and recommendations will then be made. So, all and all, I think it is very important that the Legislative Assembly be functional and it preserves our democratic principles. I am proud to be a Member of the Legislative Assembly.

Madam Speaker, I could not pass the Legislative Assembly without paying my respects to the late Mr. Radley Gourzong who was a former Serjeant-at-Arms, and who passed away a few months ago. We will long remember him for his many talents as a police officer, a musician and as Serjeant-at-Arms in this Honourable House.

The establishment of the Cayman Islands' Government Office in the United Kingdom I think is one of the wisest moves this country has made. I have had the opportunity of visiting the office on many occasions since it was established and it is always a pleasure to meet with Mr. Russell, our former Governor, and Mrs. Mary Chandler-Allen and receive the capable assistance they rendered to us. They are always very friendly and never too busy to take the time out to help us locate what we need. So, I would like to place special thanks to the staff of the London Office.

Our Law School. I think it is indeed a credit to a country the size of the Cayman Islands to have a Law School that is able to issue in conjunction with the University of Liverpool a Bachelor of Law Honours Degree. That is indeed an honour for such a small country. We have produced many lawyers and I look forward to the day when the Community College will be in a position that it too can issue degrees.

Madam Speaker, the ability to get a degree in Cayman and not have to go overseas will be a substantial saving to the country and the individual student and it will assist older people who already have family responsibilities and cannot leave the Islands to further their education. I look forward to a continuation of the development of higher education in the Cayman Island.

I also note that it is the intention to secure the ser-

vices of a second Legal Draftsman. Throughout the years, the Legal Draftsman has always been a very busy person but it seems that we constantly need more laws drafted and amended. So in order that this may work more smoothly and rapidly I think it is wise that we have a second Draftsman on staff.

I am very grateful to see that we are now able to have some of the laws revised. I see that 18 have so far been approved by the Executive Council and this makes it so much easier to really understand the Law when they are revised; and not having to go through all the amendments. So I am very happy that this is on the way.

I would like to congratulate the Honourable Attorney General for the able way in which he handles his department and also his services here in the Legislative Assembly. I note with interest that during 1995, he will recruit an attorney with particular expertise in prosecuting commercial or "white-collar" crime.

Madam Speaker, for a financial community such as ours it is important that we are prepared to deal with white-collar crime. I think it is a step in the right direction that we will have a capable, specially trained attorney on staff.

I now turn to the Portfolio of Finance and Development. This is a very busy department and without it, we would have no money. Madam Speaker, I would like briefly to speak on a topic that has been much thought of in the press; the recent conferences that were held in New York, London, and Hong Kong. I was honoured by the Governor to be included to participate at those conferences. I have come under some criticism by the press but I would like to quote from Proverbs 29:18, which says: **"Where there is no vision the people perish, but he that keepeth the law, happy is he."** I think we owe a lot to our Financial Secretary, the Honourable Third Official Member, for his vision that was necessary for us to get out and tell the people how stable the Cayman Islands are, how tight our controls are of the regulatory body, our regulations and how it is in place. It would have been good if everyone in the Cayman Islands could have had the opportunity to attend these conferences because every speaker made me proud as I sat there and listened to what was going on in the Cayman Islands.

I was very pleased to hear the Minister for the Foreign and Commonwealth Office speak of how the United Kingdom rated the Cayman Islands as a financial centre and a British Crown Colony.

I was proud of the speech given by the Attorney General when he put out exactly what we are doing and how we keep our regulatory body in shape. Mrs. Jennifer Dilbert eloquently explained in great detail the functions of her department and why we have the type of Register that we have; because it is properly regulated. I would like to go further and say that my mission was not only to listen at the conferences, I had the opportunity of talking to literally dozens of high potential investors and the first questions they asked were: "What about the stability in the Cayman Islands? Are you all planning to follow Bermuda?"

The proposed referendum in Bermuda is foremost in

the minds of a lot of these investors. They want to know about the stability of the Cayman Islands. They subscribe to the local newspaper and referred to many articles they had read. So, it is very important that the messages that go forward in the press is well founded and certainly portray the proper stature of the Cayman Islands.

During our time in Hong Kong I had the opportunity to try to encourage some of the investors to come to Cayman Brac and invest in that territory. That would have two-fold benefit. Not only will it give the people of Cayman Brac employment but it would help with the financial burden that is now placed on the Government if the Island's economy could be based on the private sector instead of having to be almost totally financed by the Government.

I stand here repeatedly and say: We have people who need employment and the private sector is too small to employ them. I plead with Government to spend money in Cayman Brac. If we can get foreign investors to come in and invest, if we can encourage them in many ways then not only will we help ourselves but we will help the Government as a whole. Again, I would like to say as Proverbs said: **"Where there is no vision the people perish."** So, I congratulate the Honourable Financial Secretary for his vision. We need vision and above all, we need people who will understand what is being done and write the facts.

I do not need the Government to pay my trip to Hong Kong. If I need to go to Hong Kong, I can go—thank God. I have travelled immensely around the world in my lifetime and at my age I do not particularly care to travel. So, it was not a matter of getting a free trip or a free dinner, I went there like every other Member to serve the Cayman Islands. We did it to the best of our ability with each one performing in areas where they had the expertise.

So, Madam Speaker, I would like to ask the people to criticise me when I deserve to be criticised but also to be honest. I am far from being perfect, I do not think anyone in this world is perfect, but that is one thing you cannot accuse me of; trying to take Government's funds.

I think we all should realise that there is much competition now throughout the world. There are major changes taking place in Hong Kong. There is upgrading of all the other offshore territories. If we do not tell investors why they should come to the Cayman Islands and prove to them that their investment was a great investment, and we are confident that the returns will be not only for one year but it will be a continuous process of helping to develop the Islands. I would encourage the Honourable Financial Secretary to do this again and again.

The Customs Department. Madam Speaker, once again we must congratulate the Customs Department on the revenue that they have collected during 1994, some \$61.6 million which is a substantial sum for a population of our size. The Customs Department has a big responsibility and I think they handle it very well.

The Task Force is helping to curb the drug problem we have and the joint drug awareness courses with the Royal Cayman Islands Police is a means of strengthen-

ing co-operation between the two organisations. That is very important. There are plans to establish a commercial fraud unit.

The major capital project for 1995 is the Phase II extension of the Customs Office at the Owen Roberts International Airport. When this is completed the staff in the Tower Building will all be housed in that new building.

Madam Speaker, the Registry of Shipping has come in for much criticism over the years. I believe that with amendments to the Law and some changes in the manning clauses that it is now coming into its own right. I have been in contact with many of the owners of large tankers that we are agents for and they indicate to me their interest in registering some of their larger ships here. Their response is encouraging and I shall continue to follow that up as best I can. Many of them own ships of 550,000 tons and up.

We are honoured that we have a number one Registry. That is an exceptional thing that the United Kingdom has bestowed upon us because most of the others do not have a Class I Registry. I hope that the listening public will understand that we have a Registry that is equal to the Board of Trade of London.

Earlier this year when I was in Monaco, I saw two or three yachts there that were registered in George Town, Grand Cayman.

Financial Services Supervision Department. As I was saying earlier, this trip fully explained to me what a good job the Financial Services Supervision Department is doing, the responsible job they have and I think it would be good if all Caymanians paid more attention to what these Island are doing to do things right. It was a pleasure to hear Mrs. Jennifer Dilbert make her speech and answer questions. I wish to congratulate her on how well that was presented.

The Speaker: Would the Honourable Member take a suspension at this time?

Capt. Mabry S. Kirkconnell: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.35 P.M.

PROCEEDINGS RESUMED AT 4.00 P.M.

The Speaker: Please be seated.

The First Elected Member for Cayman Brac and Little Cayman, continuing.

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

When we took the break, I had completed speaking on the Financial Services Supervision Department. I now turn to the Treasury Department.

I note from the Throne Speech that the collection of Tourist Accommodation Tax in 1994 increased 54% over the 1993. That is quite an achievement. It exceeded

Treasury's budget by 30%. I also note that the target of paying all invoices one week after receipt had been achieved. This is a marvellous accomplishment when you consider the volume of invoices that are received by the Treasury Department and I know it will be greatly appreciated by the number of companies doing business with Government because this has been an area where many people complained in the past, that their cheques were late and caused them to have to pay overdraft interest. So, this will be greatly appreciated by the Caymanian businessmen.

"In 1995 Treasury will manage a phased implementation of the Integrated Financial, Manpower and Project Management Information System which, it is anticipated, will replace three independent systems by mid 1996." This will be a great improvement and will provide us with a more efficient service.

I now turn to the Department of Tourism. I feel that we must all be very proud of the increase in tourist arrivals that has taken place in recent years. Tourism is a very important leg of our economy. Without upward movement in the number of arrivals, we will have a more serious financial problem. I have had many discussions with the present Member for Tourism and I appreciate his openness and his willingness to talk about what is happening, what he plans to do and in this manner we can keep abreast of what is taking place. I complimented him on his achievements and I think his attempts to diversify the areas where most of our tourists are coming from are very important.

For many years we have mostly depended on North America. But now we see more effort being made in Europe, and the United Kingdom and Asia. There is a lot of wealth, and it is my understanding that the Asians take much longer vacations than most other people. So this means that as we encourage that type of tourism we will be getting better occupancy rates in our hotels.

Also, the Department of Tourism has done much to improve the standards of the hotels. I know that in Cayman Brac we have seen an upgrading of the hotels there where they can provide a better tourist product. We all realise because of the standard of living here in the Cayman Islands that our rates are not cheap. We do not have a devalued currency. We are not on par with the United States dollar so we must give value for money.

With the improvement of hotel accommodations and improvement in the attitude of the employees, it all adds up to be beneficial for the government, the hotel owners, and property owners. It also encourages the tourists to return. There is no better advertisement than a satisfied customer. You can spend as much as you want in a magazine, but once someone goes back and says they had a good time, that they did this and that, it is coming from a friend and is worth much more than an advertisement. That is what is beginning to happen in the Cayman Islands—people are getting value for money and are satisfied and returning.

Today the Cayman Islands are known around the world and we no longer depend entirely upon North America. I thought for quite some time that maybe some

of our rates were rather high, but on this particular trip that I was on, and in talking to a lot of people, one of the things that they said to me was that we needed more expensive accommodations in the Cayman Islands—they were talking of \$1,000 per day rooms—to get a higher clientele. It was foreign to my thinking but it was told to me by several people in Hong Kong, that there are people in this world who want to pay more. That is one of the reasons why we have to constantly upgrade our hotels. We cannot be satisfied with what we have because the people want better and they want more. That is what the Minister for Tourism and the Department of Tourism is working towards. That is why the new hotel is being built—to give yet another first class hotel. I look forward to a first class hotel being built in Cayman Brac in my lifetime.

Earlier this year, on 9 January, history was made by the arrival of the first cruise ship in Cayman Brac. It has certainly cracked the ice. I have written to many companies that we are agents for, and I have always said that we would like them to come, the past several months I have been able to send them pictures and videos of German tourists on the Beach at Cayman Brac and said it has happened. Never before could we use that approach. This has made that possible.

We had an interview with the captain, he was quite satisfied with the safety of the port, as far as the navigational requirements were concerned and that is important. That is one of the first things the owners ask—How safe is the anchorage? What length ship can you handle? These are the question we can now answer, and not only coming from me, but coming from a Ukraine captain who was there and has made many trips to Grand Cayman and who told me that he had traded here on other cruise ships on numerous trips. So he is a well-known captain around the world and having a statement from him is good advertising.

I was quite pleased and very proud that the people of Cayman Brac responded the way that they did. They went all the way. We do not have facilities like you have in Grand Cayman, but all the cruise ship passengers that I spoke to were quite happy because they were on a round-the-world cruise and what they did not see in one destination, they saw in another.

They were not actually interested in seeing big hotels and big Freeport shops. They saw caves, they saw how coconuts grow, and some of them said they did not know that the coconut had anything besides the hard shell. So there are many things that we would not appreciate that somebody who it is completely foreign would. On behalf of the people of Cayman Brac, I would like to thank the Minister for Tourism.

I knew from the inception. He spoke with me and we had liaison with the charters and the owners of the ship for quite some time and we were able to iron out any difficulties that they had. I have had very good response from them since they left that they were very satisfied and they had very good reports from their passengers.

As I said before, it is no longer that we are trying to get a cruise ship, this is a picture of a cruise ship that we

had. We do not have to tell them that it was the only one but we can send them the picture of the actual fact. It was because the Minister arranged it that we were able to be more positive in our approach.

I feel that we will get more. It will take some time, but we will continue to pursue it.

We have also noted an increase in advertisement for the Sister Islands since this Minister has taken over. The brochures for the Cayman Islands show the Sister Islands and put emphasis on them. We are now sort of an equal partner in tourism with Grand Cayman. All three islands have distinct different markets so that neither one competes with the other but they can complement each other. I feel that if we get more hotels we can get the people to come [to Cayman Brac].

We have seen a lot of development in Little Cayman and it has moved quite well. We have a lot of infrastructure in place in Little Cayman but more is needed. It is encouraging to see that the need for 18 aircraft to fly into Little Cayman on some days is almost unbelievable. But there are some days when they have over 18 flights a day. So the Islands that time forgot, are at least remembered by the aeroplanes!

Turning to the Environment. Protecting our environment is something that must be done. I noticed that the Department has an aim to finalise the Oil Spill Contingency Plan for the Cayman Islands and to implement a Response Plan for Grand Cayman by the end of the year. This is a very important project. We are located right in the trade routes where most tankers going to the United States and the Gulf pass very close to our shores.

Although there are much more rigid controls on ballast pumping, there is always a chance of an oil spill and a beach like the Seven Mile Beach, although it is pretty well protected by nature, geographically it is located in a bight on the western end of the Island and if it was ever contaminated it would be a very difficult problem to free it completely.

So, I had experience with this Oil Spill Contingency Plan during the time that the *M.V. Titus* went ashore in Little Cayman. We were her agents and within four hours after the vessel was aground her owner had put \$69 million in escrow for a Contingency Cleanup. It was not done by the owners, it was done the P&I Underwriters. I guess if the Cayman Islands was called upon to spend \$69 million to clean up the beach it would certainly hurt our treasury. That is the benefit of being a member of this Oil Contingency Plan and having the protection of these P&I clubs.

The protection of the environment is something that each and every one of us should be involved in because once we allow things to deteriorate to the point to where they are contaminated, we are never really able to get them back again. I have seen the results around St. Nicholas in Aruba where the oil there is so impregnated into the soil that it will never, ever be removed.

The Mosquito Research Control Unit continues to function quite well. The Rodent Control Programme is something that I think we need to step up. Rodents carry substantial diseases and are dangerous to the health of

our population. I think that programme deserves a lot of attention.

We need to congratulate the Department of the Environment for the garbage collection. I do not think there is any country that has a more efficient garbage collection than we have here.

The *Aedes aegypti* mosquito control is rigidly enforced and the department is apparently able to keep that under control.

I turn now to the Planning Department. To think that during 1994, 585 applications valued at \$137.2 million were approved by the Planning Department here in Grand Cayman and that exceeded 1993 by 24% is quite an achievement. That is a substantial amount of development and a lot of paper work to be handled by the Department. I note with interest that the Planning Department in Cayman Brac which has been under the District Administration is now under the direction of the Planning Department here in Grand Cayman. I think that is a good move. In the past we have had to seek expertise from the Planning Department, but it was really just on a help basis. The Director of Planning did not have to do it, he simply dealt with most of the major problems. He would come and give us assistance. But now there is one Planning Department for all three islands.

The Development Control Board still plays a very important part in handling the development planning process for Cayman Brac and Little Cayman, but when we have only one professional on the staff there and when they need additional the director of Planning and his staff here in Grand Cayman are readily available.

The Port Authority continues to be a revenue earner for this government as well. It increased by 8.4% with cargo landed over 1993. The Master Port Development Plan was completed in 1994. That was a substantial improvement over what we now have, but I imagine it will take quite some time for that to be implemented.

I note that the recommendation contained in the Master Port Development Plan that major structural rehabilitation to the Cayman Brac dock will be carried out in 1995. That is very necessary as it is beginning to show wear and the structural integrity of the pre-stress wires in the concrete is becoming exposed. That needs to be repaired.

There is also some need at the Port Authority in Little Cayman. It is hoped that the Port Authority will become active at some time in the not-too-distant future and Little Cayman will have its own equipment. A storage facility is also badly needed.

Of great importance to the future of Cayman Brac is the possibility of an extension to the Cayman Brac dock. This would enable larger ships with deeper draft to dock at the facility and that would include cruise ships and instead of having to tender their passengers ashore, it would be very convenient for the aged or handicapped to come ashore in wheelchairs right onto the dock, instead of having to use a tender. We look forward to developments on that in time to come.

The Cayman Brac Port Authority is well manned, it is unfortunate that we do not have enough cargo to make it

profitable, but it is hoped that as we seek further development that there will be sufficient revenue to at least let them break even in the years to come.

We all have great respect for our Fire Chief, Mr. Kirkland Nixon. The job that he has done with the Fire Service is nearly 100% Caymanian operated. I am very proud that they are not only Caymanians but very capable officers, very well trained, well disciplined and if you ever have the unfortunate need for their services, you will see how professional they can really react to whatever situation they are called on. We should all be very proud of them.

Statistics show value of property involved in fires during 1994 to be approximately CI\$4,666,000.00. Damage sustained was estimated at \$615,950.00 showing that more than \$4 million (\$4,050,050.00) was saved as a result of the response by the Fire Services. We should all be very proud of these young men. They have all dedicated their lives to their profession because I notice that in Cayman Brac when a fire is reported, it does not matter who is on duty, the entire squad appears at the scene in a matter of a few minutes.

The Cayman Turtle Farm continues to operate as a popular tourist attraction and our only source of domestic turtle meat. It is a great asset to the Cayman Islands. It has terrific potential. I honestly feel that if it is used in continuing its research but putting more emphasis on the product that has been in the past, we will see a terrific change in the actual financial benefits derived.

I remember several years ago, my family and I, had a pilot project of shrimp rearing in Cayman Brac which was very successful. Shortly thereafter, a similar project was implemented at the Turtle Farm. Because it was held strictly for research and not for development of the shrimp, their production rate was so low it did not make it viable as a financial investment. The reason for that was that sand was placed in the tanks so that the shrimp could hibernate. If they did not have sand, they would have eaten more food and grown much faster and it would have been a million dollar a year investment.

So, there is a lot of potential in shrimp rearing, also in different species of fish that can be raised, clams, oysters, escargot. There is so much that can be done provided consideration is taken on product as well as research.

The tourist attraction is also very important to us. It being the only turtle farm in the world, I think just about everybody who comes to Cayman Islands goes there. It is actually being expanded and I feel that it is a good investment. I think the present Minister responsible for the Turtle Farm will see to it that it makes a profit within the not-too-distant future.

I will now go on to the Ministry of Health, Drug Abuse Prevention and Rehabilitation. I would like to congratulate the Minister on his implementation of the Strategic Plan, the Drug Rehabilitation Programme and also on health. I am a great believer in the Strategic Plan and I think he is going the right way. I think he is going to give us a lot of input from the public. I think it will be the turning point in actually establishing a rehabilitation pro-

gramme for these islands that will serve our needs. I look forward to their completion and implementation.

If we do not get on top of rehabilitating those unfortunate people who are addicted to drugs, we are going to lose a large portion of our young people, which we cannot afford. I compliment him and the efforts his Ministry is making in this regard.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4.30. I do not expect you will finish this evening.

May I ask for the Motion for the adjournment?

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 until 10 o'clock, Wednesday morning.

The Speaker: The question is that this Honourable House 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 Wednesday morning at 10 o'clock.

AT 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 22 MARCH 1995.

**APPENDIX I
QUESTION NO. 62**

NATIONALITY	JAN '93	JAN '94	DEC '94
Jamaican & Honduran	4,466	5,378	5,114
U.S.A.	2,124	2,322	2,552
Other West Indies & Central America	1,468	1,607	1,695
U.K. & Ireland	1,351	1,533	1,797
Canada	791	901	1,058
Rest of the World	685	784	910
TOTAL	10,885	12,525	13,126

LABOUR CATEGORY	JAN '93	JAN '94	DEC '94
Finance Industry	944	1,052	1,183
Service Industry	2,853	3,281	3,295
Construction Industry	1,737	1,887	1,988
Agriculture & Related Fields	297	313	309
Tourism & Related Fields	1,410	1,584	1,641
Education & Religion	377	428	466
Recreation	790	1,050	1,005
Domestics	2,490	2,930	3,275
TOTAL	10,898	12,525	13,126
SKILL LEVEL	JAN '93	JAN '94	DEC '94
Professional	1,816	1,963	2,282
Skilled	4,846	5,465	5,474
Semi-skilled & Unskilled	4,236	5,097	5,370
TOTAL	10,898	12,525	13,126

**WEDNESDAY
22 MARCH, 1995
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, forever and ever. Amen.

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: Please be seated.

Order. Proceedings are resumed.

I would like to welcome the substantive holder of the post of First Official Member after his duty as Acting Governor.

Question to Honourable Members and Minister. Question 64 is standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 64

No. 64: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation what is the total passenger arrival in Cayman to date by British Caledonian Airlines.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: From 5 December 1994 through 24 February 1995, the total passenger arrival on the Caledonian charter was 1,914. The total figure includes 270 travel agents that arrived on the 5 December 1994 flight.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Minister say if Cayman Airways derives any benefit in handling whatever areas for this particular flight?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the answer is that we handle British Caledonian.

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

Mr. Gilbert A. McLean: Does the Honourable Minister have any idea as to what sort of monetary figure this amounts to, or the percentage of the revenue for the airline?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, without the permission of British Caledonian, I would not really like to reveal that publicly. If I had been forewarned I may have been able to get the information, but it is sort of an internal matter and it would be the standard handling charges.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, can the Honourable Minister say if the nearly 2,000 passengers that arrived on Caledonian Airline have remained on the Island for one or two weeks and as such brought substantial income to the Island?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Yes, Madam Speaker. The minimum stay is one week. Some would have been here up to two weeks. As we know that is a much higher average than the North American average, which is about

four or five days. So it is very beneficial to Cayman.

Secondly, it spreads the area where tourists are coming from so that we become less dependent on the North American market—if one market goes down, the other market may be up.

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

Mr. Gilbert A. McLean: Can the Honourable Minister say if, among the tourist arrivals, are residents on the Island here who use this opportunity for the one week travel? And is there any indication that there is a market for this particular flight?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, there would have been some residents on the charter. Perhaps to fully answer the member's question, . . . when the British Airways scheduled flights (which will be two a week) start at the end of this month then obviously, that would benefit very much residents and avoid having to stop in Miami or Jamaica en route to London.

The Speaker: The next question is No. 65, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 65

No. 65: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation what progress has been made with the development of a National Curriculum.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: The first step in the development of a National Curriculum was the reorganisation of the Education Department to include a Senior Education Officer with responsibility for curriculum and testing. This Officer is now in place.

The next step was to create and fill the necessary subject advisor positions within the unit.

It is anticipated that all these new positions will be filled in 1995. The unit will work toward establishing a general philosophical framework setting out social and national objectives of formal education and a curriculum model for the content, organisation and delivery of instruction. This process is anticipated to take eight months and will include wide input from the community. The unit will be assisted by a curriculum developer and various subject consultants working for a period of approximately 12 months. Arrangements are in hand to have the consultants in place by the middle of the year.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say in which schools this curriculum will be applicable?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, this would be applicable only to the Government schools. But we would hope that private schools, which will be invited to take part as they took part in the strategic planning earlier, would take part and take advantage of the curriculum when it is in place.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. In the answer the Honourable Minister stated that the necessary subject advisor's positions will be filled. Could the Minister kindly say how many positions this involves? Would this involve one advisor for each subject? Or would it be mathematics and science combined?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, it will ultimately be seven. And we now have in place three. I think subjects may be grouped.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker

Can the Honourable Minister say, of those seven subjects, what will be core subjects and what will be foundation subjects?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, I would expect that Mathematics, English, Social Studies, and Science, which are the usual core subjects, would be core subjects.

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 if in fact at this time and during the past two years there has been no national curriculum developed and that this is envisaged to start about mid-year of this year?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the Year 6 and Year 10 curriculum has been completed. If the member thinks back, the last government added a year to the High School but did not know where the year would go despite making it a mandatory year. They also added a Year 6 to the Primary Schools when they abolished, I think quite wrongly, and removed the pre-schoolers from the schools and put some 205 children out on the street. That policy I did not agree with.

However, we had to decide where the year would go and as the member knows, it went to Year 10. There was already a Year 6, so we had to go ahead and develop those two groups.

I think that developing a national curriculum does take time. We were told that in the Bahamas and Bermuda it took some seven years to develop the full curriculum, because you are dealing with 1 to 12 [years in school]. It is a fairly major task that has been done right, and to do it right we have to have the right people involved and take the right time.

We saw the disaster it caused in the schools from changing so many things—literally everything—by the last government over one year, the damaging effect it had on the children, on the teachers, and on the system as a whole.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Are there any students to whom this curriculum will not apply?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, as usual the national curriculum will apply to all students within their capabilities. If the member is asking whether there may be some that may be outside, then if they are not within the ability range perhaps there will be. I am sure there will be a few outside.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, will the Honourable Minister say if the national curriculum will be introduced to all students in all schools at the same time? Or will they be starting with the lower grades and gradually over the years move upward with it?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, at the present time we are not exactly certain where we will start and which of the subjects will be dealt with. This will be

better in place once we have the infrastructure in place. I would also like to mention that we have only now received in the last few months the Strategic Plan, and it will be laid on the Table. One of the main things that the Plan deals with is the national curriculum.

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

Mr. Gilbert A. McLean: Can the Honourable Minister tell the House the number of grades from primary up to the secondary level at this time? Approximately at what age does a high schooler now graduate under the national curriculum?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, the grades are now 1 to 12 and graduation is an average of about 17 years old.

QUESTION NO. 66

The Speaker: The next question is No. 66, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

No. 66: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Aviation how many persons on Government scholarships are studying medicine and when will they complete their studies.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: As of January 1995, there are five students on Government scholarship studying medicine. Dates of completion range from 1995 to 1999.

All students are at the University of the West Indies: Elizabeth McLaughlin, 1995; Sidney Ebanks, 1996; Matthew Grant, 1998; Elaine Ebanks, 1998; Ruthlyn Pomaes, 1999.

In addition, there are two students presently doing internship: Sonia Kapoor, United Kingdom; Gillian Evans-Belfonte, Trinidad.

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 if there are in place any arrangements for placing these new doctors—Caymanians doctors I imagine—when they return as qualified practitioners?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, that question in substance would have to be answered by the Chief Secretary or the Governor, because as the member knows we do not have the right to hire, fire, or change the conditions of service of civil servants.

However, I would say that during their summer vacations, they have been at the hospital and they are familiar with it. I would urge very strongly the Public Service Commission, the Chief Secretary and the Governor to ensure that they do have place immediately when they come back, satisfactory to them and to the Public Service.

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 if these students, who are almost at the completion of their studies, are being encouraged to specialise or to go on to one or two year specialisation in any particular field which will produce specialists and if any thought is being given to providing financing for such an arrangement?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, as I understand the medical profession, that specialisation comes from the internship onwards. As the member sees, there are two on internship at present. I cannot really answer much beyond that. Really the question that was asked was on scholarships and I am not prepared beyond that Madam Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Thank you, Madam Speaker. Will the Honourable Minister say if any of the students who are about to complete their study can be allowed to do their internship here? Or is it compulsory to do the internship in Jamaica?

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Madam Speaker, it is not possible, as I understand it, for the internship to be done here. If we had perhaps developed the medical system the way the legal system is developed, where we actually established a school that would perhaps not have been practical, then I do know that in other professions, like law and accountancy, the internship can be done locally. As I understand it, this cannot be done locally.

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 plan for phasing-out contracted doctors once we have our own? If not, would he give what would be his policy position, or pass a request on to the proper authorities within Government to consider this particular aspect?

The Speaker: This is beyond the scope of the question that has been asked—it concerns scholarships. If the Minister is willing to answer . . . but it is not really part of the original question.

Hon. Truman M. Bodden: Madam Speaker, I was just going to remind the member that he has made very long dissertations on politicians not being involved with the placing or otherwise of civil servants, constitutionally. That is the prerogative of the Governor.

If he wishes he can probably put the substantive question to the Chief Secretary at a later date. As you have mentioned, Madam Speaker, it is outside the original question.

The Speaker: That concludes Question Time for this morning.

ANNOUNCEMENTS BY THE SPEAKER

CATHOLIC SCHOOL STUDENTS

The Speaker: Before proceeding to Other Business, I would like to take the opportunity of welcoming students from the Catholic School together with their teachers. I am also aware that the son of the Clerk of the Legislative Assembly is also present and we would like to extend our welcome to him.

Statements by Members of the Government. The Honourable Minister for Tourism, Environment and Planning.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

RE: LOCAL CONTRACTORS LAW

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

Honourable Ministers and Members, Government is expecting to be in a position to have the Local Contractors Law and Regulations tabled in the upcoming June or possibly September Meeting of this Honourable House and is currently having discussions with the representatives of the Cayman Contractors Association and the Society of Caymanian Builders and Contractors on areas of the Draft Bill that still needs amending.

I would, however, like to publicly state that when this Law takes effect, in no way will it mean that persons or companies possessing a Trade and Business Licence to do contracting work before 1 January 1995 will automatically be registered and licensed (or grand-fathered) by the Local Contractors Board. The individual or company

will still be subject to the licensing procedures and will have to demonstrate to the Board competence and knowledge of the building industry in respect of the scope of their application.

This statement is being made in an effort to counteract what appears to be the result of a misinterpretation of articles in the media, which have apparently caused a number of applications to the Immigration Board for Trade and Business Licences for construction.

Again, the public should be reminded that under the proposed Bill, all individuals or companies wishing to carry on business in the construction field, regardless of whether they were in business prior to 1 January 1995, will still be required to submit an application and meet certain standards and criteria in order to be licensed by the Local Contractors Board.

Thank you, Madam Speaker.

SHORT QUESTIONS (Standing Order 30(2))

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker
Can the Honourable Minister say how such competence will be measured or arrived at?

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

Hon. Thomas C. Jefferson: Madam Speaker, it is that area of the Bill that is under discussion with the Cayman Contractors Association and would be wrong of me to give specific answers to that question at the moment as there are amendments pending on that issue.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Madam Speaker, I just heard the Honourable Minister answer that there were discussions ensuing with the Contractors Association. I wonder if he would be able to say if the Society of Caymanian Builders and Contractors is also part and parcel of these discussions.

The Speaker: The Honourable Minister I think stated that. That is stated in the statement, but you perhaps have not yet received it.

The Third Elected Member for West Bay

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.
As the Honourable Minister is aware, many people in the construction industry are probably unable to pass a written exam. I wonder if the Minister would ensure that consideration would be given to oral examinations in order to determine the qualifications of people who are employed in this area.

The Speaker: The Honourable Minister for Tourism, En-

vironment and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I think it is fair to say to the Third Elected Member for West Bay, that the methodology of examining a person's ability is being considered to be done either in writing or orally whichever is appropriate.

The Speaker: Perhaps Honourable Members would be advised to read the contents of Standing Order 32, which says: "**No debate may arise on such a statement but the Presiding Officer may, using his discretion, allow short questions to be put to the Member making the statement for the purpose of clarification.**" That means clarification of the statement—not contents of any Bill or other documents to which the statement refers.

I would like to make an apology, earlier I made the remark that the son of the Clerk of the Legislative Assembly was present. I am told that it is the son of the Lady Member for George Town. I do wish to apologise and to now acknowledge his presence.

Continuation the debate on the 1995 Throne Speech, the First Elected Member for Cayman Brac and Little Cayman.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, when we adjourned on Monday afternoon, I was dealing with the Ministry for Health, Drug Abuse Prevention and Rehabilitation. As we all know, this Ministry came into operation just ten months ago. I would like to congratulate the Honourable Minister for what he has achieved during those ten months, he and his Permanent Secretary and all who have been involved in the Ministry. Health to me, Madam Speaker, is a very important aspect in our nation. We must maintain a healthy populace if we are to enjoy the benefits of all that we are trying to provide for.

I spoke on Monday afternoon of his undertaking with the Strategic Plan in the area of health, drug abuse prevention and rehabilitation. I said then that I fully support strategic planning and I would like to re-emphasise that this morning. I have done some research into strategic planning since the Education Strategic Plan was introduced and I had the honour of being a member of the Action Team. It has been educational for me as well as all other members who were involved.

Strategic Planning brings out the very best in the community. All who volunteered to be on the action teams were able to give and share their expertise with the other and, certainly, involving not just a few but in-

volving all that would come forward and give a helping hand. It will certainly make for a policy regardless of what area it is in that will last from administration to administration.

I think this has been one of the weaknesses that we have suffered from within our nation, in that not enough input from the general public was taken and from change of Administration we have seen major changes taken place. This becomes very costly to the nation and sometimes deters the forward motion that we all would like to see taking place. I realise that undertaking two strategic plans within one Ministry at the same time is very taxing, but much has been accomplished and they are both in areas which will be very beneficial to this entire nation.

I note that the Health Practitioners Law is in need of considerable review and with input from the professionals legal drafting has begun with amendments to be brought to the legislation during 1995.

I know that there are areas in the Health Practitioners Law that need to be amended. This Law came on our books in 1974 and much has taken place in this country in regard to availability of health care and much came into the world in the field of medicine since 1974. It is time that the Health Practitioners Law be brought up to 1995 requirements.

Madam Speaker, I note with interest that the Master Planning Study for the development of the present George Town Hospital was completed in 1994 and has been approved by the Executive Council. I note that the design is now being put out to tender.

I will not stand here this morning and say that I was not a supporter of the previous Government for the Dr. Hortor Memorial Hospital. I studied it very carefully at the time and it made sense that a new hospital should be built. I do have concerns about the construction of the hospital on the site of the present hospital while it still remains the only fully equipped hospital in the Island of Grand Cayman.

With our strategic location we serve the ships that cross by. Grand Cayman has been singled out by the United States Coast Guard as a number one destination for ships with passengers in need of medical services when in the area. We have been chosen over Jamaica, Panama, and the Republic of Honduras, which is a great honour to the Islands that we have such medical facilities. I will not attempt to condemn what is being done. I just hope that we do have adequate space and that the remodelling can be done to provide the facilities that will take us way into the 21st Century.

I have confidence in the Minister and those who are dealing with it, but I note that in order to get sufficient property at the site it has become necessary to demolish the Mosquito Research Unit building and relocate it. I also note that is being relocated to what appears to be a valuable piece of property, which will be at considerable cost. But I say today that what we are all looking for is that we have what we need. We need additions to the Casualty Department and the Emergency Department at the George Town Hospital. I feel confident that the type of input we have been given by the professionals who are

involved in the day-to-day care at the hospital will get the development of a proper hospital facility that will take care of our needs. I hope that the cost will not be too great because we [already] face escalation in construction costs on a daily basis; world costs go up every day. So, the longer we delay facing this responsibility the more of a financial burden it will place on each and every one of us Caymanian tax payers.

I look forward to seeing in the not too distant future the design of the new facility and the phased development of how it will be built, what units will come first, and exactly where on the property they will be placed. I have a keen interest in medical development in health. It was my choice for a career that was interrupted by the war. Therefore, I did not fulfill my desire to go forward in that profession but I still have an interest in the area.

I am very grateful for the facilities that we have in Cayman Brac. We have a good facility but we need some additional equipment to make it more functional. I would like to see the Cayman Brac Hospital considered as an annex to the George Town Hospital where facilities can be provided so that the surgeons can do their work and utilise the bed space when there is a shortage prior to the completion of the new facility here in Grand Cayman. If the equipment necessary for surgical procedures is put in place within the facility on Cayman Brac, there would be very little difficulty in transporting the patient to the hospital to have the necessary treatment.

As I have said before, the hospital in Cayman Brac is well outfitted for bed care. It is a great facility and we are very proud of it. But I am just seeking that we utilise its facilities to the best advantage to all the people of the Cayman Islands and continue to upgrade the facilities so that we can be a vital part of the hospital system within the Islands.

I am also very encouraged to see that the Minister has undertaken a plan to establish medical clinics in the districts. This has been long needed. And the hours when a physician will be in the district certainly will alleviate the burden on the Casualty Unit at the main Hospital. It will be much more convenient to those needing clinical outpatient treatment to go to facilities within their districts rather than having to go into George Town.

I would like to congratulate the nurses, the doctors, the physiotherapist, medical technologists, and all the other professionals who work in our medical system. They are very dedicated staff and they work sometimes under adverse conditions but certainly they give their very best. As I have said before, we have established an international reputation of having a first class medical facility available here on Grand Cayman.

I note also Madam Speaker, that the Cayman Counselling Centre will be reverting to its original functions of treating alcohol and drug-addicted clients and family members directly affected by their addiction. This is very much needed and I understand that there is a plan afoot to establish drug-counselling session on a regular basis within Cayman Brac. I am glad that we do not have a problem as great in ratio to our population here in Grand Cayman, but it is important that we address the problem

at this time so that it will not get to such proportion. Family members are affected by the addiction and their ability to purchase needed resources for their family is affected. I could go on and on in saying what drug addiction does to the community.

If we can spend money on counselling we can reduce the costs of incarceration and the many other expenses the Government must provide because of the surge of drugs within our community. I do not think that we can overemphasise the need for counselling and it should not only be for those who are directly affected but those within the environment who can be discouraged from getting involved.

I spoke earlier of the drug counselling in the Northward Prison. I am glad that additional counsellors will be recruited to expand the services to a five day intensive group and individual counselling programme to drug addicted inmates or those in prison for drug related offences. This is very necessary.

I am also very grateful that the Honourable Minister is making effort to reintroduce a National Health Insurance Scheme for the Cayman Islands. This is something that I saw a need for long before I came to this House having lived in territories where a national health insurance was popular. I had health insurance from the time I was nine years old, so I know the benefits. It is important that we get coverage that will suit the needs of all the people of our society. We have to be very careful that we do not fall into the hands of some of the companies who cancel coverage at the age of 65.

Because of the low wages they were paid during their productive years and high costs of living, many of our people at the age of 65 have not been fully able to prepare themselves for retirement age. And with medical costs escalating there is no way that they will be able to pay for all their needs. If that is the type of national insurance we have, then the Government will still have to pick up the tab for many of our people. So, it is very important that we have a policy that will cover those who need and will need insurance.

Madam Speaker, it is important that we read the fine lines in all insurance policies. This country has a terrific burden for healthcare when you consider the responsibilities it has for members of the civil services, pensioners and the indigent. Therefore we must have a scheme that will go from the cradle to the grave. Had this been instituted many years ago there would be sufficient revenue to fund the hospital today. We would not be looking for ways and means to build the hospital.

Funds that had been realised would be available because the hospital fees would have been paid for all civil servants, pensioners, and all indigent people by insurance companies. So, as I leave the Ministry of Health, Drug Abuse Prevention and Rehabilitation, I would like to congratulate the Minister for the job he has done in such a short period of time, and wish for him the very best realising that he has a very heavy load in his Ministry for the rest of the term prior to the General Election.

Madam Speaker, I now go to the Ministry for Community Development, Sports, Youth Affairs and Culture.

The Social Services Department plays a very important part in our community. Most of the time we do not realise all that is being done for the people. We as Legislators must see that the laws that are put in place will provide them with the tools necessary to perform the services we all need.

I note that the Juvenile Law was reviewed and drafted into two separate Bills—the Children Law and the Youths Justice Law, 1995. The Bill for the Children Law, 1995 reforms the civil law relating to children and seeks to protect them and promote their welfare. This is important, Madam Speaker, because many of our children today are suffering because of the breakdown in the family structure and are victims of circumstances. The Juvenile Law worked but needed upgrading.

I would also like to congratulate the Minister for the Young Parents Programme started in 1994. It is unfortunate that we have young people who are victims of early [teenage] pregnancy and therefore become parents when they are still in their very young years. They need to be trained to assume their responsibilities in life and I am sure that this programme as it continues to expand will do much to solve that need and also to show fathers that they should be responsible.

The Trade and Labour Department also has a heavy load. I note that the Minimum Wage Advisory Committee has been appointed. Minimum wage can be beneficial, but it is something that we will have to look at in every aspect because where you will help some, you will hurt others. So we have to be very careful as we look and study other territories that have dealt with minimum wage. We noticed industrialised countries, such as the United States, are still labouring to get their minimum wage above \$5.00 per hour. We have established without law a minimum of at least \$5.00 per hour here in most instances. So we have to be careful that we do not upset anything, while at the same time we must have something to protect those who are being underpaid.

The Housing Development Corporation functions have been changed, and I note that they intend to divest themselves of their mortgage portfolio during the year. I hope that they will be able to do this in a way that will not have any adverse effect on the mortgagees who now have loans with the Housing Development Corporation because they have a preferential interest rate. I hope that will be guaranteed.

I am also grateful for the new mortgage scheme now in effect. Madam Speaker, the one problem that I experienced within my district is that so many of the young people who need homes would like to be able to do some of the work themselves with the help of friends. But the present scheme does not permit that. It requires the home to be built by a contractor at their expense. Then the mortgage scheme will pay the contractor when the loan is approved for the individual. That precludes them from being able to put in several thousands of dollars in labour that would make their monthly loan payments less. I do not know what can be done about it, but it would be helpful to those who are ambitious enough to want to help themselves in performing some or most of the labour.

The Water Authority: Madam Speaker, as I think of the Water Authority I wonder what would have happened if the Authority and the Cayman Water Company had not become realities in the Cayman Islands, in particular Grand Cayman. I see where we constantly need additional capacity for reverse osmosis or desalination of water in order to keep potable water supply and demand on par. I fully support the Water Authority. I feel that it is one way of helping to preserve a healthy community by getting proper potable water.

I would also like to say that the idea of refinancing would consolidate two existing loans that were taken by the Caribbean Development Bank in 1986. If this is a mixed currency loan, it will certainly be beneficial when we see today what is happening with the Yen on the Foreign Exchange Market against the United States Dollar. Nobody knows when that will end.

The National Museum: All who have been involved with the National Museum deserve great credit. I get very good results and reports of what is going on, I enjoy visiting the Museums here and in Cayman Brac, and we look forward to the upgrade of the one in Cayman Brac. I have concerns though that neither of the museums is in a fire-proof building and many of our cherished possessions are in those buildings. That is an area that as funds become available I think we should address.

I look forward to some kind of expansion of the Cayman Brac Museum as it is now grossly overcrowded. There is hardly room to walk and it is therefore becoming a place where people do not wish to go because there is literally no walking room. So that is something we are going to have to look at in the not too distant future.

In passing, I would just like to say that the Public Library plays such an important part in our community. I am glad that the Cayman Brac Library is now open and functioning, thanks to the Rotary Club. I would like to see a reader for microfiche put in that library. We have one at the High School, but it inconvenienced the teacher there to ask his permission to use it and if it could be placed at the Public Library, and as microfiche items increase, these would be available to the public.

Much could be said about what is being done with sports. I have always been a supporter of sports. I feel that if we can keep our young people occupied in sports they will become physically fit and it will keep their minds occupied. They will not be bored and have to seek other ways to solve that boredom.

I congratulate the Minister for the progress that has been made in sports, and in bringing the CARIFTA games to Grand Cayman; also the players for the calibre of their performance.

I now go to the Ministry of Education and Aviation. I have already spoken on the Strategic Plan for Education, and I am glad to know that it is now in the process of being implemented. We have seen a lot of development in education in recent times. It is indeed a vital link with society in all respects.

I want to congratulate the Minister for being brave enough to institute these annual conferences in education where the teachers all meet, including all the teach-

ers in Grand Cayman, Cayman Brac, and the private school teachers, where they can formulate their own report. When you can involve the majority and get their views, I think you must get more satisfied parents and teachers.

I would like to congratulate the teachers and the students and the Department of Education on the results of the CXC examinations. I know the students studied hard and I am proud of the results. I certainly wish them all the same high standard and good grades as they take their examinations this year.

In Cayman Brac the Ministry and the Department of Education have looked very closely at the needs of the primary and high school and I am very grateful for the money that is available for the extension and expansion of the primary facility at West End. That has long been needed. Also, the schools have outgrown the land around them, and I am grateful that that is being addressed at this time and when further expansion is necessary property will be available and also there will be play area where the children can exert their energy.

The Teacher's Centre is being addressed and I fully believe that that will be solved during 1995. So, all in all, nothing is more important, and I have always said that my priorities would always be health first and education second, I think that both of them are being well taken care of.

I am happy to hear about the present status of Cayman Airways. I am grateful to see that the losses sustained by the airline have been drastically reduced and I would ask the Honourable Minister, the Board of Directors and the Managing Director to consider very seriously not reducing the schedule of flights from Grand Cayman to Cayman Brac. It is true that we have Island Air as a commuter aircraft. But if Cayman Airways flights are reduced at any time, we have no freight. Island Air can bring very little freight and it is extremely expensive. We need Cayman Airways for groups and I ask that we be given greater consideration before a decision is made to reduce the number of flights into Cayman Brac in any one week.

The Ministry of Agriculture, Communications and Works is under the direction of a man who is truly dedicated to his country and to agriculture. As I attended the agricultural show this year I was very pleased to see what has been accomplished. The products that were displayed were of a wonderful quality. The facility was comfortable. They had so many improvements over the original site and it just shows that where there is a will, there is a way. I congratulate all that were involved in the agricultural show.

While talking about the agricultural show, I am going to attempt to interest the few farmers that we have in Cayman Brac, to establishing a mini-show, or fair, probably on Ash Wednesday in Cayman Brac, which will encourage the farmers, show what they are doing, and create an interest for others to get involved in farming. We are not blessed with a lot of rainfall, or with real fertile soil. But I remember in my earlier days that I used to transport many of the products grown in Cayman Brac to Grand Cayman to supply the needs of Grand Cayman.

So the ability to grow products in Cayman Brac is there if we can encourage the people to do so.

As we look at the Postal Department we see great improvements. As we walk into the General Post Office now we can all be proud. It has been remodelled and it is a credit to the Minister, to the Postmistress and to all involved. The service you get is friendly and there have been great changes in that department. I noticed with interest that there is going to be a sub-Post Office built in West End Cayman Brac during 1995. That will help create some employment and upgrade the facilities as well.

The Lands and Survey Department has made great strides with the reduced index maps. I could go on and on with their improvements. It is an important function and it is great that a country as small as ours has a registry with records and data. As it is now computerised, that will give better service with faster turnaround than we now get. We have seen much improvement in the last ten years within this department as modern, sophisticated equipment is installed.

I am glad to see that emphasis on training of Caymanians in the Public Works Department to fill engineering posts. This is so important because while many of our Caymanians are getting tertiary degrees, unfortunately, other than teachers and nurses, they are not in real great demand. So it is important that we put emphasis in other fields for scholarships and make sure that they can get the positions when they return.

I would now like to turn to my own district and District Administration. It is true, as His Excellency mentioned, economic growth and development has been slow in Cayman Brac and Little Cayman, more so in Cayman Brac than Little Cayman, and it gives us all great concern. It is hoped that maybe a nice large hotel can be built which will change the position somewhat for the need for employment, and provide many jobs for our people after it is operational.

I am grateful to report to this Honourable House that every effort has been made to get the Capital Works Programme in gear very early this year in the Public Works Department in Cayman Brac. Much is being accomplished there. During the week of March 13 through 17, a total of 56 persons were employed by Government in Cayman Brac and Little Cayman. This total consisted of those working in Vehicle Services, Environment, Education, Road, Building and Stores. I quote that number to say that our workforce is not that large that we need to employ hundreds.

That number working enables our economy to benefit and the rollover effect keeps the economy of that island going. When some of those 56 persons are unemployed it creates hardships. That is why it is so important that we not only get appropriations for capital projects in addition to our recurrent expenses annually, but that it is spent throughout the year, starting very early and hopefully lasting throughout the year.

I want to thank the members of the Finance Committee and the Government for finally bringing to fruition the purchase of the swimming pool adjacent to the High School in Cayman Brac. This has been in the works for

some ten or 12 years. It is now owned by Government and we can move forward to utilise the additional property around it with a hard court and a play area. Before, we did not feel we should expend money to improve private property.

One important aspect we need much attention on is the completion of the gazetting of the roads in Cayman Brac. We have been requesting the gazetting of many of our roads for many years. If they have been gazetted the public does not know about it. I speak of the Bluff Road, both east and west, and some of what used to be called feeder roads that need to be gazetted in order to be maintained. I ask those responsible to make every effort to see that these are taken through the final stages and the public made aware when they are completed.

In Cayman Brac, like Grand Cayman, we have sports minded individuals and the same needs that are here in Grand Cayman, as I have heard so many Members rise and speak about. When we talk about not having a practise field in this district or that one, the ability for players to go to another facility is not possible in Cayman Brac. In the opening of my debate, I spoke of the isolation that we feel being separate islands away from Grand Cayman. So this is one of the important points that I want to leave with Honourable Members here today—it is not a matter of wanting everything. We just want the facilities so that our children can develop equally with the children here in Grand Cayman.

Once we have a playing field in Cayman Brac children from one end of the island to the other can use it. It is not that we are asking for them in all our little districts on the islands, we are talking about none existing on the island. The only soccer pitch that we have is at the high school and this is under the direct control of the high school. Much effort has been made to get it up to standard with grass and what have you and if it is used on a daily basis for practise, it will never be suitable for any kind of competition.

A need we also have is that additional piped water be made available by the Water Authority. Only a very small area of Cayman Brac has piped water, and the sale of water could be increased many, many, times if a gradual expansion of the lines were made in Cayman Brac. I do not think we need to go into the millions of dollars on expenditure, but it can be done over a period of time and it will help in more ways than one.

I would also like to thank the Minister for Agriculture and his staff for the efforts they are making to provide water for the cattle and farmers on the bluff at Cayman Brac. But I would like to suggest to him the actual filling of the tanks with water from the Water Authority as opposed to from the well. As we were told you have to have a very limited extraction rate otherwise the quality of the water will deteriorate very quickly.

I look forward to the capital expenditure coming to fruition this year in the Teachers Centre, the addition to the primary school, the improvements to the high school and one important aspect that I look forward to is the air-conditioning of the multi-purpose hall at the high school. This will enable the students to take their external exami-

nations in comfort. As it is now it is very hot at the time of the year they take their external examinations and it is not conducive to their best performance.

Little Cayman: Street lighting improvements are being made there. Of course, they came on line late and there is need for additional street lighting for the safety of the tourists which are more numerous than the local people. I am very glad that Phase I of the hurricane shelter has been completed. In the event people are trapped on Little Cayman during a hurricane or any other type of disaster, there is a place that is capable of withstanding 215 MPH winds (according to its manufacturer) located on high ground.

I have taken a little longer than usual, but I wanted to expand my thoughts. I am extremely grateful for the freedoms that we have in these islands and the stability. I think it is the responsibility of all of us to do all that we can to preserve and protect our stability. I think the future depends on our remaining a British Crown Colony. I am a great advocate of that.

As I come to the close of my debate, I would like to ask Almighty God's blessing on the people of the Cayman Islands, and wisdom on our leaders. Thank you very much, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.28 AM

PROCEEDINGS RESUMED AT 12.05 PM

The Speaker: Please be seated. Debate continues on the Throne Speech.

The Honourable Minister for Tourism, Environment and Planning . . . are you winding up the debate on this?

Hon. Thomas C. Jefferson: Madam Speaker, point of clarification, I guess.

I am into some difficulty because I really have to leave here on Friday evening, since we scheduled a promotion in Scotland and England from two months ago. These invitations are at the request of the Minister of Tourism, so if I do not show up it will damage the entire programme. What I am hoping to ask is that I be allowed to make my contribution and some other Member of the Government be allowed to wind up.

The Speaker: Well it is normal for the mover of the motion to wind up, but I assume that in these exceptional circumstances this might be waived. When do you have to leave? Is it Friday, honourable Minister?

Hon. Thomas C. Jefferson: Yes Madam Speaker, it will be Friday.

The Speaker: May I suggest that on Thursday, if no other Member wishes to continue the debate that you do so when that time comes and we will see what happens?

Hon. Thomas C. Jefferson: I will have to abide by your

ruling, Madam Speaker.

The Speaker: Does any other Member wish to contribute to the debate?

The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wish to contribute to the debate, but my debate will take longer than up to two o'clock. I have to attend a sports function in Bodden Town to present medals at the North Side Sport Day.

The Speaker: At two o'clock? You could not finish by one o'clock?

Mrs. Edna M. Moyle: No, Madam Speaker.

The Speaker: May I suggest that the Member for North Side commence her contribution?

Mrs. Edna M. Moyle: Thank you, Madam Speaker. I guess I will make my contribution very brief.

Madam Speaker, I would like to extend congratulations and thanks to His Excellency the Governor for the well thought out and truthful Throne Speech he delivered. In my contribution to this debate, I will try to offer constructive criticism on areas where I feel there is need, and to make worthwhile suggestions that can assist. I hope that they will be accepted and it not be felt that I am just talking to hear myself speak.

I can assure the environmentalists that they will not have to come to this Parliament to try and save the trees by the speeches that I stand on the floor of this House to make. I do agree with His Excellency the Governor, when he said that Cayman enjoys exceptional growth in the 1980s and it has taken a while for us to realise how necessary it is to keep the Government's spending within the resources available to us. I feel this came about when the National Team Government was elected in 1992 and returned to this House with a majority. At that time we told the people in our Manifesto that it is time to cut the suit according to the cloth—and we have done just that.

The first subject that I would like to touch on in the Throne Speech is the Judiciary. I am well aware of the separation of powers. I would never want this to change, and I will never try to have it changed. But I feel as a representative of the people of this country I have a right to speak on something that I feel can be done to improve whatever department.

His Excellency the Governor has told us of improvements in court administration, upgrading of buildings and more extensive use of computers. I agree with this 100%. But my concern is the inconsistencies that we see every day in the newspapers when it come to sentencing. I did intend to speak on a particular case, but I understand that an appeal has been lodged with the Grand Court, so I will not get into it.

When I look at the sentencing for the defilement of a young girl that was handed down in these Islands, I am concerned. I feel that this sort of behaviour by older men must be treated more severely and they must be treated

as they are—criminals. When we see a sentence of six months' imprisonment for a 29-year old man who has defiled a 14-year girl . . . that has changed her entire life in this community! And to be given six months I think is ridiculous.

I cannot tell the judges what to do, but I must say that if it is a matter of amending a law, I would ask the Honourable Attorney General to bring these matters to this honourable House and let us deal with it. This gentleman that was sentenced to six months was in custody awaiting trial on a cocaine charge and spent some six months [in prison] and this has been used as sentence for the defilement for a 14 year old girl. I do not think that this is right, and I would ask that something be done. As I have said, if it is amendments to laws, let us amend the laws.

We cannot name the men who have been taken before the court for these types of crime. I feel that it is time that this sort of thing be stopped. If I had a young girl, I would like to be made aware of any man who has been convicted or charged as a molester so that I could take the necessary precautions to help my child not be caught up in that sort of thing.

Maybe it is time that this honourable House bring in (as I have argued in the Committee on the Penal Code) mandatory minimum sentences for these sort of crimes. I think it is time that these people pay for their acts.

I happened to be listening to the BBC News last week when I heard that there was an MP who stood in Parliament and said that the police and the public are losing faith in the judicial system.

Madam Speaker, we see cases where people are found with large quantities of drugs and they are given community service orders. I do not think this is right and I would implore that those persons with authority have some discussion. I am certain that the Honourable Judges have their reason, but let us put this matter where we can deal with the problem. As I said, if laws need amending, then let us amend them.

I will touch on the Portfolio of Internal and External Affairs. I am extremely happy that the Governor has said **"The civil service reached another milestone during 1994, as General Orders were amended to remove all discrimination against female officers."** I cannot believe that it took this Island until 1994 to realise the amount of discrimination in our General Orders against female officers. Lady members coming into this Parliament are not feminists, and I would like to underline that we are not women liberators. But we must constantly be aware of matters that are affecting women and try and do something about it.

I know for years that the head of the civil service was trying to work out some solution to this matter in dealing with the discrimination against female officers. This was one of the suggestions and requests in my first debate in this Parliament, and he took note. I would like to thank His Excellency the Governor.

He went on to say that he would shortly **"be appointing a Committee, which will be chaired by the Chief Secretary, to carry out a comprehensive review**

of the General Orders and the Public Service Regulations." I would like to offer to the Chief Secretary a suggestion for when this review is being carried out: We have a number of civil servants who have spent quite a number of years in the civil service, they have contributed and they are good workers—never late, never absent. But for many years, they have been at the top of their salary scales. They are not getting any increases in the form of increments, and I feel that this Committee should look at some type of formula that can be arranged to bring about [changes] where these people can get some increase, or their salary scale bracket brought up.

I have noticed over the years personnel in the civil service who have been trained in the medical field, civil engineers, and for them to get a promotion or an increase in salary they have had to ask to be transferred to another department. Madam Speaker, I think this is a waste of professionalism, a waste of the training they have had, and we must do something to assist where they can remain in their professions and give something back to this country.

The other suggestion that I would like to make to the Chief Secretary is that we have a number of young Caymanians who are overseas on scholarships who will be returning to these Islands with a professional qualifications. I do not think they have been placed in the right salary bracket and I would ask that he look at this with a view of putting them . . . I would make the suggestion of the AP Grade. If we do not take care of them they will shortly leave the civil service and look for employment in the private sector. It may be sad to say that money now overrules loyalty, but that is the way it is. For us to continue to keep our young professionals in the service, we are going to have to take care of them financially.

The other suggestion I would like to make is in regard to the interview process for a job within the civil service. As I understand it now when one applies for a position in the civil service, they have to do mathematics and an English test no matter what position they are applying for. If we are running an advertisement for a receptionist, or a post of that nature, I do not see the need for them to be doing a mathematics or and English test. I feel that some system should be set up whereby they have to do a test of telephone operator which can guide them in the right direction, their pleasantness on the telephone and things of that nature.

I will touch on the Royal Cayman Islands Police Force. Madam Speaker, I too would like to join those who have welcomed the new Commissioner of Police, Mr. Anthony Gray, and the Detective Chief Superintendent, Derek Haines, as head of the Drugs Task Force. I would like to wish Mr. Gray good luck. And from the write-up in the newspapers, I feel he has the ability to bring the Police Force up to where all Caymanians can be proud. But I say he has a long hard task ahead of him because this force has been left without proper leadership for some time now.

To the Detective Chief Superintendent Haines, I say you have a hard job in filling the shoes of Mr. Cutts who did a tremendous job in catching the drug dealers as well

as the users in this country. But I have every confidence that he will pick up where Superintendent Cutts left off and continue to do good work.

Unless I overlooked it, I saw no mention of the police boat in the Throne Speech. I have heard nothing of how it has assisted since its arrival here in the curbing of drugs around our Islands. I understand that this boat is now damaged and has to have certain repairs.

Madam Speaker, I will also say to the Chief Secretary that it is time we found a Caymanian seaman who is retired and knows the waters, who knows how to captain a boat and put them aboard this police boat and have it fully handled and cared for.

I am not knocking the police who have been put on board. I am sure they are doing their best. But I feel with a proper seaman on board we could do even better, because the police then would be left to do whatever they have to do should they come up on someone dealing illegally in this country.

I will touch briefly on the Prison Department. I am quite pleased to see job training and interview programmes to secure employment on release with a follow-up programme to be put in place this year. I commend the people at the prison, but a decision has got to be made about who is going to employ these people. It is a waste of good time to have them sit examinations and upon leaving prison they go to Government—they will not employ them. They go to the private sector, and they will not employ them. Therefore, they get discouraged and end up right back where they where came from.

I do not know the answer, but I am asking the Deputy Chief Secretary to somehow see that there is a committee within one of the sections of Government set up where these people can be brought back into society and feel that they can once again become worthwhile citizens.

I will now touch on the Department of Immigration. I have heard much said, Madam Speaker, putting blame on the Immigration Board of this country. I personally feel that they are not all to blame when it comes to work permits. I feel that the administration in the department needs to be improved. When work permit applications are made, they have to go through certain channels within the department before they reach the Board. A lot of complaints of political victimisation by the Board is on the street. I, for one, Madam Speaker, must say is it because we finally have in place a Board that is doing what it is supposed to do—protect Caymanians.

I read in the newspaper this morning where the Chamber of Commerce said it is time that political appointees to Boards (civil servants) be removed and persons from the business community be put on Boards. I am sorry that at this time I do not have a list of the boards of this country so that I could show the number of people from the private sector on these boards.

I have come to the conclusion . . . and I will touch briefly on the Chamber of Commerce before I continue with the Immigration Department. It is time that the Chamber of Commerce took a stand in this country as to what their role in the Cayman Islands is supposed to be.

Over the last couple of weeks the opinion that I have gathered is that we now have a political party within the Chamber of Commerce.

If they want to be a political party, I say get out on the road and take the knocks that every Member in his Chamber has taken to hold a seat in the Parliament of the Cayman Islands. I happened to call them because of the motion I will be presenting here next week on women's affairs. I wanted a list of women in employment in the Cayman Islands and the women that are at managerial positions. I was told that they do not so such a survey. If I wanted it done they could do it. Maybe that is a constructive survey for them to carry out, Madam Speaker.

We have heard that people are afraid to do this, and do that in the Cayman Islands. They are afraid of being victimised. But what people are saying it that it is the Government. It is not the Government, Madam Speaker, and the Chamber of Commerce could do a survey of their members to find out how many of them are being victimised and not getting a fair chance at promotions. Untruth is being put in advertisements by their members to fill positions that could easily be filled by Caymanians. But they do not apply because they know they do not have the qualifications being asked for.

I will now go back to the Department of Immigration. I was speaking on the administration. As the other Third Elected Member for George Town said in her debate, we are constantly being told that the Cuban refugee situation is taking up all of their time. Speaking here as Edna Moyle, the representative for North Side, I think it is time that the new Chief Immigration Officer decided to get into the Immigration Department and do what he was brought to this country to do. The morale of the staff in that department is so low at this time that I think someone should go in there and sit with these officers and allow them to talk, not being afraid of any action being taken against them.

We were told that the lines for Caymanians and Caymanian residents at the airport were to assist in the flow of traffic. Madam Speaker, I think the answer to that problem is to have every booth manned when flights arrive two and three at a time. I will personally ask the Chief Secretary to sit with whomever made the decision to remove the line for Caymanians to the extreme left, and put us back where we should be. Give us a little bit of prime space in our own Island. I am certain that tourist arrivals can still follow us through that line and there will be sufficient space.

I understand that there seems to be a hold-up at the airport right now in clearing arriving passengers through Customs and Immigration because there are no Immigration forms or Customs forms on board some of the airlines that are arriving. I know it is the responsibility of the airline agents to see that these forms are put on board. But I feel that if an Immigration Officer or a Customs Officer were given the responsibility to take additional cards, maybe we could process them without any problem.

I also note under the Department of Immigration, that this year a review is expected of the other primary

legislation in our main immigration laws, namely, the Local Companies (Control) Law and the Trade and Business (Licence) Law. We have heard much about Caymanians fronting for people coming into this country to set up businesses. Maybe it is time that under our Trade and Business (Licence) Law some provision be put in whereby those Caymanians who are prepared to front businesses be held responsible for any liabilities that these companies may incur. Maybe this will wake them up and let them realise what they are doing and that it should be discontinued.

On the matter of work permits being delayed, both temporary and the full-time work permit, it is probably time that the Immigration Board became a full time Board.

Madam Speaker, I would also like to see some type of protection put in place where our Caymanians who have small boutiques, T-shirt shops, or whatever it is, are protected from persons coming in and getting status and who can afford to put these people out of business because they cannot compete.

I will touch briefly on the Legislative Assembly and in particular on the two Committees that are under my chairmanship, the Select Committee to consider a Register of Interests for the Legislative Assembly, and the Select Committee to consider a Code of Ethics for Legislators. I can assure this honourable House, Madam Speaker, that a report will be laid on the Table for the Committee on the Register of Interests. I cannot say on the Code of Ethics whether the report will be laid in the June meeting.

I would also like to put forward a suggestion here when it comes to Committees. Maybe it is time that, instead of having a Select Committee consisting of the entire House, it be set up with a number of Members. With the entire membership being the whole House, at times it is hard to get a quorum. We have to remember that the Cayman Islands is no longer in the stage where everyone stays on the Island. Ministers have to go overseas. And sometime that is much more important than sitting on a Committee, even though they are committed to those committees, Madam Speaker, they try their best.

The Cayman Islands Government Office in the United Kingdom: I would like to congratulate the Minister for Tourism, Environment and Planning, the Minister responsible for Education and Aviation, and the Government that saw where money could be saved by moving these offices to alternative premises and in giving them more office space. I would like to say thanks to Mr. Russell, who I feel is doing a tremendous job for these Islands.

The Portfolio for Legal Administration: In 1995, ten students will graduate from the Law School from the Honours Degree Programme, and one student from the Bachelors of Law Degree Programme. This will make a total of 54 students who graduated since the 1987 ceremony.

Madam Speaker, the concern I have here (because I know when the school was started it was for Caymanians or persons with Caymanian connections) . . . but I think

that has changed. I would ask the Honourable Attorney General to make certain . . . but we cannot continue to have our Caymanian students going into the Law School, coming out with degrees and not able to secure a job because this country is overflowing with lawyers. Something must be done to make certain that they are not wasting their time.

Legislative Drafting: I think the recruitment of a second Legal Draftsman is needed. I am hoping that this candidate will somehow be found within the region. We Caymanians tend to believe that we are not West Indians—but we are. I feel that there are qualified persons within the region who could fill this post and do a good job at it, not saying that coming from any other region they could not. But I think it is time that we found people within the region familiar with matters affecting us.

I say to the Honourable Attorney General, let us look within the region to see what we can find before going further afield.

I would like to congratulate the Customs Department on their record [revenue collection] of \$61.6 million, Madam Speaker. I would also like to congratulate them on their vigilance. Having seen reports in the newspapers of how they were able to find a lot of ammunition that was coming into this country. Maybe it is time that the Financial Secretary looked into giving them a security system where luggage could go through when it arrives here so we can make certain that [we detect] anything such as ammunition and guns rather than doing spot checks to discover such things.

Maybe it is time the dogs be put on the outside of the arriving terminal to be able to smell and sniff luggage, because we are missing a lot of drugs coming into this country. The customs officers do not have the necessary equipment to assist them.

Under the Economics and Statistics Office, I noticed the office has completed its second year monthly visitors exit survey and has been generating visitor expenditure statistics on a quarterly basis. At this point, Madam Speaker, I would like to suggest to the Statistics Department that they start somewhere to keep statistics on offences against women. When I look in the [newspaper] under the Crime Report and Cleared-up in the Statistics Report, I see other offences against the public: it has a little two, and down next to the two it says including rape and other sexual offences. Madam Speaker, I think that the women of this country are entitled to statistics being kept of these sorts of offences against women.

I would like to congratulate the Treasury Department on the increased collection of tourist accommodation tax in 1994—up 54% over the 1993 figure. I would ask that they continue to keep the collecting of tourist accommodation tax in the forefront. Over the years we have lost a lot of money in non-collection of this tax.

I will touch briefly on the Department of Tourism. First of all, I would like to congratulate the Honourable Minister because I feel that because of his expertise and his dedication we have seen the tremendous increase in tourist arrivals in the Cayman Islands since 1992.

I would like to congratulate him on the joint scholar-

ship between the Cayman Islands Condominium Association and his department to allow young Caymanians to attend university to complete a programme in hospitality management. In the past, scholarships have been offered by the Hotel and Condominium Association to young Caymanians who went off to Canada and have since come back with their bachelor's degree in the hospitality field and have been unable to secure jobs in the industry. I would ask the Honourable Minister to make certain that when these young people come back to these Islands qualified, that every effort is made so they can secure a job.

I see where His Excellency the Governor also mentioned a new career development initiative planned as a joint effort between the hospitality sector and the Department of Tourism. Madam Speaker, I am quite pleased to see all of this happening. But I would suggest to the Honourable Minister [for Tourism, Environment and Planning] and the Minister responsible for Education and Aviation, that in order for these Islands to have its own people in the hospitality fields we have now got to put tourism into the curriculum of the schools. It should be put right up next to mathematics and English.

I have said for a long time, that to ask our children at the age of 12 or 13 years old to make a decision on a career does not make sense. We should have an arm of the hospitality field at the high school where those kids who are not academically inclined to go on to do the GCSE are streamlined into the hospitality field.

Caymanians are very proud people. This may not be possible, but I think if there is cooperation between the Ministry of Tourism and Education this can become a part of the curriculum at the high schools.

The Department of Environment: I will say very little about this department, except that I am happy to see that additional Marine Enforcement Officers will be added in order that the enforcement of the Conservation Laws and Regulations may continue. I am happy to see that the rodent control programme will be established on an island-wide basis. I wonder why it was stopped.

The Planning Department: I would just like to mention briefly that I agree that the authority intends to [increase] enforcement activities to prevent the proliferation of illegal development. This is much needed. I know in my district (North Side), I have seen a number of shacks go up [illegally] and I have called the Planning Department [about them]. The shacks that are being used for rental are not being used [for such purpose]. They are being used for wash sheds. I have had people who are paying rent for those shacks for their helpers come and tell me that they are being used for people to live in.

We have heard much about the proposed Development Plan, Madam Speaker. There is just one brief comment that I would like to make to the persons whom appeared on Issues 27 to discuss this Plan. It is all well and good for the environmentalist to want to protect the mangroves. I am certain that everyone in this honourable House would like to also. But we have to remember that Caymanians spent money at one time to buy this property and we have got to come to a means whereby we

can protect the mangroves but at least the people can make some use of their land.

When I heard someone on the programme (Issues 27) make the stupid statement that the mangroves must be preserved and maybe the Government should go out and buy them and that this Island consists of 46% of mangroves . . . What government in the history of . . . and at market value he said! . . . can go out and pay that kind of money to the people?

Madam Speaker, I will touch briefly on the Health Services. There is not much I can say, other than to congratulate the Honourable Minister. In his presentation in this House he made quite clear what he intends to do and what is being done. So it is silly of my to stand here and repeat what he has said. I would just like to congratulate him, after being in the Portfolio for such a short period of time, for achieving the bringing to reality a Health Service that the people of this country deserve and at a price we can afford.

I am happy to see that in the first phase of the improvement at the hospital there is going to be a mental health unit. This is long overdue, because I feel that we cannot allow our mentally ill patients to continue to roam the streets or to be held at the general ward at the hospital, which puts a lot of pressure on our nurses and the other patients on the ward. I congratulate him for making this one of our priorities.

The other thing I am happy to see (and it will be in the first phase) is a maternity operating room. This, Madam Speaker, I feel is very necessary because as the situation at the hospital now exists, the few minutes it takes to carry a patient in an emergency from the delivery room to the theatre could cost a life. If this facility is put next to the delivery room, I am certain that the services would be improved and if an emergency arises, the doctors can deal with it much better.

I would like to thank the Honourable Minister for the planning of the Health Centre for the district of North Side and ask him to make certain that the money that is now in the Budget for these plans be used before the end of the [financial] year and not be put back into the coffers of Government on 31 December without any action being taken.

The other suggestion that I would like to make to the Honourable Minister (maybe this is not for him to deal with), is that unless the staff at the hospital are happy and are prepared to work we will achieve nothing more than we have at present. I believe that the majority of the staff at the hospital are very dedicated. I will speak personally of the nurses with whom I have come in contact with more, being a grandmother with grandchildren staying at the Hospital. I have had more contact with them.

I said many years ago that the underpaid civil servants in this country, in my opinion, are the teachers and the nurses—and they are the two most important sectors. Without health, you cannot have education; without education, you cannot have health.

Maybe it is time that some consideration be given in upgrading them and that they feel that they are more appreciated by being paid a little more. I know I have no

right, and I am not committing this Government to expenditure. I am just suggesting things that I feel could help.

The outpatient emergency service leaves much to be desired. I know the Honourable Minister is trying, but when one arrives at the hospital when there has been an accident, the doctor who is on duty has to spend many hours with the accident victim (which is normal) because it is an emergency. But there are a number of patients who have to sit long hours and wait. I have personally spoken to the Minister and he has assured me that they have put in place [a system] whereby another doctor should cover if such a situation arises. I would like to congratulate him on taking that move.

I also think the reason we have quite a backup at the hospital, at nights particularly, is because it is now being used as a clinic. Instead of people going to the clinic during the day, they tend to go at night to be considered as an emergency. I do not think this is fair because those doctors work long hard hours.

I would like to thank the Honourable Minister for the renovation that has been done to the paediatrics ward at the hospital recently. I took a visit there myself. Now I think the children will feel more at home in the way it has been approached in upgrading the facility. It is not money that is being wasted, even though a new paediatrics ward will be built, because whatever furniture is put in there can be moved to the new facility. But the building received a coat of paint and now it looks like a different place.

I am happy to see that the Cayman Counselling Centre has reinstated the counselling programme for inmates of Her Majesty's Prison Northward. I think it is time, Madam Speaker (and I am not certain if this is now under the laws of these Islands), that it be mandatory for drug offenders to attend counselling. Maybe we should look at the laws and make it mandatory that they all attend counselling at some point during their time at Northward Prison.

I know that most counsellors will say that unless someone says he or she wants to attend counselling it is a waste of time. I believe that if they are put into these programmes it may turn them around where they may say, *'Yes, I need help and be prepared to go for counselling.'*

I note where the Counselling Centre is developing an intensive outpatient programme for the Sister Islands with an office in Cayman Brac. I would say to the Honourable Minister, do not delay. Let this become a reality very soon because the longer we delay matters of this nature, the worse the problem becomes.

I would also suggest that some arm of the Counselling Centre be taken to the eastern districts. There are a number of people in my constituency, who may be prepared to attend counselling, but they do not drive, they do not have a member of their family who drives in order to take them into George Town. But if the facility were in the district, maybe one or two would make use of it. I am a firm believer that if we save one from drugs we have done a good job.

The National Health Insurance Scheme: I am very

happy to see that the Honourable Minister hopes to have this scheme in place by the end of November this year. I would like to make a suggestion here. We have in this country businesses that offer health insurance for their employees. But when an employee leaves one organisation where he is covered by insurance and goes to another organisation, while on probation he is not covered by that company's insurance for the probationary period. I do not know how we can handle it, but I think we need to put something in place. What is it to pay into an insurance scheme for one person who may be on a probationary period for three months and at the end of the period they may not fit in the organisation, they are not what the company is looking for. How much would they have lost and how much that employee on a probationary could lose if they are taken seriously ill or get involved in an accident with no insurance?

The Ministry for Community Development, Sports, Youth Affairs and Culture: I would like to congratulate the Honourable Minister on the new programme that he has just brought into force—the Young Parents Programme. I attended the opening of the Joyce Hylton Crisis Centre and I was quite impressed with the young ladies whom I had conversation with. Every one of us sitting within this building would love to stamp out teenage pregnancy. But we know that we cannot legislate morals for people. So we are going to have to constantly assist those by helping them one way or the other.

The Young Parents Programme will be a big help in putting these young girls, as the Minister has said, hopefully young fathers, on the right road to realising that bringing a child into this world is a huge responsibility. Maybe it is time that sex education became a part of our curriculum.

I would like to congratulate him on his plans for the First Annual Youth Week in 1995. The award for an outstanding youth, I think will be an incentive for our young people to improve their lifestyle and work toward becoming one of the outstanding youths of the Cayman Islands.

I am happy to see that a crime survey will be carried out and the preliminary work for this survey has begun and should be completed by June.

The juveniles who have been giving us a lot of trouble . . . since the Honourable Minister took over the Ministry for Sports and placed a tremendous amount of emphasis on sports in the Cayman Islands these problems are becoming fewer. I think he should be congratulated for his stand on sports because for too long there were no emphasis placed on sports.

I am certain that over the years there were probably a number of young people who could have become competitive in track and field particularly, had they been given the opportunity at a young age to compete with the facilities provided. Maybe some of them today could be like Marlene Ottey who represents Jamaica and is constantly winning gold medals overseas.

I say to this Honourable Minister, even though he is receiving a lot of knocks, that he should continue to run his Ministry as he sees fit. Continue to advance sports in the Cayman Islands.

I will speak briefly on the Department of Trade and Labour. I am pleased to see that this department will be exploring ". . . **suitable apprenticeship schemes for implementation on a pilot basis.**" This I think is much needed. **"It will be looking at the job placement system and extension of technical assistance to help the unskilled in our community secure and retain suitable employment. One additional labour inspector will be hired..."**, which is long overdue in my opinion, Madam Speaker. Amendments to the Labour Law will hopefully be brought into effect.

One suggestion I will make here is that something must be placed in the Law whereby our people who are being constantly forced out . . . Madam Speaker, I am not speaking from hearsay. This has actually happened. Life is made very difficult for them in employment that they get to the point where they leave. This is being done in order to avoid payment of unfair dismissal as allowed under the Labour Law.

We know that our young people can get angry very quickly, and when someone makes life miserable on the job they will walk. But I feel that something should be put in whereby when these people are forced out or walk off the job they are still paid some type of compensation.

Maternity leave, I feel should be increased. We all know that the first six months of any child's life is the most important. Closeness with the mother counts a lot. I feel that some period where it can assist these parents so they know that their job is still secure upon return to work should be put into the Labour Law.

The Ministry for Education and Aviation: Madam Speaker, I do not feel that the people of this country can congratulate the Honourable Minister for Education and Aviation enough for what he did with the national carrier (Cayman Airways) of these Islands. To have achieved what he has over such short period of time I think speaks for itself.

I am happy to see that a detailed Five-year Development Plan for Education, to be implemented during the period 1995 to 1999, has been accepted by the Honourable Minister. I see that a school inspectorate will be established this year. I would also like to congratulate the Minister on the result of the CXC examinations taken by the students of the John Gray High School. I am sincerely looking forward to the result of the A Levels and we hope that we will achieve the same type of passes and numbers so it will prove to us how effective the CXC examinations are.

I am happy to see that the Cayman Islands Scholar Award was approved and will be offered for the first time in 1995. The scholarship programme has some 42 students being granted scholarships in a variety of fields. I am happy to see this, Madam Speaker. But I feel that some provision should be made for when these students return on summer holidays. They could be provided with summer jobs in the field they are studying and on completion of their formal education, there should be a post they can come back to and use their professional training.

I congratulate the Minister on getting the United

Kingdom's Department of Transportation to work on our behalf in securing protection for Cayman Airways on the Miami/Cayman route. Earlier this year the Minister prepared a position paper on behalf of Government to be submitted to the United States Government. On February 3, only a few days before the talks were scheduled, the United States offered a rollover of the existing agreement for a further twelve months. I am certain that it is because of his constant dedication to all sections of his Ministry.

I will now touch briefly on the Ministry for Agriculture, Communications and Works. I note where His Excellency the Governor said: "[The year] **1995 will see intensive development in capital projects in this department.**" We all would like to support and buy-Cayman. I do whenever I can. I know that labour in the Cayman Islands is probably higher than anywhere else in the Caribbean. But when I walk into the supermarkets, I see Caymanian produce priced higher than that which is imported. I do not know what can be done, but I feel we need to do something where people will buy the Caymanian produce thereby supporting our local farmers. Telecommunications: Under this section, I have one request of the Honourable Minister responsible for telecommunications. There are many cellular telephone users in this country. It is very expensive. But I think it is time discussions were held with Cable & Wireless giving us a clearer cross-Cayman facility with these telephones. I go out into the district of North Side and I want to make a call or someone calls me. There are certain points along the road where you cannot reach anyone. So I would ask the Honourable Minister to hold discussions to see what can be done to facilitate cellular users in the Cayman Islands.

The Postal Department: I would like to congratulate the Honourable Minister on the renovation and facelift of the George Town Post Office and the outer districts. I would also like to request that somewhere it be found possible to look into setting up some type of building in the Old Man Bay area for the distribution of mail. It is now being handled by a lady in the district of North Side who does a very good job, but I feel it would be much better if there was a particular point and a building where the mail could be dropped and from where people could collect it.

The Public Works Department: Madam Speaker, this department gives me a lot of concern. I know it is not because of the Honourable Minister's efforts. I have had occasions to sit in his Ministry where he has requested certain things for my district (minor things) and they are never done. I have had reason to follow road works in my district for two weeks straight and I think the problem . . . again, Madam Speaker, I do not blame the Honourable Minister. Men are sitting waiting from 7.25 am until 10.00 am before they begin work because they do not know what they have to do.

If we have Caymanians in this country who can supervise road works, let us give them the job and not have to pay so much money to road engineers sitting in air-conditioning offices and not going to see how the money in this country is being spent. The Honourable Minister can request this, but he cannot go out there and see that the road works are being supervised.

I note where His Excellency placed emphasis on the training of Caymanians to fill the engineering posts in the department. I would like to congratulate him on this.

Under the Department of Vehicle and Equipment Services, I would like to make one suggestion. As I have said earlier, I will make suggestions and I will criticise where I feel it is necessary. We noticed where every department of Government uses a different manufacturer for vehicles—some use Nissan, some use Toyota, Cherokee, GM, whatever. I think it is time that this country looked at dealing with one local car dealer, with each one on a five year period (because I think that is the life of a vehicle), and give each one the chance to make some money. Also when the cars are smashed up because they are all the same brand, spare parts can be taken from those to repair the others when necessary.

Madam Speaker, I will finish my debate by thanking His Excellency the Governor for making it clear to the people of this country that he, and he alone, has the sole responsibility for civil servants, and that they are under his command. I am tired of hearing the vicious rumours on the streets that Executive Council and the National Team Government are responsible for the firing of civil servants, and that it is all political.

Madam Speaker, I know my Ministers quite well. I will stand anywhere and defend them to the hilt. They are not of the mentality or the calibre who would fire a civil servant because of political reasons. I personally did not know of any civil servants being relieved of their duties until I heard it on the news. I believe that if those things were being discussed these Ministers somewhere along the line would let us know. So it is time that these rumours be put to rest and anyone who has a gripe about it deal with the Governor and not the Ministers of Executive Council or the National Team.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 1.20 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

Debate continues on the Throne Speech. The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I would like to begin by offering concerns and sympathy for the occupants of the house that got burnt down on Watlers Road, and also to Mr. Joseph Lou-Ellen the owner of the house. We are very happy to hear that no one came to harm when this happened in the early hours of this morning.

I would also like to thank Miss Mary for giving us such a nice lunch today. Without that, I do not believe I would have been able to get through all the chores I had to do during lunchtime, operating like grease lighting to get back here.

Madam Speaker, I read the Throne Speech a number of times. I can only say that it is quite evident from the reading that this is a Government of vision; a Government committed to progress and the development of our people and our Islands. There has been rapid progress in these Islands during the past 30 years, but I would like to point out that if we reflect over the last two years what we have seen happen is nothing short of a miracle.

When we think of the economy in 1992, when we think of Government's financial position, the first year after this government was elected there was a change in position whereby Government had a surplus at the end of 1993 and a surplus again at the end of 1994. There is evidently a trend here. I would like to feel that this is due to those of us who are involved in Government, especially the Ministers, the Financial Secretary. I think the country owes congratulations and a lot of credit to the present Executive Council for their prudence, their fiscal planning and now, we can boast of an economy again. We can call ourselves the economic jewel that we have always been here in the Caribbean and we hope it will continue to be.

When we think of one of the main pillars of our economy namely, the banking industry, if anyone speaks to those in the industry they are so busy that they can hardly keep up with the pace. Many of my patients are involved in that industry and they tell me how busy they are.

Since we have enacted the mutual funds legislation, almost a thousand mutual funds have been registered here. It was only in 1993 that the mutual funds legislation was passed. It takes men of foresight, and women too, to do such things. We do not have many things to depend on here in the Cayman Islands, but thank God those things that we do have are doing extremely well and I trust they will continue.

We know that there are over 500 banks and they are continuously increasing in number because of the confidence that people from the outside (investors) have in the Cayman Islands. We know also that tourism, another very important pillar of our economy, is improving greatly.

I do not believe that what some people say is true, namely, that we are getting more arrival of tourists but they are spending less. This is not what the Economic and Statistics Department tells us. The amount of money being spent in the country is far more now than ever before. The promotional and marketing strategies attempt to improve the local product in tourism.

We have seen a marked improvement and increase in tourism and so many of us here in the Cayman Islands depend directly or indirectly on tourism. This is undoubtedly one of the most important pillars, and I would like to give congratulations to those involved in tourism within Government and also in the private sector who have been responsible for this dramatic improvement in tourism over the last few years.

Construction is another main pillar. Many of our men are involved in the construction industry. They rely heavily on it. That has shown signs of remarkable improvement and there is hardly anyone out of work. All who

want to work at the moment seem to have a job. In fact, Madam Speaker, many people on the Opposition are complaining now that the Government seems to be moving ahead too fast and we are overheating the economy. They are trying to point out some of the problems that can occur if the economy continues to improve at such a rapid rate. We are taking all these things into consideration and I believe those problems will be dealt with.

Madam Speaker, there were a number of issues the Governor alluded to in his introduction of the Throne Speech. He spoke about the Cuban migrants, and it is commendable that the Government has been able to give such assistance to these unfortunate people and still maintain such a healthy financial position. I do not know how severely that is going to affect the budget towards the end of the year. But up until now we have been able to afford it, and I am sure the Financial Secretary will keep us informed about the amounts that are being spent and how it is affecting the budget. Necessary steps will be taken to ensure that we are able to survive in the midst of such great burden.

It is my feeling that the majority of persons in Cayman commend the Government for being as humane as it has been. Yet, there are some that are a bit envious. They feel that the Cuban migrants are being treated far better than they are. Be that as it may, Madam Speaker, we know that we are bound by International Conventions to provide help to these unfortunate people. I can only hope that aid will come to us from the European Union and we have seen evidence of this already—\$100,000 (I believe) has been given to the Government to offset some of the expenditure. Hopefully, more will be forthcoming from the European Union to assist us with the Cuban migrants.

We also see where some of them are leaving by making the choice to go to Guantanamo Bay. It is unfortunate that we still have to pay some of the costs while they are there, but this seems to be one of the things we have to put up with because of our Crown Colony status.

The public has been most kind. Because of their assistance it seems like Government has had to spend far less. We would like to thank all members of the public for the ready assistance they have given and we hope that some good will come out of all this.

Madam Speaker, two motions were brought to the House last year. One had to do with a Review of Court Procedures and Administration with a view to improving the system. The another had to do with a Review of the Matrimonial and Affiliation Law and various other laws that had to do with ensuring that maintenance fees etcetera, and other court orders were adhered to.

I noticed in the Throne Speech that the Governor mentioned that court administration is being improved. In this session of the House we plan to bring amendment to the Judicature Bill. I am sure that when it passes, it will help in ensuring that the Court Department functions more efficiently. It deals with the administration of funds. It will not be necessary anymore to put court funds into escrow accounts. Rather, those funds will be invested. Also the people who do not fulfil court orders will be dealt

with in the proper manner with an attachment of earnings where the employer may deduct the amount specified in the court order and pay that into the Court Department. These kind of measures, I am sure will improve things generally. We will be discussing that more as we proceed during this session.

The workload has increased greatly in the Court Department. One has to agree that as they become computerised and extend the facility to accommodate the many different functions of the department, it is extremely important and does serve a useful purpose. After all, this is an offshore financial centre and there are many legal matters that I understand are far more numerous than criminal and civil cases that have to go to court. We have to have a very efficient court system.

I noticed too, that in the Portfolio of Internal and External Affairs—yet another promise of the National Team has being fulfilled here—there has been a review of the General Orders. In 1994, both male and female officers in the civil service get equal treatment. Before it was only if the civil servant was a male that his dependants got the benefits they were entitled to. The reverse of it was that if the civil servant was a female then the dependants got no benefits. I am very, very happy to see that this has been corrected.

We pledged to do our best to correct that, and it has been corrected. I am sure the women of our country are very proud of this fact and the female civil servants in particular are very happy about this.

I believe it is time that the General Orders and the Public Service Commission Regulations be reviewed and I am glad to see that this is going to happen. There are some people who feel that they can be productive outside of the civil service and if they can have another job that does not interfere with their performance as a civil servant, then there are many who feel that they should be allowed to have another job. There are many other complaints that come from the civil servants and many feel that they General Orders are too restrictive and they should be allowed more scope.

Some say that they should be allowed more freedom of speech and that is already being dealt with in this meeting. There has to be loyalty on the part of the civil service and there is scope for civil servants to express disagreements within the Service. Perhaps the civil service should stick to following the proper channel at this point in time.

I too look forward to the review of the amendment of the Elections Law, so that the next election will be well conducted and we will not have to wait long for the results and there will be less chance of mistakes being made.

We know that the Royal Cayman Islands Police Force is under a new leader now. We have Mr. Anthony Gray and also the Drug Task Force to be under Detective Chief Superintendent Derek Haines. The police have a mammoth task, Madam Speaker. There are many times they do not get the cooperation from the public that would help them to perform better. The public on the one hand feel that they cannot trust the police enough to give them

the information [they seek]. It is evident that public relations between the police and the public needs to be enhanced and promoted so that the police can in fact be more successful in accomplishing their mission—to help us all in the community. I believe that if this is worked on we will have a more effective force.

Crime has been on the increase, statistics showed that overall there has been a decrease in the number of crimes committed. There has been an increase in domestic violence, and drug offences have increased, but overall the crime rate has decreased. Therefore, the police must be doing something right as they try to do their job.

There is one other thing. Many police informed me that when certain criminals are in prison there is hardly any crime on the streets. There are just a few hardcore criminals in the community, but whenever they are out on parole, we have problems. These people often engage in drug trafficking and drug peddling and sometimes in burglaries in order to maintain their habits. That leads sometimes to assault and violence of all forms. All the things we do not like to see happening in our country. Therefore, I believe that the thing to do is to ensure that these hardcore criminals are dealt with very seriously because they are the ones who are giving the police most of the trouble, they are the ones who are affecting us adversely as a community. So if it just a few of them 20 or 25, whatever the number, it should be easy enough to deal with these hardcore criminals so that we may enjoy a better life here in the Cayman Islands.

There have been many efforts on the part of Government to deal with the crime issue. We have said on many occasions all the things the Government has been involved in doing—the dog programme being reinstated, the launching of the police boat to make sure our coasts are rid off drug traffickers, the increase [of police officers] and many other such things. Government has been extremely active in trying to combat crime in the Islands.

We wish the two new additions to the Police Force good luck as they embark on their new jobs, and hope they will have better results than their predecessors.

I would like to deal now with the Department of Immigration. In my opinion, Madam Speaker, the department has been in a state of turmoil. We have had a change in leadership and it seems that many of the officers there have not settled down under the new leader. From reports that come to me, I guess this will take time before there is good communication between him and his staff. There have been problems referred to quite often by the Chief Immigration Officer himself—the Cubans, the Cubans, the Cubans—that take up so much time and therefore, he has not had the time he would wish to have in dealing with his own department.

The Immigration Department has been going by and large according to old directives. Some of them were given by the old Government. But I am happy to see that we now have new Immigration Directives 1995 that will be sent to the Immigration Board. We trust that they will improve the efficiency and the overall operation of the Immigration Department and its boards. Madam Speaker,

there are a number of things in those new directives that will clear up the current problems we are having.

The Immigration Board will have to report more frequently to the Executive Council. So there will be better communication between Executive Council in what goes on regarding matters of immigration. Therefore, problems that may occur can be arrested before they are prolonged. Also there is one directive here that deals with spouses of Caymanians. I think it is time that something like this was done, and I am very glad to see that in the new directives.

The Spouses Employment Rights Certificate says that the ". . . **Board may issue an employment Rights Certificate to an applicant for a work permit who is married to a person possessing Caymanian status, where the applicant has been ordinarily resident in the Islands for at least the two years immediately preceding the application and the applicant has been married to the person possessing Caymanian status, throughout that two year period and the applicant produces to the Board an affidavit sworn by the spouse possessing Caymanian status which provides evidence of the stability of the marriage and the character of the applicant.**"

Many Caymanians have found it to be very inconvenient to be married to someone from abroad and for that person to be denied a job in the Island and sometime having even to live aboard. I have had a few complaints from my constituents about this and many of them blame the Immigration Board for it, not knowing that there were no real directives to help them. We know that spouses of Caymanians were to have some preference, but this is taking it a step further where they will be given an employment right certificate once those conditions are met. I believe we will have a few of our constituents and people much happier and content once this goes through.

They are also looking at the three-year work permits and some adjustments are being made. I am sure this will be publicised to the public for their information.

Regarding the Health Practitioners, there is a new section in the new directive that deals with Health Practitioners. It was common practice for certain people to be issued with work permits even before they were registered by the Health Practitioners Board. This often led to problems. The Health Practitioners Board has a function to register and to discipline health professionals. It is their duty to decide whether a person qualifies for registration and after that the Immigration Board has the duty to decide whether the person should have a work permit. If the Immigration Board runs ahead and grants the work permit before the person is registered it can cause certain problems. This new directive will certainly correct that.

In addition, it will establish a new parameter here regarding work permits for an employee in a profession. In the future, a person who wants to sponsor someone from the outside has to be in the same profession as the particular being sponsored. There are people, I imagine, who may not understand the reason behind this. But it is quite easy to understand. If, for instance, a building contractor decides to sponsor a doctor to these Islands, the

first thing is, he does not understand very much about the intricacies of medicine. Therefore, it is very difficult for him to control or oversee the person on work permit.

Secondly, he cannot be disciplined by the Health Practitioners Board.

We know that he has liability and it puts the person who is doing the sponsoring in a precarious position, an almost impossible position, because he is responsible for something he knows nothing about and he cannot regulate and ensure quality service to the public.

The new directive regarding Health Practitioners states that: **"The Board shall consult with the Chairman of the Health Practitioners Board before granting a work permit and shall have regard to any communication from the Health Practitioners Board in respect to the requirements in the Islands for health practitioners, and shall inform the chairman of the Health Practitioners Board of the details of every application for a work permit and every grant of a work permit; shall not, except in exceptional circumstances grant a work permit to a health practitioner intending to work self-employed, and shall not grant a work permit to a health practitioner unless the Health Practitioners Board has satisfied the Board that the applicant has applied for and has been granted registration under the Health Practitioners Law, 1994, as a health practitioner."** So that clarifies the new position regarding health practitioners.

There have recently been individuals who feel that there should be some sort of manpower limitation on health practitioners on the Island. In fact, I think one reporter telephoned me at my office and asked for my viewpoint on this. I perhaps talked to him in between cases for about five minutes. I think he represented in the newspaper what I said accurately.

Basically, it is my view that we have to know if we are protecting Caymanians or are we protecting foreigners. There are very few Caymanians doctors in this country. We have to ensure, too, that the public has proper choice and that those who do practice in the country are suitable, and the public finds that result forthcoming.

For instance, one could have a situation where there are apparently sufficient paediatricians, but not one of them is found satisfactory to the public. Therefore, it would be wrong in my opinion not to allow another good paediatrician to come into the country. The public has the right, in my opinion, to have access to good, highly qualified professionals, people whom they can get results from.

I feel that this problem can be dealt with through the Immigration Board. What has to happen, in my opinion, is that whoever is sponsoring an individual, namely the employer, should be the one who decides whether the employee has the right to move on by releasing his work permit so he may move to another establishment or whether he can recommend that he should be self-employed. I think in very few instances we should go the way of encouraging expatriate doctors to set up independent practices.

The reasons are very clear in my own mind. These

doctors are often moving through and there is no continuity. I know of instances where some of the [practitioners] have been taken to court and they leave the country and it is very hard to get in touch with them. More importantly, if a patient needs his records he cannot get them because the doctor has moved on.

I feel that it can be easily dealt with by ensuring that the person can only move on with the expressed written consent of the employer. If that individual wants to move on of his own free will, then I believe the place for him is outside the country. He should move on to another country. I think that once this is adhered to the situation will rectify itself.

I hope I have been clear enough to the listening public and to all Members here. I feel that not in medicine alone, but in all other professions people who are employed by Caymanians should not be allowed to just jump ship and go and work in other establishments. Sometimes it is the competitor that they join, and if that person is not satisfied with his contract, the thing for him to do is to leave Grand Cayman. Leave the Cayman Islands. The individual came here being employed by a certain employer and that is the person he should remain with until termination of his contract.

Unless of course, there is some exceptional reason. For instance, if the person has been unduly victimised or abused in any way, or if the Executive Council has an overriding reason whereby the person should be allowed to remain in the country.

I think that the new Immigration directives are very explicit and will put many of the problems that we have been experiencing here to rest. I would like to see them adopted as soon as possible.

I would like to congratulate the Government in all the work they have been doing. Recently constituents have said to me, *'We have never made it so good. We have money, we can afford things that they could not afford back in 1991, 1992. But Dr. T, there seems to be something that is not quite right. It is hard for me to put my finger on it.'*

I probe them a little and they say, *'You know what it is, a lot is happening but we do not know what is happening.'* This is the feedback that I get from some constituents. I quickly tell them that one of the reasons for this is that the Members of Government have just now been able to take a breath, because there had been so much work to be done and they have been so busy that it is now we can begin to really have public meetings the way we wished. We have now started our round of public meetings and tonight, I think, one is in Bodden Town. We will be at the Town Hall, and tomorrow night will be George Town's night and it will be on the Courthouse steps.

It is our intention to keep the public informed. Involve the public. I think this is really perhaps where we have fallen down a bit. It is good to admit things, I think, that the public wants to hear more about what Government is doing and become involved. Once we do that, I believe we can depend on the good common sense in Cayman that will prevail and the Government will have no problem

in being re-elected.

I would like to congratulate Radio Cayman, Madam Speaker, on most aspects of its work. I think they do a very good job. They have programmes with a Caymanian flavour. I have found "Open Line" most interesting on occasions. There are many other programmes that serve our purposes here in Cayman. I think congratulations are due.

I wondered how the Government Information Services was integrating with broadcasting and how it was working out. It seems from all that we can see, the amalgamation is going fine, and I certainly hope that it continues.

Turning to District Administration and Little Cayman and Cayman Brac. I have visited Little Cayman and Cayman Brac only recently, and found that those Islands have an excellent infrastructure, particularly Cayman Brac. Government has made sure that there is a good road system there and in some ways a better hospital than what we have in Grand Cayman. There is an international airport, an excellent postal service, water supply, all the infrastructure is in place on the Sister Islands. There is excellent telecommunications and I believe with promotions like what has just occurred with the group going to Hong Kong, London, and New York (and if the Islands are promoted generally) we will see more industry established in the Sister Islands.

I am very glad to hear that Capt. Mabry was a part of the team, because I am sure he took every opportunity to let all the delegates know about the Sister Islands.

The infrastructure, by and large, is in place and it is just a matter of time before those two Islands enjoy some of the prosperity that we have here in Grand Cayman.

I was surprised to see that things were so expensive in Cayman Brac and Little Cayman. I think gasoline cost almost \$2.45 per gallon. I could not really understand why the Governor thought that doing business there would be less expensive than in Grand Cayman. Perhaps someone could explain that to me.

The offshore financial industry is almost non-existent in the Brac. Of course, this is well and alive here in Grand Cayman. Some people complained to me that their businesses were doing very poorly on the eastern side of Cayman Brac. They seemed to think that all the activity was on the western end of the Island.

I also took the opportunity to visit the hospital and in my opinion the facility is quite capable of serving a population of at least 10,000 to 12,000 people. It is indeed one of the nicest facilities that I have seen in an Island of that size anywhere in the world. Yes, there are a few things that need to be done, like shelters for the ambulance and few minor improvements in the old part of the building to accommodate the laboratory properly.

I do not believe that we need to think of any major capital expenditure for the Cayman Brac Hospital. It is indeed a very nice facility and I am happy that the people of the Sister Islands can enjoy such facility. However, it is a little disheartening to see such a layout and yet only two or three people in the hospital.

The other point that I would like to make here is that

in spite of such expenditure, the capability of the hospital has not changed very much. This I find quite disappointing. Here again, we see where we have an example of a beautiful building that can do very little more for its inhabitants. Therefore most of the individuals needing more advanced medical care have to come over to Grand Cayman or go on to the United States and that is because of poor planning.

I would like to join others in saying that we have overall an efficient civil service and the service does provide the infrastructure that we need in this very buoyant economy. Of course, there are improvements that need to be made. And I hope that the Chief Secretary and those involved in the Personnel Department and the Governor will see to it that there is constant upgrading of the service—more seminars organised to improve their efficiency so that we can remain competitive in the international scene.

I might have said this before, but recently quite a number of civil servants have told me that they would like to engage in jobs outside the civil service. For instance, some would like to get night jobs. I had to ask them if they are not tired enough during the day why they want night jobs. Evidently, their salaries are quite good. But when the General Orders are being reviewed perhaps their request can be taken into consideration.

I believe that the Governor abridged the Report here on the Legislative Assembly and I noticed that he mentioned the Select Committees that have been formed and what they have been doing, etcetera. But nothing about the other activities in the Assembly. I daresay that the Legislative Assembly has been very busy in 1994 in that there were so many Bills introduced by the Government and passed, and Private Members' Motions brought. I believe it would be too time consuming to refer to them all. Many of these we see evidence that they have been implemented and making the system better.

I asked the Clerk for a list of some of these [Bills] and there are one or two that I feel I should highlight, because it will show the public just how much the Legislative Assembly has been doing. We know that there was the Companies (Amendment) Bill, 1994, where fees were reduced, and we know the effect that has had in the financial industry; there was an amendment to the Immigration Law, to try and increase the efficiency of that department; the amendments to the Tourism Law went through, and that should certainly make a positive impact on what is going on in the tourism industry; the Powers of Attorney Law, the Partnership Law, and other related laws were all amendments to make sure that business could be conducted more efficiently in the Islands. The Mental Health Law, the Strata Titles Registration Law, there were so many things.

Then there were the Private Members' Motions. It was a very busy year for the Legislative Assembly indeed. We had a Private Member's Motion, [asking for an inspection of Northward Prison] and at least 15 to 16 other Motions were passed [or rejected] in the Legislative Assembly. So the Legislative Assembly had a very busy time and it has had a good effect overall, in my opinion.

I do not believe that there are many jurisdictions of our size that can boast of the novelty and the prestige of having a Law School. Here it is very befitting to pay tribute to the Honourable Truman Bodden, the First Elected Member for George Town, the Minister for Education and Aviation. I believe he was instrumental in helping to set up the Law School and get it going.

I noticed that the honourable Judge Tumin was the guest of honour at the recent graduation of the Law School students, he is Her Majesty's Chief Inspector of Prisons, and a judge. It just crossed my mind that maybe Judge Harre might be given such a job as Inspector of Prisons. Perhaps someone may give some thought to that.

Someone spoke during their debate on the Throne Speech that Caymanians should not be retiring too early from the civil service and wondered why certain expatriates in our community were allowed to work to such ripe ages. Perhaps there is room for a rethink of what is going on here in these matters.

The Legislative Drafting, the Legal Department. I too feel that, like teenage pregnancies, it is quite likely we will have white-collar crime here in our jurisdiction. Therefore, this idea to recruit an attorney with special experience in such fields is certainly going to be of some help to the Legal Department and the Island as whole. It is true that the Legal Department has been busy, there is no question about that. So many Bills have been drafted. But it is my opinion after speaking to so many Ministers that the Legal Department does need more help to prevent work being kept on desks in the Department.

I believe that the Governor did mention that another Legal Draftsman would be employed. If that is the answer to the problem, I will back it to the hilt.

Everyone know that last year I complained, not that I want to complain, but quite a number of Ministers did point out to me that various things were taking too long and it was because of delays in the Legal Department. So I am happy to hear that we will be getting another Legal Draftsman and that the country's business will not be held up in anyway.

I noticed too, that these students who graduated from the Law School, most of them had only second class degrees. While I would like to congratulate them, I do hope that soon we will see some first class degrees.

Many people are easy to forget, Madam Speaker, but these Islands are extremely fortunate. We boast of our own national airline, two international airports, our standard of living—second to none. There are so many things. And because of the Law School this comes to mind. We have an International College of the Cayman Islands capable of degree courses, a well-established Community College and even, a UWIDITE Programme. There are so many opportunities for advancements here when we consider the size of our Islands. We are indeed a very fortunate little country.

The Portfolio of Finance and Development. I have had the greatest esteem for the Third Official Member of Government, the Honourable Financial Secretary. He has a profound interest to keep abreast of developments in

the international financial market. I believe that is so essential if we are going to remain competitive. I noticed the amount of journals he subscribes to and the information that he has at his fingertips. I am really, very happy about the work he is doing.

He has also given the private sector the opportunity to give their input and the joint Public Sector Consultative Committee has yielded excellent results. This is a classic example in my opinion, of cooperation between the private sector and Government of how it can yield results.

I believe the Honourable Third Official Member told us in his debate that there were plans to host the conferences in London, Hong Kong, and New York, that would take place early this year. In his effort in trying to promote the Cayman Islands as a financial centre of high repute—the best in the world—he has come under quite a bit of criticism. I think it is quite unfair. The people who can see no further than their noses will make such comments that the estimated \$330,000—it was not even \$330,000 as I had to point out to some of my constituents. It was only approximately \$250,000. How many times, over, and over, is this country going to make that money back?

I believe for us to sit down on our laurels and feel that we do not have to promote the Cayman Islands, is the worst thing we can do. Everyone out there seems to want to establish some sort of financial centre. Every day there is news that one island in the Pacific is thinking about it, another one here and another one there. All these islands compete in the market and we have to present our case and present it well. I believe that the Honourable Financial Secretary and the other delegates who went along, have done just that. This is one time I had to tell my constituents whom were quick to criticise how wrong they were.

The Customs Department I believe is the main contributor to the revenue of this country. I believe that its annual budget is relatively minuscule. They collected something like \$61.6 million in 1994. When you think of the operating costs it is hardly anything. Sometimes I wish the Health Services could be like that. Unfortunately, we cannot enjoy those kinds of figures.

I believe if the Customs Department takes the suggestions outlined here in the Throne Speech, it will do even better, in particular the one on more inspections of containers. I believe there was such an increase in the collection of customs [duty] last year, most of it came from moneys that would have otherwise not been paid into Government. We know that there are these unscrupulous individuals who try their endeavour best to try and defraud Government, perhaps there are a few but we know from the Public Accounts Committee that individuals were proven to defraud Government of customs duty. I believe that some of these matters are still being addressed.

I believe that the Customs Officers in the department need to inspect more containers. It is amazing what will come to light. I believe they have a targeted figure of about 20% of the containers and now they are inspecting about 6% or 8%. They need to step up that activity and we will get more money that is due to us.

There is the Commercial Fraud Unit that is being developed and cooperation between the Drug Squad and the Customs Department, all of these things have got to be good for the department. I believe that the department will have the full support of the Government in improving their department. After all it is the main contributor to the revenue of the country.

The Speaker: Would this be a convenient time to take the suspension?

Dr. Stephenson A. Tomlinson: Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.39 PM

PROCEEDINGS RESUMED AT 4.00 PM

The Speaker: Please be seated.

Dr. Stephenson A. Tomlinson: Madam Speaker, thank you.

Madam Speaker, our most important and vital resource, I believe, is our people—our human resources. In that regard I remember being told that human beings are KASH; where "K" is for knowledge, "A" is for attitude, "S" is for skill, and "H" is for habit. I believe that what we need to do throughout the civil service is to capitalise on those things. As the Governor pointed, much is planned to enhance the civil service and we look forward that not only will we have a good civil service, but we will have an excellent one.

Madam Speaker, many speakers before me debated the Chamber of Commerce survey. I have read it and I thought I would give the Chamber a call—actually I found it amusing—I called and the person who answered said: "Well don't you know why McKeeva got a low mark? It is because he talks too much, and you got a low mark because you do not talk enough." I have a feeling that maybe I should try and correct that.

Madam Speaker, this Government's policy has been to utilise members of the public. I mentioned the joint Private Sector Consultative Committee. We can also think of what is going on in the Ministry for Education. In the Ministry for Health, Drug Abuse Prevention and Rehabilitation, the strategic planning involving so many persons from the community. You must get more valuable answers from many people rather than from the Minister himself, even the people working in his Ministry (such as was happening in the last regime).

Coming up with what should be done with the Health Services and the strategic planning is yielding excellent results. Some of us who may be a bit hasty may feel that it is time consuming. But we do not have to be in a hurry to get everything we want. What is important is that when we get it, it will last us for many years and it will be what we really need.

Now, if the people who answered the Chamber of

Commerce [Questionnaire] felt the way they did, then it is my wholehearted opinion that they must be dissatisfied with themselves because the Government has been involving—and it has been the policy of the Government to involve people in the community. I understand that there were about 1.5% of the voting public responded to the Chamber's survey. Now that is a very small percentage and I do not believe that it is significant. Also, one individual, I understand, responded 20 times. So that would have certainly skewed their results also. I wonder why the Chamber did not put serial numbers on their questionnaires? But you would have expected from an organisation like the Chamber. Perhaps they did not think that was important.

I believe, like the Third Elected Member for Bodden Town, that with as many people in their organisation they do not have a urinal to void in and the window to throw it out. That is their problem. They have to get involved in other peoples' business to satisfy their own egos. It is amazing that all of a sudden this is happening and we know who has joined the Chamber of Commerce recently. I believe that explains it all.

I have been concerned to some extent about the Pensions Board. I was reading here what the Governor had to say about the Board. I believe that the civil service started contributing to the Pension Fund in January 1990 until about December 1990. Civil servants were contributing 4% of their salary to the Fund. The Government decided to match it early in 1991 and it continued until the end of that year. The Pensions Board was formed and the Government transferred over \$3.0 million to the fund in April of 1992.

Rightly so, the Board eventually wanted some kind of actuarial study done in order to find out the capability of the Fund, whether it would be able to meet its obligations in the future and when it could start to pay off people eligible for pension. We know the result of the actuarial study because it was tabled in this House.

The results of that study, done by Wyatt, showed that at the rate of contribution the Fund would not be able to begin making payments in the foreseeable future. Therefore, pensions would have to come out of the general revenue. It said that if it started to pay to those eligible for pension as of now, then the Fund would be exhausted in the 2004. That is not taking into account pay projections. But if it started to pay in the year 2010, the Fund would be exhausted in the year 2020. To me that is a precarious position, Madam Speaker.

What is even more significant is that the study showed that civil servants would have to pay 25% of their salaries if the Fund was going to be able to meet its obligations. To me that is very significant. It looks like a long time before we will be able to pay pensions and not pay it out of general revenue, unless something happens.

I looked at the review and I noticed the kinds of pensions civil servants would be getting. I refer to the Report. It says that if you make a monthly salary of \$1,500.00 then your monthly pension would only be about \$400.00. If you made \$3,000.00 it would only be about \$500.00 per month. If you made \$5,000.00 per month you would get a

\$800 per month pension.

We know that these sums cannot really keep anyone, not now and certainly not in the future. Of course, pension as most of us know usually only subsidises one's cost of living. I personally believe that this amount is very small. I know the Board is a good one and they are very concerned themselves about the Pensions Fund because they are thinking of ways in which they can invest the fund to make money for its contributors. But more thought needs to go into this matter.

I have become very interested in it because I understand from the Honourable Minister responsible that he is strongly considering a national pension scheme. To me it is very needed, it is very necessary. But it is quite a plunge and it is going to take a lot to get it together. So a lot of thought has to go into it for it to work. We know that only Caymanians are eligible for pension, but the work force in Grand Cayman is certainly not 100% Caymanians. Therefore, quite a number of people do not contribute to pension. It is one thing to think about pension for the civil service, but for the whole country is another matter.

We also know that the United States is grappling with this problem at the moment. They have the problem of the baby-boomers retiring now and the baby-busters are coming along, and because they cannot really support the boomers because there is just not enough money in the coffers, so it is giving them quite a headache at the moment. Perhaps we should learn from them so that our system is better and so we do not have their problems come 2020.

I will go on to Tourism, Madam Speaker. I personally would like to take this opportunity to congratulate the Minister for Tourism, Environment and Planning. The Minister is known to be a hard worker. He is an educated man and he has certainly done so much for tourism over the last two years that anyone who wants to be honest can say that the results are there and they speak for themselves. To me in some ways, he is like the stone the builder rejected that has now become the chief corner stone.

I have a great deal of respect for him. I cannot forget the year 1990 and what happened to him then. I have a great deal of confidence in him and I support his initiatives. I support what is happening in tourism, the massive external promotions.

Recently I was in Washington, D.C. and even there hundreds of miles away the concept of many people of Cayman being a number one destination; if you are going South of Miami, let it be Cayman. This is so different from some years ago when people were very wary of Cayman.

Efforts and incentives to equip and involve Caymanians in tourism, and the cooperation between the public and private sectors is highly commendable. He has also made tremendous attempts to improve the local product and even attempted to diversify the local product. I remember the presentation regarding Pedro Castle, we know about the Queen Elizabeth Park, that he supports and has been involved with it. Then he has a great interest in protecting the marine environment so that divers

will still come to our shores and enjoy that activity.

I believe that despite what someone said about us having more expensive hotel accommodations, generally, it is prudent for us to watch the cost of accommodation to spend a holiday in Grand Cayman. I do not believe that just to have expensive rooms and expensive everything is the way we should go. I think there needs to be some moderation there. Of course it is important to have five-star hotels so in the event an individual wants to be accommodated there they have the choice. But we should certainly consider those people who want to come to our shores but cannot afford such facilities.

I also noticed efforts being made at the National Archives and the Museum, although that does not come directly under his Ministry. But it is the working together of all the Ministries that really matters in getting the job done. I believe that the Museum will be moving shortly to new premises. The Third Elected Member for George Town is very active on the Museum Board and does have a great interest there.

All the places of historic interest, I think what we should do is promote them as much as possible. The Minister has been making every effort to do this. When the results speak for themselves, I do not think one has to question that the method must be right.

The Planning Department has come under heavy criticism recently because of the Development Plan. But I daresay that it is better for us to have some sort of development plan and we have to update it and upgrade it, because to go on as we are it is going to retard us significantly. Perhaps what we need to do is get something in place that most of the people agree with. We will never please the environmentalists, yet we should take some of their suggestions into consideration. It is timely now to have an upgrade of the Development Plan.

I understand that the Cayman Turtle Farm has been financially successful again. They have also joined in the Pension Scheme. So workers there will be able to enjoy the benefits of a pension, likewise the Community College, and the Water Authority.

The Fire Services. This is a good service. They are usually very prompt and the 9-1-1 System will enhance the entire emergency system. It has the support of the entire Government and the public. To be able to trace where the call is coming from, even if the person fainted, etcetera [before giving all the information] such a service always save lives and it is worth every bit of the investment.

The Ministry of Health was taken over early in 1994, by the Honourable Anthony Eden. He has had a great job to perform, and in my opinion, he has done it ably. He always takes the way of consultation, he believes in strategic planning because he has seen already that it is yielding results and he knows when not to wait. I have been quite impressed by the work that he has done, assisted by his staff. And despite the usual criticism, mainly because of delays, I believe that we should all be very proud to walk into a well-run hospital as part of an excellent health service where lots of thoughts went into its planning.

I support the idea of having district clinics. It is better to bring Mohammed to the mountain, than the mountain to Mohammed. I believe it is important to have the district clinics where people have easy and quick access to them where it will prevent the overcrowding that sometimes occurs at the central facility in George Town. What we will see is that some of the primary care will be given in the district clinics that otherwise comes to the George Town Hospital. I believe that with the upgrade of some of the clinics even secondary care can be given.

The facility being built in Bodden Town could easily treat an asthmatic for instance, with a drip with the presence of a doctor, and perhaps the asthma attack can be overcome and the individual need not go the George Town Hospital for further care, and could be sent home.

In medicine the way forward now is ambulatory care. We do not believe in hospitalisation the way our predecessors did. If a case can be treated on an outpatient basis, it is the best way to go. It is most economical, the person is less exposed to infection, and there are myriad of reasons why it is more desirable to treat a person on an outpatient basis.

There are plans as outlined here to have the district clinic in West Bay upgraded. That will be larger I am sure than the Bodden Town one with more capability. I believe plans are afoot to get one in East End, and also North Side.

A Government that takes the interest of its people at heart [to provide services such as this] I think the public need not worry about such a government.

Much has been said about the hospital in the past regarding its inadequacies. But I would like to state categorically that the inadequacies at the hospital have more to do with the physical structure. Those cases that are usually treated are quite often treated better than abroad. At least we do not have the wrong leg being taking off, the wrong breast being taken off, and all kinds of mistakes being made because people do get personalised attention and there are a caring set of people overall. There are some bad apples, and if I was in charge, I would get rid off them right away and the problem would be easily solved. Overall, we have an excellent health service for the size of the Island.

Caymanians are exposed to North America very early in our lives. We tend to compare everything with North America. Yes, the facility is inadequate. But a lot of excellent work has been done there and it has saved many lives. Now that we have the Honourable Minister for Health in charge, I feel confident that we will get all the changes we need there.

I have assisted the Minister on a number of efforts. We have an extremely good relationship and he never fails to call me whenever he wants to. I know for sure that the public does prefer a health service that I have something to do with more than the previous Minister for Health. Surely, we must end up with a much better facility even if I touch it with one of my fingers.

I have heard the mission statement of the new Health Services, the one the Honourable Minister is going to enact, the one that will come on line with the help

of all of us here in the Government and those people in the community who mean us well. **"The mission of the Cayman Islands Health Services, the exemplary provider of comprehensive health care to the economic jewel of the Caribbean is to ensure the wellness of our people through a dynamic community base health system characterised by visionary leadership, compassionate professionals, technologically advance central support, and collaboration with local and overseas providers."** That is exactly what we hope to attain, and what we will attain because that is what we need.

One thing that I would like to point out here is that we can have the best facility in the world, but unless we have compassionate professionals who really care for their patients it will be no better. I am glad that we have many of them in our health service and as we all work together, we will get the health service that we deserve.

I think in the interest of time, I shall not repeat anything the Minister has said. He outlined plans for the new hospital on the present site. It will be a two storey building for the most part it will be new and it will be...I can almost see it, one of the most advanced hospitals in this part of the Western Hemisphere. That is the way I see it, Madam Speaker. It is going to be a facility that we are all going to be extremely proud of.

We will continue to need to send some of our patients abroad for tertiary care; advance life support. We will have to send less of our patients abroad for diagnoses of various complicated illnesses.

The hospital will mean that the overseas medical bill proportionally should be less. One of the things we set out to achieve is that we get a hospital with greater capability than the one we now have. Not to do that would defeat the purpose. What we will have is a hospital that will make it unnecessary for many people to go abroad, because there will be more equipment there to diagnose complicated problems and many times that is why some of our people have to go abroad, because we need to diagnose their problems in order to treat them. Those facilities, by and large, will be provided and as a result much of the care will be given here that would otherwise be given abroad.

Government has been greatly concerned about the overseas tertiary [health care] bill and it is important to say that the previous health insurance plan did not cover overseas medical care in anyway. I believe it is the intention of this Government to come up with a national health insurance plan that will in fact cover some, if not all, some of the costs of overseas medical care. That is what we are striving for and the Honourable Minister, I am sure, will be reporting to the public and to the House the progress that he is making.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member it is now 4.30 PM. Would you be finished shortly, or—

Dr. Stephenson A. Tomlinson: No, Madam Speaker. I

have quite a bit more to say.

The Speaker: May I ask for the motion for the adjournment? The Honourable Minister to 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 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 4.32 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM THURSDAY, 23 MARCH 1995.**

**THURSDAY
23 MARCH, 1995
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, forever 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.

Questions to Honourable Members and Ministers. Question 67 stands in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 67

No. 67: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation what is the present staff complement of doctors and nurses at the George Town and Faith Hospitals, full time and part time.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The following information is provided as at 17 February 1995. The part-time doctors and nurses are generally utilised to cover vacancies, sick,

maternity, and vacation leave. In addition, part-time nursing staff are used to cover times when there is a high patient load, and part-time doctors are used to assist with on-call duties.

Doctors: George Town Hospital: Full-time 23 (includes 2 Dental Officers, 1 Medical Officer of Health and 1 District Medical Officer); Part-time 7; Visiting Specialists 2; (includes monthly visit of 1 Specialist from Baptist Hospital). **Faith Hospital:** Full-time 2; Part-time 1.

Nurses: The present nursing complement is as follows: **George Town Hospital:** Full-time 93 (includes 8 Supervisors); Part-time 14 (includes 1 at Tent City). **Faith Hospital:** Full-time 11 (includes 1 Supervisor); Part-time 3. **Community Health Nurses—Grand Cayman:** Full-time 17 (includes 1 Supervisor). **Community Health Nurses—Cayman Brac:** Full-time 1.

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 if the part-time doctors and nurses are under any particular contractual agreement with Government? What are the terms and conditions of their service?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I will undertake to supply the answer in writing to the Honourable Member, as the Director for the Health Services was unavailable this morning. I think he is off the Island.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Minister could tell us of the 23 full-time doctors at the George Town Hospital how many are assigned on schedule, let us say from five o'clock AM until five o'clock the next morning so that there is 24-hour service available?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, to the best of my knowledge there is one doctor there at all times in the case of emergency. If it is deemed that more doctors are needed, he has the authority to call in other health assistance, which has happened on a number of occasions.

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

Mr. Gilbert A. McLean: As a follow-up to the last supplementary, are those full-time and part-time doctors deployed in a manner where there is full coverage both for the hospital casualty and otherwise?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, they are supposed to be deployed. As I have said, depending on the necessity in the night when it becomes busier—especially when there has been an accident. The person on duty calls for assistance if it is needed.

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

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

Is there in place communication systems or facilities where doctors can be reached easily in the case of emergencies such as the one the Honourable Minister referred to?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Yes, all the doctors have beepers and can be contacted through this method.

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 Health, Drug Abuse Prevention and Rehabilitation how many full-time and part-time doctors practise in the Cayman Islands, showing a breakdown by nationality, private and public sector.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: In the private sector there are resident and visiting doctors. It is not a requirement for the doctors to advise the Government about the hours of their practice. The hours of their work probably depends upon the workload, hence it is difficult to say how many resident doctors are practising full-time or part-time. Eight of the private doctors do provide part-time cover in the public sector from time to time.

1. Public sector doctors

- (a) Resident (full-time)

Nationality	Number
Caymanian (including status)	2
Indian	6
Canadian	1
British	5
Jamaican	4
Sri Lankan	1
Nigerian	1
Trinidadian	1
Total:	21
Vacant Posts: 2	
Total	23

(b) Resident (full-time) Indian 1

(c) Visiting: Jamaican 2

2. Private sector doctors:

- (a) Resident (full-time)

Caymanian	8
Indian	2
Canadian	1
Guyanese	1
Dominican	1
British	4
Jamaican	3
American	2
Grenadian	1
Malaysian	1
Total	24

- (b) Visiting *

American	10
Canadian	6
Jamaican	1
Guyanese	1
Total	18
Non Practising:	5

*There are a total of 23 visiting doctors who are fully registered with the Health Practitioners' Board. Five of them have not yet practised in the Cayman Islands.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Would the Honourable Minister say if the doctors here are under any form of governmental regulation in terms of their practice (other than what might be initially applied) under the Health Practitioners Law when they are registered, approved or licensed?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, there is no other regulation by the Health Practitioners' Board.

This is one reason why I mentioned in the House, I

think yesterday, that we plan to look at the revision of the Health Practitioners Law toward this end.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say under what conditions do the visiting doctors work?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, they are required to be registered first with the Health Practitioners' Board and then apply for a work permit.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Am I to understand that they have to be associated to doctors resident practising in the Cayman Islands? Or does the registration with the Medical Association allow them to come in and work independent of doctors practising in the Islands?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, it is not required, but it is suggested that it be done.

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

Mr. Gilbert A. McLean: There had been a call to limit the number of doctors in the Cayman Islands in recent times. I wonder if the Honourable Minister could say if in the records of the Medical Practitioners' Board or the Ministry, there is any indication of the various specialisation among doctors on the list (which is quite large I would say)?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker. This has been put together by the CIMDS (Cayman Islands Medical and Dental Society) and also by the Health Practitioners' Board of people practising here.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I noticed that there are two vacant posts. If those two vacant posts are in OB/Gynaecology, I wonder if the Honourable Minister could give an undertaking to consider a lady doctor for such a post and, if a vacancy becomes available in OB/Gynaecology, that a lady be

given first priority. A lot of constituents complained about this. They would like to have a lady gynaecologist at the Hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the appointment of these people is guided by the advice from the Health Services. The two vacancies are: one for the Chief of Medical Staff (soon to be named Chief Medical Officer), which we hope to fill by July of this year, and the other vacancy is for a Casualty Officer.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, I too noticed that there are two vacant posts. Bearing in mind there are 52 beds at the George Town Hospital and 8 beds at the extended Care Unit, I would like to ask the Honourable Minister if there are any plans in place to reduce the number of doctors considering the workload, which seems to be quite significant for the amount of doctors when we consider the number of patients who attend the outpatient unit, the inpatient unit and who service district clinics.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, as we go into the hospital situation through strategic planning from the inspection that was done and as results keep coming in, we will act according to what is needed by the medical professionals.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, I would like to also ask the Honourable Minister if there is a mechanism in place to ensure that patients of visiting specialists get the necessary follow-up care when the specialists leave the Island. Most of these visiting specialists stay for no longer than about four or five days.

The Speaker: That is not part of the original question, therefore, it cannot be allowed at this time.

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 Health, Drug Abuse Prevention and Rehabilitation what is the estimated cost of demolishing the present Mosquito Research and Control Unit Building, removing the debris and preparing the ground

for the site of the proposed George Town Hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. The estimated cost of demolishing the present Mosquito Research and Control Unit (MRCU) building, moving the debris, and preparing the ground for the site of the new hospital is \$25,000.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Minister say from what source the estimate for this work came?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, this came from the Master Planning Study done last year by the consultants.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, can the Honourable Minister say how the cost of \$25,000 for preparing this site—which the Government already owns—compares with the purchase of a similar amount of land in the same area?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, as a lay person, I think it would be almost minuscule if we had to buy this amount of land in the proximity of George Town.

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 this particular demolition is estimated to take place?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, as soon as the MRCU moves into its new premises on North Sound Way, which is scheduled to take place shortly.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Honourable Minister could ex-

plain how much it cost to prepare the site for the proposed Dr. Hortor Memorial Hospital. Would the Minister have those figures so that we may compare them to the new hospital on the existing site?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I do not have those figures on hand. But I know the fill alone was \$1.2 million or \$1.3 million. I could undertake to supply the answer later on.

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

Mr. Gilbert A. McLean: Could the Honourable Minister give any idea of the difference in square footage between the Dr. Hortor Memorial Hospital and that of the MRCU site?

The Speaker: I do not know if the Honourable Minister would have that information available.

Hon. Anthony S. Eden: No, Madam Speaker, but I could check and have it passed on to the Honourable Member.

The Speaker: Thank you.

The next question is No. 70, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 70

Deferred

No. 70: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to provide the numbers, by district, of those persons who received help through the Social Services Department to effect home repairs.

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

Hon. W. McKeever Bush: Madam Speaker, I am going to ask the House to defer question No. 70. The answer is not yet finalised.

The Speaker: The question is that the reply to question No. 70 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. The answering of question No. 70 is accordingly deferred.

AGREED: QUESTION NO. 70 DEFERRED.

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 Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the projected cost to the Government of hosting the CARIFTA Games.

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

Hon. W. McKeeva Bush: Madam Speaker, the projected cost to Government to host the CARIFTA Games will be as follows:

Grant to CIAAA	CI\$20,000.00
Equipment	CI\$51,302.63
Total:	CI\$71,302.63

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. For clarification, can the Honourable Minister state or define what is meant by "equipment"?

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

Hon. W. McKeeva Bush: Madam Speaker, equipment is the equipment the athletes would be using during the games—long jump boards and hurdles, etcetera.

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 Minister responsible for Community Development, Sports, Youth Affairs and Culture to provide the list of sports stores invited to tender for the supply of equipment for the CARIFTA Games.

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

Hon. W. McKeeva Bush: Thank you, Madam Speaker. The list of sports stores invited to tender for the supply of equipment for the CARIFTA Games is as follows:

1. Sports Headquarters, Grand Cayman, Cayman Islands.
2. UCS, Orangeburg, New York, United States of America.
3. Sportsland Limited, Grand Cayman, Cayman

Islands.

4. Aluminium Athletic Equipment, West Conshohocken, Pennsylvania, United States of America.

5. M-F Athletic Company, Cranston, Rhode Island, United States of America.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister state which of the company was the successful bidder?

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

Hon. W. McKeeva Bush: Madam Speaker, I am told that the one selected is the second company in the answer—UCS, Orangeburg, New York, United States of America.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say if the extent of the total money spent was the figure given under equipment in the answer to the previous question? Or were there additional moneys expended?

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

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, I am told that it was a little bit higher, because the amount did not only pertain to equipment but also to the facility—the George Town Sports Centre.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. May I request that the Honourable Minister provide the figures when they are available to the honourable House?

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

Hon. W. McKeeva Bush: Which figure is he talking about, Madam Speaker?

I will give the House some other supplementary information. Due to the urgency noted by the Cayman Islands Amateur Athletic Association for the track and field event equipment, invitations to tenders were disbursed on February 1, 1995, for bids to return on February 6, 1995.

A local company voiced dissatisfaction about the short period of time given for the return of tenders. So, on

7 February, the Public Works Department extended the return of bids to February 16, 1995 on the authorisation of the accounting officers and the permanent secretary in the ministry.

When the bids were returned, two companies were short listed—one local and one overseas. Sportlands Limited bid US\$73,437.60—7.5% higher. This tender was requested to quote alternatives to five items, which the CARIFTA Organising Committee had found due.

UCS bid US\$68,347.62. Sportlands Limited submitted a revised tender with the alternatives quoting identical equipment for those quoted by the lowest tender but at an increased price of US\$90,878.79 or CI\$74,520.61. This represented an increase of 23.74% above their previous tender, and is 33% or US\$22,531.17 above the lowest tender.

Please note, that all tenders quoted included freight and duty charges.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if the successful bidder has an agent or representative in these Islands? And what arrangements are in place to cover warranty on any equipment purchased?

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

Hon. W. McKeeva Bush: Madam Speaker, I understand that there are no local suppliers representing UCS. When the tenders were prepared by the Public Works Department and sent out, they were sent to people whom they have dealings with.

As for warranty, that would exist like all the other equipment that the Public Works Department purchases overseas.

The Speaker: That concludes Question Time for today. Statement by the Honourable Third Official Member.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

REPORT ON THE CAYMAN ISLANDS OVERSEAS CONFERENCES

Hon. George A. McCarthy: Madam Speaker, this statement is in connection with the recent overseas conferences hosted by the Government.

Emanating from discussions of the Private Sector Consultative Committee, it was deemed prudent for the Cayman Islands Government to simultaneously strengthen and rationalise all ad hoc promotional efforts for the financial industry of the Cayman Islands. Several initiatives were undertaken to this end. The first of these was the creation of a post within the Portfolio of Finance

and Development responsible for the co-ordination of all related marketing and promotional activities. Since then, efforts have been made by the Portfolio of Finance and Development to fine-tune and focus advertising expenditure.

From the appointment of the Co-ordinator of Marketing and Promotions in August 1994, to the end of January 1995—six short months of effort—several significant achievements have resulted. These include the production of a 32-page supplement circulated in *Business Age*—Asian, American and European editions. Additionally, the Cayman Islands now has time-phased placement of approximately 40 adverts (with complementing editorials in most instances) in selected industry publications. Also important, proper emphasis has been placed on providing a timely response to all resulting inquiries.

To adequately respond to international inquiries, one publication providing comprehensive coverage of all facets of the financial industry was commissioned and co-ordinated by the Portfolio of Finance and Development. This publication, entitled *The Guide to Financial Services in the Cayman Islands* became available in January of this year. Madam Speaker, the reception to the guide has been very positive and we may have to go back to press for reprints before the end of this year. It is available to all Members of this honourable House, and I encourage each and every one to review it. I am sure everyone will share the same pride in this publication that I have.

Madam Speaker, the most significant of all promotional activities undertaken were three one-day conferences recently completed in New York, London and Hong Kong. The launch of the *Guide to Financial Services* corresponded well with the staging of these three conferences. The *Guide* was accordingly presented to every conference delegate and is certain to be an excellent reference source.

The total attendance at the conferences exceeded our expectations of 240 to 300 delegates, reaching a figure of over 500. The exercise is sure to bear fruit in the months to come and the value of the information exchanged there will come in many forms.

Although there were some differences between the conferences both in terms of the presentations and also in terms of the numbers, they were all deemed extremely successful. The London venue proved to attract the greatest number, but the Hong Kong venue generated more inquiries, indicating a greater information void on the Cayman Islands in that region.

These conferences strongly showcased two of the cornerstones of the financial industry in the Cayman Islands—the availability of a large pool of highly experienced professionals, and the harmonious, high-calibre working relationship between the Cayman Islands Government and the local financial industry.

A special feature of these conferences was formal endorsements from objective speakers from each respective region. Perhaps the most distinguished of these was the Honourable Anthony Baldry, Member of Parliament in the United Kingdom. Mr. Baldry spoke extremely favourably of the Cayman Islands, explicitly emphasising the well-regulated financial industry.

In New York, Mr. Joseph Tompkins, of Sidley and Austin, and Mr. Tony Artabane, of Brown and Wood, spoke on the benefits of the Cayman Islands as an International Financial Centre. They referred to particular examples and structures used by their respective firms relating to the Cayman Islands financial services. Mr. Artabane shared several comparative advantages of transacting business in the Cayman Islands versus some of the other jurisdictions.

Hong Kong should be recognised as an area where an endorsement, particularly by a respected resident, is of heightened importance. The Cayman Islands here received such from Mr. Paul Mack of PriceWaterhouse and Company.

In summary, these endorsements lent valuable weight and credence to the message conveyed about the Cayman Islands through their objectivity.

Madam Speaker, it is clear then, that these conferences were a success in all respects. In this respect we have the delivery of concise and accurate information; a strong assertion of the credibility and strict regulation of the Cayman Islands financial industry; and the demonstration of the excellent working relationship between the private sector and Government of the Cayman Islands.

Speaking of this relationship, I would like to take this opportunity to thank publicly the Members of the Private Sector Consultative Committee for their input and support in connection with the Conferences; the Government Ministers who attended, to such valuable effect; His Excellency the Governor and all the other distinguished speakers for well researched and excellently delivered conference papers; Mr. Mike Austin, who co-chaired the conferences with me, and who made himself available as a substitute speaker; and finally to the Coordinator of Marketing and Promotions, Mr. Lyndon Martin, who, together with IBC (International Business Communications), paid meticulous and expert attention to the myriad of organisational details.

I would like to assure this honourable House that the allocated budget for advertising and promotion is targeted with great care, and with due regard to value for money. This is in recognition that the demands for promoting this sector of our economy will always exceed the resources available.

It is imperative that we consider the evolution of our financial industry against the backdrop of developments occurring within this sector in other jurisdictions. In this sector of our economy, we have enjoyed tremendous success and unparalleled growth over the past 30 years to become one of the leading international financial centres. We should, however, never attempt to take our success for granted or even to believe that if we cease to be vigilant in this area that the same level of success will continue.

Since the hosting of the overseas conferences, several articles have appeared in the local press questioning the cost of these conferences. The question that would be most relevant to ask is not necessarily how much we will gain by incurring this cost, but how much we are likely to lose by not hosting such conferences.

Today, Madam Speaker, practically every country in the region, together with many in Europe, Asia and Africa, is now developing its own economy as an international financial centre. Everywhere we turn, we find our legislation being copied and our infrastructure emulated. In light of such relentless competition, I could never in all honesty ever suggest that it could be advantageous to these Islands for us to countenance complacency in such a dynamic area as our financial industry, and certainly not as a means of abating

the ongoing economic development of these Islands. To do so would amount to committing ourselves to a policy of destroying the accomplishments that successive Governments have nurtured and built over the past 30 years.

There is one significant area that remains to be addressed as a means of further enhancing our recognition as a leading financial centre, and that is the introduction of a stock exchange facility. Work is currently underway in this area, and it is hoped that the enabling legislation to make this further development a reality will be brought to this honourable House during the third session in September of this year.

Madam Speaker, a few other comments: A meeting of a sub-committee, chaired by the Financial Secretary, will be held this afternoon commencing at 4.30 PM to draft the terms of reference for the recruitment of a Project Manager to guide the development of our stock exchange. The task ahead in bringing this activity to fruition will be very demanding and could require that meetings be held fortnightly at a minimum. Whilst this will inevitably prove to be quite a daunting experience for the committee members in particular, the Government and I are optimistic that the target date of bringing this project to fruition by 1 September will be met.

At a meeting of the Consultative Committee held yesterday, a decision was taken that the overseas promotional conferences, such as those held recently, should be repeated every two years. It was therefore agreed that the next series of conferences will be held in February of 1997. Arrangements for the hosting of these conferences at venues to be agreed upon in the United States, Canada, the United Kingdom, and Asia, and will commence towards the latter part of the year.

Thank you, Madam Speaker.

The Speaker: Continuation of the debate on the 1995 Throne Speech. The Second Elected Member for George Town.

**DEBATE ON THE 1995 THRONE SPEECH
DELIVERED BY HIS EXCELLENCY MR. MICHAEL E.
J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN
ISLANDS ON FRIDAY, 3 MARCH 1995**

(Continuation of debate thereon)

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I was dealing with the Ministry for Health, Drug Abuse Prevention and Rehabilitation when we adjourned yesterday. I would like to point out that had this Government continued with the plans of the previous Government we would have saddled ourselves with an onerous debt. Significantly, Government did not have the money at the time, and it would have had to be borrowed. If we were lucky, we would have ended up spending \$16.0 million on the Dr. Hortor Memorial Hospital and \$10.0 million on the renovation of the present George Town Hospital. What is more significant is the cost of running these two institutions, which would have been prohibitive.

Recently I was at a meeting where the Chief Executive Officer of the Miami Heart Institute was present. He mentioned how the Gunby Health Care Corporation had

purchased the Miami Heart Institute and the St. Francis Hospital, and tried to run the two hospitals as a unit. They are separated by a mile. In the first year of operation they lost \$7.0 million forcing them to close the St. Francis Hospital. When they put all their energy in running the Miami Heart Institute, they ended up with a profit at the end of the year of \$7.0 million.

It had been said by many that the most defective parts of the plan by the previous Government was in trying to operate two hospitals—pushing the split site idea. There are many reasons why this is cost prohibitive: the duplication of staff, the duplication of facilities, and the duplication of services.

The Governor mentioned that there will be a review of the Health Practitioners Law, 1974. I have had the privilege of meeting with the Legal Department and giving my input, as did many other people in the health service. There is no doubt that it is timely to review the Health Practitioners Law, which has served us since 1974.

When this Law was enacted there were probably no more than six or seven doctors on the Island, and probably no more than 40 nurses. The Law covered all health professionals including auxiliaries. Times have changed and there are many more health professionals on the Islands where specialisation has taken off here as in many other places. One of the problems that has arisen is quite often, because of the member's profession and background, it is extremely difficult to deal with the various health professionals—dentists, doctors, physiotherapist, pharmacist, etcetera. Although the Health Practitioners' Board has the ability to co-opt various individuals to the Board, it is thought that because of the number of persons in the medical profession it is much better to have a general Medical and Dental Council established, a Nursing Council, and an Allied Profession Council.

The function of the Board is to register and discipline health professionals. If these three councils are established, they will be able to perform far more effectively. I am sure the persons on those respective Boards will be a lot more familiar with the profession that will be registered.

The Law also has no teeth at the moment. It is important during the review that [some teeth] be put into the Law. For instance, at the moment if someone is summoned to the Health Practitioners' Board, he need not appear unless he is charged. Quite often persons who are asked to come before the Board simply ignore the chairman of the Board, and that needs changing.

The Board is often asked to give opinions on various applications. This is strictly not a function of the Board as outlined in the Law. But it has been serving this function and has been of great help to the Ministry of Health. This could be incorporated into the drafting of the new Law. I believe too that the new Board should have something to do with the monitoring of the standard of health care that is provided on the Island. With the drafting of the new law, it will be given this function and the powers to do so.

The Health Services Authority was established in 1991. I believe in 1992 it continued to function, and in 1993 a Bill was brought to this House for the [dissolution

of the Health Services Authority] effective 1 January 1993. The experience gained showed that the Health Services Authority was poorly set up. It was not functioning properly and the consultants that were employed to review the services were not even given terms of reference. They were over paid. The Project Manager who oversaw the construction of the Dr. Hortor Memorial Hospital was making much more than the Governor—over \$100,000 per annum, with other benefits. It was not functioning in the best interest of the Health Services Authority and certainly not in the best interest of the people of the Cayman Islands.

We decided that we would not pay for the folly of the Health Services Authority and to quit while we were ahead. I am sure that this was a wise decision. If we had continued on the track of the last Government, at this point in time we would certainly have had a loan in excess of \$30 million to pay off. The recurrent expenditure would have been too great a burden for this little Island to bear.

In 1991, the Health Services Authority cost the Government approximately \$12 million to operate, and in 1992 it cost approximately \$17 million. I am taking this from the Revised Estimates. This is when the Health Services Authority was supposed to be doing a good job. There was an immediate increase of over \$4 million in running the Health Services Authority. In 1993, when it continued to function, the cost was in the region of \$18 million. So we could have never called that an efficient Board.

After it was dissolved, the estimate showed that the cost of running the Health Services Authority in 1994 was in the region of approximately \$16 million. Therefore we have gained financially and we do not have a debt to pay off.

It is true that there are persons who would have liked to be treated in a more aesthetic building. But, as a person who works in the health services, I can assure the public that no one has suffered. They have gotten the medical care they would have gotten had there been a nice building.

I would like to point out that had those plans been enacted, we would still not be any better off as far as capability is concerned. We would still have to refer patients to the United States of America or elsewhere for treatment. With the new plans, we will have more capability in the area of diagnosis, particularly, and many of the referrals will not have to be made. Not only will we have a modern well-equipped building, we will also have extremely improved service.

In [making] plans for the health services one needs to bear in mind that it is estimated that approximately 60% of the patients who utilise the George Town Hospital are non-paying patients. We know those patients include civil servants and their dependants, children below school-leaving age, and a host of others such as patients suffering from AIDS, malaria, infectious diseases, and members of the Veterans' Association, etcetera. Therefore, for the institution to break even it will mean that significant amounts of money will have to be paid by the

Government if we keep our policies in place.

A meagre 40%, or even less is supposed to pay . . . and we know there have been significant problems even in collecting bills. Unfortunately, the computer system that was put in place by the last Government has not yielded the results we thought it would. It has been just an expense in the main. People are still not paying their hospital bills.

The hospital is said to have collected less than \$4.8 million during 1994, and in 1993, it was less than \$2 million. As we go back in time it was even less than that.

The Government has had to take money from the General Revenue to subsidise health care on the Island. This leads me to discuss health insurance and the necessity for having health insurance, and some of the things Government might care to look at in having an efficient health service.

For a health service to be effective, it has to be universal and it should cover everyone in the country. It needs to be affordable, and it has to be comprehensive covering as many conditions as possible. It needs to be transferable in the event someone loses his job or is transferred to another job so he will not lose his coverage. It needs to be portable so that wherever the person needing medical attention is he can get the benefits. These are just few of the things that the new health insurance will have to encompass.

I also feel that the time has come where the Government should look for group health insurance for civil servants taking into considering the salaries and wages of civil servants. I see no reason why they should not be treated in a similar way as those who work in the private sector. That policy will have to be looked at and the pros and cons debated.

It is thought that the new health insurance that will be enacted should also cover, if not all, certainly a portion of overseas medical expenses. I believe the group of people (the Honorable Ministers put together) is looking very keenly on that aspect and trying to include it. The actuaries will have their say.

One of the tasks the Minister gave the Health Service has not been completed, that is, pricing every service that is done in the Hospital. Before the actuaries can really do their work, that job will have to be completed. I do not think it is as onerous a task as it is being made out to be, and those who work in the department should be able to give the Minister an answer within a short period of time.

One of the factors that will affect the cost of medical care in the Cayman Islands is the recent hike in malpractice fees that have to be paid by all practitioners. We have to have medical malpractice coverage and that has been increased 22-fold, by and large, over the last year. I used to pay in the region of £ 850 Sterling to the Medical Defence Union per year. As of next year, I will have to pay £ 22,500 Sterling. That increase is a bit overwhelming when we think about the annual revenue of doctors on the Island. That too will have to be dealt with.

One has to wonder if we could not get medical malpractice insurance from elsewhere than the United King-

dom. Up until now, the United Kingdom has offered the most reasonable malpractice insurance. But, because of cases that have gone to court in this jurisdiction and other Caribbean jurisdictions where huge sums have been paid out, they had no other options (according to management of the Medical Defence Union and the Medical Protection Society) but to increase the insurance fees to what seems exorbitant to most of us.

One thing that has always worked well is the co-operation between private health practitioners and the Government's health practitioners. Private practitioners have pledged to assist wherever possible. We have situations where one doctor is not sufficient to cover a service, but two doctors are too many. Therefore, if there is already a person who specialises in that service in the community who is willing to assist on a part-time basis at the Hospital it saves Government some money. The private sector health practitioners have been very good in this respect and often fill in to allow Government doctors to go on holiday and to help cover night duties. We can only hope that this continues.

We need to have co-operation between these two sectors. As a matter of fact, this is exactly what the Strategic Planning team has to deal with. How else can we really have a collaboration between the private and public health professionals in order to achieve what we need to achieve in the Cayman Islands?

I feel that there should be medical standards set in the community to ensure that the public gets high standard of medical care. Perhaps a board or a council could have this function of inspecting private and government medical facilities.

I noticed that recently the Minister has decided to assist the Canaan Land Development Home and donated \$40,000 to the organisation. I believe and certainly trust that this is money well donated and that the project will soon be completed. This, along with the Rehabilitation Centre in Breakers, should go a long way in helping persons who are addicted to drugs.

I agree with those people who feel that there should be halfway houses set up to intervene between those people who are being treated or hospitalised at the facility and when they are discharged into the general society. This is found to be of great help in all countries. It prepares people to be integrated back into the society and their various jobs.

I feel that the Health Services has a good man at the top. He believes in listening to people who are involved in health and those who have to use the health care facilities. He supports strategic planning where so many people are involved in health planning and, as a result of the strategic planning, we will find out what people really want in the Health Services. I believe that taking this approach we will have a peoples' health service. I do not believe that there is a better way in going about the whole thing.

The Honourable Minister is quick to ask for assistance when he needs it. He is capable, competent, and has the personality to work with people in the health profession.

The outpatient service and the emergency service at the George Town Hospital have seen a significant increase in patient load. We find that many persons go for treatment at the emergency ward after 5 o'clock in the evening. These persons are not really emergency cases. They could easily be dealt with by a doctor working in an ordinary clinic during the day. Many of the doctors who work in the emergency ward feel that there should be some sort of clinic to take care of the need of this set of people who come with their children with colds, and minor illnesses when they get off from work. It tends to clutter the emergency ward and prevent some of the sicker people from getting the attention that is needed. I believe that is being taken into hand.

There are, in my opinion, quite a sufficient number of health professionals at the George Town Hospital. I believe that with proper deployment all those functions can be served. One of the doctors who works in the emergency ward said, "Yes, we may have the doctors, but we have nowhere to do the clinics." Personally, I do not accept that because most of the rooms in the outpatient ward are not utilised at night.

I believe the Honourable Minister will be listening to all their suggestions, complaints, and eventually will instruct them correctly on how those things can work.

Much has been done in the field of development in the community. I would like to congratulate the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture for the upgrading of the Sports Complex behind the Middle School. I believe it will be ready for the CARIFTA Games. I believe that once completed that will serve us for many years to come and I am very happy to see the emphasis that he placed on sports.

We know that sports are very important for our young people and for everyone if we are going to maintain good health. It also has a direct and indirect effect on the number of crimes being committed and we have found that juvenile crimes are definitely on the decrease since there are so many sporting activities now in Grand Cayman.

With the rapid development in the Cayman Islands, families have come under great stress and the Honourable Minister is trying to provide programmes; he is trying his endeavour best to make sure that young peoples' needs are being taken care of.

The Young Parents Programme has got to be complimented. There are a significant number of persons using it and with coaxing maybe young fathers also will begin to attend. Who knows? It could bring together people who would otherwise drift apart. As a result we can have stable family units.

There is more than the usual amount of stress here in the Cayman Islands as a result of some of the same development that we have been talking about. Some of our people find it difficult to keep up and there are some that feel they are being left behind. But with the assistance of the Government and the strides that are being made in this particular Ministry, it is my full conviction that many of these things will go away.

One has to begin somewhere, and the Honourable Minister has begun on many fronts. I certainly wish him well as he continues to steer his Ministry.

Now with regard to the planned revision of the Labour Law, I believe that more emphasis should be placed on the employers' rights. I think there is a tendency to put perhaps too much emphasis on the employees' rights. I know that the majority of our voters are employees, but in order to develop the country in the way it needs to be developed, and in the long run for these same employees to benefit, it is in our best interest also to consider employers' rights.

I am happy to hear that there will be severance pay, even more severance pay for people who are fired or forced out of their jobs. I am very happy to hear that. Personally, I cannot agree with too much rest period while at work or anything that will detract from one's performance for the length of time that they are supposed to perform. So this is one of the complaints that many employers have as we try to amend and upgrade the Labour Law. We have to ensure that employers get fair treatment.

The truth is, money talks; and people with money can invest wherever they want to. One looks at the best place to invest and we want to make sure that we get our fair share.

The Minimum Wage Advisory Committee has been appointed and I am certainly looking to see what they come up with. I have mixed feelings about the whole subject and I care not to go into it at this point in time.

One of the things that this Government has done is to try to encourage the local banks to invest in the country's future. Previous Governments tended to be worried and when they could get money for housing [projects], they wondered what next to tax in order to get money for those sort of projects. This Government evidently has a new policy that I think is highly commendable.

There is more than \$411 billion dollars flowing through these Islands per year. The banks are willing to invest in the country's future if there is some guarantee in place. I refer particularly to the Government Guaranteed Students Loan Scheme and also the Low Income Housing Scheme.

In about ten years, the Housing Development Corporation only helped a little over 100 people. In the last six to seven months, 30 people have been helped by the Government guaranteed Low Income Housing Scheme. That is highly significant.

The same thing can be said about the Government Guaranteed Students Loan Scheme. I believe we will see that the scheme will perform satisfactorily and this new policy should be applied in some other areas. It is certainly a new one and a good one.

The Water Authority has had a lot of problems in the recent past with the former Head of the Water Authority, Mr. Beswick. Many feel that he should be in jail and I have heard it remarked that he should be. It had been found out that he did not pay for water he should have paid for, and also one staff member's mother did not pay water bills. It is said also that the previous Member for Communication and Works, Mr. Linford Pierson, some-

how wiggled out from paying \$1,800 for his water bill. These kinds of persons evidently should not even be in Parliament. We certainly do not want to see a repeat of these sorts of cases ever again.

The Water Authority will embark on quite an extensive expansion scheme. I believe that it is planned to eventually get water to all persons living on the Island, including people in the eastern districts. It is a pity that the Water Authority has had the problems it has had, but I think it has straightened out some of those problems and with the good stewardship of the Honourable Minister, I believe it will do much better. We certainly trust so.

I am particularly interested in our National Archives. I was there at the opening ceremony and it was quite an impressive affair. I believe that it will go a long way in promoting our culture and remind us of where we are coming from. Most of us are interested in having some records kept of our history. Researchers and students can access the National Archives. It has got to be a good thing for the Islands.

As I said yesterday, tourists too will find the National Archives very interesting. It is a pity that more Caymanians are not involved in the National Archives but we certainly hope that they will be attracted in the near future.

We are indeed a very fortunate country when we consider our size and the many accomplishments that we have made. We have a standard of living that is second to none in the Caribbean, for that matter, perhaps the world. We have a good telecommunications system and an extremely good electricity supply. We have two International Airports, and we have our own airline. There are so many things that such a small country is able to main and we are indeed fortunate.

The Cayman National Cultural Foundation (CNCF) put on the Carib Art Exhibition recently, which was very successful. We recognised the fact that our local artists have great potential and I believe that the CNCF should be more involved in promoting our local artists and their creativity.

We have creativity in Grand Cayman, and usually what comes from ourselves is what the country enjoys. I have noticed for instance various plays from books that have been written. It is certainly well absorbed and well digested by the Caymanian public when they are written by Caymanians themselves. The CNCF should try and make a greater effort to promote Caymanian artists. Of course, they are mixing with other cultures, and that too has its place, but it can bear fruit.

Like many others, I feel that we sometimes get inundated with cultures from outside of these Islands. Unfortunately, we adopt some of the negatives instead of the positives from the respective cultures. I believe one of thing that lends to this is the mass media, particularly television and radio. We are a product of what we hear and see and every attempt should be made to make sure there are healthy programmes on the television stations and also on the radio stations.

I noticed under Capital Works Programme that the Ministry of Education and Aviation completed the George Hicks High School in 1994 in a record time of 19 weeks,

which was done within the initial projected cost. This Ministry has been very well run. Everyone knows that the Honourable Minister is extremely capable. He got into the middle of problems when he took over the Ministry; the education system was in turmoil. It was said that he was going to interfere until perhaps havoc was created and that hardly any student would pass the CXC Examinations.

We saw something else happen. I think that they were the best results in the Caribbean. The Minister had to rectify what was going on, and he is getting the facility built for the students and is listening to the public. I have been to many meetings that he has had at the John Gray High School and he listens to the parents, the teachers and also the students

The story of Cayman Airways is nothing short of a miracle in my book. So many people have touched on that. I will not waste the time of the House to deal with it. But as I have said, it is nothing short of a miracle. I am very proud of Cayman Airways. Residents get different treatment when we travel on our local airline than on other carriers. It is certainly a good feeling to know that we can boast of our own airline and that it is no longer incurring such deficits. It is even making an operating profit after subsidy.

It is very essential that we keep our airline to maintain the length between here, North America, perhaps Jamaica. We know what happened in Bermuda when everyone pulled out. I think that the mission of the airline should be just that: To maintain a link between Grand Cayman and the outside world. Not so far off as New York, London and Australia, but to get us on the North American Continent and perhaps Jamaica. From very prudent planning and good leadership, the airline has done well.

What we said we were going to do during our campaign we have done in a short while, and the results are there for everyone to see.

I am very happy to see that the extension has been granted to the agreement between the United Kingdom, the Cayman Islands Government, and North America to protect Cayman Airways on the Miami/Cayman Airways route. Hopefully before the next year, something more concrete is forthcoming.

I would like to go on now to the Ministry of Agriculture, Communications and Works. The Honourable Minister always felt that it is worthwhile to promote agriculture in the Islands and we all support him. He is constantly upgrading livestock and encouraging farmers to produce. A loan scheme has been put in place to assist farmers and, certainly, he has a very active Ministry.

Most of us have to go to him to make sure that streetlights are installed where needed and that roads are fixed. I can imagine that the other Ministers in Government give him a very rough time and keep him on his toes. But he is seemingly indefatigable so he is able to cope.

I would like to pay congratulations to Mrs. Corrine Glasgow of the Postal Department. I wish we had more like her in the Civil Service. She is the type of woman

who gets things done. She is a mover and a shaker, and she has to be complimented for the good work that she has done to the Post Office.

In regard to roads, we know that traffic congestion is the order during peak hours. We too are very concerned with the traffic congestion particularly coming into George Town from the east and the same thing applies to West Bay [motorists] coming into George Town.

The Government is doing as much as possible with the resources it has available at the moment. We do hope to get the road corridor from the West Bay road to the Industrial Park area, which will alleviate some of the traffic congestion. We have been hearing from the Honourable Minister about plans to alleviate traffic congestion also on the eastern side.

I think, too, that it would be a good thing if expatriates and visitors learned the Caymanian way of driving. One of the things that is strictly Caymanian is to just pause and allow people to get out on the roads. We do this naturally. But not everyone is as civil as we are. They are used to their rough and tumble lifestyle from where they came from. Sometimes I do not believe that many of these sort of people even see a car coming out from a side road. I believe if they would just learn to allow someone to get out on the main road from a side road, that would help greatly.

I too am concerned about the intersection by Kirk Motors. We have not solved the problem and it needs to be addressed. I do not know whether a roundabout or stoplight is the answer. It has caused many accidents, especially since it has been changed again. I know that the Emergency Department has seen more than 20 cases from accidents at that spot. Something has got to be wrong with the intersection.

I do not believe that people are going to get used to it as quickly as we would like. Especially seeing that it is exactly where tourists enter the Island. They often rent cars near to the airport. I do believe that we certainly need to do something about the intersection very shortly.

It would be good if the Traffic Law Regulations were put into effect soon so that the Seatbelt Law can be enforced and child restraints used. It is amazing the number of damages and injuries I have seen on people from accidents that could have been avoided.

Madam Speaker, there is a rumour quite rampant on the streets that I will not be running again in 1996. Some people say that I was so prominent during the campaign that everyone knew how flamboyant I was. Then I kind of faded away into the background. I would like to say that that rumour is strictly incorrect. If I need to run, I will run in 1996. I am with a good team—not with swindlers and all kinds of people I cannot trust. I certainly will be running if I need to.

I told the public that I would not take a seat in the Executive Council. I am a doctor of more than 24 years standing and my primary allegiance is to medicine. One does not just give up one's profession like that after such a major investment. Furthermore, I think the Caymanian public wants me to stay in medicine. They perhaps appreciate the little effort that I make here in the Legislative

Assembly, but primarily where they want me is in medicine. I had no intention of taking a seat in Executive Council. I was more concerned about helping to improve the country, and I am very satisfied with the great strides we have made toward improvements in the two short years.

I think my mission has been accomplished already and in the next two years if we see this much progress, then all the better.

The Speaker: Would the Honourable Member be prepared to take a suspension at this time?

Dr. Stephenson A. Tomlinson: Thank you, I will.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.41 AM

PROCEEDINGS RESUMED AT 12.05 PM

The Speaker: Please be seated.

The Second Elected Member for George Town continuing the debate.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

Before closing, I would like to make a few suggestions. First, I would like to encourage the Government to concentrate and prioritise national issues, particularly in our local industries—tourism, banking, construction, telecommunication and other public utilities, garbage collection and disposal, and transportation. We have to continue our efforts and we have to pool our ideas and make sure that all those national issues are being addressed.

I would like to say that this is a strong point of this Government. We do not allow the parochial needs of our various districts to blind us and allow us to forget the importance of these national issues. I would like there to be a continued thrust in that direction.

Secondly, the Governor mentioned in his Throne Speech that some 1,700 persons are involved in food preparation in the tourism industry and in local restaurants, etcetera. I believe seminars are being planned to enhance proper sanitation procedures that must be adopted and followed. I believe that that is well worthwhile. In addition, I believe it should be a legal requirement for all those workers to have Food Handlers Certificates. We should ensure that they are healthy individuals dealing with food.

I also feel that we should intensify our mosquito surveillance and control programme. We should never become complacent that the mosquitoes in Grand Cayman are not *aedes aegypti*. We know that all we need along with the *aedes aegypti* mosquitoes is the monkey and we would have set the stage for Yellow Fever. Of course, the *aedes aegypti* is the vector for Dengue Fever and that fever is as close as Honduras. We certainly need to keep up our efforts in the Mosquito Research and Control Unit

and intensify them.

Rodent control efforts too need to be intensified. We have heard mention of this by the First Elected Member for Cayman Brac and Little Cayman. We know that rodents are on the increase, and I understand it is worse in the Brac than it is here in Grand Cayman. We need to intensify the effort. I had something to do with the Rodent Control Programme back in the early 1980s and we saw great success here in Grand Cayman. I really think that we need to intensify our efforts there.

I also would encourage the Government to allocate funds for a major road construction improvement scheme. Not of the order of the MGTP, but certainly we have to put that high on the priority list. I believe the Honourable Minister does realise that and even if it means sacrificing some other thing, we should really allocate funds for such area.

I have listened and enjoyed the debate of other Members of the House. I find it quite a learning experience being here with the other Members and Ministers. We know that things have gotten much better over the past two years. I will never forget something my old man used to tell me. He used to say, "More ships go down in calm weather than in storms." Now, as things get better, we do not want to become complacent. I do not think there is a great fear of this, but we need to keep struggling on and never sit back on our laurels.

This was indeed a well put together Throne Speech and compliments are due to the Governor and all the people who assisted him. Personally, I throw my full weight and support behind the Government and I shall do all that I can to assist to the best of my ability. I believe that the Caymanian public is wise, full of good common sense. I am confident that we will see a repeat of 1992 in 1996 if the Government continues do this well.

Thank you very much.

The Speaker: As this time I will call upon the Honourable Minister for Tourism, Environment and Planning to continue the contribution on the Throne Speech.

The Honourable Minister, who was the mover of the motion to thank His Excellency the Governor for his Throne Speech, indicated yesterday that he leaves the Island tomorrow morning and will be gone for some time. In those circumstances, the Chair will not require him to complete the winding up debate because this is a motion that does not call for a conclusion or action. It is just a motion to debate the Throne Speech, which is now taking place. Another Minister will, as I understand, do the closing remarks.

The Honourable Minister for Tourism, Environment and Planning

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I am most grateful to you for your kindness in your ruling.

I would like to begin by offering congratulations to His Excellency the Governor for what I would term, a comprehensive, positive, yet thought-provoking speech that deals with now, and to some degree, the future.

I would also like to welcome the new Deputy Chief Secretary to this House (although he is not here today). He was here earlier. It would not be wrong for me to offer congratulations to the Chief Secretary (this is the second time I am doing so), but there is nothing wrong with mentioning his name as well. I also offer my best wishes to Mr. Lemuel Hurslton, who retired from the Service. He served for many years prior to my joining the civil service and I know well of his contribution to the service and the people of this country.

The Portfolio of Internal and External Affairs, I believe is in capable hands in the Honourable James Ryan and his Deputy Mr. Donovan Ebanks. I support them fully.

Perhaps I should go on to say that we do know that the subjects of Immigration and Police are really the sole responsibility of the Governor. He has the last say. The elected side of the Executive Council, that is the Ministers, have been under much public pressure for improvements in these two departments.

I am pleased also to welcome the new Commissioner of Police, Mr. Gray, and the new head of the Drug Squad, Detective Chief Superintendent Haines. We had a discussion with Mr. Gray, about a week ago, and told him of our views of the Police Force. It was pleasing to hear him refer to it as "a body that delivers service to the community." When we take those words in the fullest context, Madam Speaker, "a department that provides service to the community" I believe that may be a different approach, a different attitude, to what we have experienced somewhat in the past. This I hope will cause the public to feel closer to the police officers and more supportive of their efforts and co-operative.

Many of us are concerned, and we have stated those concerns on a number of occasions to His Excellency the Governor and to the former and present Commissioner of Police, about crime in this country. The Government has arrived on the scene when many things were not in place in the Police Force. The Drug Dog Programme had been discarded. It is this Government that insisted that it be re-established. When the Police Force was in need of equipment, not just police cars, to deal with daily activities in the policing of the country this Government put that equipment in place—all that they have asked for.

I noticed that the Second Elected Member for Cayman Brac and Little Cayman made mention about 18 cars in his debate, and that the Honourable Minister asked whether we should give the whole budget to the Police Force. You know why I made that remark Madam Speaker? It was clear to me in my own thinking that when the police officer (I will not call any name, we all know who it is), came to deliver that message to the Finance Committee, it was pretty evident that the play had already been made between some of the Members of the Opposition. They were well aware of what he was coming to say. Or maybe it had been rehearsed. That is why I made the comment.

The Police Force has never been in need of equipment and the Government refused to deliver. What we

have said is that that is the view of the former Commissioner. We would like the new Commissioner of Police who is about to take office to review that need and come back to us with his request for equipment. We await that request, Madam Speaker.

When we took office there were no boats to carry out coastal surveillance. Two little boats that ran around the North Sound were all we had. For the first time in the history of this country, this Government, in negotiation with the United Kingdom, got them to agree to contribute to the purchasing of a boat for us. They gave the major portion of the cost of the purchase of the boat.

We said at the time, Madam Speaker, that it is our view (the Ministers of Executive Council) that as Caymanians are known to be and have been known to be some of the best seamen who were licensed captains (whether their licence is current remains to be seen) capable of taking command of this boat, I believe it is in the best interest of this country that it should be the case. No reflection on the police officers who are currently manning it. But handling a boat and taking care of it should fall in the hands of those that have done it and demonstrated experience in carrying it out.

Another point, Madam Speaker, is that the Commissioner of Police was going off into recruitment to replace certain staff for which there were vacancies. The Government of the day, because of their concerns about crime and the sessions in the swamp and elsewhere, said to the Commissioner and the Governor that they needed to establish additional officers to deal with this situation and deal with it effectively. As a result, the Government of the day gave him the authority to recruit additional officers (16 or 20 officers) which as we now know were established as the Task Force. I think there are indications that decision and the work of the Task Force is beginning to bear dividend to the community and the Government of the day.

We do not really hear too much about sessions in the swamp anymore or illegal sale of alcohol in private houses; the rap music that it turned on where no one can sleep because all they hear is drums and no lyrics; the type of music that is sometimes played that in some areas firearms were discharged . . . We do not hear too much about that anymore. Not to the same extent we heard about it a year or more ago. I would think that contribution to be the work of the Task Force of the Police Department. They have dealt with it very effectively, not to say that there is not more work to be done, but I believe it is slowly coming into the kind of community awareness and community harmony that we would like to have.

I hope that the deployment of the police, not just the officers in the Task Force, will be looked at in great detail by the new Commissioner of Police.

We as Ministers and Members of this House are not technical persons to decide who gets deployed where. Neither do we have such specific interest. But we do have an interest that the country is properly in the hands of law and order. If that means 24-hour a day police service in East End, North Side, Bodden Town, George

Town, and West Bay, so be it Madam Speaker. Let us not forget Little Cayman. I do not think there is a policeman there, I think that too should have a policeman.

How much can the district officer do when the boat is discharging at Salt Rock dock and two planes are landing at the airport? Where should he decide to be? There is assistance needed, and we hear the stories about drugs and what have you. How can you provide safety for the community of the Cayman Islands if there are not sufficient officers (when I say officers, I do not mean police officers) of the Government to make sure that to the best of our ability that happens? Twenty-four hours a day? Little Cayman? We say it is small, but I have a view that the criminal never sleeps. He is waiting for you to go to sleep then he carries out his activity. Twenty-four hours a day in Cayman Brac as well.

For we know of their infrastructure. We know of the International Airport, we know that there is a dock where boats can dock at, and we know that there are many little nooks and crannies that a small boat can manoeuvre into. We need now to decide and this is not politics, Madam Speaker. This is not politics. This is law and order and the protection of us and our children and future generations. Let us begin it now.

If we need additional money, we will have to find it and I am sure that I have the agreement of the Honourable Financial Secretary, the Third Official Member, to move in this way. For if we do not, what then is the position? Can we go on talking about tourists? Can we go on talking about offshore financial services? The answer to those two questions is definitely not. They are not in the cards. The card is security, a crime free place to maintain this country to have—well you know if you ride a bicycle without light that is a crime, but that is not what I am talking about. I am talking about some of the concerns of the community and Members of this House; burglary, theft, rape, the carrying of unlicensed firearms.

We are on the right track but let us not pull back the throttle. When you are winning, Madam Speaker, they say go full speed ahead. Let us make sure that we do hit the finish line as we think we are going to do.

I need to remind the people of this country, and maybe some Members of this House—particularly those who call themselves Opposition—I am not sure if there are two or three . . . I know certainly that there are two. We need to stand together on this issue because whether or not Tom Jefferson is in this House does not matter. What is important is that the security of our people is not at risk by the lack of any foresight and backbone from any of us.

When we heard about all these incidents which appeared to be from the use of firearms. Initially some people thought it was firecrackers going off at different times in the night. Then paying attention to it, we decided that it was not the right interpretation of what we were hearing. The Government in addition to the Task Force moved to have a look at the Firearms Law and we amended that Law to deal severely with people who imported firearms illegally into this country; or who discharged firearms, or carry them around without a licence. The Law that we

amended stiffened those sentences where the judge can decide, based on the evidence that he or she receives, up to 20 years, or \$100,000 in fines and I think it says "or both."

Perhaps there is a clearing of the disguise, Madam Speaker. When we look at the number of crimes reported in 1993, compared to the number of crimes reported in 1994, there is a reduction in just about every category. Except when you start dealing with drugs. The total number of crimes reported in 1993 was 3,298 and the total number of crimes reported in 1994 was 3,099. It is a pretty significant drop, but in these numbers you have people who committed a crime by riding a bicycle at night without a flashlight or some other kind of light.

There are some areas in this report that are still of major concern to us, and those are the areas that Members of this House have already spoken about. Some of the areas I have already mentioned, and I think those are the areas that the police and the community working together and all of us must come to grips with. Otherwise we are going to lose this little Island that we love so dearly and all the harmony. And I would say in today's world, the small amount of crime that is going on . . . when I make that statement, look at what is happening in the rest of the Caribbean. Look at what is happening in Miami or any part of the United States and look at what is happening in the United Kingdom and Europe. We are still relatively crime free and that is a pretty bold statement to me.

Drugs are rampant in every part of the world and the crimes that emanate from drugs are also rampant. We cannot really expect to be in a world and not be tarnished a little bit with it. What we have to do because we are small is come to grips with it by providing the support the police needs, by providing the co-operation with the police and the regulatory arm, whether it is the Customs Department, the Police Department or any other department.

I look forward to working with the new Commissioner of Police and the members of his staff. Anyone who wants to check Tom Jefferson's record on that score is welcome to do so, including the Second Elected Member for Cayman Brac and Little Cayman.

Madam Speaker, I saw something in the newspaper this morning and I wondered how it was possible. Mr. Linford Pierson, who is over in Hong Kong, got receipt of a *Hansard* transcript of the Legislative Assembly for Thursday, 16 March 1995—not even edited as yet! Not even available to members of the public! I ask this question, Madam Speaker: Who faxed it to him? It has got to be somebody in this building. I believe this is the level of politics that we are stooping to: break every rule and try to win by any means or try to damage the National Team Members with anything that they can get their hands on. I believe that the day Tom Jefferson has to win Elections by doing that, I am going to just throw in the towel and say that I do not want to be a part of it. It is not my way.

In his letter to the Editor in the *Caymanian Compass*, he made certain remarks about my colleague the Minister for Education and Aviation, and the lady (I will

use the term lady) to whom I think my colleague was responding to regarding an article she wrote in *The New Caymanian*, Mrs. Bridget McPartland—a shadow all right. I think in the article she made a comment that my colleague, the Honourable Truman Boddin—who has about nine different qualifications and at some stage in this Government had served as the Acting Attorney General, has been in the legal profession for 25 years; has his own firm which is quite successful—that she wondered what he could contribute to a financial industry promotion.

What a joke!

Then who can make a contribution? What are we talking about at those conferences? We are explaining the facilities that are available in the Cayman Islands. Is it banking? Is there not legislation that deals with banking?

Is it trust? Is there not legislation dealing with trust? Is he not familiar with it like the back of his hand?

Is it mutual funds? Is there not legislation?

Is it partnership? Is there not legislation?

Is it shipping?

Whatever the subject may be there is legislation there. And a man with 25 years of experience in the private sector, owning his successful law firm! And this woman has the gall to make a comment that she wondered why he was at the conference.

Why did she not wonder why I was there too? A former Financial Secretary for ten years, spent 20-odd years in the Government in the Finance Department.

Politics! Politics is the reason. It is the same reason why Linford Pierson got this fax from some Member of this House.

My colleague, the Honourable Minister for Education and Aviation also referred to the Auditor General's Report and he was reading from the report which indicated that when Mr. Pierson—who was Chairman of the Water Authority, and he was the Executive Council member responsible for the subject— . . . and he was not making up what he said, it is in the Auditor General's report. Mr. Pierson's water bill for his residence was under-billed by some \$1,880.00. Why is Mr. Pierson upset about that? It is a fact. It is not us who said it. I do not know whether he caused it to be done or not. I cannot say that. But it is a fact.

I believe that there is a Biblical quotation that says: "He who is unfaithful in little, is unfaithful in much." That is an appropriate quotation for this event. I hope that the Member who sent him this fax will also send the fax of what I have said today too. Let us see if we get another letter from him next week because he is all the way over there in Hong Kong trying to be a politician in the Cayman Islands. Somebody has got to keep him informed.

Madam Speaker, I was almost amused when the Second Elected Member for Cayman Brac and Little Cayman started talking about the cruise ship that was arranged by the Ministry, by the Port Authority, and by the Department of Tourism and other people whom I will not mention, to visit Cayman Brac. I could not believe what he was telling me because in essence, if I have it right, we did not spend any effort to get the cruise ship there.

What I said in answer to the Second Elected Member for Bodden Town, is that the ship was on a round-the-world tour. And because of how we used our influence to get it to go to Cayman Brac we (I take blame or credit for it) could not entertain it in George Town because there were too many cruise ships.

Madam Speaker, if I can invite the Second Elected Member for Cayman Brac and Little Cayman to investigate how many ships were in the harbour that day, he would find that it never went over the maximum. It might have been two or three, but sometimes we have five, depending on the size. So he might not want to give me credit for it in this House, but let me say something Madam Speaker, and Members.

When I arrived there a little after 8 o'clock that morning, who was there? The Second Elected Member for Cayman Brac and Little Cayman. He had his camera and he was all over the place. He was happy and he was taking photographs and everything else. That is why I was a taken aback when he got up here and tried to make it look like I did nothing to get it there—it just fell out of the sky. He was pleased with what he saw. I have no doubt, Madam Speaker, he knows the difference.

I must say that I have so many pieces of paper here that I am not quite sure what to do next. I believe that with all of the mischief that is going on—mischief by the Opposition, mischief being printed in the *Caymanian Compass* and in *The New Caymanian*, mischief by the Chamber of Commerce—there is a Biblical reading for them too. I would like to read that today and it is taken from Job 15:35. Then I will read verse 31. It reads: "They conceive mischief and bring forth vanity and their belly prepareth deceit. Let not him that is deceived trust in vanity for vanity shall be his recompense." It would do them proud if that fell straight into their plate in 1996. I believe that is what they deserve along with the Chamber of Commerce, because, obviously, there is some amount of help back and forth.

Madam Speaker, sometimes it is easy for people to write letters and make statements and hide behind the big umbrella of some organisation. I believe that is what is happening with the Chamber of Commerce. My colleague the Honourable Minister for Education and Aviation, the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, pinpointed some salient points in the Chamber's operation. I think the Chamber of Commerce would also do well to ask the Third Elected Member for Bodden Town what these 21 items were that he thought the Chamber should get involved with rather than try to play politics, which they have a record of doing.

It cost \$15.00 to buy this Chamber of Commerce directory for 1994. As I open and turn the pages and begin to look through it, I see sixteen different committees. I also see an Executive Committee in addition to those committees. When I count up all the membership (and I have always worked with everyone in this country) I find a total of 128 people. Although some local people are on more than one committee, and if so, I counted them as well, I only count 35 Caymanians. What is interesting, is

for the public to understand who is issuing all these letters or who has the responsibility to make sure that when they go out they should be accurate.

I look at the officers of this body, the President is well known, Mr. Roy McTaggart; the first Vice President, Mr. Steve Hawley of Workbench Limited; the second Vice President, Mr. Robert Wood, Woods Furniture and Design; Treasurer, Mr. Sydney Coleman—Padget-Brown and Company Limited; Secretary, Mr. Adrian Briggs—Sunset House and Sunset Divers. That is the Executive Committee.

What I found even more interesting is that when you look at the Committee of Government and legislative affairs you have the same names I read out awhile ago. A member of the Chamber and the Legislative Affairs Committee is Mr. Linford Pierson. You wonder why these things happen.

When you look at the Publication Committee (if I do nothing else today, Madam Speaker, I think we need to shine a little light on these people) the same names crop up again, Mr. Steve Hawley, Chairman—Workbench Limited. My information is that they cannot get him off of the Committee. I wonder why he wants to stay there? Mr. Roy McTaggart, Mr. David Byrd, and I could name some others—Dr. Elaine Campbell, not known to be a lady who causes a lot of trouble.

Madam Speaker, in my days as Financial Secretary there were many times and years when the Chamber of Commerce came to me to try and get me to be peacemaker with the Government of the day. I remember the Government of 1984 to 1988; the Government of 1988 to 1992, I even remember the Government of 1976 to 1984 (not that I played a major role in it). But from 1982 onward to 1992, whenever they got into trouble they called me to give a speech to the body of chairmen. Is that not a little bit ironic? The person who has tried to be a peacemaker—I cannot say that I was successful because I think there were hard lines on both sides.

I think they have said, *'Now that you are Leader of Government Business, we are going to put you at the bottom of the list.'* Just flip the chart upside down because otherwise it makes no sense whatsoever. If all these people in the Chamber of Commerce who are making all the money as a result of contributions made by the Minister—not just him alone, he is a part of it—cannot see the contribution by tourism in this country, I say to them: You better get together with Dr. Elaine Campbell because something is radically wrong. Or get together with some doctor who can tell you about needing surgery on your eyes and perhaps put in [new] lenses so that you can read the bottom line that is telling you that you are making bigger profits.

Madam Speaker, they did a survey in 1993. My colleague the Minister for Education and Aviation quoted from a similar document that was received by us in March of 1994. For tourism it remarked: "6% excellent, 37% good, 37% satisfactory, 20% poor." So if you lump it all together you can convincingly say that 80% who answered this survey (hopefully truthfully) were satisfied with what happened with the tourism industry.

Now you look at the 1994 position [of the Tourism Department] and they are telling you that it is "below average." How is that possible? In 1993 we had 287,000 visitors who came in by air; in 1994 it was 341,000 and they have stayed in hotels and residences all over this country. Somebody in the Chamber of Commerce also knew that they had more revenue in 1994 than they did 1993: Yet, they say it below average.

I found a remark even in the 1993 Report that sort of sums it up for the whole of Government. It was at the conclusion where it says: **"It would appear that the public believe that Government has done quite well with Cayman Airways, agriculture, tourism, and education. Additionally, it would appear that a satisfactory condition exist with regard to Government expenditure, the budget, health services, roads and drug abuse although, additional attention to these areas would be of benefit."** This was in 1993, Madam Speaker.

What happened with the result for the 1994 survey? How can it change from what appears to be satisfactory. The public believes that the Government has done quite well; Cayman Airways, agriculture, tourism, and education. Additionally, it would appear that a satisfactory position exist with regard to Government expenditure to budget, health services, roads and drug abuse, although, additional attention to these areas would be of benefit.

What we have in this 1994 Report I do not believe is even worth talking about. It says, Tourism—the public believes it is below average and the Chamber believes it is below average; Environment—the public believes it is poor and the Chamber believes it is poor; and Planning—the public believes it is poor and the Chamber believes it is poor.

I am not going into too much detail here Madam Speaker on the 1994 Report because I think many of us have read that we have brought action against the Chamber for some of the commentary they have published. Before I finish my speech, Madam Speaker, I am going to give this country sufficient information that they can make their own judgment on tourism, expenditure control, borrowing, Cayman Airways, and all the other Ministries. Not that I am going to go into great detail, but it will reflect on all of us.

The Speaker: Would you take the luncheon suspension at this time?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30 pm.

PROCEEDINGS SUSPENDED AT 1.02 PM

PROCEEDINGS RESUMED AT 2.39 PM

The Speaker: Please be seated.

The Hon Minister for Tourism, Environment and Planning continuing the debate.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

Prior to taking the break, I wondered how Mr. Linford Pierson (who is in Hong Kong) was able to get a hold of the unedited *Hansard* of this House for 16 March 1995. I believe it is now clear that there is no more need to wonder. During the lunch break it became clear that the same lady, Mrs. Bridget McPartland, who was questioning the contribution the Honourable Minister for Education and Aviation can make to a financial industry promotion, is the person who came to the House and requested a copy of the *Hansard*.

Just in case the Legislative Assembly's staff felt that I meant that they did it, I bring this clarification, Madam Speaker. I will not retract any of the comments I made earlier about pure politics.

Mr. Pierson also made remarks about his view (maybe his superior view—he thinks), that "the Government Ministers did not use the golden opportunity afforded to them to have more active participation in the conference." My God! We attended everything that was available, even outside the conference—dinners in the evening, receptions held by the Financial Secretary. There was only one dinner which we were invited to and were unable to attend simply because we were having the second meeting with an investor and we thought it was more important to try and get investment into this country rather than to have dinner or drinks. If that is what he was referring to, then he may be correct. But it is the Ministers who can make their own decisions about priorities for their time and what is in the best interest of this country, and how they may utilise their time to bring that about.

I did touch on Immigration when I was talking about the subjects that His Excellency holds absolute responsibility. I believe it is time we begin to deal with work permits in a different way. We have watched this work load grow from a couple of hundred work permits back in the early 1970s to something in the range of 13,000 or 14,000 work permits. For the Immigration Board to deal with those in addition to temporary work permits, the volume alone may not allow them to deal with it in detail that may be required. I bring that to bear when I hear the comment of the Third Elected Member for West Bay about the entertainer Patra. I think the Third Elected Member for George Town also spoke about it.

I must tell you, Madam Speaker, it was the most disgusting thing to find in a newspaper. I would have thought that even if the members of the Immigration Department Board went wrong, made an error to grant a work permit to this person to entertain people in the Cayman Islands, if I was running the newspaper and looking at the best interest of this country it certainly would not be included in such a newspaper. I think it was a rotten way to display yourself for young people to see.

I believe that we should have a system whether we want to begin it in a pilot study way or whether we want to launch it in full force where the Immigration Board has the authority to grant three-year work permits. I know the Law

presently allows them to do so, and on occasion they will give such work permits. What I am taking about is a system of linking together training in the private sector and the work permit needs of these organisations where you call in the managing director, the general manager, or the chief executive officer whomever is in charge to the Board and say, *'Let me have your proposal for your work permit needs for the next three to five years. When you come up with these needs, tell me what training you are going to do for your local staff in this period of time and give me some indication of what promotion with take place in that three or five year period as well.'*

I believe that this may be an effective way of getting the private sector to focus on training in their individual operation. This may mean the reduction of the volume of work permits being dealt with by the Immigration Board. If that is so, I would think it would be helpful.

I believe that if I never see an entertainer like Patra in this country again it would be a blessing to me, and maybe to the rest of the people in this country. I do not think it should happen. I believe, too Madam Speaker, that people whom we deem inappropriate in our country, we should take action to make sure that [they do not come here] whatever that action needs to be.

We have the Cubans as well, and I believe in all fairness to the Chief Immigration Officer, he has had his hands more than full because the instant he arrived he had this problem on his hand. In all fairness to him, he has done well in managing this problem, which is a financial strain on the Government. There is no doubt about that.

There are international obligations that require us to treat them as human beings and look after them. We are caught between a rock and a hard place, because we have the Americans on one side and the Cubans on the other and the United Kingdom too far away to influence anything it seems. It is just my observation, Madam Speaker. Here we are stuck with a problem created by a decision down in the United States and we have to almost go "cup in hand" begging for assistance. I do not believe that is a fair game.

In all fairness to the Cubans, Madam Speaker, they are not like the same people who are arriving by the drug canoes illegally landing in the Cayman Islands. We have heard about this happening in the past. I am not so sure how much of that is happening today. I would not want to go down on record and make a statement about the present situation. But, like most things, if you treat people like animals they behave like animals. Some of them may not be the best citizens in the world. Some of them are like many in the Cayman Islands, normal, decent people in a very desperate position. God knows we all hope we do not get in the same boat, but if some of this alliance I see comes together . . . you will never know.

We have always been hospitable people and I think it would be wrong to show something different to the Cubans. It is true that they cannot gain a US visa in the Cayman Islands. That is a fact. There is not a thing in the world the Cayman Islands Government or anybody else can do about it. It is for the decision of the United States

Government officials.

There are people who visit them who are willing to ridicule. I am not in that boat, Madam Speaker. I came up perhaps in a different environment. Kindness, I think sometimes changes the whole system rather than something else. I do not have any apologies to anyone for anything that I may have done or may do.

I want to come back to this financial industry promotion, Madam Speaker. I believe that although the Honourable Financial Secretary has made many good decisions since we have been in office, the decision to take a team of private sector practitioners, government officials, His Excellency the Governor, Ministers of Executive Council and a Member of the Legislative Assembly is one of the best decision he has made. We can sit here in the Cayman Islands and play petty politics while everyone else runs ahead of us and gets all the business.

If we listen to some of the Opposition Members we would do just that. We would loose focus of what we are trying to achieve and play petty politics with them. Then when we do that, in about a year's time they are going to say to us that we are not doing anything. It would be true! Because playing petty politics with them we would be doing nothing.

We have seen a referendum issued by the Government of Bermuda and those same Opposition Members would say there is nothing to that. Maybe their views are the same for the Cayman Islands—who knows? But I can tell you this (this is not hearsay), those firms that are operating in Bermuda are getting a little glittery. There is a *Royal Gazette* which is put out by the Bermudan Government. I received a copy from a friend the other day. This was an editorial from the *Royal Gazette of the Bermudan Government*, dated 24 February 1995. I want to read this because I think it is informative, Madam Speaker. It says: **"There is a story doing the rounds that every time someone advocates independence for Bermuda it causes a cheer in the Cayman Islands. As a result, a reader had sent us a 1994 *Business Age* special section on business in the Cayman Islands. It is amazing how closely Cayman, which was once associated with Jamaica, but chose to stay with Britain when Jamaica became independent, has been created in a very few years in the image of Bermuda"** I do not know if that is so.

"Bermuda is undeniably the biggest market in captive insurance and Cayman is the second biggest." In that light I guess it is right. In another light, I would not agree.

"However, there is one major difference—it is very hard to find anyone who wants Cayman independent." Is there anyone in this House who wants to stand up and tell me that they want Cayman independent? I bet you will not do it.

"Being a British dependent Territory, like Bermuda, gives clients regardless of their nationality a great deal of comfort."

In its introduction to the Special Report of *The Business Age* it says: **"The Caymans enjoy a growing reputation because it has more regulation than any other**

offshore centre in the world. The British dependency status gives investors an added sense of security. Not surprising then that it is impossible to find anyone on the Island who wants independence.

"The islanders are not going to go down some radical independent route. It is an extremely conservative Islands."

It also says: "... Cayman has always been about long-term sensible planning." Although the Fourth Elected Member for George Town probably would not agree with that. The extensive special supplement is littered with praise for the way Cayman works and of statements which are of interest to Bermuda. **"The Cayman Islands are a unique oasis. Here, society offers a reminder of the kind of standards that many Western societies have lost over the past three decades. The God fearing and very religious islanders wish it to remain that way."**

"It is unbelievable that in 20-odd years you can change a country where there were not many jobs and most of the people were working in either the United States or on a ship sailing around somewhere. Expatriates are an integral part of Cayman's society so as a result of that we can work together and pool ideas. You see, there is no magic formula to the Cayman Islands but the difference is we do not have these issues associated with nationalism, colour prejudice and so on."

"Cayman was helped by the fact that the Bahamas financial services industry self-destructed after a socialist Government took over. Cayman was the main beneficiary of that political change. Since then, the Bahamas has played catch-up to Cayman" [*Business Age*, pg. 14].

"The banks know that in Cayman they have an almost idyllic situation; perfect climate, reliable and friendly local people, zero tax regime, low crime rate, British dependent status, and the close proximity to the United States."

"With over 300 years of British rule, Caymanians have steadfastly maintained close ties constitutionally with Britain, content with provisions which fall short of full internal self Government. The stable political climate has contributed to a peaceful society which enjoys a high standard of living."

"It is a level playing field with little crime and no corruption, something which is so prevalent in other countries. This is probably expressed more strongly by politeness on the roads. Cayman is a living example what can be achieved in a country with a good Government and management."

"Consistently good decisions have delivered a high level of prosperity for not just a few, but for all its citizens."

This is put out by the Bermuda Government, in the *Royal Gazette*. If anyone perceives that the Cayman Islands is not the country that everyone wants to emulate—think again. When you talk to people from Bermuda, they have to admit that the way in which this country is being

run is something that they would like to see in their own country. This is what the National Team brought to this Government. This endorsement, Madam Speaker, is what the National Team brought to this country.

It was not like that three years ago. When we started to campaign three years ago and we published our Manifesto, we looked at the Government's financial position and it showed that the Public Debt and Contingent Liabilities as of September 1992 were about \$141.1 million; the General Reserve was then \$10.0 million. When you deduct general reserve from the \$141 million you get \$131 million. But when we got into the Government we found out that there was a \$7 million deficit. So that pushed the General Reserve back up to \$138 million. I do not think this includes all the overdrafts. Neither does it take into consideration the millions of dollars Cayman Airways owed to various creditors and the Government and everyone else.

The recent position that the Government, after two years, has accomplished in public debt and contingent liabilities (when they are added together) is about \$160 million. We had about \$4 million in General Reserves, but let me just say that \$16 million of that is for debts we paid off for the previous Government; \$7.2 million is what they committed us to for the hospital (the Dr. Hortor Memorial). If you take those amounts out, which were not our decisions, you are back down to \$133 million.

If we want to compare apples to apples, we would say that in the area of financial control, borrowing and really trying to increase General Reserves, we are doing well. I must offer my congratulations to the Third Official Member for the way in which he has managed and for his vision of the Portfolio of Finance and Development. Madam Speaker, having spent about ten years of my life in these chairs, I know how much work that is and I know about the demands that are made not just in the office, but after office hours.

I want the Honourable Third Official Member to know that he has my wholehearted support. There is no doubt whatsoever in my mind about that, Madam Speaker.

There were some comments about the Planning Department and the staffing. I would just like to answer one or two of those comments. When we took office the Planning Department was under staffed. The posts were there but were not filled. I believe much of the delay was caused by the lack of manpower to carry out all the many functions. The department is now up to full strength. Two posts were filled to replace officers whose contracts expired, and four posts were filled which were previously vacant. One post was the filling of a newly created post of long-range planning. I believe that is in the best interest of this country. One of those posts was for the filling of the Planning Assistant post in the Sister Island. God knows they needed it. Most of these officers arrived in the latter part of September.

The year 1994 was one of the best years for the Government attracting investment into this country in the form of construction projects—\$137.2 million. The comments I received from the Planning Department had all been complimentary about the attendance to detail and

members of the Central Planning Authority attendance to meetings. I am very proud to hear those comments. I think they have made a significant contribution to this country. Perhaps a \$25.00 per meeting which perhaps pays the gas bill to get from home to the place when the Central Planning Authority carries out its work.

We hear too about the delays and the bureaucracy in the Planning Department. Madam Speaker, I think we need to try and differentiate between delays and good requirements that should be set down from the beginning, so that when you your building is constructed you have the necessary fire protection; the waste disposal system that is going to function effectively; the electrical work carried out in a professional manner so that persons who occupy the buildings (commercial or residential) are not at risk.

As I understand it, the department processed over 500 applications, closer to 600. I said to the Director of Planning the other day, "You know, you really need to tell me how many applications you have that are outstanding. How many have been deferred, and give me some reasons why." He produced a list and I think in answering a question in the House, I said that certain kinds of development have to give notice to adjacent landowners. That generally takes three to four weeks.

I said, "Tell me all of the applications which are presently before you, which have been deferred for more than six weeks." When we start thinking about \$137 million that got processed, we are really at 44 cases, Madam Speaker.

Is that a number that frightens everyone? I would like it to be less. I would like for it to be zero, but it is not a realistic wish. In some cases, there is need to wait for advertising to be done. There is a need for the architects to correct their drawings. There may be a waiting period for the survey report from the applicant; or it may be that the applicant is before the Appeals Tribunal. I do not see anything here, Madam Speaker, that frightens me. I see some things here that suggest that perhaps more work needs to be done to reduce the number. But we know that the Central Planning Authority is operating under the Law, and the Law must be followed for fear that the applicant, if it is wrong, will appeal and have the decision overturned.

When I was talking about Immigration, I missed one particular point. There are times that you can arrive on an aircraft and get to the booth and nobody is there. Not one person is there and I think they really have to correct that. That is not hearsay, Madam Speaker, I have seen it myself.

So many people are asking: What have you accomplished in the planning area? I would say the planning operation is not now what it was back in 1992. I believe it is more responsive to the needs of the consumer. As I have indicated, there is an increase in planning approval. There is the administrative approval put in place that affords a quicker response to the public. I think that is working well.

The establishment of a long-term planning section. I do not recall that having been done before. I heard the

Fourth Elected Member for George Town saying that we need to plan long term. Maybe he endorsed this unit. He has not said so.

We have increased the activities in the construction industry as a result of our work; stimulating the economy in reducing, let us call it, the "red tape." We have increased employment in the construction industry. Yes, I do not think every contractor is working full speed, but it is coming. I think that is what the opposition is worried about. The see it coming. The see every person who is willing to work being at work and they are worried about how they are going to counteract that.

We have helped to move the economy of this country to a healthy position. I believe the future direction needs to be improved—road infrastructure and we are working on that. We have the agreement for the Harquail Bypass. The Public Works Department has been requested to carry out the work, and I do not want to steal the thunder from the Honourable Minister for Communications and Works. I will leave him to speak about that.

I think there is a need to establish environmental zones. But there is always the practicality of how it is done. I am not going to agree to designate somebody's property "environmentally protected" or "environmentally sensitive" just because you may have the power to do it. You will ruin the value of the property and the owner suffers a severe loss, because there is not too much he can do with it once he gets that designation.

In my humble view, the way to proceed with this environmental zone (protected or sensitive), is that every piece of property the National Trust owns and want us to designate "environmentally protected", I am willing to put that forward; every property that the Government owns and the Government agreed should be designated "environmentally protected", I am willing to put that forward too. But any other kind of designation of private property, if we come to the conclusion that this piece of property is an ideal parcel to preserve for future generations, I think the Government will go out and buy it and pay the market value.

Do not go and designate someone's property and devalue it (as some person would want you to do) then pay the person half the price. They can all talk that way until they own the land they are talking about. Whether it is the National Trust or a member of the public who feels that way, I am not going to agree. I do not believe it is the right thing to do to anyone who owns land in this country.

In talking about the future direction, Madam Speaker, I think we need to bring into law the Building Code. But let us just step back a minute and ask, Would it be more practical to deal with the development review and try to resolve that? Get a decision and let us stop playing politics so that we can amend [the law]. As the Fourth Elected Member for George Town indicated, it is a national issue. This is in the interest of generations to come. If you do not amend the present Planning Law, where someone does something which is not within the approval given by the Central Planning Authority, and they serve an enforcement notice and the applicant says: Thank you very much. And does nothing about it . . . what

are you going to do? There is not sufficient teeth in the law to really bring to bear and put him or her in a judicial process to settle it.

We hear about road corridors. My God, a lot of politics can be played with that. But is it in the best interest of the country to play politics with that? We need to do what is practical. We need to decide, and it does not take a genius, because every time you drive the street from any direction in this country (East End or West Bay) certain hours of the day you will say to yourself: My God we need another road. So, let us all decide to do it. Make it part of the Development Plan Review.

I do not agree with the Fourth Elected Member for George Town when he says the Master Ground Transportation Plan (MGTP) was a good plan, a good thing and the Government pulled it back for fear that they would get killed. The proponents and the opponents of that Plan if they had known all the facts and were truthful to the country—it was the best thing that should have happened to this country. I do not agree with that.

If it was done then, Madam Speaker . . . when we took office I quoted the figures with the public debt being in the area of \$60 million. We are paying \$12 million to service that [Plan] annually. Let us pick a figure, some people say \$80 million for the cost of the MGTP system (I doubt it but let us use the figure). If you pay \$12 million per year to service a \$60 million [system], what does it cost you to serve the other \$80 million? Another \$15 million maybe? So let us say \$27 million and when you pay \$27 million out of any of the Budgets there is no money to talk about capital projects, which means it puts you in a position where you then as a Government, and politicians who hope to get elected decide to force the Financial Secretary to go borrow money to do these capital projects. Then what happens? It causes you to pay more money—not \$12 million, not \$27 million perhaps \$30 million. That is not in the best interest of the country.

I do believe the Government must move in a direction to resolve the traffic congestion problem. If it means widening the roads, then we do that. There are alternatives, Madam Speaker. We do not necessarily need an I-95 like the United States. We do not need that.

We have heard a lot about the Madigan Pratt Report and Jean-Michel Cousteau's Report, and the Chamber of Commerce's Report and all those reports. We decided sometime ago and requested the Department of Environment to provide us with a cost of the installation of dive boat moorings around the three Islands to protect the marine environment. We now have that estimated cost—it is about \$12,000. All the reports are talking about resting this dive site or resting the other dive site. You are not going to be able to do it unless we have other sites to be used. Otherwise, the visitors who are coming to dive are not going to be able to make all the dives he/she wants. That is the direction we are heading, Madam Speaker. I believe it is the direction that would put us in a position to come to grips with the capacity of these dive sites.

Mr. Cousteau said that there were something in the region of 240 visitors, and that if each of them takes 10

dives we are looking at 2.4 million dives. He sees that as a tremendous amount of pressure on our reefs and I think we see it too.

What have we accomplished in the environmental area? We have decided to implement a Recycling Programme for cans and cardboard. We have been able to achieve agreements with cruise lines where they will not dump any waste into our waters while they are within the 12-mile limit. They will do no painting or chipping of the hull of the ship while they are in port.

We are working on the construction of a building to house the Department of Environment where all members of the department can be brought under one roof, rather than two or more roofs (which is the present situation), so that the implementation of policies and services can be more cost-effectively carried out.

We have increased the effectiveness and activity of larvacides to control mosquitoes. You will have hiccoughs with it, but it is more effective now than what we found when we arrived.

For the future direction I think we need the enhancement of the Botanic Park facilities; the restoration of the Pedro Castle; the restoration of Boatswain Bay School; the improved maintenance and upgrading at public beaches; and the enhancement of our cemeteries throughout the three Islands.

For the marine environment, the installation of permanent cruise ship moorings in George Town, done in conjunction with the cruise lines. We want increased enforcement of our marine parks and replenishment zones and we are presently moving forward with the revision and amendment of all Laws dealing with the environment.

I have heard the Second Elected Member for Cayman Brac and Little Cayman asking questions about the Turtle Farm, then he made a comment and put a question about Dr. Jim Wood and how successful he was and whether we would rehire him. I do not think I gave him the right answer that morning, but I was trying to be kind and diplomatic.

I want to tell the Honourable Member that after about four months, knowing now the full details, I think the decision that we took is the right decision. Mr. Wood's success, Madam Speaker, to my mind is not based on his academic qualifications or his performance but his success is based more on the staff who worked for him. From the day I put my feet under my present desk, I have been having almost on a daily basis complaints about the behaviour of Mr. Wood and how he treated people and staff.

I even received a letter from the person who provided security services at the Farm. He wanted the watchmen to stand on a six foot ladder all night to look over the hedge of the fence where they can see the turtle ponds on both sides of the road. When they got so tired where they could not take it any more, they had to come down off the ladder. Only for him [Mr. Wood] to arrive and scold them right, left, and centre—smelling of bourbon as well.

And the Second Elected Member for Cayman Brac and Little Cayman talked about how successful he was.

He should live in West Bay and he would hear some stories about his success.

Madam Speaker, he tendered his resignation and it is my understanding that it is not the first time he pulled that stunt when he could not get his way. You put a person as Chairman of a Board, and the Board makes policy on any particular issue of that firm or statutory authority. That is the way it has to be. And if you are upset with it, you tender your resignation. I can tell you this, if you tender it to me I am going to accept it—especially the trouble we had with Mr. Wood.

Even now, Madam Speaker, two months after he is gone we are trying to figure out how he knew what the inventory was down at the Turtle Farm, because as I understand it he had six or ten different books. It is taking a pair of geniuses to put it all together. It is time for computerisation of the inventory control. And you know what he wanted to do? He wanted to put in a system similar to that in big department stores that have products with the electronic sensor buttons on them which the cashier has to use a special equipment to take it off. He wanted us to institute that system because he kept talking about shoplifting at the store.

Now, Madam Speaker, the cruise ship passenger only has 20 minutes and if you are going to spend two or three minutes to take of the [sensor] how many sales will you have?

The Second Elected Member for Cayman Brac and Little Cayman talked about success. Do you know that over \$100,000 worth of inventory could not be accounted for while Mr. Wood was in control? If it had happened while I was there, I would have known what to do. It would be success then.

I want to come to a point that was made by the Fourth Elected Member for George Town. He raised the point of Tourism Accommodation Tax. The first thing that I have to speak about under this Ministry is the proposed increase to 10% in the tourist Accommodation Tax. There is so much working together that even before the statistics for January from the Tourism Department on tourist arrivals could be produced, Mr. Rick Catlin told us that tourist arrivals were down.

When we published the information to show that that was not true, the Second Elected Member for Cayman Brac and Little Cayman was on his feet saying that the Minister was taking credit for all the increases, he must take credit for the decrease. I held up the paper and pointed to the paragraph on the front page, which said, "Tourism figures up for January". He would not change the statement.

Madam Speaker, these same Members from time to time write in for all kinds of increase in expenditure. Where is the money going to come from?

When we carried out our exercise and looked at the countries in the Caribbean—Antigua, Aruba, Bahamas, Barbados, Bermuda, British Virgin Islands, Jamaica—remember now we are not the same market. Jamaica is a country with mass market, like the Bahamas, Barbados, and Antigua. The country that really compares to us, I would say is Bermuda, in terms of who we are trying to

attract to the Cayman Islands. According to some people, it is the end of the world.

Let us say you pay \$200 for a room, it cost you \$12 in Tourist Accommodation Tax, and we now want to raise it to \$20. It is going to damage the whole place.

Madam Speaker, when you look at the reality, 77% or 80% of these people are coming from the United States. We have regional offices in New York, Chicago, Los Angeles, Houston, and Miami. What is the tax on a room in San Francisco? It is 12%. What is the tax in New York? It is 15%—it is actually 15 3/4%. What is the tax in London? It is 17.5%. What is the tax in Houston? It is 15%. What is the tax in Miami? It is 12.5%. So some of those people who are trying to stir things—and that was the reason for Rick Catlin writing the article, to say that tourism figures are down and link it to the tourism accommodation tax increase. Politics as usual. But what we did—it is only 10% Madam Speaker.

The Speaker: Would the Honourable Minister take a suspension at this time?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

PROCEEDINGS SUSPENDED AT 3.42 PM

PROCEEDINGS RESUMED AT 4.01 PM

The Speaker: Please be seated.

The Honourable Minister for Tourism, Environment and Planning continuing.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

When we took the break I was trying to respond to comment made by the Fourth Elected Member for George Town, wondering whether the increase from 6% to 10% in tourist accommodation tax had much wisdom was in it. I believe that having carefully surveyed about 27 Caribbean countries it revealed that the hotel occupancy tax in the region ranged from 4% in the Bahamas to a high of 23% in the Dominican Republic. About eight countries charged 7%; five countries charged 5%; and three countries charged 8%; three other charged 6% and two charged 15%.

Now in some countries the charges are different from ours, Madam Speaker. Our charge is basically on room cost. But some of the other countries charge on everything that gets billed—beverage, and food as well. I did give indications of what hotels in various areas of the United States and in London charge. I indicated that San Francisco it is 12%, in New York, it is 15 3/4%; in London it is 17.5%; in Houston it is 15%; and in Miami it is 12.5%.

When we decided to put the increase into operation we knew that when dealing with new revenue measures you cannot make the whole world know what you are doing until it comes to the point where you fully decide to do it. When we fully decided to do it we talked to members of the industry. Some of them had concerns and we listened to those concerns. Some of them indicated that we could implement it on 1 March or 1 April. Others preferred 1 June, and there will always be some that will never agree to any day unless it is sometime next year. But I believe that we have dealt with it in such a way that we said: Let us make it effective 1 June 1995.

Having passed the Budget in December of last year there is at least six months lead time to alert all the people; tour operators, wholesalers, travel agents, regional offices, and the airlines that there is going to be a difference in the accommodation tax charged from 6% to 10%.

I think the Rick Catlin article was trying to indicate, although he did not have the statistical facts to back it up, that tourism figures were down in January because of the proposed increase in tourism accommodation tax—when, in fact, the tourism accommodation tax is not yet in place. It does not come in place until 1 June 1995.

We will have to see what bears out in the end. I do not think it is a major issue. It is certainly a good political topic but beyond that, I do not think there is any substance in it.

Madam Speaker, I think it was the Second Elected Member for Cayman Brac and Little Cayman who on occasions speaks about "peanut butter sandwich visitors." I do not know if he still holds that view. When we took over Government and accepted our responsibilities under the Constitution and counted the number of tourists who arrived for 1992, we found that there were about 241,000. We took control of the situation.

The Director of Tourism, the Principle Secretary, and I, and in some cases other members of the Ministry, had meetings with the regional sales managers. We called them to a specific city in the United States and met with them all and told them what we expected. They got out and did the work. They utilised the strategy that had not been implemented and produced at the end of 1993 over 278,000 visitors.

At the annual marketing meeting, we challenged them to top that figure—and they did. At the end of 1994, the figure rose to over 341,000 visitors. We are talking only about air arrivals, Madam Speaker. What was the cry? *'You are growing too fast. Too many people around.'* Some of the commentary from the Opposition was "peanut butter sandwich visitors who are not spending any money."

You still believe they are peanut butter sandwich [addressing the Second Elected Member for Cayman Brac and Little Cayman]?

I cannot hear you, you need to speak up a little louder than that.

Of course, I may tell you that if you believe that that is so, you can be proven to be wrong.

All the facsimiles that have come to my attention suggest that that is absolute rubbish. It is only a figment of somebody's imagination. Well if he did not say it, Madam Speaker, I will allow him to deny it.

Allow me to step back for a minute. When we took office in 1992 and got voted to this side of the House by our supporters on the other side and were sworn in, then we were requested to arrive at the Glass House to be sworn in as Members of Executive Council. One of the first things that happened was we received this voluminous document. I do not think it would be an exaggeration if I said it was somewhere between 4 to 6 inches thick. And on the top of that document was Cayman Airways.

The document told us about the \$35 million losses to Cayman Airways in the couple of years. We found out too, that the previous Government had committed us to so much expenditure that at the end of December, there were going to be a substantial deficit—turned out to be as we know it—of \$7 million.

But over a period of three years, they ran the deficit up to the tone of \$55 million. They borrowed until the banks would not lend them any more, and that is the case with Cayman Airways. So, when we arrived in office (I do not know about my colleagues), I wondered how in the name of God we were going to get out of this mess. And I knew that the Financial Secretary had to be nervous about that position—he is only normal like the

rest of us.

So we say let us use tourism as the vehicle and Madam Speaker, as my colleague says: Thank God we did it. Thank God, our people performed for us. Thank God to the private sector people who assisted us and continues to assist us.

Sometimes when I talk about the accomplishments I hope everybody realises that I am not just talking about myself, I am talking about the staff we have that we can direct and the support which we get from the hospitality industry in carrying out promotions and everything else. They are the ones who assisted us tremendously with the farm trips which are travel agents coming to the Cayman Islands to familiarise themselves with our products; airlines—Cayman Airways, American Airlines, Northwest, US Air in bringing these people free to our Islands to assist.

Whoever said that these visitors were peanut butter visitors, I challenge that statement.

In 1992, the contribution by tourists to the economy of these Islands was CI \$168 million. Madam Speaker, if you wish to see the difference between what we found (\$241,000) and what we did—\$287,000—you then look at the contribution during 1993 to the economy by the tourism industry. That figure is \$203 million dollars up from \$168 million.

When it came to 1994, which we have just completed, the tourism industry has contributed to the economy \$251 million—that is a lot of peanut butter sandwiches, Madam Speaker. While we are doing all of that we are also looking to lengthen the stay of the visitors who come to our shores. I have heard all kinds of number quoted, some says it is five days, six day but my fact say it is seven days.

Madam Speaker, they do not just have to take Thomas Jefferson's opinion about it. Here is a statistical abstract of the quarterly review of the Caribbean trend put out by the Caribbean Organisation. I am only going to look at 1994. The highest increase in tourist arrivals between the months of January and September 1994 is the Cayman Islands—21.4%. One of the paragraphs says: **"Needless to say almost all destination reported lower growth rates during the summer months. The single exception was the Cayman Islands, which significantly has maintained an effective advertising programme in the United States. Ten of the 21 reporting countries recorded percentage decreases during the summer month."**

Then it goes on to analyse the market response. **"Tourist arrival from the United States up to October grew by just over 2% compared to the same period in 1993. Unites States tourist arrivals grew by about 7% in the winter month, but fell by an estimated 3% during the summer period."**

It goes on to say: **"The Cayman Islands, which gets nearly 80% of its tourist from the United States, reported a 15.2% increase in United States arrival up to September."**

And the Chamber of Commerce says we are below average.

It reads on: **"The Bahamas, Bonaire, Dominica, Montserrat, St. Martin, and the Turks and Caicos Islands all reported increase of more than 5%."** A little bit over 5% for those countries and 15.2% for the Cayman Islands, and the Chamber of Commerce says we are below average and the opposition says we are not doing anything. But here is a professional body who says the Cayman Islands is holding and taking more of the market share in the Caribbean than most other Islands.

It further states, **"Tourist arrival to the Caribbean from Canada increased by an estimated 5% over the ten months in 1994. Individual country's performances were somewhat**

varied and increases over 10% being recorded by Anguilla, the Cayman Islands, Curacao, Jamaica, and St. Martin." We are recording a 10% increase in Canadian visitors when the whole Caribbean is recording an estimated 5% increase. And we are below average according to the Chamber of Commerce survey.

"Long stay arrival from Europe increased by an estimated 4% during the January to October period. Six of the reporting countries; Anguilla, Antigua and Barbuda, Barbados, the Cayman Islands, Grenada and Guadalupe, showed increases of over 20%. The whole Caribbean area got an estimated 4%." And we got together with some other countries five times as much. You can do as many survey as you want, but he who walks the street and drives along the street will see the tourists.

When they contribute \$251 million to the Cayman Islands economy that is a lot of marbles, if I could use that word. A total of \$126 million was spent on room cost including food and other charges. Over \$59 million was spent on food and beverage in the various restaurants. Almost \$10 million in local transportation; \$2.4 million on entertainment; almost \$31 million in shopping; over \$17 million in watersports activities; and about \$5.2 million in miscellaneous spending. Is this still peanut butter?

How come he says he did not say that?

Madam Speaker, you have some people who write letters to the press about the Department of Tourism and the department not supporting Cayman Airways. What another bunch of rubbish. We changed our advertising programme and because of that change, not everything we do we can show Cayman Airways. But we have looked through 1994 for what assistance we gave to Cayman Airways in the marketplace to help promote traffic for our national carrier.

Do you have any idea what that figure is? \$6.3 million. So whoever is writing the letters, tell them write one about that.

That is another political strategy to drive a wedge between me and the Honourable Minister for Education and Aviation. That is all that is. But we were not born yesterday, and we know each other from when we went to school across the street. Let me go on to say, Madam Speaker, we are resident members in our districts.

Madam Speaker, we have used this tourism industry to help to turn this country around and I am not standing here to try and tell you that it is only the tourism industry. We are playing our part. Certainly the offshore financial centre—let us call it the International Financial Centre, which I think it is . . . and it was in the *Euro One* article back in 1989 that proved without a doubt that the Cayman Islands is a world banking centre—number 5 in the world. And you talk about jealousy. Tell that to those people who are on shore, and keep watching their faces. You want to see an expression?

I can say without a shadow of a doubt that these Cayman Islands and the financial industry and the way it is regulated is second to none. We are right up there with the big boys. We have done our thing, Madam Speaker, we have brought the visitors, we have stimulated the economy. We said back in November or December of 1994 that the future direction of tourism is not concentrating on numbers. We are going to concentrate on the amount of money that the tourism industry can generate in the favour of the Cayman Islands' economy.

Madam Speaker, I got an article the other day that I think will take me some time to explain, but I will begin. It is an article...

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Minister, it is now 4.30. Are you go-

ing to continue beyond that time?

Hon. Thomas C. Jefferson: No, Madam Speaker.

The Speaker: Would you prefer to take the adjournment now?

Hon. Thomas C. Jefferson: I would prefer Ma'am.

The Speaker: Would you then Honourable Minister responsible for Tourism, Environment and Planning—Leader of Government Business—move the motion for the adjournment?

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 10 o'clock tomorrow morning.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 24 MARCH 1995.

**FRIDAY
24 MARCH, 1995
10.13 AM**

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

PRAYERS

Mr. G. Haig 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, forever 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.

Questions to Honourable Members and Ministers. Question number 73, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 73

No. 73: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Affairs how many lawsuits are pending against Government from 1993 to date, and what are they.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, there are seven civil actions which were commenced against the Attorney General and/or other Government Officials since 1993 and are still pending. A list giving details is being circulated separately to Members of the Legislative As-

sembly only.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say if in any of the instances of civil action listed, Government made any attempt to negotiate settlements other than through the courts?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, Government always tries to negotiate a settlement, as any wise participant in litigation does. Sometimes this is successful. And a number of cases both brought against Government and, indeed, brought by Government against others, have been successfully settled without recourse to a court hearing. Attempts have been made in the cases on the list before members this morning, and in some cases, in fact, I think in all cases, negotiations are ongoing and likely to remain ongoing until either the matter is resolved or it finishes up in court.

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

Mr. Gilbert A. McLean: Would the Honourable Member have any idea as to what costs these may have incurred, as a ballpark figure, so far?

The Speaker: I do not think that was part of the original question, and I doubt if the Honourable Second Official Member can reply to that.

Hon. Richard H. Coles: Madam Speaker, I certainly would not be able to give any details because the answer is that I do not know. Costs, of course, are always a factor in any civil litigation and, indeed, costs form part of the claim either way. Generally speaking, the successful party recovers his (or its) costs against the unsuccessful party and Government is in no different position to anyone else in that respect. But the costs will carry on as long as these actions continue.

I would not be able to give an indication today, and, indeed, I am not sure that I would be able to give an indication if I had some time, because the question of costs and the bill of costs is not prepared until the matter is finished. It would not really be possible other than to give a very rough estimate, and I do not think that would be helpful to the House.

The Speaker: First Elected Member for Bodden Town.
Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member give the detail of the charges in each of these instances?

The Speaker: While, perhaps, this could technically be a resulting supplementary, I am not sure if the Honourable Second Official Member could give an undertaking.

Mr. Roy Bodden: Madam Speaker, if I may.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: May I be allowed to amplify? I mean in the case of Hurlstone Construction, whether the charge is for breach of contract or just something brief like that.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, I do not think it would be right of me to give details of the various allegations that are made by one side or the other in these matters. Although I am happy to give details as I have done to Members of the Legislature this morning, civil actions are, by their very nature, private actions, and the papers that are in the court are not public documents as the case may be with criminal matters. So, I do not think it would be right of me to actually give that information out this morning.

The Speaker: If there are no further supplementaries, the next question is number 74, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 74

No. 74: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Affairs what progress is being made with the drafting of suitable legislation to safeguard against invasion of privacy as passed unanimously by the Legislative Assembly on 25 March 1993.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, proposed amending legislation has been drafted by Legislative Counsel and was submitted to the Ministry of Agriculture, Communications and Works in October 1994.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Does the Member have any idea at all when the Ministry of Agriculture, Communications and Works, and the Legal Department (or whichever will sponsor the Bill) might be bringing the legislation to Parliament? And is it correct that the Honourable Member

said "amending legislation" and not a comprehensive Bill?

The Speaker: The Honourable Second Official Member.

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

The responsibility for bringing the legislation before the Legislative Assembly will be the Ministry to which I have referred. My Portfolio merely assists in drafting the legislation for the consideration by the Ministry, and when they are happy with it they will no doubt bring it before the Executive Council and then the House.

What I can say to the Member is that following on from the draft that has been submitted, I understand from the Ministry that they are now thinking of incorporating this into a full review of the Telecommunications Law which will be a considerably larger drafting exercise than what we have dealt with so far.

Whether that will turn out to be their final decision, of course, I do not know. That is up to the Ministry. But I have been told by the Ministry that is their thinking at the moment. I am really unable to say when that legislation will come before the House.

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

Mr. Gilbert A. McLean: The motion that was passed by the House asked specifically that legislation for the purpose of safeguarding invasion of privacy be enacted. Could this then be properly done by amending some other legislation, as is suggested in the substantive answer, or, indeed, incorporated into a Bill dealing with telecommunications?

The Speaker: The Honourable Second Official Member.

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

The amendments that have been drafted and submitted to the Ministry relate to the Telecommunications Law. The Ministry felt that it needed to make further investigations and inquiries before proceeding with that.

Out of those inquiries and talks, they have now come to the conclusion (whether it is the final conclusion, I do not know) that it may be that the Telecommunications Law, as such, requires a complete review.

Now, it is likely that the sort of privacy legislation to which the motion was referring could be incorporated perfectly satisfactorily into that new Telecommunications Law. But until my Portfolio or the Legislative Council sees the Ministry's instructions, I cannot give a definitive answer on that.

It may still require separate legislation or it may be incorporated into a new Telecommunications Law.

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

Mr. Gilbert A. McLean: Could the Honourable Member say if, to his knowledge, there are any ongoing activities by the Government or of the State which might find itself

contrary to any such Invasion of the Privacy Act that is in any way slowing down the progress of this particular legislation?

The Speaker: I think that is an expression of opinion and I will not admit that.

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 Minister responsible for Community Development, Sports, Youth Affairs and Culture if Caymanian students enrolled at the International College of the Cayman Islands are eligible for student loans under the recently announced scheme.

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

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Honourable Members are aware that in the November 1994 Meeting of this Honourable House, I tabled the Draft Guidelines for the guaranteed Student Loan Scheme. I should say, Madam Speaker, that the information is public.

The purpose of this scheme is clearly outlined in the Guidelines, and Members are reminded of this as I quote a paragraph from page one: "**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).**"

"**Section 15 of the Guidelines generally defines the institutions to whom funding will be provided for Caymanian scholars under this scheme. Ideally, the institution must be recognised and rated as 'competitive' or above in an approved and reputable training or college guide. Funding for other institutions (such as ICCI) will be contingent upon the student having an offer of employment upon graduation or upon having identified provisional employment in his field of study, or contingent upon the student's chances of gaining admission to an accredited senior institution.**"

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will the Honourable Minister give an undertaking that this information be conveyed to ICCI? It strikes me that the administration and the students attending that college do not know that this facility is applicable to them.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Cul-

ture.

Hon. W. McKeeva Bush: Madam Speaker, we will send a copy of the guidelines to ICCI. However, as I said, in the November meeting, the draft guidelines from which I just quoted were tabled. That means that they are for public dissemination. The Member could have well informed any person or any institution or body corporate of the contents—if he had read the contents.

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

Mr. Gilbert A. McLean: There seems to be a special provision with regard to other institutions, which includes ICCI, that a student have an offer of employment upon graduation. Is this also a requirement in regard to students going to accredited universities, that they must have an offer of employment upon graduation?

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

Hon. W. McKeeva Bush: The second paragraph in the question identifies the provision that the Member is inquiring about. I will read it again. "**Section 15 of the Guidelines generally defines the institutions to whom funding will be provided for Caymanian scholars under this scheme. Ideally, the institution must be recognised and rated as 'competitive' or above in an approved and reputable training or college guide. Funding for other institutions (such as ICCI) will be contingent upon the student having an offer of employment upon graduation...**" So, Madam Speaker, the answer to his question is no.

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

Mr. Gilbert A. McLean: As ICCI is a local institution and does offer up to associate degree, I am told, and other accredited universities, one would assume, would take it up to the degree level, is it any less of a requirement that persons in the accredited ones that take it up to degree level should have a job after graduation as a part of the requirements for a loan?

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

Hon. W. McKeeva Bush: Madam Speaker, the answer concerning the differentiation is that ICCI is not competitive.

The Speaker: The next question is number 20, which is the deferred question, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

DEFERRED QUESTION NO. 20

No. 20: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Communications and Works what is the cost to date of the diversion road at the end of the Airport runway.

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

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

In an answer to a November 1994 Parliamentary Question, the cost for the work necessary to provide a double spray and chip diversion road was estimated by the Public Works Department to cost in the vicinity of \$275,000. This did not include work on upgrading Smith Road or hot mix surfacing.

However, after taking into account the design which included a severe curve, it was decided that with heavy vehicles and the large number of cars using this stretch of road, the spray and chip surface would not stand up. Also, in having to create two new junctions and finding some unexpected deep areas, considerably more fill had to be used than was at first anticipated.

To date, the diversion road with the upgrading of Owen Roberts Drive to Foster's Food Fair; Owen Roberts/Crewe Road junction; Smith Road/Crewe Road junction; Crighton's Property to Smith Road/Crewe Road junction, and the use of hot mix have all contributed to increasing the cost of the project to \$1,178,114.00.

SUPPLEMENTARIES

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

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

Are there other elements that could have actually been contributory costs that have not been included here?

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

Hon. John B. McLean: The figure that I have just given is the cost of the project to date.

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

Mr. Gilbert A. McLean: Could the Minister say if the costs to Public Works, as a department, are also included in this price? And, if it were, would it come, in fact, more to over \$2 million?

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

Hon. John B. McLean: Madam Speaker, I refer to what I have just said. The cost of the project to date is the figure that I have just given.

The Speaker: That concludes Question Time for this morning.

Statements by Members of the Government. It would appear that the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture has just one statement to make.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

LABOUR LAW AMENDMENT BILL

Hon. W. McKeever Bush: Thank you, Madam Speaker.

As the Mover of Private Members Motion No. 2/85, which resulted in the subsequent passage of the Labour Law, 1987, I am pleased today as the Minister to be tabling as a white paper, the draft of the Labour (Amendment) Bill, 1995, which I intend to bring to this Honourable House in June of this year.

Since the enactment of the Labour Law, 1987, there has not been a comprehensive review with amendments to this important legislation.

When the Labour Law was introduced there was a fair amount of criticism from some corners of our society, particularly employers through the Chamber of Commerce who questioned the need for this legislation. However, it is now widely accepted that the Labour Law was a sensible and necessary safeguard for our workforce and has proven its worth over the years even though there are still those who would prefer to treat their employees as they feel.

To be effective, it is necessary that changes in our society (and in this case our workforce) are closely monitored and that Government's policies including its legislative framework are updated in order to anticipate or respond to these changes. This is the case with the Labour Law, and, therefore, based on workplace inspections, labour hearings, verbal, and written representations, together with practical difficulties and loopholes in the Labour Law, it was decided to undertake a review of the law.

In mid July 1994, my Ministry and the Labour Department began this review process. Once the recommendations were approved by Executive Council, we were able to receive an amending Bill in March (this month). Amendments to the Labour Law, as incorporated in the draft Bill that I am tabling today, include clarification of necessity of a written statement of working conditions; probation period to be agreed and extended in writing, and the rights of the employee and employer on the termination of employment by notice; entitlement for leave, that is, vacation, sick leave, maternity leave and compassionate leave, is strengthened; and entitlement for public holiday pay is clarified.

Provision for breaks during the workday or shift period, as well as for a wage statement, including gratuities to the employee is proposed.

The amendment also proposes to strengthen the provisions for overtime pay, as well as strengthening the

prohibition of certain deductions from the employee's wages. The provision concerning severance pay, unfair dismissal and redundancy are also proposed to be clarified. The amendment also proposes to increase the levels of penalties for non-compliance with the law.

In order to allow for the new initiatives to be undertaken by the department, the amendment proposes to give the Director of Labour the functions of providing and assisting in facilitating recruitment and employment training for Caymanians.

In recent years, there has been an increase in labour disputes, many of which result in formal labour hearings. This obviously inundates the small staff complement of the department and restricts their ability to operate in the field to provide counselling and other preventative measures.

Seeing that there is a limited will for employers to abide by any voluntary code or moral persuasion in the absence of specific legal provisions and sanctions, it is imperative that we address these disturbing problems in our workplace and appropriate that this be done through the Labour Law.

The Labour Department will also continue its efforts at educating both the employer and employee on the Labour Law as well as conducting other preventative measures.

The Government feels that the proposed Labour (Amendment) Bill, 1995, will clarify, update, and strengthen the law for the benefit of all. It is my hope as the Minister responsible for Labour that the amended Labour Law will enhance the tranquillity of Cayman's labour relations and will help the economy of the Cayman Islands as we build for the 21st Century. It is our intention, contingent upon the Bill being passed in the June meeting, to have the Law Commissioner consolidate the Labour Law for ease of reference to its users.

I trust that all Honourable Members, employers, and employee organisations, and the media will review these proposed amendments and do their part to assist the public in understanding and appreciating the proposed changes.

My Ministry and the Labour Department are standing by to assist in areas where clarification is needed. If improvements are recommended, they will be gladly considered. Thank you, Madam Speaker.

The Speaker: Regarding the tabling of the amendment to the Labour law, this is so ordered. Continuation of the debate on the 1995 Throne Speech. The Honourable Minister for Tourism, Development and Planning, continuing.

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Hon. Thomas C. Jefferson: Madam Speaker, I would

like to begin this morning with a brief summary of some of the topics that I touched on yesterday. Perhaps there is no better way to start than to summarise my comments on the Chamber of Commerce survey.

For a cost of \$15 a copy of the Chamber of Commerce Directory 1994 was obtained, and as I scan the pages of this document I find 16 different committees in addition to the Executive Committee. As I counted the membership on these various committees, I found that there were a total of 128 members of these committees. Although one or two Caymanians were on three or four committees (and I counted them each time), I could only find 35 Caymanians among them.

As I looked at the Executive Committee of this organisation, I found the President to be Mr. Roy McTaggart; the first Vice President to be Mr. Steve Hawley of Work Bench, Limited; the second Vice President to be Mr. Robert Wood, of Woods furniture and design; the Treasure to be Mr. Sydney Coleman, Paget Brown and Company; and the Secretary to be Mr. Adrian Briggs, Sunset House and Sunset Divers.

While scanning through the committees, I found some very familiar names. For example, when we look at the Government and Legal Affairs Committee of the Chamber of Commerce, we find a name like Mr. Linford Pierson, former Executive Council Member responsible for Communications and Works. Is there any real wonder, Madam Speaker, that the survey they did turned out like it did?

There is a committee that deals with the publication of articles (all these letters we see coming to the press). But in my view it is the responsibility as well of the Executive Committee (which I have just named) to make sure that everything which leaves the Chamber falls within their blessing. This Publication Committee is headed by none other than Mr. Steve Hawley (he is the Chairman). As I said yesterday, and I am doing a summary, somebody told me that Mr. Steve Hawley has been on this Committee for a long time and they cannot get him off of it. I wonder why.

There are other members on this committee, Madam Speaker, Mr. Roy McTaggart, Mr. David Byrd, Mr. Tommy Bodden, Dr. Elaine Campbell—

The Speaker: Honourable Minister, I think that I need to draw to your attention that you are repeating yourself and it is becoming tedious—at least to me, because I have been hearing it over and over. You did say that you are doing a summary, which means that you have already repeated it. Could you avoid that, if possible, because that is against Standing Orders?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

The Speaker: Thank you.

Hon. Thomas C. Jefferson: I look at the survey in 1993 and just to remind the public as to what it says, as a comparison to what came out a few weeks ago, the conclu-

sion (not to mention in detail what the 1993 survey says) of that survey says: **"It would appear that the public believes that the government has done quite well with Cayman Airways, agriculture, tourism and Education. Additionally, it would appear that a satisfactory condition exists with regard to government expenditure, budget, health services, roads, and drug abuse, although additional attention to these areas would be of benefit."** This happened in 1993. It came to us in March of 1994. I wonder what happened between then and the most recent report.

They said tourism is below average. I was looking this morning, when it was called to my attention, at the recent issue of *The Cayman Executive*, Second Quarter 1995, page 16. It talks about "Cayman's Tourism keeping the picture perfect." In an article written by Miss Ryhan Shaw. I will read just the first couple of lines: **"At Cayman's first Annual Tourism Conference the government/private sector marketers and travel representatives got together to forge a closer partnership in order to ensure that the island's quality product is maintained. You can say that it is all sunshine and happiness in Cayman's tourism industry as it continues to experience impressive growth."**

And the Chamber of Commerce says we are below average. They also say that we are not keeping the public informed. I wonder what the purpose of this conference was. And working with the private sector... I wonder if they knew if this conference was held.

On page 25 of this same document, written by a man named Mark Chapman, the bold heading is **"NO TIME LIKE THE PRESENT. Cayman's economy continues to be bright and brisk and judging from all signs in the market place the time is perfect for investing in the Cayman Islands."** Just repeating one or two sentences, Madam Speaker: **"Whether one likes it or not, Cayman is developing into the fast lane and leading indicators show no sign of slowdown. Construction—always a leading indicator of an economic upturn. The positive signs coming from the construction industry are a sure sign that the local economy is on the move again and after several not-so-good years for many businesses."** And they say construction is below average.

On the economy: **"It is difficult to think of any nation which has managed to sustain low inflation, low unemployment, and low interest rates for any length of time. Over the past few years, Cayman has accomplished this."** I did not hear any excellent rating on the economy from the Chamber of Commerce either.

"Financial institutions are busier than they have ever been. Organisation in the travel and leisure industry expect another exceptional year." But that is not what Mr. Rick Catlin said, he said tourism was down in January. It is not the indication that the Second Elected Member for Cayman Brac and Little Cayman was saying either. He says tourism is down even though I showed him the article that said it is up.

I think the Fourth Elected Member for George Town

said the MGTP was a good Plan. I wonder why he did not say that when he was running for office in 1992. I have to believe he would not be here. That Plan was estimated to cost \$200 million. If we say that \$12 million is what we have to repay on an annual basis for loans which are \$61 million at the present time, then I wonder what would be the cost annually if they had gone ahead and implemented that Master Ground Transportation Plan. I venture to say something in the area of \$35 million to \$45 million annually.

When you make that payment, I wonder if the bank is going to honour your overdraft, and I wonder where the money is going to come from to do the capital projects.

We have to find an answer to the traffic congestion. There is no question about that. But, certainly, we have to find a less costly answer, or an answer that we can implement in stages so that the country will be able to afford it.

Yesterday, I made reference to the Central Planning Authority and we heard many comments during 1993—not so many in 1994—about its activities. I asked the Director of Planning a few days ago to give me a list of the number of applications that are presently before the Central Planning Authority and the Planning Department that have been there for over six weeks. We hear so much about delays. But I think we have to differentiate between delays and the Planning Department and Central Planning Authority ensuring that the plan of a building is correct and structurally sound, and that the electric, plumbing, and fire security are in place to ensure no loss of life.

When I look at this list of 44 projects, and bearing in mind that they dealt with 589 applications in 1994, this is not an astounding number by any means. Many of these cases . . . here is one: a dock, "awaiting copies of advertisement." Here is an addition to a restaurant, "awaiting copies of advertisement." Change of use, "Central Planning Authority deferred to revise site plan." Apartments, "CPA deferred to revise site plans." A commercial project, "CPA deferred February 1995 due to design problems." Another apartment, "CPA deferred due to beach access and building height." Another apartment, "advised by applicant to hold application until further notice." Another shop, "CPA deferred awaiting revised site plan."

It goes on and on, Madam Speaker. Yet, when you hear it on the street, it is the Central Planning Authority's fault; it is the fault of the Planning Officers. That is one side of the story. The side of the story that I am telling you today is the facts.

Let us, when we hear these complaints from our constituents, . . . and if you expect me to help you, let us get the details of the project that they are talking about so that when I refer to the Planning Department we can go specifically to the file and determine what the cause is why the application had not been approved.

In what I call our National Team Bible, which is our Manifesto, for Tourism we said our policy was: **"1) To maintain and improve on what we presently have to offer our tourists."** I do not believe that anyone can justifiably say that we have not done some of that, and still continue to do it. **"2) To promote and expand our share**

of the tourism market especially in relation to tourists in the middle and upper income brackets." I do not think anyone can say that we are not doing that either.

Our objectives: **"We will continue to promote tourism on the North American continent."** That is still 77% to 80% of our business, and we are doing it. **"We will broaden the base of our tourism product by enhanced promotions in the United Kingdom, Europe and the rest of the world where the currencies are now strong, causing vacations to be more affordable."** We did promotions in Frankfurt and Munich, Germany; Vienna, Austria; Milan and Rome, Italy last year. And this afternoon I am off to the United Kingdom to do promotions there.

Evidence that we are following what we promised the people and the policies that we put out more than two years ago are, in fact, being accomplished. But you do not read that in the *Caymanian Compass*, from the Chamber of Commerce survey neither, or *The New Caymanian*. I think it is time to change their name. Let us call them "The Old Caymanian" rather than New.

Hon. W. McKeeva Bush: Call it "No Caymanian."

Hon. Thomas C. Jefferson: **"We intend to promote Caymanianisation in the tourism industry, such as hotels, restaurants, watersports and taxis."** We are working on it. It is not an easy area to accomplish a lot in two years, but we are committed to working on what we promised the people we were going to do.

We have had discussions with the representatives of the Taxi Association and the cruise lines. We have had discussions with some of the tour operators here and we will continue to do so in order to find an amicable solution to what is perceived to be a problem.

"We intend to work hand-in-hand with the tourism industry to increase occupancy rates in the hotels and the number of customers in restaurants." I quoted figures yesterday that this is actually going on. It has happened, will happen and will continue to happen.

In 1994, \$59.5 million was spent by visitors on food and beverage in restaurants and in hotels. How much more evidence does anyone need to be convinced that what we promised the people in this item of our Manifesto has taken place in 1993, 1994, is taking place in 1995 and will take place in 1996, God willing. Yet, they say that we are below average. Only in the eyes of some people. The majority of the people in this Island know what the position is.

I was speaking to a gentleman the other day. I did not even bring up the subject, but before he left the discussion he shook my hand and said; "Tom, don't listen to what they have to say. What they are writing is all rot anyway." I have to agree with him.

Another item of the objectives on tourism was; **"We will review the current moratorium on hotels and continue to encourage the construction of hotels in all the districts."** We have done that. We have reviewed the moratorium of that day—it has expired. We have encouraged hotels in other districts. We have one that is

already approved to be constructed in Pease Bay—a five star hotel. Nowhere in the Cayman Islands, at the present time, can you find a five-star hotel. I am sure that is not below average.

"We intend to promote, in conjunction with the private sector, the training of Caymanians in tourism..." The committee is established. Meetings are being held between the Government, the private sector, those involved in the labour area of it and we are going to obviously add the Community College. But first you have to get a general agreement that you are going to work together to do it. Then you put your vehicles in place to accomplish that agreement.

Yesterday I was quoting from an article written by Mrs. Bridget McPartland, apparently another member of the Opposition. What I failed to mention was an article she wrote in *The New Caymanian* issue of the 10th through 16th March, 1995 where she took a swipe at all of us, particularly the West Bay representatives. But in the process of it, Madam Speaker, with all respect, she took a swing at you too. She said, **"Does the Speaker of the House have power that she can not enforce due to the fear of sacrificing her career?"**

What a bunch of nonsense: she does not listen to the radio, or what? I here you sitting us all down at times, Madam Speaker, even the Second Elected Member for Cayman Brac and Little Cayman, even me—just now you corrected me for tedious repetition. So what in the world is she talking about? I tell you she must be living somewhere else because when I was talking about her before, when she did not know that we had changed the advertising programme in tourism, I said she must really be living in some isolated area where she has no contact. If she is going to be a politician I hope she can get her act together, because this type of thing is not going to make it. Some of us hope she sticks her nose out, that will give us the full right to deal with it.

I found an article some days ago written by the economic advisor to the World Travel and Tourism Council. As I was saying yesterday, we have utilised the tourism industry as the vehicle to stimulate economic growth in this country and to assist in turning around the economy and the employment situation and business in this country.

Some people said we were growing too fast, certainly the Opposition made those comments. And then in January, before we released the statistics, they said tourism was down only to be proven wrong later.

I also made mention of the contribution that tourism makes to this country by means of total visitor expenditure. When we took office in 1992, the contribution was \$168 million. At the end of 1993, it was \$203 million. At the end of 1994, it was \$251 million.

We said in a document which we laid on the Table some time ago, the Tourism Management Policy Document, that we have no intention of continuing that level of growth: 241,000 in 1992; 287,000 in 1993; 341,000 in 1994. What the focus is for the future is that how much contribution can be made to the economy of this Island by visitors. The emphasis will be on the value that we get

from our visitors—trying to improve that rather than the numbers.

This man wrote an article entitled "Strategy—Elimination conflict between aviation and tourism policies." When I first read the article I thought about the conflict in some of our minds about all the carriers that are coming into the Cayman Islands and that Tom is taking American Airlines; and Tom is not supporting Cayman Airways; and the marketing that is being done by the Department of Tourism overseas as written in the press by someone is not supporting our national carrier. That is another bit of rubbish, Madam Speaker.

When we looked at the 1994 programme we found that the Department of Tourism Financial Assistance, in terms of the advertising programme, we spent \$6.3 million (US) promoting Cayman Airways. So, whoever wrote that letter needs to write another one to correct the number.

But we cannot, as a people, as a government, ignore the contribution of the other airline. As the Minister of Tourism, I decided a long time ago to work with everybody and I am going to continue that activity. How can you exclude American Airlines, one of the largest carriers of people in this hemisphere—probably the largest. Certainly the largest amount of visitors who come to the Cayman Islands (and anybody who disbelieves this can check it) come on American Airlines. Those persons who write letters trying to tell me that I should not work with them. . . would that be in the best interest of the Cayman Islands? That would be very short-sighted Madam Speaker.

At the end of the day working with them helps us to gain more business than we presently have and that must be in the best interest of the people of this country.

The future direction that we are headed, I think this article also speaks to it. One paragraph says: **"It has to be said, however, that all too often developing countries measure the success of their tourism policies by counting the number of visitors, instead of measuring the new contribution these visitors make to the economy. It is the net earnings of foreign exchange, after the imports consumed by foreign investment have been paid, for that must be measured. It must be recognised that import leakage can be as high as 40% or more for the tourism economies of many developing countries."**

Our policy is right, Madam Speaker. Those people who were talking about peanut butter sandwiches—tell them to check these numbers that I quoted as a contribution to the economy of this country by visitors.

I have looked at some visitor arrival schedules. Ten years ago the arrival figure was 121,214. Last year it was 341,000. It is not the numbers that count, it is the dollars that are left behind that really matter.

I would like to speak a little bit to our dealing with the future direction of the United Kingdom Market and the European Market. In the United Kingdom, image is key in the travel industry. I think the Cayman Islands continues to position itself as an upscale inspirational destination—one which is purchased on the basis of perceived quality,

rather than low cost. The aspects of safety, political stability, and the warm Caymanian welcome are the main threads of all promotional work and the Crown Colony status is also actively promoted.

I think this image is not in keeping with some charter activity of recent days. But we will deal with that. The image of being Americanised persists and is negative in that market. We stress the efficiency and reliability of service within a traditional Caymanian atmosphere. But continued introduction of new hotels adds to the feeling that the Islands are moving forward.

The Cayman Islands are well known as a premier dive destination among divers and non-divers, in fact, we must be careful not to over promote the diving to the general consumer as this sporting image can be off putting to those seeking a relaxing escape.

We know that within the travel industry the profile of the Cayman Islands has never been higher, thanks to increased face-to-face sales activity and training by the sales team, combined with increased co-promotion and the all-important tour operators, public relations has been very active and successful and the Government's stance, in refunding the extra burden placed on tour operators, is also welcome. The forthcoming United Kingdom promotion next week will further strengthen this position.

Amongst consumers, awareness is growing, but it is not as strong as other Caribbean destinations such as, Barbados, Jamaica, Antigua, and St. Lucia. Increased advertising budget for 1995 is being directed at the consumer, monthly inquiries have already risen to well over 2,000 and forward booking is looking very strong.

The Cayman Islands is outselling the Bahamas and departures in April and May are virtually sold out. There is no doubt that the added reach available by the British Airways network has made the scheduled service more viable than the original Caledonia Charter.

We must watch what our competitors are doing in the advertising world, Madam Speaker. Countries like Bahamas and Jamaica and Barbados are advertising heavily at the moment, with high spend consumer colour campaigns in the national press. It is nevertheless satisfying to see that the Cayman Islands January arrivals from the United Kingdom were up 80%—way ahead of market trend.

I think with the much publicised introduction of twice weekly British Airways service on Caledonia aircraft, the Cayman Islands competitive position is stronger than it has ever been. So many United Kingdom holiday-makers are not willing to change aircraft to get to their holiday destination—especially over Miami. There is considerable prestige also to being part of the British Airways network. It is an airline, as we do know that brings quality to the mind of a person who travels on it.

The Sister Islands are very important and have tremendous potential, particularly if improvements are made to Island Air's reservation system for European tour operators. Mr. Brian Bird, who is the new General Manager of Island Air, is accompanying us next week on promotions in the United Kingdom and will be accompanying us in Spain in May, basically to deal with this reservation

difficulty.

It is these very sort of remote little Islands where the discerning traveller is constantly seeking. We must maintain a balance between increasing demand and awareness and keeping their hideaway images so as not to lose the cache.

Product-wise, the Cayman Islands lacks what is known as bouquet hotels—properties with 25 to 50 luxury rooms, high-class restaurants, beachfront locations and what many would call 'snob appeal.' Islands such as Nevis, BVI, Anquilla, Barbados and Jamaica offer wide choice in the sought after sector. Our condominium beds are of a very high standard, but without the availability for tour operators to sell those on allocation, it is a hard sell in the United Kingdom.

The Caribbean also has a reputation for poor self-catering infrastructure and we are working hard to overcome this image with regard to the Cayman Islands.

All of this would probably never have happened if the National Team Government had not been successful in negotiating with an airline such as Caledonia Air, which was a subsidiary of British Airways to have direct flights into Grand Cayman. No other government has ever accomplished that, and we take credit for its accomplishment.

We decided quite some time ago that the diversification of the tourism base by promoting visitors from Europe would not really come off in a substantial way if they had to reach us over Miami for a variety of reasons: 1) The safety reason. Germans are leery of travelling via Miami and we have seen the news on more than one occasion last year, and perhaps also in 1993 (if my memory is serving me correctly). So the ability to connect from Europe on Caledonia Airways direct to the Cayman Islands is very attractive.

When we were dealing with it we ran into all sorts of opposition. "You are going to do all of this for one flight a week?" I think that is what the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town and some others were saying. What I was reminded of was in the early days of establishing the runway here in Grand Cayman in the early 1950s, sometime we were lucky to have one flight a week: but look at where we have come to.

I think that some of the skeptics thought that the charter would not survive. I heard the Second Elected Member for Cayman Brac and Little Cayman raising a question—a valid question—"How many passengers arrived in the Cayman Islands on Caledonia Air from the 5th of December until the 24th?" That was the period that the answer was given in. "Nineteen hundred and fourteen (1,914)." I do not know what they are going to do with that, I do not think that was the answer they were looking for.

It has been so strong that it convinced the British Airways Officers to decide to put in a scheduled service to Grand Cayman. And we were very pleased to see this because we believe this is in the best interest of this country now and in the future—not just for visitors who dive and relax on our beaches, or just to let down their

hair and not do anything, but for business travellers as well.

Europe, by square mile, is one of the wealthiest areas in the world. Why should we not get a piece of that action? We hear so many comments about Cayman and how it is faring. There is no country in the Caribbean that is attracting more business to their shores than the Cayman Islands.

I quoted about Bermuda yesterday, moving towards a referendum on independence. In their own Government *Royal Gazette*, they are loading praises on the Cayman Islands—the way the government is run, the decisions they have taken. You know, everybody outside this country can see how well off we are and how well this country is managed, financial and otherwise. But the Chamber of Commerce and the Opposition cannot see it.

The consoling factor for us is that the people of this country see it; the people of this country understand it and they understand why the Chamber of Commerce would do a survey and produce results like that as well.

We are not, and never will be, a puppet government. We decided in 1992 when we were campaigning and making promises to our people that we were going to be a government for the people of this country. I did not promise them that everyday I would show up at their door and do greetings—that is not possible. You cannot carry out your duties and do visitations as you would like either. But everything that we do, Madam Speaker—and I am not just speaking for Tom Jefferson, I am speaking for the National Team—the focus is in the best interest of the people of the Cayman Islands. And, by God, the Opposition is still looking to find something that we have done that is not—and they are still looking. I hope to God that they will continue to look.

The Speaker: Honourable Minister, would this be a convenient time to take a suspension?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.40 AM

PROCEEDINGS RESUMED AT 12.34 PM

The Speaker: Please be seated.

The Honourable Minister for Tourism, Environment and Planning, continuing the debate.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I have one more point on article written by Mrs. Bridget McPartland.

In *The New Caymanian* dated 10th through 16th March, this is where she is taking a swing at the Minister—she calls him "Minister Bush, from West Bay." It says: "**The call by Minister Bush, West Bay represen-**

tative for the House, to reject the original Motion of Government's Misappropriation of Funds for Paving Private Roads and Driveways in West Bay, was quite amusing and appalling since the House was previously prorogued with no resistance from the Speaker."

And she calls herself a politician, writing articles where she does not even understand the Constitution. How is Madam Speaker going to resist the power that His Excellency has under the Constitution to prorogue this House? They are trying to play like they know what is going on... Anyway, I am going to leave this lady alone for now.

In today's *Caymanian Compass* there was an article written on Immigration Directives. There was some wonder as to why this did not come from the Government. They are still not listening to us—Dr. Steve Tomlinson is a Member of the National Team, why could it not come from him? We keep him well informed, as well as the other Members of the House. He was giving, more or less, advance notice of draft Immigration Directives which are going to be circulated to the public. There is nothing wrong with that—putting the public on notice that these are some of the things within the draft directives that will need to be considered. I have no argument with what he did.

I do not know why the *Caymanian Compass* should have an argument. It does not have to come from this side of the House. It can come from our team member across the floor. There is no Standing Order that says it has to come from this side of the House; there is no moral obligation that says it has to come from this side of the House. Any team member can do it.

These are draft Immigration Directives, Madam Speaker.

There is a lot of talk about environmental matters. Some concern about our reefs; we need to rest some of these dive sites. We are presently working on a comprehensive coral reef monitoring programme utilising new methodology which will be implemented in Grand Cayman and the Sister Islands at least by the end of this year, by scientists of the Protection and Conservation section of the Department of the Environment.

This programme involves the installation of permanent quadrant trans-sections on a number of selected sites, instead of employing the labour intensive and time-consuming method of observation. Photographs will be taken at each site and analysed in the laboratory for quantity and quality of the colour on the reef. This initial data will be compared with data obtained in 1984 and should give a good indication of the change in the health of the reef in the last ten years.

The monitoring process will be repeated over time every one to two years, in order to detect changes in key component species. Monitoring programmes of this nature we believe are critical to the management of our coral reef system. The Protection and Conservation section of the Department of Environment also hopes to facilitate a study aimed at determining the carrying capacities of our marine protected areas. And some people say

we are not doing anything.

It is hoped that this study will be assisted by regional and international experts in the field of coral reef management and protection.

Current marine park moorings, that is, moorings for dive boats, signs and buoys will continue to be maintained by the Protection and Conservation Section and additional moorings will be installed on the north coast of all islands, as well as East End in Grand Cayman.

A priority area for the installation of new dive moorings is the north coast of Little Cayman, outside of the Bloody Bay/Jackson Point Marine Park. The moorings will facilitate the implementation of the Marine Conservation Board's licence scheme for controlling the entry, mooring and discharge of divers and snorkelers in the park.

By providing alternative dive sites outside of the park, the stress and impact associated with divers can be better managed. Enforcement of Conservation Laws and regulations will continue to be a priority and have received increased attention with the recent hiring of a Chief Marine Enforcement Officer. It is proposed that additional enforcement officers will be employed during the current year.

There have been some articles in the press, and we have seen this at least once every year about Cayman vacation costs that top western Caribbean. There was one in the press on 2 March 1995. The point to make here is that we should be trying to compare apples to apples, and not destinations that are mass tourism-oriented to destinations which are promoting visitors to come to an upscale, quality destination. In other words, there is a difference between a business that decides to have a small profit and a big volume, so that the price paid is smaller. That is the case with places like Cancun, Jamaica, Cozumel, and Bahamas. I think it is healthy to continue to do these surveys, but it is healthier to try to ensure that the comparison is bananas to bananas, or apples to apples, and not cassava to yam.

During the contribution by the Second Elected Member for Cayman Brac and Little Cayman he spoke—some people might say forever and a day—about the civil service. I know a little about the civil service too.

I do not believe that there is any government in this hemisphere that has a civil service more efficient than what we have. There are always examples that we can draw of some people who are not necessarily at that level. But, we are looking at the overall position. You know when there is some talk about victimisation, the only body of people, I believe, that may be able to prove the justification that there is victimisation going on is the National Team itself. Do you see anybody supporting us?

Not the *Caymanian Compass*, not *The New Caymanian*, not the Chamber of Commerce—they even changed their survey from one year to the next. In 1993 they said we were not doing too badly of a job. In 1994 they said we are below average. Is it because we are getting close to the election that they change their minds, or what?

I think the Members of the National Team are more

victims than anyone else in this country. Anybody who has the gall to start talking about whether there is free press, and free rights in this country ought to come out of the closet and the dark because they need to come out in the sunlight and look around. If there were not freedom of the press, how in the world could all these articles be written? How in the world can surveys, like the Chamber of Commerce put out one year and then the next, be done?

I believe in those freedoms, but I also believe there is a responsibility on everyone's part to perform their functions based on fact and fair comment.

There is no need for the Second Elected Member for Cayman Brac and Little Cayman to lecture us about the civil service, unless he is going to try to tell us about the harassment and victimisation that was going on during the years 1988 and 1992. I did not hear him speak about that. He pretends he does not know.

I do not believe there is any member of the civil service that need have any fear about the present government. The only thing they need to do (like I did when I was there) is their duty, their job. God knows, everybody is making sure we do ours. Why should they not do theirs?

In the area of efficiency it is doing well, that is, the civil service. You know, Madam Speaker, I was once responsible for the civil service in this House. With the exception of the present First Official Member, I cannot recall too many times hearing after I defended the civil service on many occasions, when the government decided I had too much to do and moved that subject on elsewhere, I cannot recall hearing too much defending of the civil service in this House under the former Governor, Mr. Alan Scott, who was then the president of this Chamber. And they want to talk about victimisation—could not even get yourself defended in here.

The working together between the then Governor, the President, and the former Government, was a machinery to behold. Let us pray to God that we do not get that combination again, although there is some new alliance forming on the front page of the *Caymanian Compass* that I wonder about.

One of the big people in that group was the former Minister of Health between 1982 and 1992. The other member of that group is the former Minister responsible for Communications and Works, and let me not forget the former Minister for Education. I remember Motion No. 3/90 when I wanted to put forward my view that I was not in support of the motion. Initially we were told, as official Members, that we did not have any vote on it. When they realised that they could not win without us, the Governor then told us that we had to vote. When I said that I could not support it, the former Member for Education said: "You do what you want, but this is going through." And they are talking about victimisation? Tell them to go talk to Mr. Benson Ebanks in West Bay: that is the fellow who told me that.

But, Madam Speaker, that is history. What the people of this country must remember to do—is like I continue to hear the Second Elected Member for George

Town saying: the people of the Cayman Islands have common sense. I would add to that—I have not run into any nationality that has more sense than the people of the Cayman Islands. I hope that they will continue to use that common sense as they make decisions about which candidate they are going to elect, or re-elect in 1996, because I believe what I see on the horizon there is some real danger.

There are some people up front who are players seeking more and more power, and God help all of us if we do not exercise our common sense and elect them.

They believe the National Team is weak—and they believe that they have everything going, their machinery going, and they have people in their clubs spreading all kinds of rumour. We work in the Glass House, but we know what is going on too. We are going to put them to the real test, Madam Speaker. It is not going to be as easy as they are dreaming about.

We are going to continue—whether the *Caymanian Compass* carries us, whether *The New Caymanian* carries us, whether CNN carries us or not—to go to the people in each district of this country and tell them what we are doing; what we intend to do; how we have fulfilled our promises to them and, how this country has been turned around by the National Team in two years, which no other government has done, as far as I know.

Hon. W. McKeeva Bush: Hear, hear!

Hon. Thomas C. Jefferson: You do not see any political spending spree now, Madam Speaker. You do not see any line up to the bank trying to borrow money, only the US\$20 million which they committed that we wanted to pay off to look like a respectable government.

Do you know what we are doing? We have to take \$12 million out of the revenue that we earned to pay their debts—\$12 million every year. We could do a lot with that to provide services for our own people.

That is what happens when a government takes the position and forgets about fiscal responsibility—"We are going to do as we please because we got all the Official Members on the Finance Committee. Everything we want we can vote it in because we have enough [Members] to do it."

I really have to see the public of this country voting them back in. I do not think it is going to happen. I think they are living in a dream world.

When you look at what is happening in the financial world, Cayman has never been busier; employment has, really, never been better in the financial industry; employment in the construction industry...when we took office those who decided to register when we did the survey around this Island amounted to 1,100 people. We checked the other day and there were 100 people on the register.

You have not heard the last of the construction industry yet. Sure, there are still some contractors who are not 100% occupied, but you should talk to some of them. They see more than the writing on the wall, they have hope—what they did not have before.

A gentleman told me last night, he said: "You know, I could not find work in the construction industry during 1990, 1991 and 1992. The little bit of money I earned from rental accommodations after paying the bank, what was left over I had to use to feed myself and the property that I owned kept running down and running down from lack of maintenance." He could not find any work. Now he is working, he has repaired and maintains his property and feels some pride in what he owns, and has a bright future.

The National Team is at work for the people of this country. The National Team will continue to do what it promised the people of this country.

The financial picture of the Government is healthy. Yes, we have some bills to pay; Yes, the Cubans cost more than we expected, but we are going to honour that bill. We will grumble about some of it, I am sure—I will do it too—but we have a moral obligation and we have pride and we are going to behave as a responsible Government.

There is nothing left to talk about, except to say that I agree entirely with His Excellency when he says the civil service hiring and accepting of resignations and accepting of retirement or anything else that has to do with the civil service is his sole responsibility.

Who accepted my letter of retirement? Was it not Allan Scott? Who else can accept it?

The Second Elected Member for Cayman Brac and Little Cayman and, possibly, the First Elected Member for Bodden Town will try to tell the people something completely different. The civil servants have no fear whatsoever of the National Team and the Ministers of this government doing anything to them. All we are asking them to do is work with us. Let us perform the services to the people of this country at the least cost, and the best possible service we can all give. Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 1.04 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

Debate continues on the Throne Speech.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, it seems appropriate that I begin my contribution to the Throne Speech, and the debates of those Members who have spoken with an official welcome and congratulation to the Chief Secretary, the Honourable James Ryan, and his Deputy the Honourable Donovan Ebanks. Many people may not know it, but Mr. Ryan was my senior in college, so it seems appropriate that he be my senior in the Legislative Assembly also.

I have the highest regard for those two gentlemen and in dealings I have had with them in the past, I must say that they have accorded me respect over and beyond

my humble position, and are always willing to listen and to do whatever they can in their official capacity to meet any reasonable requests I put forward. I look very much forward to working with them in the future.

Madam Speaker, as one of two Opposition Members in this House, it is my duty to compliment the views put forward by my colleague, and to continue the trend in painting the picture as we see the reality existing.

We have a tremendous responsibility, seeing that we are the keepers of the balance. In so doing, while we are not in a position to get things done as the Government frequently challenges us to do—because, of course, we do not have the resources and facilities of Ministries, Portfolios and Departments at our elbows—our responsibility is, certainly, to bring to the Parliament and the people a sense of perspective and, if necessary, an alternate view to what we see happening.

In so doing, Madam Speaker, let me emphasise that where differences occur, as we expect they will, we are no less responsible, no less loyal, indeed, no less trustworthy and, certainly, no less capable than the Government. It is our duty under the Westminster system to continue to present this balance by the questions we raise and by challenging the Government to give account. This leads me very conveniently to the introductory point in my contribution, namely, the Cuban migrant situation in our country.

It is the one problem that at this time has both the possibility and the probability of challenging the country to such a degree where, if the problem is not contained and managed properly, it can send us into financial ruin. It is also somewhat unique, in that it is the one issue at this time that the Government shares the full wholehearted and unstinted support of the Opposition in getting rid of the Cuban migrants. We have said this before in less open forums and settings, and I take this opportunity to speak on behalf of my colleague and the Opposition to publicly reassure Honourable Members of this House that we are with the Government in their efforts to get rid of the Cuban migrants because, we too, see the importance of ridding our country of this financial Albatross.

The problem is compounded by the good-heartedness and the inadvertent overtures of many people in our country who seem to have gone a little overboard in their sympathies. I think it needs to be emphasised—and re-emphasised by the leaders and the representatives of the people, so that they themselves may force their minds to get this issue in the proper perspective—that there is a difference between being sympathetic and being realistic; from being soft-hearted to the point where, if we continue to cling to certain emotions, it is going to affect our pocketbooks.

I make the point that, as Honourable Members of this House will understand, there may be a need to take some firm decisions to save our country because we cannot quite realistically be expected to continue to support large numbers of Cuban migrants at the level at which we have been supporting them. We are a small country. It also seems that the Cayman Islands, known for hospitality, is being taken advantage of by the metro-

politan countries—the United Kingdom, and by the United States.

I do not know what we can do to bring these two giants to the stark reality that we cannot afford to foot this bill and to carry this burden by ourselves for what seems to be an eternity. If we take the economics of the situation, we have to pay the United States \$5,730 per day; \$171,930 per month; \$2,062,800 per year for those Cuban migrants who are now at Guantanamo Bay. And if we were to add the total of those who are presently here, if they were to be repatriated, that would amount to \$9,000 per day.

Now, can you imagine what kind of country we could have if we were in the position to spend \$9,000 per day on needy Caymanians? I daresay, Madam Speaker, there would be no divisions, for the country would be so good that both Government and Opposition could afford to embrace and pat each other for having achieved such an ideal state.

Madam Speaker, are our own Caymanians are suffering and being deprived because funds which could be expended to provide the necessities they now lack, have to be expended on the Cuban migrants. I hope when the time comes that the soft-hearted Caymanians will understand that we have to sever this cord or it will drag us down to the depths of the sea and strangle us beyond the point of no return.

Madam Speaker, I join other Honourable Members in welcoming the new Commissioner of Police and the new head of the Drug Squad. I have always maintained an interest in the work of the Police Force because I see it as one of the vital pillars in this society. While it is sometimes interpreted by Ministers of Government (to suit their conveniences) that I am hostile and overly critical of the Police Force, let me say from the bottom of my heart that my interests and concerns are constructive. While in many cases I have to be critical, I make no apologies, but, certainly, no one can say that I am not respectful of the police.

It is vitally necessary that we have the best Police Force. I would like to repeat again that I would like to see the philosophy move away from the notion of a Colonial Police Force and develop a force in the Cayman Islands as a modern Police Force, with scientific management and leadership and the best men that we can recruit.

To this extent I would like to say that we, as Members in this House, have a responsibility to provide them with the equipment that they need. I was amazed by the attitude of some Ministers of Government when the request was made for 18 automobiles, that the Police should be given the whole budget.

Yesterday we heard the Minister for Tourism, Environment and Planning say that the reason why that attitude was taken was because some officers had conspired with the Opposition. Madam Speaker, nothing could be further from the truth. Let me say that the Opposition is cognisant of the distance it must keep from all elements of Government that have to do with justice, its social control, and all these other areas. We, as a responsible Opposition, have never attempted, neither

have we conspired with any element to betray any confidence that might exist. Far be it from our intention, indeed the necessity does not exist.

What we as Opposition are concerned about is the fact that there needs to be some sensible system of management of police vehicles in the fleet. We are advocating that a system be set up where vehicles are written-off over a period of time, be that on the grounds of age or of mileage.

I happen to know a little about the automobile business. It is recognised in the automobile world that when a car reaches the age of five years or when the odometer registers 100,000 the car has been through a lifetime. It is of critical importance in those instances where the car has registered 100,000 miles, if the car is going to be used in the future, that it be given a major overhaul, including a complete rebuilding of the engine. Otherwise, if you just continue to offer routine maintenance you are going to run into trouble and periodic breakdowns.

I am suggesting that any vehicle fleet that has a large number of vehicles with this kind of mileage on the odometer cannot be a reliable fleet. Indeed, that is one of the major complaints we receive from the police. I can therefore suggest that some system be put in place where the vehicles in the fleet are rolled-over, over a certain period of time.

I will give a further example. In the rental car business modern management dictates that the fleet be rolled over every two or three years. So a fleet with a large number of vehicles is broken down to where half the fleet is rolled over at two or three year intervals, so that at any given time you have at least half of the vehicles in new and excellent condition. I am suggesting that this kind of management be looked at towards improving the performance of police vehicles.

In regard to drugs, I was very concerned, indeed, alarmed, to read in a recent issue of the *Caymanian Compass* that a heroine trafficker had been apprehended at the airport. This, believe it or not, is a serious stage and we have to ask ourselves since we have apprehended one, did any other get through? Or are any others getting through?

It is recognised that in even the most sophisticated and modern social control agencies are unable to apprehend all who traffic in those kinds of illegal substances. What is dangerous about heroine in our environment and, indeed, in any environment, is that in its most common form it is taken intravenously—shot into the veins by needles. This opens us up the transmission of the HIV virus through dirty needles. It is imperative that we develop a force that is equipped to deal with this kind of frightening turn to the drug scene in these Islands.

Allied to this, Madam Speaker, it is also necessary for our police force to maintain the kind of international contact and international liaison and systems with the outside world so that we may keep abreast of what is happening in the criminal world that is bound to put pressures and further increased challenges on our social control forces in these Islands. Particularly in the world of international organised crime, the fragmentation of politi-

cal geography has impressed the law enforcement authority on the international scene that certain elements of crime, certain kinds of criminals are becoming more sophisticated in travelling widely and, indeed, are taking advantage of governments who are not alert and are preoccupied by other issues.

I read a book recently, authored by one of the foremost authorities on these kinds of happenings. A book entitled *Thieves' World*, in which the author, a renown journalist tracking international organised crime, put forward evidence to show that there is a pact which she calls a "Pact Mafioso" between all of the major criminal elements in the world—the Russian Mafia, the Sicilian Mafia, the triads of Hong Kong and China, the Colombian drug cartels and the American Mafia.

Madam Speaker, this is frightening. You know where the conference was held? In Aruba.

Further, the book showed photographs of some of the major players in this Pact Mafioso, as it is called.

As recently as one evening this week, I was watching a CNN programme entitled "The Wild, Wild East", in which they showed and depicted the head of the Russian Mafia whom the FBI know is in New York City at this time and, indeed, they are looking for him. Organising what? A major stolen car ring specialising in high priced cars—Mercedes Benz, BMWs and the like—and laundering the money in places like London. We in the small minute (and sometimes we may think insignificant) Cayman Islands, can never rest on our laurels.

I was further struck by the charge made by the author (by the way, a lady named Claire Sterling), that all the hotels in Aruba are owned by the Mafia. Indeed, she cited the name of a well-known family out of Venezuela called the "Conterro brothers" and produced documents to show that. So we in the Cayman Islands, while we may think we are remote from those things, can never ever relax. That is why it is important for us to develop the most sophisticated facilities and to get the best equipment so that our law enforcement agencies may be able to tap into international sources and keep tabs on these [activities] because it is not farfetched.

I read in a book called *Octopus*, that one of the so-called kingpins may have passed through the Cayman Islands as early as late 1989 on a journey around the world. That was tracked by Interpol because the person in question was using stolen credit cards.

I would also encourage the Government to link up to the international highway—the Internet or America On-line, or whatever other service or facility they deem appropriate—because we are in the Information Age.

Marshal McLuhan long ago said that the world was a "global village." Well, if he thought at that time (in the 1970s) that the world was a global village, he should be around at this time when one does not have to leave one's living room, bedroom or wherever one wishes to place a computer, to do any kind of shopping one wishes to do.

Particularly in terms of the information available in our Finance and Development Portfolio and other departments, it would be good to consider subscribing to

one of those information systems where we could have all kinds of international information literally at our fingertips.

Since we already have a sophisticated computer department, we can quite easily set in place some of the checks and balances and the security system necessary to get the most benefits of such system. Indeed, Madam Speaker, it does not cost a whole lot for an individual to subscribe. For example, America On-line is \$800 per year. I am not so familiar with Internet, but, certainly, with an organisation like the Government's you pay for the services you require. So it certainly is worth investigating in my mind.

Madam Speaker, I had the occasion (thanks to an invitation from the First and Second Elected Member for Cayman Brac and Little Cayman) to visit the Brac over the weekend. I was very impressed with the people I met, and I also developed an appreciation for some of the challenges that they face. I hope that we in this Honourable House, can become not only more aware, but can exert the will to give them more of what is necessary.

One of the things that I would like to do in my contribution is to call for a new social contract in our Islands; a social contract that would put Cayman Brac, especially Cayman Brac (because Little Cayman, as I gather, is developing along its own unique, and peculiar lines) in a position where all the young people who graduate from the high school would not absolutely have to emigrate to Grand Cayman to seek employment; a contract that would allow an infrastructure and businesses (the infrastructure is already for the most part there) to locate over there, even if there are special types of businesses not presently in existence on the Cayman Islands—"B" Class banks, businesses that do not have the necessity to employ 40 or 50 people in one office, five, perhaps a maximum of ten in an office, so that when the young people graduate from the high school, and if they are not disposed toward furthering their education at the tertiary level, they can have the option of remaining on the Brac.

Madam Speaker, I want to argue that there is a moral side. All of us grow up. We mature, and we leave home. But there is a sense in which that is the only option those young people have, even if they want to stay around for a few years longer before they make their own ways. They have no choice. We need to develop this new social contract so that the young people of Cayman Brac (and I understand there will be 12 young men and 12 women at the next graduation) can have a choice. That we can give them facilities that they are lacking now. I think that it behoves us as a Parliament to pay more attention and give the representatives of Cayman Brac and Little Cayman more than lip service in their efforts to improve their constituency.

I want to dwell a little more on the social contract now as it affects our own people here in Grand Cayman. Madam Speaker, in a country which guarantees that the Caribbean Utilities Company gets 15% profit on its investment, and that Cable & Wireless operates in a market with no competition, we fall short of guaranteeing that our people get meaningful employment even in some

instances after we have told them to get qualified. This has been a fault of political directorates of the past. It is more so a shortcoming of the National Team political directorate, who in their Manifesto said they were going to work to improve these kinds of situations and, indeed, were given a sweeping mandate by the voters of this country to so do. Yet we hear the cries and the beseeching every time we move out—certainly, those of us in the Opposition do.

Madam Speaker, I wish now to turn to what I might call home—the Legislative Assembly. It never ceases to amaze me what goes on in these hallowed Chambers. I am left to wonder at the level of what passes here for debate on many occasions. It seems that some people lack the intellectual capacity to stick to issues, to debate merits, to take a side of an argument and defend it or speak against it dispassionately, truthfully and convincingly without destroying the individual who has stood up for that position. Indeed, I marvel at the challenges that are made to the Chair from time to time. Were it not that the Speaker was such an understanding person, I am sure that by now some people would have received the ultimate sanction.

Madam Speaker, it is bad for democracy. It is not in the best interest of the Westminster System, and it should not go on here. We should not use our privileges and immunities in this hallowed Chamber to destroy people who have no rights, no recourse, and no availability of the same position to defend themselves or reply in like manner. I cannot, as a responsible person, subscribe to that because before I came here as a sitting Member I was on the receiving end of some of this. This Legislative Assembly must be concerned with the preservation of democracy in the true traditions of the Westminster System.

Oscar Wilde is reported to have said: "**Democracy is simply the bludgeoning of the people by the people and for the people.**" However, this witticism does not cover the whole ground because democracy is a delicate form of government in that it requires the conscious continuous effort by all of its members to maintain it. In other words, democracy is dependent upon a large number of institutions that are developed to control the power of the State. Madam Speaker, the press is one of those institutions (and I will develop this argument at a later stage).

The Legislative, the Executive, and the Judiciary are institutions designed to keep the State in balance and under control. And the Opposition specifically has an obligation to provide a balance, indeed, to counterbalance the government when it seems to go out of kilter. There is no use of any Minister or any National Team Member trying to project the notion that the Opposition in this House is useless and serves no purpose, and to try to put us down when we ask questions and hold the Government to account—for that is our job, and we will continue to do that.

As bad as it is now, it would be worse if there was no Opposition to provide a balanced view and, indeed, to hold the Government to account to the country.

Madam Speaker, I am familiar with an expression

that says that the devil dances in the empty pocket. In countries where this expression is well known, the people (because they think that if the young people do not have any money, they are likely to turn to crime) are given to placing a coin with a cross on it in the pockets of the young. But the devil does not only dance in the empty pocket, the devil also dances in the empty mind.

I think of the two situations. The devil is more dangerous when he dances in the empty mind, because if he is just limited to dancing in the empty pockets we can throw a coin in and get it out. But when he dances in the empty mind, the problem is much more compound and it seems to me (from arguments that I have heard and from the positions taken by Members of the National Team and Ministers of Government) that there are a number of minds in which the devil is dancing in, or has danced in.

The problem seems to be that if you do not like the message you kill the messenger. That would be easy if you could get rid of the problem by killing the messenger, but it is not that easily dealt with. I can assure you. Just like when the bigots slew the Rev. Dr. Martin Luther King, they could not stop the movement; they could not stop the civil rights tidal wave. So, too, will the movement not be stopped by destroying the Chamber of Commerce, or Bridget McPartland, or Will Pineau, or Linford Pierson, or Ezzard Miller, or the First Elected Member for Bodden Town, or the Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Hear, hear!

Mr. Roy Bodden: The message will roll on and it will have a snowballing effect because, as Richard Nixon coined the expression, "the silent majority" is waiting.

We must not afford the devil the opportunity to dance in too many empty minds.

Madam Speaker, other negative perceptions are gaining currency since the National Team so arrogantly flaunts its numbers. And one that gives me much concern too, is that the Parliament is little better than a venue for a verbal slinging match, with rudeness that has the capacity for personal abuse, insults and castigation.

It is not thought, or it does not seem to be common, that Parliament today—our Parliament, our Legislative Assembly—should be a place where meaningful debates on the problems of the country occur. On the contrary, many people—the National Team included—think that important decisions should be made elsewhere. They demonstrate this by changing the Standing Orders so that the Opposition is handcuffed in its ability to ask questions and to table motions. They castigate us and try to put us down and remind us which questions were asked when and how long ago.

I say, it matters not. Once it has the approval of the Chair and passes the Chair, the question must be asked and only if the Minister or Member displays a genuine inability, which meets the approval of the honourable House, must the answer be deferred.

Personally, I can never be put down by somebody smart answering me. My sense of self-esteem and my

knowledge of my own intelligence is too high to be put down that way.

Long ago, Madam Speaker, I came to grips with my own ethnicity, my own race, capabilities, and the limitations of my own intellect. I can never be destroyed by any Minister—indeed, not by the whole National Team in their totality. So it is useless for them to try and put Roy Bodden down.

You know how I deal with the insults now, Madam Speaker? Like a Chinese Professor I had in sociology told me: just put on a stupid grin, because it takes nothing off my psyche. It reminds me, Madam Speaker, of an encounter I had with someone who described himself as an advisor to the Government of the day. His position was that the Government had no obligation to account to Parliament; the Government is under no obligation to give the Opposition any information because the Government controls the Parliament by virtue of their dominance in numbers. One can easily see that there is an empty pocket in this person's mind. I wonder what kind of dancing the devil is doing, for this person (and others like him) does not appreciate that when a Government is returned to power it assumes duty and an obligation to govern the country, not only for its own supporters, but also for the Opposition.

That position revealed to me that this so-called advisor does not understand the Legislative Assembly and does not understand the importance of the Opposition. Certainly, this person would not accept Walter Lippmann's statement that, **"in a democracy the Opposition is not only tolerated as constitutional, but must be maintained as indispensable."** Madam Speaker, we can believe this if we so choose. I say the same knowing it to be true according to my experiences and encounters.

The public is growing intolerant of the attitude that we continue, when people write articles which question, or are sometimes are unflattering, and we use our positions here to castigate and to destroy and say all manner of evil against people outside. The public is growing increasingly intolerant of that kind of behaviour. Sooner or later someone is going to be held to account. Let us not forget that the ultimate sanction the public holds is one that all sensible politicians should shy away from.

Another perception that occupies the vacant mind is that when a Minister is asked questions in this Parliament it is often an invitation to set out on an attack upon the person seeking the information—upon his team, his associates, and his friends. It seems to be the trend that any Minister worth his salt should be able to resume his seat without answering the question with a complete destruction, emasculation, and humiliation of the questioner.

Madam Speaker, permit me to cite one example. A question from the First Elected Member for Bodden Town to the Honourable Minister with responsibility for Education and Aviation. The Question: "What scholarships, loans or financial assistance does the Government provide for Caymanians studying at the International College of the Cayman Islands?" The answer: **"The Government provides no direct assistance to Caymanians studying at the International College of the Cayman Is-**

lands, but this is now under consideration by the Minister. However, despite the fact that yearly grants had been stopped by the previous two Governments since 1985, the Ministry now provides a yearly grant to the College. Note carefully, at the Finance Committee meeting which considered the last Budget the First Elected Member for Bodden Town did not ask for such assistance."

Madam Speaker, I would say that the devil has been dancing in the Minister's [for Education and Aviation] mind.

It does not surprise me since this Minister's dislike of me has gone way back—indeed, since 1979. I would just like to get across the point that my responsibility and my behaviour in here is not predicated upon my personal like or dislike of someone, but, rather, is predicated upon the seriousness with which I view my position as trustee for my constituents. So, any question I ask, is not a question to illicit information for Roy Bodden; but, rather, for the edification of the Honourable House and the country.

It is useless, as I have said, to try to put me down because my sense of self-esteem has always been unshakeable.

Madam Speaker, the Throne Speech made mention that there is some outstanding committee work to be done. We have the Select Committee to consider a Register of Interests; a Select Committee to consider a Code of Ethics and Conduct for Legislators; the Select Committee to Review the Gambling Law; and the Standing Select Committee to Review the Sunday Trading Law; and of course we have the Select Committee to Review the Bill of Rights. This is a fair amount of select committee work, Madam Speaker, and time is of the essence, since we are at the two-year mark in the life of the Parliament.

All of these select committees are important. I hold especially dear the work and the necessity for us to have a Bill of Rights. Why? Because the *Hansards* of this honourable House will show that on two occasions I moved motions to have a Bill of Rights incorporated in the Constitution of our country. I think it is absolutely necessary that we have this Bill of Rights—sooner rather than later. There is no reason for procrastination. I am becoming concerned, because as we continue to procrastinate the motivation to get on with this work lessens. I would not like to see the Parliament die and we have no Bill of Rights.

Madam Speaker, no less eminent an authority than Lord Lester of Herne Hill [QC], on 25 January this year, during the Second Reading in the House of Lords, impressed upon this noble House the importance of incorporating a convention of human rights into the British system of Government. We cannot depend on the European Convention. We cannot depend on the International Declaration of Human Rights by the United Nations. We must have our own instrument incorporated in our Constitution. Any person who is not so disposed to providing this information should be bold enough to tell the country and their constituents that they are not so disposed.

The National Team people like to challenge people to take positions and do things—they should do that and

see who survives 1996.

Madam Speaker, there is no need to get off on all kinds of side tracks. There is absolutely no need to run red herrings across the trail and to talk about cults and this thing and the next. What we need to do is to ensure that our Caymanian people (and they are sensible, certainly full of common sense) understand that with rights come responsibilities.

In the United States (which has the greatest propensity for its citizens suing the State) the courts are not tied up with these kinds of cases. I fail to be convinced that the Courts of the Cayman Islands will be so tied up, for in its essence the Bill of Rights protects the citizens against the might of the State.

What are we afraid of? It is one of the pillars of democracy. Indeed, in this article in the *NLJ Practitioner* of February 3, 1995, Lord Lester has given an example of some Bill of Rights which existed many years ago—the Magna Carter, the Petition of Rights, the English Bill of Rights, the Scottish Claim of Right and the Act of Settlement. The United States (which declared its independence from Britain in 1776) had its Bill of Rights in 1791. Here we are on the eve of the 21st Century, doing what my mother described as "procrastinating", because it seems the National Team begrudges the citizens of this country a Bill of Rights.

I think, also, Madam Speaker, for our own interest as Legislators and representatives of the people, it is incumbent that we arrive at a Register of Interests and a Code of Conduct because it seems to be a more frequent occurrence that certain columnists insinuate and infer that the behaviour of certain politicians leaves much to be desired. Let me say that a more effective way of countering these insinuations and inferences is for us to produce a Code and a Register that clearly sets out our obligations and responsibilities.

We cannot continue to mug them—as has been evidenced in this Chamber that certain Ministers of the National Team and their Backbench supporters have done—by castigating them and calling them all kinds of names. The way to deal with it is a constructive way of saying. *'We have set in place a Register of Interests and a Code of Ethics and Conduct to judge and to set parameters for our own behaviour. So there is no need for you in your column to try and malign us and insinuate. We have set the vehicle in motion to guide ourselves and set the tone for our own behaviour.'*

Madam Speaker, I would like to now move on to the business of the Law School.

The Speaker: Honourable Member, may we take the suspension at this time?

Mr. Roy Bodden: Certainly Ma'am.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated.

The First Elected Member for Bodden Town continuing.

Mr. Roy Bodden: Thank you, Madam Speaker.

Prior to taking the break, I had announced that I was moving on and wanted to make some mention of the Law School and its operations.

Permit me, however, to put what I consider a fitting footnote on a commentary that I offered regarding the importance of a Bill of Rights. I would like to again quote from the *NLJ Practitioner* of 3 February 1995, page 142: **"One of the most eminent Conservative supporters of the Bill [that is, Lord Hearn's argument that Britain should have a Human Rights Bill] was Lord Hailsham of St. Marylebone, who stated that, as part of 'a radical overhaul of our constitutional arrangements, a Bill of Rights entrenching the European Convention is a modest, but desirable addition to the armament of liberty against populist or bureaucratic intrusion and oppression.'**"

Lord Lester of Herne Hill, himself, in his address to the Lords stated: **"...a constitutional guarantee surely acts as a rallying point and a bulwark for all cherished freedom. It strengthens the sinews of democracy and promotes good governance. It provides orderly legal redress for infringements of civil rights and liberties and it contributes to public education in winning hearts and minds. The power of government needs to be matched by the power of the law if the individual is to be secure. The Law of the British constitution should encourage the spirit of liberty, and our Courts should give redress where basic civil rights and freedoms are infringed."**

That, Madam Speaker, is a fitting conclusion to points made earlier with regard to the necessity for us to have a Bill of Rights entrenched in our constitution.

I now move on to the Law School. The Law School is doing well indeed, and it should be a source of pride. However, that does not mean that we should not continue to monitor its purpose and its effectiveness in our society. In this regard, I express the sentiment that it must serve to educate Caymanians first and foremost, and when these Caymanians graduate they must be accorded their rightful places in the Caymanian society.

This, too, forms a part of the new social contract that I advocate we embark on. I would not like to see the graduates frustrated by menial and unchallenging employment. I would like to see their efforts rewarded by them being placed in meaningful positions in Government as well as some of the high profile firms in the country.

I would hope that some of them could rise to the eminence of becoming obvious and prominent partners in these firms because I (being a person who has studied extensively myself) have appreciation for people who achieve after subjecting themselves to four or five years of rigorous hard disciplined studies. I have always felt that persons who can deprive themselves (particularly in

PROCEEDINGS SUSPENDED AT 3.40 PM

light of all the attractions and all the pleasures which compete for our attention now) should aptly be rewarded by positions which not only demand hard work, but carry some prestige and some promise for future promotion. It is only human nature that people expect these kinds of rewards after making such tremendous sacrifices.

Madam Speaker, I would like to offer some comments on the Portfolio of Finance and Development. I would begin by saying that I think it is a positive step that the Honourable Finance Secretary has taken with the inception of the Public Sector Investment Committee, in seeking to surround himself with some of the best and ablest brains the country can afford. It is not only a testament to the humility and recognition of the tremendous responsibility of the holder, but it is also sensible in that he has an available pool of people who are on the front lines and should be able, through their tentacles and their contacts, to afford him the best advice regarding not only what is happening in our own society, but what is happening in the wider world. And, may I remind the Honourable Members (if any reminder is necessary) that the world of finance is perhaps one of the most fertile, fastest moving, yet ficklest, worlds that we can ever set foot in or encounter. So it is with a certain sense of pride, but it is also with a sense of challenge, that I say that we have to continue to be progressive.

I take cognisance of the announcement that we are now working on a stock exchange. I would also like to say, by way of offering some tempering and sobering remarks, that in our position as one of the major financial centres in the world (and I am satisfied that cognisance is being taken of this), we have always to guard ourselves. Sometimes we have to look over our shoulders, but always we have to look ahead, because the success of the world of finance is to keep a clear forward vision while having at the same time excellent peripheral vision.

So I welcome the trend to get away from the notion of the description (although it may sound like pure semantics) of secrecy, to the terms confidentiality and privacy, while maintaining responsibility. From the perspective of a layman, I think some of the problem has been brought upon jurisdictions which still stress secrecy (for secrecy connotes that you have something to hide, which is not necessarily so in all cases). I welcome the move for confidentiality, privacy, and openness.

Madam Speaker, one of the striking things that came out when my colleague in the Opposition (the Second Elected Member for Cayman Brac and Little Cayman) and I were afforded the half-hour courtesy call on the Honourable Tony Baldry, was expressed support for the Cayman Islands in the moves that we are making in international finance. We also did not lose the opportunity to reiterate our support and our commitment in these steps. We came away with the impression that he held the efforts made in these Islands in high regard and in high esteem. Indeed, we, in the Opposition, felt proud that we are partners with the National Team Government in their efforts to maintain the highest standard of integrity when it comes to this kind of development.

Madam Speaker, we would be irresponsible, indeed

stupid, to try to obstruct or destroy this very important pillar. So I say in all seriousness that we in the Opposition are just as concerned with developments (like the BBC tape) of such infamy. We realise that if the independence of the Cayman Islands in its ability to fund itself, to be self-supporting, is eroded by irresponsible journalists and damaging propaganda, it is a ballpark in which all of us—Opposition as well as Government—are going to suffer.

I want to say that the Financial Secretary has the support of the Opposition, and the Government has the support of the Opposition in maintaining the highest standards of integrity and vigilance where this relates to our keeping ahead—not abreast, ahead—of the competition. Let them catch up. But it does not behove us to boast of all the developments.

If the BVI had kept their mouths shut about the number of companies that they had registered, it may not have impressed upon us so soundly the necessity to do something to make up ground which they boasted they had taken from us.

Madam Speaker, the Customs Department is a department that plays a vital role in the Cayman Islands, if for no other reason than we can be dependent upon the collection of customs duties for such a large part of our budget. It is also a department that must always be in the forefront of our self-examination.

There is a disturbing trend that I want to suggest, by way of constructive criticism, we must take a hold of. I think that we are falling into the trap of praising the department every time we break a record in collection. I want to say that while it is necessary, and, indeed, it is an expectation and a part of human psyche to be praised when good efforts are expended, we have to be careful for two reasons: (1) We are talking about extracting taxes and payments, whether or not we admit that Customs duties are that; and (2) we do not want to give these Officers the impression that they are doing so well that they can let up.

I noticed in his last report, the Auditor General made some observations of some weaknesses which he thought existed and which I posit we need to strengthen. One that comes to mind is we have to increase the percentage of containers that are examined by the Customs Department, especially in light of the fact that the Auditor General suggested in his report that there were some people who had been found in breach of Customs Regulations in the past, whose containers were not examined at a regularity acceptable for people who had been caught in breaches in the past. So this is an area of Customs work that needs to be strengthened.

I also (just as recently as last evening) received a complaint from an importer that there seems to be some inconsistencies. I do not know whether these inconsistencies exist because of a breakdown in communications or what, but, the complaint was made to the point that it relates to the importation of used automobiles from the United States where some people are being required to produce bills of sale and receipts while others are just required to just make a verbal statement or admission of the cost of the vehicle.

This observation was made to me by one of my constituents who was annoyed and alarmed that there was such an apparent double standard. The Department has to be concerned that these policies and these kinds of actions are entirely consistent and applicable across the board.

I take pride in the fact (although others I noticed expressed concern) that Officers are so young, because I must say in my dealings with them, I have always been afforded the kind of respect which is symptomatic of professional committed people. Personally, I have no reason to complain. I would only say that sensitive areas like Customs and Immigration need to be kept in perspective by the Government all the time because if the officers in these departments are disgruntled and dissatisfied, particularly if they believe that they are under compensated, it opens avenues for them to use their positions and their ingenuity to subvert and circumvent the system. We know in many Third World countries this has become a characteristic. I have never heard of any widespread or any endemic occurrences of that in the Cayman Islands, and I raise the point only to say that we have always to be cognisant of the work done by these people and to be sure that we are in a position to afford them the compensation they deserve.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, it is now 4:30.
Will you take the adjournment?

Mr. Roy Bodden: Yes, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, please move the adjournment of the House.

ADJOURNMENT

Hon. W. McKeeva Bush: Madam Speaker, I take pleasure in adjourning this House until Monday, at 10 o'clock.

The Speaker: The question is that this Honourable House 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 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 27 MARCH 1995.

**MONDAY
27 MARCH, 1995
10.15 AM**

The Speaker: I will ask the Honourable Minister for Agriculture, Communications 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.

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, forever 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.

APOLOGY

The Speaker: First of all I have an apology from the Fourth Elected Member for West Bay, for absence this morning.

Presentation of Papers and Reports. The 1994 Annual Report of the Royal Cayman Islands Police, by the Honourable First Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**1994 ANNUAL REPORT
OF THE ROYAL CAYMAN ISLANDS POLICE**

Hon. James M. Ryan: Madam Speaker, I beg to lay on the Table of this Honourable House, the 1994 Annual Report of the Royal Cayman Islands Police.

The Speaker: So ordered.

Questions to Honourable Members/Ministers. Deferred question number 54, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION NO. 54

No. 54: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what amounts have been earned by the Water Authority and paid into General Revenue since November 1992.

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

Hon. W. McKeever Bush: Thank you, Madam Speaker. The amounts earned and paid into general revenue since November 1992, were \$700,000 in 1993 and \$250,000 in 1994. These were the first payments made into general revenue by the Authority since its inception.

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 there is any policy in place which allows the Water Authority to retain the monies earned to invest in capital expenditures? Rather than each time that it seeks capital investment it seems to come to government when it could actually have its own money to reinvest.

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

Hon. W. McKeever Bush: Madam Speaker, I think that this Honourable House should understand, and it should not be left unsaid that the Water Authority comes to government for money because there is no truth in that statement whatsoever, and I do not know where the Member gets his information from.

The Authority is currently working with government to ensure that only excess revenue is contributed to government's general revenue as required by law.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Honourable Minister could state

if there was any reason, prior to November 1992, why there was no contribution to the general revenue by the Water Authority.

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

Hon. W. McKeeva Bush: Madam Speaker, I could not answer that question. I do not know.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Can the Minister say if there is a policy or is it in the regulations that contribution over a certain amount of profit be contributed to the general revenue by the Water Authority as the other statutory authorities have in their regulations?

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

Hon. W. McKeeva Bush: Madam Speaker, the law states that excess revenue should be given to government.

The Speaker: If there is not further supplementary, that concludes Question Time for this morning.

Continuation of the debate on the 1995 Throne Speech. The First Elected Member for Bodden Town, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Mr. Roy Bodden: Thank you, Madam Speaker.

When we took the adjournment on Friday afternoon, I had made several observations in regards to the Customs Department. Prior to moving on to a new topic, permit me to make one important observation which I omitted on Friday.

Concern has been expressed regarding what we see as a serious matter which, in my opinion, is not being treated with the seriousness it deserves. I would point out that in answer to a question raised by myself, to the Honourable Financial Secretary, asking how many cases of evasion of customs duties had been uncovered by the Customs Department since 1991, the answer was as follows: **"Madam Speaker, since January 1991, a total of 85 cases involving evasion of import duties have been uncovered by the Customs Department."**

During my tenure as Chairman of the Public Ac-

counts Committee, one of these cases involved sums of \$3 million to \$5 million. I was told by the Honourable Financial Secretary that this case was referred to the Legal Department. Now, there are 84 other cases, and it strikes me that if any of those other cases involve sums in the vicinity of this, we are doing ourselves a serious disservice. I wonder if something could not be done to get rid of the intransigence and bring these problems to a head one way or the other, since the Customs Law makes it clear what should happen to perpetrators who evade Customs Duties.

My argument is that I often receive complaints from small importers that Customs Officers seem to be ever diligent, and ever zealous with regard to them. Indeed, there have been cases where some of them have been penalised. I hope that this is not a case where the weak pay for the strong; and where the small are made examples of while the large escape unsanctioned and unpunished. I shall be watching with interest.

Since this is 1995 and these cases were recorded from 1991, yet no conclusion has been arrived at, I wonder how long we are going to have to wait before these matters are settled. We cannot claim that the Customs Department is doing an excellent job if we have 85 cases outstanding. The government must do something to shed the appearance of disinterest, or worse, in these cases.

Let me now turn to the Department of Tourism.

We continue to do well, but I must be frank and forthright and remark that the success could not have suddenly happened over the past two years. It was, indeed, the result of positive programmes and aspects that were laid down by past political directorates.

Some time ago I remarked that I see the business of government much like a relay race, that is, every four years the baton is handed sometimes to a new directorate, and it is incumbent upon this directorate when they receive the baton, to run with it as fast as they can. If they stop to quarrel and express disgust that they did not receive the baton in a more favourable position, what will happen is that the position in which they find themselves will be further eroded and they will be passed by competitors—even those in a less advantageous position. Tourism is a good way to express and re-emphasise this metaphor.

What we have to do with the baton is continue to move forward. I say this giving full cognisance to a bit of information that I received while reading a magazine a short while ago. This year Cuban tourism has for the first time significantly passed the 1 million persons mark. I think that we in the Cayman Islands have to be concerned with what I think the sources point to as the ultimate opening up of Cuba, because history dictates that the situation cannot continue for very long.

I recently read a most interesting special in *Time* magazine. It had as its focus the fact that President Castro was getting older. The description was "the lion in winter." They were speculating as to some of the changes that the Cuban leaders will be forced to take into consideration, including a softening of their hard line economic policies.

I think that we in the Cayman Islands would be wise to begin laying some contingency plans to ensure that our tourism sector does not suffer any significant loss when Cuba does open up. We must begin formulating a 'Plan B' and, if necessary, a 'Plan C'. This is especially important when one considers that tourism in the rest of the Caribbean really did not take off until after 1959, when the United States embargoed its citizens from trading and visiting Cuba. It was only after this time that tourism in the rest of the Caribbean really took off.

Even Puerto Rico, which has close association with the United States, did not have a vibrant tourism market. Cuba was described as the playground of the Americas. And it is not inconceivable that it could return to that position. So, we in the Cayman Islands must develop a strategy, or strategies, to take advantage, or to certainly bolster our position so that we will not incur significant losses when this happens.

There are those who propose that attention should be given to developing some sort of triangular trade, particularly with the Europeans in mind who take traditionally longer vacations than people from North America. We should explore the possibility of developing some sort of triangular trade which will include some destinations on the north coast of Jamaica, coupled with Grand Cayman, Cayman Brac or Little Cayman and a destination in Cuba, be that Cayo Largo or Veradero Beach.

It would seem to me, looking at this cursorily, that it might make some sense to explore this possibility, particularly with the introduction of British Airways regularly scheduled flights. We will be having Europeans. Certainly, it is my understanding that Europeans already flock to Cayo Largo and Veradero Beach in large numbers. From this side of the House, I do not envisage any serious problems and I think the Cayman Islands are eminently poised to take advantage of this sort of arrangement since we are one of the best, one of the top destinations as far as scuba diving is concerned. We would have, in these islands, a totally captive audience.

While we may not be able to compete with Cuba and Jamaica in other areas, we certainly have a distinct advantage when it comes to development and the sophistication of our scuba diving industry, and when it comes to the beauty and reputation of our dive spots.

I believe this is an area to be explored, and while the Opposition is often accused of not providing alternatives, that is a suggestion that can be acted upon if the government so desires.

I must pass a few remarks concerning the Turtle Farm, not so much to dwell on controversy surrounding the departure of the former Managing Director, but an expression of concern in that with the closure of the turtle farm operated in the Pacific by the French, the Turtle Farm in the Cayman Islands remains of even more worldwide importance.

The new philosophy seems to be one where there is equal emphasis placed on making turtle meat available for consumption in addition to raising funds from visits and tours of the farm. While there is much to be said for this move, we have to bear in mind that turtles are slow to

mature. Any overly ambitious project regarding butchering may be counterproductive in the sense that it may bring us to the position where the flock of mature turtles that provides an attraction to visitors who wish to tour the farm may eventually be depleted.

[inaudible interjection]

Mr. Roy Bodden: *[addressing the voice across the floor]* A herd of turtles or whatever. Sometimes even the most learned can be imprecise! My mother always said that the song is not important, as long as the soul reaches heaven.

[Members' laughter]

Mr. Roy Bodden: A slip of the tongue is no fault of the brain in this case Madam Speaker.

[Members' laughter]

Mr. Roy Bodden: But, I thank the Minister.

We must be cognisant that pressure is also going to be brought to bear on the closing of our farm because in a report in the *Caymanian Compass* of some weeks ago, the French threatened to pressure the international authorities to have our farm closed. I do not believe that the French really have a case, and I think that they are just being spoilsports because our farm operated entirely different from theirs in that we did not depend on gathering eggs from habitats throughout the world. Our farm is the only one in history where the turtles lay and breed in captivity. So, I believe that we can make a strong case.

However, I feel constrained to say that the departure of the Managing Director must be viewed as somewhat of a setback. It is my hope, however, that we will soon recover and, certainly, I lend the efforts my fullest support.

The business of the environment and environmental concerns has taken on increased prominence in the Cayman Islands in past years. This can be attributed to the worldwide realisation that Mother Earth is facing some rather delicate balances. I am one who shares the concerns of the environmentalists. And I am one who realises that we must face up to this delicate balance. If we lose sight, if we lose the grasp of this, we run the risk of nature having to overcompensate and we already (if we view the Discovery Channel and all the other educational Channels) realise that we are losing at a very rapid rate certain species of plants and animals that play an intricate role in keeping this balance.

A case in point is a big row that is happening at this very moment between the nations of Canada and Spain over fishing rights of the Grand Banks. Certainly, it is not farfetched to believe that a small fracas will occur if the conflict is not settled soon. The Canadians claim that the Spanish are over-fishing the turbot on the banks. These nations are so concerned about this kind of thing that they are prepared to risk men and material to prove a point of principle.

We should be no less respectful of environmentalists

and conservationists when they tell us that we need to exercise caution in keeping that delicate balance. Every Honourable Member in this House knows that we are faced with a serious challenge in maintaining the attractiveness of our dive sites while, at the same time, offering some constraints on the numbers that visit those sites. Also, offering some restraints with regard to cruise ships and large ships that have to anchor in some of our most bountiful and most attractive waters.

This is a challenge. I would caution my honourable colleagues not to dismiss these concerns when they are expressed, but rather, try to find the delicate balance. For a nation that does not have an encyclopaedia of resources, we have to be careful that we do not destroy those few resources we do have, which have proven over time to be attracting influences.

I believe that several experts left reports with us that should be studied and, for all practical purposes, heeded—Madigan and Pratt and the Cousteau Report.

If our tourism is to continue to be successful, we, as representatives of the people, and even more so the government, must find ways in which to maintain this delicate balance. If we enter into a power struggle between the forces of government and those advocating some respect for nature and the environment, future generations are bound to be the losers.

Let me turn now to the Ministry for Health, Drug Abuse Prevention and Rehabilitation.

Next to education, the health of this country is of great importance. We have some very serious problems—problems that have been dogging us for many years, which, from all accounts and observations, are growing larger; or, in the very best instance we are, obviously, not beating.

I speak of drug abuse. We have been plagued with this for many years. While drug abuse in any society must be a source of concern, it is even more so a source of concern in the Cayman Islands where its victims are primarily the young—those very people who persons like me should be preparing to take the baton when I hand it down.

The problem, as I see it, has many facets. One of the facets is the fact that we are in an economic position where money can easily be found to spend on drugs. What is frightening is that we have graduated from the major drug being that of vegetable matter, to cocaine in all its forms and derivatives. This is the most powerful addicting substance in the world when used in the form of crack, as I understand.

It is unfortunate that our young people do not realise the dangers of flirting with this substance. From personal experience, I can attest to the foolhardiness of some of our young people. Several years ago, in the business that I manage, we employed a bright and promising youngster. Indeed, it is not an exaggeration to say that had he lived up to his promise he would have attained my position long before he was the age at which I attained it.

Within two years of being with the company, his behaviour totally changed. The first thing we noticed was that he kept company with people who were on the pe-

riphery of society. We (the management and other staff members) spoke to him about it because the company is sufficiently small enough that we can operate as family.

I remember on several occasions, because sometimes he travelled with me, telling him—even to the point of bringing him an article that I had read about cocaine—and he assured me that he was different, that it would have no effect on him.

His eventual addiction brought tears to the management of the company when we had to finally get rid of him because two attempts at rehabilitation proved a failure. It still saddens my heart, not only because it was a case that I know of personally, but because I know that this case is not unique. It is not singular to see a young man physically fit, an athlete, a top-notch soccer player, bright and intelligent, lower himself with drugs.

To this day, he remains beyond hope, burned out, a sad testimony to what frequently happens to our young Caymanians because they believe that they can change nature and they can change science and upset the balance.

I do not believe that the efforts of the government in drug abuse prevention and rehabilitation is enough to stem the tide. I believe that all of us in this society have to work, but the government must continue to set the tone, be aggressive, and offer facilities.

What is discouraging about this, is that we are led to measure the success of this by the number of cases we turn around. We will be committing a grave danger because the rate of recidivism, as I understand it, is high. So, we have to be prepared, as legislators, to vote a lot of money continuously and to provide top-notch facilities on an ongoing basis before we can see even encouraging results—let alone make a dent.

The wider society and those of us not involved in government and its efforts also have a part to play by giving advice, encouragement, and time to these cases. This is a good time to interject that I have always said (and certainly the *Hansards* of this House will show that on a number of occasions I have remarked) that I am a proponent for making it mandatory. Irrespective of the reason a person has been to prison, and irrespective of his age, anyone serving a sentence of six months or longer must—MUST—enroll in a drug abuse prevention and rehabilitation programme.

Certainly, anyone who is released on parole should have as a condition of his parole that he, on the advice and opinion of the counsellors, continue to attend counselling sessions. I also realise that age does not necessarily guarantee that one will not become an addict because I have seen 50 year olds hooked, just like I have seen 18 and 20 year olds.

Then, too, we have to have an aggressive educational programme regarding sexually transmitted diseases. It is customary for this to be a companion to serious drug use. Such a programme should start at the schools, just like the schools should be the focus of an aggressive drug abuse prevention programme. The earlier the better, for education is perhaps the most effective tool.

The famous West Indian Calypsonian, the Mighty Sparrow, sings a Calypso song in which he says that his grandmother told him that an ounce of prevention is better than a pound of cure. In these cases, education is the ounce of prevention: The cure is expensive indeed. I expect to see a continuation, if not an intensification of these programmes beginning with the young and malleable so that we can effect a realisation of these dangers in youngsters from the time they reach a tender age.

Madam Speaker, in some communities there is a great moral debate as to who should be offered the kind of education, especially as regards gender and sex. I suppose that if we allow ourselves, we can become entrapped in this. I can only say that from my experience if we adopt a practical and pragmatic approach, we are bound to reap the results in the future.

I can well recall the time that I lived in Canada. I taught at a school where there were 3,000 students. Coming from the Cayman Islands, I was pleasantly surprised to see the kind of family life education programme that they had instituted at the school. It was a programme based on the provision of information, confidentiality of visits between the students and the school nurse and the counsellor. It was a programme based on mutual acceptance of maturity by the staff and the student. In the three years I spent there, there were no young girls having to leave the school because of unwanted pregnancy.

I can say that the coming and goings of the students as far as their appointments with the school nurse and the counsellors was concerned was not the business of the teachers. When these students presented a note detailing their appointment, the instruction to the teacher was that they were not to be detained.

Prior to leaving, I was very interested in the programme. I spent some time discussing the merits and demerits with the vice-principal of the school and was pleasantly surprised to learn that the programme was a source of pride to the administration of the school. It was also going to be used as a model for some other school boards in the province of Ontario.

I do not know what the position is regarding this philosophy in our schools, but I can only say that in our society the problem of unwanted pregnancies among the young seems to be of major concern. I will get to that later when I mention some things happening in the Ministry of Community Development, Sports, Youth Affairs and Culture.

The Ministry of Health has its work cut out for it, for this Ministry will have to provide a modern health facility for this country. There will be loud and acrimonious debate, as there has been. There will be those who will accuse people of changing positions and of advocating things now which were different than the stance they took earlier. I would only say that one of the most dangerous things ever to happen to anyone who claims to be intelligent, is to lock oneself into a rigid and intransigent position from which one cannot move or from which one cannot have a change of heart.

It is appropriate to remark at this time that the country is waiting and watching with interest because not only

do we need a modern health facility, but we also need supporting organisations and sections such as a national health insurance plan. I would say that time is of the essence. Indeed, it is fleeting by so rapidly that I have now become concerned that we will not be able to deliver in the time that is left before the next General Election.

The government must be prepared again to face no less acrimonious debate, no less thorough questioning and, indeed, one might even say no less Opposition than what happened to the previous Minister. It is human nature to be this way. If only due to the circumstances that there was a plan before that was rejected, I find it appropriate to remark at this point regarding the national health insurance that the criteria should be that it is affordable to all persons in this society, and that it is portable.

Ideally, I would like to see a plan not controlled by the insurance companies, but a plan that is regulated by the government—not controlled by the government, or the insurance companies—but a plan which is regulated by the government. Why is this important? Because if we let the plans be controlled by the insurance companies, we know that the major motivation will be the profit incentive. That being the case, some elements are bound to be at a disadvantage. Who might these elements be? They are likely to be the poor, the disenfranchised, those suffering from congenital and degenerative diseases, and the elderly.

The plan has to come with enough time left that we can rehearse, we can sample it, that we can try it out, argue, bicker and perhaps that we can adjust and amend it. Even after all this, I do not expect that it is going to be unanimously accepted. However, I will be satisfied if it is a plan which is affordable to the majority of our people, which offers at least basic coverage so that our people, even the most disadvantaged of them, may be able to take advantage of the health facilities that we have in these islands. Hopefully, by then we will be on our way towards implementing a first class facility.

I would also like to say that I would like to see a system of payment where the subscriber pays a monthly stipend and is given a card so that when he or she goes to the hospital, or the health facility, the only thing he has to do is to present that card. He will not be expected to put up any money, except of course if they wish to exercise other options that can be written in, depending on what plan persons wish to purchase. There should also be an option. But the basic plan must be affordable and must be able to cover all of the categories that I just enumerated, and more if necessary.

In the Throne Speech, the Governor said this plan will be in place by the end of November. I can only remark that I certainly will be awaiting the proposal and look forward to lending my constructive criticism and support to the plan when it is brought to the Honourable House.

Over the years, we have made some obvious strides in many important areas. But much remains to be done. Indeed, much can be done if we develop a spirit of cooperation, mutual respect, and understanding. I have been especially concerned about the position of the family in

Caymanian society. Sometime ago, the Opposition (the Second Elected Member for Cayman Brac and Little Cayman and I) moved a motion calling for something to be done. I note with interest that in his contribution, the Governor stated that a study would be conducted during 1995 on "The Status of the Family in Caymanian Society." I welcome such a study and I must say that I will lend my support to the Ministry in its attempt to address this problem.

I will remark that it is a pity that we did not see fit to come to some understanding and accept the motion brought by the Opposition. Since I believe in this effort to arrive at and to redress these problems, government and opposition have a mutuality of interest.

I would like to see emanating from this study, and I put this out for the Honourable Minister and Honourable Members to consider, some sort of effort to establish what I would call a development of a Caymanian Family Institute or Resource Centre, based upon the results of the study.

I believe that it is timely that we do this and, certainly, the enormity of the problem, and the persistence of the problems our families face justifies that we take this step. While it is not a matter that I am in a position to expand on totally now, I can only say that we do not necessarily need to start at a very expensive and enormous level. I would prefer to see us start small and effective, and build up over the years much as we have built up other institutions and other organisations. I am happy to see from the countenance of the Minister that we are at the same level as far as our interests are concerned.

Hon. W. McKeever Bush: So why did you sit in there when I said the Minister had already proposed it? Come on, tell the truth now.

Mr. Roy Bodden: Madam Speaker, I can truthfully say that I believe the Minister would be interested and certainly sympathetic in pursuing this. I do not know, nor am I concerned with who proposed it before, or who will propose it after.

Hon. W. McKeever Bush: That is all they need to say.

Mr. Roy Bodden: Let me remark that this is not a unique problem or concern because those of us who are aware will know that the United States is facing a crisis, as are many other countries, regarding deteriorating family values and the importance of redressing this problem.

There are a number of authors, medical doctors, psychologists, and other people, who have become famous as resource persons with some of the proposals they have made in addressing these problems.

The problem of the poor and the disenfranchised (as I call them) is one that strikes us by stark reminders from time to time. Sometime ago there was a tragedy where some people in the Watlers Road area of George Town suffered losses due to a fire. These persons were on the television this morning and I noted that they are still homeless and crying out for support.

I think in a country that hosted over 1,000 Cuban migrants, we absolutely must find a way to help these people immediately. It should not be a question of their having to lose their pride by begging in a country that is indebted to the tune of \$5,730 per day to pay for Cuban migrants back in Cuba. We must find decent accommodations for these 24 persons. Right now!

History will not be kind to us if we do not do that. I think that it is incumbent upon the government before the day is out to tell this House what has been done, or is being done to ease this situation. I shall look forward to listening.

Many strides are being made with regard to sports and youth development. I take cognisance of the efforts. I think it is in the right direction even though I may have philosophical disagreements from time to time with some efforts being expended. Certainly, the focus on sports is constructive. What I would like to see and what I am appealing to the government and to all Honourable Members of this House to endeavour, is to let us put in place more programmes in the various communities which can complement the physical facilities that we are developing.

I noted that we recently acquired the services of two persons to be technical directors in areas of basketball and soccer (or football as we sometimes call it). Also, the announcement that there will be the formation of district sports councils. I would like to say that, from experience, as far as the district councils are concerned, I think it would be the ideal situation if they were developed in such a way that the sports office would have regular contacts with them rather than to leave them completely on their own. From time to time, the persons who volunteer for these kinds of assignments and duties are those persons who have to volunteer by their very civic-mindedness among other things. So, it is not impossible to find that these persons have sometimes two and three organisations going. So it would be necessary to depend on the sports office for some support.

I know firsthand of the difficulty in my own constituency in Bodden Town where I try to take as active a part as I can in the day-to-day affairs of the little organisation we have regarding the development of football. So, I can say that it falls on a few people all of the time. And, unfortunately, the others sit back and only show up when it is time to reap praise—but when it is time for hard work and for transporting and for digging in the pocket, they are sure that they are far from the area.

This is a positive note, and I lend my encouragement to it. I only also say that I wish that the Minister and the Government would also see fit to offer some scope for training and for a furthering of their experience to some people like J.C. Connor, who was a national coach, Gilly Seymour, Andy Myles, and Justin Morgan. I know that it may be possible to get these people on attachments overseas where they can gain knowledge and expertise so that they can come back one day and take over positions of leadership in the various sports.

I know from the time that I was vice president of the Football Association (1986-1988) and J.C. Connor was the National Coach, he has been to the Mexican Football

Confederation on several occasions on attachments that he arranged. I think I saw something in the papers recently where he had just returned from there. I believe that the Minister may well consider offering official support because it would make it easier to access these persons.

I also note with interest that the G.C. Foster College in Jamaica is now a degree granting institution. I was listening to some developments over the weekend where in Jamaica the Ministry of Sports said that the philosophy is to develop this institution to the highest level so that people in Jamaica, but not only in Jamaica also in the other Caribbean regions, can benefit because they recognise that it is becoming increasingly expensive to take advantage of these kinds of institutions offered on the North American Continent.

Also, the training and the facilities available at the G.C. Foster College are no less advanced than those offered in institutions on the North American Continent.

So, I would hope that the Minister can continue on this course. And now that we seem to be nearing a position where we are having excellent physical facilities, some thought and effort should be put in place where we get Caymanian persons trained and educated and equipped where we can platoon them in the various districts or communities.

Certainly, the notion of District Sports Councils is a good one. If we develop these to the level they should be developed we should have no problem arriving at training and developing youngsters who do us well on the national level.

Before I leave this Ministry, I just want to make a few comments regarding the Department of Labour.

Madam Speaker, labour has been one of the most democratising institutions in the development of the Caribbean. While we have no sugar plantations or factories that employ large numbers of people, we no less have our problems in regard to our people—placing them in jobs where they can perform meaningfully and which offers them scope for promotion to managerial and decision-making positions.

I believe it is accurate to say that in the hospitality sector we face the greatest challenge where this is concerned. Why is this so? Because the Caymanian economy dictates that wages and salaries are high. So, it seems attractive to import labour in many instances. Not only because our people expect high wages, but because in those occupations that are obviously seasonal, it is easy to bring someone in for six months and when the slow period is on send them back to their country of origin. It is a challenge, therefore, for the Government and the Ministry to see that what exists continues and is always fair and in the best interest of the Caymanian worker.

But we have perennial complaints from some sectors of the hospitality industry where people complain of being short-shrifted with regard to gratuities, where they complain about labour conditions which are unfavourable. I note with interest that the Minister has announced a review regarding some form of minimum wage study.

I also vividly remember a motion brought by my colleague on the Opposition calling for the Establishment of a Minimum Wage by Category, and in passing only remark that it is a pity that political expediency did not allow that motion to be accepted. By this time we would have been well on our way and could have devoted our efforts instead of just having a review to taking it to the next logical stage. As a result, we are beginning when—if we had taken advantage of the opportunity—we could have been well on our way to something else.

There is, too, mention in the Throne Speech of the plans to turn district town halls into district libraries, once civic centres are available. I applaud and support this plan. But I would only request that in the constituency of Bodden Town, since we are currently having a new clinic built and since, traditionally the Town Hall has been (for whatever reason) a more popular place as far as public meetings are concerned, that some thought be given to seeing if we could salvage the old clinic for a library and resource centre, rather than using the Town Hall. Then we would be able to leave the Town Hall as an optional meeting place, remembering too that during years of General Elections, the Civic Centre is the building we use for the tallying of the votes and all of that (the Town Hall is not used for that, mainly to have public meetings).

We could carry out some kind of feasibility survey to see if the old clinic would be appropriate, and also bearing in mind that the old clinic, while it does not offer any parking space, it is right across from the Post Office. So, while parents come to pick up their mail, they could also avail themselves of the opportunity to drop off their children to pick up books or drop them off at the library and resource centre. They could kill two birds with one stone.

I hope that this could be explored because it strikes me that of the two venues this old clinic (depending on the extent of the renovations needed) would be a more appropriate place.

I want to offer some brief comments regarding education. We talked before about what is going on with the strategic and I have expressed my position on that on numerous occasions. I have to remark, however, that during his contribution the Minister for Education said something to the extent that the Second Elected Member for Cayman Brac and Little Cayman and I, as Opposition Members, suffer from a misunderstanding as a result of a lack of knowledge of what is happening in the schools.

I would just like to remark that if he knows this to be the case, why does he not invite us when he goes to visit the schools as I would think is appropriate and should be done. I only learn of visits to the schools in my constituency when I read it in the newspaper. So then, is it any wonder that I suffer from a lack of understanding as to what is happening?

I noticed too, that the Minister attempted to take credit for the recent success in the CXC examination. I find this rather humorous since the *Hansards* of this honourable House will show that as far away as 11 April, 1979, the now Minister for Education (who was the Member for Education then) boasted that he had killed the Caribbean Council's Examination.

At that time he said: "**All of the worried area of opposition to the education policies come as a result of my terminating the Caribbean Examinations Council Examination.**" So how can he now come back and say that the success in the recent examinations is due to his leadership? Strange, Madam Speaker, strange. And certainly not borne out by the *Hansards* of this House.

The position of the International College of the Cayman Islands in this country is a position that begged for understanding, if not sympathy. Here is an institution that has been operating for more than 20 years, yet has to continue to struggle for Government recognition and support. A private institution in a country where the Minister for Education says that; "**efforts must be made to recognise the contribution of private institutions in the field of education because it lessens the financial burden on the Government.**" What a paradox that this institution of higher learning is not granted the respect that it is due.

The Second Elected Member for Cayman Brac and Little Cayman and I, as Opposition Members, have teamed up on occasion to try to force, not only this government, but the previous government as well, in all candour, for some kind of recognition for this institution.

I received some statistics recently regarding the enrollment—and there are about 500 students, full-time and part-time enrolled in this institution. I understand from conversations with the administration that what the school is seeking is not necessarily handouts, but the kind of respect and recognition that will encourage students to attend the school when they realise that their matriculation will be accepted by the government.

Some thought should be given to this. And if it is that an evaluation of the institution needs to be done, then let us get on with it and set up the necessary expertise to have this evaluation done so that we can arrive at a position of understanding. I have remarked before in this Honourable House that I see the position of the International College not as one of a competitor to the Community College, but as one complementing the Community College since, by their very nature at this time, they offer different fields of study and different tracks. I think that these two institutions should be developed as complementing each other to the point where at some stage we can have a sharing of certain facilities, such as libraries and resource centres—if we do not wish to take it to the furthest extent and have a sharing of certain faculty members.

This is the challenge. But I do not know what strange virus somebody thinks exists at the International College of the Cayman Islands, why political directorates in the past—and the present political directorate—did not exercise their fair conscience in trying to give this institution the recognition and respect that it is due.

The Speaker: Would the Honourable Member take a suspension at this time?

Mr. Roy Bodden: Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 min-

utes.

PROCEEDINGS SUSPENDED AT 11.41 AM

PROCEEDINGS RESUMED AT 12.07 PM

The Speaker: Please be seated.

The First Elected Member for Bodden Town, continuing.

Mr. Roy Bodden: Thank you, Madam Speaker.

I have now come to that section of my contribution where I would like to reply to some of the comments made by previous speakers. Before doing so, let me say that debates in this honourable House often seem to be lacking in intellectual capacity and substance. The *Hansards* will show that I have been consistent since coming here in trying to keep to a certain standard, because when I am gone I would like to have left behind a testament to the level of my commitment and my intelligence and the sincerity of my trying to offer a positive contribution.

I am torn between maintaining that position and suffering kicks and stomps by people who would take advantage and interpret that as a sign of weakness. I well recall one of the aphorisms that my grandfather left me with when I was much too young to understand: "If you are ignorant, the world is going to cheat you. If you are weak, the world is going to kick you. If you are a coward, the world is going to keep you running."

Madam Speaker, in his contribution, the Minister for Education and Aviation took umbrage because the Opposition had questioned the necessity of the three Elected Members of Executive Council going on the financial industry promotional tour. He, in his usual way, brought up all kinds of irrelevancies including Commonwealth Parliamentary business, which (as every Honourable Member knows) should be kept out of politics.

But I would just like to say that the Cayman Islands Constitution, in section 5, Part II, states that there shall be a Chief Secretary, an Attorney General and a Financial Secretary, five Elected Members who shall be titled Ministers, making a total of eight Members with the Governor presiding. It is my understanding that the Constitution of the Cayman Islands also applies only to the geographical jurisdiction of the Cayman Islands: There is no provision for the Executive Council to meet outside of these Islands and make binding decisions.

According to the Gazette (4 of 1995) bearing the date of Monday, 20 February 1995, the Governor appointed the following: Mr. Michael Marsden, Acting Attorney General and Member of Executive Council; Mr. Joel Walton, Acting Financial Secretary and Member of Executive Council; Mr. Donovan Ebanks, Acting Chief Secretary and Member of Executive Council. Each person whom the three appointees replaced was considered under the Constitution incapable of performing the functions of his office between 11 and 24 February 1995. This was the express reason stated: These persons would not be in the Cayman Islands to perform their duties.

It therefore stands to reason that these three members for whom the Governor appointed substitutes, would not be filling the role of Executive Council Members because those Executive Council Members were outside the Constitutional jurisdiction of the Cayman Islands. Note that at this time Mr. James Ryan was also appointed as Acting Governor, so there were four new Executive Council Members appointed.

Now, in answer to the question that I raised regarding the accompaniment of the three Elected Ministers, the Financial Secretary said, and I quote: **"At the Hong Kong conference, a leading trust attorney pointed out that Cayman was considered the jurisdiction of choice in terms of quality for the setting up of restricted trust companies. However, because of the fee of \$6,000 Cayman Islands dollars per annum, as opposed to the standard fee of \$2,000 Cayman Island dollars in other jurisdictions, Hong Kong law firms were referring business to the less costly jurisdictions."**

He went on, and I quote: **"The Ministers were able to consider this issue on the spot so that later the same day it was announced that a decision had been taken to realign Cayman's fees to CI\$2,000 per annum, effective March 1, 1995."**

My question is how could there be a meeting of Executive Council in Hong Kong, and there be an Executive Council in the Cayman Islands at the same time?

How could there be two Governors, two Chief Secretaries, two Financial Secretaries and two Attorneys General at the same time?

This means that there was at this time 13 Executive Council Members, when the Constitution makes provision for only eight. [Members' laughter]

So, Madam Speaker, tell me how this reactionary decision, taken in Hong Kong, can be legally and constitutionally valid. I say that it is illegal, invalid, and constitutionally unsound.

Madam Speaker, you know, I have also suffered because it seems that I must not exercise my intelligence and my ability. It seems that as a result of a recent public meeting held by the Opposition Members (namely, the Second Elected Member for Cayman Brac and Little Cayman and I), where Mr. Ezzard Miller was a guest speaker appearing on our platform, the wrath of the government has been incurred. Through their spokesperson, the Minister for Education and Aviation (whom the country knows is not exactly my best friend), this association came to be questioned. I was accused of jumping the fence and all sort of other things because of this meeting, this association on this evening with Mr. Ezzard Miller.

Well, I thought about this situation over the weekend. I meditated, and I sought counsel and advice. I want to say, as I have said before, that my position remains consistent. I have no reason to be ashamed. Mr. Ezzard Miller did not do me anything other than in the cut and thrust of debates in this House he stuck to his position. But as for the remark that politics make strange bedfellows, let me say that if in my charitableness, and against

the better advice of supporters, political confidants, advisors and friends, I made alliances with people who threatened to relegate me to their car-wash boy, and who said all kinds of uncomplimentary and disparaging remarks about my then wife; and I went against the odds and made up with these people even when the people of Bodden Town put them out in favour of Mr. Franklin Smith and me, how much more should I exercise my option and associate in a democratic and legal way with Mr. Ezzard Miller who did not lay a straw in my way inside or outside of this Legislative Assembly. It seems that the good Samaritan in Roy Bodden is mistaken for weakness.

It was George Canning who said: **"No eternal friendships, certainly, no eternal animosities—just eternal interests."** Just eternal interests, Madam Speaker. And when those interests are not in the best interest of country and constituency, Roy Bodden will not flinch from living by the dictates of his conscience.

I want to dwell upon this jumping of the fence for a little while. I, Roy Bodden, could never jump as many political fences as Winston Churchill jumped, and I will never be the man, in a million lifetimes, that Sir Winston Churchill was. So, as far as I am concerned, politically speaking, there is nothing wrong with jumping fences if it is by the dictates of your conscience and in the best interest of country and constituency.

But, Roy Bodden, does not have the monopoly on fence jumping, as I will show now, because the National Team, by its very nature, is made up of fence jumpers.

[voices across the floor]

Mr. Roy Bodden: According to *The Caymanian Herald* of October 12, 1983, the Minister of Community Development, Sports, Youth Affairs and Culture, and the Third Elected Member for Bodden Town were at war. And the Minister... let me read what happened, according to this newspaper report: **"Speaking to an all Island crowd of about 70 persons, 35 of whom were from Bodden Town, Haig Bodden said last Tuesday night that the Opposition had destroyed themselves with the peaceful march on Wednesday, 31st August. And he went on to say that a stockholder in Quality Concrete that had been selling cocaine had written the speeches for McKeeva Bush, and he promised to reveal the names next year."**

And in retaliation, Mr. McKeeva Bush, in his meeting of October 8, 1983, called Mr. Haig... he said, **"Mr. Haig, tonight I am calling you a liar. All right?"**

Madam Speaker, how is that for strange bedfellows? [Members' laughter]

Madam Speaker, even the Lady Member for North Side was not exempt from this group, because the *Herald* of October 12, 1984, on pages five and six, record her claiming that she was not associated with the Unity Team and never was. She said that they should be thrown out. Yet, now, some of the people with whom she is associated were former Unity Team members.

[interjections]

Mr. Roy Bodden: She further said, regarding the new hospital, that she would like to see a new hospital located away from the flight path of the airport.

If the Minister for Education and Aviation had the common sense to complement the nine senior qualifications he claims to have, if he had even a smattering of common sense (and, Madam Speaker, by the way, I do not know why they call it common sense because it is not too common) he would not have brought this up because people who live in glass houses should never throw stones!

I want to say something else. It was Edmund Burke, that quintessential thinker, who said: **"When bad men combine, the good must associate; else they will fall one by one an unpitied sacrifice in a contemptible struggle."**

Now, I ask the question again: Why should I not be free to exercise my democratic right—because that was all I was doing—to associate with Ezzard Miller if I so choose?

In 1992, I associated with the Minister for Education who, in 1979, said in this very House concerning me: **"I believe, Mr. President, that prevention is better than cure. Only a fool lets a fox into the chicken house and hopes that the chickens will convert the fox into a chicken, and that has been the import of recent articles, including articles which I have been very concerned about such as that of Roy Bodden in relation to the Cuban situation."** [And, to go even a little further] **"All of the worried area of opposition to the education policies come as a result of my terminating the Caribbean Examinations Council Examination."**

I just want to say one thing by way of clarification. I have never written any article about the Cuban situation. He did not read the article that I wrote. But, political expediency and political convenience is the order of the day with the National Team, because when it suited him he embraced my presence as a Member of the National Team.

What is that? Politics makes strange bedfellows? It sure does because again... and, Madam Speaker, I have to tell you that to this day some people in Bodden Town hold my association with that Minister against me, and they are totally unforgiving of the fact that I appeared at the Civic Centre on the same platform in Bodden Town with him. There are those who hold that against me and do not let me forget that. Every time they have occasion to remind me, they do so.

Now, Madam Speaker, I am saying that if I was gracious enough to embrace that gentleman after he made me divert from my path in the civil service, why should I not exercise my right and my option to hold a meeting, or to speak with Mr. Ezzard Miller who did nothing in this country? To my mind, he is the only politician that was exonerated by way of an investigation.

[interjections]

Mr. Roy Bodden: You know, Madam Speaker, this whole business better be taken seriously by the public because of the fact that people who do not have access to the same forum to reply have been castigated in here time and time again. The fact that no respect is shown for former Members of this honourable, House fraternity members (and, I say that because I believe that politics is a fraternity), cognisance should be taken of these things. If you do not respect your peers then who do you respect? Who can be exempt from this kind of castigation?

I have to wonder with regard to the Minister for Education and Aviation as to whether he is protecting himself, or is he acting out of some secret spite, or suffering from some kind of excruciating pathological ambivalence.

In commenting, let me say that they should not forget, because it is at least three of them threw a libel suit on the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture and Shylocked about \$37,000 out of him. And they talk about politics making strange bed fellows? Let us not talk about that. I mean if that can be forgotten, and they can conveniently associate out of political expediency then they should just let any other association pass.

The Speaker: May I ask the Honourable Member... I think it is time you continued with your debate. I think you have said enough, and gotten your points across. Will you kindly continue?

Mr. Roy Bodden: Thank you, Madam Speaker. I shall so do.

Madam Speaker, you know that I am not the most obnoxious of Members, and, indeed, Ma'am, begging your pardon, most times I come here I am as staid as an Oxford Don. But sometimes I have to be as bristling and as fiery as a Brooklyn Rap artist. But that stage is past now, so I shall get back on track in heeding your advice.

It has been suggested by the Minister for Education and Aviation that my friend and Opposition colleague, the Second Elected Member for Cayman Brac and Little Cayman, is not a good representative because he does not live in the constituency he represents. But that too is not the case because we know that the Third Elected Member for Bodden Town, the Fourth Elected Member for George Town, the Member for North Side and the Fourth Elected Member for West Bay do not live in their constituencies.

It is my understanding that since Cayman Brac has two representatives it was always the practice that one of them remained in the constituency while the other was resident in Grand Cayman. One does not have to look hard to see the sense in that because it gave a definite advantage in terms of being in Grand Cayman, which is the capital, in the event of important business cropping up and, for consultation purposes, there was a Member over in the Brac. So when communication and time allowed, they could confer and come up with a unified position. But they have tried to derail my colleague many times before without success and these efforts will be no less futile.

I went to Cayman Brac last Saturday night as a guest of the two Members. Believe you me, the people they represent are very pleased with what they are doing and with how they operate. I can only say that their work is cut out for them.

We have heard that the Government is a much better financial manager than the past political directorate. I am not here to argue because I have no connections with the past political directorate. I was not for very long a part of them, and they do not need me to defend them. What I would like to do is set the record straight because I heard the Minister for Tourism attempt to blame the past political directorate for what has come to be known as Motion 3/90.

In *The New Caymanian* of 28th August through 3rd September, 1992, in an interview with Alan Scott ("Straight Talk"), Alan Scott, says "I served without fear or favour." *The New Caymanian* asked Alan Scott: **"Is it true that you were on leave when Government Motion 3/90 (change in the composition of Finance Committee) was approved by Executive Council?"**

Alan Scott replied: **"I was indeed on leave when that was approved to go before the Legislative Assembly."**

The New Caymanian then asked: **"Would it have been possible for the Acting Governor to defer that motion or to seek the Secretary of State's advice?"**

Alan Scott replied: **"Yes. The Acting Governor, Mr. Thomas Jefferson, has the full powers of the Governor under the Constitution while he is acting."**

So it seems that somebody has his story crossed. I would like to say, Madam Speaker...

Hon. W. McKeeva Bush: Madam Speaker.

The Speaker: Are you rising on a Point of Order?

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

POINT OF ORDER

The Speaker: May I hear the Point of Order Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture?

Hon. W. McKeeva Bush: Yes, Madam Speaker. The Member has read from at least three documents. I am wondering whether he could lay those documents or articles on the Table of the House.

The Speaker: I am sure the First Elected Member for Bodden Town does realise that having read from articles they become the property of the Parliament and can be laid on the Table.

Mr. Roy Bodden: Most certainly, Madam Speaker. In fact, I beg your apology, Ma'am, because I had the documents prepared to lay on the Table, but in the cut and thrust of the debate I omitted to do so.

The Speaker: Please continue, First Elected Member for Bodden Town.

Perhaps before we continue I should say that the Honourable Minister rose and asked a question and it certainly was not a Point of Order.

Mr. Roy Bodden: Thank you, Madam Speaker.

I now wish to express my great surprise at the fact that the Minister for Education and Aviation would attempt, in an effort to retaliate as he is accustomed to trying, to besmirch my association in the Commonwealth Parliamentary Association by suggesting that I had somehow taken advantage of the Association in my travelling as a delegate of the Cayman Islands Branch of the Commonwealth Parliamentary Association.

I was surprised because it is unusual for the business of the CPA, which should remain above politics, to be brought into these kinds of debates. And also, because for every conference or seminar which I have attended, I had to go through a procedure of applying and being accepted by the Executive. I did not, in being successful, commit an untoward act; nor did I take advantage of any position. The records will show that at every conference and seminar I attended, I participated with dignity and at the level which bespeaks a representative in my position.

It is unfortunate, therefore, that I had to write in defence of my position to the Honourable Financial Secretary in a letter, which I will read, dated 17th March, of which a copy was sent to you, Madam Speaker.

"Dear Sir: I write to request copies of the relevant accounts related to the official travel costs of the five elected Ministers of Executive Council since they took office in 1992 to date, including travel costs incurred in connection with Commonwealth Parliamentary Association business. As you are aware as Third Official Member of the Legislature, today the Minister for Education read information obviously received from the Treasury Department regarding travel costs incurred by myself on the business of the Cayman Islands Branch of the CPA.

"Please note that papers on this matter were not before the Honourable House prior to the Minister raising this matter. The Legislative and Democratic process dictates that I be given equal opportunity to reply to this matter with papers and information similarly."

Unfortunately, Madam Speaker, at the present time, while I have received the reply indicating that the Honourable Financial Secretary has set the wheels in motion, I have not been able to produce these statements. I only say, again, that it is regrettable, and that in my defence I have to take these kinds of positions.

I notice a deteriorating trend here and all Honourable Members must take cognisance. There is a level beyond which we should not go.

Mr. Gilbert A. McLean: Hear, hear!

Mr. Roy Bodden: Because, sooner or later, if it does not

come to an end (according to remarks I hear frequently in the public), it is not going to end good.

This kind of behaviour, which, unfortunately, forces me to be likewise, is not in the best interest of the Westminster system—and there are some people who persist to be traitors to the high standards and principles of the Westminster system.

It goes even further. This whole business of freedom of speech and the ability to express one's opinion, we are skirting dangerously close to totalitarianism.

Let me bring something to the attention of the House, Madam Speaker. In *The New Caymanian* of the week of the 17th March, under "Everybody's Business," columnist Gordon Barlow remarked: **"Carl Gordon phoned me at home the other day to say, among other things, that these columns have made me extremely unpopular with Caymanians."** Madam Speaker, it is regrettable that a person in such a position would take such an ill-advised step.

That is open to interpretation: Is that an official line? Was that a directive from someone? Because you see, Madam Speaker, for someone who occupies that position it is not easy to separate oneself from the position: Indeed, I would claim that it is impossible.

This is the kind of thing that we should be cognisant of and I crave the indulgence of the Chair to read this: **"First they came for the Communists and I did not speak out because I was not a Communist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist... Then they came for me, and by that time there was no one left to speak up."** This poem was written by someone who was a victim of the Nazis. Need I say more, Madam Speaker?

You know, Madam Speaker, the Minister for Education likes to get up and talk about the unemployed and the unemployable, and he likes to convey the impression that he was successful in every undertaking upon which he embarked. I wonder if he forgets his venture in the *Cayman Times*, in which he sank half a million dollars.

I wonder if he, like most politicians, suffered defeat at the polls at some stage.

I am saying that there is so much bad in the worst of us and so much good in the best of us, that it behoves none of us to talk about the rest of us. We have to remember that the position that we occupy in here—we are but merely trustees of the public.

In closing, let me say that I remain diligent in my efforts to represent my constituents to the best of my ability. I give the undertaking that I shall always serve with humility, and that I shall support what is worthy of my support and I shall not hesitate to express my opinion on things that I deem unworthy of my support. I shall continue to work with deserving people and shall continue to endeavour not to close the door on anyone. But, Madam Speaker, I too have limits to my patience.

I am grateful for the opportunity that I have been given to serve, and I thank my constituents and pledge my ongoing efforts through God's help. Thank you.

The Speaker: Proceedings will be suspended until 2.30

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

Debate continues on the Throne Speech.

The Honourable Minister for Agriculture, Communications and Works.

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

I, too, would like to add my contribution to the debate on the Throne Speech so ably delivered to us by His Excellency the Governor.

I would like to start off by saying that the Lord has been good to all of us here in the Cayman Islands. We continue to enjoy peace and prosperity, and I honestly believe that we should give Him thanks, rather than to continue to behave in the fashion which all of us are guilty of at some time or the other.

Our country is on the right track, we continue to see progress in the Cayman Islands, we continue to hear of a very strong financial position. We continue to be the centre of attraction in the Caribbean, we continue to be the pearl of the Caribbean.

All of this did not come by chance. It took many years for us to reach where we are today. It took many governments—however little, or however much they might have contributed to bring us to where we are today. But, other territories around us have also prospered, but because of bad handling many of those suffer today.

The Government of the Cayman Islands today has done much to put the old ship Cayman back on an even keel and we should endeavour (if we love Cayman the way we say we do) in this honourable House to work together and to keep it that way, rather than to continue to pull upon each other and to try to degrade each other the way it has been done in this House sometimes.

My responsibility is Agriculture, Communication and Works. I am going to base my debate around the department which I am responsible for.

I will start with the Department of Agriculture. I would like to say that this Department continues to work hard to do all that is humanly possible to promote agriculture in these Islands. The Department will commence its fifth year of activities which fall under the Development Plan for Agriculture and it will be started here in 1995.

A comprehensive evaluation of the progress that has been achieved to date has been completed and information gathered would be compared with the result of the base-line survey undertaken at the start of the programme in 1991.

Madam Speaker, in 1995 a total sum, which was approved in the Budget, of \$832,577 will assist us to commence several projects at the Lower Valley Farm. These will include the preparation of another road to the Lower Valley Pavilion site, it will assist us to relocate the Department's office, also, we are hoping to start up the

slaughter facilities in the same area and no doubt these facilities will assist us to assist the farmers of this country to better prepare local meats for the market.

The Department also continues to upgrade the local livestock. We continue to improve on the production of crops. Overall, the Department continues to work hand-in-hand with the farming community.

It is quite encouraging for me to see where we are today with farming and to know where farming was when I took over the Portfolio in 1980. In recent times we can boast of quality and in some instances we can also boast of quantity. The quality of animals which we have in the Cayman Islands today is as good as I have seen in any neighbouring territory. Again, it took a lot of hard work, a lot of interest from the local farming community, but it is something we have achieved. It is something which we have come a long way with and through the Department and my Ministry we continue to offer every assistance possible to keep this moving forward.

I would like to touch on problems we have experienced over the last year. For example, we still have those who continue to import mangoes and flowers and the like. In recent times, I have had to instruct my Department of Agriculture to put a stop to the importation of mangoes into the Cayman Islands because we found that the fruit being brought in was infested with the fruit fly.

I know for some importers this has not gone down well, but I am not going to stand by and see the many years which have been put into farming in the Cayman Islands go down the drain because somebody feels they should continue to import. Likewise, with certain flowers we now have the problem in this country with the white fly which until now there is no know cure for.

We will continue to monitor these areas and we will continue to do all possible to keep this to the minimum and we trust that those who are involved in important will see fit to work along with us and to assist us rather than try to make it harder for us.

Also, we were able to make provisions for loan funds to the farmers at an attractive interest rate. Farmers can apply for loans up to \$10,000. It is a programme which we hope will continue to encourage the smaller farmer, especially.

The loan programme covers crop cultivation; live-stock improvement and pasture development; on-farm infrastructure and equipment, such as crop irrigation equipment and small building which are needed from time to time; and also, small scale processing facilities.

Through the Department in recent times we have had several work shops for farmers which have proven to be a great success. As I mentioned, we are hoping that through this loan programme we will see even more interest in this side of farming.

Those who qualify for such loans as mentioned fall in the category of small farmers, will be persons who possess Caymanian status, or those who are legally resident with long term ties to the Cayman Islands. The applicants will be required to become members of the Farmers Co-op and encouraged to join the Agricultural Society.

The applicants will be required to provide collateral which will be similar to what would be asked for in a bank, but, of course, we will use discretion and we will try to assist as much as possible.

Also, the borrower will be asked to put up a portion of the required funds for the project and the interest rate thus far is at 5%.

The Department will continue to monitor the projects as time goes on and try to keep abreast of whatever the farmer is doing. We will also try to make sure that the return from whatever the farmer chooses to do will be maximum to the farmer.

Under achievement for the Department for 1994: We were able to bring on line a grafting programme. This is something the National Team Government promised the people of this country. I am pleased to say today that we have employed a qualified grafter. I know the lady Members here will be pleased to hear that it is a female and she is doing an excellent job. We are hoping that our farmers will utilise her to the fullest.

Also, a Veterinary Officer has been recruited who will increase the efficiency of the Veterinary Services the Department now offers.

As I mentioned earlier, the slaughtering facilities which we hoped to have started at the end of 1994 had to be put on hold, but, of course, we have that as one of our priority projects for 1995.

The Farmer's Market has also been modified to maximise use of space and we have also added somewhat of a deli and juice and farm retail supply area to the facility. It is hoped that in a short time we will have a small outlet in the old market in George Town where we will be able to cater fresh fruit juices to the tourists.

Presently we have two young Caymanians who are qualified to do artificial insemination. This is a service we now offer to those farmers who require it. We also had a Soil and Water Management Workshop, which was conducted by the Department and the University of the West Indies. This was held at the new Pavilion in Lower Valley. There were over 40 farmers who attended and the workshop lasted for five days. It was quite interesting and encouraging to see the participation of such a cross-section of farmers and the interest each one showed in receiving the most out of this conference.

Hopefully we will be putting another one together in the future. We are hoping to bring back the professor from the University to assist us in trying to fully utilise the land space each farmer is presently working. This will be of great interest to the farmer because it is a known fact that farming here in these Islands is very hard. We have some rough terrain, but it is my belief that with the assistance that we are trying to put in place we will be able to produce more and to fully utilise the land we have.

We also have a training programme, which deals with small scale food processing. This was a great success and I am happy to say that since that time we have seen a lot of interest shown in trying to preserve a lot of fruits which in the past would have been fed to the animals because of spoilage. Once this is fully working it will allow the farmer to save on his crop and in some in-

stances certain things can be preserved and sold at the outlet in town to the visiting tourist.

I believe that in recent times the Farmer's Market has become more popular with local people. I encourage them to continue utilising the Farmer's Market facility and, indeed, to support local farming. The quality is superior to imported items and in most cases I am sure I am safe in saying that the produce is more natural. In the case of mangoes, it is my understanding that the quality is better than anything that we can import into the Cayman Islands.

As I mentioned, farming is something close to my heart. I practice what I preach and I will continue to do whatever possible to assist farmers to make sure that they receive as much as is humanly possible for whatever is produced here in the Cayman Islands.

This year, also, we are hoping to embark on a project in Cayman Brac. The Department is presently supplying the Cayman Brac area with supplies like fertilisers, bag feed, but we are also hoping to assist the farmers there with the necessary watering facilities which, as I understand, has been a serious problem for farmers for a long time. The well is already in place and we will no doubt make it much easier for those farmers who are presently involved in farming.

I would like to stress that I am very pleased to see the added interest of so many young farmers, especially here in Grand Cayman. At one stage it looked like it was something that was dying day by day; but in recent times we find all over Grand Cayman those who have come forward and are engaged in goats or cattle, and some in crops, and they are doing a very good job. This is the sort of thing which the Department of Agriculture, and my Ministry, will continue to encourage.

We hope to take a group of young farmers to the Florida area in May of this year to the University of Gainesville. They will take a week-long course in agriculture. I am certain that each and every one of them will enjoy and learn something more of what it means to do agriculture effectively.

I will now turn to Communications. I would first like to touch on the enhanced 9-1-1 system which we are presently bringing on line. I believe that this is a positive step, it is something every country needs. It is a system whereby our emergency systems in the country will be improved upon. It will help our people in case of sickness and accidents to reach the necessary emergency areas on time. The system which we hope to put in place will allow an ambulance operator (once the call is received) to trace that call direct to the residence wherever the call may be coming from.

In case somebody should become very sick, for example, a heart attack, once that number is dialed (911) even if the person should collapse before being able to talk that call could be traced and an emergency vehicle could be sent to the person. It is a very good system.

I had an opportunity to visit a town in Boston some time ago with a much larger population than the whole of the Cayman Islands. But the system there was really something to see in operation—very effective and which,

no doubt, made everyone feel safe.

The headquarters for this system will be at the Fire Department. There will be two backup systems, one at the hospital. Of course, we will have another at the Police Station. The way the system works is if someone calls in the vicinity of the Fire Department, the call will also be relayed to the other two areas which I mentioned, thus keeping all three informed [department] as to what is taking place.

We are also hoping to upgrade radio communications with the Sister Islands in 1995. An additional antenna will be put in place that will cause the communications to be better.

I would also like to point out that my Ministry is all prepared for the CARIFTA games. The requirements which have been put forward for the necessary communications have been put in place and taken care of and we are hoping to do whatever we can to make this a success.

Turning to the Post Office and the Postal Services in the Cayman Islands. If nothing else is achieved by this Government, I am certain that everyone would agree with me that the Postal Services and, indeed, the George Town Central Post Office is something that has come along way in a very short time and is worthy of all congratulations possible.

This has been one of my pet projects since taking over the Ministry and I am happy to know that I have such a person in charge as Miss Corrine Glasgow. She is somebody I have the greatest admiration for. She is very ambitious. She is a go-getter, somebody who continues to push the programme to try to improve, not only on the service—she wants to see the building in top shape—but most importantly, the staff, I would say that she has done wonders with the staff. It is a good feeling when one walks into the Central Post Office to see the lovely uniforms that they wear, the cleanliness of the place, the overall face-lift. I have received numerous letters of congratulations on this and I can only say that this has been possible because of team work, not only the team work of my Ministry and the Postal Department, but also of this National Team Government.

I could not have done this by myself; I had to depend on each and every Member of this Legislative Assembly when it came time to have the funds available and today I am most grateful and pleased that I can make such a report back to the House on the achievements which have been made in reorganising and restructuring the Post Office.

This is only the beginning. Like all other things we are going to try to upgrade throughout the districts: the Post Offices of West Bay, Hell, Bodden Town and East End will all be worked on in the near future. We are also looking at the Post offices in the West End of Cayman Brac. We are looking at a sorting centre which will be constructed by the Airport here in Grand Cayman.

These will provide an additional 4,000 post boxes and I should say, long awaited post boxes, because for whatever reason it seems that no emphasis was placed on this over the years. Many businesses and residents

continue to wait. So we are going to try to improve upon this and allow all those who are in need of boxes to be able to rent them.

We have also tried to introduce an identification card system and, while we have come under some criticism for this, I honestly believe that it is quite necessary. The reason behind it, as I understand from the Postmistress, is that there have been a few occasions when mail has gotten into the wrong hands and we feel that if somebody has an identification card, when presenting himself at the Post Office it is a preventative measure which will not only protect the post office, but will also protect those to whom the mail is delivered.

We are going to continue to try to promote the Caymanian staff within the post offices, we are going to try to reintroduce services to the public (in the outer districts), such as being able to pay various bills. I believe that this can be done and will alleviate a lot of problems for those having to come into George Town, especially people who have to depend on someone else for transportation.

It will also help to alleviate parking problems, and, to say the least, the long lines to pay for things like licenses on their vehicles. We are also going to upgrade communications between the Central Post Office and the district Post Offices.

A few days ago, I handed over the keys to the Postmistress for the first van that will be used for Express Mail. We are hoping that in the very near future we will be able to promote this in such a way and be able to capture sufficient business to warrant having another van put in service.

We will continue to cater to the tourists, as best we can. I believe that once we are able to separate the sorting office (which I mentioned earlier will be built at the Airport) from what is handled here in George Town it will create more space and we will be better able to serve the general public with the light mail.

The new Postmistress also developed a Post Office Logo. Like the uniforms, this identifies our Post Office—it appears on the stationery, the mail van, the mail drop. We have received numerous calls of congratulation for this bold step.

In whatever we do here in Grand Cayman, we are also looking at the Sister Islands and we are going to try our best to give as good a service over there as we have here in Grand Cayman.

Turning to Lands and Survey. This is a Department which His Excellency the Governor returned to me after being in the Ministry for about a year. I am pleased to say that it is working well and I know the Financial Secretary is always happy to hear that we are up 25% on fees and duties collected, thus making our contribution to the General Revenue 25% more than the year before.

We have also put in place the strengthening of the Survey Department. We are presently trying to do whatever possible to assist the public better. In this country we have a few survey teams, but in general the public continues to complain of the high rates which they have to pay, and continues to inquire why government discon-

tinued the service which was given to the public many years ago.

Again, this government, with the assistance of our Backbench agreed and we have the funds in the budget and the Department is presently trying to add a few more teams of surveyors so that once again we will be able to assist the public at a much lower cost than what is presently being paid.

I know that this has not gone well with certain companies but I believe it will be greatly appreciated by our people. As far as I am concerned, it is our people that have given us the confidence in placing us in this Legislature, and as long as I am responsible for this area, I will do whatever is possible to make life easier for my people. This service is needed and it will assist our people greatly.

The Land Information System is something we can be proud of and we will continue to work on this and to bring about even further improvements as we go along.

Here in the Cayman Islands, we cater to a financial centre and we cater to many other areas and the services we offer are top class. I believe that now we can also be rated with the land information system in the same category. Again, all good reports have been coming in from banks and lawyers and the department will continue to do whatever possible to upgrade the land information system.

I would now turn to Works. To say the least, like other Members in this Legislative Assembly, I have been very much disturbed by the poll that was done by the Chamber of Commerce. The very low rating which was received by Works was very unfair and I am going to do my best to put forward the many, many jobs which the Public Works Department has undertaken for the last year and also to mention the unexpected projects which they had to do and, if I may say, Madam Speaker, I have done a very, very good job with it.

For whatever reason, Public Works always comes under heavy criticism. This is one time that I am certain that I can easily say that I do not believe there had been any other year or two in the history of the Cayman Islands when there was such a demand placed on the Public Works Department as was the case in 1994 up to the present.

We had the Cubans first of all. It was the responsibility of the Public Works Department to make sure that 1100 Cubans were covered, that is, a place for them to live in had to be provided speedily. Sometimes, I felt it was almost inhumane, the long hours that the Public Works staff had to work to make sure that the Cubans has a place to stay in. It seems as if the Chamber of Commerce must think that this happened by itself. Even if this was the only project mentioned, if credit was given for what took place there under the circumstances, they would have given some credit.

Let me say that there was no way that we could plan for what was going to happen the next day. Sometimes, as soon as we had a group put into some tents, or a building, another group arrived. Public Works was there through the night, at times, making sure that the tents

and/or buildings were prepared.

If I may add, it was not an easy job trying to work on that compound, with so many bodies walking around and in some cases, as soon as something could be constructed it was being pulled down. I commend the Public Works Department for that project and to be frank with you, if I may, I would much rather see a tent city there than a hospital because that is really no place for us to put sick individuals.

As soon as that project was over we had to move on to the bypass by the Airport. Again, this was something that was put into the hands of Public Works with a deadline. There was very little time for a huge project to be completed. It seems as if the only thing that comes out of that one is continued criticism, rather than taking into consideration that regardless if it is working 100% as yet, it is still a good project.

Just prior to that, we had the other project of preparing for the Queen's visit. I need not go into that, but we all know that was not an easy task. It was the Public Works Department that everyone depended on to get the job done. I believe that throughout Grand Cayman a good job was done and we prepared well for the Royal Visit.

But with all of that we are here in 1995. I trust that if the Chamber of Commerce is going to direct another poll, they will do a better one this time because in 1995, Public Works will continue its role of maintaining public buildings, roads, it will continue to plan for implementing projects, expansions and improvements of public facilities.

We have a huge project in the road that will be coming from West Bay into George Town, the bypass, which is scheduled to be finished in 1995. We will continue to look at other road corridors we think will be necessary and will assist motorists in an easier flow of traffic. I can especially think of the eastern district into George Town. We have thus far started on this project and I am pleased to say that we have already seen improvements. We have opened the Old Prospect Road to two-way traffic, we have created a third lane from the junction of Red Rabbit which takes the traffic into old South Sound Road. Until this morning it was good to see how the traffic is now flowing in this area.

We have monitored the situation out there, the problem areas seem to be Prospect and old Crewe Road. So what we are trying to do is to create another lane whereby the traffic not needing to go across Prospect will be able to come through the old Prospect Road and filter into South Sound and into the school.

We also have plans in place to bypass old Crewe Road. Perhaps some will ask why we do not concentrate on upgrading the Old Crewe Road. This is almost impossible because of the various fences and the entrances to the main road. Even if we continue to upgrade the shoulders, it is still not going to do exactly what we need. We have looked at a bypass which will start across the road from the Lion's Centre, following the path of a dyke road which presently runs straight down behind Crewe Road and ties into Bob Thompson Way and also branches onto the road that takes you straight to the High School.

We believe that this will alleviate the problem in that

area. Once on Bob Thompson Way the traffic will be able to follow Thomas Russell Way, traffic will be able to go back to the Airport, come into George Town and be able to go to the Schools.

The other bypass from West Bay to George Town will also filter traffic into the Airport and a branch road on Seymour Road will take us back into immediate George Town.

These are the corridors which we will be working on in the near future and as with the one at the Airport, I would just say to the motorists in this country that we need to take time and become familiar with the changes there, rather than constantly complaining, trying to rush through the junctions and constantly becoming involved in accidents. I have travelled the Airport junction—I am not saying that it is not a little confusing, but driving with due care and attention, I believe one can negotiate the corner, the Airport entrance, without any problem. The problems as I understand have been caused by individuals driving from the Airport, failing to stop at the Kirk Motors junction and becoming involved with the vehicles travelling into (or out of) town.

As I mentioned, the Public Works Department will continue to monitor and to do our best to improve what is there. As I promised here a few days ago during Question Time, we have already started to monitor the traffic flow in the various areas which is done on a yearly basis. This will assist us to do what we feel is necessary at that junction and, indeed, in other areas to try to alleviate the problems which motorists have experienced.

As I explained a while ago, like everything else, when it is first in place we must take time to become familiar with it. I am certain that in the near future it will work.

One complaint I have received is that the road is too narrow. We will be looking at this and as funds become available we will try to widen the hot mix section of the road. Also, in receiving those complaints, we also get the complaints from others that the overall road is too wide. It is one of those situations where it is, as the saying goes: "damned if you do and damned if you don't." But we are going to work on it and try to do whatever possible to make that roadwork to the betterment of the country.

Other complaints on that section of road are that it was not necessary. I am not here to judge if the individuals saying this are right or wrong. What I will say is that from my point of view, it is important when we can make sure that the safety of aircraft coming into this country continues to be our priority.

My understanding from speaking to various pilots that with the road in its present position, they are able to utilise much more of the runway than they could in the past. So this is but one thing that we have accomplished, I would say to those who criticise: Think of what it means to the lives of those who come into the Cayman Islands.

I know that various names have been placed on the road, such as 'Caledonian Drive', but this is not correct as I mentioned it was a safety factor that was brought into play when that road was constructed. I would also point out that certain individuals took me to task that I would

not go on television and defend this road when the decision was made to build it. I know my responsibility in Government: 1) I am not a representative from George Town. The decision, first of all, to build that road was dealt with on that basis. Thereafter, I was given the job through the Public Works Department that the road be built. From that time forward, I have no problem defending what was done there.

As far as my getting up on that soapbox in the initial stages, like some so often like to do, I had no intention of doing it.

As I mentioned earlier, the department will continue to monitor the road system throughout the Island. We had to take a decision not too long ago to work on a portion of road on Eastern Avenue that, according to Public Works Department, if it were not attended to then, we would have lost a huge stretch of road. This is the case throughout Grand Cayman—the major roads need attention because when the hot mix begins to crack, and holes begin to come into it, we are then faced with a major road repair to be done. However, if we can do something that will prevent this, it will be a savings to government in the end.

It seems as if once we have to go to what is much cheaper, that is, seal and chip, everyone believes that it is not a good road. But we have to work with what we have, that is to say, that we have to work with the dollars that we have for roads. There are many other areas of need, therefore Public Works Department no doubt, must make suggestions to me on not only the hot mix, but what we can get more of for the money that we are spending. It was for this reason that we had to cover a stretch on Eastern Avenue with the seal and chip and in so doing we have protected the main base of the road and, with God's help, and some good funds in the future, we should be able to revert to what we were doing years ago, that is, the hot mix surface.

The Speaker: Would the Honourable Minister wish to take a suspension at this time?

Hon. John B. McLean: Sure, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.40 P.M.

PROCEEDINGS RESUMED AT 4.04 P.M.

The Speaker: Please be seated.

The Honourable Minister for Agriculture, Communications and Works, continuing.

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

I was explaining the situation with the Airport junction and I would just like to close off on that by saying that although much has been said about the diversion road, and the cost of \$1.1 million, I would like to point out that this has been the cheaper way to go. If we had extended

the runway into the North Sound, it is my understanding that the cost could have been about four times that amount. I believe it was the correct decision to go the way that we did and I am sure that I will be proven right in time to come.

Within the Department of Public Works, we will continue to encourage training of young Caymanians. In 1995 we will have two Caymanian students overseas studying for their Bachelor's Degree in Architecture; two studying for their Bachelor's Degree in Civil Engineering; one studying for an Associates Degree in Building Construction; in addition one graduate architect is on a one year secondment to a major United Kingdom firm. This will cause them to increase their experience and be more prepared for the professional job which is expected of them when they return home.

As I started to show that the Chamber of Commerce was not right when they scored the Public Works Department so low, I have thus far touched on two major projects. I will go on to show the involvement of Public Works Department in the last year and a half and at the end of this I will leave it to the general public to decide if the rate given by the Chamber of Commerce is correct or if, indeed, the Public Works Department has done an outstanding job.

In so saying, I am not one to stand here and paint Public Works Department as a beautiful bed of roses because, no doubt, there are many things that happen there that I am not satisfied with. It is only fair that if someone does something, as the saying goes, we give the devil his due. I do not believe this has happened in the case of the Chamber of Commerce.

The Public Works Department has been quite active in preparing for a very prestigious Hurricane Shelter/Civic Centre that will be constructed in the district of North Side. The Lady Member will agree with me that we have had several delays. But, as with anything else, it is better to have the delays in the initial stages than for us to get halfway through and have to stop for some reason or another.

This is on schedule for 1995 and God help me if I do not get it completed in 1995, because I can see the Lady Member shaking her head at me from across the floor!

But, we are on target and this will be done.

Also, they have been looking throughout the various Town Halls to make sure that new chairs were in place and other minor improvements that were needed at the buildings. They continue to make improvements on buildings that are utilised as hurricane shelters. The shutters were purchased for a few buildings owned by government.

The Public Works Department carried out their annual exercise in preparing themselves in case of a hurricane. They continue to improve and upgrade the strength of the buildings in which we will be housing our people.

They were involved with certain renovations at the Governor's residence, there were some of the quarters that are rented to expatriates renovated and upgraded; the resurfacing of the access road to the Archives building was completed; some minor upgrading was done on

the office of Broadcasting. There was an extension of the present DEVS Headquarters; the continued purchasing the necessary furniture and fixtures and fittings for that department within the Public Works Department.

They were involved with the upgrading of the Tower Building to accommodate the remaining departments from the Harbour Centre; they were also involved with additional parking of a South Sound ramp and jetty. They were in charge of the Frank Sound Jetty being constructed and I must say that it is a lovely job.

They were overseeing the development of the Bodden Town Channel; there was some work carried out on the Whitehall Bay ramp, as a matter of fact, further upgrading had to be done there recently because of some dive operators who have literally destroyed it.

Some work was carried out on the Newlands Ramp and parking area. The Archives building had to be re-painted; the Police Building and Barracks were re-roofed; the Licensing Department had some renovations; some works were started and will be finished on the front park. The Central Station expansion and some maintenance work was done at Northward Prison including the upgrading of the electrical system; also, perimeter lights were put in place and a fire alarm system.

Within the Tower Building repairs such as partitions put into place, windows and frames repaired. The Customs Department, Phase I of the new offices and warehouse was completed. Some work was carried out at the Courts building. The Administration building had some alterations and additional partitioning done. Floors two and three had the ceiling done over and some new lights put in place. There was also some upgrading of electrical wires done on those two floors.

At the Legislative Assembly there was quite a bit of work done. A storage room was converted; the front entrance was re-tiled; there was a conversion of a small storeroom into a bathroom; and some upgrading on security.

They have also been involved with the planning of the Department of Environment Office which will be built on North Sound Road. There was upgrading of electrical work at Bonaventure.

On the schools there were in some cases major work carried out. In my district there was a complete face lift to the surrounding grounds. Additional doors had to be cut into the school buildings. The grounds were better prepared and the same was done in several of the primary schools throughout the Island. I think in some cases air-conditioning units were put into the libraries and there were upgrading of play field areas. I know in my district there is one just about ready to complete.

They have been quite active in preparing the sports complex up by the High School, which as we know will be needed for the CARIFTA games.

At Red Bay they were involved with additional classrooms, and I should say are still involved. Likewise in West Bay, at the John Cumber School. At the George Hicks School they were heavily involved with providing additional class rooms. At the Community College it was the same thing in providing additional space. Also, the

entrance to the George Hicks High school had to be upgraded and the sidewalks put in place.

There was installation of floor tiles at Lighthouse School. There was a school bell put in place, ventilation and proper air-conditioning in certain areas of the school.

Construction of a maintenance workshop was done at the West Bay Primary School.

As I mentioned earlier, the Post Office here in George Town was one of the Public Works Department projects—one they can be commended for.

The Monument of the late James Manoah Bodden across from the Legislative Assembly, in the park.

On road construction: In my district in the Half Moon Bay area, Mr. Otto Watler Curve; the Old Man Bay Junction; the area by the Blow Hole, certain guard rails had to be designed and have now been purchased for installation. There was some second application work in North Side, East End, Bodden Town, George Town. There was a hot mix section which had to be redone in front of the Crewe Road Lion's Centre area.

Other spray and chip works were done in the Frank Sound on to the Cottage, East End area. Shoulder improvements were carried out in West Bay, South Sound, North Church Street, Hirst Road in Newlands, the main road to Bodden Town. Thomas Russell way, as I mentioned the access road to the school and the Community College, the Middle School dyke road was paved and the final portion of that will be completed shortly. Work was done on the access road to the Botanical Garden, and other areas within the park were also worked on. There were some ramps for the handicapped installed in George Town and along the sidewalk on West Bay road. Other traffic improvements were carried out on the West Bay road, as a matter of fact, it was the area where we introduced the third lane. By all accounts, this is working out well.

Certain turn lanes were put in place going to Easter Avenue and by Kirkconnell. In West Bay there were about 30-odd road projects carried out.

The Public Works Department was quite active (as I mentioned earlier) preparing for the Queen's visit with some roadwork and clean up projects. With regard to drainage and deep wells, they continued to monitor and tried to install them wherever it was necessary.

The one thing that a lot of credit must go to Public Works Department for is that lighting system which we now have here in Grand Cayman. Every light that is installed by CUC filters through the Public Works Department. In other words, if a request is made to my Ministry, I have to consult with Public Works Department. The area is checked by the Public Works Department and a particular light is recommended. This is important. The monitoring of the programme is carried out by Public Works Department.

With regard to the plans for the West Bay by-pass, all of this has to be put together by Public Works Department. The suggestions as to where it is constructed had to be drawn by Public Works Department. All the research regarding the land in that area, the design, is all part of that department.

Although Cayman Brac and Little Cayman have their own Public Works Department, most things regarding roadwork is still monitored by the Ministry and Public Works Department. Quite regularly we have to go over and look at what is taking place there. This has been another responsibility of the Public Works Department.

The plans for health clinics in Bodden Town and the other districts have been put together by the Public Works Department. The plans for the upgrading and construction of the new hospital has had the Public Works Department very much involved. Once that is done the monitoring of the project will fall into their hands.

Presently the playfield project in East End that was started some time ago has had the support of the Public Works Department, and continues to be monitored by them. The Grandstand and Sports complex in West Bay is the responsibility of the Public Works Department. I consider this quite outstanding and all to their credit.

They have been involved with the plans for the National Sports Complex, which is constantly being monitored by them. Some upgrading was carried out on the Old Man Bay Community Playfield.

Certain areas of the road along the Queen's Highway had to be patched and resealed—all in the hands of the Public Works Department.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Minister it is now 4.30, I do not expect you will be finished shortly.

Hon. John B. McLean: No, Madam Speaker.

The Speaker: May I ask for the adjournment?

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

ADJOURNMENT

Hon. W. McKeever Bush: Madam Speaker, I move to adjourn 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 at 10 o'clock.

AT 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 29 MARCH 1995.

**WEDNESDAY
29 MARCH, 1995
10.11 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, forever 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.

ANNOUNCEMENTS BY THE SPEAKER

APOLOGY

The Speaker: Before we begin the proceedings of the House, I understand that the Fourth Elected Member for West Bay is in the Hospital, and I am sure that all Honourable Members would like to express their concerns and their prayers for a speedy recovery.

Statement by Members of the Government. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

**STATEMENT BY MEMBER
OF GOVERNMENT**

**NEW GEORGE TOWN HOSPITAL DEVELOPMENT
PROJECT**

Hon. Anthony S. Eden: Madam Speaker, I am very grateful to have your permission to make a statement to

this Honourable House on the subject of the new George Town Hospital Development Project.

Honourable Members will remember that on 10 March, in response to a question from the Fourth Elected Member for George Town, I provided an update on this very important project. In my answer, I stated that eight consultants with international experience in the design and construction of major health care facilities were short-listed and invited to submit proposals by 17 March of this year.

All eight firms submitted proposals by the required date. Each proposal was considered carefully by a committee of five individuals representing the Public Works Department, the Health Services Department, Finance and Development and the Ministry of Health, Drug Abuse Prevention and Rehabilitation. These individuals worked long hours and carried out their evaluation exercise totally independently. Their findings were presented in a report and recommendation document, which was reviewed in detail by the Central Tenders Committee to ensure that Government's guidelines and proper procedures were followed.

I am pleased to be able to announce that the firm of Ellerbe Becket, of Washington DC, received the highest technical rating by all five members of the evaluation team and consequently has been selected to provide the design and to supervise the construction of the main components of this project. This decision will be conveyed to them shortly after I have completed my statement to this honourable House. It is expected that their work will begin immediately, thus marking a very important milestone in our carefully planned program to provide the people of the Cayman Islands with first class health care facilities.

Our schedule called for the appointment of the main consultant on March 31, 1995, and we have met that date. Much credit is due to the staff in my Ministry, Mr. Max Jones, and Mr. Murray Blanchard, project manager of the Public Works Department, the Hospital Facilities Review Committee and the members of the new George Town Hospital Development Steering Committee. All of these people have worked with dedication to carry this project through to this important stage.

I would like to offer special thanks to the members of the Central Tenders Committee for their willingness to disrupt their own busy private schedules to meet with the project team, sometimes at very short notice. Their commitment and professionalism is much appreciated.

The new George Town Hospital project is now proceeding on schedule.

In a statement to this honourable House on 10 November, 1994, I said (and I quote), **"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 with God's**

blessing, the country will have it.” With the appointment of Ellerbe Becket as the main consultants, we have made a major stride towards achieving that goal.

Thank you, Madam Speaker.

The Speaker: Continuation of debate, on the Throne Speech. The Honourable Minister for Agriculture, Communications and Works.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

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

Monday evening, 27 March, I was dealing with the Department of Public Works and its involvement over the last year and one half and its involvement to date, in an effort to show that the poll taken by the Chamber of Commerce was indeed wrong. From the many calls that I have received from that time, I feel confident that I have achieved what I set out to do.

It is no wonder that such polls are produced by the Chamber of Commerce. It is my understanding that the same gentleman who has been writing nasty pieces in *The New Caymanian* still remains the director of *The New Caymanian*. I do not expect that his attitude will change over night, but I would honestly say to those who are shareholders in the newspaper, if they honestly believe in the Cayman Islands, if they honestly believe in what is good for us, if they honestly believe in what the people of this country are afforded by the prosperity they enjoy in these Islands, they should do something to rectify what is taking place at *The New Caymanian*.

Not only that, I also say the same to those who are members of the Chamber of Commerce. Tearing down this Government, as they have tried to do with that poll has done no good for this country. Thank God we still have a sensible majority out there; a majority that is not prepared to listen to stupid remarks like what was printed and like what has been taken to the streets by others.

Madam Speaker, I think a remark was made in the same poll that it was next to criminal for me not allowing the public a chance to see the Cable & Wireless Franchise. I would like to say that I was no part of the Government that actually put that franchise together. The National Team played no part in putting that franchise together. It was a franchise that I found when I took office.

For their information, I have established a very good working relationship with Cable & Wireless. At present, we have been working to try to bring legislation that will protect Cable & Wireless, but at the same time will allow the public to know what is in the franchise. That is something we are doing and until that is in place, it is criminal for them to believe that we should open up a company

such as Cable & Wireless just for the whims and fancy of a few.

I would like to deal briefly with another department that falls under my Ministry, the Department of Vehicles and Equipment Services. This department continues to provide a special service to the Government. The department is fully responsible for Government's vehicles and heavy equipment. It is also responsible for replacement of vehicles when this becomes necessary. The department is also relied heavily upon, especially when there are fatal accidents and vehicles have to be fully checked out. It is the job of the department to make sure that such vehicles involved were either in good shape or not road worthy.

The most significant items to be replaced this year include a large aircraft fire fighting and rescue vehicle. This has already arrived and has been commissioned by the Fire Services. The department will also be involved in the purchase of a bus for the Sunrise Adult Training Centre. It will also be involved in the purchase of a bus for the West Bay John Cumber Primary School and in the purchase of a school bus for the East End Primary School. In a short time, they will also be receiving a replacement ambulance for the eastern districts. In quite recent times they took delivery of a van to be used for the new Express Mail Service.

This department has also been involved for some time now, in ongoing negotiation with the two local oil companies. These negotiations were dealing with a purpose-built facility to supply Government's vehicles with fuel and lubrication services.

The present facility that is used by Government at present goes back to the years of the Shell Oil Company in the early 1970s. This is now considered obsolete and indeed a fire hazard. The facility we have been looking at to replace this one, is a facility that will provide access to all the large equipment; it will also be automated and a service for emergency vehicles will be on a 24-hour basis.

This department has been headed by a Caymanian for sometime. The department has been doing a very good job. In quite recent times we unfortunately lost one of our workers, and I would like to [take this opportunity] to pay a special tribute to Mr. Byron Conolly, for his many efforts there and his hours of hard work to make the department the success that it has been.

Within the Public Works Department, I should also mention the loss of another good worker, Mr. Delmar Carter, who, under tragic circumstances, died sometime ago.

Madam Speaker, it is now my understanding that the present manager will be moving on to head the Public Works Department. I hope and trust that we will continue to have as good a working relationship as it has been during the time he was in Department of Equipment of Vehicles and Services. I further understand that with a bit of luck we should continue to Caymanianise the Department of Equipment of Vehicles and Services Department and it is my hope that this department will be able to operate as smoothly as it has been in the past.

I have to again touch on the remarks made by the Chamber of Commerce, and to say that, contrary to what their survey has said, the departments that fall under my Ministry have worked very hard especially since I took the Ministry over in 1992. In most cases, I can boast of full co-operation. We have had the odd case where one or two tried to put obstacles in our way, but this will happen. I can always deal with that. Thank God, we have worked as a team. Not because I am the Minister, but I like to know exactly what is happening in my departments, so I spend a lot of time visiting those departments and indeed visiting the projects which we are involved in. I find that it is good and makes my job much easier.

I would like to turn briefly to achievement in the district of East End—my district.

I am pleased that with the assistance of the National Team Government, I have been able to achieve several needed things within the district. Today I can be justly proud, like so many others in my district, of our Primary School and the facelift of the yards and fences around. As I mentioned earlier, we are scheduled to take delivery of a school bus in the near future. We have recently purchased an adjoining property with a house on it, which will be converted into a pre-school facility. We have just completed a road, which was very much needed, that passes behind the East End Clinic and now allows emergency vehicles to access the area easily.

The Half Moon Bay Road is being worked on at present, which will join up, when completed, with a stretch that had been done last year in the Frank Sound Cottage area. Shoulder work will continue in the district. In Gun Bay we have started a hard court which will be a multi-purpose court in the front and with God's help next year a small hurricane shelter in the back. There are also plans to complete a ramp in Gun Bay.

The street lighting [programme] has been carried out throughout the Island, but especially on the long stretch of road known as the Queen's Highway and in the immediate district it has added to that area. The East End play field is just about completed, and special lights have been ordered and there will be a covered area for seating.

The guardrails have been ordered and will be placed along the dangerous stretch of the High Rock area, at least the first 2,500 feet of road.

Plans are well underway to have piped water to the districts. I mentioned earlier that in a few days we will take delivery of the new ambulance for the East End district.

The Post Office will be upgraded and before leaving the new ambulance I think it is only worthy for me to say that the Elected Member for North Side has also worked very hard (along with the Minister responsible and me) to make sure that this vehicle was replaced as speedily as possible.

The Library will also be upgraded. And, Madam Speaker, I am pleased to say that three tourist sites, which I have asked for many years—namely, the Wreck of the Ten Sails, the Lighthouse, and the Blows Holes, have all been completed. Tourists visiting our district have been taking time out to visit these sites and what I

see and hear I have certainly been enjoying. Also in the district, we have completed a farm road.

Madam Speaker, I have dealt with all areas of the Agriculture Department and its many services to the general public. In so doing, I omitted to comment on one important area, which will be coming on-line in a very short time, that is the Spray Programme. Only this morning I had an opportunity to meet with the person whom we have contracted through in the United States and we are hopeful that he will be here on Friday, [6th April]. The following week will we have a training period for those who will be directly involved with it and hopefully, the following week we will be able to assist the farmers who need such a service.

I have also spoken on the Communications Department. I have outlined fully the works, and I have spoken on Lands and Survey. I would like to say that if all of this is what the Chamber of Commerce calls "below average", God help this country.

Finally, I would like to thank the Members who spoke well on certain areas of my Ministry. And to those who may have been somewhat critical, I would just ask that we try to work together to make the area that might have been identified as lacking, better, rather than taking the firm action of continuing to downgrade. I do not think that any civil servant who has a task to do in this country appreciates, when he/she is ridiculed or his/her department is ridiculed.

I trust, Madam Speaker, that all Members of this Legislative Assembly will take cognisance of the fact that this country has come a long way. It is on the right track and it is in the hands of a good Government, but we must always endeavour to make it better and not destroy what has been built over the many years. It has taken many years to build what we now enjoy. But, Madam Speaker, as we look around other Caribbean Islands and we see what radical governments have done in the past . . . the Cayman Islands should pay special attention. Not because we have those who can get up on soapboxes and pound their chests that they are capable of running a country.

Madam Speaker, I thank you.

The Speaker: If no one else wishes to continue the debate, I will call upon on the Honourable Minister for Community Development, Sports, Youth Affairs and Culture to close the debate.

Hon. W. McKeever Bush: Madam Speaker, I rise to make my contribution to what is the most forward-looking and upbeat Throne Speech presented by any Governor since I have been in this House. I will record my appreciation to His Excellency the Governor.

I would have very much liked to have been able to get up here on behalf of the Government and support what was said in favour of Government and to offer support of anything constructive that the Opposition said. However, in this debate there has been much destructive criticism against the Cayman Islands and against the Government. It is my task, as I have to wind up for the

Government, to put some of that nonsense where it belongs.

Madam Speaker, above everything else, all of us in this honourable House and every resident throughout this country needs to stop and say thanks to Almighty God for all His benefits toward us. We are a blessed people; a country where there is no starvation, where God has kept us free from natural disasters; no floods, no famines, and a country where there is a good standard of living for all who will and can put their shoulder to the wheel. Yet, there are too many that take what God has given us for granted. There are too many people—Caymanians and others who only reside here—who benefit from this country who sell the Cayman Islands short.

Surely, Madam Speaker, there must be those in the country who watch television and read the newspaper, and surely they must see that the global picture is disheartening most of the time. Surely, many of us should realise where the country has come from and today, we have done well as a small Island. There is a lot for all of us to be thankful for in these Islands.

Madam Speaker, I have listened to the many speakers who made their contribution to the Throne Speech and we are thankful for those who have made objective observations and suggestions. The Members of the National Team have been very fair in their debate, and I can say that they are very honest and are making a worthwhile contribution to the Cayman Islands.

I would like to say, Madam Speaker, that I appreciate the efforts made by the First Elected Member for Cayman Brac and Little Cayman. We do not always see eye-to-eye on issues. We never did! Even when he was with the same team that I supported. But we can join hands on most of the issues in a constructive manner and take those matters forward for the betterment of the Cayman Brac people, and the Cayman Islands as a whole.

Madam Speaker, before I deal with my Ministry, there are several areas that I will deal with in connection with what the Opposition had to say. There are some general observations I must make in this debate.

There is much talk about development and its impact on this country. It has become quite commonplace to ask, who we are developing for.

While I do not have the responsibility for the Planning Department, most development in this country directly affects my Ministry. If there is a fall off in construction, people become unemployed and there are other negative effects. If there is over development, that also brings negative impact upon us. There is also social fall out in both situations.

As a country we have to find the right balance. One thing is certain, we cannot turn development off and on like a light switch. The investors who want to invest millions of dollars in projects, be it a hotel or some other project, are not going to wait around to be pushed hither and thither by everyone who seems to have a view of what development should be. The investor has his own difficulties to grapple with, and the market forces to hurdle. We should all realise that a country is not like a little shop, it

is not every day that the Cayman Islands will find someone with the financial capacity and confidence willing to invest millions of dollars here. When we find that investor, we should not say, come back in two to five years. We can hardly do that because there are many other territories willing and creating the right climate for those same investors. We have a good country, but let us not believe that there is no good competition. Word gets around (and we do not want to create a stigma) that the Cayman Islands does not want investment.

Between 1988 and 1992, construction was down; real estate transactions were rock bottom; people were losing their businesses; unemployment was at its highest peak; and everyone was bawling because of the very bad state of affairs. This country should not forget it. Those of us in this House should not forget that sad state of affairs, when every day the public was out in front of this Legislature with placards for one situation or another.

The National Team Government and its supporters have turned this around in the short span of two years. Now you hear that there is too much development. Mischievous people see development taking place and they know that there is a price to pay. They know that the people feel distressed in traffic. So they ask who are we developing for to stir up trouble.

Madam Speaker, we are developing for the people of the Cayman Islands—present and future. That is borne out by the fact that every Caymanian in one way or another is benefiting from the continued development and progress of their country.

Our children day in and day out, are in school to be educated and not one of us is paying any fees to speak of. Down to the very transportation, for the vast majority, Government provides it. Where has the money come from in the past, and today to pay for it? From development in one form or another—whether it is the financial sector or the construction.

Madam Speaker, Members of this House and the public in general all want a freeway to drive on, and other road networks are being asked for and we must do—and are taking measures to alleviate traffic congestion. But where is the money coming from to build those roads? It comes from the investment made by the foreign investors be it a hotel or a condominium or some other investment in the country. Everybody, except the Opposition, want more playfields, they want to see parks in the country, they want a new hospital. We must do something about rehabilitation and we have to address that issue.

Where is the money coming from to do this? It can only come from foreign investment into this country, because nobody is paying any taxes. We do not want to pay any, and we are not a Government that believes in taxing our people.

They say, Madam Speaker, that the National Team Government is bankrupt of ideas. The First Elected Member for Bodden Town likes to say that we are not intellectual enough to do anything. Well tell me how this work is getting done. If we recall, the two Members in Opposition wailed and still wail against anything the National Team Government attempts to do. If we look at

their debate when the National Team Government took over this country, when we just began to get the ball rolling, when we were burning the midnight hours . . . what were they saying? They said—that is the First Elected Member for Bodden Town—that we should not reduce the tax for the land transfers from 10% to 7.5%.

Madam Speaker, the *Caymanian Compass* that he likes to lord so much these days, printed this. And the Second Elected Member for Cayman Brac and Little Cayman also said that he strongly disagreed with the reduction of stamp duty on properties. He said further: **"There was no evidence to show that this reduction of stamp duty would help stimulate the economy as it was intended to do."**

Madam Speaker, they are the intellectuals and they know it all. Thank God we have shown the world that what we were doing in 1993 was going to pay off . . . and today the money that real estate transactions brought into this country is helping to stimulate the economy and I will show it later on.

You cannot say one thing today and another thing tomorrow. People will begin to wonder what kind a [person] you are anyway.

Development must continue! Either we continue or our people will starve and the country will only stagnate; dry up and wither away without foreign investment. Merchants will close their shops and the banks will take their property which they have put up as collateral, be it their houses or the land it sits on, or some other form of collateral which they have given the bank to hold. Is this what people want? Is this what the Opposition wants?

Let me tell this House [about] a few more areas Caymanians are benefiting from this development now taking place. Turning to statistics, that is about the safest and truthful judgment of how the economy is doing and a close examination can tell how Caymanians are benefiting from the development taking place in these Islands.

Planning approvals for 1994 show that there was about \$40 million in house construction, and about \$8 million and over in apartment construction. I am not talking about the \$1 million house, the \$2 million house or the \$750,000 house or even \$.5 million houses. I am talking about from \$10,000, to \$40,000 where the poor people have added on to their houses, or where they have built one for \$40,000.

These are Caymanians' homes and apartments being built in this country. Caymanians who are investing in their country, Caymanians who have the confidence to go out and borrow money to build homes for their families and build apartments as an investment for their futures. Forty eight million dollars, as real as good investment can be.

The measurement of success can be seen in another real indicator—the amount of businesses started by Caymanians. This, I would agree, has two sides to it—a negative and a positive. But for 1994 the amount of new Trade and Business Licences granted was 575 and out of that number 22 had to get Local Companies (Control) Licence, which meant that their majority is controlled by outsiders. So Madam Speaker, that still leaves 553 local

businesses.

Madam Speaker, it could be that out of that 553, there are many licences that are granted to Caymanians with foreign spouses. For instances, small garages where bodywork is being done and so on.

While there are some complaints about some facets of these business licences, there is nothing we can do if a Caymanian who has a foreign spouse applies for a licence to do business. One thing I am certain of is that there are too many people starting the same business. Today, if you start a cloth shop, the next person is going to start one alongside you. If you do garage work, somebody is coming alongside you to do it.

I am not saying that that is unhealthy, according to the free enterprise system, competition is good. But I do not think it is a good thing for so many of the same businesses so close to each other in such a small population. So out of 553 businesses, we have to wonder how many will last. Nevertheless, Madam Speaker, for 553 businesses to be licensed in one year is still stark evidence that Caymanians have good enough confidence in their country to take the chance to start a business and it shows a blossoming economy.

Madam Speaker, there is much language being used today by the Opposition, but they need to take cognisance of real statistics. Not something written in some history book about Lord Hailsham or some Japanese kung-fu man. These are the realities of today!

Madam Speaker, there are complaints that some Caymanians are still not getting work on construction sites, especially the larger construction sites. The National Team Government has done well in putting people back to work. When we took over in 1992, there were over 1,100 people unemployed. Today it is less than 100. Less than 100—yet they say that the National Team Government is not doing anything. Well who is doing the work?

Who is it?

The Opposition?

I do not think so, Madam Speaker. I do not see them in the Planning Department. I do not see the two of them (the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little Cayman) working in any bank. I do not see the two of them working in the Glass House or in the Tower Building, or any of the Government departments. No, Madam Speaker, it is the politicians who direct policies, and it is the civil servants and the good business people in this country who make this country work, and who have helped us to bring this country out of the deep recession that existed during the years 1989 to 1992 when people outside had no confidence in this country because of taxation, taxation and borrow and spend, and borrow and spend policies of the last Government.

Madam Speaker, while we do not have a lot of people unemployed, it is not for those construction companies to give any Caymanian the run around. Not while they are still asking for work permits. I have said in Executive Council, I have said on the public platform that no matter who he is, if he is only going to work one day and

he comes for a job and he is needed, you put him to work. If he cannot work then you get rid of him. If he only stays one day, you get somebody else.

Businesses cannot operate that way because they have to know from one day to the next what they are doing. We know that. But I am saying that every Caymanian must be given the chance to work. They cannot say that the Labour Board does not go out, because they go out to the districts. Perhaps those Opposition Members who are complaining should be out in their districts encouraging those boys who loaf around, who go to work one day sometimes, or perhaps do not go at all, educating them if they are educationalists.

Madam Speaker, there are problems in the construction industry. This is not something that we created. This is something we inherited. It has existed for many years. But the problems existing today are no different, perhaps they are less than what was in existence back between the years 1989 and 1992. If you remember, Madam Speaker, there was only one construction company that could get any construction in this country. One! And it was at a time when the economy was not doing well. So the only one who got Government's work was one construction company and everybody know who that was.

We are taking measures and we have said that every construction company that can do work and do it properly, if they bid [on Government's works] it must go to the best bidder. One of the problems, as I understand it, Madam Speaker, is where these large developments get a large contractor—we only have I guess four of them, that is Hadsphaltic, McAlpine, Arch and Godfrey, and Hurlstone Construction. These large developers get a large contract, and those contractors put out the work to sub-contractors for plumbing, painting, sheetrock laying, and so on, who beat the small Caymanians sub-contractors by bidding for instance, labour at \$4.00 or \$5.00 per hour. While the Caymanians sub-contractor put in his bid at \$8.00 or \$9.00 per hour. This \$4.00 or \$5.00 per hour if it is that much, is for someone [working] on work permit who is brought into the work force at a lower wage than a Caymanian will work for. That is the sort of thing that is causing problems in this country.

Let me say quite frankly and openly that I am taking a very hard line on this issue, which only recently has been brought to my knowledge. I am going to fight very hard to see that no permits are granted in this case—nobody should come into this country to develop any project on the basis of "we did not figure for Caymanian prices". What sort of nonsense is that, Madam Speaker? They are coming to the Cayman Islands to develop. When you sit down and plan, you plan accordingly.

If Caymanians are going to get something out of this development, which this Government is bringing in, then we must not allow this kind of inequity to exist. I say: "No permits," and that will stop it. That will be my recommendation.

Madam Speaker, as I understand, no investor doing construction should expect that any building is going to be built with purely outside labour. I know that in the last

two administrations, very large buildings were built with nothing but outside labour, and outside contractors did all the work.

I very well remember when the Radisson Hotel was being constructed. This was one of the things that caused quite a bit of problems, because at that time during the last administration, they were not even going to use Cable & Wireless as I understand it. They had all of that arranged. That cannot happen, Madam Speaker, and while I am on Executive Council and responsible for labour, even though I do not grant work permits, I am going to pursue it. If our economy is going to benefit from any project, especially the very large ones should not expect to bring in all the people to do drywall, all plumbing, or painting for instance. Other administrations allowed these kinds of atrocities to exist, it should not mean that this administration must do the same thing.

So as a Government, we will do everything to encourage good business to come in. From where I stand however, Madam Speaker, in the past I did not get involved with this aspect of running the country simply because I did not interfere with the responsibilities of other Ministries. But from here on in, because I have the responsibility for labour, they are going to have to contend with me. Every able and willing Caymanian must be hired or no work permits will be granted for any worker.

Madam Speaker, I do not believe that the very large constructions companies should be bidding on projects that small construction companies should bid on. The larger ones, except for two I spoke about earlier, are solely Caymanian owned to a large extent. I do not believe that any large construction company should come in here and be able to bid on the smaller projects that should be left to Caymanians who are in the business. We have our own people who are well trained, who went away and received degrees in construction and who are able to do good construction work.

One only has to look at some of the work being done at the George Town Sports Complex. We have good people to do work in this country and small projects should be left to them.

So, Madam Speaker, as I close on this aspect of my debate, good development must continue. As long as we balance the development with our needs, the country can benefit. To simply say another hotel is not needed is not good enough. We must all remember that the banks can go overnight—it is just paper money and the vast majority do not buy apartments, they rent. When a developer puts money into the ground they mean business, they are here to stay.

Before I finish on this subject, sure development carries impact, as I said earlier, because we say there are too many people in the people in the country—too many work permits. We have to get into our heads, one and all, that everyone cannot expect to have a Jamaican helper and then say: "I wonder what we are doing with all these Jamaicans on the street."

If everyone wants a Jamaican helper, how can you say that we do not need them? That is the problem. Everybody wants somebody but then they do not want to see

other people around. This country cannot develop on that basis. It is nonsense, and the sooner responsible people speak up about it, the less we will hear nonsense talk by people who do not really understand. They only see people here, well you wanted better homes—they wanted a better standard of living in this country. How else are we going to get it, when we are only in terms of development, just about 20 or 25 years old? I will deal with some of that later on about training. For many years we are going to have to see people, some perhaps that we do not like, but they are sometimes necessary.

Now Madam Speaker, big and bold statements have been made in this House and on the outside by the Opposition, as the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town like to call themselves. A very famous statesman said: "The business of the Opposition is to oppose, it was their first business, their second and their third, but nobody had ever said it is not the business of the Government in power to resist the Opposition." It is not the legitimate purpose of the Opposition to do things that tend to injure the country. Any group in Opposition must present a clear alternative in terms of policy and aim so that there are real challenges for the future.

However, when men or women set themselves up as intellectuals claiming to know about management, and they proceed to make totally false and irresponsible statements about the country and about Members of its Government, they are not engaging in what I call, legitimate opposition. They are engaging in nothing but destructive opposition.

Who is to say when these statements are made, that they are not regarded abroad as solemn statements of fact? Who is to say? When those same people get up in this House and give the House an exposition on merits of how we can run our financial industry, it can only be talk out of both sides of their mouth. It does not seem to me, Madam Speaker, that they care at all about whether the financial industry or any other sector improves or fails. Yet, they come into this honourable House and don these attitudes of injured innocence and declare that they are not allowed to criticise.

I do not hear any Minister or Backbencher of the National Team using any personal or derogatory language against the Opposition, be they in this House or those on the outside. I have listened since we opened the debate and I have not heard one Minister or any Member use derogatory language against the Opposition.

Madam Speaker, in my two years on the Executive Council, I have had to listen to all kinds of accusations about me and others in Government. It does not stop with Ministers or National Team Members. It does not stop there. But I live with the comfort that my life is an open book and I have never proclaimed to be anything else than what I am today and what the people know me to be. When you read what is said by writers who do a regular column in *The New Caymanian* about our Ministry, our policy, statements which carry a personal slant, or which some people could misunderstand and believe as truthful, should we keep our mouths shut and let all of these

mischief-makers pass by as truthful? Should we let them stomp all over us as they have been doing?

Columnists are using these articles in the newspapers as a medium for their own political campaign. When the Opposition, be they columnist or Legislative Assembly Member, uses unnecessary language and writes and talks total lies against this country, as Ministers we are constitutionally bound to defend the country against these wild accusations. Madam Speaker, wild accusations about totalitarianism and about Government putting guns in the hands of young offenders. What sort of nonsense is this?

These are people, like the First Elected Member for Bodden Town, who likes to say that he is an intellectual. We shall continue as Ministers to complain in this House, where the total country can hear it and denounced it and use it as a principal agent against those who attempt to destroy the country in this manner.

I see Madam Speaker, where the "Columnists Viewpoint," by one Bridget McPartland, is also questioning the knowledge of the Speaker. Oh yes, they know it all. We do not run an American system of Government, Madam Speaker. We run according to the principles set down in the Westminster system. Let me say now, for one and all to hear, Madam Speaker, there have always been moves by those who think they can manipulate us to try and get the Speaker and me to be at odds.

There are those who write letters about us, and those who talk about what they do not understand. I have read the very uncomplimentary remarks made about me in the press. But who are they made by, Madam Speaker? People who went to jail for stealing cows. I think Bridget McPartland and her viewpoint should learn something about Parliamentary precedence and procedures before questioning the Speaker's knowledge, her years as a Clerk and Speaker, and my ten years as a Member of this honourable House. She should learn something about Parliamentary procedures, because no one in this honourable House can fool me when it comes to the Rules of this Parliament and others.

They do not only try to belittle me or the country, but they have resorted to talking about the Speaker's actions, and on one hand they complain where there is a tiff or misunderstanding in this House. But when it suits them, when they figure they can get mileage out of it they write about the Speaker. That should say something, Madam Speaker, for those Opposition members who claim to be genuine. I think it is very characteristic of the opposition. Yet, they come here with these holier-than-thou attitudes. When those same intellectuals engage in written statements, or spoken as the case may be, such as turning the Cayman Islands into a Banana Republic—with all that the terminology conveys.

When Elected Representatives, in their want for power, take tapes of shows such as the one on BBC, designed by outsiders who do not live here, designed by outsider to injure the Cayman Islands as a properly run financial institution . . . when these intellectuals publish these things and they get published and bruited about abroad, who do they suppose they are hurting? Who

does the First Elected Member for Bodden Town believe he is hurting with his so-called cloak of intellectualism? He is hurting the country!

He is not hurting McKeeva Bush. They can stand in Bodden Town, or write things in the newspaper and say all evil against me, but I like to think that sometimes I am where Pastor Bailey referred to at a funeral ceremony the other afternoon—on a rock. Safe on that rock that is higher than I, and higher than the First Elected Member for Bodden Town and his colleagues.

Madam Speaker, the Cayman Islands is bigger than Roy Bodden, Ezzard Miller, Gilbert McLean, Bridget McPartland, or all of us. It is bigger than all of us. Let me say, the outsider who resides here and benefits from the Cayman Islands would do well to avoid the error in generalising concepts that are derived from their own experiences, whether those experiences are from the United Kingdom, the United States or Australia.

The Speaker: Honourable Minister, would you take a suspension at this time? But before I do so, would you perhaps in future refer to Members of this House by the districts that they represent and not by their names?

Thank you. Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM

PROCEEDINGS RESUMED AT 12.04 PM

The Speaker: Please be seated.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture continuing the debate.

Hon. W. McKeeva Bush: Madam Speaker, our country in spite of the many growing pains is doing well.

The Opposition is carrying on as if there exists a general state of chaos. If you listen to the Opposition, the country is broken down and all the other matters they talk about, when that perception is a false one. If things are as bad as they make it out to be, why then, Madam Speaker, is there so much activity in our financial industry? That indicates that our people are doing well. If we are a Banana Republic, why then are so many people outside, the investors, choosing the Cayman Islands?

Madam Speaker, in company registration, and I want to show the difference between 1992 when we took over and as of now. In 1992, there were no regulated mutual funds. But in 1995, there are 992 mutual funds. Banks and Trust Companies now stand at 559, an increase of 27. Companies registration was at the time 25,000, and as of December last year there were 31,612. In registered ships in 1992, there were 102, and in 1995 there is 730. Does this sound as if we are living in a totalitarian country? as was talked about by the First Elected Member for Bodden Town.

Madam Speaker, the National Team is not afraid of criticism. I am not worried about criticism. If something is wrong, criticise it; offer constructive criticism, that is de-

mocracy. What I am really, really worried about is the kind of philosophy being pushed today. The same kind of political philosophy which made such wild allegations about Government giving guns to young offenders. This Madam Speaker, is a philosophy that I will not adhere to and I am worried when those intellectuals talk about it.

When we see this kind of hate, this kind of opposition begin to creep into our country, it is the type that existed in some other Island back in the late 1970s when our neighbours were torn apart by that kind of political confrontational activity. We do not need it, and we do not want it. I ring a warning bell to those who will stop at nothing to get power. Cayman knows better, and I hope they understand what they will get from an Executive Council with that kind of mentality as displayed on the Courthouse steps by that unholy alliance.

Madam Speaker, the Opposition should give the firm commitment to the country that rather than preaching gloom and doom, and creating panic in spreading rumours and looking for confrontations, that they would give whatever assistance they can to the country to overcome national problems. It is the wrong policy of the opposition to keep confrontation in their political strategy and tactics. Our country needs things that will galvanise and unite all Caymanians in the common interest of all Cayman.

Madam Speaker, you do not see the state of disorder that existed, existing today. They talk about democracy. Have we forgotten that a majority of Elected Member of the Legislature had no power in Finance Committee. Have they forgotten that? When they talk about power, and talk about democracy, they should go back to the Magna Carter, the bedrock of democracy. Your elected representatives have full say in expenditure of the country's funds. They are intellectuals. They should know this, or have they forgotten it? Have they forgotten that there was a march practically every day of the week when the last Government was in [power]? Have they forgotten that we had a Governor, Madam Speaker, who used to come in here and connive with the Government as President of this Legislature to knock down Members of the Opposition?

Well, Madam Speaker, I have not forgotten, because I bore the brunt of it. Every time his wife would not let him out he came here the next morning and took it out on me the next morning. [Members' laughter]

I have not forgotten. The National Team has not done anything against democracy. We have done everything to enhance it. What we are not going to allow is for the minority to run this country. They cannot. They have their say.

When we went to England, Madam Speaker, there were seven of us. A majority of the elected representatives and we had something to talk about, because the country's finances—a surplus of \$30 million left by previous Government—had been depleted. We were facing \$18 million deficit in one year, and \$14 million in another year. For two years, we were facing \$10 million tax packages in succession, and we had a national carrier that was dropping to pieces. We had something to go to Eng-

land for and we did not talk about independence.

Madam Speaker, I call on the Opposition and the directors and owners of *The New Caymanian* to take better management policy to curtail this kind of attack, which is only hurting the Cayman Islands. For the good of all, stop it! It is not helping us and I do not want to give Gordon Barlow the credit to even discuss it in this Legislature. But I think it is time that this rock be put behind, because it is not helping the country.

As I have said earlier, Madam Speaker, they should not try to legitimise their view, their situation as existed where they come from. So let them go back to where they came from if they do not like what is happening here. There is no anti-democratic movement in the Government. There is no corruption on this Executive Council. And that is another thing I want to talk about before I end on this, Madam Speaker.

It is those rumours about the Members of Executive Council having this, and having that and the next thing. Not one of us has any more today than what we had when we took office. I got less money and more gray hairs!

Madam Speaker, rumours are put together to hurt people and our children. That is what is happening to the National Team. Let us look at something, Madam Speaker. It was not this elected Government that gave Joseph Imperato status. Why say that he is our buddy? He is no buddy of ours. I sit on the Board of Caribbean Utilities Company, and he is the Chairman. I have to work with him because I am there as the Government representative. If they believe that McKeever goes to the boardroom and is friends with them, they are making a big mistake. I am there to represent the Government.

The people treat me decent, they treat me like a human being, but they know where I stand. When I start questioning, they know even better where I stand. We go through those items one at a time in that boardroom. Yet they are out there preaching and gallivanting all over the country spreading rumours.

Not one of us has a new house, Madam Speaker. They are getting us mixed up with the last Government. Not one of us. We did not give Peter Savill permanent residence that he is here taking up all of the local business. It was the last Government that gave it to him. Not us. The thing is, the National Team has been ladies and gentlemen. We have not been running around the country bamboozling anybody. Why blame these things on the National Team? Blame it on those who did it. Madam Speaker, not one of us...why spread those rumours to hurt our children? I have one home and one home only. I do not own anything anywhere else. I had that long before I got into Executive Council. Again, I say, I am where the preacher talked about—on that rock that is higher than us. I am really tired of it, because we should not have to come in here and defend ourselves. Then the newspapers pick it up and say how bad we are behaving. How bad are we behaving?

Madam Speaker, have you ever had to close this House down for bad behaviour? There has been the cut and thrust of debate, there have been Members saying

things about the next Member, and that Member responding to defend himself. I see this call from the First Elected Member for Bodden Town, about attacking citizens. Which citizens are we attacking, Madam Speaker? But those who are doing damage to this country, those who claim they are intellectuals. We are not attacking the general population, as he would make you believe and the headlines proclaimed. The only one that I know about being attacked was when the First Elected Member for Bodden Town attacked the Honourable Minister for Education and Aviation, figuring that he could bamboozle him in the hall a few days ago—and actually hit him. Is that what they are talking about? He should be ashamed of himself. Talking about he is an intellectual.

I am tired, Madam Speaker, of the holier than thou attitude. He can call me a fool. I have enough sense that if I were going to put one white spot on one side in the morning, I would not come back to this Assembly with it on the other side the next day. I have enough sense, Madam Speaker, that I would not ask, as was asked of me as the Minister responsible for Health by from the Second Elected Member for Cayman Brac and Little Cayman, to give contraceptives to pregnant women!

Thank God, Madam Speaker, I have good common sense.

Madam Speaker, having said it leads me right into this matter and accusations about the Hospital and what damages I did to it.

Madam Speaker, both Members of the Opposition sang the same tune about the hospital. Both of them proclaimed that the National Team was so negligent in stopping the hospital from being built in the swamp. Both of them proclaimed that we cannot and should not build on the same site and renovate the old hospital as it stands. I have been criticised as the previous Member for Health, that I did not know what I was doing.

Madam Speaker, only a few years ago they were prompting the same policy. The same policy was being promoted by those two Elected Members. This is what the Member for Cayman Brac and Little Cayman had to say, and I quote: **"I personally believe that MRCU should be ideally moved from there. Take that to the area of land that the Government owns in the swamp on the dyke road. Ideally, that is the business it is in. Mosquito, Research and Control. Knock it down and use that large area there that the people of this country has known forever as the Hospital and build a new hospital there in phases. I cannot support the idea of entering head long into three major expenditures at one time in that particular area."** [Official Hansard Report 29 November 1991]

Madam Speaker, not only that. That shows enough of his support for Government. I was hoping he would be here in the Chamber, but I guess he knew what I was going to do. I know he cannot counter it, so he is not here. However, his lieutenant is here, and I know he will hear. Madam Speaker, what you see me holding here is a set of plans brought to eight Backbenchers during the past administration by the Second Elected Member for Cayman Brac and Little Cayman and his colleague (his

partner as I understand it now), Mr. Donahue.

What is this saying? It is saying exactly the same thing, except that this plan was totally pre-fabricated buildings and all of it would have had to be imported here.

I am not about to read all of the report, I am just searching amongst this maze of documents given to us to show us what could be done at the present site. Here is the plan, the whole plan, Madam Speaker, the same space to be used as the Government is using today. The same space, the same one that he [the Second Elected Member for Cayman Brac and Little Cayman] said could be used.

Today he is saying that the past Member, Mr. Ez-zard Miller had the most sense in the world because he did not know what he was saying at the time. Now he understands what Mr. Miller wanted. Who do the two Members believe they are fooling? It is so evident. This plan was to put the hospital exactly where the Back-benchers, including the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town, said it should go. Exactly where it is going today—knock down the MRCU building, use the other empty lot and renovate the present building at a cost of \$21 million over a period of years compared to the hospital that we had to stop, where Mr. Miller had on paper a sum of \$16 million on one site and \$11 million for the present hospital expansion for a total of \$27 million, not including infrastructure.

The whole world knows that the hospital in the swamp could not be built for \$16 million. What had been planned was, if they had gotten back into Government in 1992—to give an extension to the \$16 million contract for whatever the difference was going to be. I know this, that when I took over the Ministry, we had people come in from Atlanta, Georgia, to look into the matter. They wanted to build and they said that the hospital there would take \$30 million. But they had the fund.

He brought in his investor who met with the Executive Council and told us, "Look gentlemen, only a fool would build in that swamp. And I am sorry, but I cannot go ahead with that." So he left and the people out of Atlanta, Georgia left. But the cost was going to be in the region of \$30 million just do to what was set up.

Why make the country believe that they were honest with them? Why make the country believe that it could be built for \$16 million? But that was not all to it, Madam Speaker. The nightmare was in the logistics of the two sites. That was the nightmare, Madam Speaker.

On one site in the swamp, you did not have any X-ray machine, nothing. Everything you had to come back downtown for. So you had to run two sites. If we had gone ahead we would have had to spend more in the region today of \$30 million, because they did not figure out what it was going to cost for the extra staff, they did not have the extra equipment. So what are they talking about? What are the two Elected Members in this House talking about?

When they brought this Caribbean Hospital Consultant, Cayman Islands' Project Co-ordinator, Mr. Bryan P.

Donahue, a temporary resident of East End, a developer, to tell us what we are now doing, except it is not going to be pre-fabricated. At least they had one thing right. They had it right that it could be built where we are now going to build it. That is the one thing that we all had as commonality.

Madam Speaker, why have they changed their minds today? You mean to say, that one week you can hold firm unshakeable belief on an issue, then the next week change it? Did they not oppose Mr. Miller? Did they use those well-rounded speeches with words out of academia just to oppose him for the sake of opposition to win the Election in 1992? Or did they know what they were talking about?

Do you mean to tell me that they can now after all the things they have said, put aside their firmly held conviction, belief and most of all their principles, which they held for four years just to try and win the next Election? What would that be? Except proof positive that they are harum-scarum in their policy never believed in their principles in the years 1989 to 1992 and cannot be trusted. What happens after they have now adjusted their principles to try and win the next Election and lose it? Would they work on still another set of principles? They are like the chaff the wind bloweth away. It seems to me there comes a point where their eagerness to change has become an intent to pander; an intent not to lead, but to simply win.

Madam Speaker, during my political life, when I thought something was wrong I stood against it. When I thought something was right, I stood for it. We told the public, when we were Opposition that the deal with the Guinness Peat Aviation was bad, and that selling the 727s would be bad. The Government then, including Mr. Miller and his supporters said that the Backbenchers did not know what they were talking about. They said then too, that I was a fool. They have said that. They said that I was ignorant. Mr. Linford Pierson said that the whole thing would make a profit, it was a "sweetheart deal" according to them.

They said then too, that I had no education. They said those things back then, but that does not deter me. I have never changed my position. What happens in the end? We [the Government] were sued by Guinness Peat Aviation, we lost millions of dollars in the deal, they passed the law to borrow \$20 million and no bank would lend it to them. They said that the country should not listen to us. They have said then too, that I should not be leading and that is what they are saying today—that I should not be in Executive Council.

But I am the saint, I can stand here and say without fear of favour, Madam Speaker, that I was one of the main soldiers up front in the front line of battle in this House where others were afraid. I was in the lead. I can say today, I told them so.

No man, Madam Speaker, can be honest, forthright, or trusted if on any matter of great substance he changes his opinion from one week to the next. That is the hallmark of the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little

Brac; blowing with every changing wind and expect the Government to follow them.

[Interjection]

Hon. W. McKeeva Bush: Me? I have been constant in my opposition to the hospital where a part of it would be in the South Sound swamp and part in the centre of town where it now exists. I have been constant in my belief that it is better to spend \$4 million on our young people for prevention than to continue to spend \$36 million on prison and police. I have been constant in my attempt to better the living standards of our people.

It seems to me, Madam Speaker, that in politics, as in love, there is a great deal to be said for the quality of sticking by your principles in good times and bad times for better or for worst, in sickness or in health. Even when you are down at the polls, sad to say, the Opposition is for one policy today and by tonight they change their principle and are against it.

The First Elected Member for Bodden Town said that it is dangerous to lock oneself into a rigid belief. That is true to an extent. But if your belief is correct, you should not change it. It is equally true that it exhibits serious instability in oneself to be constantly changing one's principles and policies and, in terms of a country, we cannot operate on the basis of changing our minds from one week to the next.

Madam Speaker, having said that leads me right into this charge about victimisation and the talk by the First Elected Member for Bodden Town about strange bedfellows. I ask them, Who is being victimised? I challenge them to repeat it, if they have any respect for the truth. Who is it that the National Team is victimising? I challenge them because I am really tired of old maid's rumours. Can they get up in this House and say anything about it? Who?

You listened to the Second Elected Member for Cayman Brac and Little Cayman who said that he has a list of civil servants. If he has the list, let him present it to the House, because the National Team has no list and we did not fire, as we had no constitutional ability to fire anyone. We cannot! It is time for the two Opposition Members, if they want to try and get votes out of that issue, to put the blame where the blame should be.

The Governor, Madam Speaker, is constitutionally responsible by Her Majesty the Queen's power for civil servants. He has said that he did what he had to do with the consent of the persons in question. Tell me something, Madam Speaker, why not blame His Excellency the Governor? Let me say that I had no fun and I did not partake in any rejoicing to see any Caymanian go. But you go and work for a person you must do as that person says—That is the bottom line.

The country must remember that the Governor is responsible. The country must remember that in 1992 the two Members, the First Elected Member for Bodden Town, the Second Elected Member for Cayman Brac and Mr. Ezzard Miller were pushing the Draft Constitution to control civil servants and hire magistrates. The civil ser-

vants said that they did not want politicians having that responsibility. And so, we did not do anything about it.

Let me say quite frankly that I am one person who likes to see Caymanians stay on a job and I make that known in the appropriate places. It is a shame and a disgrace when elected officials go running around the civil service from department to department, telling the Heads of Departments, the civil servants, that they will be next. That is the sort of Opposition the National Team is up against and it is the sort of dirty action, which only serves to create friction and cause doubts to be created in the civil service.

So, when the Second Elected Member for Cayman Brac and Little Cayman says that the civil service is unstable, it must be because of the action of the Opposition.

Madam Speaker, some Members would know about instability in the service because of the damaging private and personal letters that were sent out from the National Hero's Office, when he was responsible for Tourism, Aviation and Trade. Who was the civil servant in charge then? And who had access to those letters? The Opposition owes it to the country, and they owe it to the civil service, to be more responsible.

Why go running, as was done by the First Elected Member for Bodden Town, to the Hospital Administrator to say, "You are next but we are behind you." Why do that, Madam Speaker? I say to him [the First Elected Member for Bodden Town] produce any evidence you have in this House today. Bring it to this Assembly...

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order?

POINT OF ORDER

Mr. Roy Bodden: Yes, Ma'am. The Honourable Minister is misleading the House by imputing false motives to myself. I challenge him to produce the proof that I went to the Hospital Administrator, or any other civil servant, with such a message.

The Speaker: I have already said that if any Member is imputing or accusing another Member of anything that is wrong, he must present sufficient proof thereof.

Honourable Minister, can you do that?

Hon. W. McKeeva Bush: Madam Speaker, I was told what I have just said, and I make no bones about it. If he did not do it, let him say he did not. But I was told he did.

The Speaker: May I ask then, Honourable Minister who told you that?

Hon. W. McKeeva Bush: The Officer and it caused, Madam Speaker, quite a bit of stir in the civil service when these things happen. It is time for it to stop.

The Speaker: I am not saying that, but the point is that a Point of Order has been made. I think that you should produce some statement from this Officer that he was

witness to that.

If you can do that please do so, and in the meantime would you continue the debate, because the First Elected Member for Bodden Town, does have a Point of Order.

Hon. W. McKeeva Bush: Madam Speaker, I hope he is denying it. Is he? I take your point. Is he denying it?

The Speaker: You would have to ask him that.

Honourable First Elected Member for Bodden Town?

Mr. Roy Bodden: With your permission, Madam Speaker, I un-state my challenge.

The Speaker: Please continue, Honourable Minister.

Hon. W. McKeeva Bush: Thank you very much, Madam Speaker. I do not mean to bore you with these things, but we are being accused of victimising people.

Now the other issue of victimisation that has been raised and bandied about is the one about we are victimising Mr. Ezzard Miller, we victimised his clinic. That is not true. Just let me say, that while I was the Member for Health, I can say here what I did for that clinic on Eastern Avenue; 1) the licensing of the Birthing Unit; 2) the licensing of the Surgical Centre; 3) the licensing of Prodoctan; 4) licensing of appropriate medical, nursing and other health workers as deemed necessary; 5) licensing of two surgeons with special interest in laparoscopic surgery to facilitate laparoscopic surgery at his clinic. Madam Speaker, there was no victimising of him.

Let me further state to this House that, Mr. Miller set himself up as the curer of AIDS and from these articles it bears it out where it says: **"A Clearwater Company has sent at least five Floridians to the Caribbean for the treatment at no charge, its spokesman say, but is now asking \$15,000 per patient."** That is a lot of money. It goes on to say: **"International Laboratories Limited, a company which is headquartered in the Cayman Islands provides the intravenous treatment to patients recruited in Florida. The General Manager identified in the company documents as Ezzard Miller, a former Minister for Health, Cayman Islands. After International Laboratories treated the Floridian on Grand Cayman in November and December, the country's Health Practitioners Board asked that the practice be discontinued. The Board Chief, Dr. Kiran Kumar says 'treatments that have not been approved by the FDC are not welcome in the Caymans.'"**

Madam Speaker, it also shows that Mr. Ezzard Miller was purporting to be (for the purposes of his services and International Laboratories Limited, in medical terminology) a Registered Nurse and a Lab Technician. The *Caymanians Compass* carried a story about that also. It said: **"It moved its operations to Provo in the Turks and Caicos Islands following a change to the regulations to the Health Practitioners Law."**

Now as I have said, he set himself up as some kind of a cure for the AIDS virus as a Registered Nurse. He

was importing AIDS patients into this country, while I was the Member for Health. And when I found out—because things can happen and you do not know about it immediately—I changed the regulations to the Health Practitioners Law because Mr. Miller was using a loophole he knew about in the Regulations. That is how he could have done it. That is how he took the chance. This was the height of irresponsibility to import AIDS patients here and put our country at risk.

Furthermore, he is no nurse. He is no Lab Technician. He is supposed to be some kind of pharmacist. It is pure dishonesty for Mr. Miller to portray himself as a Nurse or a Lab Technician when he is not. It is worse when he was charging Americans \$15,000 each giving them a treatment, which he knew full well was no cure and one which the specialist who was supporting his exercise wrote to us and denied.

If that is what the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town talk about victimisation, then I am glad I did it under my constitutional responsibility. If that is what they mean by Banana Republic, then I am glad we stopped it. But this is the man whom the two Opposition Members now form an alliance with. I say it is one that will wreck this country.

Madam Speaker, the First Elected Member for Bodden Town said the other day in reading from the newspaper about a meeting. He said that Mr. Miller was a guest of his on the platform. A guest? When the newspapers say that "new political alliance is formed" and you see the three of them there comparing notes after their meeting . . . he was not a guest. It is an alliance. Tell the country the truth!

He brags about this investigation. Let me say that I have kept my mouth shut, because it was no investigation, but I am here to tell the country that I do not know if that was the right thing, because the gentleman they got to do it was a good friend of the previous Governor. When he did not get to be Chief Justice, he said that he would do whatever he could to put us under. When the Governor got him, he was not received with my pleasure. Tell the world that.

I do not think that it could be much of an investigation when the principal witness, the late Dr. Martin-Smith, disappeared from the face of the earth—all of a sudden—with cheques. He came to my Ministry to show me one for \$75,000 paid to Mr. Miller by Hurlstone Construction Company. Mr. Martin-Smith was the chief Government witness and he is not here...

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, I think it is forbidden in Parliament to impugn the integrity of a judge of the Court, unless—not even then, to the best of my

knowledge—a substantive motion cannot even be brought in such an instance. I think the Minister has just done that.

The Speaker: I am not sure I understand, your Point of Order, Second Elected Member for Cayman Brac and Little Cayman. Could you repeat that please?

Mr. Gilbert A. McLean: Madam Speaker, I am speaking about the Appeals Court Judge. I think he is talking about Sir Peter Allen, who is a judge, and who was engaged by the Government to carry out a Commission of Enquiry. I do believe his integrity, Madam Speaker, has been seriously impugned.

The Speaker: That was a point I was going to bring up, but the other point too, is the fact that the Honourable Minister has said that the late Dr. Martin-Smith had disappeared from the face of the earth. Did they not find his body? Was he not buried?

Hon. W. McKeeva Bush: Madam Speaker, are you asking me whether he was buried?

The Speaker: You have just made the statement that somebody has disappeared off the face of the earth. These are things that you have to...

Hon. W. McKeeva Bush: Well, Madam Speaker, I should say that he died...

The Speaker: If you want to correct that... but if you were imputing anything against any judge brought in either for case in the Court or for a Commission of Enquiry that is against the rules. So I would ask you, please be very careful in the future.

But at this time I will suspend proceedings until 2.30 pm.

PROCEEDINGS SUSPENDED AT 12.56 PM

PROCEEDINGS RESUMED AT 2.38 PM

The Speaker: Please be seated.

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

Hon. W. McKeeva Bush: Madam Speaker, suffice it to say that the investigation for the Review regarding the circumstances of the contract [of the Dr. Hortor Memorial Hospital] was not something the National Team pinned any hopes upon. As I have said, the chief Government witness, Dr. Martin-Smith, passed away and he had all the facts including copies of cheques which he held and would not release. As we all remember, he was suing the Government at the time because of his dismissal. So he was trying to battle with the Government.

Madam Speaker, I do not know how anyone can say that they were exonerated if there were no witness

against them.

The First Elected Member for Bodden Town, talked about Members of the National Team who were on the opposing side at some time or another. You can say that Members of the National Team have had differences in the past, and probably will differ again. But at the present time, and since 1989, we have been together; we get along well and by so doing the Islands have benefited from the harmony that currently exists among the National Team [Members]. This is in sharp contrast to what existed in the years 1989 to 1992, when we know the Members of the Government then were fighting each other. And this is in sharp contrast with the First Elected Member for Bodden Town, who had been a part of the National Team but has now defected.

He had been selected to fill the fifth seat in Executive Council. Bodden Towners expected he would have taken a leadership role. But he disregarded his responsibilities, let down his constituents who had high hopes that he would have stepped forward and taken the seat which he refused to take in 1988.

It is his business what he wants to do but he should not stoop to reading newspapers about Members of the National Team being on opposite sides. Madam Speaker, he read an article that he said was attributed to my colleagues years ago (I also think he used that to get back at me). Let me read what he had to say to Mr. Ezzard Miller.

On 27 February, 1992, I read: "**There is no one in their right mind who can say that exporting our people to Minnesota and elsewhere is going to be a lasting solution to the problem. That is but a stopgap venture. Do you know what I would like to find out, it is if there are any referral commissions in this whole export business?**"

That was his question to Mr. Ezzard Miller. The man whom he has said was exonerated. Why did he question him in such a dishonest manner, or impute dishonesty?

I recall Mr. Miller, at a public meeting saying that the First Elected Member for Bodden Town is nothing but a ganja smoking, educated lazy fool. So, Madam Speaker, all kinds of things are said in the cut and thrust of debate, all kinds of things are said in public meetings and he should not stoop to bringing into this House what happened 10 or 11 years ago between Members. Since he chose to work with the same Members over a period of years, it does not say anything for his judgment. Does it?

All kinds of things are raised in debates and if he has some problem with his constituents whom I know are complaining, because he would not take the Executive Council seat after being offered a seat twice, then he should get up and tell them: *'Look, I do not want the Executive Council seat because I...*

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.

POINT OF ORDER

Mr. Roy Bodden: Yes, Madam Speaker, the Honourable Minister is deliberately misleading the House and imputing false and dishonest motives to myself. The Honourable Minister, as well as the public, knows that there were two times in which I submitted my name for nomination to Executive Council. The *Hansards* of this House will show that I was unsuccessful because I was defeated in both instances. There was no time, and I challenge anyone to produce evidence, where I declared in this forum, or any other forum, that I did not wish an Executive Council seat from 1992.

The Speaker: The Honourable Minister for Community Development, Sports, Youth Affairs and Culture the Member has raised a Point of Order. Can you substantiate what you have said?

Hon. W. McKeeva Bush: Madam Speaker, every Member in this House of the National Team...

The Speaker: Honourable Minister, I am asking you if you can substantiate. He has said what the *Hansards* have.

Hon. W. McKeeva Bush: Madam Speaker, if it takes now a written statement by the Members of the Team, I will get that done.

Mr. Roy Bodden: Madam Speaker—

The Speaker: I cannot have two Members standing at the same time.

The First Elected Member for Bodden Town has said that the *Hansards* will recall that on two occasions he was nominated for Executive Council and he was unsuccessful. You, Honourable Minister, stated that he would not accept. Is that what you stated?

Hon. W. McKeeva Bush: Madam Speaker, I said that he refused when he knew he could get the seat. When he accepted was after he had gone out and knocked us on the heads and was fighting with us. How were we going to elect him at that late stage, when it was already decided to elect someone else? It was a gimmick on his part. But if it takes a statement from Members to say that they had told him they would elect him, I will get that statement.

The Speaker: I can only go by what the Member has said, that in the *Hansard*... the House does not have anything with what goes on in a teams' private meeting. So if you are referring to things, please refer to what has happened in the House and what perhaps is on record. If it is not on record then, please, I am afraid that you will have to not say so. Thank you.

Hon. W. McKeeva Bush: Madam Speaker, I will abide by that, but I will bring proof because he is saying one thing now when he knows full well that he is not telling

the truth about the whole matter.

But it is easy for a Member to say that I have two jobs. I have a job. And if I go out and take an Executive Council position that is a full-time job, therefore, I am not going to take that Executive Council position.

POINT OF ORDER

Mr. Roy Bodden: Madam Speaker, on another Point of Order.

Hon. W. McKeeva Bush: Madam Speaker, what is the Point of Order, because I...

The Speaker: I have to ask, please sit. I am the person to ask for the Member to give a Point of Order, not any other Member.

The First Elected Member for Bodden Town may I hear your Point of Order?

Mr. Roy Bodden: Thank you, Madam Speaker. The Member is imputing that I, the First Elected Member for Bodden Town, told him or someone else that I did not wish an Executive Council seat because I have two jobs. Again, I am challenging the Honourable Minister to bring his witnesses forward and bring the documentation because I made no such statement. Indeed, I have no such arrangement and my constituents know that.

The Speaker: I think that the stage has been reached where we will pass this one over.

Honourable Minister will you proceed to something else, because this is getting beyond comprehension.

Hon. W. McKeeva Bush: Yes, Madam Speaker.

The Speaker: Thank you, very much.

Hon. W. McKeeva Bush: Madam Speaker, I thank you very much and I will pass. I will bow to your ruling because it is true that when you throw a ball in a group, the one who grabs the ball is the tallest one.

Madam Speaker, it is true about libel suits, but you are a big man when you can get together for the good of the country and put differences aside. That is what we did in 1989, we saved the Cayman Islands by so doing, and we are still together because we are doing the right thing. I do not dwell in the past, I do not hold grudges because that only destroys your and it is not good for the country. That is not my remit for this Legislature.

They would like to see us continually at each other's throats, but that is not what the country wants. That is not what my constituents and the country told me in 1989, when I said that I would be joining with different group of people because of what was going on in Government. My people told me that they will stand behind me in the attempts that I was making and they have proven it when I go well over 80% of the vote in 1992. That was a good alliance, not like the one on the Courthouse steps the other day.

Madam Speaker, if he has a grudge against anybody, that is his business if he wants to go to his grave holding grudges. I am not going to do so. I am a bigger man than that. It is good enough for me to say that those people who live in glass houses should not throw stones.

When I took over the Health Ministry in 1992, equipment was run-down and there was equipment in terrible need of replacement, but the former Member at the time would not do it because he wanted to run down the present hospital. I can [give] a whole list of equipment that we purchased when I was the Member. An accomplishment! The main one being that we started the matter of removing the Cleveland Clinic simply because it was too onerous for old people to be travelling in between Miami and Fort Lauderdale.

We have got the Baptist Hospital because it is a better situation and the fee structure is better. At the time, Cleveland Clinic was charging something like \$46,000 for a bypass surgery. We know that we can get it for less than that—half of that at the Baptist Hospital.

One of the things that I take pride in is December of 1993, when the Health Practitioners Registration Regulations were amended to monitor and regulate clinical trials in the Cayman Islands, albeit because of a loophole which the former Member knew about and used. We bought a new X-Ray machine. These are the sort of things we accomplished when I was the Member for Health. And as far as dismantling the Health Services Authority, that had a right to be dismantled, because they were loaning out money to certain people to pay school fees and all sort of other things. That is the sort of dirt that was going on at the Health Services Authority.

I did not come to this House with it. The should try to find out who it was. I know who it was and not they want to talk about the country is in such a poor state of affairs. Madam Speaker, if it is, it is simply those things that were left over from the last administration.

Madam Speaker, a whipping horse today for the Opposition is the recent advertising campaign. This country is being bombarded by competition in the financial world with all sort of misinformation about the financial centre of the Cayman Islands. The Financial Secretary organised an effective advertising agenda in three main countries of the financial world. Ministers is an integral part of the Financial Secretary's Public Sector Consultative Committee, which is a Committee that deals with all facet of the financial industry. So we were invited and encouraged by the private sector as Minister, to go so that the outside world could question us and hear for themselves concerning matters in Cayman.

Some of the most important questions that were commonplace from delegates, and I know that the First Elected Member for Cayman Brac can bear this out, were the questions concerning the political situation in Hong Kong and Bermuda, and what is our position on constitutional advancement. Why not, Madam Speaker? Why should we not have been the ones to go? Could they ask the Honourable Attorney General? No. They could only ask that of the duly elected representatives in this country. They could not ask that of the Attorney General, be-

cause he does not know. It is not within his remit to say what the position is. We did our duty in those meetings.

Now they are asking what business I had in going on this advertising campaign. Madam Speaker, let me say that in my years in this House, I raised many matters over the years to better improve the financial industry. The two things that I can remember is not collecting anything for Limited Partnership until I moved a resolution so that we could charge for it, and the one thing that the Throne Speech contains is the introduction of a stock exchange market which is being promoted by Government.

It is recorded in the *Hansards* that I supported it a long time before some people was in this House. When you look at who asked for what, look at the motions that I brought asking that we create an economic council. I want to quote from the *Hansard* what I had to say. I quote: **"Virtually nobody in Europe and Asia (speaking more of the Pacific Rim) knows that this Island is trying to grow steadily gives the investors opportunities. An international campaign concept which highlights the advantage which we offer has to be given to someone with European/Asian public relations and marketing experience. These Islands depends 70% to 80% on the United State's economy. We have to identify buyers, that is tourist, of high network and investors both in Europe and in the Pacific Rim.**

"I think to this end Cayman and its local finance business must make a campaign approach to offer facilities to new applicants for business permits, licences and residents given in the way to make this place look more friendly, less a place which just wants the money of the investor. Firstly in trying to build a revenue base in order to carefully target the European tourism market and increase its office representation in those areas. An appropriate marketing campaign should be devised aimed specifically at each target country as taste and preferences of tourist vary widely depending on their geographic origin and economic situation."

I wonder if it was Bridget McPartland, or the First Elected Member for Bodden Town, or the Second Elected Member for Cayman Brac and Little Cayman saying that.

Madam Speaker, they like to put down people. That is their whole trouble. And because I did not go to a University or a College overseas, I have no right to be on Executive Council. Well, I think that those people who constantly criticise should first put constructive ideas on the floor of this House.

I have done my part over the ten years that I have served this country. I want to ask Bridget McPartland, what is she doing? Except criticising. I would like to ask that of the First Elected Member for Bodden Town.

Madam Speaker, you hear them say that they cannot do anything. Why can they not do something? You mean to tell me that they sit in the hallowed halls of this Legislature and count themselves on a pinnacle above the people and they cannot do something to help them? You would expect that people who say they are intellectuals, who say that they were teachers, that they would

be teaching and telling the populace about the things that can assist the populace. Are they doing that? No they throw their hands up and say, I do not have a department behind me.

Madam Speaker, I have said that. But you know what I did? I was out there working in my church. I was out there working in my community and my constituency. I was out there working with the youth groups and the cubs. I worked and led the cub groups in my times. What have they done? What have they done and what are they doing today? Except to criticise.

Much has been said about criminal activity and that the Government is not doing anything. Madam Speaker, we found many things that were broken in this country when we took over. One of the reasons why crime could increase is because the last Government did not take it seriously. We know that, because one of the main arms of Government for drug interdiction—contraband was the Dog Programme at the dock and the airport. What happened to that? It was disbanded under the former Government. [They] called for more police. We gave them more police. What did we do? We set up a special task force.

So Madam Speaker, we also bought the new boat for coastal surveillance and reintroduced the dog programme. As for cars, I do not understand the First Elected Member for Bodden Town. I see the budget here for at least six Nissans—six. He is the manager of that car dealer. I see a whole list. The truth is, Madam Speaker, the Government spends what it can and it is not as if the Police Force is immobile. Listening to him [the First Elected Member for Bodden Town] you would believe that. But I wonder if he recalls in 1989 we cut the requirement for 22 [vehicles], he was the leading architect in that Finance Committee Meeting, to 11. I wonder if he recalls that? I wonder if he recalls the many times—and it is in the minutes of the Finance Committee—the police was denied certain things because we felt that they could not do it at the time. The Government could not spend the money at the time.

In this year's budget we have many requests by the police. It is not that the Police Force does not have cars. When you are coming from such a high rate of criminal activity as it was when we took over, it takes a while to get down and I will show that when I come to deal with juvenile crimes statistics, which you are not hearing anything about, Madam Speaker. The newspaper is not blaring that all over the front pages, of course not, because that would show that the National Team's effort is paying off.

One thing that I believe the Government should do as far as vehicles are concerned . . . we should not be buying all from Nissan or Ford. We should spread it around. That is what should be done. They spread that kind of thing on me, but I have not gotten one iota of business on the back of the people of this country, meaning through Government. There are others here who cannot say the same thing.

So Madam Speaker, I think the effort of the National Team is beginning to pay off and we should be saying

that, rather than criticising the National Team for things that were done by someone else.

You hear quite a bit about intellect; who is an intellectual and who is not. The First Elected Member for Bodden Town said that it is a pity that we did not agree on their motion on the Study of the Caymanian Family, when he was putting credit in one of my pocket and taking it out of the other one. I challenge him to bring this motion that he and the Second Elected Member for Cayman Brac and Little Cayman, brought. They did not bring the motion. They brought a motion here not to do with a study as we were getting done, on the family through the United Nations. They brought one calling for a Select Committee to consider Problems of Children, Young Women and the Family (Private Member's Motion 14/93). The Resolved section says: **"...That this Honourable House appoint a Select Committee of the Elected Members to study and make recommendations for strategies to alleviate the problems in our society;**

"AND BE IT NOW FURTHER RESOLVED THAT the Government consider the establishment of a Family Court to deal specifically with juvenile delinquency, neglect, abuse, divorce, custody and all other matters related to children, young people and the family."

They were recommending a Family Court and we rejected that motion, because that is what the Government was doing and I told him [the First Elected Member for Bodden Town] so. This is what I had to say to him, I said: **"In fact, we are also in the planning stage for the establishment of a national institution of the family to act as a research body and to advocate in the interest of the family as a social institution."**

We are trying to set up this national institution for the family, but we do not want to work in the blind, that is why we are getting the United Nation's study. Why should he try to take credit for something that he did not brought up? It would have been good for him to have brought it up, but he used the occasion to lambaste McKeever Bush.

Also we have said, that we are going to set up a minimum wage. That has to be done in this country and I know that the Chamber of Commerce is going to rail against it, but especially in the tourism sector we cannot expect the women of this country to be working in this day and age for \$3.45 per hour. How it is going to be done, I am not sure yet. But that is what the Government is studying. He [the First Elected Member for Bodden Town] said that we would not accept the motion for the Minimum Wage.

This is what I told the Honourable Member that day, the very few words that I said were, and I quote: **"I assumed responsibility for labour on July 31, since that time my Portfolio had been getting or becoming familiar with the functions of the Labour Office and we are beginning to identify areas pertaining to labour, which will receive policy emphasis."**

"The House will recall that in February the Honourable Member for Tourism, who had responsibility for labour at that time said his intention was to have a look at the matter which this Motion seeks to ad-

dress.” Madam Speaker, that is the position of Government.

I further quote: **"If it is determined necessary to respond to what the Motion talks about, there is provision within the Labour Law for us to move, but having just taking over the Portfolio, we have to look at this matter closely. That is what we are now doing, and we therefore cannot support the Resolution."**

We told him at the time that is what we were doing. But the problem with the opposition is, although they are saying that the National Team lacks the intellectual capacity to put in programmes and policies, as soon as some snitch can tell them what we are doing, they bring Motions down here in trying to beat us to it. So that they can be glorified in the results. If it is anyone who does not have the intellectual capacity, it is certainly not the National Team Government.

Now he [the First Elected Member for Bodden Town] wants to take credit for those things, which I am doing without any ideas or assistance from him. He could have given some if he cared. Yet he is saying that we do not have the intellectual capacity.

The whole thing is that I am in tune with the needs of this country and have the common sense—common sense—to get things done. When my staff, the very hard working staff who sits down day and night in thinking up how we can get these things done for the country. He is saying that we are not doing anything.

Madam Speaker, this is as good a place as any to deal with this matter of culture. Culture, although the Chamber of Commerce said that I have not done anything with it, it is a moving body in this country. We have to remember that there are several aspects to this. But the three critical ones are: culture evolves, influences in Cayman, and the National Cultural Foundations' role in regards to the other two.

The Chamber of Commerce does not know what they are talking about, because culture is everything people say and do in their own way, their daily lives. So it is not just high culture as some people termed it, as expressed in such forms as ballet, classic music, and other abstract sculpture. Those things are only a part of a culture. They do not begin to constitute a culture by themselves. Since culture is what a people say and do in their daily lives, it is constantly evolving. It is not just something that existed 50 years ago, it is also ten years ago and five years ago, and today and is constantly changing.

Madam Speaker, we do not wear rompers anymore, that part of our culture has changed. We do not wear fabric for a living anymore. That is another evolution. We used to have music with greater drum and fiddle, that has evolved too. Ironically, if it were not for the Cultural Foundation the late Mr. Radley Gourzong would have gone to his grave and his music with him. But the National Cultural Foundation organised a professional recording of his music and now we have that piece of Caymanian culture preserved. To depict cultures as only something from earlier time, it to miss the point. Caymanians' culture is a combination of Caymanians' past and present and the future.

So our culture today and tomorrow, Madam Speaker is determined to a great extent, by the influences that come to bear on us. I should emphasise that we have invited here certain influences, influences that have helped our country and continues to help it to prosper. I leave the Glass House at 6 o'clock sometimes later in the evenings, and as I move mostly from one meeting to the next, or on my drive home, there are a dozen fellows practising cricket at the Smith's Road Oval. We did not have cricket, probably 50 years ago (perhaps we did); we did not have soccer until teacher McField started it; we did not have our girls playing netball; our young men involved in cycling; we did not have beauty pageant. But all those things are today part of our culture. Now they have evolved.

The influences around us, some more obvious than others, and if you find yourself wondering about the influences from our neighbours, we need to look all around us. There are very powerful influences and we need to see them as ominous too. We see and we have a flood of American and European shows on television that bombards us every day with a life-style that has some very distressing aspect. Look at the scourge of foreign magazines that you can find displayed on the magazine racks of our stores. Many of them with questionable content. Listen to some of the music on the radio. So if we are going to look at all the influences, let us look at those first, because they can be very negative and worst yet, they come at us every day, every week and every month, it is none stop.

The National Cultural Foundation put on three Caribbean shows last year for a total of some 20 hours. So if it was the case were we are being flooded with our neighbours culture, that would be one thing but in fact, the shoe is on the other foot. I do not want to see us flooded with any one particular culture, that is me as Minister. There has to be a balance and the Cayman Islands do not only have influences from the Caribbean. We have American and European influences as well. We must look at this thing in perspective.

You can hear American pop music and discos, you can laugh at American comedians in a local Comedy Club. The Cayman Drama Society put on very good English plays all year round. There are bands here playing Latin music. There is the Visual Art Society with most American and British painters. Four or five times a year we bring in country singers. These are all valid expression of this evolving culture and Caymanians are perfectly free to indulge themselves in those things, but are they having any negative effect on our culture? We cannot just be concerned about one type.

I think, on this question of influences, we have to have a balance and I will have to say, thank God for the work of the National Cultural Foundation in bringing us some, I repeat: some Caribbean culture along with the Caymanian things they do. For I suspect that without them we may not have any [Caribbean influences] and we need that to balance the very powerful effect of the North American/European influences which can turn us into just another Miami if we are not careful.

The National Cultural Foundation is charged under the Foundation Law to develop Caymanian culture. Clearly the people who framed the Law had some concerns that our culture needed bolstering and that is what the Foundation has been about and should be about. I am encouraging it to do more.

In brief, Madam Speaker, there has been generated over a period of years 21 Caymanian plays through the Annual Playwright Competition. With the sponsorship of Caribbean Utilities Company Limited, it presented seven of the prize winning plays at the Harquail Theatre including, *Lovennia Lee and her Sisters*, by the late Joy Brandon; *Hurricane*, by Ron Martin and Corrine Solomon's *Pity Paul*. They produced another nine shows that were either written, compiled by or about Caymanians, featured Caymanians performance in overwhelming session at every show it produced. It provides professional guidance to the scourge of Caymanians from all walks of life who frequently request advice from various artistic discipline.

We sponsored the Cayman High School students to travel to London for a six week Youth Theatre event involving young people from 131 countries, as well as the John Gray High School Drama Group's participation in the Caribbean Inter-Schools Drama Festival at which they won seven awards.

They help funded the participation of the National Dance Company, Dance Unlimited and the Caribbean Festival of the Arts in Trinidad and Tobago, and the Multi-Ethnic Stage Festival in Holland. They organised 25 separate workshops locally, specifically for Caymanians involved in oil painting, dancing, fabric dyeing, stage lighting, poetry and playwriting. Co-sponsored along with the Visual Art Society two additional workshops in clay, wood and stone sculpting for which they provided full scholarships for six Caymanians. Commissioned a book of poetry and three plays from Caymanians writers; published a full-colour book highly acclaimed here and abroad of paintings of Gladwyn Lassie Bush, and this is led to the request from the American Visionary Art Museum in Baltimore, Maryland to display Miss Lassie's work there and from *Phydon Press* in the United Kingdom, to include here work in a new book they are producing on intuitive are from around the world.

They produced the only professional audio tape of the music of the late Radley Gourzong and the Happy Boys, co-sponsored with the National Archives; showcased historic Carib Art exhibition seen here by 5,500 people which featured the work of five local painters; two of them Caymanians; presented 18 Heritage Development Awards; 16 to Caymanians in recognition of their contribution of the development and preservation of Caymanian culture.

Madam Speaker, 1995 will see the Cayman National Cultural Foundation continuing its efforts to broaden the awareness of the art as a vital expression of Caymans' cultural evolution.

Among the planned programmes for this year are: the presentation of five staged production, at least three of them locally written. One of these will be the winning

entry in the National Playwright Competition. Cayman's participation in both the first Annual Festival of Creative Art in Rugby, England and CARIFESTA Trinidad and Tobago. Two events at which there will be significant scope for cultural exchange and international exposure for the arts in Cayman. Also, the implementation for an outreach programme targeting districts, helping them to preserve and pass on Cayman cultural traditions such as basket making, in fact all of the thatch work, and giving interested person opportunities and the skills to become involved in the artistic activities which appeal to them.

It is believe that with regular sessions full-fledged community cultural groups will eventually emerge as a result of this programme. The formal establishment of a core of Caymanian actors and the semi-professional theatre company, the initial planning of retrospective slated for next year of the heart of Cayman's foremost contemporary painter, Mr. Bendel Hydes.

So Madam Speaker, when the Chamber of Commerce say that we have done nothing for culture, they are not paying attention. This is as good a time as any, to say what I intended about the Chamber of Commerce.

I have never been buddy-buddy with the Chamber of Commerce. For several reasons, because it is mostly made up of people who do not have much regard for the working man. I had to fight them all the way on the introduction of the Labour Law. And I suspect that I will have to do so again on the amendments to the Labour Law, the Minimum Wage Law, and the Pensions Law, but the working man has his rights as well as the employer. There must be a mediator. And thank God it is Government and not a Union. I daresay, Madam Speaker, that they would do well to support these sort of actions because if we did not have the Labour Law, and if the Government was not the mediator, who would be the mediator for the working man? Do they believe that in this day and age, it would just lie so? Somebody would have started some form of Union by now. Where would we be? I was criticised for bringing that Motion then, too, Madam Speaker.

Let me say this, I know that because I refused to cow-tow, I am not appreciated. I come from the wrong side of the fence for some of them [the Chamber's members]. I come from the wrong side of the street.

You know what I believe about that group of people and people like them? They would like to see me, and people like me and perhaps you too, Madam Speaker, still hewers of wood and drawers of water. They would love to see that—as slave. But as long as I have been breaking my back for one of their kind, and put him in Government, I was someone just to be tolerated. I know that. But when I stood up and said: Hey, this slave has got shoes. That was a different matter.

When people like me come into this Legislature, because there are those of us who remember what the merchants were like. People like us could not come in here. We had no right to be elected to this Legislature. They would love to see us still hewers of wood and drawers of water.

The Chamber of Commerce said people like him

should not lead. Some of them [the Chamber's members] feel that if you do not come from the establishment, then you do not belong in Government. No, Madam Speaker. We have those kinds of people in West Bay too, and it is to them that I want to send this message. This is not the first time that any kind of review had been done on me. They started one between the years of 1989 and 1992, and they got 152 signatures, those bigots and pharaohs of West Bay. I am not talking about the general populace. I am talking about those who were in the position to lead and the ones who took the petition against me.

They have said that I should not lead, and they may photocopy the Chamber of Commerce's [questionnaire] and sent it by the 15 copies against me, but let me say this they will never, never break my spirit. Just as sure as my ancestors made it across the Atlantic and just as sure as their bones lie in the cemeteries in West Bay and North West Point, my spirit will not be broken. I will honour their spirits and hold up their traditions of hard work and honesty.

This Chamber of Commerce survey was just used as means to get back at me by those who have and will never have any use for people like myself. Simply because I refused to be co-opted by those carpetbaggers who just come here to scrape up what they can and run away with it. As far as the survey is concerned, Madam Speaker, it is as biased as Cat-boat jib. The Chamber of Commerce should have known that it [the questionnaire] would be abused because they had set up no safeguards.

All I can say is that certainly, they must have had a lot of fun and satisfaction writing all those things about me and others which were so personal. The Chamber of Commerce circulated it, whether they wrote it or not, I do not know—they circulated it—but they will certainly pay for it. I will see that that happens, because it is time people let the Chamber of Commerce know that it should be about the business of commerce and not the business of politics. That was all that survey was of, political means in getting back at the Elected Members by people who do not like us.

Madam Speaker, we have had to step on some toes since we [the National Team] took over and that is why they are using those things against the National Team. We have refused to let them have their way and if, people think things are bad today, had we not taken some of the measures that we took [in regard to things] like the importation of vehicles, heavy equipment and so on. They know who got the money. It is not the ordinary Caymanian businessman. It was those people who were let in here—the ones I call carpetbaggers—of late. They have the money and it is time that we stand up and say so. Some of them are not here for the good of this country. You think they love us that much? When they are starting the same business that the poor Caymanian who stood here and beat mosquitoes with his family to do what he could to eke a living out of this Cayman Islands. They are starting the same businesses.

I do not appreciate it, and they know it and that is why today I am not their favourite son. I will never be.

The Speaker: Would the Honourable Minister, take a suspension at this time.

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.40 PM

PROCEEDINGS RESUMED AT 4.08 PM

The Speaker: Please be seated.

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

Hon. W. McKeeva Bush: Madam Speaker, it seems that the Chamber of Commerce has set themselves up to be a government in itself. When they are not telling us about selling the Water Authority, they are telling us who we should put on the Boards. I believe that there are decent people serving on the [Statutory] Boards in this country.

I see an article by the Chamber of Commerce of Wednesday, 22 March 1995 and I fail to understand how they would expect a Government to appoint pure business people (from the Chamber of Commerce) to Statutory Boards. There has to be a balance. Who is to say that if we gave the Chamber of Commerce the power to appoint members to these boards, who were they are going to put up? We already know. I have said that there are people in this country who do not have any regard for they Caymanian business. There are people with money who will stoop to anything to outsmart the Caymanian businessman who does not have any money, or does not have sufficient financial backup to compete with some of them.

We have it all around; we have it in the construction industry, we have it in stores, we have it all around. So why should we do as they are suggesting in appointing capable businesspersons to serve on Statutory Boards.

For too many years, those carpetbaggers have had control in this country. That is why the National Team is not appreciated. It is because we have put our feet down. It is more difficult than people believe, because a Government can only do so much. We can only do so much, they accused us of being dictators. If we were there would be a whole lot of difference in the country. I do not understand what it is they want. First they say that we must sell...now there are only one or two statutory bodies, one so far now, and then they are now saying that we must put all of their members on the Statutory Boards. Mind you there are people who belong to the Chamber of Commerce who sit on the Board. I believe one of them is on the Community College Board, appointed by them; one on the Education Council Board; another on the Port Authority Board, the Turtle Farm Board, the Planning Department Board, the Civil Aviation Authority Board...do not tell me any more, because I am already fed-up with them now. That is enough.

All I am saying is that these are Caymanians, who represents the Chamber of Commerce, but they are saying that it should be all their members. The members that are on the Board do a good job. We are not saying oth-

erwise. We know that they do and good job and we appreciate them, but certainly they should not expect that they are going to appoint every member. That is nonsense.

As far as the Chamber of Commerce is concerned with me as I have said earlier, they can do all the surveys they want. I know that I am not their favourite son. I have never been because I have always been on the side with the working man and I will continue to be on his side. He is the one who needs people to protect him in most cases and the Chamber of Commerce is a business oriented [organisation]. The country cannot run without business, we know that. But there has to be a balance.

Madam Speaker, one matter was raised about control on entertainers and I certainly find what I see in the *Caymanian Compass* very distasteful, from the show that gave rise to people mentioning it. The show that was highlighted [Patra in Concert]. There were a lot of people who attended that show and were not impressed. This country needs clean entertainment and any sports body, social club or otherwise who wants to bring in entertainment should see to it that the people they are bringing are of good taste. There are limits that this country should not allow. When we heard about it as an Executive Council it was too late. But we wrote to them and told them that they must ensure that their performer is not going to be as it is on television.

I believe the Honourable Chief Secretary received a letter of promise, as I said it was too late at the time. I hope that when we take measures to curtail certain action we are not going to hear that we are being autocratic or we are dictators.

When you talk about culture, Madam Speaker, there are limits. Whether it be Caribbean, American, English or where ever, there are limits that we should allow in this country. Yes, we are connected to all, but there are limits. I believe in having a good time as much as anybody, but we cannot allow our country to be downgraded in this way. These things are not to the liking of Cayman's culture.

Madam Speaker, we see that we are accused of stopping free medical care for seamen. We suspended services to the seamen because we felt that it was being abused. We have met with the Seamen's' Association and together we have agreed that seamen and their spouses who have reached the age of 55 will get free medical once they are recommended by the Association. If anyone below that age needs assistance and are recommended, we will also assist them. We are waiting on the Seamen's' Association to send us the names and they are in the process of doing identification cards.

So the Opposition, Madam Speaker, cannot get any political mileage out of that issue. They should stop trying to beat that dead horse.

Mention was made about vehicles, but the Honourable Member, himself who raised the matter when the extra police were brought in sometime ago [he] complained about that. It is ironic that it is those whom have set fire to the building are the ones who are on the outside questioning how the Fire Brigade will deal with it.

It is time that they put on a responsible cloak, instead of doing these things then come in here with a halo of what I call angelic purity.

We were accused of overspending in sports and I have to deal with that in good order tomorrow morning, God's willing. Suffice it now to say, that we have not spent what is being said to have been spent. The National Sports and Recreation Complex is something phased for over ten years. It is not something that is going to be done overnight. We cannot do it overnight, but not to say the country does not need it. I believe that when it is all done it is going to be worth the while of the country—worth our while.

Madam Speaker, I see where the Second Elected Member for Cayman Brac and Little Cayman says that it was transferred for \$140,000 one day and the Government bought it for \$800,000 the next day. We are getting 38 acres of property over a five year period, I believe it is.

Can anyone with any drop of sense believe that someone bought 38 acres for \$140,000 and sold it to the Government the very next day for \$800,000—38 acres? How irresponsible people who say they are intellectuals get up in this House and repeat such nonsense? Who would be so stupid? If they believe that the Government made a bad deal, they can watch what it is going to worth in five year's time. That is what they have to look.

One thing this Government does not have is property to do all the things that are necessary, to do all the things the people are calling on us to do. We have to purchase property. As I understand it, the property was bought by one owner some seven years ago, but was not transferred.

I cannot believe that 38 acres of property is only valued just over \$100,000 and was sold to Government for \$800,000. It is nonsense. How could that be when we had just bought piece, which the First Elected Member for Bodden Town had suggested in the Bodden Town swamp, but we bought it, an acre for something in the region of \$40,000. I do not have the figures with me, but suffice it to say, Members who say they are responsible, who say they are intellectuals should know better.

The other matter the Second Elected Member for Cayman Brac and Little Cayman—the so-called leader of the opposition—said that the Government does not have any policy. Of course, his lieutenant is voicing the same thing. He said that we lack the intellectual capacity to put up policies and programmes and we only look at what is done overseas. Can you believe, Madam Speaker, that after listening to the First Elected Member for Bodden Town talking about Japan this, Japan that, and Canada when and Canada now, in looking at this book and the next. He is going to talk to the National Team Government about no policies. This borders on the ridiculous.

Suffice it to say also, that when we look at the Annual Budget each year, the Government's policies are contained therein. Here it is, the 'Ambit of the Vote' for the Ministry for Health, Drug Abuse Prevention and Rehabilitation: **"Expenditure relating to the policy formation which governs and facilitates the promotion of wellness, along with the provision of medical ser-**

vices, both locally and overseas; the development of policies to ensure the prevention of the misuse of drugs and the provision of rehabilitative services to all residents of the Cayman Islands." [1995 Budget]

The 'Mission Statement', "To realise a state of wellness among the citizens and residents of the Cayman Islands based on the World Health Organisation's definition of health as "not merely the absence of disease or infirmity", but "a state of complete physical, mental, and social well being." To ensure that the population is able to gain access to appropriate and affordable medical treatment." [pg. 223]

What more policy than this can they want? And who do they think put this together? Did they not think that is it the National Team's Ministers after discussions with our team Members, sitting down with the civil servants responsible; the Permanent Secretaries and putting these things together. Who do they think did it? Yet they say we have no policy and we do not know where we are going. It is a disgrace and a slap in the face of the civil servants who sits down day and night to do these sort of things.

It just does not happen, civil servants have to do it under our instructions. Under the Ministry for Community Development, Sports, Youths Affairs and Culture the Mission Statement says: "**The Mission of the Ministry is to promote a sustainable high quality of community life, within which each individual has the maximum opportunity to seek to achieve his or her highest potential level of self-fulfilment and self-expression, in terms of the physical, aesthetic, and spiritual aspects of being.**"

The Ambit of the Vote goes on to say: "**Expenditure relating to the formulation of policies, and direct support of activities, to facilitate and govern the repair of social dysfunction, where it exists, and more broadly, the encouragement of community development, within and through the following spheres of activity and responsibility:...**"

Yet the would be leaders—the man who would be Chief Minister, the Second Elected Member for Cayman Brac and Little Cayman who says that we do not have any policies. Who put this together? If he had done as much for Cayman Brac and Little Cayman, instead of being down here creating trouble and spreading rumours, stirring up problems in the Civil Service, things would be better in Sisters Islands. If he was doing his job up there instead of running around playing the leader that he is not, down here.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30, Honourable Minister. May I have the Motion for the Adjournment of the House?

The Honourable Minister responsible for Agriculture, Communications and Works.

ADJOURNMENT

Hon. John B. McLean: Madam Speaker, I move the ad-

jourment of this Honourable House until 10 o'clock tomorrow morning.

The Speaker: The question is that this Honourable House 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 Monday morning at 10 o'clock.

AT 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 30 MARCH 1995.

**THURSDAY
30 MARCH, 1995
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, forever 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.

The Oath of Affirmation to be administered to Mr. Joel Walton, JP, Deputy Financial Secretary to be the Temporary Third Official Member.

Mr. Walton, will you come forward to the Clerk's table?

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

**OATH OF AFFIRMATION
To Mr. Joel Walton, JP**

Hon. 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.

The Speaker: Please take your seat.

On behalf of the Legislative Assembly, I welcome you to be the Temporary Acting Third Official Member.

Presentation of Papers and Reports. Proposed Edu-

cation Development Plan 1995 to 1999.

The Honourable Minister for Education and Aviation.

**PRESENTATION OF
PAPERS AND REPORTS**

**PROPOSED EDUCATION DEVELOPMENT PLAN
1995—1999**

Hon. Truman M. Bodden: Madam Speaker, I beg to lay on the Table of this Honourable House the Five Year Strategic Plan for the Development of Education in these Islands which has been accepted by the Executive Council and by the Education Council.

The Speaker: So ordered.

Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

When I took over the responsibility for education in November 1992, although there had been a development exercise, there was no plan that could be followed in a systematic way.

What I found was a framework on which were hung the various major recommendations of the Porter-Brooms Report, several of which were in different phases of implementation. I also found that many of these major changes did not have the full support of the very people for which such developments were intended—the students, the teachers and the parents.

Madam Speaker, although I have been criticised for throwing out the Five Year Development Plan of the previous government, Honourable Members will see that many of the recommendations made by Mr. Porter and Dr. Brooms are, in fact, included in the Strategic Plan.

I have said in other forums, and will repeat, that the review of the Cayman Islands Education System done in 1990, was a good review in many areas and the document has been invaluable to the work of the Education Planning Team. However, after a planning period of 11 months, and as a result of the planning process, I believe that the Cayman Islands people are more understanding of the reasons why such change is necessary.

Mr. Porter continues to assist us on an ad hoc basis in our plans for implementation, starting in 1995.

Another hurdle I had to cross was that the key factor in the planning process had been largely ignored. This was the reorganisation and strengthening of the Education Department so that the organisation was in place to carry out the plan. It would have been folly to attempt any kind of development with the existing organisational structure, which was in place in the Education Department in 1992.

With the help of the Personnel Department a new organisational structure with a number of new posts and

new responsibilities was drawn up. The job appraisal scheme presently being implemented in central government allowed us to set up a system of accountability for all officers and to detail what objectives are to be met in a space of time. This is a key element in the Strategic Planning process—that one individual is responsible for the successful implementation of a particular action.

In all, 353 individuals participated in the preparation of the Strategic Plan. Public support often exceeded our expectations and interest was high. I would like to take this opportunity to reiterate the Ministry's thanks to all those people who served on the Education Planning Team as Action Team Leaders, and on the Action Planning Committees.

I would particularly like to thank the trained facilitators who took us through the process and whose belief that we would be successful never wavered. These facilitators were: Mrs. Joy Basdeo, Miss Andrea Bryan, Mrs. Hyacinth Connolly, Mr. Colin Ross, Mrs. Mary Miller, Mr. Leonard Bodden and Mr. Michael Hunt.

Special thanks must go to Mrs. Hyacinth Connolly, the lead facilitator who as internal coordinator was responsible for organisation of all meetings and all training.

A 35 member Education Planning Team, representative of the whole community, developed nine strategies. This Education Planning Team was made up of 50% teachers and other education personnel, and 50% drawn from, parents, students, representatives of commerce and industry, private schools, service clubs, a Minister of religion and a Member of the Legislative Assembly. Cayman Brac was well represented on the team.

Action Teams in both Grand Cayman and Cayman Brac developed the strategies into action plans that would get specific results.

The major policy areas emanating from these action plans are: the establishment of a National Curriculum; the Development of four locally accredited Cayman Islands achievement tests; the creation of a school expectorate; the establishment of a Board for each school; the establishment of Health, Safety and Building Standards for all schools. However, the 105 Action Plans which were recommended cover all aspects of the Education System. These have been scheduled for implementation during the academic years 1995 to 2000, and the first year has been costed.

The specific objectives, together with the beliefs, mission and strategies, will shape the public education system over the next five years. Every 12 to 18 months the Strategic Plan will be evaluated by the Education Planning Team to ensure that we are still on target and that our objectives are being met.

Those who participated in this exercise have created a vision for these Islands—a vision based on their experience, their sense of the needs of students as learners, as human beings and as contributors to society. We know that commitment, collaboration, courage, hard work and mutual support is required for us to move forward. We realise that change is inevitable, but growth is optional.

Honourable Members, I commend the Five-Year

Strategic Plan for the Development of Education in the Cayman Islands to you as Government's Education Policy. I ask you to accept (and I quote): "**The Mission of the Cayman Islands Government School System, as the embodiment of the distinctive ideals and values of the Caymanian people, is to develop the full and unique potential of all students; challenging them to assume a productive and fulfilling role in a stable, multi-cultural society distinguished by rapid economic growth through an educational system characterised by visionary leaders, caring and committed teachers, a responsible partnership with parents and the community, and a varied and relevant curriculum.**"

Thank you, Madam Speaker.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, continuing the debate on the Throne Speech.

GOVERNMENT BUSINESS

DEBATE ON THE 1995 THRONE SPEECH DELIVERED BY HIS EXCELLENCY MR. MICHAEL E. J. GORE, CVO, CBE, GOVERNOR OF THE CAYMAN ISLANDS ON FRIDAY, 3 MARCH 1995

(Continuation of debate thereon)

Hon. W. McKeever Bush: Madam Speaker, there have been calls for tolerance in the House—and I agree, we are striving to be better Christians. We cannot, however, ask for tolerance on the one hand and, on the other hand, as soon as there is an opportunity to make a Minister look bad, make an insinuation about his character by repeating what is said on the outside or by reading some paper.

Ministers rarely speak first in this House. In this meeting in particular, the two Opposition Members raised matters not related to the debate. I can think of many occasions where personal castigation has been heaped upon me. Especially, when the Opposition has motions on the floor, they do this in closing their debate including times when Members, and in particular when I have not even spoken. On more than one occasion this has taken place and it is in the record, I have copies of the *Hansards*.

I am asking Members, if they are sincere about tolerance, if they are honest about the level of debate, to stop this tactic of attacking the character of other Members when they have no right of reply.

I am asking the Chair to take special note when Members move motions, or when they speak, and other Members have not spoken and have no chance to speak, that the character assassination be stopped. I have to defend myself. I have never failed to do that in most instances. I can think of times when I let things pass, but I can see that what is happening in this House, the creation of a style of politics—Caribbean style politics—that is

not good for this House.

I cannot say that the level of debate in this House has gone to any backyard brawl. Never once has the Chair had to put anybody out of this House for gross behaviour. I think our Parliament is one of the best Parliaments that I have ever noticed—and I know that people look at the United Kingdom Parliament, I know that they look at the House of Commons. We cannot emulate them in any way, shape, or form; but neither can anyone say that the Cayman Islands Legislative Assembly is not run in a good manner.

This government is keenly aware that our fair country has gone through (and continues to experience) rapid economic growth and change. Married to this are swift and far-reaching changes in the social environment. With the characteristic vigour displayed by a free enterprise economy, much effort was (and is) being made to keep Cayman current and competitive in the lines of business in which we are principally engaged, especially offshore finance and tourism.

For a number of reasons, however, in spite of much good will, much voluntary effort, much giving, the energy and other resources put into addressing the need for development of social infrastructure has been comparatively much less effective. This government has seen the need for reform of the approach to social policy that was existing when we took office.

We do not believe (as some do) that the social deterioration will right itself. Neither do we believe that government ought merely to seek to inspire and promote action to be taken by private individuals or agencies. We do believe that in an economic structure such as ours, and with such a comparatively narrow tax base, there is much room for the latter approach. This continues to be a key part of our strategy.

There is no doubt that the public's money is being well spent on the improvements on social and cultural infrastructure which this government has undertaken. We do not pretend that we have done it all—several structures previously existed (though, perhaps, some suffered for want of a vigorous policy thrust). Other areas suffered from positive neglect.

So that the public of the Cayman Islands here and abroad can draw up their own report cards, I will briefly outline how this government has responded to the situation alluded to in my area of responsibility for Community Development, Sports, Youth Affairs and Culture.

I dealt with the matter of culture yesterday, but to begin with, let me clearly state that we recognise that there are persons who are not equipped to solve their own problems; who do not have the resources to look after themselves physically in terms of food, clothing and shelter. We intend to take, and are taking action to relieve such situations. But, when members of the community see someone being helped, whether it is by assisting them with housing renovations or some other area from Social Services, they should not question why government is doing it because they do not know the particular circumstances which exist. The public likes to be able to say that they know this and that about the next person,

but they should not question in a negative matter, or cry down somebody who is being assisted.

We do not believe that the average person in this community needs or wants this form of social welfare, we believe (and I think the community agrees) that the need for action in Government's social policy is really in the area of community development.

We have defined the mission of community development in my Ministry's published Mission Statement as; **"One which involves the promotion of a sustainable, high quality of community life within which each individual has the maximum opportunity to seek to achieve his or her highest potential level of self fulfilment and self expression in terms of the physical, aesthetic, and spiritual aspects of being."** Such a mission clearly entails both direct action on our part and encouragement of action by and within the community itself.

We are most pleased at the level of interest that has grown concerning these matters in such a short span of two years. It is only when concern about quality of life takes hold of the popular imagination that consensus can emerge and lead in turn into concerted action in the common interest. In terms of inspiring and mobilising the community to identify and address matters of significance to its quality of life, the government in general, and my Ministry in particular, now call for voluntary and private sector agencies to take a further step toward defining the roles they can play as community actors.

We should aim to at least equal the level of consultation and joint participation between public and private sectors, which has existed for some time in the economic side of our activities.

Some sense of the Government's thinking and intention in this area of community development may be gained from examining briefly some of what this Ministry has already done towards realising its mission. We have started from the perspective that the young people of this country and the elderly were the population groups most at risk due to neglect in public policy. Accordingly, the level of financial assistance to the elderly in need has been increased twice under this administration.

We raised the Social Services grant for the elderly from \$50 to \$125 this year. We are not saying that this is enough, because I know it is not enough. But, under the circumstances, I could not do any more. Pensions were also established in certain deserving situations deemed to be not qualified under previous rule within the civil service. Finally, the comprehensive provision of pensions for the working population is a policy priority now under active review.

I know that the public (and I know that some in the Chamber of Commerce) expects the government must to fund the entire pension or social welfare to our elderly. Right now we are straining to do \$125 and that cannot help our old people and give them the sufficient sustenance that they need. I believe that something more in the region of \$400 to \$500, or between \$250 and \$500 is what is needed in our economy today. That age group is growing by the day. More and more of our people are being pushed aside, they cannot work any longer and

therefore they are now coming to Social Services.

Some of them are proud people, they have worked all their lives when there was nothing in the country, the salaries were small and therefore their savings are very small. One thing that our old people do not want is to have to come to government or go with their hand out to anybody for burial. So, if they have saved something, they want to keep that for their funeral expenses.

This is a serious need that exists that nobody should try to down play in this country by saying that government should take up the slack for old people because that cannot happen. We know that. Some people look at the United States and say that the United States has this and that. What we must remember is that those people in the United States, who are working, take home maybe 55 cents out of every dollar, which means that if they make \$100, they only take home \$55. That is how they get all the nice things that they get.

It is a shame when we look at some of the cases, because we know that some of the children can do better in some instances. But it is a fact that most times the children cannot because of their own drag, their own problems. They cannot, they do not make enough money to keep their own parents. The parents are independent and live separate in their own homes, they do not want to leave it and they are not going to stay with some child or not going to say that they are going to the Pines. Our old people are independent people and we cannot forget that they pushed this country to where it is.

I know that the last four or five terms of government said that they did it for this country. When I go through this country and see them still willing . . . they were the ones who built this country to what it is today. We would not have had the type of Cayman that we have today because they were the ones who set the principles. They were the ones who set the moral guidance for this country.

So, I know that I am being criticised for this increase in social welfare to our elderly people, all I am saying here is that it is not nearly enough and we are not reaching all who need to be reached.

We are going to have to find some mechanism in this 21st Century to take care of our old people who are not working. We cannot say that if they do not work they cannot get a pension because I am talking about old people who worked in the time when the dollar was very little.

With regard to young people, previously the only significant resources provided were in the field of education. In spite of the fact that educators here, as elsewhere, were finding it more and more difficult to educate because of personal development issues young people were taking into the schools.

All governments have done well over the years. Our churches have done well in education. But I maintain that in the last two terms education took a dip downward. It is a fact—we know by the results of the graduating class in the last two terms of the former government. It is not something that I get into a lot. I leave that for those people who say that they are teachers and who say they are responsible for policy. But the fact remains that education

was in the doldrums.

One thing I can say that they did well was the Community College, but there was no marketing strategy provided—they built the building and left it. I will deal with that later on. The Community College can play a much more vital role, in fact they have the wherewithal now to play that role if Members in this House would stand up and say this is what is available. If Members who get up and say that there needs to be training would do their research and see what is available, then it would be better because young people on the outside who do not know would be informed.

In dealing with that issue, I want to read some of what has taken place at the Community College so that some light can be shed on this talk about training.

Out of 222 children graduating from John Gray High School in 1993, 168 were either employed, schooled overseas, at the Community College, or in sixth form. It does not mean that the balance of 54 was not employed, it means that those students did not return any communication to the schools, when the schools enquired.

Last year, of the 232, 187 were either employed, schooled overseas or at the Community College, or repeaters at the John Gray High School. The other 45 are in that same category of not returning any communication to the Education Department.

When we talk about what is available, we have hospitality studies, full time programmes, certificate and diploma. We have technical studies, auto mechanics, carpentry, electrical and electronics. Then they have the business studies of commercial certificates and secretarial certificates and they have part time programmes in insurance, accounting and banking courses.

Then, they have extension services, evening classes, and general studies. This government just completed over \$1 million in the Community College by adding a new block for sciences and other general studies. So, while the last government built one part, we have accomplished a very important aspect in providing another part.

What I am trying to say here this morning, is that there is a lot of opportunity available. Instead of Opposition Members getting up on a soapbox and saying that there is nothing going on in the country, they need to encourage those young people who are not doing anything to attend the Community College. They need to tell the truth about what is going on. They cannot constantly make this country look like it is a dying country when there is so much effort being put into things like education.

I take my hat off to the Minister who took decisions that were unpopular but are now proving to be right, when those people who were against him criticised him for taking the decision and he had support from some 300 people out there.

We do have a lot of good teachers in this country, and we should say that. Not everybody is perfect, we know that, but they do a good job in trying to educate our children. It is important because they have the children for most of the day. It is good to say that through the ef-

forts of the Minister for Education there is a general study building where we can now offer associate degrees.

I think those two Members who say they are teachers, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, should be the ones encouraging young people and telling the truth about what exists, rather than trying to tear down. They need to say that governments in the past, and in particular the present Minister, have done a lot for education. But, if they do not go when they are invited what can you expect? But they should know and I believe that they do know—it is just a matter of trying to make the Minister for Education look bad.

The building of additional and better sports facilities and efforts to improve sports programmes and add new ones in this field were immediate priorities for my Ministry. Sports teaches self-discipline and enhances self-worth through fostering commitment to standards, goal setting and attainment, while also effectively demonstrating the value of team work.

It is, therefore, a most effective socialisation tool in addition to having the significant merit of promoting good health and providing high quality entertainment for the population and positive exposure for the country.

In regard to promoting good health, we are well on the way with the development of a number of expert coaches in various sports. We expect to be working more closely with professionals in the field of health towards our common interest in increasing participation and regular exercise by the whole population.

In regard to entertainment and exposure, this year we have the honour of hosting three prestigious regional tournaments: CARIFTA Track and Field; CARICOM Under 19 in Basketball; and the Shell Cup in Football. We will also have the world's eyes on us during the Shell Cup as we enjoy the particular honour as having as our guest a number of distinguished persons headed by Dr. Havi-lanch, the President of International Football Federation, that is FIFA, the biggest sports fraternity in the world, and Mr. Edson Arantes, better known simply as Pelee, the world's greatest footballer and now Minister of Sports in Brazil.

I would say, justifiably, that we can conclude that we have certainly got the ball rolling in sports. While we shall have to place priorities for a while on other sectors such as culture, further services for the youth, broader terms, obviously, ample and prime opportunities have been provided by this government for private sponsors to be more fully involved for the mutual benefit of themselves and the sports programme.

On another occasion, I expressed the view that while sports contributed to the plating together of the social fabric, the threads of which is made up of the relationships among people, most fundamentally within families and between people and their God. Culture, especially if read as the expressive art, best aids the development of these relationships by most ably promoting the understanding of universal truths about humanity—true knowledge of our innermost selves. The expressive arts are therefore of vital importance to the life of any com-

munity.

Sometime ago I passed a motion (back in 1988) to have a better understanding of our history. That motion asked for a written history on the Cayman Islands. It is expected that a start will be made on a project to have a comprehensive history of the Cayman Islands written this year, that is, the start will be made this year. *Hirst's Notes on the History of the Cayman Islands* is expected to be re-published.

Perhaps most significantly for young people, it is hoped that we will be able to stage our first National Youth Festival. This could be sometime in November. This festival would have people competing in a wide range of fields from the expressive to the culinary arts. That is, we want to see competition in cooking, drama, poetry, singing, arts and crafts. On a wider scale, young people will be encouraged, not just through school, but through youth groups. We are going to ask the service clubs and churches to get involved. This does not just mean up to age group 13, but hopefully I will get agreement to go up to a much higher age group so that they can have the different competitions within their age groups.

New storage and lab facilities for the museum are being provided along with enhanced capacity for the Archives. We are to host the Museum Association's Caribbean meeting here this year in November.

While we have formed a National Children's Choir, which had its debut in December, that is something that I am very proud of and I hope to see it further enhanced. But I also wish to promote the formation of a National Orchestra and I now invite input from the public on the forms this should take, as well as any ideas on resource and development. I believe that there is enough talent existing in our country to form one and I hope that before my term ends that I will see this develop and make its debut.

This has been an appropriate year to declare opened the Young Parents Programme. As this programme is geared to assisting young, untrained parents to becoming caring parents with the ability to properly care for their children. The Department of Social Services, from its experience over the years has been acutely aware that the younger the age of the mother the poorer the child care practices are. The children of teenage mothers have been shown by many research studies to be at greater risk than those of older mothers.

The Department is also aware that the not-yet-fully mature and self-indulging teenager is less likely to dedicate much time to ensuring proper nutrition and health care of her infant and will demonstrate much less warmth and affection to her child.

When the young parent programme was presented as an item in the 1994 Budget, and the senior staff of the Department took time out to explain what the Department hoped to achieve through it, my immediate reaction was that the Department of Social Services was proposing to implement a programme very much in keeping with the philosophy of the Ministry for which I am responsible.

Briefly put, we see it as our mission to address is-

sues of social integration in the community, in particular, promoting healthy families as the linchpin of community development.

Many teenagers lack the education and experience needed to acquire adequate employment. Even with help from Social Service agencies or family members, there may not be enough of them to live without financial strain. We know that this exists in the country.

Therefore, as you have already heard, one of the objectives of this programme is to improve the earning capacity of these young women. While this programme does not claim to be the solution to the problem, I believe that through its approach, the programme will be able to address areas necessary to help the young parents and through them, their children to cope effectively in a changing society as we are experiencing in these islands. I am heartened to see that health education, basic academic and job skills screening, family life education and parenting skills, are the major components of the programme.

These are not grand sounding training schemes, nor are our aspirations for these young persons grand sounding. Our efforts are to help them to join the main stream of society. We (the National Team) feel that there is a moral wrong arising out of the disadvantages children in this position are exposed to, especially when the parents are very young and not well equipped to handle their own lives. It would be a further and greater wrong for the society at large, represented by government, to turn its back on these situations and to leave them to sink or swim as was being done in the past.

It is a fact that over my ten years I have called for these kinds of interventions in our community. Previous governments, especially the last government who had a young person in the form of Mr. Miller dealing with youth problems . . . and all these situations went sliding by when person after person, legislator after legislator, the Justices' Association—everybody was pointing to the problems existing with our young people and they were not taking notice. We have an obligation to give such young persons a second chance and their children a fair chance and that is what we are trying to do through the young parents' programme.

In terms of community development, this type of programme is obviously at the sharp end of things. We have to move, and we clearly are moving, to address these areas of social dysfunction.

While we must continue to impress on our young people the moral wrong as well as the practical difficulties on getting off on the wrong foot in starting a family, and those of us who are parents (and I address this House in particular) must do our part on a political platform in saying this to the public. This is education. When we talk about how the government is educating the populace, what are we doing as Members of this House to educate young people? Do you mean to say that we can only go on the platform and talk about the National Team or talk about the finance sector, or talk about some other thing that really does not matter in this community? I say that these are the areas that we as leaders need to be talking

about and encouraging our young people.

We need to tell them that it is not a good thing to get a young woman pregnant and then leave her. That is not man-ship! But, are we afraid to lose votes? Are we afraid to tell that to the 17-year old because we know that the 1996 election is coming up? Are we afraid to say to the 18-year old young man, or 16-year old young girl that it may be good for you to date, but that does not mean that you have to go all the way? We should be saying to our young girls if a young man—and I tell my daughter this because she will soon be 15—approaches you in the wrong way she should slap him so hard on the side of the head that church bells will ring. This is what we, as leaders, should be saying on the political platform, rather than denigrating McKeever Bush about his education. This is what the Chamber of Commerce should be assisting in, rather than talking nonsense about there is nothing being done for the youth.

We, as leaders, must also face the fact that insofar as these situations arise, it would be more costly to the society to support such potential dysfunctional families as we are now trying to do in the long term, than to implement interventions such as this.

As Legislators—and I address the two Members of the Opposition who are teachers, and I ask them to change their opposition tactics and to assist this country because they have been in the classroom and because they are parents . . . to assist this country by talking about these matters when they get on the platform in a positive way—by teaching—not by getting up and asking what is the government doing for you.

This is a good programme. It is a pity that the Chamber of Commerce is saying that this Member has done nothing for the young people. I had to take note of an editorial in *The Caymanian Compass* a few days ago about information for the public. That young parents programme took three weeks to get into the press. When we opened the Joyce Hylton Centre, we invited every party of the news media to be there. They do not have to come to take my picture, but this is an important thing; this is positive. Why were they not there? Was there something more important?

What could be more important? Some truss at Tent City? No, Madam Speaker, it could not be. And when I read this editorial it says: **"As a George Town MLA quite rightly pointed out, the public wants to hear what government is doing and they want to get involved. They ought not be denied that opportunity."** What hypocrisy, when they had an opportunity to come.

There are many things in my Ministry that I can point to that they do not come to. When I need information, the GIS has to do some things, but would it not be better if Mr. Redman, or the other reporters who like to print negative things (and I am not saying that they do it all the time) called me and asked what is happening in my Ministry? They cannot say that I am not approachable because I have invited them into various staff meetings during my two years in Executive Council.

For other young persons in happier circumstances, the proposed guaranteed student loan scheme is ex-

pected to be of benefit once it is implemented. That is very important and is forming a very important aspect of the Government's policy. Before I deal with that, I would like to deal with the Department of Labour and Labour Relations.

My Ministry and the Labour Department are working very hard to ensure that Cayman continues to enjoy tranquil labour relations through encouraging a partnership between the employee and the employer, while at the same time strengthening the Labour Department's resources as well as the Labour Law to deal with those parties in the public who choose to disregard fair labour practices.

As mentioned in the Throne Speech by His Excellency the Governor, plans for labour in 1995 include assistance with the completion and implementation of a Manpower Development Strategy, amendments to the Labour Law to increase its effectiveness; the appointment of a Minimum Wage Advisory Committee to determine the needs for setting a minimum wage (and I believe that we have arrived at that), and a review of the 1964 Workmen's Compensation Law.

In regard to the minimum wage, we believe that there needs to be something done, especially in the hotel section, that is hotels and condominiums that I am talking about. How can we expect people in this day and age to work for \$3.45 an hour?

I believe that there are several situations that we can look at to address that matter. One might be that in the off season those people are paid a higher minimum wage when the gratuities would be less, and in the high season the minimum wage would be less because of higher gratuities.

We are addressing this matter of gratuities. We passed a Law, but there are people who are still not doing the right thing. The difficulty that government has found (and I might as well say it here) is that we had a man in government who was not interested in doing anything about checking the books. We do not have an auditor in the Labour Department, or an accountant. When we asked the chief accountant about doing something about it, we were refused because he said he did not believe... I should not say the chief accountant, the Accountant General, the one that has gone—

The Speaker: Honourable Minister, you have now exceeded your four hours.

Hon. W. McKeever Bush: Madam Speaker, I am winding up this debate for Government. Under Standing Order 83, I ask for the suspension of Standing Order 32(6) (I think it is) to complete my debate.

SUSPENSION OF STANDING ORDER 32(6)

The Speaker: The motion before the House moved by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture is requesting under Standing Order 32(6) to be allowed more time to complete the winding up, or the conclusion of the de-

bate on the Throne Speech. I shall put the question. Those in favour, please say Aye...Those against No.

AYES (AND 1 AUDIBLE NO)

The Speaker: The Ayes have it.
Please continue, Honourable Minister.

AGREED: STANDING ORDER 32(6) SUSPENDED IN ORDER TO ALLOW THE HONOURABLE MINISTER RESPONSIBLE FOR COMMUNITY DEVELOPMENT, SPORTS, YOUTH AFFAIRS AND CULTURE TO CONCLUDE HIS DEBATE ON THE THRONE SPEECH.

Hon. W. McKeever Bush: Madam Speaker, I thank the Chair and I thank the indulgence of the House.

The Throne Speech was a very long Throne Speech and many areas had to be addressed. The Opposition drew in a lot of matters not connected to the speech which the government felt had to be addressed. I am winding up on the Motion.

The Speaker: Honourable Minister, I think it is twice that you have said that other matters not in the Throne Speech had been drawn up. It is a customary thing in Commonwealth Parliament that in the Throne Speech other matters can be brought in. So that does not forbid them from doing so.

Hon. W. McKeever Bush: Thank you very much, Madam Speaker.

The Accountant General did not believe in gratuities and did not do anything to address that situation.

The Honourable Financial Secretary and his staff have now employed someone who is going to be able to specifically check the books for these gratuities and also to check the books for the avoidance of accommodation tax. I believe that is going to help the situation because I know, as the country knows, there are people who are—putting it bluntly—stealing gratuities that do not belong to them, and they use it to help run the services of the business.

The Department of Labour is also going to explore suitable apprenticeship schemes for implementation on a pilot basis. Enhancement of the job placement system, as well as the extension of technical assistance to help the unskilled secure and retain suitable employment is also proposed.

There have been calls for assistance with the so-called "unemployable." There have also been calls for increased vocational programmes for those in our work force that may need such training and assistance. The department has recently acquired a television monitor and a VCR in order to host small groups of unemployed persons or school leavers and will show videos on subjects such as interviewing skills, work ethics, career development, skills development and so on. This is expected to be launched soon.

The department's new thrust in 1995 will lead to significant improvements and achievements in these priority

areas. Based on the increased activity we have seen in the labour sector, particularly with regard to ignorance of the law, unfair dismissal, bad practices, and conditions of work in some firms and industries, it is obvious that we must carefully monitor our labour sector so as to avoid ugly incidents and to maintain smooth labour relations. Therefore, I am supporting 100% the hiring of one additional labour inspector to enable the department to increase the frequency and scope of workplace inspections as well as to increase the awareness of the Labour Law amongst employees and employers. We are hoping that these preventative measures will minimise the frequency of labour disputes and reduce the amount of labour hearings by the department.

A law alone will not take care of the situation. There is not much that government can do about a person's personality. There is not much government can do about people who believe that people must just work for them and that the employee is just an employee and not a person. We know that there is the other side of the coin—employees who are very, very unreasonable and they believe that they can come to work at any time, that they can loaf as long as they want on the job, spend as much time as they want on the telephone. When you go to work for somebody, you have to do what the employer wants you to do. You cannot expect to hope to find a job that you can do as you please. In every situation in life there is always somebody in charge, there is a boss. They cannot expect to keep running to the Labour Office every time some little thing happens on the job and say that they want this person thrown off the Island. We have progressed too far for that.

On one side of the coin there are people who have to bring in people from the outside to ensure the type of personality they are bringing into this country. We have too many cantankerous persons of and when those two personalities clash, there are bound to be problems. So we know that we are going to have to bring in people, but they must chose carefully the type of people they bring in and tell them when they come in here that they are not coming in forever. So they do not have to come in with the belief that they are going to run a Caymanian out of a job that he is already in, that is, if they are coming in below the Caymanian.

The Labour Department has improved its communication with the Immigration Board. This is only sensible because labour relations and manpower development cannot operate in a vacuum—there must be close collaboration and coordination with the Immigration Board with respect to the granting and renewing of work permits if we are to successfully deal with the challenges in the labour sector.

The Labour Department is being strengthened in order to play a better role in the implementation of Cayman's manpower development and training policies and strategies. However, if we intend to address the long overdue matter in a sensible and comprehensive manner, we must face the facts that sufficient new resources and increased coordination of existing resources will have to be the order of the day.

Honourable Members will recall that I recently provided an update on our manpower development exercise currently underway. In answer to a parliamentary question, I outlined some of Government's concern and policy statements on the important matter of manpower development and training. I also provided information on an Advisory Committee and its terms of reference as well as the committees' recent survey of private sector employers. For years there has been much concern expressed about the absence of consistent training policies or programmes and career development paths for willing and able Caymanian manpower resources.

I have always strongly believed that we need to be forward thinking in regard to labour relations and manpower development. Any country that has as many work permits as we do, representing a significant percentage of our working population, as well as seeing an increase of qualified and experienced Caymanians in our work force, must view the issue of training and succession planning—the manpower development of its people—as an area of strategic importance. If we are to ensure that the Cayman Islands economy develops in a sustainable fashion, that is, where our people feel that they and future generations will benefit from Cayman's economic development, our people must be developed to their full potential so that they can be equipped to play a better role in our economic development.

The feeling of being a beneficiary of our economic development will allow our young people to have a greater sense of belonging and commitment in the development of our island. Similarly, if our young people feel that they are appreciated by their employers—not only through the paycheque, but by other means—that they are given the opportunity to prove that they are capable of upward mobility, then they will be more productive employees and citizens as well as making a positive contribution to continue labour tranquillity.

I need not remind this Honourable House of how damaging a unmotivated and depressed workforce can be to economic development and labour relations. It is in the interest of everyone—employers, employees and Government included—that we view training and manpower development not as a burden, or an unnecessary cost, but, instead, as an investment on something which is crucial if we are to continue to enjoy the Cayman Islands as the best place in which to live or conduct business.

We know that there are not enough Caymanians to fill all of the vacant posts in our economy, and we also know that due to gaps in skills, that is, a shortfall in what is needed compared to what skills are available amongst Caymanians. We also know that there are Caymanians who have a less than desirable work ethic and attitude to work, these are all-important challenges which we need to address in our manpower development exercise which is now being conducted.

I want to make it clear that Government's intention is not to Caymanianise posts in the private and public sectors in an ill-informed fashion, or within an unreasonable time frame. It is abundantly clear in Government's policy

that the Caymanianisation of positions in either sector is for competent Caymanians. People will not be promoted simply because they are Caymanian, but because they are competent and willing to work hard so as to develop themselves and their careers in order to make a positive contribution to their employer and the community in general.

Our economy is based on the delivery of services. We have very little export product at this time. It is therefore imperative that our employees are developed and motivated to provide the best services in order for these Islands to remain competitive in the global marketplace. There are, however, undeniable and well documented cases of unfair treatment and insensitivity to the upward mobility of some of our qualified and/or experienced and willing Caymanians. This type of approach must stop. Managers and supervisors in this country must be informed without a doubt that their responsibility must include ensuring that Caymanians are trained and developed in order to assume a level of responsibility that they are capable of, in accordance with clear, consistent, and properly monitored career paths.

The degree to which an employer trains and develops his Caymanian employees should not depend on whether a particular manager supports this type of approach, because when that manager is no longer there those initiatives fall away. What we need to encourage in all businesses above a certain size is the development of clear and consistent written policies and training, promotion and career paths and so on. Everyone will know what the policies and expectations are, and these will be consistent, instead of contingent upon the conviction of any one particular manager.

It must 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. Also because it takes an individual many years of study and hard work in order to qualify at some college or university in his chosen field.

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 our 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 gaining a certain amount of experience, to eventually replace the person for whom he or she is the second in command and who is 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 is the way I feel that it should be within our Island.

There are some companies doing business here that 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. I sincerely take this opportunity to commend those companies for so doing.

But up until this morning, I was confronted as the Minister for Labour with a situation where a qualified Caymanian applied for a position that was advertised and she was told that that job would not suit her. I am going to look into it because what we need to do is have the Immigration Board say; "If this Caymanian is qualified, yes they may not be able to get immediately into your office practice. That takes some time. You tell them and you show them what you expect. But if they went to college to train as an executive secretary, do not tell me that they cannot be a personal assistant to the manager." Do not tell me that!

It is time that it be recognised that nobody is going to use this country as a base to bring in, or import people out of the United Kingdom, out of Canada, out of the United States, or out of Europe, because those places are having a hard time in their labour areas. If they have unemployment and we do not have Caymanians to fill the position, bring them in (I have said this) by the dozens if need be. I am all for that. But when we have a Caymanian who goes abroad and trains and works hard and did not even get a scholarship, but worked with his own money out of his pocket and trained, they must get the position above and beyond any other situation in this country. I have said that I—and I repeat again—believe that the companies, whatever work they are doing . . . and if they need work permits, if it is a law firm, give it to them; if it is an accountant firm, give it to them; if they are doing mutual funds, give it to them. We cannot expand our financial base in this country unless there are people—and the sooner all of us get it into our heads in this House that if we want to continue to grow in the financial industry, or in any sector, we are going to have to allow people in. once—always that rider—once there is no Caymanian, then they can do so.

The Speaker: Honourable Minister, proceedings will now be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.40 AM

PROCEEDINGS RESUMED AT 12.08 PM

The Speaker: Please be seated.

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

Hon. W. McKeeva Bush: Madam Speaker, I recently led an official delegation to Bermuda (in late January). One of the areas we looked at was that territory's labour and immigration, that is, work permit policies, and institutional and regulatory systems. There are many similarities between Bermuda and Cayman, except that Bermuda now wants to go independent and Cayman does not want to go independent. This is also the case in areas of training and manpower development. We do have similarities.

Both countries appreciate that there is some inadequacy in the efforts that have been undertaken to date. They are making some renewed efforts to come to grips

with this problem and to develop fair and lasting solutions. They are restructuring the Labour Department and formalising better and more effective communication between labour and immigration in regard to labour relations, establishing time for work permits, and the monitoring of the conditions which have been attached to the grant or renewal of particular permits.

In Bermuda, work permits are recognised as more of a labour matter than one of immigration. The Labour Ministry and Department have greater involvement with the Immigration Board in the granting and renewing of work permits. They also conduct a Labour and Manpower survey every year and these are used to provide guidance to government and the Board in granting work permits and business licenses and the renewal of both.

Their work permit and Immigration computer system are more advanced in that it allows for flagging of work permit conditions and the generation of computer reports which are used to facilitate better monitoring and tracking by the Labour and Immigration staff.

Bermuda issues long-term work permits, but these are accompanied by conditions and monitored by the Immigration and Labour personnel under normal circumstances and the annual renewal of these fixed long-term work permits are handled administratively.

Like Cayman, Bermuda is also actively exploring methods of strengthening the policies and institutions in regard to training and manpower development. I have been convinced for sometime now, and I agree with others who also have concerns in this area, that the present system may not be adequate to articulate and enforce the manpower development and training for the 1990s and beyond. It is almost impossible for a voluntary board to handle the volume of business, that is grants and renewals of permits, business licenses, status, residency—they cannot!—and do justice to this very important subject of manpower and training as it relates to work permits. It is unrealistic to expect the Immigration Board, with a small support staff, to effectively deal with the volume of business and growth of complicated issues in the day and age we live in, as opposed to what may have been practical when that situation was created.

They cannot do it and we will never have the situation we want, and it is no use for Government to create manpower and training laws and create guidelines and then leave the Immigration Board set up the same. It cannot work on a voluntary basis when there are only two, three, or four staff members there. It cannot.

I believe that Cayman's existing system, that is, Immigration and Labour, must be streamlined in the short term to improve the communication and coordination, the efficiency and the implementation of Government's training policies. There is no use having the group of people that we have on the Manpower and Training Advisory Committee to make recommendations and that situation exists with Immigration.

Recommendations expected to be presented by the Manpower Development Advisory Committee in June will suggest initiatives of a more long-term nature. I hope that by September or November I can have the Manpower

Development and Training Law of the Cayman Islands brought to this House.

One short term solution, I believe, is that our Immigration directives which are now in draft form should have guidance for the Board and employers when advertising vacancies, such as, stating the name, the title of the job, the name and address of the employer and the salary range. If Caymanians have applied for the vacancy the employer should submit the name of the applicant and the qualification experience and background and the reasons why the applicant was not successful and a copy of the refusal letter and interview report of the Caymanian applicant and a copy of the job description and the expatriate applicant's resume, if an expatriate was hired.

The network between Immigration and Labour should be more intimate. In January this year a Labour Department representative attended the board meetings in accordance with the Immigration Law, which was not done before. Improved communication and joint monitoring of conditions may be useful in interim measures.

The designation of term limits for categories of jobs for work permits and the establishment of reasonable conditions for training and Caymanian succession should significantly reduce the routine workload and paper flow of the board. With proper guidelines of policies and succession conditions much of this routine work can be handled by the existing and additional support staff in the Labour and Immigration infrastructure.

It may be time to consider the formation (and this is something that we will be recommending to government) of separate boards or units for the variety of matters that are now dealt with by the Immigration Board. For example, there could be a Work Permit and Training Board, a Trade and Business Licensing Board, and a separate entity for Immigration, residency and so on, matters.

As provided for in the Immigration Law, there should be more involvement in the work permit process by the Planning Department and the Public Service Commission (Personnel Department). This would ensure that the impact on labour for new development projects and new business licences is fully recognised and anticipated. These are recommendations that I will make to go into the draft guidelines so that the public can have some input on it. But it needs to be changed. The situation is not good and in this day and age it cannot continue.

The Government has done quite a bit on training of our young people. I pointed out the areas for training that exist at the Community College. But in other areas as well, Government has done well. In the student loan scheme, in just over eight years (from 1984 to 1988), just over \$1 million was loaned out on student loans. In our two years (1993-1994), we doubled the student loans to well over \$2 million. We are not hearing anything about this in the press. Yet, they say we are not doing anything for young people. What are some of the things that young people are doing?

A student loan of \$20,000 is financing a study programme leading to an associate science degree in Child-care Centre management in Florida. That is one course. A programme leading to a certificate in Automotive Tech-

nology in Florida also. These are but some of the loans that we have approved in many areas—teaching, the different sciences, for those people who prefer to go to other universities, like the University of Tampa. But you are not hearing about this.

In less than two years, we have doubled more than the previous government did: yet we hear that there are no opportunities for young people in Cayman (according to the Opposition). According to the Chamber of Commerce this Ministry is not doing anything and has not done anything.

I had to look at the magazine called *The Caymanian Executive* and read what some of the young people are saying. This is the question to all of them: **"Are opportunities for young people good in Cayman?"**

The answer by one Phillip Patrick Wood: **"Opportunities are excellent for young Caymanians. As our country continues to develop and mature the time is right for young Caymanians to position themselves for growth in their chosen careers. Young Caymanians have a wide variety of industries to chose from as well as many opportunities to become entrepreneurs. Caymanians, especially young Caymanians, should be encouraged to seek higher education and to commit themselves to gaining the necessary work experience needed in order to qualify for top management positions in their chosen fields."**

I go on to another one (there are several): Roy McTaggart, President, Cayman Islands Chamber of Commerce: **"Are opportunities good for young people in Cayman?"**

"I believe that opportunities are excellent for young people in Cayman provided that they are willing to commit the time and sacrifice that are necessary to obtain right education qualification and experience."

Janet Hislop, Training Manager CIBC: **"Are opportunities good for young people in Cayman?"**

"Yes, more than ever. There are fantastic opportunities for young Caymanians who apply themselves. Although we live in a small community, it is very sophisticated and most career fields are present. There are, in fact, more jobs than there are Caymanians to fill them. I have found that most employers are anxious to employ qualified, capable Caymanians. So if young people apply themselves, the opportunities for good careers are there."

And to the young man who was just sworn in this morning, **"Are opportunities for young people good in Cayman?"**

Joel Walton, Deputy Financial Secretary, Government, Cayman Islands: **"Yes. Even though the range of opportunity is not as diverse as in other countries, the high quality and complexity of the two major economic sectors, financial services and tourism ensure that good opportunities are generally available to persons who are willing to work and study hard."**

Another young man, who I have a lot of respect for, Daniel Scott, age 32 (and I should say that that is roughly

the age of all of them 29,26,35 that age group): **"Cayman is a well developed and well respected financial centre. As a result of this reputation the financial industry continues to grow at an unprecedented rate. With this level of growth the opportunities in the financial industry for young people are plentiful and diverse."**

Lisa Arch: **"Yes, there are many opportunities for young people in Cayman. Cayman is growing in leaps and bounds. It needs the fresh ideas and the vigour of the indigenous population to be involved in that growth process."** Another young lady that I have a lot of time for.

Here we have Mr. Burns Conolly, age 36, Managing Director of the Burns Conolly Group, an architect in interior design. **"I believe that there are great opportunities for young people in Cayman, primarily because of the strong economy. As the economy continues to develop at such a pace, there are many windows of opportunity that will appear in every industry. In this growing market should also prove fairly easy to achieve an annual increase in both growth and market share provided that one is performing well."**

I read these to show that the Opposition is talking nonsense and certainly the Chamber of Commerce could not have polled these individuals. Here we have qualified indigenous Caymanians saying yes, there is a lot of opportunity. As I pointed out, there is opportunity in the Cayman Islands to go abroad if one has to, but more so at the Community College, and all of us need to say that down the line wherever we are—in Church, from the Choir, straight to the political platform. We need to encourage our young people.

The more people who get up and say nothing is happening, these young minds will be saying the same thing and feel there is no opportunity. There is good opportunity for Caymanians and the government is doing quite a bit to assist.

Children and young people will also be the beneficiaries of two pieces of legislation to be introduced in June to replace the Juveniles Law, which has long needed attention. The Children's Law will promote the welfare of children and hopefully make it easier to both prevent child abuse and deal with it effectively when it arises.

The Youth Justice Law will provide for better management of cases of young people in trouble. Input has been sought widely in the legal/judicial fields, from the courts, judges, the Association of the Justices of the Peace, and a process of public consultation is to commence shortly in the course of which we will go to the districts to generally familiarise the community with the ramifications of the Bill.

I hope that people will come out and talk to us about these two laws.

Other community development efforts include physical infrastructure as well as social programmes. In terms of the former, that is physical infrastructure, we expect to build on the first stage of tackling housing needs by conducting a survey this year which will hopefully assist with assessment of the needs at the low income and indigent level as well as to determine the extent of so-called tene-

ment housing. Appropriate policy responses could then be developed.

All along we have been assisting people through the Social Services Department, those that the Department knows about, with their indigent housing needs. Each district where the Social Services has been informed of need, Social Services tackles it as best they can.

The feasibility of a sewerage scheme for the George Town Central area will be examined and action taken to address the disposal of effluent from local marine craft. This is the work of the Water Authority.

Efforts will also be made to implement a public water supply system for East End this year, which I should say has the lowest rainfall on Grand Cayman and where there is keen demand for such service.

In terms of social programmes, two of the more significant steps to be taken will be the survey of the status of the Caymanian family and the eminent employment of community development officers. In a field where sound policy development is hampered by lack of research, the study of the Caymanian family should prove most helpful to our understanding of changes in roles and relationships within families. This should, in turn, lead to more accurate prescriptions for action to strengthen the family.

To begin with, there will be one community development officer each for West Bay and George Town and the Eastern Districts taken together. They will be expected to assist the Community Development Action Committees and to serve as the day-to-day contact between the social services department and Churches and voluntary social services and youth organisations the country.

It is anticipated that they will help to promote and firmly establish the after school and time-release programmes which have been initiated and not yet widely taken up. Their work may also prove important to other programmes previously mentioned, as well as to a new undertaking thus far only mentioned in our Ministry's Departmental Plan. I refer to the proposed Annual Best District Competition. Elements already in place, such as the heritage days and agricultural show, and other elements could include the proposed National Youth Festival.

If a district base was utilised for the competition, intra-district sports competition, which we expect to see emerge from the new coaches employed and the proposed Youth Parliament which would have a district base and be judged on debates on issues of public interest.

Another element would be the best-kept gardens, that is, private gardens and public places. This Best District Competition would do much more for civic life, both in terms of sparking interest in public affairs and engendering greater interest in the affairs of other districts and thus engagement in the life of the country as a whole.

I believe that the hiring of Community Development Officers is a good move for Government, one that has been long promised, and lip service paid to with nothing done. Thank God, we now have that in place.

All these actions and programmes are being put in place for Community Development and Youth Affairs and still we hear that my Ministry did not do anything for ei-

ther.

What about the after school programme? We now have a total of five churches or institutions involved in after school care programmes. These are programmes that are very much needed when children are out of school and the parents are not yet home. They can be assisted with their homework, a computer lab and a library, music—these are some of the things that are being taught at the Cotton Tree Bay Church of God After School Care Programme.

There is one at the John Gray Memorial Church at West Bay; Cotton Tree Bay Church of God, Cayman Brac; Elmsley United Church; Faith Pentecostal Fellowship; Rehoboth Centre. In all of these we have some 108 children registered or enrolled in Cayman and 30 in Cayman Brac.

How much is this? \$60,000—that is all it takes. We are encouraging other churches to get involved.

We also assist the churches with their youth workers. Another programme that is good, yet you hear that we are not doing anything, and that the Ministry has not done anything and it is rated the lowest. Politics, Madam Speaker, politics is what that Chamber of Commerce review is all about.

I want to turn to another area, the proposal for district libraries. Libraries are an important part of the life of any community. They provide the tools to enable parents to help their children to learn. If we want parents to be better equipped to assist their children we have to assist them in many ways. The George Town public library serves its purpose and any day you go in there you find people from the business sector utilising the library for their own benefit. That ought to say something to us about the usefulness of a library.

The Fourth Elected Member for George Town questioned whether we would be using the Town Hall. I say to him that there is no need for us to use the Town Hall as a library since we already have the public library, the only library we have in George Town, situated at least 100 feet away from the Town Hall. The George Town Library will also be upgraded.

I want to thank the Third Elected Member for George Town for her management as Chairman, and her committee members for their hard work in the management of the library. She is doing a fantastic job, she is capable, she has the interest of children at heart and she is making many recommendations for improvements in the library and also for the museum, which she chairs.

So when they ask what is she doing, she is doing her part for this country. She also works her local MLA office, so people should not criticise for the sake of criticising by asking what she is doing. She is playing a very important role in the management of those two institutions and I thank her very much from a government point of view and from my Ministry as well.

We had a request from the First Elected Member for Bodden Town to not turn the Town Hall in Bodden Town into a public library, but to utilise the clinic. The clinic is an upstairs building. I do not know whether the first floor is big enough to subscribe to the needs for a library for a

growing district like Bodden Town. I will not throw his suggestion out the door, but I would say that it is time that they utilise the beautiful Community Centre they have. The more they use it the more that the community will get used to it. But to let it lay there simply because they can use the Town Hall, which is more central is not good enough. I will be discussing it when the time comes with as many people as possible with people in Bodden Town and I say again that I will not throw out his suggestion.

District libraries are very much needed. I know that in this day and age, some children can get some books. I buy a lot of books because I read and I buy a lot of books for my children. But there are those who do not have enough resources at hand and there are those who cannot afford to buy books and they have to travel from their district to George Town to the library. Sometimes the school libraries assist, but a community must have a library because it is an integral part in the life of a community.

Its educational support can assist students of all ages with homework and research projects. I want to see a modern library service in each community in this country and I hope to get that done in as many districts as possible before 1996.

Cayman Brac has a nice library that was provided by the community and government assistance. I know that they will utilise that fully.

We have heard mention of the suggestion of a Cadet Corp and a young offenders programme and I would say that you have heard from the opposition that we would give young offenders guns in the proposed regiment. First of all, the young offenders will not be in the regiment. But, in answer to that (which is a bunch of nonsense) I would say that the police have cadet trainees for many years, and the police have an armoury. Has this ever presented a problem? I think it is just hot air by the First Elected Member for Bodden Town.

I believe that his answer to the regiment is to use the special constabulary. I would say that the special constabulary does a good job, but it is not really intended, nor is it equipped to assist with much more than the management of large-scale social events.

I believe that the Cadet Corp would be a valuable addition to the range of dispositions available to the courts in dealing with young persons, as well as an enhancement to the various programmes of life skills being taught in school. This is accordingly now under review by the Ministry.

To their answer that we do not need a regiment, I would not say that. The Governor's Office will deal with that more adequately. But, do we need a Japanese blueprint for that too? If this is the measure of intellectual capacity and organisation skills to be used, then my Ministry will be found lacking.

I can never forget the heaps of criticism and accusation made against me for purchasing the Hawley Estate for a rehabilitation centre. They even brought back a motion to stop it and to use that as a venue to criticise me. The Hawley Estate which is now being developed by the Minister for Health could only cater to a certain category

of young offenders and this is what the First Elected Member for Bodden Town had to say, that they are going to give us that rehabilitation centre when they get into office, which the National Team would not give the country. That is where they are going to send the young offenders.

But that is only one kind of young offender, what about other young offenders? We are only trying to find areas to deal with them. Happily, things are getting better in the country socially, and I will show that in regard to juvenile crime.

In regard to what has been done by my Ministry, many programmes and facilities are in place. Government made a commitment for the total development of sports. Throughout the year there have been several programmes and a good cadre of local coaches. My Ministry found it necessary (through advice of associations in our sports seminars and general expressions of need over the years) to upgrade facilities in the districts on a national level. We feel we are well on the way with this aspect of the programme and we have now launched our efforts to upgrade the level of technical expertise available locally.

With the employment of technical directors and coaches, starting with two gentlemen, Mr. Bernard Schuum, for football, and Mr. Victor (Voot) O'Garro for basketball. I want to say thanks to the public for their support and to the players and voluntary administrators. We are most appreciative of local coaches such as those mentioned in debates, Mr. Gilly Seymour and Coach Morgan and others who have held things together over the years and their continued support will be vital to our continued success.

Thanks also are due to Mr. Jeff Webb of the Cayman Islands Football Association and Mr. Toni Scott the Cayman Islands Amateur Basketball Association, as well as the Cayman Islands Olympic Committee and the President of CONCAF, Mr. Warner, for their help in securing the services of these technical directors. Both technical directors have international experience and a depth of knowledge in their respective sports. Their charge is to advise and articulate a comprehensive programme of development in their sports to train local coaches and to select according to agreed criteria and coach national teams. All of these activities must be pursued within the ambits of the broad policy objectives for sports, as outlined in our policy statement.

We also hope to move Mr. Andy Myles, who is already teaching cricket (we have put cricket in the schools) directly as a coach for cricket and we also have the intention to hire someone, who has been recommended as a coach for netball. Government is agreeing.

We have done well in Cayman Brac. We have provided lighting at the playfield of the Brac high school and some work and maintenance of playing fields. We have purchased the Lazzari property including the pool, parking, school and community play field and additional land for further development, which already has a cement slab for possible development of a hard court. Some research is being done on possible sites for a new community field

and a building to house indoor sports. So there is work being done in Cayman Brac.

It has been said that stones are only thrown at trees that bear fruit. My Ministry, as well as this government, is producing. So I expect my detractors to throw stones at me, however my Ministry and this Government intend to continue to produce so that these Islands will see our good works.

I would like to take this opportunity to thank the many sponsors and volunteers who assist us with our sports programme. I would like to encourage more to assist us and I would particularly like to thank the Lion's Club, which has assisted with the development of swimming and indoor hard court facilities in the Islands. Also the Rotary Club of Grand Cayman Central, who assisted in providing the lights at the Bodden Town Primary School play field.

My Ministry has met with this club to discuss with them the building of a youth centre in George Town and we propose to utilise the building by the old teachers' cottage by the Annex for a youth centre for George Town and the Rotary Club is helping us with this.

I would like to issue an invitation to the Opposition to join forces with the Government to provide facilities and programmes that will give our young people an alternative to say "yes," so that they may become productive, well-rounded citizens, willing, ready and capable to make their contribution to the future development of these Islands.

I saw recently where the First Elected Member for Bodden Town said that he believed sports was going good. This is a major turnaround from where he was a few months ago when I was so heavily criticised. I know that he knows better, it is just that he is on the wrong side of the fence. He can make a contribution—he has made a contribution and he should get away from the Second Elected Member for Cayman Brac and Little Cayman who is continually carrying him down the drain. And, making it worse, joining forces with Ezzard Miller.

The Speaker: Honourable Minister, will you be concluding your speech within a few minutes, Sir?

Hon. W. McKeeva Bush: No, Madam Speaker. I have one more area and that will take at least 15 or 20 more minutes.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.41 PM

The Speaker: Please be seated.

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

Hon. W. McKeeva Bush: Madam Speaker, the last area in my Ministry that I want to deal with is the Cayman Islands Marine Institute. Before I get into that, there have

been calls about the crime in the country. It shows that the efforts of the National Team have paid off, although we took over a very sorrowful state of affairs. No one can say that our investment in more police, in the police boat, in the new task force and in our investment in the dog programme for interdiction, that these investments have not paid off.

When we look at the Police Report for 1994, it says that; **"with the exception of drug offences it is gratifying to report a reduction in almost every category of crime. Of particular significance is the drop in reported burglaries from 765 in 1993 to 595 in 1994. It remains to be seen whether this overall trend will continue but the enhanced police resources now available are impacting on the crime situation in a positive manner."** So, no one should give the impression that Cayman is overrun with crime or that the police force does not have the resources to deal with it. That is a wrong impression for the Opposition to give.

In dealing with the Marine Institute, it is a very positive and moving programme for our young people. I remember the criticism that was heaped upon me in the Finance Committee by the Opposition about the Cayman Islands Marine Institute. The role of the institute is to provide cost-effective solutions to problems in the areas of juvenile offender rehabilitation and education. To achieve these goals, residential and non-residential programmes have been developed, as well as more intensive programmes for serious offenders. The programmes' success is based on the use of motivators whereby performance must proceed rewards. These procedures have been found to be highly successful in the classroom and within vocational training programmes.

In addition, all the students are exposed to exciting marine or other environmentally related study programmes. The Marine Institute programme recognises the Caymanian way of life as well as the legal and educational base found in this country. The programme designed by the Cayman Islands Marine Institute is reflective not only of the particular needs of Caymanian children, but also draws on the experience of the adult generations in terms of their seafaring tradition and our marine heritage.

The modern commercial links with the sea in terms of scuba diving and sports fishing are also recognised by the institute and our young people are getting a good education in that area, some have even found employment through the institute.

I have been criticised for the expenditure on that institute and I remember that the Opposition would not vote for the programme. But we believe that these investments are paying off and statistics tell us that the investment in the Cayman Islands Marine Institute, sports projects, and other programmes for young people are paying off.

The newspapers have not published this and the Chamber of Commerce has not mentioned it either—they say I have not done anything. But when you look at the Juvenile Court statistics, you find that in 1992 there were 335 juveniles convicted from the age of ten, Madam

Speaker; four children age 11; eight children 12 years old. What were their convictions? They were convicted for the possession of ganja, all of these 335 cases. Eleven were convicted for possession; 14 were convicted for consumption; four for possession of cocaine—that was for 1992, and for burglary, there were 118 convictions of young people.

Immediately upon taking office, we started to highlight the problems. The community started to get involved and we had the Professional Business Women's Club out there talking about the need for parents to do more and the need for the community to get involved and my Ministry was having a gigantic push on young people's problems. We found at the end of 1993 that there was a decrease to 206 juveniles convicted. The age group went down to 11 years old; two convictions (two children). Possession of ganja went down to nine. Possession of ganja with intent to supply went down to one. Consumption of ganja went down to five. Possession of cocaine—zero. Burglary went down to 56. Yet you hear that we are not doing anything. That is 1993.

For 1994 what do we find? After all the efforts we made, the number of juvenile convictions went down to 164. And the age group dropped from eight years in 1992 to one child aged 12 in 1994. The convictions for ganja possession—five. Consumption of ganja—zero. Possession of cocaine—zero. Possession of ganja with intent to supply—zero. Burglary—16. Sixteen, Madam Speaker, from the high of 1992. Yet you hear that we have not done anything. Did this all happen by itself?

It can be clearly seen that careful investment in quality programmes brings results.

They say that I spend too much money. I want to show that we are not spending half enough because we must acknowledge credit where credit is due. The fact is that beginning with the high peak of juvenile criminality, which we took over in 1992, and using that as a base (for that is when our responsibility for management started), from that high peak, juvenile crime has decreased. We are not saying that it has gone down to the extent that we are complacent, because our efforts are only now being intensified.

But, we are saying that when you are coming from the high peak of juvenile crime in 1990, 1991 and 1992, where it had reached 335 to now 164, with the statistics I have just given . . . you must pass through various regions of different heights before you come to the place you want to be.

Juvenile crime has decreased through action taken by this Government; through programmes being put in place by my Ministry; by the schools doing what they can to assist. Yet, we have the self-appointed leader of the Opposition criticising the Marine Institute—all kinds of propaganda was spread, all kinds of questions trying to say someone had a share in it. It is a not-for-profit organisation.

I say that the Marine Institute is working in spite of those who say that I have done nothing for the youth. It is not only working with the 25 young people, but it is working with their families and juvenile crime is down.

You had the Opposition not voting for the programme, but here is what they said in 1992 about the problems of young people. I want to quote the Second Elected Member for Cayman Brac and Little Cayman, who said: **"On the question of youth services I find that much needs to be done. It is one of our biggest problems now, the problem of youth. We do not have facilities to properly take care of them. These are various suggestions as to how it can be done and, certainly, one that I do not subscribe to is taking our youth and sending them to the United States in a completely different culture where it might work out to be like \$100,000 per year per child. I cannot agree with that, I do not agree with it.**

"I firmly believe that the Government, this Government or whichever Government that might come about needs to address this problem by building a facility or facilities where troubled youth can be offered the type of environment of home. Most of the troubled youths do not get the proper home environment and home environment is such that we cannot expect to find people who have families and are doing their best to survive in our type of society now to take on troubled youth and take them in an adopting type of fashion and deal with it. We cannot expect that so we need to make every effort and great and heavy priority needs to go in this area." [*Official Hansard Report*, 26 February 1992]

Madam Speaker, that is what the Marine Institute is all about—working with young people in the Cayman Islands, in our environment. It is working not only in the institute but with follow-up for three years, that is what is important. Yet, they do not support it, they have not voted money for it.

In regard to how much money we spend, I just want to say that politicians give lip service to preventing children from becoming criminals, but not much money or effort has been put in place. What we have had over the years is mostly anti-crime focused, to put money into the police and into prisons. We emphasise prevention programmes for children, so that they do not wind up as convicts and prevention starting at an early age has always been the most rationale and cost effective approach.

What we have from my Ministry is a comprehensive coordinated approach for families in trouble, extensive after school programmes, improve prevention of teenage pregnancy and stronger efforts to prevent drug abuse.

I say that we have not spent enough money because what we have spent is less than 2% or 3% of the National Budget for 1993 and 1994 put together. We have only spent on infrastructure development less than \$4.5 million. When you compare what we have spent for police from 1984 to 1992, we spent for police and prisons a total of \$72 million. This government is spending from 1993 to 1995 (three years) \$36 million. We need to put money in prevention. And we should stop being wimps and put more of the money into prevention, otherwise we can build a prison in East End, Cayman Brac, North Side and West Bay, and the prison system will never be large

enough for the multitude of young criminals.

Prisons are necessary for violent and hardcore prisoners who should serve their full sentences and the police are necessary. What I am saying is that we need to put more money into prevention and if some of this \$72 million had gone into young people we would have had less problems today than what we have now.

Madam Speaker, before I close, I want to highlight some of the programmes that we have accomplished. We have created the Community Development Action Committees; we have bolstered after school care programmes; there is a new housing programme with some 35 new mortgages (just in seven months); we have created a National Youth Choir; we have created the summer camps; we have created the Marine Institute; we have created a guaranteed student loan scheme because Caribbean Development Bank would not fund us—and it is not good taking the suggestion of the Second Elected Member for Cayman Brac and Little Cayman talking about putting \$1 million a year, that cannot fund it either. What we have is \$1.5 million from the private sector where Government will guarantee regardless of which child or which family it comes from. That was not the case before, Madam Speaker, you had to belong to a special family, you had to be on the right side politically, to get scholarships or loans. That is not the way it is now. In two years, we have more than doubled what the likes of Ezzard Miller did.

We have created the Order of National Heroes, and they said that was the wrong thing to do, the wrong person to give it to—but I am glad we did it. I would like to say that the next one should be a woman and I hope that there can be some recommendations made to my office shortly about which woman should be the national hero.

We have provided community workers for the districts. We have done well, we have got the ball rolling on sports and we are completing the George Town Sports Complex. That will be opened next Sunday at 4.00 (the 9) and I hope to see all Members there. The public is invited to be there, there is going to be a football match after the grand opening between our National Players and the Bahamas National Team.

We have created the Young Parent Programme. We have increased activities in the Museum and the Archives. There are numerous on-going programmes, such as the Scouts, CASA, the Church Work/Youth Workers and many others in the district and nationally which my Ministry supports in one form or another.

How can anybody say that I have not done the work that has been charged to my Ministry? The Chamber of Commerce and their biased review—politically motivated review—should hang their heads in shame.

We have all done well. Each Minister of the National Team Government has pointed out where we have made accomplishments in our two years. Nobody can say that the country is not in a better position today. No doubt, we have problems, we still have traffic problems, but like the Minister said earlier, he is tackling those problems as best as he can with what resources he has.

Do not talk about the confusion junction, or whatever

they want to call it. That was not the Minister. Put the blame where the blame is. When he told them to do something and they said “No,” that “they were going to do it their way,” what do you expect?

In spite of all that, each Ministry—the Minister for Communication and Works has done his part for this country; so has the Minister of Tourism, and the Minister of Health (although starting off late, he is doing well with what he had to face). We cannot do it all in the first term. We must get a second term! We will push for a second term and we will get a second term from the people of this county. I know it! It is in the air.

In closing, I wish to say that we face problems. But to understand the full scope of our challenge, we must keep in mind that there is something more at work in these Islands that is more profound than the Opposition's propaganda in the country. It is what Mario Cuomo talks about in the New York Proposition, that is, traditional values.

Over the years, this country got carried away and we forgot about the human equations and the aspect of well-being in life. Today we hear the question: What is happening to our families? We hear about the loss of respect for authority, the loss of discipline and for a sense of obligation. What about the values we hold as a people? The question of traditional values is being eclipsed by so many other issues that are so minor. That is too bad, because it is a fundamental question. So, we all must do more to retain these values. We must make clear what defines us as a people, what basic values and ideas tie us together loosely enough to allow us a full measure of individual freedom, but firmly enough to make us one united powerful people.

All the ideas, all the programmes the Government is offering are geared to reflect these values and principles. Those principles reflect opportunity. That is one. The next principle is responsibility. It means our basic duty to comply with the law and we should each tell our constituents this—young and old alike—it means the obligation to work if you can; it means understanding that if you bring a child into the world you should care for it and by the same token if you can you should also care for the parents who brought you into the world.

Responsibility is also ours as government. It is a government obligation while living within its means to fulfill its duty to help those people who have no one else to care for them.

Of course we have problems, serious problems, but I do not think we can claim that they are insurmountable. It will take time, but the hard truth is that if you and me as Members of this House do not succeed, it will not be because of a God who denied us the fruits of living in a blessed country. We are living in a blessed country. If we fail it will be because the leaders in this House, in the churches, in the schools, in the civil service and in the private sector and the community at large, chose not do their part by refusing to face our problems honestly and unselfishly, to make the hard judgments we require without distorting the problems as they exist, and without propagandising the problems. We must not lest that hap-

pen.

So, I ask one and all in this House, in this country, to work together with a full heart, cooperatively in order to give the Cayman Islands the progressive government and continued prosperity that our people deserve. The last word in this, Madam Speaker, these principles of the government are family and it describes the simplest most logical, intelligent, rationale for coming together in this House and in our community—we need to share benefits and burdens for the sake of all, reasonable, honestly, fairly. We must therefore act out of compassion, but not just out of compassion, out of enlightened self-interest as well. We cannot make it as a people if we lose a generation of our children to drugs, or AIDS or inadequate social infrastructure or if we are constantly locked into fighting and tearing each other down.

We cannot make it without understanding and believing in the idea of family because business cannot survive without labour, because no man is an island—no country is either. We are charged with the duty to get this country as close to these ideals as we can. Let us, therefore, put our shoulders to the wheel—whether it be in this House, or in our communities or in our own home—let us all do our part. We live in a blessed country where there is no starvation, where there is no famine or flood, where God has blessed us. The whole Cayman Islands needs to be thankful and should always be aware of what we have as given to us by Almighty God. There are those who constantly put this country down, criticising everything from government to the churches. But, we have a blessed country in these Cayman Islands.

Madam Speaker, I thank you, I think the House for its indulgence and I hope that I have cleared up some of the misconceptions and propaganda as spread by the Opposition. Let us all work together for the good of the Cayman Islands.

Thank you.

The Speaker: That concludes the debate on the Throne Speech delivered by His Excellency the Governor. As there is no question required for conclusion, that terminates that issue.

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: I was wondering whether it would have been in order for the Standing Orders to have been suspended today, as today was Private Members' Motions day, and seeing that the debate continued on and there was no suspension.

The Speaker: I think the suspension took place when the Throne Speech first began. It was suspended until such time as the debate was concluded. So that covered today.

We will now proceed to Other Business, Private Member's Motion 1/95 Establishment of Office for

Women's Affairs. The Elected Member for North Side.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/95

ESTABLISHMENT OF OFFICE FOR WOMEN'S AFFAIRS

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

I wish to move Private Member's Motion 1/95 Establishment of Office for Women's Affairs, standing in my name which reads: "**BE IT RESOLVED that Government give early consideration to the establishment of an office for Women's Affairs.**"

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I humbly beg to second that Motion.

The Speaker: The question before the House is Private Member's Motion 1/95. The Motion has been duly moved and seconded and is now open for debate.

The Elected Member for North Side.

Mrs. Edna M. Moyle: In presenting this Motion today for the Establishment of Office for Women's Affairs in one of the Ministry's of the Cayman Islands Government, I would like to repeat the words of one verse from Norma Hardy's *Women's Creed*. It reads: "**We affirm the story of women as the story of humankind; food gatherers and farmers; child bearers and teachers; pioneers and policy makers; needle workers and textile makers; homemakers and factory workers; parents, scientists; doctors, housekeepers and economists; givers of live and creators of art and thought; unpaid hidden workers at home and paid members of the work force outside.**"

I feel that the words as quoted in this verse are very befitting to the women of the Cayman Islands. In years gone by when our men went to sea, we filled all of these positions here. We were left at home with the children and the women of the Cayman Islands worked toward making the Cayman Islands what it is today.

Hon. W. McKeeva Bush: Hear, hear!

Mrs. Edna M. Moyle: I have always supported the equality of women inside this Honourable House and elsewhere. This Motion before this Honourable House today is being put forward to ensure that women are given every opportunity to grow and contribute to their full potential in the development of these Islands as we enter the 21st Century.

Having attended Commonwealth Parliament Asso-

ciation Conferences prior to being elected to this Honourable House, and since, and going overseas and constantly being asked which Minister dealt with women's affairs in the Cayman Islands, and being at a loss, having to say that it is not attached to any particular portfolio, they could not believe that an affluent society like the Cayman Islands has no Ministry responsible for Women's affairs.

In a global context, every United Nations conference held in the past three years has stressed the need for women to play an active and full role in the development of their individual countries. The United Nations has adopted two declarations that speak directly to women's issues, namely, the Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on the Elimination of Violence Against Women.

The United Nations has appointed a focal point on women's human rights to the Centre for Human Rights. All of these appointments are leading up to the Fourth World Conference on Women to be held in Beijing, China, in September of this year. At the conference to be held in Beijing, a global plan of action will be formulated which will provide the blueprint for increasing the participation of women in development and eliminating violence against women and their human rights and infringements against the woman.

Most of the regions in the world have prepared national surveys. In the Caribbean a regional report has been prepared on the status of women which will be presented at this conference in Beijing.

One great concern to me is that all Caribbean countries have carried out national surveys and have presented reports which would be condensed into a regional report to be presented in Beijing. All Dependent Territories have also carried out this national survey and the Cayman Islands is the only Dependent Territory not presenting a report to be included in this conference in Beijing.

I have to ask why we have not been involved? I come to one conclusion: Past governments in the Cayman Islands have not really looked at or taken a position on women's issues and, therefore, the policy has not been addressed specifically in the Cayman Islands.

I know one reason for this is that it is quite possible that this parliament has been filled more or less by men in the past. I am not saying that the men in the Cayman Islands do not have the problems of the women of the Cayman Islands at heart. But sometimes it takes a woman to put forward the things that affect women and they do it much better than the man because he is afraid that he may be called soft.

If we walk down the streets in the Cayman Islands and ask the common man in the street if he feels that the women in Cayman are being discriminated against, his answer to you is going to be no. He will refer to the women in the judicial system, the women in this Parliament, prominent women in the government to make his point. We know that, and we are thankful that is the position in the Cayman Islands today. But, what we are forgetting is that thousands of women out there do not real-

ise that they have rights in this country, have nowhere to turn to because this system does not provide an advocate, does not provide an education, and does not provide any help for those women who cannot help themselves or who find themselves intimidated or controlled by the males in their lives.

The purpose of this women's office is first to raise awareness and increased consciousness of the various aspects of women's issues, and to highlight those areas in legislation, health and safety which need work, so that the status and quality of life for all women in these Islands can be improved. When I say all women, I speak of the women in Cayman Brac and Little Cayman as strongly as I speak of the women in Grand Cayman.

In setting up this office, I would ask the Government that they strongly look that that some arm of it, through some part of Government in the Sister Islands is set up where the women of Cayman Brac and Little Cayman can have access to have their problems dealt with.

The terms of reference would include the promotion of women's health and welfare, the creation of a legal framework favourable to women, liaising with other women's groups.

The Cayman Islands prides itself, and rightly so, on living in an enlightened society. The women in the Cayman Islands have historically played a very important and major role in the early development of these Islands. It could be that for this reason we have never been exposed to the blatant sexual discrimination often observed in lesser-developed countries.

I would say that the women in Cayman enjoy more or less the same benefits as the men in most parts, the privileges and the benefits. The women in Cayman have come a long way since 1959 when we were given the right to vote. But there are still several things that need to be dealt with, and must be dealt with, in a professional manner.

The one plus that this portfolio will have is that the Cayman Islands is not starting from scratch in tackling issues affecting the women. We have several groups in the Cayman Islands who offer help and support to women. The Government of these Islands makes a significant contribution to childcare in the form of preschool grants. When the reception class was removed from the government system where these young children had to be placed in nursery schools so mothers could go to work, the National Council of Voluntary Organisations is a leader in providing child care from birth to school age and aftercare programmes. We heard the Honourable Minister speak about the after school programmes that will be provided in all of the other districts and I commend him for this.

The one area that I feel Caymanian women have done exceptionally well in, in the past is education. We can speak of numbers pursuing further education overseas because it is the one section of government that carries statistics male and female. As we look at those every year, the number of females going overseas for extra study is increasing.

But, while I am dealing with statistics on education, I

think it is time that statistics be put in place by gender in all departments of government so that we can constantly have the results of what is affecting women and what is not affecting them so that we can deal with it in a proper manner.

The one concern I have with females going overseas for further education, and I feel this must stem from the Schools' Career Office, we do not have too many females pursuing courses in science and technology. It is still the normal teacher or nurse. And I say it is time that we depart from this sort of thing and allow our female students who are able and capable of pursuing further education in the sciences and technology to take part, get scholarships to do this.

In the Cayman Islands we are more fortunate than a lot of our neighbours in that we have an excellent public health programme for ante- and pre-natal health care. We have an excellent immunisation level that protects the children from preventable diseases.

I am extremely happy to see that the Government has filled the post of Genetics Counsellor, which has been vacant for too long. This is a very important area of public health, particularly to women.

It can be said that many Caymanian women are involved in public life. They sit on and chair boards and committees. But I think it is time for more of our young women to become more interested and involved in public life and become members of these boards and committees. For what is happening now is that the women that are service on these boards and committees are the ones that are doing it year after year and if younger women became involved the strain on the same persons who serve year after year could be alleviated.

Women have done well in the civil service. I think it was back in 1988 that we had the two first female permanent secretaries appointed and I think as it now stands, women occupy something like 50% of the permanent secretary positions.

Women are well represented in middle management of the civil service, and the one concern to me (and I have the figures from personnel, but not here with me today) is that there are something like 236 females filling temporary positions whereas there are only 12 males. I ask the question: Why? Why is it that the women are on temporary appointment? I have answered that question myself: The majority of these appointments were done prior to the removal of the discrimination in the General Orders against women. Hopefully, now that this has been corrected, the Honourable Chief Secretary will look into it and see why so many women are filling temporary positions in the civil service.

I am pleased to know that the discrimination against female officers in the General Orders was removed, with the support of this Honourable House, in 1993. The condition of service for female officers is greatly improved because now they can feel that they are equal to their male counterparts.

I am thankful that the Cayman Islands has two very strong female representatives today. I would hate to see the day arrive in the Cayman Islands ever again when

there are not women sitting within this Chamber.

I am very pleased (and I am certain that the entire female population of the Cayman Islands is pleased and proud to know) that the first Speaker of the Legislative Assembly of these Islands is a strong and capable woman.

If this Motion only succeeds in focusing more community attention on issues affecting women and when the responsibility to women's affairs is put under a Ministry as a subject, we will need the involvement of all sectors to ensure that areas of need are dealt with in a partnership and in cooperation.

I would like to make it very clear that this Motion is not being brought here by women liberators, or feminists. We want this to be dealt with and carried out in a partnership with our males. I have attempted to set the subject of women's issues on an international, regional and local context. All withstanding, we must face the facts that many issues of concern to women are not being addressed in the Cayman Islands today. This is the prime reason for the setting up of a women's office to act as a focal point for information; to advocate for and to coordinate efforts to improve the status of women and the quality of life for women; and to increase awareness for us as a community to address the issues that particularly relate to women, which have so far not specifically been addressed.

We are simply seeking the information and education to allow our women to become more involved in the development of our community and to be effective advocates of those issues, the improvement of which will lead to a better quality of life for our children, our families and ourselves.

I will first of all deal with the lack of concern in our community as far as issues affecting women are concern. We need to focus on the additional services and support which we need to enable our women to carry out their God-given responsibility as mothers, grandmothers, sisters, wives and daughters. We are the primary caregivers in this world to our families.

The time has come (in our humble opinion) to increase the public awareness on the issues affecting Caymanian women. It is time to increase the individual woman's consciousness that she has the responsibility to be informed and aware of the issues which affect her life, her health, her livelihood, her education and her peace of mind, which will in turn help her to make good choices in her personal and social relationships.

One of the most vital issues affecting the women, not only in the Cayman Islands, but also in the world, relates to our health. Cervical and breast cancers are among the top ten killers of women in the Caribbean. Yet, the Cayman Islands has no mortality rates broken down by gender. It is to be hoped that the Honourable Financial Secretary will listen to our need for statistics to be kept by gender and have the Statistics Department, or all heads of departments, do something about the way statistics are kept.

Unless we can have statistical evidence to show diseases that are posing the biggest threats to the

women of these Islands, we will not be able to address them. I feel that with HIV, AIDS, STDs as rampant in the world as they are today, it is time that sexual education be placed in the curriculum of our schools and I will say (and maybe I will be brought down in the debate by some Member) that it is time for sexual education to be placed next to Math and English. We can no longer continue to sweep it under the carpet and not expect have severe effects by not teaching our children.

In regard to cervical cancer and breast cancer I feel that the need is here to have national screening programmes offered free to all women under public health. We know that the facilities are here now. But, the majority of the women that are making use of these facilities are the women who are educated to know of the need for such screening. I feel that we need to carry out public campaigns and programmes to include those thousands of women who are not aware of the need to have constant mammograms taken and the only way we can do this is through educational programmes for women.

Going back to screening, I do not feel that screening is outside our present capability to be done in our district clinics. If the necessity arises that we have to have mobile units as is done in other territories (I think it is also done here with dental), then let us do it and help our women become aware of the diseases that affect them so they can have some sort of prevention with the proper screening (mammograms, pap tests).

We need to look into our labour legislation and put something in it because when the public was made aware that this Motion was coming before Parliament, I had a tremendous number of telephone calls from women who have become pregnant on the job and have been treated badly because they are pregnant. Their bosses will not speak to them. It is as though they are being forced to resign just because of their pregnancy. This is very unfair, it puts an extra unfair burden on the woman and it should not be allowed to happen in these Islands. They do not say it is because she is pregnant, but they make it so hard she decides it is time to get out for the safety of her unborn child—not because she feels that she will be physically attacked, but because of the mental strain and the unhappiness in her job.

I feel that maternity leave must be increased. I feel we must look at increasing the number of weeks for maternity leave in our Labour Law.

In a recent report out of England, which will be presented to the Fourth World Conference in Beijing on Women, I noticed that in England the law gives women the right to a minimum of 14 weeks maternity leave with pay, with a maximum under certain conditions of 40 weeks.

I know that a lot will be said, that this is a product of their social security legislation and we do not have a similar legislation in this country, but we need to put some quantum on the importance of peace of mind—that a woman will know that her job is protected while she is at home with her infant in those first few crucial weeks of her child's life.

I am looking forward to the new legislation being

brought forward to this Honourable House by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, which addresses children and which will be of crucial importance to the parents in the Cayman Islands.

I implore the parents that when this Bill is brought forward that they will take time and study it and make their views known to their representatives in this Legislative Assembly. It does not make sense for us to bring legislation, put it out to the public, and once it is passed into law, parents come and say we should have done this and that. I am saying take time out to study this Bill and make your representations known.

I am also happy that the Justices of the Peace are studying the Bill and now it relates to matters coming before the Juvenile Bench.

The other matter that needs to be addressed, is the matter of teenage pregnancy from a health angle. I had the opportunity to attend the formal opening of the Joyce Hylton Crisis Centre a few weeks ago. I was so impressed with the young ladies that are in that programme, some of them I know from my district and since they have been into this parenting programme, they have become so mature, as far as the care of their young children is concerned. They speak of their babies now with happy faces because of what the Young Parenting Programme has taught them and how to care for their children.

The Honourable Minister is to be commended for brining the Joyce Hylton Crisis Centre into reality along with his Social Services Department.

I said a while ago that I felt it was time that sex education was put into the curriculum in our schools. The sex education curriculum includes moral consideration, the value of family life and the responsibilities of parenthood. I implore the Minister that in developing a national curriculum that the family life education would be one of the priorities and would be developed along with the academic subjects, not after the academic subjects.

The Health and Education Department needs clear guidelines as to how to handle the issue of contraception and teach about it to our teenagers. In this day and age, we have to take an enlightened view of informing our young people about contraception.

When I was growing up—many, many, many years ago—one of the worst disgraces that could have happened in the Cayman Islands was to have been a single mother. But we have reached a stage where having a child outside marriage is no longer the worse thing that can happen to any young girl. The teenagers in these Islands must have the information necessary to make responsible decisions about their personal and sexual behaviour.

I am certain that there are many women who would rather know that their daughter . . . and I am not preaching that having a child outside marriage is right. I am also not telling the young people out there to do it, but I am being realistic. Having a child would be much less to them than seeing one of their young daughters dying of AIDS or something else.

We know that we have family planning clinics in

George Town and I believe that these are used regularly. We know that our women have the option of going to these family planning clinics or they can go to their own doctors for advice. I am a very strong supporter, and I think the Honourable Minister for Health is aware of this, that it is time that we take health care to the district clinics and I believe that this is one of the things that he will be doing. I hope that in his upgrading of the district clinic of North Side it will be done during the present life of this House because. If it is left until this House is finished, I have every reason to believe that I will be returned as the Member for North Side (we do not know what can happen) and I feel that if more men are returned to this Parliament that things which affect women, like having a clinic where they can go and deal with their problems, will be put on the back burner. So I implore him to have the North Side Clinic upgraded before 1996.

Madam Speaker, as you and Honourable Members of this House are aware, on my very first debate on the Throne Speech, I spoke about the priority of a facility for our mental health patients. I stress that again today because women tend to need this facility more than men. We tend to suffer more from depression and some of this could be caused from menopause and I feel that much of this depression could be lessened or eliminated if information and education on the different treatments available were made to women.

I am happy to know that the Cayman Counselling Centre will still be focusing some of its time on substance abuse treatments, but I would ask that this be strengthened where programmes of family counselling including support groups such as incest survivors, rape counselling and co-dependence counselling can also be offered.

I will touch briefly on social services. The need for the provision of improved social services to women and children is crucial to the continued development of any country. The situation as it now exists in the Cayman Islands of non-payment of maintenance by fathers who are absent or by fathers who refuse to pay, in my humble opinion is nothing short of a disgrace.

The complaints by numerous women who have been awarded maintenance by the courts, but who are unable to collect because there is no machinery for its collection has been one of the biggest issues that Members of this Honourable House, especially the Lady Member for George Town who brought a motion to this House that something be done to revise and review the laws. Urgent consideration needs to be given to the creation of a child support agency, which will provide the means to ensure that absent fathers pay for the maintenance of their children.

When many people hear about women's issues, immediately they think of domestic violence. Domestic violence is one of the issues and the main issue facing the women in Cayman, the Caribbean Region and the world. It has become such a big issue that the United Nations has made it the subject of a convention. At this point in my presentation, I would like the Honourable Attorney General to investigate whether Cayman needs to take special action to accede to this convention because

I am not certain that it extends to Dependent Territories. If he would be so good to let me know at some future date whether it is automatically extended to dependent territories.

Domestic violence is on the increase in the Cayman Islands. We saw this in a headline by the past Commissioner of Police that it is on the increase. But I am totally shocked at how he has come about the figures on the increase of domestic violence.

Prior to bringing this Motion here, I checked with the Police Department. I asked if they could give me some numbers. The person who spoke to me told me that all they could do was go into the computer and pick out what they think is domestic violence. I say that this situation is no longer acceptable to the women of the Cayman Islands and proper statistics must be kept of any criminal activity or anything else which affects us.

We have heard for many years that if there is a family quarrel or family fight, the police cannot move in until someone is actually physically injured. We will no longer accept this, Madam Speaker. The most important thing in responding to domestic violence is the need to respond immediately. The women and children need to be removed and protected first, then the offender needs to be dealt with by the law.

In speaking on domestic violence, there are many women in the Cayman Islands today who live under intolerable conditions because they have no idea as to where to turn, or who can provide protection for them, even on a temporary basis. I feel that the women of this country are entitled to much more respect. I would hope that the Government (and I know that my Government, the National Team) will look into these needs as early as possible.

We need better statistics to be kept, we need to hear from the women what types of services they need and want. The NCVO and the Business and Professional Women's Club have long been advocating a home for battered women. I feel that this home is needed and is needed now. I would say to the Government before they take on a project such as this, that it be properly planned and executed. A needs assessment should be done and let us see the shape of the beast. Let us see what we need and provide the facility according to our needs.

At this point I would like to challenge the non-governmental organisations, such as the Business and Professional Women's Club and any other organisation, to hold a forum on domestic violence, whether it be on radio, or television, and let us hear the women themselves tell us. Let us let them tell us what is happening, what they feel can be done to help them.

These two organisations have for some years manned a crisis line so they are aware of the women out there who are hurting and who have nowhere to go. The women that are struggling with domestic violence in the Cayman Islands do not just come from one group or one bracket of society—they come from all.

It is not only Caymanians, but Caymanians and expatriates. They live with abuse daily. When I stand here and speak on issues affecting women, I know I use the

word Caymanian. But when I speak, I speak of all women in these Islands. We all know that there is one thing that can keep a woman's self-esteem at its lowest and keep her down trodden, is when she is unable to participate in her own community because of domestic violence.

In bringing this Motion to this Honourable House we have done a lot of research and I would like to just mention briefly, and ask this Honourable House to make what as known as zero tolerance of domestic violence a goal for the Cayman Islands in the 21st Century. We have papers on the zero tolerance publicity campaign against domestic violence which was started in Canada and is now being used in most major cities in the United Kingdom. If this motion does no more than contribute to programmes for reversing the trends and wiping out domestic violence in this country, it will have accomplished something worthwhile.

You have heard me speak of the criminal justice system of these Islands in my debate on the Throne Speech. I would say that because of fear of being rapped on the knuckles by the Judicial Branch we need to review our sentences for crimes against women. We need to look at sentencing policies for indecent assault on women where they exist in other parts of the world and compare ours to them.

It does not make sense of our boasting that the Penal Code raises the age of consent for women to 16 if, as we have seen happen here just a few weeks ago, a man can defile a 14 year old girl and get six months in prison. In my humble opinion that is an insult to the young girls and women of the Cayman Islands.

In the United Kingdom the maximum sentence for indecent assault on women is ten years, while the maximum penalty for rape, sodomy, and wounding with intent to do bodily harm is life imprisonment. Do we feel that the people of this country value their mothers, their sisters, their daughters, and their wives any less than the people of the Mother country? I say no.

We all know and have heard of the crimes that have been committed in this country against women and children and they have gone unreported, thrown out of court or dealt with leniently by the Judicial System. Again, the Court needs clear sentencing guidelines and the police need good practice guidance in dealing with abuse and domestic violence.

We all sit day after day and glue our eyes to the O.J. Simpson case now on television. We in the Cayman Islands do not want to wait until we have a Nicole Simpson incident in these islands. Progress in the Cayman Islands has brought every other evil to our shores. Before we have a major incident, I feel that we should have prevention programmes in place and the proper support and counselling to deal with it.

When I speak on this particular crime against women, in my opinion, a lot of people inside and outside are going to be shocked. I do not want to be an alarmist, but when I tell this Honourable House that there are men in this community who are stalking women with intent to injure, you would say to me that it is unknown in the Cayman Islands. It is not! There are women who live with

fear of threats by their husbands, their boyfriends, and they have nowhere to turn. The time has come for seminars to be held on how women can protect themselves from violence and how to recognise the signs of abuse. We need opportunities for women to learn self-defence and the women in Cayman need to understand their legal rights and how to access them.

The Speaker: Would the Honourable Member wish to take a break now? Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 4.02 PM

PROCEEDINGS RESUMED AT 4.20 PM

The Speaker: Please be seated.

The Member for North Side continuing the debate.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

We in the Cayman Islands are fortunate in that the Government and the private sector are doing many things for the people of these Islands. I can say without fear of contradiction that the Cayman Islands is still a beautiful place to live and raise our families.

We cannot relax and say that everything is being taken care of. We have to try to stay one step ahead in preventing problems from arising. I feel that one thing that is happening is that the services that are being offered are not coordinated. The Motion seeks to promote and coordinate the various services that are in this island for women.

At present the Business and Professional Women's Club is carrying out a survey on the status of women. The office that will be taken on the women's affairs office will then be in a position to offer assistance to this club to make their survey an instrument which is valid, their sampling adequate so that when these statistics are brought about they will mean something and have a useful purpose.

If one is going to quote statistics and surveys, they must have credibility. They can only serve a useful purpose if they are properly designed and tested prior to taking them to the public. If these things are not done they become a means to provide a biased and self-serving point of view. We are all aware of what just happened recently as demonstrated by the Chamber of Commerce survey farce.

The type of survey that we need done to show the issues affecting women and what can be done about them, I implore the Business and Professional Women's Club and the Member under whose responsibility the women's affairs office will fall in doing this survey, please do not follow the example of the wasted time of the Chamber of Commerce.

When this survey is done, it must be a survey that proves the statistics and gives that office something to work from, not something that would be thrown in the wastepaper basket.

The purpose of a women's office in one of the Minis-

try's of Government is to increase public and governmental awareness of those issues of particular concern to the women and also to highlight legislation health and other areas where more work needs to be done to improve the status and quality of life of the Caymanian woman.

I would like to stress that this Motion is not recommending creating more bureaucracy or setting up another Government department. The Women's Office does not provide the services women need, it is more or less a clearing house for education and information making the women of these islands aware of where necessary services can be found and advocating on behalf of women on the issues which affect them.

The terms of reference of the office include working with health personnel to promote women's health and welfare, cooperating with the Legal Department to create a legal framework favourable to women, liaising with women's groups and organisations and supporting them in projects and programmes, interacting with other women's offices regionally and internationally.

One of the first activities needs to be the research into the status of the women in the Cayman Islands and communicating the results of these findings to the general public.

Activities of other women's offices, or women's desks, as they are known in other areas in this region have included the establishment of a women's study section at public libraries; coordination of a law reform committee; establishment of regular seminars to Police officers to sensitise them to issues of violence against women; radio programmes on women's issues and publications of various pamphlets on issues of concern to women, such as AIDS and domestic violence.

Women's Offices in many countries coordinate a campaign called "16 days of activism against violence" celebrated in November, which focused on ending the physical, sexual and emotional violence perpetuated against women and girls.

The Women's Office in the Cayman Islands will take part in implementing the platform of action for the Caribbean region, which is presented in Beijing in September, which has been developed out of national reports of all Caribbean and Latin American countries.

I would like to be specific in terms of setting up costs of this office. Most of the other small countries have set up their offices with one member of staff as administrative, or here for example an assistant secretary, or senior secretary within the Ministry. This might not be ideal, but it would be a good start, as long as this person is committed to developing this office and promoting the interest of women.

In conclusion, I would just like to say that I trust this motion will have the full support of all members of this House. I sincerely hope it will not be seen as a trivial matter, or a motion that will only be given lip service or surface acceptance. I trust that the Honourable Members will see this Motion as I see it—as a landmark decision that will contribute to the quality of life for all of us.

As I said in the beginning, this Motion is not intended to be divisive. Nothing will be accomplished if we focus

only on the needs of women. Rather, we should focus on improving the status of women as an improvement to the lives of our children, our families and our society in general.

I am asking no less than full cooperation and commitment from the Government on this Motion and I have no reason to believe that my Government will not give me this. I also trust that my debate has focused their interest and their support and that unanimously members of this Honourable House will resolve to create a women's office within a Ministry of the Government without delay.

Madam Speaker, I commend the Motion to establish a Women's Affairs Office to this honourable House, and humbly ask for their support.

Thank you.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is now 4.30. May I ask for the Motion for the adjournment of the House?

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

ADJOURNMENT

Hon. W. McKeever Bush: Madam Speaker, I inform the House that tomorrow we will continue with Private Member's business after a suspension of the Standing Orders, if that is necessary.

Accordingly, I move for the adjournment of this House until 10 o'clock tomorrow morning.

The Speaker: The question is that this Honourable House 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 Monday morning at 10 o'clock.

AT 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 31 MARCH 1995.

**FRIDAY
31 MARCH 1995
10.07 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, forever 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. Suspension of Standing Order 14(2), in the absence of the Honourable Minister for Community Development, Sports, Youth Affairs and Culture, the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Anthony S. Eden: Thank you, Madam Speaker. I move the suspension of Standing Order 14(2), that Private Members' Motions may take precedence over Government Business.

The Speaker: The question before the House is that Standing Order 14(2) be suspended in order that Private Members' Motions take precedence over Government Business. I shall put the question: Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Standing Order is accordingly suspended.

AGREED: STANDING ORDER 14(2) SUSPENDED TO ENABLE OTHER BUSINESS TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS.

The Speaker: The debate will now continue on Private Member's Motion No. 1/95—Establishment of Office for Women's Affairs. The Honourable Second Official Member.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/95

ESTABLISHMENT OF OFFICE FOR WOMEN'S AFFAIRS

(Continuation of the debate)

Hon. Richard H. Coles: Thank you, Madam Speaker. I want to address a couple of issues that the mover of the Motion mentioned in her opening speech. They are first of all, the United Nations Convention to which she referred and the issue of domestic violence, and to perhaps give a perspective on this from a law enforcement point of view.

As far as the United Nations Convention is concerned, the Member was not able to give us the full name of the Convention. I took the opportunity this morning of looking through books in my library back in the Administrative Building and with your leave, Madam Speaker, I will refer to the book. Hopefully I have found the Convention to which the Member for North Side referred.

I believe that the Convention to which the Member for North Side was referring to is entitled "The Convention on the Elimination of All Form of Discrimination Against Women", which was concluded in New York on the 18th December, 1979. I am afraid I do not have a copy of the terms of the convention, but I do have a copy signifying the signatories to the Convention.

The United Kingdom ratified that Convention on the 7th of April, 1986. (In fact, most ratifications were around the years 1984 to 1986). Perhaps I should explain the process for ratifying United Nations Convention and how they get applied to dependent territories, particularly the Cayman Islands. It is certainly not normal for a United Nations Convention to automatically extend to dependent territories. But sometimes if the United Kingdom is advised in advance of signing the convention itself, it will sign the convention in a way that enables it to be ex-

tended to dependent territories as and when the dependent territory wishes. Sometimes that territory will signify its wish to be included right at the outset, and so, when the United Kingdom ratifies, it does so on behalf of the dependent territory as well. More often that is not the way it is done; the United Kingdom ratifies and includes the ability of the dependent territories to ratify at a later date to have it extended to them.

It would appear that that is the situation in respect of this particular Convention, because although as far as I can see and to the best of my knowledge, what the Member says is true; it has not been extended to the Cayman Islands. It has been extended to some dependent territories but by no means all. I cannot say for what reason it has not been extended here. Possibly because the Bill of Rights is still under consideration. That is what I am sure has an effect on this particular convention. It may be that is why it was not felt appropriate until the Bill of Rights had been finalised. I do not know. Certainly from my information it has not been extended to Cayman, but it has to some other dependent territories including some Caribbean dependent territories. As I have said, by no means all. We are not the only territory that did not get this extended to it.

I wish I could give Members more information about terms of this Convention, but I do not have a copy of it so I am not able to do so. But I thought it might be interesting though for Members to know the process that we go through when conventions are extended.

The other point I want to talk about is domestic violence which is a very emotive issue. The Mover of the Motion talked of the need for increased legislation to deal with this problem. I have to say that I am not entirely convinced that increased legislation is the real answer—certainly not the only answer to it.

The Law at the moment deals with domestic violence in two different ways: one is the Criminal Law which deals with domestic violence in no different manner than it deals with any form of violence. The partner to a marriage who committed violence against the other partner could find himself/herself charged with a number of offences. Those offences could range from common assault, which is probably the most minor type of offences, to the most serious offence causing grievous bodily harm. It would depend upon the individual circumstances as to what charge(s) would be brought by the police against the individual.

The second way in which the Law can assist and deal with this kind of situation is through the civil process. This would require the victim to bring civil proceedings in the Grand Court. Incorporated within those civil proceedings would be a request to the Court for a form of injunction. Now, that injunction could either be a restraining order, for example: restraining the husband from committing acts of violence against the wife, or indeed, against any other individual because it does not necessarily have to be a husband and wife. It could go further than that and the injunction could be mandatory excluding the husband from the matrimonial home. There are various ways in which that can be dealt with and that of course is

initiated by the victim as opposed to the criminal proceedings which are started by the Crown.

I have to say that usually the civil proceedings arise out of matrimonial proceedings that are already entrain probably by a divorce, or separation proceeding. During the course of those proceedings an application is made to the Court for some sort of injunction restraining the husband/wife ordering that person out of the matrimonial home (whatever the case may be). So that is how the Law deals with it, but the real problem with this (and I do not think it is the Law's fault that this problem exists) is that for either of those courses of action to be taken and be successful they need in the case of Civil Proceeding someone to bring the proceeding and continue with it. In the case of Criminal Proceeding, a complainant to lay the complaint and continue with it eventually giving evidence on oath in the witness's box in Court: without those ingredients there will be no successful prosecution.

Unfortunately, in very many cases although an original complaint is laid alleging violence in a domestic setting, all too often that complaint is not proceeded with although the police and the Crown may be and are willing to proceed with the charges the complainant (victim) for whatever reason is not prepared to proceed with it. When that happens there is no possibility of the charge being pursued unless the individual who has been charged pleads guilty. It would be essential for the complainant to stand in the witness box and give evidence.

When I say that, I am not criticising the victims—the ladies or indeed the men—but let us be honest: invariably women who are involved in domestic violence are unwilling to take the witness stand in those circumstances. I am saying that it is wrong to say that it is the fault of the Police or indeed the Crown that such proceedings do not always result in cases going before the Court.

In my opinion, the way that this should be addressed is not so much by altering the legislation, but by putting in place within the community some form of support for these women who are subjected to domestic violence. In my experience from dealing with these sort of cases (before coming to Cayman and since being here), there are a variety of reasons why the complaint may not be proceeded with and is withdrawn. Very often it is pressure from outside, from family, pressure in some cases from the perpetrator of the violence. The natural inclination by most people is that the relationship should be saved if at all possible. Bringing criminal proceeding is not the way to save a relationship. Maybe it is the best course of action to take in the circumstance, but it is unlikely although not impossible.

So there is an awful lot of pressure from outside on the victim who has been subjected to violence to not proceed with the case and the initial indignation of the lady from the act that has taken place starts to subside. That is why I think the assistance that is then required is some form of support. What form that support it takes I do not know and certainly I do not believe I am qualified to say that.

I do believe that it is at that stage that the victim needs help, support and guidance as to whether she

really does wish to pursue the case or whether she is going to allow it to be dropped. She also needs to understand that without her positive contribution to the case it is not going to proceed.

It is not an easy thing for anyone to cope with, bearing in mind of course that the individual has already been through this traumatic experience. Now she is expected to go through another traumatic experience which is very often the case against a loved one or someone that has been a part of a loving relationship.

So I wanted to hopefully assist Members of the House in understanding that I do not believe changing legislation is going to alter this state of affairs. I really think that is its support, and I would submit community support, that is going to enable women who are subjected to this sort of violence to use the Law and for it to take its course in the proper manner.

Thank you.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Certainly according to my assessment there is a need for the bureau and for an awareness if not, education as put forward in the case by the Honourable lady Member moving the Motion. There was a time in Caymanian society where women (as in most societies), were responsible of many aspects of life within the society. We need go no further than the days when it was a common vocation for most able-bodied Caymanian men to go to sea. The women at the time were the keepers of the castle—so to speak.

As I pondered over the Motion this morning, I wondered if these problems existed at that time. Or if it was the case where they did not exist because we were not accustomed to some of the pressures that we are accustomed to now. Certainly it was harder, but I think in many instances we had a more cohesive unit.

My amateur assessment was that in those days the women had to operate in perfect tandem with the men or else the difficulties involved in the situation dictated that they would not survive as a unit. Certainly they would not be able to survive as individuals. So I have come to the conclusion that if the problems existed from that time, they were certainly not at the levels and as wide spread as they are now.

I think also that there was a different attitude and approach towards solving the problems then, because the society seemed a lot more community and communal oriented; meaning that people were much more willing to help and to intervene and offer support. Now it seems that each one has his problem and there is a reluctance to get involved. Sometimes even between family members, for fear of certain stigmas, and also because people claim that they are busy with their own problems and struggles in trying to survive.

It is interesting that my notion of women in this society has always been one in which they play the more prominent roles. If you consider that we were from the

beginning a seafaring people, it meant that the men were absent for many years and so all the responsibilities for rearing the children, keeping the home and managing the home economics fell on the women.

I have always been pro-women in this regard so much so, that I have said that there was a time in this society when the women married the men. The fact that the women were always in the position where they were slightly better educated, I think to a large extent they chose the husbands—the husbands did not choose them. I suppose we have gotten away a little from that now with the dissemination of education and the fact that men no longer go to sea. So one of the breakdowns has come from a perceived rivalry for the position of more importance between the man and the woman.

I think, however, that the women still have the advantage. If you take our society and analyse it on a per capita basis more women hold higher and better paying positions than the men. The men are just now beginning to catch-up and they still have a couple years.

I venture to say that it is interesting to follow up the graduation classes of the schools and see that the young ladies do just as well, if not, better than the men. You have to look at some of the people returning from universities; certainly the men have no advantage over the women as far as being more educated is concerned. One of the problems I believe that has negatively influenced our attitudes and caused us to grow away as men from the respect that we held for the women in our society is the influence from North America. I believe that the influence from North America and the whole business of television has played a major role in changing our philosophy, not only towards women, but towards the family.

If we recognise that West Indian society (men) always had a kind of macho image and added to that, the image projected on television of the male who is important; who must be dominant; who must not share responsibilities; and who is independent has resulted in the compounding of our problems.

I believe, Madam Speaker, that a Bureau of Women's Affairs is certainly a step in the right direction to help us re-focus and to always keep our plane of vision the importance and the absolute necessity for us to recognise, realise, and appreciate the contribution of women in our society.

I am disturbed by the number of complaints I receive from my constituents and from the wider public about cases of neglect, abuse, disrespect. Madam Speaker, these incidents do not necessarily start with physical abuse. They start in most cases with small things; disrespect, failure to live up to one's obligations as a husband, a father or a mate. Then when this is challenged or called upon, it grows because some men have a thing about losing face, sacrificing their pride.

So I think that such a bureau would help us as individuals and as a society to re-focus and to remind ourselves that the role played by women in our homes and society is an important one. I did not realise that the whole problem of neglect and abuse was so serious until I lived outside of the Cayman Islands where for the first time in my life I

saw abused and battered women in a home. I can vividly remember the morning that we visited [a halfway house] as a sociology class; I saw women with bruises and disfigurement (like I have never seen in Cayman) as a result of abuse by their spouses.

If one reads the newspaper and listens to reports (including reports from the Court), we have the same kind of phenomena here albeit on a much smaller scale. So definitely now is the time to move to have this redress.

I, too, would hope, Madam Speaker, that there could be some possibility of a delegation from the Cayman Islands attending the United Nations sponsored conference in Beijing this year, even if not as delegates, but certainly as observers. I believe there is much that we could learn, certainly the association and the opportunity for making contacts would be invaluable.

Thirdly, the women of the Cayman Islands would be serving notice of solidarity to the women in the rest of the world. This leads me to say that the whole movement of a consciousness towards the plight of women is a worldwide one. Although, we have some problems in our society we can consider ourselves fortunate to others who have to go through the trauma of fibrillation and all those other things that cause pain and disfigurement and relegates them to little more than chattel. I would hope that we can, through this small step demonstrate to the rest of the society and the world that we are interested in the problems of women.

So, Madam Speaker, let me conclude by saying that I certainly lend this Motion my full support and I would hope that it gets the support it deserves from other Honourable Members in this House.

Thank you.

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

Mr. Gilbert A. McLean: Madam Speaker, I rise to offer my comments on Private Member's Motion No. 1/95—The Establishment of an Office for Women's Affairs.

As I look around this Chamber it is clear to me that everyone herein is here as a result of nature's greatest design "the miracle of birth" which is given to women. In fact, all of the human species on planet earth are here as a result of that special creature of nature called the woman. Men as important and as they may think themselves in all the various fears of life cannot procreate his own species—his gender. So I think that the role of women in the Cayman Islands, and indeed, the world, is of the greatest significance.

There is often the argument about the domination of the species and indeed, if there is any domination whatsoever both in numbers (for there are more women in the world than men), and the power to bring about a cessation of the human species on earth lies with women.

In the Cayman Islands women have played a significant role historically. From my earliest recollections I can remember my father as being a seaman and away from home two, sometimes three years. When he did return, it was for a visit of a month or two until such time when he

received his call (as it was so termed), which was a summon from the national boat carriers of a shipping company that he should return to crew on a particular ship.

I think my life experience in growing up has been similar to hundreds of thousands of people in this Island—where the mother (the woman of the house) played all the roles. She was the disciplinarian; the home manager deciding how best to spend the money; she was the one who had to go to school to contend with the situation if the child got into trouble with another child and the parent complained. In sickness she was there and when there was a need for comforting it was always the mother—the woman of the house.

I think it is true that it could be said that in the Cayman Islands the influence of the woman is highly significant even in these times. Strangely enough in the Cayman Islands like other countries, there seems to be a disparity in the mental image of most [people] toward the role which women play. For example, it is clear that in the Cayman Islands and other countries the universal adult suffrage or the right of women to vote came about at a very late stage: it has been noted by the mover of the Motion, the Member for North Side as recently as 1959. So it goes to show that in certain areas the significance of the woman did not appear to be extended into the area of politics and their right in determining the political development of the country through the power of vote.

It has always been my impression as well that there has been a mental attitude among the male population of the Cayman Islands that the woman's role was to a significant extent submissive to the male. At least to the extent that the male was to have the last word on most issues and in fulfilling the homemaker's role, the woman did not necessarily see parity with the male in decision making.

This was from the time I was a young boy, and I think it still obtains to quite a degree even now: when males would gather whether it was at the bar or otherwise and joke among themselves about what would happen to them—what their wives would do, if they went home at a certain time. I can remember hearing remarks like, "Well she would get one slap on the side of her head"—which was always an indication that he was boss and would go home whenever he chose.

I think it has largely been a part of our culture that the male has been seen as the person who has certain rights to roam or to be out from the matrimonial home for hours over and beyond the wife. This is something which continues to be a part of our culture.

As we grow and move forward into the year 2000, I personally trust that with all the factors and stresses of life, it will become clear to both parties that equality is a more desirable condition—there is a need for greater parity between a man and a woman. For if whatever reason, it is not in the best interest to be out of the home for long and extended hours into the morning and every night—that is an undesirable condition for both the male and the female. These are some things that are particularly peculiar to Caymanian society as I have observed it in my lifetime.

If we are talking about a situation in having a Women's Desk that will be looking after women's affairs, we need very clearly to understand what we have to attack, be it to change or to amend the way it exists in the minds of both men and women in this community. I did not perceive in the presentation of the Motion that the idea behind it was to gain an upper hand to reverse the roles that I believe are presently skewed toward the greater dominance among men.

A need exists for a parity: an understanding; an education of ourselves to see the good of understanding the individual role between the male and female, and that more can be achieved financially, economically, socially, in a personal relationship.

The Mover, in presenting the Motion, raised various points which to me were quite relevant in the concept of this Legislature looking at approving a special unit, or desk, or persons, or a number of civil servants to look after women's affairs. I would like to offer a few of my own [ideas], and comment on some raised by the Member for North Side.

If we take the situation of sex education in schools—junior, secondary up to the tertiary level—I subscribe to the belief that sex education is something that is desirable in that it has to deal with personal health. The more both genders learn in this area the better it is for the fundamental understanding of the biological functioning of the human body (be it male or female) and the natural, normal interdependence in the social structure of society. Surely it is no more necessary for a woman to be taught about the various social diseases than it is for a man. For if both clearly understand, then each can effectively respect one another in the avoidance of these diseases.

It would also mean that if there were a greater understanding of sex education in this populous, it is very unlikely that the sexual diseases, existing here, would exist. Good logic would teach both male and female how to avoid this type of condition; how to protect themselves against this kind of situation. It all comes back to a mental outlook in the process.

So, while I subscribe to this as being a very necessary part of education for life, for quality of life I think it would be incorrect to look at it as being more necessary for a woman than a man.

Madam Speaker, at this point perhaps I should say that the Caymanian male is at high risk in this country. I do not have the statistical proof of this, but just observing the number of women who are working in jobs other than technical, and those who are achieving success in this society, the men in this society need to be helped as much or perhaps a bit more than the women. The women have proven to be wiser and more responsible, less hasty and they have done more toward educating themselves. They are a more stable entity than the male entity in the Cayman Islands.

If we look on the street today or at the building across from this Legislature we will see few women lazing around in the park and elsewhere—it is men.

[Members' laughter.]

Hon. W. McKeever Bush: True! True!

Mr. Gilbert A. McLean: They are employed one way or the other. They are at home doing chores or perhaps a temporary job. But if we seriously look at the situation, the women are out-doing the men and understand that such wasteful life achieves nothing. In fact I am aware of some situations here socially where those men look to the women to give them money and have a meal prepared for them and that is unfortunate. The women should tell them: "Go out and work like I do, then you can eat". It does happen. I just made that point in looking at the situation between men and women in this community. Madam Speaker, I am happy to see that because of the imbalance of the men in this country, working towards more professions and understanding the need for education, and not to be walking around the streets in a tatty manner or trying to lift their quality of life; I think it is good that women are fulfilling that role. It is basically a historical carry-on into these times.

I believe that in any effort where women are getting recognition of their rightful role, women as a necessity for continual communal life need to try and 'pull' along or educate the men, because they are failing to quite a degree in achieving what they could in totality.

I think what is most fundamental in the effort of recognising the role that women play, is in truth and in fact, further education of women in our society. Again, I hope that will extend to the men. For women do have influence on men in ways that a man does not have on another man. Women can persuade. I trust that in fulfilling their greatest success, women and the Women's Desk will see that as one of the things it attempts to do. In the education process, Madam Speaker, I think it is important for women to come full circle and to the furthest degree understand exactly what their innate strengths are.

Although men make all sorts of brags about their strength, and they can be loud and whatever, women do exert over men worldwide in almost every society a persuasiveness—or the ability to ultimately have their way—that it should be secured that way—which is an innate strength as I termed it, which can be used in a way to assist the imbalance in this country.

I think also, there is no question about women not being able to learn, study, or achieve the same levels as men: that is only in a very chauvinistic sexist view of the world today. In doing this, women will educate themselves to the highest degree and this bureau will see to it that there is the widest communication among women in this country to understand clearly their individual rights. There should be and really there is no law which says that there are any differences in individual rights and freedom for women—that women have to submit to men or men have to submit to women. It is a question of parity among the two sexes.

Madam Speaker, I think also that women in educating themselves, understand that there are various defenses in life (verbal defense and physical defense),

which are right and proper and have to be resorted to when the situation arises. I think it would be well for the women of the Cayman Islands to get away from any ideas of being defenseless human beings. They should understand that they can physically defend themselves; they have nails they can use to scratch, they have the same access where necessary to a club or whatever. But the idea that a woman has to submit to any violence against her is nonsense. I hope that in the process that will clearly be something that all women in this country understand; they have a right to physically defend themselves.

Madam Speaker, I would never want to see in this society a situation where a male could not admire a female or make a complimentary remark to let her know that he is attracted to her in the proper manner. That is an extreme. I think when it comes to the question of sexual harassment, to my mind (and of course, that is something that is very much mooted around the world today in various societies), there can be lines drawn or definitions to what it amounts to. There are varying views and that is why there are so many cases particularly in the United States [of sexual harassment] where these matters end up before the courts. But I think between the sexes one can arrive at what is a sensible understanding of sexual harassment. Each person I believe has to have some idea of when he is going too far with another person. The male has to understand when he is becoming too overbearing where a woman is concerned, she feels fearful, she is under stress and would rather be out of a working situation simply because the man is making her life miserable. So I think that is part of the education process as well.

I have heard of situations of sexual harassment and most recently I heard one which I think is quite deplorable since it involved certain official connotations. I certainly find what I have heard most objectionable in this particular instance.

Madam Speaker, there are many areas in which women can be educated. To the best of my knowledge indeed, I have a catalog on the United Nations' Publication and it is good to see the number of research papers and textbooks on ways that are recommended as to how women can become an integral and vital parts of a society thus strengthening the society.

Certainly I would recommend to the Mover of the Motion, to the House and to any desk or office that is set up for women to avail themselves quickly and immediately to all these various publications. For I think most of us would agree that the United Nations is a leader in this particular area of collating and collecting and doing research in the matter of the role of women in society.

Civil rights as I have mentioned, Madam Speaker, continues to be something which is important to all of us. I think the most important point that is to be borne out in this country and in any society is that certain rights and freedom are fundamental to the individual, because they protect the individual against what the state or the Government at any given time might attempt to do, which

would infringe on the basic rights of persons. So that I trust would be a vital part of any educational process.

The Mover of the Motion mentioned family planning. As I said when I began my debate, without women the human race would cease to be. I believe an understanding of women and the role they play for the continuance of life on this earth is of vital importance. This education should extend to the point where a woman irrespective of whether she has a husband or common law husband who believes that in order to boost his ego he should have 16 children should not necessarily be the role the woman plays. She has a right to determine how many children she wishes to bear.

Here I believe the question of population growth becomes a very serious thing in regards to women. There are those in societies who believe that to procreate is the way to go. Those societies that have too large a population suffer because of this type of situation. I think it is most important that women clearly understand their role in this particular way.

In planning a family the woman has the right to decide how many children she wishes to have; how many she believes she and the father of her child would be able to afford to give the opportunity towards higher education; and improving the quality of life. Family planning hinges very heavily on the woman and she has a right if she chooses not to have more children, not to be badgered or beaten into a position where she is simply giving birth to children. Children who are making her life harder, more miserable, and she is less able to do for them all. These are the types of things I believe could well be done through an office dealing with women's affairs and offering education.

Mental health was also mentioned by the Mover of the Motion. I think that is true. Years ago it would have been quite unacceptable to talk about menopause where women are concerned. In fact, years gone by I am not sure how familiar the word was. It was simply a case where at a certain time in a woman's life her biological functions changed and there were changes in the family and the husband would complain about [her behaviour]. The man does not know, and the woman in many instances does not either. We have moved from those times. I think things such as that should also be vital to the education of women and the assistance of women toward a better quality of life; to understand this biological change to understand the time when this might begin. And that with the improvement in medicine there are certain medications or treatment that help nature to balance itself and lead to improved quality of health for women.

In this time it is known by us, who take the time to listen, read, or become familiar with menopause. There is a change in many instances in the mental attitude or the disposition of a woman. It is all a part of the cycle of life and the knowledge of it can make well for both women and men in this society. I think as a natural course of mental health (or insanity) that does not necessarily sway one way or the other where men or women are concerned.

There are other factors involved. Closely allied to the mental health situation would have to be the woman's health. Again, I think Madam Speaker, that though the situation has improved and there is more awareness, a bureau of Women's Affairs could surely see to it that there is more information regarding the health of women. I know there are many international magazines publishing [articles on women's health]. I know there is one called *Men's Health* and I find reading these magazines informative. Certainly I am a subscriber because more and more medical scientists are discovering things about the human body and illnesses and no doubt it is similar with women.

Women are different biologically and physically. Each curve or condition where a woman is concerned can actually be related to the particular physical role for which nature has designed. Here again it would surely help men to understand. In part of the process of women educating women, they need to see that their lives can be better managed if they too educate men to whatever extent is considered necessary in the process.

Madam Speaker, domestic violence in this society has become a serious problem. I think there is more of it now than in years gone by. For if I think back to times when I was a young boy, while the man in the house played the more dominant role, I do not recall a lot of instances of domestic violence. In fact, because both the man and the woman accepted and played their roles, the relationships were more loving between the two. Now that has changed considerably.

I would like to suggest that the Women's Desk could take up a more careful look at the movies that are played here in our cinemas. We do have a Cinematograph Board and as the Member just reminded, its members never meet except if there is an application for a theatre. I think it could seriously look at the type of movies that come into this country displaying violence against women.

I am a person who likes to watch action movies, adventure or whatever the case may be, but I am particularly disturbed and disgusted at some of the movies that I see. After a few minutes in trying to get the gist of it I will switch to something else. If I remember correctly there was this movie by the famous movie star Arnold Schwarzenegger, where women were being displayed as cyborgs. To get rid of these particular 'awful creatures' they had to be shot in the face between the eyes with a special weapon which he used to blow them away.

Madam Speaker, that to me was developed by a sick mind. That mental sickness of whoever directed, produced, or wrote such a movie had to have stemmed back from his infancy with violence against his mother. While I like the actor for his action movies, that is one that I really believe did the women of the world little good—even though I understand that he and his wife, who is also a television personality, have an excellent personal relationship.

There are more and more movies that you come across—some of the most repulsive things such as women vampires tearing up the men who have to kill

them, by driving stakes into them. It is sick! Madam Speaker, I do not want to call it censorship, but we could talk about the Board getting selective in having certain preference to what is showed here in our theatres. Of course it is most difficult to control it on television, but it is growing more and more gruesome. Some of the scenes with blood and violence are absolutely unnecessary.

In movies showing the inner cities, violence against women is rampant. Referring to them by all sorts of derogatory names is not helping the situation. Madam Speaker, I can say in one particular instance where there was a very explicit movie showing—I think it was Beverly Hills Cops—I was amazed the night I went to the cinema, because I must have been the oldest person there. There were 14 and 15 year olds squealing, clapping, laughing and enjoying some of the scenes. I really think that there are ways in which we can thwart the development of violence.

Nowadays, Madam Speaker, in most of the movies the producers do not even leave anything to the imagination. You get the background music and you hear him and her coming together; it has to be explicit. Nothing is left to the imagination. Long gone are the good days when you got the fade out and every smart child who saw the movie knew—'*a-ha that happened!*'. Why does it have to be the way it is now?

Madam Speaker, we have a domestic violence law cited by the Attorney General: I think that this is quite a strong Law to put a stop to some of the violence in this society. I believe that what is needed is enforcement. This Law provides that a person can be prohibited from going to the house where the violence occurred. The police in some circumstances may make an arrest without a warrant. I have seen several instances particularly of women with some awful bruises and swollen lips et cetera, from being abused and beaten.

It is also my understanding that there are relationships where the man gets similar thrashing. My position is that it should not be the case either way. Madam Speaker, I think all Members realise the extent to which domestic violence has grown, and again it takes an educational process to understand that it is unacceptable and it is not the way for people to get along and survive.

A man who might believe that he has to beat a woman into loving him or being his faithful spouse is missing the point. I think that women need to be educated in this area regarding themselves. Indeed there is something called the "battered wife syndrome" where it is identified that in families where there is a lot of violence, it is perpetuated simply because the woman in most instances accepts the role of it being her fault. It is a mental condition.

This is something I believe the Women's Desk or Women's Office could direct knowledge and information on a daily basis (I would see this to be a full time job), into changing this situation. It cannot, and will not, happen overnight but surely it can be changed.

Madam Speaker, as I said when I began, I certainly would not perceive, nor could I support, any situation where an office (as has been asked for in this Motion), was one where the women had now to outdo the men. I

would perceive this as a situation where women would look to educating themselves in all of the relevant facets of life, towards creating a greater quality of life; to dealing with situations that present themselves which have peculiar relationships toward women; and that such an office would be used to keep women of this country current on affairs that affect women around the world. Not that the women of the Cayman Islands must attempt to adopt a militant attitude because they are being downtrodden.

Let me say, Madam Speaker, that to the best of my knowledge I do not know of any instances in this country where a woman who is qualified is being paid less than a man who is qualified. It may be, but I am unaware of it. Certainly if that does exist I would be one who would condemn it outright. That should not be. Indeed, I think that in our country women are filling vital roles, for example in the field of law and teaching (the majority of teachers in this country are women), et cetera. There are many areas where women have filled these jobs. As I have said, I believe that men are at risk and they should understand and follow the lead of the women in this case to try to educate themselves—to achieve similarly as the women in this country are wise enough to do.

Madam Speaker, an office such as the one being asked for needs to be given clear terms of reference so that it will continue to operate within those terms even if the person heading the office is changed. Ideas will not go off into an extremist view. It would show what the office should achieve. It is very important from day one to set up proper terms of reference.

I see the office as being one that would co-ordinate information coming in from international agencies and route it directly to where it would need to go, (including the Courts Office where there may be need for legal aid to defend the woman). I think such an office should work towards examining the laws or co-ordinating efforts to get women lawyers involved who may see certain need for changes in legislation, certainly bringing in and learning what is happening with international law. I believe that it would be one that would have a serious education programme in place for educating women. Again I say I trust that women will try to educate the men along with themselves, because if that is not done it creates further disparity.

Madam Speaker, I think it is already provided in our Law that—I am not 100% sure—legal aid is provided for women in cases of domestic violence where it ends in divorce: but not only associated with divorce. I think that it should be available to women—married or single. We are talking about violence to the individual and it should not be only to married couples.

Of course the Mover spoke of the situation where there is a very great lack of statistical data on women's achievements in the Cayman Islands. It can surely do us no good and it is doing us no good up until now, that we do not have the necessary statistical data. For indeed statistical data would show what jobs women are mostly employed in. It would show where women have the greatest tendencies of getting involved; and it would provide

data to show areas where women may not be involved and could become involved.

Madam Speaker, this Motion is very significant because it brings about a moment in time in this Legislature when things have indeed caught up with us. Indeed it is the first time that there are two women legislators in the Assembly: certainly we have the first Speaker (yourself) who is a woman. I think it is significant that it should come about now. I give this Motion my full support certainly along the line as I have expressed. Everything can go to an extreme and I trust that at no point in time what is obviously an honest attempt to bring focus on a particular social issue, would become extreme in any particular way.

Madam Speaker, I think the Motion is timely and it falls within a sensible educated framework of understanding our society and falling in line with what is an international concept and proven theory that women can and should play a greater role in society; simply because they are women; there are more women than men; they are as wise and capable as men.

I give this Motion my support, Madam Speaker. Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, it has been said that "the hand that rocks the cradle rules the world". Certainly this has been so from the time the first man Adam, followed the advice of his woman (Eve). Women have a way in getting what they want either by crying a little harder or smiling a little brighter, but they usually end up getting their way.

One speaker mentioned the worldwide phenomenon whereby there is a move to establish the rights of women and to stop discrimination against them. I personally believe that in the Cayman Islands women never had the serious problems that exist in some countries. For example, yesterday I was reading that in one of the eastern countries the women always walked on the road behind their men. During World War II a visitor to one of those countries said, "Well, what has changed? We see the women walking ahead of you on the road?" He said, "That is only because the roads are *mined* now."

But our women have enjoyed from as far back as I can remember the advantage of being leaders and being in the forefront of all businesses. I recall in the 1950s in George Town every big business was manned by a woman. The late Mrs. Corrine Thompson was a big spoke in the A. L. Thompson empire; Mrs. Veta Bodden ran the H.O. Merren and Company business; Mrs. Ena Coe was the leading person in the Comart business. Mrs. Thompson ran the Thompson's business and when they changed from selling groceries to the shipping business she was the first manager.

Women played a vital part in the Church—and in fact it is a common thing even now to find that the only people in Church on Sunday mornings are women (sic). In the service clubs and such organisations the women

have been leaders for years; the Women's Guild, the Christian Endeavour, the Girls' Brigade, the Girls' Guides and more recently the Business and Professional Women's Club. They have taken the lead in all the service clubs; the Lions Club (and in some of these clubs they have their own organisation), the Rotary Club, the Inner Wheel Club, the Rotorans (a special people who do tremendous work in the club), and the Rotaract Club which is for the younger people (like teenagers to probably age 30).

And to show you how fast they [women] take over a business like this: Only a few years ago Rotary Clubs admitted women and last year's president of one of the Miami Rotary Clubs was a woman. That particular Club which meets at the Omni has nearly 400 members and it is the oldest service organisation in Miami and they had a woman as the President. Now she had to be elected and she was elected by a majority of men, because there were not many members in proportion. So once you give them a chance they show their worth.

We hear all this nonsense today about children being delinquent because they come from a one-parent family. This is all nonsense. My father died when I was two years old and I was raised by my mother. I can tell you that as far as discipline is concerned I did not need but one parent. She knew how to administer that discipline with love so that you grew to like it. The more she put the tamarind switch on you, the more you loved her. Now sad to say this type of woman is disappearing.

The other day I heard about a case where a woman had an eight-year child before the Juvenile Court begging them to take the child [saying] "*I cannot control him.*" That kind of woman should be flogged. But if we look at the roles that women have played in the development of these Islands we can see that women are in a sense, they are equal in intellect to the men, if not superior because in every area of activity women have played their parts.

I recall in 1959 I was asked—and perhaps I was one of the few who had been invited to enter the Civil Service—I was asked to come back into the Civil Service by the late Mr. Lee Ebanks, because he could not get any men to work in the Customs Department. At that time the Civil Service was predominantly made up of women. And what did these women do? They went on to become heads of departments; principal secretaries; professionals: lawyers, nurses, doctors, and teachers. They have filled up the Courts Office; they have not yet filled the Legislative Assembly, but we have a lady Speaker and she was appointed Speaker because she was the best person qualified in the Cayman Islands for the job at the time. She received the full support of every Member of the Legislative Assembly and I believe it was an all-male Assembly at the time.

We in Bodden Town boast of having the first elected woman in the Parliament—The late Mrs. Evelyn Wood. The late Annie Huldah Bodden had been *nominated* a Member of the Assembly before that time. But the first woman to *win* an election came out of Bodden Town.

That election was won against all male candidates and I do not think that Mrs. Wood was elected because she was a woman. She was elected simply because the population of Bodden Town felt that she was one of the two best candidates for the election at the time.

The Mover of the Motion mentioned that in the Cayman Islands women only received the right to vote in 1959, which is true. The Second Elected Member for Cayman Brac and Little Cayman seemed to think that we were late in getting it. Perhaps we are behind a few countries, but nevertheless we are ahead of many because there are still some countries of the world where women do not have the right to vote.

One of the departments of Government that was solely staffed by men was the Police Force. But we note in the Police Report, which has been tabled in this sitting, that 19.82% of the Police Force are women. There are a total of 45 officers in the Police Force and they are not all constables although their advent to the Force has been quite recent. We have among them (the female officers) six sergeants, one inspector, and one chief inspector.

So what I am saying is that it is not the sex of the person it is the person's worth, their ability. There are some countries where women have taken over, for example in Japan more than 60% of all the Life Insurance Agents are women and they do a tremendous job in sales. This has been the century for women and we find that many of the outstanding politicians have been women. I can think of Margaret Thatcher, the late Indira Gandhi, Mrs. Bandaranaike of Sri Lanka. And although she is not a politician, Her Majesty Queen Elizabeth II is rated as one of the greatest monarchs—one of the most stable in the British Commonwealth of Nations—perhaps even in the world.

So the setting up of an office and the appointment of a person to look specifically at the needs of women is a good thing. I support it, but it is not as necessary here as it would be in some other countries. For I believe that the Caymanian people respect their women. There is the odd case where you hear about some discrimination or violence. But we know the history of these Islands: for generations the men went off to sea and the women continued to be fathers and mothers; to work at home, to raise and discipline their children, and so produced a nation that is perhaps the envy of the Caribbean.

The Mover of the Motion dealt a little with the role of the officer [who would man the Women's Desk.] It seems to me that the person will act more or less like an ombudsman for women's affairs and will be in a position to advise women and put forward perhaps to Executive Council ideas which can be accepted by Government for the welfare of women.

I would certainly like to see this officer attached to one of the Ministries. Perhaps the Governor in his discretion (authority given to him under the Constitution) would give to one of the Ministries the authority to deal with women's affairs. I know this authority would not be delegated to the officer, but certainly there should be a delegation of authority to one of the Ministries to have the responsibility

for the affairs of women to be answerable in parliament for the actions taken.

I know that in supporting this Motion I am here talking to the converted (as all the Members appear to be supporting the Motion). The Government has not yet given its consent but no one would dare fight the women. As the Second Elected Member for Cayman Brac and Little Cayman Brac said, they are in the majority and we know from experience that they know how to exert their influence. So Madam Speaker, I support this Motion and trust that other Members will do so.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.52 AM

PROCEEDINGS RESUMED AT 12.21 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 1/95. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, I rise to speak on behalf of the Government on this matter as it presently falls under my Ministry.

Madam Speaker, the Cayman Islands Census for 1989 stated that the total population was 25,355 which comprised of total male 12,372 compared with 12,983 female. The Vital Statistics published by the Economics and Statistics Office for 1993 gives the end of year population as being 31,200. It is estimated by that Office that the ratio of men to women is 49% men to 51% women. This equates to approximately 15,912 women to 15,288 men from the 1993 figures.

Madam Speaker, as such, women continue to outnumber men in our society, but for the most part in employment hold a high proportion of jobs in sales, customer services, and positions of office clerks. The men hold a high proportion of jobs in the managerial, agricultural, plant operators and labourers' categories.

It is worth remarking, Madam Speaker, that women outnumber men in professional category among the Caymanian segment of the population.

Madam Speaker, the Government supports the Motion, partly due to the fact that the impression of our professional social workers (who deal with such matters daily) is so similar to the popular impression that women carry the heavier part of the burden in terms of certain fundamental social responsibilities such as, child rearing and household duties, while also carrying responsibility for a job in the market place, but often at the lower end of the pay scale.

Even more to the point in terms of issues requiring attention, are the matters of fathers not facing up to the responsibilities of paternity and the consequent struggle imposed on single mothers some of whom have not completed their secondary education. It is felt that this (along

with other reasons) makes it very difficult for a number of single mothers to make ends meet.

Further to this, is the matter of direct physical violence on women in domestic settings spoken about by some Honourable Members. The following catalog may be used to simply list the salient impressions recorded by the social workers in the Social Services Department. These factors lead them to suggest the empowerment of women for the following reasons: Women must be educated on laws affecting them; encouraged to pursue academic qualifications; delay first pregnancy until their education is completed in order to command better paying jobs; and participate fully in all aspects of their community.

The catalogue of salient impressions are:

- 1) Most fathers work.
- 2) Many fathers play a small role in parenting.
- 3) Most mothers work.
- 4) Many mothers play the roles of two parents.
- 5) Many prospective fathers abandon an expectant woman to whom they are not married.
- 6) Single parenthood is becoming more common; pregnancies out of wedlock, divorces and separations being among the causes of single parenthood.
- 7) A number of young women become pregnant and do not complete their secondary education. They, therefore, have some difficulty getting and holding jobs.
- 8) A number of women are victims of domestic violence and sometimes they have to flee their homes to protect their lives and those of their children.
- 9) Flexible and affordable child care is not available in adequate supply. For example, in relation to shift work where many women, (mothers sometimes) are employed.
- 10) Many parents lack appropriate parenting skills, this affects mothers more as the de facto principal care-givers.
- 11) Women take up a large proportion of the work force, but also hold the higher proportion of jobs at the low end of the wage scale. Young unmarried mothers especially, are therefore sometimes at risk in terms of being able to provide enough food and decent shelter for themselves and their children.
- 12) Improved legislation for maintenance and affiliation cases is needed. The current review of the Law is welcome and there needs to be serious amendments to allow for easier filing, ensuring payment and follow-up of those persons delinquent in payments. As the Law is now, the mothers usually have to take the delinquent father back to Court if he does not make the payments. Imprisonment for non-payment, because some men seem to prefer imprisonment rather than paying to care for their child.

The possibility raised by the Honourable Chief Justice, regarding salary deduction in maintenance cases being enforceable by Law seems to have a great deal of merit to it.

Madam Speaker, I propose to see to it that an entity is developed in the Ministry, having a clearly defined mission and guidelines. I believe it can form a positive force in our community, vigorously engaged in the development of services to women and families.

No matter whether this charge is given to a Government department or whatever entity, there are a number of points that must be borne in mind. First, we must proceed on the basis that we do not either romanticise or over-dramatise the issues involved. There is no sense in taking the view that women ought to stay in their places—with all the implications that has—for assuming that women's role is subservient to man's. Neither ought we to make the position of women out to be direr than it is. We know what the problems are, but we cannot compare the Cayman Islands to Africa, India, or any of those countries.

We know what our problems are and what we need is a mechanism between Government and the Community to deal with it more effectively. The catalogue I have listed is not intended to be exhaustive and I fully realise that I have not expressed the full complexities of the situations noted. Indeed, we do not appreciate many of these complexities at present, because women's issues have not been a focus as such up until now. Any initiatives we undertake in this area must be sober initiatives.

In a very general way, Madam Speaker, we might say that what the entity responsible for women's affairs should try to accomplish is the effective promotion of feminine self-respect and real masculine pride. Generally speaking, a woman's self-respect must be diminished if she cannot get a reasonable educational foundation. It would be diminished if she cannot hold a decent job, look after her own and her children's needs where necessary as minimum. And real masculine pride cannot be based on neglect or abuse of one's child or the child's mother. Nor can it exist while permitting any situation to persist in which women suffer the sorts of deprivations others (including myself) have mentioned.

My Ministry has initiated some things that will have some impact on the position of women and I believe they were mentioned by the Mover of the Motion, the Elected Member for North Side. We are pushing parenting skills training through the Community Development Action Group which is soon to be assisted by the deployment of Community Development Officers.

We have started the Young Parents Programme to try to address the rehabilitation of existing young unwed mothers and prevent enlargement of the scope of the problem. We also shall conduct a survey on the status of the Caymanian family within this year which should provide much relevant information on the position of both sexes within the family setting as an important component of women's affairs.

Madam Speaker, I say this not to establish any claim on the subject: I believe my Ministry is big enough and busy enough as it stands. Rather my position is that there is enough false pride among the men in our population to account for the existence and persistence of many of the phenomena we observe, which operate to the disadvantage of our women.

Something more can be done to address this issue in spite of the efforts made by the departments now dealing with those issues and the Ministry stands ready to help. We must be an ally in such an effort and therefore, pledge support accordingly.

I thank our two lady Members of the National Team who brought this Motion and all those entities in the country who in one way or another advocated for more and better mechanisms in our community for women. There were many matters raised, Madam Speaker, which have a lot of merits and I do not think that I could add any more to what has been said except to say, that there is a conference which will be held in Beijing in September of this year.

I will look forward to sending one of the lady Members, perhaps the Mover of the Motion, along with a member of my Ministry. Who knows? Perhaps by then I too will have a lady Permanent Secretary—one never knows!

I, along with the Members of Government, support the Motion, Madam Speaker, and we all look forward to working together on this very important matter. Thank you.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. It is very gratifying to hear, so far, that there has been a lot of support for this Motion and I would like to thank all those who have spoken in favour of it.

Madam Speaker, this Motion is not intended to promote women to develop independently or even competitively with men. It is about finding the ways and means with the help of a Women's Office to allow all the women of these Islands to reach their true potential, that is, so that they can be equal partners with men in the continued growth and development of Cayman. We are bringing this Motion to ensure that the women of these Islands participate freely in its development.

Over the past several weeks I have been reading about the history of Women's Offices (Bureaus as they are called in the dependent territories). Many of the bureaus were started as a result of the United Nations Year of the Women, in 1975 to 1985 and culminated in the Third World Congress on women health in Nairobi, Kenya in 1985. I believe the Elected Member for North Side and the Honourable Minister for Community Development mentioned this in their debate—the World Conference for women that is due to be held in Beijing in September of this year. I am pleased to hear that there will be representation at the conference. Most of the countries of the world will be presenting papers, which will show how their countries have progressed on a

global plan of action to include women in development which was accepted in Kenya.

Since the decay of the Nairobi Congress most of the Commonwealth Caribbean countries have established their women offices and it is usually called a Women's Bureau in the larger countries and a Women's Desk in the smaller countries, mostly the dependent territories.

Before this Government took office in 1992, the British Development Division based in Barbados provided funds for the dependent territories to carry out a study on the status of women in each country in order to prepare a national report for this conference in Beijing. The way it was accomplished was creating these Bureaus (or Women's Desk) charged among other things with overseeing the survey and preparing the report.

The countries that I researched, Madam Speaker, I found out that the impetus for the Women's Office came from external sources and most of the time the funding also came from external sources. Here in Grand Cayman, the invitation to be involved in this movement to increase women's potential to fully participate in the life of their country was not taken up. I think this was mentioned by the other lady Member and who knows why? We should not harp on this. We should put it behind us and move forward since there could have been several reasons.

However, the overriding reason had to be that the former Government had taken no position on women's affairs and therefore there was no one to push for involvement. We are a developing country and sometimes the women are being overlooked. Recently my brother declined to participate on the television forum on Issues-27 and the moderator of the programme contacted me, to ask if I would sit in not as a politician, but as a woman in business. I declined naturally [to sit in on the programme], but we got to talking and discussed women who were in the business community, and Madam Speaker, it was very difficult. Even though we have some women in the business community, we do not have active women who are not afraid to speak out and who participate openly. Some people might argue that women have done quite well in the Cayman Islands and that after 20 years after the International Year of Women, we really have no need to establish women's affairs as a subject in one of the Ministries.

The other lady Member—the Elected Member for North Side—and other Members as well, spoke to the needs in our community which need to be addressed. Many of these needs that are lacking are specifically relevant to women and children. It is very interesting to note that the United Nations have established Women's Ministries worldwide.

I do not believe that in proposing a Women's Desk it will single-handedly address all the needs of women. I do not think that is the function of a Women's Office. Many of the Women's Bureaus in the region took as their mandate, in the early years, the provision of services and projects. I am going to share with this Honourable House some of the objectives listed from my re-

search but I will do so further on. The establishment of the Bureaus in some of the other territories were unsuccessful, because they did not have the trained staff, the funds, or the political support to compete with other well-established departments of Government and women's organisations to be project-oriented.

Another stumbling block that they faced in establishing the Women's Offices was a great deal of disagreement as to the Ministry in which it should be located. The former speaker, the Honourable Minister for Community Development, Sports, Youth Affairs, and Culture addressed this in saying that it does not necessarily have to be in his Ministry. But knowing that, the other lady Member and I will push so that it will get established once the Motion is accepted. We would hope to have a lady permanent secretary to whom the officer is answerable and one who will keep a watchful brief on the Women's Office. The main issues are that the office gets established.

In saying that we would like to have a female Permanent Secretary, it is not [that we are] trying to be sexist. In the research that I did on Women's Bureaus, I researched a book called "Ladies in Limbo, The Faith of Women's Bureaus", and there were case studies that were done in the Caribbean. Madam Speaker, I would like to thank Mrs. Joy Basdeo and the Cayman Islands Foreign and Commonwealth Office in London for obtaining this book so that I could do the research. I have a copy, Madam Speaker, in the event you would like it to be laid on the Table or if someone would like to look at it.

In the book it talks about the conflicts which can ensue when a male administrative officer is made responsible for women's affairs. I would just like to quote what it says: **"Few male administrators have either the desire, the sensitivity or indeed, the humility to acquire competence by gathering information; going into the field liaising with experts; reading relevant documentary material in the process of self-education aimed at initiating and sustaining innovative change in women's affairs, which has been culturally conditioned to consider marginal and that is those concentrating on women."**

"I believe that women's affairs emerge in the responsibilities of every Ministry. Experience often shows, other Ministries have seen the establishment of a women's office as an unwelcome interruption to their own planning and programmes for the entire population, not just half of it."

"According to the other studies on the other countries, the women's office has been marginal to the extent that it has become ineffective in spearheading any change in the status of women."

Hopefully, Madam Speaker, it will not be the case here, because it must be integrated and not just added to the work of the Ministry. I share these thoughts on the Women's Office so that my honourable colleagues will realise that the establishment of a Women's Office is not simple or will it be an easy task. The question is: Is it a necessary thing? My colleague and others who have spoken seem to agree and believe that it is necessary.

I looked at the objectives for six of the larger Bureaus and I came up with eight objectives that I would like to share with you in order that we may have a better understanding of what the Women's Desk would accomplish. Firstly, it should have data collection and research. I think the Mover mentioned that we need to find out about the 'beast' with abuse and other unknown 'territories' (sic) that women seem to encounter. We know it exists but no research has been done. I believe this is where Churches, the community and Business and Professional Women's Club can assist the Bureau in gathering data and in doing research.

Secondly, it should have participation in the formation of national plans. As I mentioned earlier I believe that it should be integrated into all Ministries. I took the Education Development Plan that was laid on the Table yesterday morning and looked at some of their beliefs and strategies and thought how invaluable the Women's Office would be in working to develop the Education Plan and to carry it forward. I would just like to read from the beliefs of the Education Development Plan. I read: **"Each individual has a valuable role in society. The family is the primary means of transmitting values from one generation to another. Every one has the right to express his or her opinion."**

Moving on to strategy No. 4 in their specific objective. I could only think how the Women's Desk could assist in carrying out these objectives. I quote: **"To provide the students and parents skills to cope with the trauma of family breakdown; to teach parenting skills within the life-skills curriculum; develop an ongoing programme designed to establish greater communication between parents, guardians, students, and educators."**

The final strategy is: "To develop a support system for students, parents and teachers to increase their awareness of abuse, and their ability to counteract its effects."

With this office and being able to integrate with the Ministries such as the Education Department, and the Health Department and other areas it can only add to what is taking place in the development.

Thirdly, it should have co-ordination of programmes affecting women. I believe the health of women was mentioned. And it could establish workshops and seminars to identify the needs of women in order to reflect their conditions to Government in order to influence changes in policies and programmes in the community.

One Honourable Member in his debate mentioned self-defense, and for some time now I have been advocating this with the Instructor at the Takewando School (where my son attends), to develop a self-defense programme for women. Not to help them [become violent] but aid in violence they encounter, because the average Caymanian woman is well travelled and could use it to avoid being mugged and to some extent, use it here in Cayman to defend themselves. I believe that a programme like this could be developed from the Women's Office.

Homemakers' Associations can be formed where some women at home can assist with car pooling, they can share recipes and discuss meals, they could share baby sitting chores. All of this could come out from programmes at the Women's Desk.

The fourth objective is monitoring and evaluation of ongoing and future plans to ensure that the interests of women are reflected, and the involvement of women as beneficiaries and participants is assured. Madam Speaker, I listened to the Third Elected Member for Bodden Town when he shared with us the different clubs and women involved and I smiled to myself as he mentioned the Rotary Club in Miami having a lady member as President, but wondered what happened to one of the rotary clubs here in the Cayman Islands that voted not to have women participate. If this objective is here at the Women's Desk, perhaps one of the things it could do is to educate men and change their thoughts in having a turnaround and perhaps have women participate in the Rotary Club in Grand Cayman.

Madam Speaker, I am not saying this from a sexist point of view, but this week in the newspaper I noticed two advertisements, one by the Health Services—Personnel Office which says: "This position is more suitable for male applicants. This is for a porter or cleaner. The applicant must have at least grade school education, be able to lift 75 pounds and not be allergic to cleaning solutions. And in one complete sentence, "This position is more suitable for male applicants." Is it because a woman would not be able to lift 75 pounds?

The other advertisement is from an electronics store: "Male Assistant Retail Store Manager applicant must have a minimum of two years experience in merchandising, sales, marketing, computer literacy and some knowledge of inventory control, accounting organization skills and interpersonal communications." And in bold type it says "Male assistant".

Here with this objective perhaps this will assist in making sure that this type of advertisement would not be placed in the newspapers. In that it is leaning towards the male [population] and the women are forgotten. For those skills I see no reason why a woman could not be able to hold that position. Madam Speaker, I am not saying that the office must monitor [the newspaper] and every time they see an advertisement in the "Classified" go through and scrutinize advertisements looking for male and female positions. But I am sure that the interest of women would be reflected in this objective in making sure that they are beneficiaries and participants.

The fifth objective is documentation, publication relation and policies. Here they would share with different organisations, polices and so forth, affecting women. I feel this is a very important objective of the Women's Desk.

The seventh objective is: guidance and advisory services. During the past two years since I have been elected, Madam Speaker, on a daily basis I receive calls or visits from women not looking for anything more than just a listening ear. With this objective the Women's Office could offer counselling or direct someone to the right

counselling service; whether it is the EAP Co-ordinator, the Counselling Centre, or a pastor of a Church to get some guidance. It could also have a support group for single parents.

We talked about violence. Perhaps there could be a support group for battered women and men for that matter. I have heard some members mention about men being battered and there is no reason why they should be excluded if they have that need for support.

Lastly, number eight: the liaison with regional and international bodies. Here again, we can learn from the other countries and work with international bodies like the Second Elected Member for Cayman Brac and Little Cayman mentioned, to look to the United Nations for their books and knowledge to assist us with our problems here.

In this session before the House we have the Judicature Law and in there are provisions for employers to deduct funds from employees' salaries once the Court has ordered it. This can only assist women. If this office is established and the Law is amended as proposed, the Women's Desk might consider having someone there to monitor maintenance fee payments and assist with the collection of these fees to make sure that the women and the children get the benefits of such payment in a timely manner.

The Speaker: Will the Honourable Member take the luncheon suspension at this time?

Mrs. Berna L. Thompson Murphy: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30PM.

PROCEEDINGS SUSPENDED AT 1.04

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. When we took the lunch break, I was listing the objectives that I felt appropriate to establishing the Women's Desk. Unfortunately, I missed out No. 6 as I was reminded by my colleague. I would like to list six of the promotions of innovative pilot projects. Since I touched on the maintenance fees, I believe this is one area the Office could assist with as a pilot project in the collection of maintenance fees.

In my research on the Women's Desk, Madam Speaker, I was hoping that the Mover, the Member for North Side and I, would have had time to prepare the terms of reference for the women's office. Unfortunately we ran out of time. As I read the history of the Women's Bureaus in the different Islands of the Caribbean, many of them had failed to do the one thing that they had been established

to do; to address and research the needs of a wide cross-section of women at every level in the society.

I came to the conclusion after studying and reading the book that we really could know what the terms of reference of our office should be. I think we need to give the women an opportunity to tell us what they would like to have the Desk assist in establishing in the community.

The Cayman Islands are very unique and the needs of the women and families are unique as well. While we can generally set the objectives for the office, our local objectives have yet to be researched in order to complement the office.

I hope that when the office is established the first step will be to convene a forum not only for the women, but men should be included—Ministers, single fathers who are trying to raise a family—so that they will help in eliciting the terms of reference objectively for the country.

From the research I have done, the Women's Office will need an advisory body or some form of national machinery to assist in the identification of priorities for action. There are many individual women in our community and organisations who have advocated issues of particular concern to women for a long time. Community representation and a working group would be in a position to help the women's office plan for a national forum.

Madam Speaker, I believe everything has a purpose and we are fortunate that we are somewhat behind the rest of the Caribbean countries in establishing a Women's Office, as this makes it possible to learn from their mistakes. We are also fortunate that we are entering the arena of women's affairs at a time and during the year when the whole world is focusing on issues concerning women. There are many regional and international organisations that we can turn to for help and advice.

We are fortunate that unlike many of the other Islands the creation of a Women's Desk is not a reaction to demands from the international communities, but rather, as I mentioned, a reaction internally to a perceived need: it is to ensure that the women of these Islands participate freely in its development.

Again, Madam Speaker, I want to stress that this Motion is not intended to promote women to develop independently or even competitively with men. I know women can be very competitive. It is about finding ways and means with the help of the women's office to allow all women of the Cayman Islands to reach their true potential as equal partners with men in the continued growth and development of these Islands.

I think most speakers have shared with us the way it can be carried through. Like previous speakers mentioned, our history is full of strong women and we give all of those women, strong or otherwise, credit. Often we hear that it was the men who built up the Cayman Islands, but what about the women? Were they not here keeping the families together, managing, budgeting? We have to give them credit as well in the part they played in developing the Cayman Islands.

I believe, Madam Speaker, that our greatest challenge today is the social problems facing our families—in particular, our youths. No one can dispute the fact that women play a pivotal role in influencing their children and their partners either up front or behind the scenes. Yet, there are many social issues remaining unresolved or not attacked. The issue of ineffective machinery for maintenance is one very dear to my heart, because it is the children who are the innocent victims.

As mentioned earlier, the growing incidents of domestic violence is another issue with which we must grapple. The community is crying out in its condemnation of an inadequate sentencing policy and crimes against women and children. I believe the Mover touched on this issue as well.

One of the earlier speakers mentioned harassment. I believe there is harassment on the job site in certain areas, but again we have to be careful that it is not taken to the extreme. Sometimes when we are in this honourable Chamber, the other lady Member and I reach across to touch one of our male colleagues and I am sure if it were in the United States they would probably accuse us of sexual harassment in trying to get their attention.

So Madam Speaker, we must be careful. If sexual harassment is out there we should be able from the Women's Office to assist the individual, hear both sides and come to some agreement to solve the problem if it exists or if it was unfounded.

While we have a few individuals and organisations working on some of these issues, we have no coordinating agencies or department and sometimes these individuals are working at cross-purposes when they could be, and should be, co-operating.

We need a strong policy from the Government which sets out the concerns about issues facing women in particular in the Cayman Islands in 1995 and beyond. We need the Government's commitment in addressing these problems through an office which will be a focal point and a strong advocate for women in one of the Ministries.

Once the first step is taken (and I am sure the commitment is there), I believe the women in our community will respond once they are given the forum to express their needs. The other lady Member and I, will not sit back and accept lip service to this Motion. We will press to make sure that this office is established and that it will bear fruit.

In *The New Caymanian* a few weeks ago there was a statement made in regards to the Patra concert—*'that the women in Cayman were set back 100 years'*. This, Madam Speaker, other Members talked about on the floor of this honourable House regarding the disgusting pictures that were placed in the *New Caymanian*. From this office again, this could have been prevented. Where pressures would be put on the media in order that this type of photograph not be included in the publication. We have discussed a committee which would prevent this type of entertainer coming to our shores and the committee would be more selective—we are not talking about censorship—to prevent this type of entertainment

in order that we may have better and more wholesome entertainment for the community at large.

I would like to conclude with a quote from Her Majesty the Queen's Commonwealth speech on tolerance, because I think it says a lot that "understanding is essential to a tolerant society", which is not simply one which gives to the individual scope and freedom from restraint. Rather it is a society which actively develops the people who belong to it, brings out their gifts and enriches their lives because it values their diversity. It does not condone persecution or the harming of some people by others, but it knows how to make allowances when things go wrong. It can forgive mistakes as well as giving encouragement and guidance and how to avoid them. It knows also that enhancing the quality of life of the individual brings benefit to the family, to the community, to the nation and to international relations."

I believe, Madam Speaker, that if this Motion is accepted (and I think it will be), then we will press to have the office established and this will take care of some of the needs and ideas that I just quoted. There are a lot of perceived needs in the community and we can address them when the office is established. I think Cayman will be a better place not only for women, but for our children and it can also assist the men of these Islands.

Thank you, Madam Speaker for your indulgence and all Honourable Members for their support thus far.

There used to be a saying when I was growing up and I am sure most of the Honourable Members here may know this cliché. *"Man may work from sun to sun, but woman's work is never done."* If we can make the work of a man and a woman much better and enjoyable then we will have accomplished a lot by establishing this Women's Desk. Thank you.

The Speaker: The Hon. Minister for Education and Aviation.

Hon. Truman M. Boddin: Thank you, Madam Speaker. I support this Motion wholeheartedly and I would like to congratulate the lady Mover and the Seconder for bringing this here. I think it is long overdue and I believe that these two lady Members have contributed more towards bringing together and dealing with the rights of women than any other Elected Member in this House.

They have steadfastly moved towards upgrading the rights of women. We have seen a request moved by the lady Member for North Side and supported by the lady Member for George Town that the General Orders be one of those important areas that [addresses the rights of women].

Madam Speaker, the passing in this House of the Battered Wives Law was another major step that the two lady Members moved forward on. I know that they have the support of the women within the organisations and within the Islands as a whole.

I would hope that the Law will be dealt with as regard to enforceability, very forceful by the police. No one, be it the man or the woman, should have to put up with being assaulted or beaten. Surely marriage gives no

such licence to do so. It is the duty of anyone be that person male or female who is battered by the other person to report it and for the police to investigate and carry out the Law.

The sections relating to injunctions are important, because once this happens the Court can bring an injunction and ensure that we do not have a repeat of what has taken place. If it is repeated, it is a contempt of the Court; the Judge has the power to put that person in prison.

The maintenance of children and spouses is very important. If a man has a child he has the duty to support it and to pay such amounts to the mother as is necessary to maintain the child. The worst thing a man can do is to fail to maintain his children. Many times the innocent victims, as the Lady Members have clearly pointed out, are the children in these relationships. Within the schools we do everything we can to ease the impact and to ensure that the Social Services is always contacted when this happens.

The Honourable Minister for Community Development, Sports, Youth Affairs, and Culture, has provided many facilities that go a long way in dealing with the problems of the young unmarried mothers. Within the schools we do as much as we can to guide the children in the right path.

I know that the churches and the social service clubs all do their share in trying to ensure that Cayman has a society that is fair to females and children, and one that promotes the family unit. Madam Speaker, we look for examples like you—extremely capable, yet modest and graceful and you have shown us the heights to which women can rise. That in itself sets a good example for younger women in this country when they see that it is possible to move to the top.

Unfortunately, on the other spectre we have some misguided females. *The New Caymanian* of the 16th of March, 1995 in which Mrs. Bridget McPartland attacked you, Madam Speaker, was in my view misguided and quite frankly disgraceful for someone who is not in a position to know the Standing Orders of this House to make an outright attack and to point out that you are in fear. I think that is a very misguided, misinformed [person.] In fact, Mrs. Bridget McPartland should get the Standing Orders of this House and try to read them before she goes off on such misguided attack against you, Madam Speaker. I can say as a fact, knowing the Standing Orders that what was done was correct. It is really unfortunate when you have a woman such as this, making these sorts of attacks on someone so capable and graceful as yourself, Madam Speaker.

While the majority in this House are men, the department itself is headed by you, Madam Speaker. Our Clerk and Deputy Clerk are also females: in fact all the staff here are females with the exception of our Sergeant-at-Arms (because so far ladies have not reached the stage where they would carry a sword). I think this department is a good example of how ladies have reached the top and throughout the full spectrum we have seen them succeed.

Madam Speaker, a few days ago I made a statement in relation to culture which unfortunately has been taken out of context by a lady writer. What I said was that I believe more stress should be put on teaching the children English as a language, than having the increasing amount of patois brought into the plays and the schools. I said that I felt that to get a much more rounded personality one had to be exposed to culture from different areas on a smaller basis. My concern was that there was a very heavy input of patois from the Eastern Caribbean and Jamaica; that I felt it should be reduced in the schools and in our culture.

That was unfortunately picked up by Mrs. Ellen Peguero, who does not understand the subtle difference between patois and dialect. She has gone on to attempt to say that what I was saying is that there should be no Caribbean culture only culture from the United States and Europe. That is totally misguided. It is as misguided as Mrs. McPartland's attack on you, Madam Speaker, in relation to the Standing Orders. This is the way the press can take things out of context.

I would like to point out here that the English dictionary defines "patois" as a provincial form of a language spoken in a restricted area and having no literary status. That is what I am getting at. You cannot bring this into a culture or literary status, because it has none. There is a difference between a dialect, which is why English is spoken from island to island. But the English that is spoken is from a language point of view correct. Patois has no literary standing and she [Mrs. Peguero] has unfortunately totally missed that and went on in a misguided manner.

Madam Speaker, I live in George Town; it is my electoral district in which I have always lived despite what was said earlier. At that point I chose not to make a personal statement. The First Elected Member for Bodden Town said that I did not live in George Town: that is untrue. I was born there; I live there; my family is buried there; and so will I one day. I am about as much a George Towner as one could ever get.

Madam Speaker, the rights of women and children, because they are very closely intermeshed are undoubtedly rights that for too long have been left in a state of ineffectiveness. Many times we have seen conventions and laws put in place. I know as a fact, that some years ago before the Battered Wives Law came into force, calls would be made to the Police Force and they at that stage—perhaps quite rightly in some ways—would say that they could not interfere in matrimonial matters. I would say to them at the time when I was the Prosecutor, that if there is a committal of a criminal offence, regardless of whether it is matrimonial or not, you must intervene. It is your duty to uphold the Law and that includes assault and battery, by another spouse. These days I believe with the new Law in place much more is being done to ensure that the rights of women are not abused.

I would like to believe that this Motion is one of the greatest things that will ever be done for women in this country. It provides the conduit, the office, the communication and the right to ensure that proper legislation and controls are put in place through this office. And it can be

developed along proper guidelines to be beneficial to women in this country.

My law firm has always had a greater number of women working there than any of the other law firms. I have always felt that they have the capability. We have seen extremely good lawyers—some articulated through my firm by me: people such as Mrs. Karen Thompson. I think she has assisted considerably in putting forward the law on battered wives that was brought to the House some time ago.

And within the Business and Professional Women's Club—and other clubs—we also have some very strong and capable ladies. I wish the two lady Members who brought this Motion all the best and I would urge the women in the community to rally behind them, give them their support and assist in this very, very important role.

Thank you.

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

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

Madam Speaker, I rise to give my full support to Private Member's Motion No. 1/95—Establishment of an Office for Women's Affairs. I would like to congratulate the Mover and the Seconder for bringing this Motion to the House. It is long overdue as has been said here by other Members. We all know of the respect we have for our parents, our sisters; we know the benefit of women; we know of the abuse that women are put through; and we know the necessity for this Motion and the creation of the Women's Desk or Office (whatever it will be termed).

I would like to thank the Mover for her remarks on the attempt that will be made to make this beneficial to the women who live on Cayman Brac and Little Cayman. Because of the distance from Grand Cayman, unless there is some way of dealing with the issue within that district, it would probably not be beneficial. The need for this service is certainly evident as you go through Cayman Brac and Little Cayman.

I have often wondered over the years why the Elected Members chose to wait until 1959 to give the women the right to vote when (as earlier speakers have said) women had been literally running the country during those years when the men had to go to sea. Although it was late in coming, they have certainly rose to the occasion. They are very involved in the affairs of this country for which we are very grateful.

I could go on [speaking] but I would only be repeating what other speakers have already said. The Motion has been well presented and the debate has been very constructive. Madam Speaker, with these words I give this Motion my full support.

The Speaker: If there is no further debate, would the Honourable Mover wish to exercise the right of reply.

Mrs. Edna M. Moyle: Thank you, Madam Speaker. First of all I would like to thank all Members of this Legislative

Assembly who have spoken on this Motion and have given it their full support. There are one or two minor points to which I would like to reply. Other than that, I might have gotten up and said 'Thank you', and sat down.

The first point I would like to reply to is one made by the Honourable Attorney General regarding his explanation on the United [Nations] Convention. I must correct him on the Convention we are speaking about. It is the United Nations Convention on "The Elimination of Violence Against Women", not the one on Discrimination. I would ask him to do whatever is necessary to have this Convention extended to these Cayman Islands.

Listening to the majority of speakers on this Motion, to me it boils down to *Education*. When I say education, I do not mean formal education of our young girls or women. It is to educate them about their rights; to send them to proper places where they can be guided. Particularly when there is domestic violence to be dealt with, the most important thing is to remove them from the situation. But to me, removing them without a proper facility that can administer to their needs serves no purpose.

What we find (and I think the Second Official Member said it too), is that they go in to domestic problems, but when it comes to taking the matter to the Courts, the woman always tends to say she does not want it to go to Court. I feel that if a facility is provided where she can go and receive counselling she will do something about the constant abuse she receives. The education could play a part from the primary or middle school level.

If we did a study on people who are abusing each other in the society, it stems from the fact that they grew up with this type of abuse and they now feel that it is a natural process of life; whether it is the woman abusing the man or the man abusing the woman. Recently it was found out in the parenting group at the Joyce Hylton Crisis Centre. That girls who are becoming mothers at such young ages are children of young mothers. It went back to their grandmothers and mothers. Therefore, they feel that it is a normal way of life.

I think it was the First Elected Member for Bodden Town who said that we have lost the community spirit of helping each other. I can agree with this Honourable Member, because I say it from day to day. When we look at the progress in the Cayman Islands, we all enjoy it. But the family life that we were all a part of—that one big family—has been lost. Maybe it is time that these Islands (and maybe the proposed Women's office) will do something about this.

I would like to stress, Madam Speaker, that this Motion is in no way seeking an advantage for the women of this country. We only want equality with our partners. We tend to hear that the women who attended university are doing this and doing that. I commend them for this, but my greatest concern is for the thousands of women in the Cayman Islands who have not been exposed to where they can turn and find help; that we educate them and bring them out so that they may stop living the abusive life which is not only physical abuse.

I would like to read from [an article entitled], the **"Sixteen days of activism against gender violence"**, it says: **"What is abuse? Abuse can take many forms. Emotional abuse harms a person's self-esteem or causes shame. Examples of this kind of abuse include: repeated lies and broken promises, infidelity, withholding affection, extreme jealousy aimed at keeping one's partner from friends or hobbies, insults and put-downs, threats against a person's safety and efforts to control somebody's every move including how he dresses and what he eats."**

There are probably people who will tell you that this does not happen in the Cayman Islands. I beg to disagree with that, Madam Speaker. Not only do those things happen, but there are women in this country who work from day to day, week after week, and at the end of the month when that pay-cheque is made out to them in their name, it has to be taken home and handed over to the man. This is not right and these are the changes that we would like to see come about, but in a partnership—not just standing up for the women.

I think it was the Honourable Second Elected Member for Cayman Brac and Little Cayman who mentioned that sex education should be taught to both male and female students. I agree with him 100%. If I gave the impression in my presentation that it should only be intended for female students, I humbly apologise.

But I think I made mention that in developing a national curriculum for the Education Department, that Family Life education should be put along with the subjects of Mathematics and English.

The Honourable Member made some very good points on women pulling men along: we have done that all our lives in the Cayman Islands. I can assure you that the women of this country will continue to assist wherever we can to help the men improve their way of life also.

I too had the type of movies that are being shown in this country as a topic, but I did not deal with it in my presentation—the type of movies that are being shown here which constantly show abuse against women.

The other matter that gives me concern is the way advertisements are written in the newspapers—which I feel the Ministry that will be dealing with the Women's Affairs Office should address. We open the newspapers and see advertisements for night clubs and constantly they portray women as sex symbols. I feel that the women open themselves up to this type of abuse when they agree to use their bodies in such a manner.

I did not speak about performers during my debate on the Throne Speech, Madam Speaker, but this too gives me great concern when we have women coming into our country and performing acts as the performer Patra did a few weeks ago. This woman has been banned from some countries of the world because of her disgusting performances. We were told that her performance here was a mild one. I would urge the Government to take steps to ban her also from the Cayman Islands.

I know people on the outside will say that if someone wants to go to see Patra it is his/her right to go. I can agree with that, Madam Speaker, but when the

newspapers are going to be flaunting disgusting photographs that my children and I must look at, I cannot agree—though the good must suffer for the bad.

Madam Speaker, one Member in replying stated that there is a need for co-ordination. I could not agree with that Member more. In my presentation I stressed the need for co-ordination amongst all ministries of Government, departments, and all the non-governmental organisations.

I would like to thank the Honourable Minister for accepting this Motion on behalf of the Government. It was most interesting when he pointed out in his reply that women are the bearers of the heavier part of the financial burden in this country—yet the majority of them remain at the low end of the pay scales.

Madam Speaker, I know that this Honourable Minister has been doing a lot of work during his time in the Ministry, in dealing with matters affecting women of this country. We need to do some research. Once again we go back to statistics, as to why it is happening. We are the bearers of the heavier part of the financial burdens of families and yet we are kept at the lower end of the salary scales.

Someone mentioned that the proper terms of reference should be set up for the Women's Office. Madam Speaker, I agree wholeheartedly. In my presentation I did attempt to put forward some terms of reference for the Office. At this point I would again like to stress the purpose of the Women's Office in one of the Ministries: It is to increase public and governmental awareness of issues that are of particular concern to women and to highlight those areas in legislation, health, et cetera, where more work needs to be done to improve the status and quality of life for women.

The terms of reference for such an office include: working with health personnel; promoting women's health and welfare; co-operating with the Legal Department and the Government to create a legal framework favourable to women; liaising with women groups and organisations and supporting them in their projects/programmes; and interacting with other women's offices regionally and internationally.

Madam Speaker, I had the pleasure of attending the Commonwealth Parliamentary Conference that was held in Banff, Canada. At one of the sessions on issues affecting women a draft report was sent out. The Report says:

"National Women Bureaus"

"A number of countries have yet to establish an official body mandated to collect data on the status of women to track their achievements; to speak out on issues of concern, or to lobby for their rights. Non-governmental organisations with resources and leadership to mobilise women country-wide and whose central role is to provide women with political education and training may be scarce or nonexistent.

"The Task Force recommends that government establishes national women bureaus: to review legislations, policy and platforms at each stage of development and delivery; to determine the impact on

women; promote the advancement of women through the development of a collaborative relationship among the agencies, government departments, organisations involved with the co-operation of industry, educational and health authorities, local government and non-governmental organisation; to act as a catalyst to influence the activities of government departments; to work behind the scenes tracking the progress of legislation, policies and programmes; to ensure that government decisions have a positive impact on women; to organise meetings and conferences and keep issues alive; monitor development in other countries and represent the nation at the United Nations, Commonwealth and other related activities dealing with the advancement of women."

Madam Speaker, that is all we are asking the Government to do in the Motion.

I would like to encourage the non-governmental organisations in the Cayman Islands to assist and put forward their views. While I am urging that this Desk be established in the Ministry for the overall good of women and where organisations and individuals can present their views on matters, it is imperative that everyone in the Cayman Islands, whether she be Caymanian, resident, or visitor, remember that this is a British territory and not another state in the United States. We tend to follow whatever happens in North America. Madam Speaker, I see certain things happening in the United States that I would hate to see brought in under this Women's Office in these Islands.

Madam Speaker, another thing that I would like (and I have asked for this in a question in this House), is for a dress code that was brought about by the late Ms. Annie Huldah Bodden at a meeting of this Legislative Assembly in Cayman Brac. I constantly visit the beaches (and I am probably going to be knocked because some will feel that this does not need to come about, because we have to support tourism)—I support tourism but I am not going to support it at the detriment of my people. It is disgusting when I take my young granddaughters to the beach and see half-naked women sitting on the beach with G-strings or without tops—and at some restaurants they try to get through the doors. Some actions have to be taken.

The Honourable lady Member for George Town made mention of women taking self-defense classes. I would like to congratulate the Business and Professional Women's Club for the week of self-defense [classes] that they brought in 1992. On the community calendar it says: A week of self defense, the Business and Professional Women's Club and the C.I. Martial Arts Federation is sponsoring a series of seminars especially for women. We need to continue to do more of these seminars not only on martial arts, but seminars on other things that affect women.

One of the suggestions that I would like to make to the Ministry—and it is one again from the Task Force Report on women issues from the conference I attended—is to publish a magazine such as the *Bermudian Heritage Month* magazine. This magazine is in celebra-

tion of women and traces the history of the female presence in the community and highlights the valuable contribution of women and their influences in Bermudian development.

Madam Speaker, once again I would like to say thanks to all Members who supported this Motion. In closing, I would like to read the seem two verses I read at the beginning taken from Norma Hardy's *Women's Creed*. It reads: "**We rejoice in our diversity and versatility; our intuition and our logic; we confess our fail- ures, frailties and imperfections; including our past acceptance of violence and injustices in relationships between women and men.**

"We look forward to the age of peace when violence is banished: when both men and women are able to love and be loved and the world and the wealth of our world is justly shared."

Thank you, Madam Speaker.

The Speaker: The question is that Private Member's Motion No. 1/95. The Establishment of Office for Women's Affairs be received. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The Motion is unanimously passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 1/95 PASSED.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.34 PM

PROCEEDINGS RESUMED AT 4.03 PM

The Speaker: Please be seated.

Private Member's Motion No. 2/95—Removal of Twenty Five Cent Tax on Diesel Fuel. The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 2/95

REMOVAL OF TWENTY-FIVE CENT TAX ON DIESEL FUEL

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, I beg to move Private Member's Motion No. 2/95, standing in my name and entitled "**Removal of Twenty-Five Cents Tax on Diesel Fuel**", reading as follows:

"BE IT RESOLVED THAT Government removes the twenty-five cents per gallon tax increase levied on diesel fuel brought into effect by Government Motion 9/91;

"AND BE IT FURTHER RESOLVED THAT the revenue from Motor gasoline, Diesel oil, kerosene,

other fuel oils and basic petroleum products be held in a special account to be used exclusively for road development and maintenance.

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. 2/95 having duly been moved and seconded is now open for debate.
The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, this Motion affords a glorious opportunity for the National Team Government to live up to a promise that was made, and a promise that people are looking forward to being kept.

Let me dwell a little on events leading up to and surrounding this Motion. When the last political directorate brought this last twenty-five cents increase in Government Motion No. 9/91, this increase met the resistance of the then Backbenchers and we lamented the fact that the Government was levying taxes on the people which they could ill-afford.

Madam Speaker, the immediate result of that was an increase across the board in electricity rate seen to be especially burdensome on the small consumer. And although it would seem that a twenty-five cent tax per gallon on diesel is insignificant, it nevertheless carried a significant percentage leap in the increase. Prior to that the tax on fuel oil had been increased by thirteen cents to make it twenty-five cents, and with the addition of the twenty-five cents with the coming into effect of Government Motion No. 9/91 the total tax levied was fifty cents. We can see that from fifty cents per gallon we are talking about a significant increase.

During the National Team's campaign it was popularly received that some effort would have been made to have this reduced by twenty-five cents. Indeed, I recall vividly at the swearing ceremony at least one Member of the National Team remarked that he hoped the National Team would remove this twenty-five cents tax very early in its tenure as the Government. Madam Speaker, if this twenty-five cents is removed it should bring immediate relief that would be beneficial to the small consumer but which should be applied across the board to all consumers.

The call to open a special fund for road development and maintenance with the remaining twenty-five cents seems a sound management principle and indeed, good budgetary practice. We have reached the point in this country now where roads and especially, maintenance and development of new roads is of critical importance. We have also reached a point where it strikes me as good management sense and certainly from a budgetary perspective proper procedure, to have a special fund/account earmarked for roads. This practice, Madam Speaker, will allow us to ascertain precisely the position

we are in regarding developing new roads and for maintaining road networks at present.

Madam Speaker, not only does it make sound management sense, but I would argue that it is also sound ethically, since those people who use the roads the most would contribute more towards their maintenance and the development of new roads, by virtue of the fact that an automobile owner or a fleet owner would pay more than persons who are passengers and who use the roads less frequently than those who traverse the roads on a daily basis. It is fair, equitable, and ethical from that viewpoint.

I would argue that this twenty-five cents tax is the most ethical way of paying for road usage and certainly it is one which will be easily understood and perhaps easily accepted by residents and citizens in the country.

Madam Speaker, it is not expected that the yields from this twenty-five cents tax are going to be able to address all of the existing or future road problems. If managed properly it will go a far way in addressing the major problems that confront us at this time. I would say that in the first instance we would have to define how we would use the proceeds from this tax that we put into this fund. I would suggest that these proceeds be used primarily to maintain or to construct roads categorised as primary roads. I would say that this money should be used on the main road links and not expended on any arterial links except in those cases where all of the main arteries have been brought up to par and have been properly serviced.

I would also propose that it be used judiciously in the sense that it would not be used to do the alterations or to construct alternate route such as the Crewe Road/Airport Road junction. For the simple reason being that I believe such an undertaking should have been done by the Civil Aviation Department since the Civil Aviation Department is the direct beneficiary of that project. If we take that kind of line the proceeds realised from this special fund would be able to service more people and we would be able to use it in a more effective and efficient manner.

Madam Speaker, we realise that we have an acute problem now, because everyone of us in this honourable House realises that something needs to be done with regard to opening up new corridors and developing new roads in addition to maintaining the system that we have now. Hence there is an urgency to arrive at a point where we can be able to accurately and specifically realise just how much work we can undertake in the run of one year.

I contend that there is no better way to arrive at this point than to setup a special fund that will be used exclusively for road development and maintenance. In so doing there is no more sensible or rational way; and there is no better way from the standpoint of modern scientific management than to begin with moneys realised from the proceeds of the sale of petroleum and its derivatives.

If we need to take it further, there is also the possibility of fees being realised from road users, licensing of automobiles, drivers' licences, and those kinds of things. This, Madam Speaker, is a basis for starting and we could quite logically start the fund with the twenty-five cent tax

realised from the sale of petroleum and its products. And if we find out that we need to add more, we could also look at moneys derived from licensing of automobiles, drivers' licences et cetera.

I want to go back now to the twenty-five cents reduction on diesel and how I see that as helping across the board. We realise that all of the people of the Cayman Islands use electricity now, even the most humble person. Not only do we consume it as individual householders but the cost of electricity affects us in that when we purchase goods from the supermarkets part of the price we pay no doubt is reflected in the cost of electricity of the establishment. Services that we use sometimes too take into consideration the use of electricity. So a reduction of the twenty-five cent on diesel should bring some reduction in the cost of electricity.

Not only would it be limited to the costs of electricity. We would probably also see a small reduction in the telephone bills because there is an intertwining of the two. We should also see a reduction in the costs of other commodities if we buy aggregate, if we buy cement, or, if we use any product having to be trucked to us. So it should quite conceivably affect people who are in the process of construction.

Madam Speaker, it seems logical and safe for me to conclude that this reduction even of twenty-five cents off the diesel would have perhaps a more widespread and significant effect than a reduction of a similar size on any other single commodity; there are but few other commodities. We should even see a reduction in the cost of water that we consume—those of us who are on the public water supply system. What is being requested here is mainly—and I want to underscore—the keeping of a promise by the National Team Government, of what they were going to do after they took office.

Further than that, it is a move that would significantly lessen the burden on our people who are least able to pay. We are not asking that all of it falls away. We are saying that we take twenty-five cents off and give the people an ease in the cost of living, and the other twenty-five cents we take and place in a special account so that we can be in a better position to understand how much we can afford to spend. For, Madam Speaker, while our system presently is good and has served its purpose for years, I believe that we are fast approaching the time—if we have not already done so—where when it comes to things like infrastructure (roads and sewerage systems et cetera), especially if we are going to maintain our present development rate it makes good money management sense and good budgetary sense to develop special accounts. If we can have these funds in, we will be able to ascertain just how much we can undertake at any particular time, and also what we need to do to maintain these funds and our system.

My contention is that when the funds are in the general revenue we have to compete with all other areas and avenues. In a sense one could argue that it is an unfair competition since some areas of revenue contribute more to the general revenue than others. Therefore, one could quite sensibly ask: 'Is it not more equitable and

fair to allot proportionately rather than to throw everything in and depend on the priorities?' For if we had a special road account with \$10 million to spend exclusively on roads over a year, we would be in a much better position to know exactly what road works could be undertaken. We would better know what should be given priority and what should be ruled out, than if we had to take the road vote out of the general revenue fund where it had to compete with the Education services, the Health services, Social services and all the other services—when it could be argued that by virtue of the fact that we collect moneys off licence fees, drivers' licences, diesel fuel, et cetera, the roads should not have to suffer inordinately.

Madam Speaker, I think that is certainly a position which could be taken and defended and also one that seems quite logical. It is my understanding that in other jurisdictions that is the way things are done. I know in countries where there are local government councils that is how some of those councils raise the money for the maintenance and development of road systems. Even in those areas where we have a central system it is not far-fetched to see the base organised along those lines.

So, Madam Speaker, in my estimation there is merit for consideration of this proposal, because in the first instance it is something that we were encouraged to look forward to; and secondly, it makes good management sense and allows us to be in the position where we can develop some perspective on exactly how much road work we can undertake in any financial year. And as I said earlier, we can start in a restricted way and use the funds specifically and exclusively for the development and maintenance of primary arteries. Later on if funds allow, we can move into the secondary and arterial roads.

I open the Motion to Honourable Members and hope that the Government can see merits in the argument. Thank you, Madam Speaker.

The Speaker: It is now 4.30 PM. Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

ADJOURNMENT

Hon. W. McKeever Bush: Madam Speaker, I take pleasure in moving the adjournment of this House until Monday morning, 10 o'clock when we will continue with Private Member's Motion No. 2/95.

The Speaker: The question is that the House do now adjourn until 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 4.30 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 3 APRIL 1995.

**MONDAY
3 APRIL, 1995
10.07 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, forever 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.

Suspension of Standing Order 14(2). In the absence of the Honourable Minister for Community Development, Honourable Minister for Health.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Anthony S. Eden: Thank you, Madam Speaker. I beg to suspend Standing Order 14(2) so that this Honourable House may be able to continue with Private Members' Motions.

The Speaker: The question is that Standing Order 14(2) be suspended in order for Private Member's Motion No. 2/95 to be continued and 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. Standing Orders are accordingly suspended.

AGREED: STANDING ORDER 14(2) SUSPENDED.

The Speaker: Debate will continue on Private Member's Motion No. 2/95. The Honourable Minister for Agriculture Communication and Works.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 2/95

REMOVAL OF TWENTY-FIVE CENT TAX ON DIESEL FUEL

(Continuation of debate thereon)

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

I rise to speak to Private Member's Motion No. 2/95, removal of twenty-five cents tax on diesel fuel.

The mover of the Motion rightfully mentioned that the National Team Government had in its Manifesto that if elected we would look at and, if necessary, remove a twenty-five cent [tax] on diesel fuel. The Motion brought to this Honourable House came from a previous government and it was actually for fifty cents per gallon tax on diesel fuel.

After coming into government we did as we promised the people, we checked out the situation and found (as has been repeated in this House) an almost bankrupt government. We tried our endeavours to add no further tax on the people of these islands, and in so doing, after working quite closely with the Honourable Financial Secretary, we saw that it was almost impossible at that time, or even now, to go ahead and remove a twenty-five cent duty which was placed on diesel.

I am certain, the Honourable Financial Secretary will elaborate on more fully, but if that was removed we would be faced with an additional \$4 million which we would have to raise one or the other. We would have to tax the people in another area; or we would have to look for further loans. It was not thought by the Financial Secretary, or this Government, prudent at that time and we took a completely different approach to it. I sat with the officials from Caribbean Utilities Company and I explained to them the situation. I explained what was in our Manifesto, and we discussed it on more than one occasion.

As a result of those discussions, we had Caribbean Utilities Company restructure its rate system, both for commercial and homeowners. This is not something that one would see in the first year because it has been spread over three years. The first was a 2% deduction and until next year will be the last 2.35%, bringing it up to 6.35%.

For many years, the rate structure was such that the

homeowner had been paying the higher percentage. This now has changed and with the adjustments which I mentioned it will no doubt revert to the commercial businesses.

I know the argument is that on certain things it will be passed back to the homeowner, but this will not be directly and what we tried to do was to assist those who had been paying the higher percentage over the years.

My understanding of the reason why the rate structure was done in such a way was that when CUC came on line there were more homeowners than commercial ventures so it had to be scheduled the way it was.

Government believes that what it has done will assist the homeowner and at the same time it has helped us not to disrupt what was laid down in the budget.

I feel certain, like with anything else, if things become better, whereby we have less problems balancing our budget that we will be open enough to sit down once again and re-look at this and, if possible at that time, remove the 25 cent duty.

So, the government at this time finds it impossible to accept the Motion before us.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, in responding to Private Member's Motion No. 2/95, I am to advise, as pointed out by the Honourable Minister for Agriculture, Communications and Works, that the proposal for a reduction of 25 cent per gallon tax on diesel fuel at this time, if implemented, could have adverse fiscal implications for the Government's budget, particularly since we are now the first quarter of 1995.

The Budget will show that the amount of revenue that is targeted to be raised in 1995 amounts to \$12.4 million, of which the duty on diesel fuel accounts for approximately \$10 million. This Honourable House is aware that the duty that is applied to diesel fuel at this time amounts to 50 cents per gallon, which means that a reduction in duty would result in a reduction of approximately \$5 million in revenue. Therefore, if this proposal is to be entertained at this time, since we have commenced the budget for 1995, it would mean that the government would have to consider alternative proposals at this time in order to raise revenue to the tune of \$5 million, which would be the sum that would be lost.

As pointed out by the Honourable Minister, it is not to suggest that this proposal does not have some merit, or should not be given some consideration at a later time. But it would best be considered in the context of looking at the annual budget in terms of when the annual budget is being considered for a given year. At this time all of the elements—all of the revenue and expenditure proposals—could then be considered and alternative arrangements considered, or measures agreed upon, if it is felt that certain adjustments should be made in an area such as consideration being given for the reduction of the tax on diesel fuel.

I should also point out that the way the budget has been dealt with in the past and even up to this time is that

the revenue which is derived from a given area is not necessarily matched against the expenditure to be incurred in those areas, because to do so would mean that the whole revenue process would need to be overhauled and it is likely that this will have to be done in the future.

For example, medical services. This Honourable House will note that approximately \$15 million appears in the estimates at this time, being the operational costs for the Medical Health Services. Where the revenue to be obtained, or generated from those services provided by these facilities in 1995 will be in the region of approximately \$2.1 million.

It is recognised that roads are a very important aspect of our infrastructure. The providing of good road facilities should not be taken for granted because, obviously, it would not be within the interest of the Cayman Islands and it would not be promoting the image that has been associated with these Islands at this time, as an emerging developing country.

It is very important that measures be looked at in order to provide the necessary road infrastructure and the other infrastructural requirements of this government. But to do so at this time would mean that any reduction in revenue (because we are operating a very tight budget and we refer to it as a balanced budget which means that we do not have the flexibility in order to propose drastic reductions throughout a given year unless these reductions are considered when the budget is being agreed upon to be brought to this honourable House).

So with these comments, as pointed out by the Honourable Minister, the Government at this time will not be in a position to support this proposed reduction. As also pointed out, it is not to say that this could not be a consideration exercised in the future. Obviously, we are in a very dynamic economy and we cannot go about issues as though they are carved in stone because what is logical and what is best for the country at any given time will have to be considered and pursued.

This honourable House is also aware of the additional expenditure that the government will have to address in 1995 and quite likely beyond in meeting the upkeep costs of the Cuban migrants. All of these expenditures are placing pressures on the budget.

Therefore, to consider reductions in any given area at this time would mean that the compensating funds would have to be derived from others, otherwise we will be winding up the year 1995 in a deficit position.

Madam Speaker, all of these factors will require careful consideration. Thank you, Madam Speaker.

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

Mr. Gilbert A. McLean: I rise to speak on Private Member's Motion No. 2/95—Removal of Twenty-five Cent tax on Diesel Fuel.

As the seconder of this Motion, I naturally support the requests that are made in the two resolves. This Motion is a request to the government to undertake a certain line of action. Both government Members who have just

spoken alluded to the fact that perhaps somewhere later down the line this could be done, but, indeed, the Government has not said that they would do that. Their reply is that no, this cannot be done and not a case of accepting the motion with the view of examining it further in the future.

This promise of a reduction in diesel fuel was contained in the Manifesto of the National Team—that document which is referred to in every meeting of this House for one reason or the other. It was a focal point of campaign promise repeated over and over and over again throughout the districts of this country. It was, in fact, I contend, a prime factor in persuading the electorate of this country to vote for the present Government in a majority.

It is not impossible to do what this Motion asks, by any means. We all well know that the monies which come from diesel fuel is presently funnelled into general revenue. We heard the Financial Secretary say that it represents approximately \$10 million of the revenue.

I postulate that the National Team Government never thought of the implications of the promise when it was being made; that it was something very hot to be talked about and, indeed the country had felt the pinch of the increase in the taxes on diesel fuel.

Often the Members of the Government and their supporters talk about the bankrupt government they inherited. I would hope that even the most uninformed person in this country would know that is an untruth. The reserves of this country in 1992 were \$10 million and someone or something that is bankrupt does not have that kind of money in its reserves. This Government, in fact, for 1993, took approximately \$7.0 million from the reserves of \$10 million to balance the budget. Therefore, I fail to see how, if the Government was bankrupt, they could take \$7.0 million from nothing.

The last Government was the Government that increased the taxes on diesel fuel. One thing that can be said on behalf of that Government was that it had the courage to come to this Legislative Assembly and take whatever pressure, or beating it did from the then opposition in achieving what it wished to do.

It is interesting, in looking in the *Hansard* of 15 November 1991, when this Motion to increase diesel came in an omnibus tax package. That Motion passed with eight people saying yes and seven people saying no. Those saying no were: the First Elected Member for West Bay (now the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture); the Third Elected Member for West Bay (now the Third Elected Member for West Bay); the Third Elected Member for George Town (presently the Minister for Education); the Second Elected Member for Cayman Brac and Little Cayman; the First Elected Member for Bodden Town; the Second Elected Member for Bodden Town (who is now the Third Elected Member for Bodden Town); the Member for East End (who is now the Minister for Communications) and me.

How times change.

Here is the opportunity now to reduce the amount

from 50 cents to 25 cents. There is no question that when this tax was brought back in 1991 it increased the cost of living across the board. Electricity immediately went up and thus affected everything in this country—people, supermarkets, businesses. You name it, in whatever form, that increase affected it.

It is reasonable to forecast that if this 25 cents were reduced, we would see prices go down. For one thing, the electric company (to the best of my knowledge) must reflect in its charges an increase or a decrease, depending upon the cost of diesel fuel. In the same way that it increased in 1991, it is reasonable to assume that there would be a decrease in the cost of living and prices generally. Another area where there should automatically be a price reduction would be in piped water throughout the Island.

What is being asked for here is not something that would have a detrimental effect on costs or inflation. This would have a positive effect.

I am not here to argue the points made by the Financial Secretary in regard to the loss of revenue he says would occur. We are well aware that the Government of the day needs all the finances it can possibly have, particularly in light of the fact that the Government has multi-million dollar undertakings with regard to the Cuban refugees. It obviously is this Government as well that negotiated that we should pay the United States these millions of dollars. It is obviously government's problem but it has, indeed, become a national crisis, as I would term it.

The Minister for Communications and Works says that the rate structures of CUC have been negotiated and it will be changed. I understand this is the case. But, when we talk about a reduction in electricity prices, I have not heard any members of the public saying that they have seen decreases in the cost of their electricity. Surely, when the higher charges have been applied to the businesses now, the businesses have simply jacked up their prices and so the consumer continues to pay beyond what is reasonable and affordable, which puts the average consumer under financial stress.

It is not correct to say that while the last government did tax this country in amounts that had not been sought prior, they did so specifically for certain undertakings like the increase in civil servants' salaries. I am sure we can all remember that the civil service got a 22% increase through the taxes brought by the last government. That was one of the main reasons for the tax increase.

This Government has been a taxing government whether it wishes to admit that or not. It is a fact. Taxes were increased in 1993, 1994 and also in 1995. We know that the hotel tax was increased, and the garbage fee was increased this year. In comparison and in truth, while it can be said that the last government taxed the country, surely this Government has been a taxing Government as well.

The particular difference in the taxation with this present government—the National Team Government—is that many of the taxes applied over the last two-odd years, have been taxes that have been increased in Ex-

ecutive Council through regulations. They have not been taxes that have been increased here on the floor of this House, except in the case of the Hotel Tax to come into effect on 1 June.

In the second resolve of this Motion, it asks that a special account be set up within the government organisation into which the revenues from gasoline, diesel, oil, kerosene and other fuel oils and basic petroleum products would be paid. And that this account would be used exclusively for road development and maintenance. I do not think there are too many of us who would try to sensibly argue that one of the major needs in this country is that of road development. There is glaring congestion of traffic, roads have deteriorated in many areas and need maintenance and repairs, and the government is attempting to inch and pinch while it sets priorities on stadiums to find sufficient money to spend on road work.

I visualise that if an account such as the one being asked for in the Motion is set up, the monies from gasoline and diesel and other fuel oils used for motor vehicles and equipment would go into that account. The account could realistically be limited to earnings coming from these various items. So, in any given year, the government (any government) would be in a position to guide itself by how much has been collected therefrom. In effect, the users of the road would be paying for the roads.

I am not saying to extend it into the taxes on motor cars and so on, I am speaking specifically of the items requested here in this particular resolve. This is not something strange, for in various countries things are handled this way to separate specifically the cost of roads and maintenance of roads and charge it to those people who use the roads.

Countries have highway commissions set up that look after road development, road maintenance, and the like. This is normally the way that such commissions are funded for the purpose of road development and maintenance.

This Motion requests the government to take a modern approach to the matter of road development and maintenance. Certainly, I am aware of no other and more specific way that it could be done. This Motion, therefore, does not in any way set this country back or make ill for this country, but it offers a realistic opportunity to address a major outstanding need in road development and maintenance.

I support this Motion, and it seems a great pity that the government should not accept this Motion with the view of dealing with it as has been said at some particular time when this might be possible.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the matter of the reduction of the tax on diesel fuel had been an item in the Manifesto of the National Team. I supported that item in the Manifesto and I believe the government, once they were elected, had every intention of making a reduction.

But, as explained by the Honourable Financial Secretary, we see that it is impossible.

The reason why it is not possible is because in November 1992, when the new government took over, they found this country in a state of financial flux. The Second Elected Member for Cayman Brac and Little Cayman referred to our comments about the bankrupt government. The Honourable Financial Secretary did not go into all the reasons why it has been impossible to make this reduction, or to even accept this Motion today. We found a country with depleted reserves.

It is true that a small portion of money had been left in the reserves, but this had to be used to wipe out the deficit which had been created over three years. You cannot really say you have a reserve when you are running a \$18 million or \$14 million deficit.

So, the reserves that went into revenue helped by a long measure in wiping out the deficits which the previous government had created. So, they could never in actual fact leave a reserve when the deficit far exceeded the reserves.

Then, other major expenses facing the government in 1992 were to pay for the many advance accounts which had been set up to be paid in 1993. There was a settlement pending from the court case against Cayman Airways. We were faced with falling revenues in that the revenues had not been increasing in the proportion we had been accustomed to. Everyone knows that to run the country you need to increase revenue, as the cost of everything goes up every year.

In fact, the country was in such bad state that the banks would not lend the \$20 million, which this Legislative Assembly had agreed in September 1992 to guarantee for Cayman Airways. The reason why the banks would not lend the money was not because Cayman Airways was in a bad state financially, but because the whole country was in a bad state.

If the person guaranteeing the loan had been in a strong financial position, the banks would not have cared what happened to Cayman Airways. They would have come up with the money. But the government itself was in poor shape. What is even worse, is that this country had lost its credit worthiness.

Sometimes you can get by without cash if your credit is good. But when you have neither cash nor credit, things are bad indeed. This country had reached a state where not only was it difficult to get the money for Cayman Airways, but the Government itself owed so much that at that time, in relation to the revenue, it was not prudent to take on further loans. If we had done that we would be paying too high a percentage of our revenue to service the loans.

I remember a couple of years ago when I went to a conference in Canada, the Commonwealth countries were discussing the financial plights that their governments were in. In the case of one of them, they were paying 80% of their revenue to service their debt and to pay for military expenses. Those countries had borrowed beyond their ability to repay and it finally caught up with them and they are now asking their creditors to waive or

write off the debts.

As a sensible financial professional, the Honourable Financial Secretary cannot allow this country to slip into that position. What even made it worse, this government had no ability to tax the people of this country because the previous government had used us all the taxable leverage. They had imposed in quick succession two separate \$10 million tax programmes.

The Second Elected Member for Cayman Brac and Little Cayman mentioned the increases in the garbage fees. But this is infinitesimal when compared to a \$20 million tax package.

Although the country through savings and pruning expenses have begun to get the finances under control, we find that this year we have been hit with the Cuban crisis which no one foresaw. I would like to say that if this government had found no deficits and the reserves that should have been built up, the Cuban crisis would not have presented a financial problem to this country. We could have taken \$3, \$4, or \$5 million from the reserves and taken care of the Cubans.

The Second Elected Member for Cayman Brac and Little Cayman mentioned that we should have negotiated to let the United States pay us for the refugees. He knows better than that. He knows that this dependent territory is at a great disadvantage when it comes to negotiating with the United States or any other super power. We are compelled to take care of the refugees not by an act of our own, but because the United Kingdom is a party to the United Nations Convention on Refugees. As a dependent territory, we are saddled with that cost whenever refugees appear on our shores.

The second part of the Motion has not really been addressed by the Government in any great detail, but if we were to accept that we would be creating an accounting nightmare—a financial and bookkeeping nightmare. It asks that the revenue from motor gasoline, diesel, kerosene other fuel oils, basic petroleum products be held in a special account. I wonder if the Members realise how difficult that would be because the revenue from these varied items does not come into Government's accounts or into the treasury on a single day of the year. It is spread out over every tanker that comes here, every cargo ship that brings a case of lube oil and even sometimes the shipments of car and motor fuels by air. So, there would have to be a special person just to monitor the collection of the revenue from these fuels and make sure that a separate account was opened up and all the money credited to it.

Let us say that this was possible. We would then have the second nightmare of spending the money because if we accept the Motion, the Motion asks that the money be used exclusively for road development and maintenance. This means that no part of that money could be used for anything else without a special provision. It would also mean that all parts of it would have to be used for the roads. I would like to know how on any given day of the year the revenues from the fuels would equal the expenditures on the road. This is a bookkeeping headache, which should not be entertained by this

government.

This government, the National Team Government, has a history of tax reductions. We know that we recently reduced the tax on the land transfer from 10% to 7.5%. This was a tax which the National Team had put on because real estate sales were so sluggish the government reduced the tax and we saw beneficial results immediately.

Then, some time ago we passed a Bill in this House that reduced the fees on certain companies to make us more competitive. Here again, we have had favourable results. Even quite recently the government by its glorious action in Hong Kong decided to reduce a specific fee and of course when they came back here the few Members of Council who were not with them agreed that this would be done. It made investors in Hong Kong very happy.

This Government will reduce the tax if it is possible and necessary. But to seek to have \$5 million taken off the tax in one lump sum, and, even worse, to take what is left (the other \$5 million) plus the revenue from other petroleum products and put that in a frigid account where it would be frozen and could not be used for anything else but roads, would really wreak havoc on the finances of this country.

I was one of the seven Backbenchers who said no to the increase on the diesel tax. And, as mentioned earlier, I was a part of the team of Members who agreed in the Manifesto to reduce this tax. But, we have to be practical. We cannot put the stability of this country, the stability of its finances in jeopardy by doing something that we know we cannot afford to do now. Certainly, as times change, if it becomes possible in the future to make this reduction, I would be happy to support it.

I believe that the Government must examine every action that it takes, must look at each case on its own merits and if the government can give relief on the tax on diesel or whatever else, the government should do so. But the government can only do so when it will not upset the balanced budget for which this government has become quite famous.

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 speak on Private Member's Motion No. 2/95—Removal of twenty-five cent tax on diesel fuel.

This Motion gives me great concern at this time. The country has deferred the implementation of the Hotel Tax until June and also, with compassion for the residents, did not increase the garbage fees for private residences, reducing the revenue source upon which the budget was prepared.

I remember quite clearly that the previous government looked very seriously at the Grand Cayman Road Improvement Policy, which came after the Master Ground Transportation Plan. Much of what is imbedded in this

Motion was discussed by that Committee.

As I see it, the only way this could be implemented would be by the formation of yet another authority—the Highway Authority. I also realise that as authorities take revenue from the main treasury it reduces the amount of revenue with which the Honourable Financial Secretary has to work.

So, as we look at this whole entire scenario, I look back at the position I faced in the previous government where we were forced to vote large revenue measures to provide for the needs of the country.

Every avenue was looked at where taxes could be imposed with the least impact. One was found to be the additional 25 cents on diesel. This had an effect on the economy, but I also realise that we have no control over the inflation that we face in this country. It was necessary at the time that revenue measure was done, that some increase be given to the civil servants as their salary was not sufficient to cover the cost of living then.

If my memory serves me correctly, I think that out of the revenue in that particular tax-package there was a 5% increase given to civil servants at that time.

We realised that we had no control of the cost of manufactured goods being brought into this country and therefore, we had to seek revenue. Nothing has changed today. I think all of us would like to eliminate all import duties, but certainly none of us is willing to give up any of the privileges and wants and desires that we have and the demands that we make on government.

So, I do not see how today having voted, as the Second Elected Member for Cayman Brac and Little Cayman said, it was an eight to seven vote, and at that particular time I admit that I voted with government to pass the revenue measure that imposed this tax because they had no alternative. The then Financial Secretary felt it was prudent that the civil servants be given an increase and the budget was prepared with this in mind. I supported government in that motion and it passed eight to seven.

Today I cannot support this Motion. I look forward maybe in times to come when the country may be in a position to reduce import duty, but, honestly, I do not see it over the horizon that I see. Therefore, I think that we have to be responsible representatives and vote where it is necessary to provide the revenue that our people justly deserve in salaries and the infrastructure to provide the standard of living we all cherish and want in the Cayman Islands.

So, with these words, I cannot support the Motion.

The Speaker: If there is no further debate, would the Mover like to exercise his right to reply...The Fourth Elected Member for George Town.

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

There is much to be said on both sides of the coin regarding this Motion, and I daresay that this is one of the times when heavy is the head that wears the crown.

Initially, when the increase was put on the diesel by the previous government, there was a lot of talk as to the

merits and demerits of this additional tax on diesel fuel brought into the country.

The one difficulty with this motion is the fact that if it were dealt with in the immediate future, there would be some problems (to say the least) with projected revenue and the country finding itself in a balanced position at the end of the day. Nevertheless, to my mind, there are several reasons why the Motion has its merits, and several reasons why I think government should be looking into those merits.

It is said that allocating revenue for specific expenditure and separating it from what is now termed as Government's general revenue is not only precedent setting, but can lead to problems in the way our system works.

Let me first of all say that roads, specifically roads with regard to upgrading of our infrastructure, is one of the main priorities to my mind that the country should be looking at. I feel very strongly that a process of development is being skewed in that the way of development is taking place (geographically) it is causing much stress on certain limited areas and to my mind mainly because of a lack of infrastructural development not spreading in the country the way that many of us would like to see it. This has been an ongoing problem. I am sure that legislators before me, and those who are still here, are racking their brains trying to tackle this very serious issue.

I personally feel very strongly that government should very seriously try to look at dealing with our lack of infrastructure in a way that we can see some type of long term specific goals with a view of trying to stick to achieving those goals.

I know we have elections every four years. And I know that there is no guarantee that a train of thought for government today will be followed tomorrow. But it is my belief that from the perspective of continuity we still have to deal with it in the way that we expect once something makes sense, whether it be the same government or another government, that it will be followed through. Certainly all cannot be achieved within the time frame of one election to another, especially if we are going to do things the right way.

This may seem to be skirting the periphery of the Motion at hand. But the truth is that I think the main positive thought behind the second part of the motion was simply to achieve the point where the country would decide that unless there are emergencies occurring (for instance, the Cuban crisis), that there would be specific allocations on an annual basis to make serious attempts to address our lack of infrastructure.

The years that I have tried to keep up to date with the affairs of this country have displayed to me that at all times we deal with certain issues, and, whatever is hot for today, and whatever satisfies the situation and the general populace at that time, is what we focus on. I can truthfully say (and this is my own thought) that I believe that this country has suffered a lot because of that way of thinking.

The decision-makers, whether they be people like me who is simply allowed an opportunity to take a position and hope that the government sees the good in it, or

whether it comes to those who make the final decision, it is all a question of the responsibility that goes with the turf and the vision that can be applied as to how we see our country years down the line. We cannot just keep talking about it and hope that 10 years from now things are going to become a reality, it does not work like that. We have to work towards making those things become a reality.

So, while the Honourable Third Official Member and others probably will, when looking at a wider perspective, have a problem with trying to allocate specific revenue to go towards specific expenditure, in that that is not the way the system works now. I am at an impasse as to exactly how we could address this specific problem in a more meaningful fashion. There will be much debate as to why it cannot work the way that I envisage it, but the truth of the matter is that I see no other way at this point in time. And until I am shown a different way, I am at the point of exasperation with our lack of infrastructure and us continually trying to play catch up, that I see no other route than to designate specific funds to deal with it.

We will find other problems every day. If we talk about each Ministry, each of the Ministers can get up and sing a long swan song as to why they need "X" amount of funds if the responsibilities that they have are to be carried out effectively. We all know that. But, today, I contend that while we must have good health services, other basic necessities for our populace, the truth of the matter is that we continue to say that the growth of the country is almost totally dependent on the success of our banking industry and our tourism industry. While we continue to preach diversification, at this point in time those are the main pillars of the economy.

When we look at those two segments of the economy, it is easy for us to understand that development is what will continue to let those two segments thrive and where the spin-offs will come down to the people of this country in order for our standard of living to be maintained. Having accepted that as I do, I feel that one common denominator about that entire perspective is our infrastructure. While our infrastructure extends further than simply roads, my mind tells me that it starts with roads.

I believe that no matter how we apportion priorities, we have not dealt with our infrastructure properly. If we are to continue to boast about this wonderful standard of living and quality of life, then we have to make a special deal with ourselves with regard to the infrastructure and under the ambit of infrastructure, specifically our roads.

Roads will naturally enhance the chances of further development and if we look specifically at the district of George Town we will understand why lack of long term planning has caused such a stress on a very limited area within the district.

We have certain parcels of land that even a few years ago we would have termed the price of them as astronomical. We have other large tracts of land that at this point in time are almost of low value, except for those who see down the line in the future. It is like (and I am sure the Minister for Agriculture will take note of this one) cows in a pasture: If you keep the cows in one pasture all

the time you soon will have no grass for them. The point that I am making is that you rotate the use of your pasture so that you will always have one that the cows can feed upon. It is the same thing with land use and traffic flow, road networks, and the ability for land to be developed.

As far as I may have seemed to go with the point, I firmly believe that this country must find a palatable means by which we can address our road situation in a way that it is not done as we see fit. As we see fit has never been good enough as compared to the development that has taken place.

The question is how politically right it is as present, or how politically right it is for the future. I am no exception. As a representative I face the onslaught on an almost daily basis to make those things right. And I know that none of us is the good Lord and we cannot flick fingers and make things happen, but today I take this opportunity during this debate that our infrastructure and particularly our roads need to be addressed in specific form.

I will be taken to task with a list of other priorities and some people are going to say we keep talking about roads but what about this, and what about that. I think the day has come when we have to deal with our lack of infrastructure even if we have to go to the public and say to them: *'Ladies and gentlemen, this is how we perceive the future. These are what funds we have available, this is what we need to do.'* If we need to ask the public to help us prioritise, then let us do that. I am sure the public fully understood and if they were made aware of what was happening to us, that if we dealt with our roads the way we should, it would be politically acceptable.

I think that for a long time the final decision has always come into problems because there were more immediate demands. It takes a lot of courage and maybe even people like myself have to summon it up from somewhere and draw from other strength because individually we may not have enough to take the task on properly, but I contend that we have to do it.

I have not given the government a specific answer as to how to do it. That simply displays the complexity of the issue and I accept that difficulty. But I believe that we hold that responsibility for the future of this country. If we continue to develop anywhere near the rate that we are at present, before many of us in here are old and grey, we are going to be faced with a problem that we will not know what to do about. Insofar as costs are presently restricted, they can only be multiplied down line.

I believe that a network of road corridors needs to be established... and I am not trying to shift the topic at hand, I think the stress on the second resolve of this Motion is to deal with our failings in those areas specifically.

Let the government understand that while I may seem apologetic sometimes it is only to make clear my position. It matters not to me who did not do anything right yesteryear, or yesterday, what matters to me is if we understand what was not done right, let us make sure that we do it right for the future. That is what matters to me.

Getting back to the first resolve of the Motion, it reads: "**BE IT RESOLVED THAT Government remove the twenty-five cents per gallon tax increase levied on diesel fuel brought into effect by Government Motion 9/91.**" I could stand here and probably muster a fairly decent argument that the Honourable Third Official Member might have to make some notes on, but I believe in being pragmatic and I also believe in being totally honest with myself.

The reality of the given situation is that I would find it impossible sitting on the government bench to say that this 25-cent tax would be dropped immediately. If the government were to do that immediately, then they would give people like me the upper hand to tell them about their budget which is not balanced. What I would have hoped for is for a bit more specific commitment in trying to alleviate this problem within a given time frame. As the Honourable Third Official Member mentioned, this very dynamic economy that we have . . . and I am sure that I have also heard him mention in times gone by that we have to take a very innovative approach when dealing with projected revenues so that there is as little impact as possible on the general population of this country.

I have contended before (and I have not been given enough of a preaching to change my mind, so I still contend) that when we deal with specific tax measures on any given areas within the commercial sector of our society, it levies a multiplier effect on the ordinary consumer when it comes to what they end up paying directly or indirectly as a result of those tax measures.

When this increase was brought on at the very beginning I listened carefully to the First Elected Member for Cayman Brac and Little Cayman justifying his position for voting for it and also justifying his position why he will not support this today; there is some consistency in his thoughts. But we have to be looking at a different train of thought in order to achieve enough revenue for this country to operate to satisfy the ever-growing demands on the government in order for it to function properly.

We say that we do not have any direct taxation and we boast that especially in our banking industry in attracting new foreign business to this country and it certainly is an asset to be able to talk about. But the anomaly is when we put a direct tax on diesel fuel that the largest user of that commodity has a monopoly in this country. It is obvious that while there is a direct taxation which brings that direct revenue to the government, by the time that is passed on through that monopoly to the various commercial areas that have to utilise that monopoly, those commercial areas take into consideration their additional cost and pass it on to the consumer, that if it is 25 cents, the consumer is paying much more. It would take the Good Lord to tell Kurt Tibbetts different.

The point that I make is not a question of what is wrong with it. It is simply that I believe we have to devise other methods to gain revenue. I do not have all the answers I am just trying to help identify what the problem is at this time.

If we are to continue in that vein that is when we are doing an injustice to the people of this country. It will take

a lot of knocking of heads, but we have to try to lean towards other areas. When we look at an area that has faced direct taxation and that is a monopoly and it has to spread its services out into the private sector, and each of those corners of the private sector (which provides goods and services for the people of this country) passes that price on again, it is the consumer who pays the most. The truth is, the consumer would have been better off if whatever that 25 cents amounted to at the end of the day was divided amongst the population and told that they must give so much every year and then they would be left alone. The consumer would pay less money. I am not saying that is the answer, I am simply saying that I know that is true.

Having understood that the first part of the resolve section is not something that can be dealt with immediately, I still say that there must be a plan to sit and discuss and draw from all sources that could help in this matter. And I am not suggesting that this is the way that the budget is dealt with, but I suspect that because of so many pressures elsewhere by the time you are called upon for "X" amount of money because that is what it will take to run the country for the year, there is a last minute rush to see how we are going to do it.

Maybe if we could find a way to sit down and go through as many things as possible we might devise means that we can achieve the same goals, revenue-wise, and we may find better ways to accomplish them. I cast no aspersions, but I do believe there is merit to what I am saying.

So to repeat the words often used by the First Elected Member for Cayman Brac and Little Cayman, "with those few words, I will sit down."

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.43 AM

PROCEEDINGS RESUMED AT 12.19 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 2/95. The Honourable Minister for Education and Aviation.

Hon. Truman M. Boddin: Thank you, Madam Speaker.

This Motion is typical of what an irresponsible Opposition puts up. It is stating that we should make a reduction of some \$4 million in revenue, but they do not provide the solution as to where the \$4 million is going to come from to pay for this.

Anybody—you do not even need to have spent any time in Finance—knows that it is very simple to come by and say cut your budget by this amount, but if it is going to be constructively done then the solution to where the \$4 million is going to come from to fill this gap has to come with it. Obviously, the Opposition has no plan in place. They just up and criticised us for spending. They are talking about money moved out of the reserves.

What I would like to know from the two Opposition Members is where is the money going to come from to pay for this? Where are they going to take it from? Money does not just grow on trees; it does not just fall out of the air. If \$4 million is cut from here, where is the money going to come from to replace it?

Moving on to looking at this and what the true results of what the Minister for Communications and Works has achieved, he has achieved what we promised in our Manifesto without having to cut the \$4 million from the budget. That is the reason why today we do not need to reduce the cost of diesel at this stage. That Minister, along with the National Team, has been able to reduce residential rates by 6.35%. So, we have been able to achieve what we promised without having to reduce down the cost on diesel.

What we specifically said in this Manifesto was to seek to reduce the high cost of living, for example, by reducing import duty on diesel and thus reducing the cost of electricity. So, we have reduced the cost of electricity and we have done so without having to reduce the import duty on diesel.

I am told that if there had been a reduction in diesel by 25 cents, it would have possibly reflected somewhere near to 8% reduction in the residential homes for electricity. We achieved substantially that, because we achieved a reduction in electricity of 6.35%. So the basic cost on one's electricity bill for residential purposes has come down by substantially (a bit less) the amount of what this Motion would do.

We have heard about the benefits that would have been achieved, and over the years, this has come out in relation to the Master Ground Transportation Plan. One Member stated that by increasing commercial rates we are indirectly putting up the cost to persons who are subject to the residential rates. But a large amount of the electricity in this country for commercial purposes is taken up by banks, insurance companies, offshore industry, with their large offices and this does not go back to the man in the street. A large amount is also consumed by hotels. This is mainly passed on to persons from abroad. So it is not correct to say that by increasing the commercial electricity rates in order to reduce the residential rates that it is indirectly coming back to persons who are subject to the residential rates. This is passed on to the tourists and the large corporations from abroad, the banks, insurance companies, and persons in the offshore industry.

I would like to deal with a few of the comments that were raised. One Member stated that we had objected to when the 50 cents was put on diesel. That is correct. But we have been able to achieve the reduction in electricity without having to reduce the cost of the diesel. I think that is quite commendable. If electricity rate had not been reduced, then I think the position would have been different. But we have been able to achieve our Manifesto without having to reduce the rates.

Another Member mentioned the cost in relation to the Cuban migrants who are here. Within the negotiations that were carried out, a lot was achieved. In fact the

total that was achieved was what could be achieved and that was that the United States would take 900 Cubans. It could have been a lot worse because if the government along with the United Kingdom Government had not shrewdly negotiated then we may have been in a position where we had nowhere for the Cubans to go. I believe that Member appreciates what the cost of keeping them here is, and he knows that the negotiations that went on were done from a position of the fact that the Cuban migrants were already here. It is never easy to negotiate yourself out of a situation that has already happened. It is far simpler if it can be headed off. Obviously, in this case, that could not be done.

The taxes that were mentioned that this government has put on, relating to the Tourist Accommodation Tax, the Opposition Members well know that is not something that is passed on to the Caymanian public. That goes directly to the tourists coming in, so it is incorrect to attempt to say that specific tax is one that affects people locally. It does not. That is why we have tried throughout to put on the tax increases in matters such as the hotel fees.

Some criticism was made that this was done through Executive Council, but it has always been done that way—government after government, after government. These are regulations. It is not under law that it has to come back to the Legislative Assembly. That was raised by the Second Elected Member for Cayman Brac and Little Cayman. As the public knows, the garbage fees in relation to the residential homes was not put on.

I am not too certain what was expected to be achieved by bringing in road commissions. At the end of the day you build roads with money and unless the Commission was going to attempt to do what Mr. Linford Pierson was trying to do with the Master Ground Transportation Plan, when he was trying to raise \$200 million, and the Committee was sitting there trying to figure out how to raise it. I think that if some of the Members in the Opposition cast their minds back to that, they will see a horrifying situation of where we would have been today.

As they know, we objected fully to the Master Ground Transportation Plan, it was going to create a massive corridor of roads. As the Second Elected Member for Cayman Brac and Little Cayman, who has a very sensible and pragmatic approach to things, mentioned earlier, the MGTP was creating corridors, not roads. If you spend all your money creating corridors and have no money left to build the road, that is a stupid situation. When this government came in it was estimated that it would take \$10 million over five years to merely repair the present roads that are here. This is the stage that Mr. Linford, as Member for Communications and Works, had run this country down into. They built new roads and no one had bothered repairing them.

If any advice has to be given to anyone, then the two Opposition Members should go and tell Mr. Ezzard Miller and Mr. Linford Pierson the way that they messed up the roads in this country by letting them run down. They not only did that, the Government buildings were run down and they sold them off at little or nothing. No repairs went

on because they were a government that only looked for big money. There was big money involved in a lot of consultants, and then the last government did not move.

I think we know where this Motion could have had part of its origination. That was also pointed out by the resident Member for Cayman Brac and Little Cayman. We know that when the Master Ground Transportation Plan was being pushed by the last government (when we were all in opposition to it) they had two meetings that I know I saw minutes of in which they were going to tax just about everybody up to the hilt to try to produce \$200 million to pay for this elaborate road that they were looking at doing at the time.

It is all well and good, I think anyone would agree, that some road corridors need to be put in, but the corridors have to be what is affordable. It is no good for us to sit here with our heads in the sand believing that we are going to go out there putting in corridors, putting it through people's land and pay them nothing. The law is very clear—if we put those corridors in we must pay for them. Where will the money come from?

It was obvious that the last government raised enough money to pay the consultants to produce the studies on things like the hospital and the Master Ground Transportation Plan but they had no money to build it.

The Second Elected Member for Cayman Brac and Little Cayman either has a very short memory, or lives in a world of confusion when it comes to the Government's position in 1992. At that stage in 1992, when this government took over, the position was that the annual deficit was \$21.7 million. Yes, on top of that, the Surplus and Deficit Account was \$7.0 million in deficit.

The Second Elected Member for Cayman Brac and Little Cayman knows where that \$7.0 million that came out of reserves went because there is no good to have reserves built up when you are running a \$21 million deficit. The \$7.0 million that came out of reserves went to pay part of the \$21 million that was the annual deficit for 1992. They are the ones that are now out there trying to talk about economics. Look at where the Government was. This was \$21 million in deficit and Cayman Airways was running at \$14 million—add them up, that is \$40 million to split up amongst the population of this country, about \$4,800 for every person here to pay for the mistakes of the last government.

People do not change. If they put Mr. Linford Pier-son and Mr. Ezzard Miller back, they will run a \$40 million deficit between Cayman Airways and the government.

What the Second Elected Member for Cayman Brac and Little Cayman, who very ably put this when he was in the Opposition, should have been telling them was that when they took over back in 1989, there was a build up during the previous Government's time to a stage where in 1988 there was a surplus of \$13.7 million with a reserve of \$11 million. That increased into the following year to where the two of them were \$30 million—they had \$30 million to their credit when they started out.

What we have seen is that they blew the \$30 million—as, indeed, they did the \$12.3 million they got for the 727s—and by 1990 they were into the big borrow-

ings. They borrowed \$14.1 million in 1991 because they had a deficit of \$15.4 million. In fact, with the exception of the first year that the last government took over (1989) when they were still spending the \$30 million in surplus and reserves that were there, in every other year they carried a deficit ranging from \$14 million to \$21 million. In 1990, Mr. Linford and Mr. Ezzard's government lost \$14.9 million; in 1991 the annual deficit and loss was \$15.4 million and, as I said, in 1992 it peaked at \$21.7 million.

If anyone wants to find out how they could get into these problems, it is the same approach that they have now convinced others (whether or not the two Opposition Members were included in it) that they can just take money off (as in this case \$4 million) without having to worry about where it is coming from. It is irresponsible management of the public's money.

We have tried, and we have seen for the first time this year, there are no major borrowings by the government with the exception of the carry-overs from the two schools that I was not able to get finished last year. So this year we are paying for the large part of our capital expenditure out of our recurrent revenue. It is like a person who works and takes money out of their salary to buy their house or car without taking a loan. It is a very hard thing to do, but the government is now back on the right track.

The principle that we have laid down of living within our means . . . the last government did everything first class and the public is now paying. Things like the corridors, for example, that could have been 60 or 70 feet wide were 120 feet wide with roads of 40 feet running beside them because you could not enter the main road except at maybe one mile instances, so you had to run another road beside it. It was totally stupid. The only thing that saved this country—but in another way hurt it—was that they could not raise the money to put it into effect.

Any idiot can spend money. We have seen a good example here, cut the taxes, give back the \$4 million. Where is the money coming from? We do not need, in this day and age, people telling us how to spend money. They can see that a government such as the last one was quite capable of spending it. They spent everything—the \$30 million surplus and reserve that the government of 1984 to 1988 had made. But there were men in that who understood business. We had people like Captain Charles and Sir Vassel, they understood what it was to make a dollar before you spend 50 cents.

The government that came afterwards spent a dollar and they could not even make 50 cents to cover it. Now we have coming along the theories of the last government that was an economic disaster to this country. No other government, in fact, all of the governments put together did not come up with the deficit that they came up with.

On top of that, we had to finance the US \$20 million, and that is what the borrowing in 1993 for Cayman Airways was for. But I can assure the public that went to pay the debts of the last government. The talk about the sweetheart deals by Mr. Linford and his colleagues when they sold the 727s and got the 737, was a national eco-

conomic disaster. Luckily for us, they got to a stage where they could not borrow anymore. But it is a sad state when a country gets to a bankrupt stage and it cannot borrow sufficient to carry on with the running of the country.

What do they have to show for it? Nothing! Absolutely nothing. They wrecked Cayman Airways. They wrecked the budget and the economics of this country. One is up in Hong Kong, I do not know what he is learning up there. I only went for three days and left, he has been up there and is still there, and I doubt if he is going to find the answers to the economy up there on the other side of the world.

What we have here, unfortunately, is a situation where Mr. Ezzard and Mr. Linford seem to have passed on their theories to their only two vocal persons in here the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town. They are left to try to carry on this disastrous programme.

Every one in the Islands in the Caribbean has been wrecked by people with the mentality of the last government and the two Opposition Members. If they cannot see the disaster in the Islands around us... the preachers of these theories have finally had to admit that they were wrong. Look at the people who pushed these theories of over expenditure and not taking stock, not living within one's means—look at where they are now. They have had to admit that socialistic democracy—a form of communism—does not work. If you give \$4 million out, it has to come from somewhere. It would not be this Member walking into one of those banks saying I want \$4 million because of some bright idea coming up from two Opposition Members. It is not as simple as that.

The Speaker: Would the Honourable Minister take a suspension?

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

The Speaker: Proceedings will be suspended until 2.30

PROCEEDINGS SUSPENDED AT 12.48 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

The Honourable Minister for Education and Aviation continuing.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

Some of the arguments that I have heard are like ringing bells from the past Minister for Communication and Works. A lot of what is being put forward here were views and ideas of the past government.

They had a Road Committee called the Grand Cayman Improvement Plan, it is referred to as GRIPS. I may say, Madam Speaker, that if GRIPS has been allowed to go through they would have had a grip on the pockets of the people of this country and they would still be paying for it.

That committee sat in June in 1991 and October of

1991 that I know about and to support the large expenditure which we understood to be \$200 million, they were looking at putting taxes on in seven areas. They were looking at development and impact fees. They were going to increase the garbage fees. They looked at putting import duty on petrol (not just diesel but gasoline as well). They were looking (the last government back in 1991) at increased import tax on luxury items, motorcycles, jet ski boats, television dishes, expensive cars. The 1991 GRIPS Committee was looking at even taxing the financial community where they referred to it, being over \$350 billion flows through Cayman's financial institutions per year yet only \$5 million is collected in fees. This could have actually destroyed the sector that was providing a very large amount of money to the revenue.

The 1991 GRIPS Committee also looked at the tourist sector—increasing cruise ship fees and passenger fees and they compared it: Cayman \$6.25 a head, Bermuda \$60. Another very interesting one because the mentality of the last government and some of the views put forward by the Opposition in this House are so similar, reduce the number of civil servants to save money. The last one is really amusing—the national lottery worth looking into.

You want to tell me that there are any road reserves in Cayman worth looking at dealing with a national lottery? They comment: "**No hardship imposed on Caymanians could generate substantial funds.**" We know that the colleague of Mr. Linford Pierson has been talking about the horse racing in Hong Kong, Mrs. Bridget McPartland, and all of these are beginning to ring true because one of the members of the GRIPS Committee was Mr. Linford Pierson. It is all coming out.

Perhaps one other bit of insight into the way this rings of the last government that has been rejected by the public... and when you look at one of these things (the only one that we had anything to do with because I have heard some comments from across the floor) this was back in 1991, yet when we looked at a very fair, equitable and reasonable structure of the civil service, everyone started to scream.

What I found interesting is in 1991 (and this is where the \$10 million in two years came in) . . . we have to remember that \$10 million tax was put on in one year and left on in the second year. When you add another \$10 million, as they did, it become \$20 million in the second year. They referred to a discussion that government would have to seek ways to increase general revenue over all with the new proposed projects—\$32 million over five years for the Education programme and new hospital. We know that was about \$30 million (the hospital) that we believe was nearer to \$45 million because everything was deflated to try to get it through. "**The roads project is not the only project targeted by government which will need major funding.**" You had to believe that this was really economic suicide that the last government was getting into.

We have learned to cut our garment to suit our cloth. In other words, you have to be sensible. If you cut \$4 million out, you have to find it from somewhere else. Any

school child can tell you how to spend \$4 million in this day and age, but at the end of the day it has to come from somewhere.

The last area that I want to deal with is this road commission that the Second Elected Member for Cayman Brac and Little Cayman recommended. That is also referred to by the GRIPS Committee. But what they were thinking about was a statutory corporation similar to the Port Authority and the Water Authority being responsible for their own revenues, independent of the central government coffers.

The mess that this country is in now, financially, during the last Government's time, came about because we had two members of government who could not become Chief Ministers, who circumvented the Constitution by setting up statutory corporations such as the Water Authority and the Health Authority. They sat as chairmen of these Authorities, they hired and fired staff. No one in the last government should ever talk about staff and having any stability. They hired and fired staff without going through the Constitutional process of the Public Service Commission.

They also took and used those corporations such as the Water Authority to get their water bills reduced, they used the health services authority to give out contracts to their friends as the Auditor General said, they did not even define what it was for. This is the type of corporation that the Road Authority would have been. Under the Constitution you are not independent of the Finance and Stores Regulations when you are in the central government.

Their answer for what they could not do the right way, subject to the Auditor General under central government, they created a statutory corporation, put a lot of debt into it (and we must remember that this present government did \$140 million worth of debt guarantees and contingent liabilities). I submit that they are trying to set up a road authority (which is another means for siphoning out money which was going to be wasted), where contracts were going to be given out for roads the same way they were given out for the communications from the past Minister for Communications—they were given out through the Health Services Authority to their friends.

Speaking generally, I would like to submit that the biggest danger for corruption in this country is where you have the central government being replaced by independent statutory corporations where you have a politician sitting as its head with full Ministerial power, including the power to spend as they so wish according to budgets that they produce and to hire and fire as they wish.

What the present Government has done is bring back the Finance and Stores Regulations to put the Auditor General back into the statutory corporations to disband it as far as we could, some totally, as we did with the Health Services Authority, other ones we have hopefully made sufficient corrections where there was abuse of power. I think that the less statutory authorities this country has the better off we are going to be because it is a source for power hungry people to hand out contracts

to their friends and circumvent the checks and balances which has kept this country honest to this stage.

So, instead of the Opposition learning from the disasters of Mr. Ezzard and Mr. Linford's government—the economic disaster that they created—we have them now reviving the very thing that has caused this country to pay and to pay, and to pay.

It is an irresponsible fiscal policy to put forward a matter to cut the budget by \$4 million and not have the sense to put forward where the \$4 million is coming from. It is fiscally irresponsible, I submit.

I think what should be done with this Motion is that the Opposition should admit that the National Team has carried out literally everything in its Manifesto at this stage, but has especially reduced the householders' electricity bill by what would substantially be done if this diesel tax was removed.

Considering that the last government, at least with Mr. Linford Pierson as Member responsible for Caribbean Utilities, in its quest to help the little man, should have figured out how to get this reduction to help the little man. We have to remember that in 1991 they were not just looking at imposing tax on diesel, they were looking at imposing it on petrol, gasoline—the whole works.

So, I cannot support this Motion. I believe that what it is seeking to achieve has already been achieved; the cost of electricity to smaller consumers, residential consumers, has already been reduced. I think that the Motion is ill founded and irresponsible as it does not show where the money would be coming from to pay the \$4 million. I will be voting against it.

Thank you.

The Speaker: If no one else wishes to continue the debate, would the mover of the Motion wish to conclude by replying thereto?

Mr. Roy Boddan: Thank you, Madam Speaker.

Madam Speaker, very simply, this Motion is about political honesty, about keeping a political promise. This Motion is about political responsibility. It is not the duty of the Opposition to provide alternatives for the government because if the opposition gives the government the solutions to the problems at hand, what will the opposition do when it is their turn to form the government? It is the duty of the Opposition to bring to the parliament and the country the failings of the government.

This motion which very simply asks that: **"BE IT RESOLVED THAT Government remove the twenty five cents per gallon tax increase levied on diesel fuel brought into effect by Government Motion No. 9/91; and BE IT FURTHER RESOLVED THAT the revenue from Motor gasoline, Diesel oil (Kerosene) other fuel oils and basic petroleum products be held in a special account to be used exclusively for road development and maintenance"** only asks the government to do what they have listed on page four of their Manifesto, namely, **"To seek to reduce the high cost of living, for example, by reducing import duty on diesel and thus reducing the cost of electricity."**

The Government has suggested that the agreement they made with Caribbean Utilities regarding the restructuring of the rates whereby the first reduction is 2%, the second 2.35% and there is a final one of 2%, I contend, is not achieving the same objective, and here is why: The removal of a 25 cent tax on diesel has the immediate and specific objective of having electricity rates reduced at once across the board. One does not have to be an Adam Smith to realise that any reduction by the commercial establishment and the service industry is passed on to the consumer. Therefore, the 6.35% reduction which they claim they are achieving will not, cannot, have the same effect across the board that the 25 cent tax reduction would.

You know what, Madam Speaker? The Government is in a bind (and they will continue to be in a bind) because they made too many promises out of political expediency. It was popular at the time to write in the Manifesto that they were going to reduce the 25-cent tax because they knew that when Motion 9/91 came it was a most unpopular motion. And out of political expediency they decided to jump on the bandwagon. Now that they are called to account, they are backing up like a lobster. They can back up because they will be running into several more harpoons.

As I sat here and listened to some of the National Team Ministers I could not help but recall that Joseph Goebbels was successful in fooling the world for many years that Hitler was not doing wrong; that Hitler was not exterminating the Jews; that there were no pogroms of euthanasia being carried out in Germany until the allies decided to fight to find out the truth.

I am wondering how many Joseph Goebbels the National Team has on its side; how many ministers of propaganda they think they are going to need to try to fool the people because they do not see it fit now to keep a promise they made.

I have one or two points that I would like to make regarding the essence of this Motion, but before I do so, there are some comments that were made by persons speaking on behalf of the National Team which I think need to be cleared up. Indeed, I would say that they are of crucial importance and it is absolutely essential that they be cleared up.

First of all, let me state the position of the people bringing this Motion. We have no reason to defend the record of the last government because we are a separate entity from the last government. The fact that there are two of us sitting here now who class ourselves as Opposition and we are different, we do not have their strategy book because we do not need their strategy book.

Let me suggest that there is absolutely no connection—not even the faintest coincidental one. We brought this Motion because we see it as our duty to remind the “National Saviours” that they made this promise to the people of this country and they cannot save the country as they proposed and professed that they are doing unless and until they keep this promise.

There are none so blind as he who will not see. The Minister for Education reminds me of the old Greek prov-

erb, which says: “Those whom the gods destroy they first make mad.” When he talks about corruption emanating from Statutory Boards and the control of Statutory Boards and these kinds of controls has the penchant for brining in corruption, may I remind the Honourable Minister that he is presently chairman of the Airport Authority, and that his colleague, the Minister for Tourism is Chairman of the Port Authority and that their colleague, the Minister responsible for Community Development, Sports, Youth Affairs and Culture is Chairman of the Water Authority. I wonder now if his comment is still relevant and applicable?

It is a pity that with the six senior qualifications common sense was not included.

I want to make another point: The greatest destruction and threat of destruction in the Caribbean and elsewhere...

That is typical of him, Madam Speaker, he cannot stand the heat so he is leaving the kitchen. Typical of him, Ma'am. He cannot stand the heat so he is leaving the kitchen.

The greatest destruction and threat of destruction in the Caribbean and elsewhere has not come from people who have exercised responsibility, political honesty and maturity, but have come from people who when placed in positions of trust and responsibility used those positions to victimise and carry out vendettas on people who have no access to the same forums to defend themselves. That is why we see someone passing out a flyer now announcing a meeting which says “Enough is enough, so let us stand up for our rights”, singling out Mr. Truman Bodden as becoming more and more consistent in regard to his insulting the people of these Islands. These people feel sufficiently concerned that they are holding a public meeting on Mary Street on Tuesday, 4 April at 8.00 PM. They realise that this Minister is betraying the trust that they put in him and using his privileged position in this House to victimise and intimidate and carry out vendettas on people who have no recourse to the same forum.

The two Opposition Members are significantly concerned with this point as to be brining a motion in the next Parliament which is asking for the removal of privilege when Members use this Chamber to castigate, pass derogatory remarks and libel other members who have no access to the same forum.

This Motion is not about taxing the people. It is about removing taxes on the people—what the National Team said they were going to do. So now why are they trying to back track and get out of it and say it is not possible, that it is political irresponsibility? Let me assure the Opposition that if the Second Elected Member for Cayman Brac and Little Cayman and I were in the position we would know what to do. When we are in the position where we are the government, we will do what is necessary and any promise to this extent that we make, we are going to keep because the National Team knew before they wrote this in their Manifesto that this 25 cents represented \$10 million. They should have thought at that time, *“If we remove this we have to get this \$10 million from somewhere else. Therefore, let us remove this be-*

cause we know where we can get this make-up money from.

Madam Speaker, I contend that they did not know and they did not care to know. All they knew was that Government Motion No. 9/91 which imposed this tax on diesel was unpopular. So they, out of political expediency, decided: *'Ah-ha, we are going to capitalise on this'*, and they told the people what they wanted to hear—that they were going to remove this tax. That section 8 of the National Team's Manifesto, page four, is a typical National Team promise. Just like what the Caymanians talk about a July squall—not worth a button.

One Member speaking said that the proposal would create a financial nightmare. Perhaps that speaker needs to be reminded that modern day accounting and scientific management practices are not done to old tedious long-handed way. Computers do most of the work now and it is possible for more effective, efficient and accurate accounting to be done. So, to try to mislead and confuse the issue by saying that this is a financial and an accounting impossibility, is to demonstrate an ignorance of modern management practices and scientific concepts.

It is my understanding that the establishment and operation of separate accounts to deal with revenues derived from related products for specific purposes is common management policy and is encouraged and practised in many jurisdictions.

The Motion did not ask the government to set this process up immediately. Indeed, it gave no time line because we, being the reasonable persons we are on the position, could not expect that the government would be able to immediately effect what is being asked in the resolution, particularly when it comes to setting up a special account to deal with road development and road maintenance.

However, were the government honest in its intention, were the Ministers realistic in their outlook, they would use this as an opportunity to remind themselves of the urgency and address this whole business of infrastructural development as roads fit into the picture.

We are wont in this country to boast about our communications. We have more telephones, more telefaxes per capita than any country in the world. We have the best system. Roads too are a part of this communications network that we so badly need to maintain and to keep in a number one state. It does not make sense to have the most telephones and telefaxes per capita if you cannot get safely, quickly and efficiently from George Town to Bodden Town or East End, North Side or Newlands.

So the government, in its short-sightedness, should not be so quick to put down the efforts of the Opposition and to dismiss the efficacy of this Motion by calling it political irresponsibility. When they say political irresponsibility we in the opposition echo political dishonesty. They should use this as an opportunity to bring home to them the necessity and the urgency of effecting this business of road development and maintenance.

Of course, it is easy for them to knock GRIPS and the Master Ground Transportation Plan. The records show that the Second Elected Member for Cayman Brac

and Little Cayman and myself (as then members of the so-called Backbenchers) expressed our reservations and voted against it because we were concerned that there was no amount given as to how much this would cost. But, we did not say that the principle of securing, making provision for future development for roads in this country was wrong.

Some people who are now knocking this business of the GRIPS and the MGTP most fervently were members of the Committee at that time. I wonder if they were big enough to voice their opposition so that they could have been recorded at that time, or did they dodge and duck as is customary, and only dealt with them when they were in a position where they could not be challenged.

No amount of argument, not even if I was as persuasive as I read that Charles James Hawkes, and Sir Thomas Fowell Buxton and all the other members of the Clapham Sect were when they addressed the House of Commons regarding the issue of abolition. No amount of persuasiveness would force the National Team to change their mind. Clearly, they have been caught in a bind and I am telling them this afternoon that these kinds of promises made out of political expediency are going to be their undoing like they claim taxes were the undoing of the previous political directorate. It is the duty of the Opposition to bring to the Parliament and to the people the failures of the Government.

I would like to make one more significant point before I go any further. The National Team likes to pride themselves on their fiscal policies and their fiscal management since they took over. They frequently remark that they inherited a bankrupt government. Well, I would like to know what financial magic wand have they been able to wave to put the country in the position that they claim it is in now—two years after they claim they inherited a bankrupt government. It is not the case that the National Team inherited a bankrupt government, for if they did, tell me how could they have taken \$7 million from a \$10 million reserve fund?

Let them cease from trying to fool the public. They have had their failures and the will continue to have them. I am not in the business of blaming the past political directorate or any other political directorate for the position that the country is in. When I am elected to a position of responsibility it is my duty to make the best of the circumstances and I am not one for wasting time blaming anyone in the past for what they have done. Now the baton is in my hand, I have to take it and do my best to run to win the race. So this business of blaming the past political directorate as far as I am concerned is like water off a duck's back—it rolls off.

I am not in the business of wondering what Mr. Linford Pierson did or about the fact that he is out of the jurisdiction. He must be a ghost haunting them how he can be in Hong Kong and overtime they get up to speak they have to wonder if he is still there. Well, I have a feeling that soon, one of these days, when we open that door to come into this Chamber, they are going to see his face looking down on them from the Gallery. I wonder what they are going to do then.

The Motion simply asks the Government to do what they promised—to set up a fund so that in the future we are able to

address this problem effectively and from a scientific and modern management perspective as to how we can deal with roads. It is simple, Madam Speaker. If we collect \$10 million per annum off the revenue from motor gasoline, diesel oil, kerosene and other fuel oils, then we know that in one financial year we have \$10 million which we can spend on road works, maintenance and development. I even suggested in the opening arguments that they could lay down further criterion as to what types of roads these funds could be used to develop and maintain.

We have put forward our case. I certainly do not think it is the business of the Opposition to give the Government solutions. Certainly, the Government brings business here and they do not ask the Opposition for any input prior to bringing the business to the parliament. Sometimes they bring business on the most minimal of notice. They have been elected to provide the solutions.

The Second Elected Member for Cayman Brac and Little Cayman and I, as Opposition, have the role of ensuring that the Government keeps on tabs and to remind them of their obligations and responsibilities and pledges, and to accuse them (as in this case) of political dishonesty and political expediency. With that I rest my case, but not before I issue the warning that these things are like chickens, they are going to come home to roost.

Thank you.

The Speaker: The question before the House is Private Member's Motion No. 2/95. Those in favour please say Aye. Those against No.

AYES AND NOES.

The Speaker: The Noes have it. The Motion, therefore, has not been passed.

Mr. Roy Bodden: May we have a division, please, Madam Speaker?

The Speaker: You certainly may. Madam Clerk.

Clerk:

DIVISION NO. 2/95

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 8

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mrs. B. Thompson Murphy
Capt. Mabry S. Kirkconnell

ABSENT: 7

Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

The Speaker: The result of the division is three Ayes, eight Noes. The Motion therefore has not been passed.

PRIVATE MEMBER'S MOTION NO. 2/95 NEGATIVED BY MAJORITY.

The Speaker: Government Business, First Readings.

GOVERNMENT BUSINESS BILLS FIRST READINGS

THE JUDICATURE (AMENDMENT) BILL 1995

Clerk: The Judicature (Amendment) Bill, 1995.

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

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Clerk: The Water Authority (Amendment) Bill, 1995.

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

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1995

Clerk: The Misuse of Drugs (Amendment) Bill, 1995.

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

SECOND READING

THE JUDICATURE (AMENDMENT) BILL, 1995

Clerk: The Judicature (Amendment) Bill, 1995.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Judicature Law (Revised).

The Judicature Law was enacted in 1975 when it was intended to make new provisions for the Grand Court jurisdiction and because of the fact that the Cayman Islands was no longer a dependency of Jamaica.

However, the 1975 Law in fact retained many provisions from the original Judicature Law passed in 1894. It is, therefore, hardly surprising that a number of those provisions are now out of date and in some cases wholly redundant.

Along with this Judicature Law runs the Grand Court Rules. In fact, the Grand Court Rules are predicated on the Judicature Law. The Grand Court Rules have been undergoing a review by the Grand Court Rules Committee for some considerable time. When I say some considerable time, I mean a number of years, not a number of months. The Grand Court Rules Committee is a committee comprising the Honourable Chief Justice, myself

as Attorney General, and two legal practitioners from private practice in the Islands.

The Rules Committee has had considerable assistance from a sub-committee comprising one of the Grand Court Judges, a Crown Counsel from my Chambers, a number of other legal practitioners from private practices, and a senior counsel from the Cayman Islands Bar, all of whom have put in an enormous amount of time and effort in preparing a new set of Grand Court Rules which is ready for signature by the Grand Court Rules Committee immediately following the passing of this amending Bill.

To give Members some idea of the magnitude of this task, I should perhaps tell you that the new Grand Court Rules run to over 400 pages of typed script, together with a further 200 pages of court forms. They are a mammoth document and it has been an enormous task and we certainly owe a debt of gratitude to not just the Rules Committee, but the sub-committee which have put in so much hard work.

The consequence of the major piece of amending legislation and rules is that it is going to make quite a difference to the running of the Courts in the Cayman Islands and, indeed, the legal profession. It was felt that a reasonable period of time should be given so that Members of the legal profession, and indeed the Courts Office, would be able to familiarise themselves with the new rules and Judicature Law amendments.

For this reason, the Judicature Law itself was originally published as a white paper and distributed or made available under the auspices of the Government Information Services, on 12 January 1995. It is intended that within a number of weeks of the Grand Court Rules being signed off, so to speak, that they too will be published by way of *Extraordinary Gazette* and that a minimum of one month's notice will be given to members of the public of their coming into force.

The date Members will have seen in the Bill for the Law to come into force is 1 May 1995. From the time scale that I have just outlined to Members, it is clear that if that date were to be adhered to, the notice that I just said was highly desirable could not be given. So, it will be my intention that when this Bill comes to the Committee stage, I shall propose that the date that it comes into force be revised to 1 June. I think that is a sensible move. The original date was perhaps somewhat optimistic and based on an estimate of when the Bill might be reached during this meeting of the House. It proved to be somewhat optimistic and I am certain that the answer is to move the date back to 1 June. That is the reason for it.

A Member of my Chambers has already commenced giving some lectures to members of the Courts staff to try to familiarise them with the new Court Rules.

Let me hasten to say that although this is a very large document, it is not all entirely new rules that have been drafted specifically for the Cayman Islands. It is based, to a very large extent, on the Rules of the Supreme Court in England which most legal practitioners know of as the White Book. It is fair to say that any lawyer who is (and certainly should be) familiar with the White Book, will not find it too difficult to locate what they

want in the new Grand Court Rules. But they have been custom made, so to speak, for the Cayman Islands.

There are many provisions of the Judicature Law that are being repealed by this amendment. I propose to go through some of those repealed sections before I deal with the new provisions in the amending law. I am not, I am sure you will be delighted to know, going to go through each section, but some of them do merit some explanation. I am afraid that this means some technical talk from me. I know that it is not the most interesting of subjects for Members, and Lawyers' Law tends to fall into that category. But I think it is important that Members should have an explanation of some of these areas that are being repealed before we deal with the new provisions in the amending Bill.

So, I will go through them and if Members have a copy of the existing Judicature Law, they will find it helpful to have that open. If not, I will do my best to take them through it without the benefit of the existing law in front of them.

Section 8 of the Law deals with interpleader summonses. They are a means by which a party can become involved in a civil action before the courts. This particular section and these provisions (along with many others I shall go through in the existing Law) are going to be dealt with in detail in the Grand Court Rules, not in the amending Bill. Nevertheless, they are being repealed by the amending Bill and they will be caught up in the new rules. There will still be provision for interpleader in the Grand Court Rules, but in a more modern format.

The same cannot be said of sections 10 and 11 of the Law, which deal with an antiquated topic called "Replevin," that has not been used for many years but is a relic from the old law. That is being repealed and it will not be replaced, as such. For those of you who do not know what this is (and I am sure that amounts to most of the Members of this House), replevin is a way of dealing with goods that are wrongly seized by a bailiff of the court, and that is a method of addressing that wrong. That can easily be dealt with by a new order in the Grand Court Rules, and will do so.

The other sections (I will skip over some of them), section 26, Preservation of property, that will be dealt with in the Grand Court Rules as will sums of money due to minors and patients (mental patients), which means those who cannot look after their own affairs, and the court administers for them.

Sections 34—56 deal with execution. Execution as far as civil process is concerned means enforcement of a judgment—how you actually get the money from your opponent or the other party to the action once you have won your case.

Section 57, Witness Summonses, they are the civil equivalent of a subpoena, which is perhaps more widely known. They will also be dealt with in a more modern format in the Grand Court Rules. The same with proceedings at trial, which are the following sections.

I think that is really all I need to say about the sections of the existing Law which are going to be repealed, but I will come back to the Schedules later.

The next topic I want to talk about is Court Funds, which is dealt with in the green Bill that Members have in front of them, in schedule 1. Court Funds deals with litigant's money, which for one reason or another is paid into the Courts Office and is administered by the Court for a certain length of time. At the moment, there are no provisions for the administration and investment of this money. So it is not surprising that the tactic of paying funds into court in a civil action is very rarely used in this jurisdiction. However, it is a very valuable means of sometimes bringing litigation to an end and concentrating both parties' minds on the amount of money involved. It is something that should be capable of being used in this jurisdiction and so this schedule has been drafted to deal with exactly that. It will be complemented by the Grand Court Rules. This merely provides for a framework that those rules will operate in.

It is useful to go through some of this to explain how it is going to work.

It can be seen from the schedule that reference is made to the Accountant General as being the controller of these funds and having responsibility for their accounting and investment. The Accountant General is described as the Accountant General of the Grand Court. In practice (and the rules will deal with this) the government Accountant General will be appointed as the Accountant General of the Grand Court as well. He will fulfill that function and the Treasury will deal with the monies paid into court. So, as soon as any money arrives at the Court Offices it will be dealt with by the Treasury and not by the Court Office. The Accountant General will have the responsibility for it. However, it is more desirable to have an Accountant General of the Grand Court designated as such rather than merely saying that it shall be the government's Accountant General because in the future the Honourable Financial Secretary might feel that another officer would be better equipped, or it would be more effective to have another officer perform this task, and then it can be dealt with. We do not need an amendment for that. For all intents and purposes where it says in this amending Bill "Accountant General", it actually means the government Accountant General in the accepted way.

So, he will have the responsibility for looking after funds. Sometimes those funds can be substantial. They can also be deposited for a considerable period of time. I am thinking particularly when we are dealing with trusts litigation and when we are dealing with litigants under disability, that is, children and patients as defined earlier, who cannot look after their own affairs. That can sometimes mean that money is in court being looked after on behalf of those people for quite a period of time. As I say, it can be quite substantial amounts of money as well, so it is only right that it is dealt with properly in the way that the Treasury is capable of doing.

I should also say that the Court funds will be entirely segregated from government funds. They will not be mixed with government funds at all and they will be held in completely separate accounts. I think the Accountant General has suggested that there will be a separate account for each fund, although it would be perfectly possi-

ble for it to be in just one account and then the accounts themselves could be divided up. But I believe that is the way it is going to be dealt with in actually separate bank accounts. It will have nothing to do with Government's revenue, nothing to do with Government funds at all—entirely separate.

The Grand Court Rules, which will elaborate on this, will then deal with the way that funds that are held in this way are paid out and the way they can be invested. Later in this Bill we will come on to the question of interest, but that really relates to interest on monies claimed in litigation, but of course there will be interest on this money that is deposited as Court Funds.

The next schedule, which is referred to in the green Bill is schedule 2. This deals with attachment of earnings orders, a topic that has been debated on more than one occasion in this House as a means of enforcing money judgments awarded in court.

At the present time there is no procedure available specifically designed to enforce Maintenance Orders which are perhaps the sort of judgment in most need for this type of order. There is nothing specifically designed to enforce maintenance orders, under the Matrimonial Causes Law, the Maintenance Law and the Affiliation Law. So, this provision has been drafted and designed to require employers in certain circumstances to make deductions from an employee's wages to pay these orders.

In looking at schedule 2, there are some restrictions to this. The judgment debt, if it is a sum of money owed, must be in excess of \$500 for an attachment of earnings order to be made. In addition, as I already said, the other proviso is if it is a periodical payment to be made under the three Laws that I just mentioned. The order specifies the rate that is to be deducted by the employer and paid to the court (to the Accountant General), also what is called a protected earnings rate. That protected earnings rate is fixed by the court and takes into account the debtor's resources and his/her other obligations and the debtor's ability to pay. So a protected earnings rate is fixed and the deductions are made over and above those protected earnings rate. That could change from time to time if the order is over a long period of time and the debtor's circumstances change so the protected earnings rate can change and the deduction rate could also change. They are both flexible, but they mean that when the court makes an attachment of earnings order it has the power to take into account annual obligations of the debtor to ensure that other people do not suffer as a result of the attachment order.

The order is one that obliges the employer to make these deductions and inevitably that will give the employer some additional work and, to a certain extent, some additional expense because it is another process the employer will have to go through when dealing with an employee's wages. However, paragraph 5 of that schedule (page 12) allows the employer to deduct a sum "towards his clerical and administrative costs." That does not mean that the employer can calculate what he believes his expenses to be and take that out as well, there will be some prescribed rates for that in the Grand Court

Rules. In compliance with those rules, he can at least recover something towards his administrative and clerical costs.

It is a very effective means of ensuring that a recalcitrant debtor who refuses to honour his obligations under a court order, particularly a maintenance order, can be forced to do so because that money is taken out of his or her pay packet or cheque before the employee gets their hands on it—it goes to the court office.

There are also some enforcement penalties for this attachment of earnings provision. If it is not complied with, if the employer fails to comply with it, or if the employer gives false information of the earnings, or whether an employee is still employed, then there are financial sanctions that can be imposed on the employer to make sure that it is complied with.

I think it is a provision that will be welcomed by Members of this House and by many persons in the community who are owed substantial amounts of money, particularly on maintenance orders, who had no prospect of having them paid.

I should also hasten to add that the attachment of earnings order applies just as much to those persons employed in government service as those employed in the private sector, so government would fulfill that same function of making the deductions.

The next schedule is schedule 3. This deals with Charging Orders. Charging Orders are a bit like a mortgage on a property—they are a way of putting an encumbrance on an asset (maybe a house or land, but it could be something else) saying that if that property, land or asset is sold, then before the owner gets the proceeds of the sale this has to be paid off first. Of course, there may already be mortgages on the property and if they were already in existence then they take priority. But a Charging Order could be placed on property by the court and it would then rank in priority to any charges or mortgages already on the property.

At the moment there is no such provision and the Grand Court cannot make such orders. The only thing the Grand Court can do at the moment is order an immediate sale of land. That is not always the best means of ensuring payment of a debt. Sometimes, having put a charging order on a property, it may be necessary to go to the next stage, which is to come back to the court and ask the court to enforce that charging order by ordering the sale of the property and the court, in certain circumstances, can do exactly that and the Grand Court Rules will make provision for that. But that is not necessarily the most effective way of dealing with that.

It can operate very effectively without necessarily ordering a sale because it means that the creditor, the successful party in litigation, now has his debt secured. He or she does not have to worry if they will ever get it paid, they know they will get it paid eventually from the property. Sometimes that can be helpful in persuading a debtor that he ought to re-mortgage the property to obtain some money to pay off this charge.

It is a very useful means of enforcing a debt. Very often you will find that a debtor appears and says that he

has no liquid funds, no money, overdrawn at the bank, nothing with which to pay his creditor—he might well own property, but he does not want to deal with that. This is a way of ensuring that the debt is secured on that property for the benefit of the creditor. As I said, it can be any sort of property, but the most obvious is land and houses. This charge is then registered in the Land Register and so any person would have notice that the charge was in effect and in force.

Section 33D in the schedule deals with Committal Proceedings, that is when a debtor can be sent to prison for not paying a debt. The existing Committal Proceedings are repealed by this amending Bill and now a debtor can be sent to prison by the court for up to six weeks if the court is satisfied that he is in default, that he has the means to pay (perhaps by installments) and if he is willfully refusing or neglecting to satisfy the debt. In other words, he has the means to pay and he is refusing to do so. That debtor can redeem himself from prison by paying off the debt. So that provision is retained in the amending Bill, but in a slightly different form.

Section 33E goes on to say that it is an all embracing section that says that in addition to these powers contained in the amendment Bill and in the Law itself, that the Grand Court shall possess the same jurisdiction in enforcing judgments as the Civil Courts in England. That is the provision that wraps up anything that is not specifically mentioned here. Of course, all the main enforcement provisions are down here.

Then we come on to Interest on debts themselves. This is not interest on the funds paid into court (which I talked about already, that the Accountant General has control of), this is interest on debts for which proceedings have been brought in the court. So, if you are owed a sum of money and you issue a writ to recover that sum you are entitled to be paid interest on that overdue sum as well as the sum of money itself. That rate of interest will be fixed by the Grand Court Rules. The interest rates will no doubt be altered from time to time as interest rates alter in the commercial world, but they will be in line with the commercial rate applicable and, of course, because Cayman is very much an international jurisdiction, those rates will have to reflect the different interest rates that are attached to differing currencies throughout the world. So there will be different rates for different currencies, and they will be altered as, and when, necessary.

The Bill provides in section 1, subsection (2), that part of the law shall come into force on a date appointed by Order made in Council. I have tabled notice of an amendment which I intend to bring at the Committee stage of this Bill, that will alter the wording of that subsection. Instead of the Order in Council allowing the whole of paragraph 2 of the Schedule to come into effect at the same time, it will enable different parts to come into effect at different times. The reason for that is that the schedules in the original Judicature Law (Schedules A, B, and C) deal with different matters and it would not necessarily be appropriate to bring them into force at the same time.

They deal with Court Fees, and a new set of Court Fees has been drafted and passed by Executive Council

and will be coming into effect with this Bill and the Grand Court Rules on the 1st June, 1995. But the schedules also deal with costs (by costs I mean the party's cost the litigant's cost). The way that costs are dealt with at the moment is highly unsatisfactory and there will be new rules formulated for the way the successful party can recover their costs from the unsuccessful party. This is a factor that very much has to be taken into account by every party who embarks on civil litigation or, indeed, defends civil litigation. The costs can sometimes be extremely high and extremely large amounts of money. So, the new costs rules will make provision for that.

The reason that they have not been drafted and not brought into effect on the 1st of June, is because the Grand Court Rules Committee felt that such a change needed consultation with members of the legal profession in the Cayman Islands and assistance from them in order to come up with an effective costs schedule. So, that will be the next project for the Grand Court Rules Committee to take. The rules involving costs will then be brought in as and when they are ready and when they have the approval of the local legal profession.

I think that Members will be pleased to hear that I have now dealt with all the matters in the green Bill that I intended to deal with. If there are any queries on matters that Members raise during the debate on this Bill, I will be pleased to try to deal with them to the best of my ability when I wind up the debate.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 4.03 PM

PROCEEDINGS RESUMED AT 4.22 PM

The Speaker: Please be seated.

I shall put the question that a Bill entitled the Judicature (Amendment) Bill, 1995, be given a Second Reading. The question is open for debate.

The Speaker: If there is no debate, I assume the Honourable... The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, this Bill for a Law to Amend the Judicature Law (Revised), as explained by the Honourable Second Official Member, is a Bill that I believe is very timely. I believe that there are many parts where amendments are to take place that will prove to be the right decisions.

In his opening remarks the Honourable Second Official Member mentioned the area of the Bill which applies to payments being made, and the new methods which will be utilised to ensure that payments are made on judgments made in court. I think the new methods that will be employed once the Bill is passed will certainly make a lot of difference in the lives of many people. I think it is important that we have the machinery in place to ensure that, as he rightly said especially in the case of

maintenance, that those who are in a position to be raising their children should be made to pay for such.

There are a few other areas which bear merit to talk about, but since the Honourable Second Official Member has so eloquently explained the various sections of the Bill, what I will simply do for a few minutes is ask a few questions about some pertinent areas that I do not quite understand, so that he will have the opportunity to explain and bring me a little bit closer to his legal brotherhood, so that I may be able to discuss matters about this Bill with a little bit more knowledge.

The first question that I have is under the proposed section 33D, where it says: "**Subject to any rules, the Grand Court may commit a person to prison for a term not exceeding 6 weeks if it is satisfied—(a) that he is in default of payment of any sum due under a judgment debt; (b) that he has the means to pay the judgment debt, whether in full or by installments; and (c) that he is wilfully refusing or neglecting to satisfy the judgment debt in the manner in respect of which the court is satisfied he has the means.**" The question I have with this section is what kind of means test will be applied? What section or office of the court would be making this means test?

I suspect that if matters such as this are taken lightly many people who do have the means to make these payments will find a myriad of excuses and if the situations are not investigated thoroughly and properly, people will be made out to be paupers when they are really not. It may suite them at the time they are being questioned to appear not to be able to make these payments. I am certain that there is a thought which will be followed along this vein, but I am not able to grasp it from the amendments—maybe that is not supposed to be in the Bill, but I would like to understand exactly how this process is going to take place to come to the point where whoever is dealing with this is satisfied that the person is, or is not, in a position to make these payments.

The other section I have a question about is section 3 subsections (3) and (4) (page 6 of the Bill). It deals with interest and it says: "**the defendant shall be liable to pay the plaintiff simple interest at such rate as the court thinks fit, not exceeding the rate prescribed by rules of court [which I am assuming will be the Grand Court Rules] on all or any part of the debt for all or any part of the period between the date when the cause of action arose and the date of payment. (3) Interest in respect of a debt shall not be awarded under this section for a period during which, for whatever reason, interest on the debt already runs.**" I can follow it so far, but then it says: "**(4) Interest under this section may be calculated at different rates in respect of different periods.**"

In his initial delivery, the Honourable Second Official Member mentioned that (or my understanding was) the rates will vary due to different currencies which I quite understand. But it also alludes to different periods. Notwithstanding the currencies, I am wondering what kinds of periods we are talking about where the rates will vary. That I am not quite sure about.

Under Schedule 1, Court Funds, section 1 (6), "**The Rules Committee of the Grand Court may make rules as to the payment of interest on funds in court and may make rules as to the administration and management of funds in court including the deposit, payment, delivery and transfer in, into and out of court of funds in court and regulating the evidence of such deposit, payment, delivery or transfer.**"

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, excuse me, it is 4.30 now, will you need just a short time to finish your presentation?

Mr. D. Kurt Tibbetts: Yes, Madam Speaker, just a short time.

The Speaker: Please continue.

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

As I was discussing regarding the administration and management of funds, it also has right after this a subsection dealing with the investment of funds in the court. I simply tie the two together because it says: "**The Accountant-General, with the approval of the Governor in Council, shall designate a mutual fund ("designated mutual fund") for the purpose of investing funds in court. (2) A designated mutual fund shall be one or more of the mutual funds operated by a bank or banks designated under paragraph 1 of this Schedule.**" It goes on to talk about these mutual funds. I am certain that whoever is appointed to deal with these funds in court to administer these funds by way of investments into other funds to get as much return as possible on the investment, that person will certainly have to have certain skills and qualifications in order for the government to be fairly safe in the management of these funds. I assume that person will be paid by government.

What I am not quite sure of here is whatever interest is earned from these transactions who gets these payments. And if these payments are passed on to the owners of the funds and government has to pay someone for dealing with this matter, where is the parity in the situation? If government has to pay someone to do it, I want to make sure that the cost of doing this business is being taken care of so that it is not money out of Government's pocket.

That is what I would like to understand about that.

The truth is, Madam Speaker, while this is a ticklish topic here, like so many other places in the world where we have much business going on, people tend to take lightly their obligations of debt. There are some people who believe that because others appear to be fairly affluent that it is not important to be paying debts to other people because they can, supposedly, afford not to be paid. Especially in the world of commerce there are times when people who are able to pay their debts try to find every excuse in the world to get away from meeting their obligations.

I commend this Bill, generally speaking, because in many areas this will set the machinery in place where restitution can be made properly and justly for people who are trying to find ways and means of not meeting their obligations.

Apart from those two questions, I feel it is timely and I commend the Bill.

The Speaker: I will now ask for the Motion for the adjournment. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

ADJOURNMENT

Hon. W. McKeever Bush: Madam Speaker, I move the adjournment of this Honourable House until Wednesday 10 o'clock.

The Speaker: The question is that this Honourable House 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 Wednesday morning at 10 o'clock.

AT 4.35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 5 APRIL 1995.

**WEDNESDAY
5 APRIL, 1995
10.08 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, forever 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.

ANNOUNCEMENTS BY THE SPEAKER

APOLOGY

The Speaker: I have an apology from the Honourable First Official Member who is the Acting Governor for a few days. Also an apology that the Deputy Chief Secretary is off the Island.

We continue the debate on the second reading of The Judicature (Amendment) Bill, 1995. The Honourable Minister for Education and Aviation.

**GOVERNMENT BUSINESS
BILLS
SECOND READINGS**

THE JUDICATURE (AMENDMENT) BILL, 1995

(Continuation of debate thereon)

Hon. Truman M. Boddin: Thank you, Madam Speaker.

This Bill is, to a very large extent, a legal, technical Bill. It seeks to reform certain of the procedures in court that will be for the benefit of the public.

The Honourable Attorney General has very ably gone through the details of the different areas of the Bill and I do not propose to do so, but merely to say that I support the Bill. I believe that these reforms along with the other Court Rules that they follow are very much needed.

I would like to point out here that this Bill before the House is different from what is referred to as the Parliamentary White Paper. The Labour Draft Bill, which is only a draft bill, is different from this in that it has not been accepted by the Government. When the Government accepts a Bill, it becomes a green paper and a printed Bill. I think that distinction is important because we now have three pieces of legislation out there: one of them is a draft of the Immigration Directives; the other one is a draft that will be brought fairly shortly relating to confiscation of criminal proceeds. But these are draft Bills. They have not been approved by the Government or the Legislative Assembly, and they are merely out for public input. I cannot stress that too much—the Labour Bill is out for public input and it is what is referred to as a "White Paper" which is only a draft Bill.

This other Bill before the House is a green paper, The Judicature (Amendment) Bill, and I fully support this Madam Speaker, I congratulate the Second Official Member for bringing this because the rules that will be made under this for the court have been in draft for possibly 10 or 12 years—from the time when I was a member of the Rules Committee and actively practising in court, and that has been many years ago.

I fully support this green bill and would ask Members to do so.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I rise to support a Bill for a Law to Amend the Judicature Law.

I think that this will eliminate a lot of paper work for the Grand Court on civil cases in that sometimes judgment is given and then one has to go back to get orders enforced, especially maintenance orders, so that children will not suffer. This is a very good means for carrying out the maintenance orders and making sure that payment is received and that the children will benefit from these maintenance orders.

The Honourable Attorney General mentioned that this was put out to the public from 12 January. It appeared on the Order Paper and it had the First Reading on 3 April. I calculated that to be 81 days and the only input that I received from the public was when I did a ran-

dom poll by telephoning some of the local lawyers in town to get their feedback. I was a bit disappointed that not one individual from the public took the time to offer any input.

We constantly hear that we are not giving enough time for bills. Then it is 81 days, as on this one, and we do not get a response. Maybe that is positive, maybe they are very pleased with it and happy to see it. But sometimes it is good to get a bit of encouragement and to know that when we vote we are voting with the public behind us.

It has some good points in that it has checks and balances so that the court will not be bombarded with civil cases for monetary values of less than \$500.

One could argue with an individual that \$500 might seem like a lot of money. However, it would prevent the courts from being bombarded with civil cases if it were less than \$500. There is also protection for employees that earnings will be deducted once a court order is given in that the employer gets the order from the court and they will deduct according to what the judge orders to be paid in the maintenance orders, or other civil case, but it will have a judgment order to make sure that it is not abused.

I am happy to see that this will be coming into effect shortly and I give this Bill my full support. Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, just a few comments on the Bill which is before the House, the Judicature (Amendment) Bill, 1995.

I support the revision of this Law. The Honourable Attorney General, in introducing the Bill mentioned that the existing Law contains many provisions that had come from the 1875 Jamaican Law. As so many things have happened here in the last 120 years, it certainly must be time to bring this law up to date.

Only a few days ago in the newspaper there was an article about the severe logjam of cases in the courts. Hopefully the changes in this Law, and the changes to the Grand Court Rules will go a long way in improving the procedure of court cases and will hopefully move them along much faster than has hitherto been the case.

There are a couple of novel provisions in the Bill that will not be accepted by those people who do not like to pay their bills. For example, the court will be able to attach the earnings where money is owed by a judgment debtor. It is perhaps a coincidence that the United States is dealing at the present time with a similar Bill because they have the same problem in collecting monies against judgment debtors. This will not affect the people who have been paying their bills or paying the fees imposed by a court.

There is a new section 33D to deal with the debtors who deliberately refuse to pay the judgment when they have the means to do so. I think this is a good provision and it will stop people from ignoring the provisions of the court.

As the former speaker mentioned, this is purely a technical bill and there is not much hope for debate on it. But I would like the House to know that I give the Bill my support.

The Speaker: If there is no further debate, I would ask the Honourable Second Official Member if he would exercise his right of reply.

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

I would like to thank the four Members who spoke in the debate on the second reading of this Bill. I will try to answer the small number of queries and comments that have been made on the provisions of the Bill.

There was a query raised by the Fourth Elected Member for George Town concerning section 33D of the Bill, which is the provision which relates to committal of a debtor to prison in certain circumstances. He asked where it refers to the means of a debtor, what sort of test would be applied to see whether or not a debtor had those means and who would make that decision.

Before a debtor can be committed to prison it has to be decided by the Judge. The Judge is the only person who can make that order and he will be the person who makes the decision whether or not the debtor does in fact have the means to pay the debt. That does not necessarily have to be the means to pay it in full, or all on one occasion, but it could be by regular instalments.

He will have to be satisfied that the debtor does have the means and the way that he can be satisfied, one way or the other, is by evidence presented before him. That is likely to be documentary evidence on oath by way of affidavit which will be put before him before the decision is taken. He will look at the responsibilities and obligations of the debtor and the income of the debtor and he will assess whether in his opinion he has the means to pay or not, and whether if in that case it satisfies one of the tests in this section. That evidence will be under oath.

The same Member asked about interest on debts, which is on page 6 of the Bill, section 62(3). He wondered what the different rates were that are referred to in those subsections, that is, subsection (3) and (4). Well, the rates of interest that can be charged on a debt, the rates set by the court, can be altered from time to time as commercial rates move up and down. I am not suggesting for one moment that the court rate is going to move with the same degree of fluctuation as market rates do, but if market rates have moved upwards over a period of time, then it is only right that the court rates should move up as well to reflect that.

The object of these interest rates is to see that the creditor (the person who is owed money) is correctly compensated for not receiving it. The idea is not to penalise the debtor by giving an excessive rate of interest, but so that the creditor is not out-of-pocket by not having the money to invest himself. So, as the interest rate varies, so the interest calculated on the debt will vary. If the debt is outstanding over a long period of time, there might be differing rates, so that is why differing rates would be

used to calculate different periods of interest.

The final question that the Fourth Elected Member for George Town raised (according to my notes) was in respect of court funds, those funds which are being administered by the Accountant General and by the Treasury. It was in respect of the Mutual Fund which is contained in paragraph 3 of Schedule 1 of page 8 of the Bill. I think the specific question was who is going to pay for the expenses of administering this fund that is designated by the Accountant General.

The answer can be found in subparagraph (4) of that same paragraph 3 which says that any fees in respect of the Mutual Fund shall be charged out of those funds. In other words, the net income that is received out of the Mutual Fund will reflect the normal charges and fees that are levied so that the creditor will receive the same income from the Mutual Fund that he would have had he been a normal investor in the fund. So it is not an expense that is going to fall on government, it is an expense that is going to fall on the fund. It is the same principle, as I said before, of compensating the creditor.

We have also heard mentioned (from the Third Elected Member of George Town) about the minimum limit that is referred to in this Bill. For the purpose of clarification, I want to point out that this minimum limit of \$500 only applies to attachment of earnings orders. In other words, below that we cannot apply for an attachment of earnings to enforce the judgment. It does not mean that you cannot pursue an action in the court for less than \$500. If you feel it is worthwhile spending court fees and employing an attorney to recover \$100, you can do so; what you cannot do is enforce it by an attachment of earnings order.

Finally, I would like to thank the four Members who spoke in support of the Bill and I hope that other Members, by not speaking, are giving their tacit support to the Bill, and I commend the Bill to the House.

The Speaker: The question before the House is that The Judicature (Amendment) Bill, 1995, 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 JUDICATURE (AMENDMENT) BILL, 1995, GIVEN A SECOND READING.

The Speaker: The next Bill should have been the Water Authority (Amendment) Bill, but the Honourable Minister in charge of the Bill is not present.

We will proceed to the Misuse of Drugs (Amendment) Bill, 1995. The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, it has been decided that the Honourable Minister for Health, Drug

Abuse Prevention and Rehabilitation will be presenting this Bill.

The Speaker: Thank you for telling me that. I had understood that Mr. Bush had asked if we could go on to the other Bill. I was not aware that someone else had been asked to take his place.

We will go back, then, to the Water Authority (Amendment) Bill, 1995. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation. [Pause]

I think we will get back on the right course.

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture will move the second reading of the Water Authority (Amendment) Bill, 1995.

Hon. W. McKeever Bush: Madam Speaker, I am sorry I am late this morning. I am wondering if you would move to the next Bill because there are some matters connected to this one that I do not have on hand, if the Chair would indulge.

The Speaker: Under the circumstances, the third Bill, the Misuse of Drugs (Amendment) Bill, 1995, the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1995

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I beg to move the second reading of a Bill for a Law to Amend the Misuse of Drugs Law, 1995 (Revised).

The Speaker: Would the Honourable Minister speak thereto?

Hon. Anthony S. Eden: Thank you, Madam Speaker.

This is a brief amendment to the Law. It has come about by the emphasis now being placed on our efforts to address the serious problem of drug abuse. It is felt by most of the Members on the present Drug Advisory Council that to have a few more people on there would be beneficial.

At present, there are ten members and it is felt that because of the great involvement by community organisations and the need for other people like members from Customs and Immigration Departments would be beneficial. We do have the Principal Designate of the High School serving on the Council. It is really to have a number people on the Council.

At present, there is one representative from each district on this Council. Also, under the Law, section 3A, it is suggested that at least two persons appear to the Governor to have wide and recent experience in the respective health professions of medicine and pharmacy also two persons appearing to him to have wide and recent experience of social problems connected with the misuse of drugs and other substances.

Some of these people are covered, the Senior Mag-

istrate, the medical side, the pharmacists, private doctor, a minister is on there, and also another person from the Counselling Centre.

So, this is just a very small amendment and I beg that the House give support to this to show that the intent of staying on top of this drug situation will make things better for the Cayman Islands as a whole.

The Speaker: The question is that a Bill entitled The Misuse of Drugs (Amendment) Bill, 1995, 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.

Just a few brief comments as I rise to give my full support to this Bill.

As the Honourable Minister just pointed out, in the national attempt to make a positive impact on the problems that we face with drugs there are many individuals and organisations who now are very actively pursuing where they could best fit into making positive contributions in this area. Also, when a Council of this nature meets it is very good if there is access to information readily available rather than having to seek information outside and to come back and meet. If the right people are chosen, even though the number may seem to be a bit cumbersome, I think that once the right amount of people are chosen from the right areas we will have access to all the information we need when we are formulating plans and having discussions regarding a national drug situation.

It is obvious to me, being involved in a service club, that it is best whenever there are meetings to be able to tap into some useful information that is readily available from the persons directly involved in certain areas. Therefore, I give this Bill my fullest support.

The Speaker: If there is no further debate, would the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation wish to reply thereto?

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Just to say thanks to the Honourable Fourth Elected Member for George Town. I feel sure that the rest of my colleagues in this House will support the Bill, and I thank them for that support.

The Speaker: The question is that a Bill entitled The Misuse of Drugs (Amendment) Bill, 1995, 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 MISUSE OF DRUGS (AMENDMENT) BILL, 1995, GIVEN A SECOND READING.

The Speaker: Is the Honourable Minister ready for the

Bill? The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, this Bill amends the Water Authority Law, 1982, which established the Water Authority. The amendment confers additional powers to the Water Authority to enable it to continue to function effectively for the benefit of the Islands.

Clause 2 amends the Law to clarify the Water Authority's powers to charge its water and sewerage customers. An owner of property is liable for payment of water supply and sewerage charges if no agreement has been made with the Authority as to the liability of the owner's tenants to pay the charges.

A new amendment, which has been tabled, to clause 3 which enables the Authority to implement and provide assistance to water and sewerage projects within the government and for non-profit organisations, but not to go out and generally do business. It was never the intention of the Authority to convey that and I think the amendment clearly sets out the parameters under which the Authority must work.

The new section 7C allows the Water Authority to continue its activities in sponsoring community projects or organisations as it had always been used to doing. I noticed it is one that has caused some stir, but the matter was raised and we went to the Public Accounts Committee and it was recommended that we amend the Law to clarify whenever the Authority sponsored any community organisation.

Clause 4 amends section 60 of the Water Authority Law, 1982. This provides a clearer authority for regulations to include provisions for the Water Authority to collect charges from unoccupied premises connected to the public water supply and sewerage system.

I commend the Bill to this honourable House.

The Speaker: The question is that a Bill entitled The Water Authority (Amendment) Bill, 1995, be given a Second Reading. The Motion is open for debate.[pause]

The Fourth Elected Member for George Town.

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

I had hoped, although I did not get a chance to discuss this with the Honourable Minister, in his presentation of the Bill that more light could have been shed on the new section 7C.

There is a bit of confusion in my mind, and I am not 100% sure of what is the Government's policy in general, regarding Authorities such as the Water Authority, involving itself in contributions to sporting organisations. I do know that it has been done in the past, but the question that comes to my mind with this Bill extends to the other Authorities. I do not know whether the Civil Aviation Authority or the Port Authority deals in the same manner.

It is not so much whether it should or should not be done, it is simply a point of clarification. I think the best route in matters such as this is to have a policy that will

be dealt with in such a way that it applies to all of these Authorities.

So, in his reply regarding this Bill, I would like, if at all possible, the Honourable House could hear a bit more about the policy which has been applied so far and which will be applied down the line after passage of this Bill, with regards to contributions to sporting organisations.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

In rising to offer my contribution on this Bill, I can see the nobleness of the intended effort and, certainly, it strikes me that what is supposed is to be commended. However, I, too, have some reservations and a few concerns which I will make.

The first is a general observation that comes from my own experience. That is that it is customary in organisations which make available funds such as this which they donate to charitable and sporting organisations is that in any given financial year, a ceiling is placed on the funds. A specified amount is given so that when that amount is expended, whether it be at the beginning of the financial year, or extended until the 11th month of the financial year, no more funds are available until they are voted again at the next financial year.

I would be happy to see some sort of arrangement like that, where a ceiling is placed on the amount given in any financial year. I would ask the Honourable Minister to state his disposition towards such an arrangement in his winding up.

I would also like to know if the dispensation of these funds will be left to the sole discretion of the Chairman of the Authority who is the Minister under whose Ministry the Water Authority falls and who is also the Minister for Sports. Or, if it will be a matter where the Minister in his capacity as Chairman takes the request to the Board and the directors vote the funds and the amount.

I would assume that there would have to be some kind of formal application and that the organisation or body would have to be an acknowledged, if not registered, a publicly acknowledged and accepted charitable organisation.

But, I see a greying of the area, so to speak, in that the Minister, who is the Chairman, if he is the sole person responsible, if it lies solely in his discretion, he is also the Minister with responsibility for Sports. So there is a greying in the area in the sense that he may be partial to sporting organisations where there is an application from a sporting organisation and a charitable organisation for limited funds. So, I would say for complete efficacy and impartiality in those cases, it might be better for decisions to be routed through the board and brought by the Minister as Chairman, rather than for him having to make the decision himself.

Also, I am suddenly struck by the fact that he is also the Minister for Community Affairs to whom most charitable organisations would make their application. So the Minister might insulate himself against any aspersions of

partiality by having the Board deal with these applications.

Another reason why I would suggest that a ceiling be placed on the amount of money which is to be disbursed in a financial year is the fact that it allows the public to come to a realisation to know that this is not an unlimited kitty. The funds will be disbursed on the basis of the worthiness and the need and those organisations that ostensibly will have the most far-reaching community effect; in the cases of individuals, those individuals who fall into the most needs categories.

It must be this way than for no other reason that the Water Authority has its own commitments and liabilities in that it has debts to service to the Caribbean Development Bank and to CIBC and it is also expected to make contributions to the Government. So from its inception the message must be given that this is certainly not an unlimited fund and it will be disbursed on the basis of need-worthiness and the far-reaching effects it will have in the society.

I think that if it is done this way and if it is set up this way, and the public is educated as to these parameters, then I think it certainly will be effectively managed and handled.

If we check the financial statements of the Water Authority as contained in the 1993 Water Authority Report we will see that the Water Authority has a total long term debt of some CI\$23,506,505. So we have to be careful that we do not convey the impression that the Water Authority is without its own liabilities and is in a position to give away this money.

I want to also state another point from my personal experience. It is customary when these kinds of commitments are given, or sponsorships, as we call them, that the donors require from the recipient certain commitments for maintaining a certain conduct, for example. If, for example, a team is sponsored, then the donor or the sponsor makes a requirement that a team play to a certain standard or discipline. Not necessarily to a certain standard of competition because sometimes wining is not the major objective. But, certainly, the recipient maintains a certain standard of discipline so that where the sponsor is publicly known the sponsor does not fall into ill repute.

It is also customary for the sponsor to require of the recipient an acknowledgement. In the even of team sports sometimes this is carried emblazoned on the jerseys or any kind of advertising material. They might say "Sponsored by such and such a company or individual." This is a form of public relations and advertising which serves to promote and to spread the name, the corporate logo or work of the sponsor.

I would ask the Honourable Minister to give his disposition regarding these things in his winding up.

Another reason why I suggest that we have some kind of limit on this is that sponsorship of team sports in most respects is more expensive than sponsorship of individuals, except when you get into exotic things like golf where you can buy \$10,000 and \$15,000 clubs. It is regarded and widely held that sponsoring teams would probably be a little more expensive than sponsoring indi-

viduals. But, it is recognised also that sponsoring teams has a more far-reaching effect than sponsoring individuals except for the most popular of sports. Some kind of ground rule needs to be laid out.

Having stated that, I see the nobility in this effort and I certainly think it is something needed in this society. From my perspective, the company for which I work is regularly approached by individuals and teams seeking sponsorship. So, I think that in so doing the Water Authority is continuing to be a good corporate citizen and I commend the effort in the continuation of this exercise. And I would only reiterate that the Minister would be wise to set out some parameters and to make these parameters widely known to the public so that there can be no confusion. There should be some criterion set as to the amount, the limits and the application procedures and so forth. Thank you.

The Speaker: The Honourable Minister for Education and Aviation.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I support this Bill in its amended form. This is a green bill, unlike the draft bills I mentioned earlier, which go out to the public for comment prior to Government's taking a decision on them.

The amendment that has been brought limits the Water Authority's powers to only doing work outside of government when it relates to certain specific areas such as schools, the hospital or departments, or during a state of emergency. This, I understand after meetings by the Honourable Minister with persons concerned, has now put to rest the fact that there is any possibility of having the Water Authority competing in with private organisations that do this sort of work.

Madam Speaker, the First Elected Member for Bodden Town tried to impute, or should I say, ask question as to whether the Minister, as Chairman of the Authority, could make expenditure relating to sporting organisations. That Member...

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, Honourable Member?

POINT OF ORDER
(Misleading)

Mr. Roy Bodden: Yes, Madam Speaker. The Honourable Minister is misleading the House because I did not ask any question as to whether the Honourable Minister, as Chairman of the Water Authority, could make any such disbursements. The Honourable Minister is being misleading as usual, and clouding the waters.

The Speaker: Honourable Minister, I am afraid I did not hear the First Elected Member for Bodden Town say words to that effect, so perhaps you may wish to correct what you understood, or misunderstood, or whatever,

please.

Hon. Truman M. Bodden: Madam Speaker, what I wrote down when he was speaking was that he said that he wondered "whether the making of grants was at the sole discretion of the Minister", or words to that effect. I am merely speaking around a statement then, if you do not want to call it a question.

The Speaker: Yes, but I gather then that you were saying that he actually said that the Minister could do this. This is not what he said, so we need to have that clearly put.

Hon. Truman M. Bodden: Perhaps the Member, since we do not have a transcript, I do not want...maybe he would just say what he said about...

The Speaker: I thought he did say what he said.

Hon. Truman M. Bodden: No, he said he did not put a question...but he did speak about whether the Minister could make contributions to sporting organisations. That is what I understood.

The Speaker: Would the Honourable First Elected Member for Bodden Town like to...

Mr. Roy Bodden: Madam Speaker, thank you for the opportunity, Ma'am. Only to say that I did not ask that question and I did not make that imputation.

The Honourable Minister was listening and taking notes while I was speaking. He claims that he is an educated lawyer, he should have accurately recorded what I said.

The Speaker: First Elected Member for Bodden Town, you are entering into a debate. Would you please, if you can remember what you actually said, let the House know what was said? If not, we will have to wait on the transcript.

Hon. Truman M. Bodden: Madam Speaker.

The Speaker: First Elected Member, please.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, I suggested that it would be better if the Honourable Minister, as Chairman of the Board, bring matters to the board because he is also the Minister for Sports. By bringing them to the Board he would eliminate the possibility of anyone claiming that he may be partial to any sporting organisation.

The Speaker: I am afraid that I am going to rule that the proceedings should be suspended for 15 minutes while we get a transcript of what was actually said by the First Elected Member. Thank you.

PROCEEDINGS SUSPENDED AT 11.08 AM

PROCEEDINGS RESUMED AT 11.53 AM

The Speaker: Please be seated.

RULING BY THE SPEAKER

The Speaker: First of all I have a transcript of what actually transpired, and the words that were said by the First Elected Member for Bodden Town. His words on that particular aspect were: **"I should also like to know if the dispensation of these funds will be left to the sole discretion of the Chairman of the Authority who is the Minister under whose Ministry the Water Authority falls and who is also the Minister for Sports, or, if it will be a matter where the Minister, in his capacity as Chairman, brings the request to the Board and the Directors vote the funds and the amount?"**

"I would assume that there would have to be some form of formal application and that the organisation or body would have to be an acknowledged one, if not registered, publicly acknowledged and accepted charitable organisation."

The Honourable Minister for Education and Aviation said: **"Madam Speaker, The First Elected Member for Bodden Town tried to impute, or asked the question, I should say, as to whether the Minister, as Chairman of the Authority, could make expenditure relating to sporting organisation."**

The Point of Order raised by the First Elected Member for Bodden Town was that: **"The Honourable Minister is misleading the House because I did not ask any question as to whether the Honourable Minister, as Chairman of the Water authority, could make any such disbursements. The Honourable Minister is being misleading..."**

Thereafter the Point of Order was raised and I suspended the House in order that there could be a clearer understanding.

I think I need to say quite clearly that this is not a clear Point of Order. The Member raised a point of order which had to be considered and he did say that he would like to know if the dispensation of these funds would be left to the sole discretion... or if the Authority would be the body to which the request would be brought. The Honourable Minister did say he (the First Elected Member for Bodden Town) tried to impute, or ask the question (this is where he corrected himself)...and this was not a clear Point of Order.

The one thing that I think I need to say is that I am finding Members to be rather nit picking over small words or reading more into words than what is actually said. It was a matter of hair-splitting, faultfinding and I think we need to get away from this.

I have ruled that it was not a clear Point of Order and I would ask Members on both sides of the House, in making their statements and in replying thereto, to please deal with the issues and if something needs to be cleared up it should be done as clearly and concisely as possible without bringing in innuendoes, imputations or nit picking.

I have copies of the Transcript which can be passed to the Honourable Minister for Education and Aviation, the First Elected Member for Bodden Town and the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture (mover of the Bill).

I will now ask the Honourable Minister for Education to continue his debate on the Second Reading.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The Bill, in section 7C is very clear. Anyone reading this, whether they are a lawyer or not, but who understands the English language, can see very clearly, when we look at it, what it says.

It says: **"(1) The Authority may, subject to the provisions of this section, incur expenditure which in the opinion of the Authority is in the interests of the Islands or any or all of the residents of the Islands."**

Section 7C(2) says: **"The Authority may incur expenditure—(a) on contributions to the funds of any sporting organisation representing residents of the Islands to facilitate or enable the participation of the organisation or its members in sporting activities, whether the participation is in or outside the Islands . . ."**

That is very clear. There is no way that a question can be asked that discretion is put in the Chairman of the Authority. This is the mischievous approach that we see arising from time to time. On a clear reading of the Bill there is no way that one cannot be fully aware that the Authority must incur the expenditure.

It is not a matter of the Minister being able to do that. But that is what happened in the past and that is what I think the First Elected Member for Bodden Town is casting his mind back to his present colleagues, where in the past the Minister had situations where he alone was making decisions: Mr. Linford Pierson as Minister. That was clearly borne out in the report of the Auditor General and subsequent report of the Public Accounts Committee where the Auditor General very clearly said that there was under-billing of \$1,880 on one account—and we know that the Public Accounts Committee said that was Mr. Linford Pierson's. They also went on to say that a lot of what was done by the Authority back when Mr. Linford Pierson was the Chairman was ultra vires. In other words, what was happening then was that the Chairman and/or the Minister was acting outside of the law. It is really funny the way you catch a tinge off of the company that you keep.

There can be no way in this Bill that it can be imputed or questioned because the Bill is clear—the Authority and the Authority alone (that is, all of the people who make up the Authority) are the people who must incur this expenditure.

You know, Madam Speaker, there is a difference between being a Chairman of a Statutory Corporation now and being a Chairman of a Statutory Corporation under the last government because budgets are produced and whatever comes out in the sporting budget the Authority will stay within.

But more than that, this Government has made the Statutory Authorities subject to the Auditor General. We have made it subject to the Finance and Stores Regulations so a Chairman cannot go and sign as we saw contract after contract to his friends when the authority was not given.

So the two Opposition Member in keeping company with people who were Chairmen or Ministers, or Members as it was in those days, of the past government, must be questioning them because it is not a part of this Government.

More than that, the statutory corporations were made subject to legal advice from the Attorney General because we know what happened on one statutory corporation with Mr. Miller, where advice was rejected here, there and everywhere, when it came in. The Public Tenders Committee, under the Finance and Stores Regulations did not feature at all in those days.

This amendment to the Water Authority Law is a good one. It is going to allow the Authority, as it should function as an Authority, to do these things and it is not vesting in the Chairman of the Authority (the Minister) what authority vests in the Authority itself. There is no power under this law to delegate the authority.

The very clear maxim of *delegatus non potest delegare*, which says you cannot delegate that which has been delegated, would apply in any event. There would have to be expressed provisions to do so.

So the First Elected Member for Bodden Town has no fear because the Minister who sits on the Water Authority is totally different from the Minister who sat there before. You will never find his water bills being under billed and you will not find money being given out and hundreds of thousands of dollars of money that is still trying to be tracked down to see where it went.

If you go through the Auditor General's Report on this point we find that there were so many irregularities... we have to remember that they thought that the Auditor General had no right to come in. Perhaps he had no right to come in because we know they avoided the Stores and Finance Regulations. But it is like everything else, what is done in the dark one good day will come out.

This is what the opposition should be standing up and admitting, that what went on under the Water Authority in the past was wrong.

The Auditor General's report in just one sentence that I will read, which dealt with the under-billing of water charges, stated that: **"...although the individual amounts involved were not significant, this matter was of considerable concern to the Audit Office since it posed the possibility of other unrecorded revenues—a situation which could lead to qualified audit opinion on the Authority's 1993 financial statements."**

We may never know how many other bills were produced under what should have been charged.

We have gone a long way. I do not want to say anything on paragraph 49, other than to read it. Maybe the Opposition will take cognisance of this: **"The Audit Office is presently engaged in a comprehensive audit of**

the Bodden Town Water Supply project which is focusing on material supply contracts with Propacs Industries Exports Limited." Maybe the Opposition can ask and find out who they are. **"Contracts for the installation of water distribution systems and an extension of the water distribution system into the new subdivisions."**

We know that the Opposition has specifically said they are in this House to oppose and that they are not here to find solutions. That is one of the most damaging statements that I have ever heard an Opposition admit to. They are here to oppose and not to find solutions.

I would submit that it is because they are not capable of finding solutions to problems and that the public should look at criticism such as this where there is some attempt to lash at the Minister for the Water Authority to take it with a grain of salt. It is basically two lone voices crying in the wilderness.

This Bill, in my view, has dealt with an amendment that is needed. I believe that the amendment to the Bill itself, which has been agreed, the persons who opposed it... and it goes to show the flexibility of the National Team Government. We are prepared to meet with anyone who has a problem on any of the legislation that is coming forward and our position is always that we amend it in accordance with the majority of the people.

More recently three Bills have gone out as white papers and these are merely draft laws, not laws that are accepted by the Government. They are out there to give the public plenty of notice. The public asked for notice on these. They are very important Bills: The Labour Law, the Immigration Directives and the one that will be coming out relating to confiscation of criminal proceeds.

So, to avoid any doubt, the draft laws that are out there, the same as with this law when it came out, if there are problems in them, then once the public tells us (and we will be getting feedback on all the other laws that are out there) then we will sit down and amend the law in accordance with the wishes of the people. There need be no fear, we are an open government and if the people express concern on any of these, be it the Immigration Directives or the Labour Law or the other then we will sit with them and correct it in accordance with the wishes of the people. This House is not going to put through any bill that is opposed by a majority of the people in this Islands. That is not our duty.

So, I believe that with the amendments to this Bill, knowing that the Authority itself will be making these decisions, it is a body of perhaps eight or ten people, there need be no fear that what happened in the past with the Minister taking a very high-handed approach (and, in fact circumvent the Constitution through these Statutory Corporations) will ever arise again.

I think we have now cleared that aspect of it. The general application of having the Auditor General and the Finance and Stores Regulations of the Financial Secretary in place, and in any event, what I always do with my Statutory Corporations is, for example, the Civil Aviation Authority, I have representatives of the Legal Department and Finance Department in it so that they are there (normally the Accountant General and one out of the Legal Department). No longer are these the days when things can be done in a very highhanded way.

I support this Bill. I wish the Minister all the best because this Authority is very important to the Cayman Islands. I believe that the necessary checks and balances

have been put in place to ensure that what has been done as the Law very clearly states is "**in the interest of the Islands or any or all of the residents of the islands.**" That is the over-riding, general statement in it.

The Speaker: If there is no further debate would the Honourable Minister wind up the Second Reading?
The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

In the new section 7A that an owner of the property is liable for payment of water supply unless the owner's tenant has an agreement with the Authority to pay the charges is long overdue.

When I received a copy of the Bill, I contacted one of the members of the Water Authority Board and we discussed the extent of outstanding monies owed to the Water Authority by renters. He could not give me the exact amount, but he said it was in the hundreds of thousands of dollars. I believe with this new section added that a tenant will have the responsibility to take on the agreement in order to pay the water bills that is due to the Authority.

In looking at the schedule for a domestic premises, a person possessing Caymanian status who does not own the premises a deposit shall be paid of \$100. A person not possessing Caymanian status, who does not own the premises, a deposit shall be paid of \$200. I think this will help the owner of the property and the tenant will think twice before they will leave an outstanding bill because I am sure that the average cost for a household for water is roughly about \$200. I am sure that tenants will not jump from property owner to property owner and leave outstanding Water Authority bills.

This is sad. For so long a perception by the public is that "Oh, it is government, and government can afford it." Not only with the Water Authority, but with other services that the Government provides. They believe that government has lots of money. Yet, we the people make up the government and we have to find the funds for government. Therefore, it is very dishonest when they leave outstanding bills with the authority. I am pleased to see that this will help and that owners of the property will not be out as well if there is an agreement between the tenants and the Authority.

In 7C, I at first had mixed feeling about contributing to sporting activities, but as a Member of the Public Accounts Committee, we recommended (and I would like to read section 1 in dealing with the Water Authority, taken from page 5 of the report) 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 organisation without being budgeted for and approved by the Board for that Authority.**"

I believe that this is what the Authority is seeking, to put in place a policy in making donations to any charitable or social organisation. But, I hope that a ceiling will be put on the amount that they are prepared to contribute to

any organisation or charitable association.

The Honourable Minister for the Water Authority, in explaining some of the questions that I had, mentioned that this was the Authority's was of advertising. I can see that. If you have someone running or kicking a ball or swimming and they advertise the Water Authority, that is the best publicity for anyone, better than putting an ad in the paper or in the media in any form. It will also help in sponsoring our youth in sports. Like I said, this policy is long overdue and I am glad to see this.

It is also good to see that it will go before the Board because as the previous speaker mentioned, there were a lot of discrepancies and a lot of power that were taken on by the director of the Water Authority without the knowledge of the Board. It is amazing from the report of the Auditor General how this individual could keep figures such as \$106,632; \$5,000; \$1,880; \$3,316; and then an account of US \$12,000 was opened for a conference. There was a difference at the end of \$1,483 after this conference. All of this took place during 1991 and this individual kept this from the Board, it was not brought to the Board for ratification until 27 May 1993.

If the Board can work and be aware of these things it will prevent the director of the Authority in taking upon himself this type of activity in sponsoring sports and charities in the manner previously done.

Clause 4, section 60 of the Water Authority Bill can only help as well. I would like to touch on section B of 7B(2) where it says: "**The Authority shall have power to do anything including expenditure or borrowing of money which is calculated to facilitate, or is conducive or incidental to, those purposes.**" It is stressed here again that the Water Authority shall have the power to do anything including expenditure. I hope that nothing will be abused but that the Authority will do it as a Board and not as an individual.

In concluding, I would ask that the Honourable Mover give the House assurance that a strict policy will be put in place so that it will be with the entire Board of the Authority and not an individual and that there would be a certain amount of the budget set aside for contributing to charitable and social organisations.

Thank you, Madam Speaker.

The Speaker: May I now call on the Honourable Mover of the Bill?

Hon. W. McKeever Bush: Thank you, Madam Speaker, for your indulgence on this Bill. Matters raised here were not a surprise to me because they have been raised in a public meeting and by Members before.

To clarify certain areas that I was not able to do in introducing the Bill, let me say that the Authority has experienced legal problems collecting sewerage charges from unoccupied properties connected to the West Bay Beach Sewerage System, particularly when a property had been rented to someone. Although the Authority has always charged sewerage fees to properties connected to the public sewerage system, regardless of occupancy status, the Legal Department has advised the authority

that the current wording of the Law only allows the Authority to charge properties for sewerage collection and treatment when the properties actually discharge waste into sewers.

Clause 2 of the Bill seeks to resolve this anomaly by allowing the Authority to charge sewerage fees to properties which are connected to the system regardless of what time period the waste is discharged. If you are hooked up, you pay, unless you make arrangements if you cannot pay.

The amendments also make the owner of the property liable to pay sewerage fees when no other contract for these services is in force. In this way the Authority can continue to legally charge the owner of the property should a new tenant take up residence in an apartment and not make an application for sewerage service within a specified period.

This has been abused before and I know that we have had complaints from people about this particular matter. But people should not expect to rent out an apartment and not take the time to get a contract for the services that it provides and then allow tenants to run electricity, or, in this case, to use our sewerage system and not pay for it. Because if we do not know, we cannot charge. We do not have the wherewithal to know when apartments are rented or not.

The Authority has experienced many instances where a water supply service was connected or re-connected to the public water supply system without authorisation and individuals have used water from this connection. As I said this is particularly prevalent in rental properties and in some cases several tenants have come and gone from the property before the illegal connection was discovered. The Bill seeks to allow the Authority to charge the owner of the property for water used when no other contract for the service was in force.

In clause 3 the Authority has historically been approached by various organisations to carry out small projects which typically involve resolving problems with existing sewerage treatment facilities or replacing failed plant and equipment. Many of these projects have required quick responses and urgent attention because of the possibility of catastrophic failure of plant and risks to public health.

It is the general perception of the public that the Authority possess expertise in the areas of water supply and sewerage treatment and the Authority does not solicit work of this nature and it generally tends (whenever they have to do it) to disrupt work on the Authority's own projects.

The Authority, however, in many instances agreed to provide technical services, which are not locally available, for the sake of ensuring that the problems affecting the public health are resolved quickly and in a competent manner. One example is the George Town Hospital Sewerage Treatment Plant.

It would especially behove government, I feel, to utilise the Authority's expertise in areas of water supply and sewerage treatment, since government has invested a significant amount of money to develop our local exper-

tise. The Authority does not stand to benefit from work carried out on projects outside its ownership since this work is generally done at cost, as previously stated, limits the resources available for the Authority's own projects.

The Bill seeks to allow the Authority to carry out projects outside of its ownership of which are not comprised of part of a general water or sewerage scheme. The scope of this work is limited to government hospital, government clinic, government or private schools, charitable organisations or statutory bodies. The Bill requires that any such work is approved by Executive Council and that certain criteria must be met to secure this approval. These criteria include proof that the work will not adversely affect the development of competition for these services. In other words, we cannot go out there and compete with anyone in the private sector.

It seems that clause 4 has given rise for some concern, which should not really have not been mentioned in this House, at least the Fourth Elected Member for George Town and the Third Elected Member for George Town both have the Bill and I would not expect any inferences of dishonesty from them on the part of the Board, because one of them is independent and one is part of the National Team and they both well understand what the Bill is saying. I do not expect any mischievousness on their part. They both read very well and have the Bill.

In connection to clause 4 of the Bill on matters raised by the First Elected Member for Bodden Town. As you have said, Madam Speaker, people need to be as clear and concise as they can when they are reading specific things into a Bill that is not there. They need to be clear. That is the problem of the Opposition. The Opposition knows when they are wrong and therefore have to cloud issues and make a big thing out of nothing; as you say, Madam Speaker, nit-picking. In the case of the First Elected Member for Bodden Town, I expected that to be raised. I did not know how he was going to do it, but the matters he raised in the House today were matters raised at his recent public meeting where those same matters were raised as statements of fact. He was only being cute in asking the question, but left it to be read otherwise.

I agree that they are nit picking. I think as the Minister for Education says, he is getting me confused with previous administrations. What they could have very well done on the public platform was take the Auditor General's Report and read it concerning the issue. It would be an irresponsible government to have found these matters and left them unresolved. It would have been an irresponsible board to have found these matters and left them unresolved.

We have a very responsible Board and it does not take matters lightly and the members go through everything with great care. He, [the First Elected Member for Bodden Town] mentioned the long-term debt. This was a matter raised on the public platform by his colleague Mr. Ezzard Miller, who thinks he knows everything from being a pharmacist to being a registered nurse to a technician—which he is not.

I do not understand why the First Elected Member

for Bodden Town would raise those same concerns because he should know better. He knows that Mr. Miller cannot tell the truth, so why [have him] sit on the public platform. If you sleep with dogs, you are bound to get fleas. I well know that the political flea can bite harder than any other. I have been around long enough to know that.

From the beginning, the Authority has always had a budget each year for advertising and promotion that the Board approves. In that budget a specific amount is approved for promotion and advertising. This year, for instance, an amount of \$15,000 was approved by the Board. The Water Authority Board has always felt that sponsoring sports is a very good means of advertising and promoting the Authority and that lending support to such activities is an act of good corporate citizenship.

In return for these donations the Authority has received recognition on T-shirts, sporting event programmes and banners. Donations were made only after specific approval from the board of directors and after it has been shown that the expenditure would not cause the Authority to exceed the yearly budget.

The Water Authority Board has always been understanding that they have the power under the Water Authority Law to spend money for this type of advertising and such expenditure has been in the past budgeted for under advertising and promotion.

During last year's annual audit of the Water Authority's financial records, it was disclosed that the Authority had contributed money to several local sports organisations over a number of years. That goes back to its inception in the 1980s. The Auditor General indicated in a report which was tabled in a meeting of the Public Accounts Committee in September 1994, that the Authority was not empowered by the Water Authority Law to make this type of expenditure. We felt that we were because we felt that promoting the Authority was part of running the Authority. We acceded to the request of the Public Accounts Committee to put it specifically in the law and this would clear all matters.

The matters raised about myself as the Minister and Chairman—Mr. Miller gets mixed up between the Health Authority which loaned out money for homes and schools. He gets that mixed up with us. The Water Authority is very well run. It is like any other corporate body in government—it has its problems, but they are not problems that keep us from doing our duty. Members can see from the Motion before the House how responsible the board members are.

For the First Elected Member for Bodden Town to get on a public platform with those matters and then come here and raise them as questions is nothing but political dishonesty, total dishonesty and nothing but political opportunism. The Opposition needs to stop and think—as he was just showed up in this House when he made a statement. He said he did not make and it had to be proved by the *Hansard* that it was made. He knows full well whom requests are made to. He knows full well when requests are given because he made a request to the former director in 1993, and not to the Minister. I had

nothing to do with it except when it came to the board. He made a request for a donation for a National Football Club for \$3,450. It was not made to me as Chairman, it was made to the past director and it came to the board and the board agreed, as they have always done.

If he knows that, why does he come into this House and raise a question? It was not a question. It was put to try to make me look bad as they said on the public platform on the Court steps. It is time for this political opportunism to stop.

It is not mere nit picking, Madam Speaker, it is pure dishonesty by those who say that they are opposition in this House. It is time that it stopped. Furthermore, when requests are made for water hook-up and when requests are made for water to be carried to his house, it was not done to me as the Chairman, or me as Minister, it was done to the director. It would have cost something like \$125,000. The Member needs to stop playing politics with every matter that comes to this House. It seems that even when they are connected they believe that they can get up and say all sorts of things and it is all right because Roy Bodden says so, or Gilbert McLean has said so. It is absolutely and totally dishonest for them to do these things, knowing full well that they have been involved; knowing full well that they have made requests to the director of the Water Authority and that request is forwarded to the board.

The Water Authority is doing well today. You are not going to find this Minister's water bill wiped off as in the case of the previous Minister, Mr. Pierson. You are not going to find that. They can say all they want. They can say that I make noise and they can call me ignorant. One thing McKeever is—and I can say it because it is true—I am honest. When I bring a matter to this House, I abhor those who claim they have college education; those who claim they have so much intellect, I abhor them coming here and imputing things that are not true and things that they have at their hands to read from—they stand up and say something else. I abhor that sort of thing. And whether it is a member of the National Team or it is a member of the Opposition or the so-called independent, it is not right.

Do not think you can bamboozle McKeever Bush because you have a college education. Honesty, as far as I am concerned, is better than any education. In fact, it is an education in itself.

I am really tired of it. But I have two more years (just about 20 months to go) and they can put it to the public. If they do not want me back, fine. One thing I will tell them is that I am going to give them all a run for their money.

This Bill is a matter that just clarifies certain things that have been requested of us and I believe that it would behove all of us to support it. There is an amendment that has been circulated for several days and that will be dealt with at Committee stage.

I want to thank you again for your indulgence. I was late, but I had a constituency matter to deal with and it threw me off this morning. It was very urgent.

Thank you very much.

The Speaker: The question is that a Bill entitled The Water Authority (Amendment) Bill, 1995, 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 WATER AUTHORITY (AMENDMENT) BILL, 1995, GIVEN A SECOND READING.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.48 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated.

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

HOUSE IN COMMITTEE AT 2.33 PM

COMMITTEE ON BILLS

The Chairman: The House is in Committee to consider the Judicature (Amendment) Bill, 1995, the Water Authority (Amendment) Bill, 1995 and the Misuse of Drugs (Amendment) Bill, 1995.

The first Bill is the Judicature (Amendment) Bill, 1995. The Clerk will now read the Clauses.

THE JUDICATURE (AMENDMENT) BILL, 1995

Clerk: Clause 1. Short Title and Commencement.

The Chairman: The question is that Clause 1 do stand part of the Bill. I believe the Honourable Second Official Member has an amendment.

Hon. Richard H. Coles: Yes, Madam Chairman. I have an amendment which you will notice has been given and one which I have not given due notice which I referred to in my debate.

The second one which, in fact, comes first in the Bill, is that in subsection (1) of section 1 that the date 1 May 1995 be amended to 1 June 1995.

The second amendment, which I can read is that in subsection (2) that at the end of subsection (2) of Clause 1, immediately after the word "Council," to add the following words, "*and different dates may be appointed for different purposes and different provisions.*"

The Chairman: First of all, in respect of the first amendment in subclause (1) with the date 1 May 1995 be changed to 1 June 1995. I accordingly give leave for this amendment, and Members have had notice of the second amendment to subclause (2) where the words, "*and different dates may be appointed for different purposes and different provisions*" are added.

The question is that Clause 1 do stand part of the Bill. It is open for debate. If there is no debate. I shall put the question. Those in favour of clause 1 as amended, please say

Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: AMENDMENTS TO CLAUSE 1 PASSED.

The Chairman: The question is that clause 1 as amended do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 1 AS AMENDED PASSED.

Clerk: Clause 2. Amendments to the Judicature Law.

The Chairman: The question is that Clause 2 do stand part of the Bill. The question is open for debate.

If there is no debate I shall put the question 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 Judicature 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: THE TITLE PASSED.

The Chairman: The next Bill is the Water Authority (Amendment) Bill, 1995.

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Clerk: Clause 1. Short Title.
Clause 2. Water and Sewerage Charges.

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

AGREED: CLAUSES 1 AND 2 PASSED.

Clerk: Clause 3. [no marginal note]

The Chairman: The question is that Clause 3 do stand part of

the Bill.

There have been amendments circulated to clause 3. Before we proceed, Clause 3 does not have a marginal note, is that... [addressing the Clerk] would you just check on that please?

Hon. Richard H. Coles: Madam Chairman, I suspect that the marginal note is meant to be "Projects." It is just slightly in the wrong place.

The Chairman: We should insert there in the marginal note "Projects." That is in order.

The question is that Clause 3 should have a marginal note "Projects." I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED: MARGINAL NOTE INSERTED AT CLAUSE 3, "PROJECTS".

The Chairman: Members would have had a copy of the proposed amendments to clause 3. The first amendment is 7B. (1) Projects, the Authority "shall have power to carry out" and deleting the word "may." That is in subclause (1). Immediately after subclause (2) on the following page after (b) new subclauses are added, (3), (4), (5) and (6).

The question is that the amendments to Clause 3 be made. The question 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: AMENDMENTS TO CLAUSE 3 PASSED.

Clerk: A Bill for a Law to Amend the Water Authority Law, 1982.

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: The next Bill is the Misuse of Drugs (Amendment) Bill, 1995.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1995

Clerk: Clause 1. Short Title.
Clause 2. Advisory Council on the Misuse of Drugs.

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.

The Chairman: That concludes Committee proceedings on three Bills: The Judicature (Amendment) Bill, 1995, The Water Authority (Amendment) Bill, 1995, and The Misuse of Drugs (Amendment) Bill, 1995.

The House will resume.

HOUSE RESUMED AT 2.42 PM

The Speaker: Please be seated. Proceedings are resumed. Reports on Bills.

The Honourable Second Official Member.

REPORTS ON BILLS

THE JUDICATURE (AMENDMENT) BILL, 1995

Hon. Richard H. Coles: Madam Speaker, I have to report that a Bill entitled A Bill for a Law to Amend the Judicature Bill (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 Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I beg to report that a Bill entitled a Bill for a Law to Amend the Water Authority Law, 1982, was amended in Committee and passed with amendments.

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

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1995

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I beg to report that a Bill for a Law entitled The Misuse of Drugs (amendment) Bill, 1995 was considered by a Committee of the whole House and passed without amendment.

The Speaker: Third Readings.

THIRD READINGS

THE JUDICATURE (AMENDMENT) BILL, 1995

Clerk: The Judicature (Amendment) Bill, 1995.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, I beg to move that the Bill entitled The Judicature Law 1995 be given a

Third Reading.

The Speaker: The question is that a Bill entitled The Judicature (Amendment) Bill, 1995 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 JUDICATURE (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Clerk: The Water Authority (Amendment) Bill, 1995.

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

Hon. W. McKeeva Bush: I beg to move that a Bill for a Law to Amend the Water Authority Law, 1982, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled the Water Authority (Amendment) Bill, 1995, 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 WATER AUTHORITY (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1995

Clerk: The Misuse of Drugs (Amendment) Bill, 1995.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I beg to move that a Bill entitled the Misuse of Drugs (Amendment) Bill, 1995, be given a Third Reading and passed.

The Speaker: The question is that a Bill entitled The Misuse of Drugs (Amendment) Bill, 1995, 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 MISUSE OF DRUGS (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.

The Speaker: It has been represented to me by the government that in view of two Honourable Ministers being required to be off the Island next week that Government Motion No. 1/95 be brought forward at this time.

Accordingly we shall deal with Government Motion No. 1/95, Debate on Private Member's Motion No. 31/94.

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

GOVERNMENT BUSINESS MOTIONS

GOVERNMENT MOTION NO. 1/95

DEBATE ON PRIVATE MEMBER'S MOTION NO. 31/94—CENSURE MOTION FOR THE MISAPPROPRIATION OF FUNDS

Hon. W. McKeeva Bush: Madam Speaker, I beg to move the following Motion:

"WHEREAS Private Member's Motion 31/94 entitled 'Censure Motion for the Misappropriation of Funds,' in the last meeting of this Honourable House, *inter alia*, accused Government of misappropriation of funds for road works;

"AND WHEREAS Private Member's Motion 31/94 stated that:

"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 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.";

"AND WHEREAS the House was adjourned before the vote could be taken on Private Member's Motion No. 31/94;

"AND WHEREAS the Mover and the Seconder of Private Member's Motion No. 31/94 have continued publicly to wrongly accuse Government;

"BE IT RESOLVED that debate on Private Member's Motion No. 31/94 be reopened for any member to make their views known on it and that this Honourable House do reject the said Private Member's Motion 31/94."

The Speaker: The question is Government Motion No. 1/95. It is now open for debate. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, this Motion is one which the government feels should be taken a vote on. Members will recall that in December 1994, the House was adjourned before a vote could be taken on this matter.

At that time the House was sitting for quite a long time (several weeks) and it was in the peak of a very busy time for government and I knew that this matter could be brought back and that everyone who wanted to say something on it would have that opportunity. To get Government's business

done at that time, I suspended the House.

Following that, Opposition Members have been on television and public meetings continuously and erroneously accusing government of misappropriation. This Motion is here today for those members who in December thought it appropriate to accuse government to today bring the facts before the House and for Members of this Honourable House, one and all, to have their say on it.

Thank you, Madam Speaker.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I just want to say a few words in that Private Member's No. 31/94 that was brought to this Honourable House back in December, the government was accused of misappropriation of funds for the paving of roadways and driveways in the district of West Bay.

I think that everyone knows that we are a team, the National Team, and I for one would not sit back and allow any member [to do something] that would [cause them to] misappropriate funds.

During the Finance Committee in November when we were dealing with the Budget, I think the Fourth Elected Member for George Town questioned the allocation of funds—\$400,000 for George Town. I have here a list of projects or requests for the George Town District.

Looking over these road works, I see that the majority of these roads are private. Does that mean then that we cannot go and fix them for the benefit of the people? In working with the street naming committee, I was provided with a list of all the street names that exist for the three Islands. Almost 90% of those streets are private. They have not been gazetted. Looking at this list that we have for the district of George Town, most of them are not gazetted roads, in other words, they are private.

For the Opposition to get up and say that we are paving private roads, does that mean then that we cannot pave any roads since most of the roads in the Cayman Islands are private and not gazetted?

To say that there has been misappropriation of funds is very, mischievous. When we have \$400,000 and then we determine from there, as representatives of a district what we would like to have done, there can be no misappropriation of funds.

Therefore, I support this Motion, that we reject the previous Private Member's Motion No. 31/94 and that there has been no misappropriation of funds and I believe that in working on all the roads, they are private roads and that government has to take care of them and it is the right thing to do. Therefore, I support this Government Motion No. 1/95, that they reject Private Member's Motion No. 31/94. Thank you, Madam Speaker.

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

Hon. John B. McLean: Long debates took place on this Motion here in December. However, I would just like to highlight what the Member for George Town has just said. I think that she put forward some very valid points.

What she stated as being done in George Town is exactly what we did in West Bay. It is ridiculous for anyone to

say that this Government misappropriated funds because we did not.

As I have said before, if the Members for the respective districts are not aware of the requests made by their constituents, God help us, who else would know?

The only thing that happened in this case was that the funds were voted under road works for West Bay, identified for two projects and on reconsideration by the Members and the various demands that were put upon them by the people of West Bay, they saw fit to distribute the funds on various other projects where it was helping a majority of people. I see nothing wrong with that.

I was accused of not defending this in December and I would just like to make it clear that the reason why I had nothing to say was because I was taken up with another department of my Ministry. We were holding an Agricultural Retreat and I was not here in George Town at the time when the Motion came to an end.

As far as defending the way that the funds were actually spent, I can defend it because as far as I am concerned nothing was done that was not right. I think the Financial Secretary also spoke on this in December and made it abundantly clear that there was nothing done that was not right.

The Motion which was brought here in December should have never come before this House because it was only a move to try to embarrass the Government. I think the sensible people out there know the government much better than that. Thank you.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I, too, would like to take this opportunity to rise to speak to Government Motion No. 1/95.

It is hard to believe that this Motion was brought here because I honestly believe that in times passed, what has taken place in this situation is nothing more than what had been done before by other governments where the representatives of the people saw the need for roadwork to be done. They put it forward and the work was done to help our people, the Caymanian people.

It does not matter whether there is one, two or three persons living on these roads. As has been pointed out, these roads were needed. I have been made to understand that one of the people who benefited from these roads was a 92-year-old lady.

I have been made to understand that getting emergency vehicles, Ambulances and Fire Trucks, to these homes is extremely difficult. These people are paying taxes, they deserve to have these roads and as representatives of the people we have the right to determine and say where these roads should go.

It is public knowledge that Ministers of Government do not write the cheques for these things so it is inappropriate to put forward that there was misappropriation of funds.

I know that toward the end of last year we toured the district of Bodden Town looking at a number of private roads. I certainly hope that we are not again accused of fixing these private roads. I know that Public Works has

started work on roads identified to be worked on.

So, I rise and give my full support that this not be accepted as a censure motion against this government. We are only doing what is good for our people in providing them rightful access to their homes.

Thank you, Madam Speaker.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

I, too rise to give my support to Government Motion No. 1/95. I will be very short in my contribution because I find it insulting to the people of these Islands that Members of the opposition would bring a motion to this Honourable House to censure government for expending funds to repair private roads for people in this country who pay taxes.

This has been the norm, as far as I can see. When the last member (Mr. Ezzard Miller) represented North Side... and I have in my hand a list of roads from Mr. Ron Cain of the Public Works Department that were done in North Side. All roadwork that was done in our district from 1989 to 1992 consisted of private roads, roads that were not gazetted public. So it seems to me that this Government is doing nothing more than previous governments have done.

In North Side the McCoy Road (which two people live on) was done for \$24,500; the Austin Ebanks Road (which one person lives on) \$33,300; the Olsen Chisholm Road for \$12,400 (with about six homes on it), and I understand that no repairs ever took place on that road.

We have the Frank Sound Estates Road for \$27,442; the Bulrush Walk Road which was done for the farmers, \$4,225; we have the Little Bluff Road, \$34,066.

During that time the only public road work that was carried out in that district was in 1991: Craddock Drive has a second application at a cost of \$16,044. Frank Sound Road had a second application at a cost of \$28,500. So, in repairing (or whatever we have done) the roads in West Bay for these private individuals, is nothing more than previous governments have done.

I am wondering, if the Opposition's Motion had been passed, and someone was living on a road which the ambulance or fire truck could not get to, and they died in a fire or of a heart attack, how they would feel.

I, too, have given private roads in the district of North Side, private in the context that they have not been gazetted public roads, but they are roads that are serving our people—from the Boat Road of North Side. I see nothing wrong with this.

I see wrong when we have developers who do subdivisions and make millions and millions of dollars in profit and the government in turn will pave every road in the subdivision—which was done just before the 1992 election—at hundreds of thousands of dollars. As long as I am a representative in this House for the district of North Side, I see nothing wrong with this Government spending funds to repair roads that are used by a number of people to get access to their homes. They pay [taxes] and I feel it is only fair that the government of this country

assist them.

Thank you, Madam Speaker.

[pause]

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, there are several puzzling things about this Motion. The Motion which was originally brought to the floor of this Honourable House by the Opposition has now wound up being brought by a Minister of Government. It never ceases to mystify me.

As I understand it, requests have been made in the past to have private roads done, and, indeed, private roads were done. It is my further understanding that there is a procedure to follow in so doing, namely, that the matter of the request be taken through certain channels.

When government expends public money on private roads, it is my tacit understanding that the government is in a position to exercise certain options. They can gazette the road, a public road, they can inform the owners of the road that they wish it to continue in the title of the owners under certain condition and caveat as a result of the Government's expending public funds.

The Motion which was brought by the Opposition, in its essence, did not say that the government should not expend public funds to do private roads, the motion said in this case that the correct procedures were not followed, and indeed, that we could not be convinced that what was done was done in the best interests.

So, to my mind, there is nothing mischievous about what the Opposition brought, there was nothing untoward. Certainly, events of the past, since the National Team Government likes to talk about the government of Mr. Linford Pierson and Mr. Ezzard Miller, likely they will recall that requests were made for some of these roads (many of them) to be done and the then member in charge of road works rejected on the grounds that they were private roads.

In my own case, in my constituency, I made similar requests and was similarly turned down by the then member. But, certainly, I know, where private roads have been done, those roads were gazetted either while they were in the process of being done, or gazetted as public roads immediately after they were done. So what we were concerned with is that the proper procedures were not followed.

If the intention was to be so well meaning, then why is it that only roads in one constituency were done? If the intention was so well meaning why not distribute the work over the other districts which have private roads which need to be done?

I certainly would not expect National Team Members to vote against a Minister of their government, but I stand by the position that what we had is a departure from the proper procedure and there is principle to be followed.

I see no reason for the Opposition to be falling on our swords, and we certainly will not be falling on our swords, because we did not do anything wrong. I would

also like to record that we have nothing against roads being fixed for people who live in areas which are difficult (if not impossible) for the ambulance or fire truck to negotiate. Certainly, there is an outstanding request now that I made for a certain area in Bodden Town—the South Cayman Palms area—where there are two acute corners. To the best of my knowledge that is a public road and the request is still outstanding up to yesterday afternoon when I was down there and some of the residents asked me if I was in a position to tell them when the matter would be addressed.

So, for the record, I would like to state that we do not begrudge, or would not stand in the way, of any road being repaired. What we say is that there is a procedure to follow. We are pragmatic, but we are not prepared to sacrifice a principle to gain a result.

I would have been prepared to fall on my sword and be castigated if the proper channels were taken, and I had voted against and rejected the overtures to have the roads done. But, certainly, I can see no wrong in bringing to the attention of the government that the usual channels were not followed and that the usual procedures were not adhered to.

I think this Motion had enough vitriolic and vociferous debate at its inconclusive stage, so I do not want to rehash anything that has transpired previously. But I want to make it abundantly clear that the Opposition does not regard itself as being mischievous and we stand by our original position.

We do not have enough votes to carry, so we will have to abide by the consequences. But, we remain committed to the original position and, in this regard, I can say that we are unrepentant because we see the motion that was brought by the Opposition as being adequate, appropriate and what should have been.

Thank you.

The Speaker: If there is no further debate, would the mover wish to close the debate?

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

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

As I intimated in my opening remarks, there were several reasons why this motion was brought back. Specifically it was brought back because three Members went on national television on one instance to say that it would not be brought back. That was not the intention of the government, at least at the time of the adjournment of the House. I said then that it could be brought back in some form or another.

The Motion is no different from the one that the Opposition brought. The substance is the same, except that we are asking the Members of the House to reject the resolution.

The truth is, several things were said about it. One was that at the closure of debate which had gone on for an hour to an hour and a half, the Member who brought the Motion was winding up for that long, and could have well finished when 4.30 came. What happened? I will read from the *Hansard*.

The Speaker asked the Member "**How long will you be?**"

He said: "**...about a half an hour...**" And the House was adjourned. He later went on national television to say that he had over an hour left.

I had information that they were (and they had said so throughout the Chamber) going to keep us until Christmas. I knew that was the attempt. It was a stalling tactic. Therefore, we could not allow that to happen at that point in time—even if the government of the day was minded to give them some time—it was late in the year, a crucial time in the year. I have at that time to visit children's homes, I have to visit old peoples' homes, I have to visit the many areas that Social Services has under their jurisdiction. Nothing was getting done.

I was not scared of the resolution. But the First Elected Member for Bodden Town cannot come now and say that he sees no wrong in bringing it to the attention of the government. This Motion was not merely brought to bring that matter to the attention of government. It was a censure motion about misappropriation. That is a serious charge against any government, or individual. The Members have gone to great lengths to make it look like we... and, Madam Speaker, they talk about Parliamentary Procedure at Westminster, Parliamentary Procedure at Westminster says that if a government falls especially on a misappropriation censure, that government falls.

So, as far as I am concerned, that was an attempt by the Opposition within the Westminster System to destabilise the government to let the government fall.

They knew that we had young members in the House—when I say young, I mean to the rules of the House and Parliamentary Procedure—and they thought that they could shift their minds and make them believe that government was doing the wrong thing.

So, Madam Speaker, it is not a motion, as he now tries to make this House believe, merely to bring it to Government's attention. When you read the *Hansards* and when I listen to the debate, I could not be here for all of it (although it affected my district primarily) I had to attend the funeral of a grandaunt and I could not be here for the balance of the day. But, when I got the *Hansard* and read it, it was a deliberate attempt to accuse government and individuals of dishonesty and misappropriation carries a connotation of dishonesty because the *Oxford Dictionary* says: "**Misappropriation means to appropriate to wrong uses, chiefly to apply dishonesty to one's own use.**"

He cannot now come and say...I know they have lost face on it and they had some help by newspapers that tried to read other things into it. I should say the Compass has stopped doing this, but it seems like that woman from George Town, Bridget McPartland, who seems to know everything about Parliamentary Procedure, is still talking about this misappropriation. It is ridiculous for people who should know better to be saying those sorts of things. If they do not know, then they should keep their mouths shut!

I do not hold the Opposition because as the First Elected Member for Bodden Town says, that is their duty

to come in here and oppose and try to make government look bad. What I dislike is that person who deliberately took the documents from the Public Works Department (which are public documents) and carried it or showed it to the newspapers. That person knows who he is.

It is not true to say that the Opposition does not mind using funds to assist people because in opening the debate their chief critic, the Second Elected Member for Cayman Brac and Little Cayman, said that, **"...the Private Member's Motion is about a scandal, about the use of public money on private driveways in the Cayman Islands."**

If it is as the First Elected Member for Bodden Town just said, that they have no problem with assisting our old people, why then was it a scandal?

The Opposition likes to talk and they say so many different things, that they do not know what they have said until we get it back in the *Hansards*. But they say one thing yesterday and come back and say another thing today. That is typical of them. We know their destabilised condition as far as consistency is concerned. He cannot say one thing in the morning and then in the afternoon say a different thing.

To say as the Second Elected Member for Cayman Brac and Little Cayman said, **"It is a new one that the country has to be told that the country is now on the road to using government money to fix private driveways for citizens of this country."** Yet, he says that it is a new thing. It is not new. He just admitted that it is not new. Furthermore, I am going to come to this matter of procedure that he hinges the motion on now. The motion cannot be hinged on procedure they hinged it on misappropriation.

If he wanted to bring a motion about procedure, then he should have brought a motion asking government to look into the procedure of how private roads are done. If we go back in the archives there are petitions from back in the early 1930s where people living on private roads petitioned the government. I had one such petition and I just cannot put my hand on it. But I got some work done because I was told about it by an elderly lady in West Bay.

This is not a new thing—from the early 1930s. I know this because I have been in here long enough, but to hear the First Elected Member for Bodden Town say that it was new for the last government, I wonder when is that Member really going to go back to the *Hansards* and cast his mind back to remember what the previous government did.

Why does he not tell the truth? Why does he not smite the Devil and tell the truth? He says there were no roads done because he had requested his road and the previous member, Mr. Linford Pierson, said he would not do it.

So, he said he was not fixing private roads? That is not true. Randyke Garden is a private subdivision. One road was done in 1992 and was not gazetted—and still not gazetted as yet. That one road cost about the same amount that the road work in West Bay cost and yet, those devils on the other side would say that we misap-

propriated funds by using it to pave roads in West Bay.

Randyke Gardens is in George Town, it is a new development. That does not surprise me, when we look at some of the things that were done in 1992. How can they come now and say one thing? I see the member has left the Chamber. That is the truth, Madam Speaker, if you cannot take the heat, get out of the kitchen.

It is imperative that every home in Cayman can be accessed by emergency vehicles, that is, ambulances, fire trucks, and sometimes the garbage truck can be classified as an emergency vehicle. Certainly, the roads should be brought up to standard where the garbage truck can access it.

I know that I have roads in West Bay where fire trucks have gotten stuck in between two poles because the roads were so small, and a house burns down in the mean time.

There are many situations like that on this Island. The truth is that the last government did not do anything about roadwork. I brought motion after motion. The Third Elected Member for West Bay did the same thing during 1988 and 1992 to get roads and not for heaven, would the members then in Executive Council, Mr. Ebanks, and Mr. Pierson, do anything about it.

But they were doing some things in their constituencies. We know that there were some things done for certain people in North Side and we know now that there were certain things done for certain people in George Town—depending upon whom they were supporting. These are not all our supporters (yes, I believe that some of them supported us, but some did not), that is beside the point. Whether they support me or not, if they need something and we can help, that is what we are there for as a government, and that is what we have been doing.

The problem is...that is probably why we are getting kicked in the face, but it is not true about this procedure, and I am going to come to that in a minute.

It would be misappropriation if we had taken funds from education, vote for schools and put it on roads without any kind of procedure. That could be considered misappropriation. But this is not what happened in this case. You could say it was a misuse of funds, but you certainly cannot say misappropriation of funds if you move from one roadwork to another roadwork. That is exactly what happened—in the same district.

The first thing in the procedure is to vote funds for roads in the Islands. That is the first thing that we do. I am outlining the procedure here that has been adhered to since 1984 and beyond. We had one former Executive Council Member during 1976 who went on television and said that was the procedure (Mr. Warren Conolly). The next thing we do is go out and identify the roads to be upgraded. That has been done in every district in this Island. Next, members prioritise the roads work in each district. That is what happened.

In the case of West Bay, we simply moved funds from one road to other roads. So, the Member talking about procedure, knows nothing about what he is talking because, ultimately, the Finance Committee gives the Financial Secretary the prerogative to vote or to agree for

the moving of funds. If you look in the Financial and Stores Regulations, 1986, it says in Regulation 2(6) and (7) that: **"The transfer of funds between subheads warrants by the Financial Secretary under his power of virement will be authorised by the issue of a virement warrant under his signature. Virement warrants will be numbered consecutively within the financial year to which they relate."**

If anyone comes up and says that this is not clear, that the Financial and Stores Regulation is not clear, then they need to check it again and refer to regulation 1(6) which says: **"On any question as to the correct interpretation of anything contained in these Financial and Stores Regulations, the decision of the Financial Secretary shall be final."** So for anyone to now come and say that we do not have the power to do what we are doing is talking nonsense. Because where something is not clear, it says here that this Financial and Stores Regulation which authorises the use of moving of funds outside of the agreement of Finance Committee, this says that the Financial Secretary has the authority. Everyone should understand that from the Auditor General to his Accountant or the Internal Audit Office. They cannot refer to one section of this Finance and Stores Regulation without first coming to regulation 1(6), it gives the Financial Secretary the authority. I was in the House back in 1986 when these were done by the then Financial Secretary, who is now the Minister for Tourism. I remember.

Procedure has been followed. There has been no misappropriation of funds.

I do not think there is any more that I can add to this except to say that the National Team Government is going to continue to provide road works where we can. I am only sorry that it takes several thousand dollars to fix the roads leading to the house of the First Elected Member for Bodden Town, because that is a lot of money to spend on one road. If I can be of assistance to him as the government, we are prepared to do it. But he should not come here and decry the use of funds for other people in much worse condition than himself, when he has made a request to fix his road and certain works have already been done on it and to do the rest of it would take that amount of money.

It is sheer hypocrisy for that member to do so. He should have told that to the residents of South Cayman Palms. We can only do so much.

West Bay is the district I represent and it has a wide network of roads. Government made a commitment not just in the Financial and Stores Regulation, but if we go back to the Economic Development Program, also produced in 1986, you will find that the policy is in that. I had that this morning, but in the rush, I left it at home. It is also contained in that for the fixing of roads.

The procedure is there. There is no misappropriation of funds, government simply moved funds from one road to many other roads, some small and some a bit larger.

The last thing that I would clarify is the remark made by the First Elected Member for Bodden Town when he said that he would not expect the National Team to vote against the Minister. I do not expect the National Team to

vote against the Minister either, once the Minister is doing the correct thing.

So, for the newspapers, and for the columnists, who say that there is something wrong in this motion and that the procedures of this House were not followed, they have to understand that they do have people in government and the Legislature (Members and the Speaker) who know about the running of this Parliament and they should accept that. Mrs. McPartland should accept that there are people who have over 30 years of experience as a Clerk (that is, the Speaker), and several years as the Speaker. There are Members who have years of experience in this House and there is nothing wrong with this resolution presently before the House. The only thing wrong with it is that the Opposition is hopping mad because they did not get to table it first, but I was smart enough to put it.

It is no different from the way they had it, the only difference is that they do not have the last say on it. What they have to understand is that while they got university degrees, McKeeva Bush got common sense and he knows the rules of this Honourable House.

Madam Speaker, I leave this Motion for Members of this honourable House to do as they please. We felt that we should bring it back since we were challenged that they were not going to bring it back and Members can now vote as they feel.

Thanks very much.

The Speaker: The Question is Government's Motion No. 1/95. I shall put the question. Those in favour please say Aye...

Government Motion No. 1/95, those in favour, please say Aye...Those against No.

AYES AND NOES.

The Speaker: The Ayes have it.

Hon. W. McKeeva Bush: Could we have a division Madam Speaker? I think we had better clear this.

The Speaker: Yes, you certainly may.
Madam Clerk.

Clerk:

DIVISION NO. 3/95

AYES: 7

Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Anthony S. Eden
Mrs. Berna L. Thompson-Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSTENTION: 1

Mr. D. Kurt Tibbetts

Absent: 10

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. Truman M. Bodden

Mr. John D. Jefferson, Jr
 Mr. D. Dalmain Ebanks
 Dr. Stephenson A. Tomlinson
 Mr. Gilbert A. McLean
 Mr. Roy Bodden
 Mr. G. Haig Bodden

The Speaker: The result of the division is 7 Ayes, 1 Abstention, the Motion, therefore, has been passed.

GOVERNMENT MOTION NO. 1/95 PASSED BY MAJORITY.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.48 PM

PROCEEDINGS RESUMED AT 4.11 PM

The Speaker: Please be seated.

We will continue with Government Motion No. 3/95, Cayman Islands Water Authority Loan Guarantee.

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

GOVERNMENT MOTION NO. 3/95

**CAYMAN ISLANDS WATER AUTHORITY
 LOAN GUARANTEE**

Hon. W. McKeeva Bush: Madam Speaker, I move the following Motion:

"WHEREAS on the 28th day of November, 1994, the Standing Finance Committee of the Legislative Assembly "RESOLVED THAT the current 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 (Cayman) Limited, which 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 FURTHER THAT the Caribbean Development Bank loan of US\$6.20 million be repaid."

"BE IT THEREFORE RESOLVED THAT in accordance with the provisions of Section 8(B)(2) of the Water Authority Law, 1982, this Honourable House do now approve the resolution as passed by the Standing Finance Committee."

The Speaker: The question before the House is Government Motion No. 3/95, Cayman Islands Water Authority Loan Guarantee. The Motion is open for debate.

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

Hon. W. McKeeva Bush: Madam Speaker, in 1986, the Cayman Islands Government entered into a loan agree-

ment with the Caribbean Development Bank which provided approximately \$7 million (US) to the Water Authority for the construction of the West Bay Beach Sewerage System.

The funds for the loan were repayable in several different currencies including a unit of accounts quotient which was based partially on Japanese Yen.

Over the past four years the Authority has repaid approximately \$1,790,000 (US) in principal on the loan. However, due to currency fluctuations the outstanding principal was valued at \$6,030,000 (US) at the end of 1994. This translates into a total currency loss of approximately \$820,000 (US) over the life of the loan.

It was decided in early 1994 that the Authority would endeavour to refinance this loan as well as to secure additional capital for a pumping station and reservoir in the Lower Valley area. Several local banks were approached to provide this financing package and in September, 1994, the Water Authority Board resolved to accept a proposal submitted by Canadian Imperial Bank of Commerce Bank and Trust Company. This package included a total of \$22,150,000 which would be repaid over 10 years at an interest rate of 1% over LIBOR (Lowest Interest Borrowing Rate).

The interest rate could be fixed up to one year. The total package would provide funds to refinance the Caribbean Development Bank Loan, provide additional capital for the Lower Valley project and would extend the existing \$16 million with Canadian Imperial Bank of Commerce from a seven year repayment period to 10 years.

Under the terms of the loan agreement, government is required to guarantee that it would continue to repay any principal and interest due to the bank should the Water Authority be found in default of the terms of the loan.

Section 8(b) of the Water Authority Law states that any such guarantee for the Water Authority must be approved by this Legislative Assembly.

I believe that the Water Authority is doing the correct thing and no mention has been made before about our long-term debt, but we have good board members. I think the Water Authority is on sound footing. We have as board members a banker, Mr. Harry Chisholm; Mr. Bernard Watler, who is a very substantial businessman; Mr. Otto Watler; Mr. Richard Flowers; Mr. Phillip Hydes; and Mr. Jerry Wood, all of whom are very substantial people who know what they are doing. They have been on the Water Authority Board since its inception and they have seen this Water Authority grow from strength to strength. I have great confidence in them as members and they do provide a very laudable service for this country by serving on the board.

This is a good move and I want to extend my sincere appreciation to the Honourable Financial Secretary and to the Minister of Education who were both involved in the later part of the negotiation of the loan.

I ask the House to agree to this resolution.

The Speaker: If there is no debate on Government Motion No. 3/95...I do not know if the Honourable Minister would wish to add anything further before the question is

put?

Hon. W. McKeeva Bush: No, Madam Speaker. As the old saying goes, silence gives consent.

The Speaker: I shall put the question, Government Motion No. 3/95, Cayman Islands Water Authority Guarantee. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The Motion has accordingly been passed.

AGREED: GOVERNMENT MOTION NO. 3/95 PASSED.

The Speaker: Government Motion No. 2/95, Adoption of the Tourism Management Policy 1995-1999.

The Honourable Minister for Tourism, Development and Planning.

GOVERNMENT MOTION NO. 2/95

ADOPTION OF THE TOURISM MANAGEMENT POLICY 1995—1999

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I move Government Motion No. 2/95, Adoption of the Tourism Management Policy 1995-1999, which reads:

"WHEREAS during the last Meeting of the Legislative Assembly the Tourism Management Policy was laid on the Table of this Honourable House and Government Motion No. 9/94 was moved for its adoption;

"AND WHEREAS the House adjourned prior to the completion of the debate thereon;

"BE IT NOW THEREFORE RESOLVED that the House adopts the Tourism Management Policy 1995 to 1999."

The Speaker: The question before the House is Government Motion No. 2/95, Adoption of the Tourism Management Policy 1995 to 1999. The Motion is open for debate.

The Honourable Minister for Tourism, Development and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, I realise that the hour is moving and that this Management Policy was spoken to at great length at the presentation and much debate ensued thereon. Some of the commentary that came across in the debate was somewhat misleading—some Members were trying to say that it was an implementation document when, in fact, when I laid it on the Table I did not say any such thing. But, I believe it is the first occasion that a government has laid on the Table of this Honourable House a Tourism Policy and sought for its adoption. I take great credit for the National Team's assistance in allowing me to accomplish this.

Thank you.

The Speaker: It would appear there is no debate, would the Honourable Minister wish to add anything before the question is put?

Hon. Thomas C. Jefferson: No, Madam Speaker, I thank you for the opportunity.

The Speaker: The question is that Government Motion No. 2/95 Adoption of the Tourism Management Policy 1995 to 1999 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 accordingly been passed.

AGREED: GOVERNMENT MOTION NO. 2/95 PASSED.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: That appears to conclude the business of the House with the exception that the House will have to meet tomorrow morning for a brief period. The Water Authority (Amendment) Bill has to be recommitted to a Committee of the House. It should not take long but it will be necessary for the legal draftsman to come down and the Attorney General is arranging for that. We will have to take the adjournment until tomorrow morning at 10.00, and we should finish shortly after that.

The Honourable Minister for Tourism, Development and Planning.

Hon. Thomas C. Jefferson: Madam Speaker, this is a little bit new to me, this Water Authority Bill having to be looked at a second time. I just wonder if it could be done this afternoon in the hope of finalising it, rather than having to come tomorrow morning. Just a thought.

The Speaker: I would have no objection, it just depends on what the Honourable Second Official Member would say, if this is possible for us to recommit this Bill and deal with it this evening, or would you prefer the Legal Draftsman to be here?

Hon. Richard H. Coles: I think, Madam Speaker, if we are going to recommit it on the basis of section 4 to be dealt with in Committee, I would have no difficulty in dealing with it this evening.

If we need to discuss the side notes in Committee, then I think we need the Legal Draftsman here to do so. But I could try to get him down here this evening—of course, it does not give me a lot of notice.

The Speaker: One of the reasons for the recommitment was that apparently section 4 was not put to the House to agree on. There are some other minor amendments or corrections to get it in proper order, and I think we could do it now if you wish, with the exception that the Bill has already been read a third time and in order to have it recommitted requires the suspension of Standing Order 55 (Committal of Bills). Would an Honourable Minister move the suspension of Standing Order 55?

The Honourable Minister for Tourism, Development and Planning.

Hon. Thomas C. Jefferson: I am at a bit of a loss because I was busy talking rather than listening.

The Speaker: Well, I observed that, and I will excuse you. I will explain it to you. Standing Order 55, which covers committal of Bills, apparently covers Bills which have been reported to committee before the Third Reading. But this Bill has been given a Third Reading and in order for it to be recommitted we will have to ask for the suspension of Standing Order 55.

It is very simple. If you would do that, Honourable Minister.

SUSPENSION OF STANDING ORDER 55

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

In accordance with standing Order 83 I move the suspension of Standing Order 55.

The Speaker: The question is that Standing Order 55 be suspended in order for the Water Authority (Amendment) Bill to be recommitted to a committee of the whole House. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Standing Order 55 has accordingly been suspended and the House will now proceed to committee to consider the Water Authority (Amendment) Bill, 1995.

AGREED: STANDING 55 SUSPENDED TO ENABLE THE HOUSE TO RECOMMIT THE BILL.

RECOMMITTAL OF GOVERNMENT BUSINESS

HOUSE IN COMMITTEE AT 4.27 PM

WATER AUTHORITY (AMENDMENT) BILL

The Chairman: Clause 4—Regulations—was not put so the question could not have been decided on that before the conclusion of proceedings. Accordingly I would move that Clause 4 stand part of the Bill.

The motion 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 Chairman: The Ayes have it.

AGREED: CLAUSE 4 PASSED.

Clerk: A Bill for a Law to Amend the Water Authority Law, 1982.

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 Speaker: The Ayes have it.

AGREED: TITLE PASSED.

The Chairman: There were some other marginal notes and that it would be in order to leave it with the Honourable Attorney General to be put in the correct manner. Do I have the approval of the House for that?

Accordingly that concludes proceedings for recommittal of the Water Authority (Amendment) Bill, 1995. The House will resume.

HOUSE RESUMED AT 4.29 PM

The Speaker: Please be seated.

I think it will be necessary for The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to move the report of this Bill and then we will go to the Third Reading.

REPORT

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I beg to report that a Bill entitled a Bill for a Law to Amend the Water Authority Law, 1982, was recommitted and passed in Committee.

The Speaker: Third Reading.

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

THIRD READING

THE WATER AUTHORITY (AMENDMENT) BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I beg to move that a Bill for a Law to Amend the Water Authority Law, 1982, be give a Third Reading and passed.

The Speaker: The question is that the Bill be read a third time 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 WATER AUTHORITY (AMENDMENT) BILL, 1995 GIVEN A THIRD READING AND PASSED.

The Speaker: There is one other matter, I understand the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture would like to lay on the Table of the House two Bills, the Children's Bill and the Youth Justice Bill.

Honourable Minister.

PRESENTATION OF PAPERS AND OF REPORTS

YOUTH JUSTICE (WHITE) BILL, 1995 AND THE CHILDREN (WHITE) BILL, 1995

Hon. W. McKeever Bush: Madam Speaker, government had given a commitment to revise the law regarding young people. That involved a large amount of work in relation to the Youth Justice Bill and the Children's Act. These are new Bills and we want to table them as white papers so that the public can make comments on them. We intend to go to speak to different entities in the country to associate the Bill with the affect in regards to young children. I ask that these Bills be laid on the Table of the Honourable House.

The Speaker: So ordered.

Hon. W. McKeever Bush: I would like to offer my gratitude to the people in the country who made comments on the matter, that is the different legal entities, the Justices and the members of the bench. As I said, the Social Services will be talking to the various entities in regard to these Bills.

The Speaker: Thank you, Honourable Minister.

I am also aware that the Honourable Second Official Member wishes to lay on the Table of the House a Bill that will be coming up at the next sitting. I will ask him to do that now, please.

DRAFT OF THE PROCEEDS OF CRIMINAL CONDUCT (WHITE) BILL

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

Following a decision by Executive Council, I am pleased to be able to table today, as a white paper, the Draft of the Proceeds of Criminal Conduct Bill.

This is part of the Government's continued commitment to promoting the quality and integrity of the Cayman Islands' financial system. The Bill will make three main areas of changes to the criminal law of the Islands and the enforcement power of the courts.

The courts will be able to make a confiscation order where a person has been found guilty of serious criminal offences. The effect of the confiscation order will require the offender to pay the court the financial proceeds or profits of the crime. This power to make a confiscation order is modelled on the existing powers of the courts conferred by the Misuse of Drugs Legislation for the courts to confiscate the proceeds in drug trafficking offences.

There are also provisions to help in the realisation of the proceeds of the criminal conduct and prevent its removal from the Islands.

There will be new criminal offences. Firstly, assisting in the retention of the benefit of criminal conduct an offence of acquiring, possessing or using the proceeds of criminal conduct and concealing or transferring the proceeds of criminal conduct.

It will also be an offence to tip-off someone about an investigation into those three offences.

The last area of change is proposed in clauses 23 and 24 of the bill. These will help the enforcement of orders made by courts in other countries in respect of serious criminal conduct in those countries the proceeds of which have been transferred to the Cayman Islands.

The legislation has been drafted in terms identical, where possible, to those included in the Misuse of Drugs Law and for that reason I believe we will find universal acceptance by both the legal and banking professions and the judiciary.

The Bill also reflects the Criminal Justice Act, 1993 and so can be supported on the grounds that similar legislation is already enforced in the United Kingdom and has been tested by a number of cases brought in that jurisdiction.

Criminal conduct covered by the Bill is set out in the schedule and this can be added to or amended at any time by Order in Council. Specifically excluded from this bill are the offences related to the laundering of proceeds from drug trafficking which continue to be dealt with under the Misuse of Drugs Law.

It is hoped that wide publicity will be given to this Bill and Government Information Services has been requested to make copies available to the public. Subject to any comments and suggestions received as a result of that publicity, it is anticipated that the green Bill will be brought to the House in June of this year.

Thank you, Madam Speaker.

The Speaker: So ordered.

That appears to conclude the business for this Meeting, although with the presentation of the documents I am sure that Members will be kept quite busy reading all of these in preparation for the next meeting.

Before I ask for the motion for the adjournment of the House, I would like to thank Members for their efforts in bringing matters to a conclusion. They have worked very hard over the past eighteen days... I do not know whether I should use the late Miss Annie Bodden's term, "eighteen long, wicked, weary days" [laughter], but they have covered a lot of ground and they have said many words—so, they should be thanked for their attention.

I would also like to thank the Clerk, the Deputy Clerk, the Serjeant-at-Arms, the *Hansard* Reporters and the other members of staff in the office. We cannot forget Mary and her helper in providing not only light refreshments now, but things seem to have gotten very heavy—very heavy meals—and I think Members have all appreciated this.

But, I think I would also be failing in my duty if I did not ask Members in the future to try to avoid the many hostile and sharp attacks on each other and on members of the public who may write letters, or columns in newspapers. I think quite often one has to take a stand, but there is, in my opinion, a much better way to make a stand on anything with which you disagree and which a lot of people outside may not understand the workings of Parliament.

I have been rather perturbed, to say the least, as well as members of the public who listen, at the harsh

words that many people pass against others. We need to bear in mind that Members have a great responsibility, they have a lot of work to do, but also, that we pass through this way once and we need to leave a good impression on what we do so that the others who follow will have role models to follow.

May I ask now for the motion for the adjournment of the House until 2 June 1995?

The Honourable Minister for Tourism, Environment and Planning.

ADJOURNMENT

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I am sure that it was not the intention of anyone of us on this side to castigate any particular person in the private sector, but, inevitably, there will be differences of opinion and I think we should be allowed to state them with great care but not to seem to be malicious in so doing.

I have pleasure in moving the adjournment of this Honourable House until 2 June 1995.

The Speaker: Equally, the Speaker has much pleasure in moving the motion for the adjournment. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

The House is accordingly adjourned until 2 June 1995, at 10 o'clock.

AT 4:40 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 2 JUNE 1995.

**FRIDAY
2 JUNE, 1995
10.06 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.

Order. Proceedings are resumed, the Legislative Assembly is in session.

APOLOGIES

The Speaker: I would like to offer apologies for the absence of two Members, the first is the lady Member for George Town, the Third Elected Member who is overseas receiving medical attention. The second is from the First Elected Member for Cayman Brac and Little Cayman who is also overseas receiving medical attention. I understand that both Members are doing well. I know the Members of the House will be happy to hear this.

Continuing with the business of the day, questions to Honourable Members and Ministers.

The First Elected Member for Bodden Town, question No. 76.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

No. 76: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works, will Cable and Wireless (WI) Ltd. be providing subscribers in the Cayman Islands with access to the Internet.

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is yes.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say at what stage is the progress into the provision of this service at this time?

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

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

Last month the General Manager of Cable and Wireless (W.I.) Limited wrote to my Ministry advising of the company's plan to launch a public access service to the Global Internet Network.

The terminal equipment has already been installed and the new service is being well received.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what will be the charge for accessing such a service?

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

Hon. John B. McLean: Thank you, Madam Speaker. It will be twenty-five cents per minute.

The Speaker: The next question is No. 77, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 77

No. 77: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what training will be provided for the 9-1-1 operators.

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is all 9-1-1 operators will have to undergo a basic telecommunicator's training course as well as an emergency medical dispatching course.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what will be the duration of this course and which organisation will be offering such a course?

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

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

It will be offered by ABCO and the Red Cross and it will be a forty-hour basic telecommunicator's training course and 32 hours emergency medical dispatching course.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what will be the costs of such a course and also who will be paying these costs?

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

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

Madam Speaker, the costs will be paid by the Government.

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 persons have been identified by the Government for this particular training, and in what departments might they be located?

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

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

Madam Speaker, someone has been identified and of course they would have to be in my Ministry, because I am responsible for communications.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what will be the costs of this course?

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

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

There is a cost to just about anything we do, but unfortunately I do not have the figures here with me.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister could tell us if the 9-1-1 number is operational now and if it is, how is it being manned?

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

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

Madam Speaker, we are working right now on the system. I think the number is used but the system is not fully in place for it to operate the way it would, for example, in the United States of America.

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

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

Madam Speaker, the Minister has said that a person was identified and is in his Ministry. If the 9-1-1 call is to be an emergency call similar to the United States of America, would the Ministry not think that more than one person is necessary for this? Should they not be in the Police Station or somewhere like that for a 24-hour coverage?

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

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

Madam Speaker, the Police Department will have an area that can receive the 9-1-1 calls and also the Hospital. The main 9-1-1 station will be at the Fire Station.

What I was talking about is the actual controls and everything else is set up in my office and, as a matter of fact, when I left there awhile ago there was a gentleman down from ABCO who is working on putting the system in.

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

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

Madam Speaker, could the Honourable Minister elaborate as to how this equipment that will service the 9-1-1 calls can be set up in the Ministry? It seems like

that would have to be some special communications room. Could he perhaps elaborate on that?

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

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

Madam Speaker, the main brain of the operation, as I understand it, will be set up in my Ministry. The main control will be at the Fire Station and of course, the Police Department and the Hospital will have their part of the system in place as well because they are the areas that also receive the emergency calls.

The Speaker: The next question is No. 78, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 78

No. 78: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what control does Government have on the capital investments made by Caribbean Utilities Company Limited.

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

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

The answer, there are no controls on the capital investments made by Caribbean Utilities Company Limited other than under the provision in section 8(2) of the 1986 licence in relation to the reserve generating capacity.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Are we then to understand that Government has to accept any proposals for capital investment made by Caribbean Utilities Company Limited?

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

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

I guess I am saying that, once it is in accordance with the present licence.

The Speaker: The next question is No. 79, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 79

No. 79: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and Exter-

nal Affairs who pays for the cost of airline charters to repatriate Cubans to Cuba and what has been the cost to date.

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

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

The answer, the Cayman Islands' Government pays the cost of airline charters to repatriate Cubans to Cuba. As of 30th May, 1995, the total cost of air transportation to Cuba for this purpose amounted to \$10,848.00.

SUPPLEMENTARIES

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

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

The figure of \$10,848 would appear to be relatively low considering the number of flights that have been made. Were there any special concession or any subsidies at all paid towards this overall figure by any other entity?

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

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

Madam Speaker, perhaps I should clarify the question. As I understood, it was asking for the repatriation of Cubans to Cuba, which simply meant those that were repatriated to Havana.

Now the costs of sending persons to Guantanamo Bay is a different thing all together. I interpreted the question when it said repatriate as referring to those that have been repatriated to Havana as opposed to being sent to Guantanamo Bay.

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

Mr. Gilbert A. McLean: Madam Speaker, I am sorry if the question was not clear in what was being asked for. What the question was attempting to discover in fact, is what had been the costs overall for sending back to Cuba the Cubans both to Havana and Guantanamo Bay.

I do not know if the Honourable Member has that, but if not Madam Speaker, I would be grateful if he could perhaps supply it otherwise.

The Speaker: The Honourable First Official Member.

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

Yes, the cost of transfers to Guantanamo Bay has been a total of \$138,357.00. However this does not include the last flight which took place on the 29th of May. That information I do not have. So what I am saying is

that it was \$138,357.00 to Guantanamo Bay and as in the substantive answer \$10,848.00 to Havana, Cuba.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say how many persons were repatriated to bring the total up to \$10,848?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I am afraid I do not have that information available. If the Elected Member would like, I can supply that in writing.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. That is my request.

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 can tell us how many of these Cubans remain here and if there is an official position from Government regarding their repatriation?

The Speaker: The substantive question was who pays for the costs of airline charters to repatriate Cubans to Cuba and what has been the costs to date? I do not think that is part of the question.

If the Honourable Member can answer he may, but we need to keep within the confines of the original question.

The Honourable First Official Member.

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

Madam Speaker, I believe there is a latter question in this Sitting on that, but as I recall from memory the figure is 21. Certainly I will be able to give that answer when the question comes up.

The Speaker: Thank you.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Member say if there is any likelihood of any assistance to the Cayman Islands' Government for defraying any part of these costs that it has so far met?

The Speaker: The Honourable First Official Member.

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

Madam Speaker, I must honestly say that I do not think that there is any chance of financial assistance to defray this cost. Certainly, the chances of getting any

financial assistance from the Cuban Government, I think, is virtually nil although it has not been explored. From other sources I do have my doubts.

The Speaker: The First Elected Member for Bodden Town, last supplementary, please.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say whether any international organisation or country was approached with regards to defraying some of these expenses?

The Speaker: The Honourable First Official Member.

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

Yes, Madam Speaker, approaches were made initially to the United Kingdom and the European Union. More recently to an organisation in Europe. We are still pursuing that but however, the perimeter for funding I do not think will include repatriation costs. It is hoped that we can recoup some of the costs of the actual running of the camp, but I doubt that it is going to extend to repatriation costs.

The Speaker: The next question is No. 80, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 80

No. 80: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is the total cost of water supply to Tent City to date including connection costs.

The Speaker: The Honourable First Official Member.

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

The answer, the total cost of water supply to Tent City to date, including connection costs, is \$100,469.12.

SUPPLEMENTARIES

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

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

A short while ago the Honourable Member spoke to the fact that a certain entity in Europe was thinking of assisting the Cayman Islands with the refugee problem that we have been experiencing. Would this item perhaps have any chance of being included within the scope of monies which they offer in such cases, or is this also having to be met from Government's revenue without hope of any assistance?

The Speaker: The Honourable First Official Member.

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

Madam Speaker, it is a little difficult to say whether this specific item will be met, but we are hoping to recoup some of the cost of the running of the camp. I would hope that would include some of the costs of water used.

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

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

Having arrived at this position now where most of the Cuban nationals seem to have left and we are arriving at figures, would the Honourable Member be able to say at this time if in the reasonably near future he would be in a position to tell the overall cost including water?

The Speaker: The Honourable First Official Member.

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

Yes, Madam Speaker. In the near future I would expect that we can give the breakdown of the costs. In fact, I asked a few days ago for a revision of the projections because we had projected on a quarterly basis what it would probably cost. Now that the number of Cuban refugees have drastically reduced, and as Honourable Members would have heard in the media, Tent City has been officially closed.

I would expect that we can shortly supply information on the actual costs.

The Speaker: The next question is No. 81, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 81

No. 81: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is Government's policy concerning the licensing of additional television stations in the Cayman Islands.

The Speaker: The Honourable First Official Member.

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

Madam Speaker, there are no exclusive television licences currently in force. Government would be willing to consider any application for the establishment of additional local television services.

SUPPLEMENTARIES

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

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

Could the Honourable Member say if any thought is being given by Government, through the use of a statutory authority, Radio Cayman or otherwise, of extending

its broadcasting service into television for public broadcasting services at this time?

The Speaker: The Honourable First Official Member.

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

No, not to my knowledge is there any plan afoot to have any statutory authority or Radio Cayman to extend into television broadcasting at this time.

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

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

Madam Speaker, could the Honourable Member say if he has knowledge of any recent applications by any parties for additional television services in the Cayman Islands?

The Speaker: The Honourable First Official Member.

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

No, there are no applications to my knowledge currently pending with Government.

The Speaker: The next question is No. 82, standing in the name of the Third Elected Member for West Bay.

QUESTION NO. 82

No. 82: Mr. John D. Jefferson, Jr. asked the Honourable Second Official Member responsible for Legal Administration to provide details of the reason why the former Registrar to the Court of Appeals and Deputy Clerk, Miss Wanda Ebanks, did not join the Attorney General's Office as planned.

The Speaker: The Honourable Second Official Member.

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

The answer, the Deputy Clerk, Miss Ebanks requested a transfer to the Legal Department and on 12th January, 1995, an application was submitted by the Solicitor General to Personnel to transfer her to an unfunded vacant post.

On 20th March, 1995, the Legal Department heard from the Deputy Clerk, Miss Ebanks, that she had obtained another position outside of Government.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

I wonder if the Honourable Member could give us the date of Miss Ebanks's original request to be transferred to the Legal Department?

The Speaker: The Honourable Second Official Member.

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

Madam Speaker, the date that is relevant, as far as the request for transfer is concerned, is the date that the Head of Department authorises or consents to the transfer. I am not able to say the date that Miss Ebanks first expressed a wish to move. But I can say that the date when the Honourable Chief Justice confirmed that he was willing for her transfer to be considered was the 10th of January, 1995.

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 what position Miss Ebanks was scheduled to fill in the Legal Department.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: The Deputy Clerk would have been transferred to the Legal Department and would have been employed as Crown Counsel II, which is the position for Crown Counsels who are recently qualified.

The Speaker: The Third Elected Member for West Bay.

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

In the Honourable Member's answer he mentioned that she was to be transferred to the Legal Department to fill an unfunded vacant post. Can the Honourable Member confirm whether or not, as a result of Miss Ebanks not taking the position, it has been filled by someone else?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: No, the position has not been filled. The situation was that the post which this lady could have taken up when it was offered was available, but unfunded. The Personnel Department advised myself and the Legal Department that until funding had been obtained for the post, and that would be by bringing it before Finance Committee, that the post would not be offered. In fact, I spoke with the Honourable Financial Secretary who agreed that the matter could be dealt with somewhat more expeditiously and that funds already approved could be used. It was upon receipt of that information that the Deputy Clerk indicated then that she had accepted a post outside of Government. The post itself is still available, and it is my intention to try and recruit into it. In fact, after the Deputy Clerk said that she was moving elsewhere, I approached the Clerk of the Courts to see if any other attorney wished to take advantage of that post. But, I understand, and have received a letter from the Clerk of the Courts that she would not wish to see any other qualified attorney transferred at the present time. So, we will have to look elsewhere.

As far as the Legal Department is concerned, we would very much like to see another attorney in that post.

The Speaker: The Third Elected Member for West Bay.

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

I wonder if the Honourable Member can say what kind of salary is being offered for this position?

The Speaker: If the Honourable Second Official Member can do that, and if not...

Hon. Richard H. Coles: I regret to say, Madam Speaker, that I do not have that information. I am not aware of what the salary scale is for that particular post. I certainly would not be able to say what particular salary would have been offered to this lady. I do not think that that particular decision had been taken when the post was offered. That would have been the next thing to have been decided. It never reached that stage.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Second Official Member would say if it is a fact that before Miss Ebanks received a reply regarding her application a year had elapsed, and this was the reason why she accepted employment outside of Government?

The Speaker: I am afraid that the Honourable Second Official Member replied to a question saying that he did not know the date of her application. I think that is what he said; so, he does not know. If he can find out and inform Members afterwards, that could be answered.

The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, the reply that the Honourable Member gave us was that the date that is relevant in this case, is the date that she received a reply from the Chief Justice which was the 12th of January. He did not say that he did not know.

The Speaker: But I said that he did say that. I remember hearing that. He knew the Chief Justice approved the transfer, and the answer does say that on the 12th the Solicitor General sent the request.

If you would like to further clarify that, Honourable Second Official Member...

Hon. Richard H. Coles: Yes, Madam Speaker, you are quite correct. I do not know the answer to that question. I am not sure whether the request was a formal written request or whether it was merely an indication that this lady would like to move. I have to say that we do from time to time, of course, get people who telephone the department, or telephone myself and express an interest. But the Civil Service, in terms of actually making an official request to Personnel, needs the consent of the

Head of Department. So, from my own Portfolio's point of view, nothing could be done on the request in any event until the Head of Department formally agreed to release the lady.

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

Mr. Gilbert A. McLean: Madam Speaker, it seems that there is an interest in filling this particular post which is unfunded. Is there any forthcoming request from Government or to Finance Committee for the appropriate funds that this post could be filled?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: As I have indicated, Madam Speaker, the Honourable Financial Secretary has said that the post could be filled and the matter then dealt with at the next meeting of Finance Committee. It would be my intention at that next meeting to deal with the funding of this post and in the meantime I will be actively trying to fill this post with a Caymanian attorney.

The Speaker: The Third Elected Member for West Bay.

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

I wonder if the Honourable Second Official Member could say how many qualified Caymanian lawyers he has in the Legal Department.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, we have three qualified Caymanian attorneys in the Legal Department at the moment.

The Speaker: The next question is No. 83, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 83

No. 83: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning what is the policy regarding the selection of subjects and the type of examinations taken by students as their final examination on completion of High School studies.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker, the answer: Students select five option subjects to provide a balanced curriculum to go with their four compulsory subjects for their final two years of study. This is done in consultation with parents and senior staff. An explanatory option booklet is circulated to students and parents to explain the subjects available.

Heads of Departments recommend the level at which a student should attempt a subject based on past performance both at examination and in attitude and approach to the subject.

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 state what the four compulsory subjects are for their final two years of study?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, they are English, Mathematics, Physical Education and Life Skills, which includes Careers.

The Speaker: The Fourth Elected Member for George Town.

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

Would the Minister be able to explain to this Honourable House the variation in the curriculum regarding the types of examinations, that is to say if it is CXC, or GSE or GCSE? Is there any policy dictating which of these examinations are taken by the students as guidelines? I am not quite sure from his answer if there is a specific guideline as to which type of examination is taken by the students—whether the level that he has indicated in his answer is indicative of which type of examination that is taken.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I think the answer to this was given some time ago. I do not have that precise information now, because it did not directly arise...only to say that some subjects would be by one examining Board, for example CXC and different subjects would be by the GCSE or Pitman's, or the other examining bodies.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister is in a position to say whether the fact that there are more curriculums than one dealt with at the level where students take their final exams, whether this causes any problems with teachers being able to do justice to the students. If I may just explain what I am trying to ask the Minister, because I am still not satisfied—maybe I have not asked the question so that he can give me the answer that I am seeking. It is my understanding that the Heads of Departments recommend whether it is a certain type of

exam, and not that the student take it based on their past performance. My question is, having dealt in recent years with the CXC exam as the primary exam, does it affect the smooth running of the school because there are other types of examinations that are taken? Would it not be better if it were just one exam at whatever level it has to be taken, that would be dealt with in the curriculum?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I think I can best deal with this if I could speak to the Member after, because I do not follow from the question as it arises, but I am happy to speak to the Member and will endeavour to get the information he wishes.

The Speaker: I am sure that would be acceptable.

If there are no further supplementaries, the next question is No. 84, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 84

No. 84: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to state: (a) the total amount paid by Cayman Airways Limited to other airlines for the use of their aircraft for the company's supplemental and additional air services from January, 1993 to the present; and (b) the name of the airlines, giving a breakdown of amounts paid to each airline.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the answer: (a) The total amount paid by Cayman Airways Limited for supplemental and additional air services from January 1993 to the present was \$2,132,815; (b) The airlines used and the amounts paid to each are as follows:

Trans Air Link (freight)	\$904,878.00
Carnival Airline	375,377.00
Miami Air	721,202.00
Island Air	2,323.00
Key Airlines	45,425.00
Turks & Caicos Airlines	1,350.00
Arrow Air	20,507.00
Viscount	61,753.00
Total	2,132,815.00

It is erroneous to consider these figures in isolation without regard for the revenues often associated with the hire-in costs. In various situations, the hire-in expenses are for services which not only are self-financing, but bring a profit to the Airline, e.g. the weekly hire-in of Trans Air Link for Freight Transport Facilities, a

service which produces a net income (or profit), and which provides a much needed service to the local community.

In addition, Cayman Airways Limited takes marketing decisions to hire-in an extra jet during peak weekends to ensure that those tourists who wish to come to Cayman can be carried. A major portion of the hire-in is paid to cover the periods when Cayman Airways Limited has to withdraw its own aircraft from service in order to perform scheduled maintenance checks. Larger airlines with more aircraft set aside aircraft as a standby and this aircraft is normally used to cover checks on the remainder of the fleet. For Cayman Airways Limited, it is not cost effective to have a third aircraft to cover annual checks on the other two.

It is important to note that at present the lease cost of Cayman Airways Limited's two 737-220s is US\$2,148,000 per annum with a total lease commitment of approximately US\$8.5 million (and Cayman Airways Limited made a profit in 1994) while in 1991 the two 737-400s from GPA rented for \$7,440,000 per annum, with a total lease commitment of \$111,600, (and Cayman Airways Limited made a loss of US\$23.5 million for the years 1991/1992).

SUPPLEMENTARIES

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, can the Honourable Minister say approximately how many flights were made on these hired aircraft?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, I do not have that information, but I will make it available to the Honourable Member is writing.

The Speaker: Thank you.

The Fourth Elected Member for George Town.

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

I express my gratitude for the very informative answer. Just one supplementary: I wonder if the Honourable Minister would be able to give any indication at all as to what portion of the fees that have been indicated in the answer would be allocated to when there were unforeseen breakdowns with the aircraft over and above the scheduled maintenance checks when other aircraft had to be hired.

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, I do not have that information, but I will be happy to provide it to the Honourable Member in writing.

The Speaker: Thank you.

The next question is No. 85, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 85

No. 85: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to state the differences in salary and responsibilities between the present Managing Director, and the newly appointed General Manager of Cayman Airways Limited.

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, the answer: Cayman Airways Limited. is a private company and matters such as salary and responsibilities are confidential to the Board of Directors.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

Notwithstanding the confidentiality that has been indicated here, I wonder if the Honourable Minister is in a position to explain why the change in leadership of Cayman Airways is being termed as a General Manager, as opposed to the Managing Director which we have been used to for many years.

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, the term 'General Manager' is used here the same as it would be in any other private business. Managing Director is used the same way as it would be used in a private business. They are two different posts that are basically the same as you would find in any other private company.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder, then, if the Honourable Minister would be able to state whether it has been found that Cayman Airways no longer needs a Managing Director, and that a General Manager is sufficient?

The Speaker: I think you are asking for an expression of opinion, so I would not allow that.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister define the roles and responsibilities of a Managing Director, as against the General Manager as it applies in this case?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, if the Honourable Member had listened to my answer—which I will repeat—Cayman Airways is a private company and matters such as salary and responsibilities are confidential to the Board of Directors.

I do not want to get into that aspect of it, Madam Speaker.

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 job descriptions of these two posts are a matter of confidentiality which cannot be disclosed to the Members of this Honourable House?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: No, Madam Speaker, the job descriptions, as he well knows, went public. I do not have that before me. By all means I am happy to supply to him... if he so wishes.

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 only difference in responsibilities and salary is a change of name, regarding this particular post?

The Speaker: I think that also requires an expression of opinion and will not be allowed.

STATEMENT BY THE SPEAKER

CHANGE IN HOUSE PROCEDURE RE: STANDING ORDER 23(8)

The Speaker: It is now 11 o'clock, and before we proceed to Other Business, I think it is appropriate here to say that in the future when dealing with Questions and the hour of 11.00 arrives, it has been agreed that the Member who is in the midst of asking the next question or supplementary would be the person who would ask for the suspension of Standing Orders to deal with the continuation and conclusion of Questions for that time. I just want Members to be aware of that in the future. Thank you.

We next proceed to Private Member's Motion 5/95—Vehicle Inspection, Licensing, Collection of Fees, Payments of Cable and Wireless (W.I.) Ltd. and Caribbean Utilities Co. Ltd., Bills.

The Third Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 5/95

VEHICLE INSPECTION, LICENSING, COLLECTION OF FEES, PAYMENTS OF CABLE & WIRELESS (WI) LTD. AND CARIBBEAN UTILITIES CO. LTD. BILLS

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

I beg to move Private Member's Motion 5/95 entitled, Vehicle Inspection, Licensing, Collection of Fees, Payments of Cable and Wireless (W.I.) Ltd. and Caribbean Utilities Co Ltd., Bills, which reads as follows:

WHEREAS most major services are located in Central George Town;

AND WHEREAS there is a considerable over crowding and lack of sufficient parking in George Town;

AND WHEREAS it poses a great deal of inconvenience and loss of time to the general public to have to travel to George Town to have vehicles inspected and licensed and to pay the various Government fees and to make payments also to Cable and Wireless Ltd. and Caribbean Utilities Co. Ltd.

BE IT RESOLVED that Government initiate a system of licensing and inspecting vehicles and collection of the various Government fees in as many districts as possible;

AND BE IT FURTHER RESOLVED that Government negotiate with Cable and Wireless Ltd. and Caribbean Utilities Company Ltd. about making arrangements to have fees collected in as many districts as possible.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker, I beg to second the motion.

The Speaker: The question before the House is Private Member's Motion 5/95 which has been duly moved and seconded and is now open for debate.

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: Madam Speaker, today is Friday and, according to Standing Orders, this is not a Private Members' day. In fact, the Business Paper which has just been circulated this morning shows that all of

the business on the Order Paper is Private Member's Motions. I do not know if the Government Members moving the Private Member's Motions knew of this change; certainly, the Opposition Members did not know. I would suggest that it is necessary for the Government to move the suspension of Standing Orders if Private Members' Motions are to be dealt with all day today.

The Speaker: Perhaps the Chairman of the Business Committee, the Honourable Minister who is Leader of Government Business...

Hon. Truman M. Bodden: Yes, Ma'am. I would move the suspension of Standing Orders for the order as set out today to be taken in that form.

SUSPENSION OF STANDING ORDER 14(2)

The Speaker: The question before the House is that Standing Order 14(2) should be suspended in order for Private Member's Motions and Other Business to be dealt with today.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, if I may...

The Speaker: Are you rising on a Point of Order? I have not yet put the Motion.

Mr. Gilbert A. McLean: Madam Speaker, I have a point. May I be able to speak on the Motion that has been put? I would appreciate that.

The Speaker: I need to put that. The Motion has been moved that Standing Order 14(2) be suspended in order that Private Members' Motions should be dealt with today.

I think, Honourable Minister, you might indicate the reason for this; this was not done before. Please.

Hon. Truman M. Bodden: Yes, Madam Speaker. Most of the business before the House is the many questions, and there are only two very short bills and one bill that is a bit longer. Time is still running on those at present, whereas these motions have had sufficient time run on them. This was the reason why the Business Committee set them down like this.

The Speaker: The question before the House is the suspension of Standing Order 14(2). The Motion is open for debate.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, this Motion to suspend Standing Orders that today should be given strictly to Private Members' Motions has not been justi-

fiably reasoned by the Minister for Government who has moved the Motion.

I think it should be pointed out that the standard procedure for most Parliaments in the Commonwealth and, certainly, in the House of Commons, the Business Committee is comprised in a manner where both sides of the House are aware of what is happening and, indeed, how the Orders of the Day are prepared. In fact, the chief whips from the Government side and the Opposition side meet and discuss the business of the House for any given session and agree how it can best be dealt with.

Madam Speaker, there is no member representing the Opposition side of the House on the Business Committee and, unfortunately, in almost every instance that I am aware of, the Order Paper of the day is only circulated when one comes to the Chamber and sees it. Therefore, as much as one might be prepared, when something pops up, as it has today, it must take Members by surprise.

Today is Friday, and one would have thought that the least that would have happened is that Government would have put forward its business as it was supposed to and, indeed, it is true that they were not circulated in time, so it seems that in those instances, Private Members' Motions must then be taken according to the Government's policy.

I wonder whether all of these Motions that are on the Order Paper here have been put out in enough time so that they can be taken as well? Certainly, the only ones that I am aware of are those by the Third Elected Member of West Bay that were circulated early for this particular meeting.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, what happens in an independent country with whips... and, fortunately, this country still remains a dependent territory and has not gotten into the stages of independence that that Member seems to wish we had in this Chamber. If the Honourable Members looks at the Motions, he will see those which are there now, have numbers which are earlier than the numbers of the Motions that he has put. Therefore, they have had a much longer time than the Motions put by The Second Elected Member for Cayman Brac and Little Cayman.

There is no other Government business other than the three little Bills that are before the House. Therefore, the Business Committee felt that rather than adjourn today for some other time, we should go on and save your time and the Members' time within this House to just carry on with the business. Normally there is other Government business, but in this meeting there are only the three Bills and there are these seven Motions. All I was trying to do, for the sake of expediency, was that the Business Committee would just carry on and deal with the Motions.

The Speaker: The Third Elected Member for West Bay.

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

It has always been the custom in this House that Private Members' Motions are scheduled and heard on Thursday. Being the Mover of three of the Motions that are listed on the Order Paper to be moved, I, personally, was not even aware that the Motions were going to be heard this morning. I was still gathering information and programming myself to deal with those Motions on Thursday, as is normally the custom.

So, I also would appreciate if Government would consider, if necessary, to adjourn the meeting, if we have dealt with all the other business that we should have dealt with today, and resume on Monday.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, contrary to what The Second Elected Member for Cayman Brac and Little Cayman has said, I think the Business Committee is well balanced. The Business Committee was been appointed by this House. One of its Members is the Fourth Elected Member for George Town, who does not identify himself as a part of the National Team's government. So there is representation on the Committee of what I call a Member of the Opposition.

Furthermore, never in the history of this House have we stuck to the Standing Order that Private Members' business can only be done on Thursday: if that had happened, meetings would have run over many months. The position is that by allowing Private Members' to deal with their business on days other than Thursday, we are giving to them a greater flexibility, a greater scope and a greater opportunity to get their business finished expeditiously.

So the move today to allow all of this Private Member's business, which I predict will take a much longer time, perhaps four or five times as long as the Government's own business, is a golden opportunity which private Members should grasp.

It is true that the decision to fix *the Orders of the Day* in this matter may not have been conveyed to the movers of the motions, but when a Member submits a motion to the House, he knows that it will go on the Order Paper and he knows that he has five days before a meeting of the House to submit these motions. It therefore follows that the Member submitting the motion must be prepared to deal with it—even on the first day of the House.

What is here is a matter which I believe the House has the right to direct its own business and it is a golden opportunity for private Members to get at least some of their business before the House. So, I support the Motion that will allow the Private Members' Motions to be dealt with today.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, as a Member of the House, and as a Member of the Business Committee, I want to make it clear that it was my understanding that not enough time had elapsed for the Government Bills to appear on today's Order Paper. That was the main reason why we decided that we should ask the Private Members to begin discussing their motions. But, if they are not prepared, then it seems the only thing to do is to adjourn the House.

Thank you.

The Speaker: The Fourth Elected Member for George Town.

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

Madam Speaker, I have been on the receiving end of this kind of situation before in my short tenure here and I know the discomfort that it can bring. And while it is not fair to say that this is an uncommon situation, the truth of the matter is that it has been expressed by the Mover of the first Motion that he was, as, his term is, 'gearing up', thinking that he would be starting his motion on Thursday coming. Personally, I hold the view that that should be respected as there are other Motions coming behind him.

I am sure that we are not in a position to decide now exactly how long each of the motions will take before they are completed.

The other point in hand is insofar as it may be more common, or more agreeable to the Government to suspend Standing Orders to allow for Private Member's Motions to occur on a Friday rather than on a Thursday, the truth of the matter is that while the Bills have not had sufficient time, as deemed by Standing Orders, that Standing Order can also be suspended, if they so desire, to deal with the Government Bills. So, as far as I am concerned, it is six of one, half a dozen of the other.

I therefore, support the move to adjourn the House to give the Movers and Seconders of the Private Members' Motions sufficient time to be able to present them properly.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

What has happened here this morning is nothing short of a fiasco which manifests itself in the leadership style of the current Leader of Government Business, as against the leadership style of the former Leader of Government Business. We began by not even moving the suspension of the relevant Standing Order. I can stand here believing the same to be true—that the former Leader of Government Business would not have allowed such a glaring occurrence overtake him. Certainly, if he had intended to carry on Private Members' Motions on a day set down for Government Business,

he would have lobbied us informally before the Meeting began to find out our disposition with regards to that. I say the same believing the same to be true in my heart. If other Honourable Members are honest, they would know that that is what this Honourable Member did when he was Leader of Government Business on these kinds of occasions.

I wish to correct an insinuation made by the Leader of Government Business—when he insinuated in his usual way of making such snide remarks—that my colleague had suggested that our business here should be conducted the way Parliamentary business is conducted in independent countries, with the inference that there is an interest. The business of Government has nothing to do with independence or non-independence—it has to do with Procedure. What my colleague was saying was that the correct procedure was not being adhered to.

The Honourable Minister made mention of 'three little Bills', which the Government is bringing. Which three little Bills? The Assets Confiscation Bill is bound to provoke acrimonious debate, that is the same Bill that the Turks and Caicos Islands refused to accept because they realised that it would ruin them.

The Speaker: You will have to avoid anticipating something which is coming down. Please do not discuss the types of Bills which are coming before the House, just the matter of the Motion for the suspension of Standing Orders in order to deal with Private Members' Motions today which is not Private Members' [Motion] day.

Mr. Roy Bodden: Thank you, Madam Speaker. I heed your advice.

Regarding the comment of the Business Committee being well balanced. I contend that the Business Committee is not well balanced for, while it is true that the Fourth Elected Member for George Town is an independent Member, he has no greater affiliation with those of us in the declared Opposition than he has to the Government. So the point is that those of us who hold a differing view from the Government have no representation on the Business Committee, therefore we cannot articulate what would be in our interest with regards to the agenda and the Order Papers.

We do not say we do not believe that Private Members' Motions should only be done on Thursdays, what we are asking for is that those of us who have Motions before the Honourable House be given sufficient notice to prepare ourselves.

Of course we embark on some form of preparation when we submit the Motions; the fact is, however, that we cannot be fully prepared when we come expecting our business to be handled on a Thursday, and the business is moved forward by almost one full week. We cannot be as prepared as we should be.

In an effort to avoid wasting the time of the Honourable House, we are asking now that this practice and procedure be adhered to. Certainly, if there was a change, common courtesy and common decency, as well as Parliamentary consideration, would have dic-

tated that we, the Private Members with business on the agenda, should have been informed as to any impending or proposed change prior to this point.

This cannot make for orderly conduct and for good relations among the Members of the House.

Thank you.

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

Hon. W. McKeeva Bush: Madam Speaker, as to whether the House adjourns or moves on with business is a matter for the House. However, we do set a day to begin business and today was set to begin.

When I was not a member of the Business Committee, and on the Backbench, I used to call up the House and ask what business is coming to the House and what was the position of my business if I had any. But, I do not think that the two Opposition Members complaining are at any loss as to how the House conducts [business] because I know that they are constantly here. They are constantly in this House gathering information. I am sure that they would be informed by the Clerk or her Deputy.

As I said, whether the House goes on is left for the House. My desk is loaded with business and I shall conduct it. But, really, Members had set today to do this business.

The amount of business for this meeting stands at 84 questions, seven Private Member's Motions, and only three Government Bills. The Opposition has a preponderance of business before the House. For instance, with regard to my colleague, if they are not prepared, then, as I said we will do what is best for everybody. But, in regards to the Private Member's Motion just moved, this was mooted from the last meeting.

In regards to the third and second Private Members' Motions, the First Elected Member for Bodden Town announced that he would be bringing this Motion from the last Meeting. In fact, in their two public meetings they have been talking about the business that they now have before the House.

I do not really believe that they can say that they are not prepared. If they feel like they do not want to... well, it is a matter for the House. As far as I am concerned I can stay here or I can go back to the Glass House and conduct the country's business up there also. But, Madam Speaker, some of the business, in fact all of the Private Members' Motions by the Opposition, have been talked about months ago—announced in the House, and talked about in very wide terms in their public meetings. I do not believe that they can tell the House that they do not know what they want to say, because they have been saying it on a public platform.

The Speaker: Before I put the question, I have been informed by the Clerk that the day which is in accordance with the provision of Standing Orders to deal with the three bills is the 15th of June. That is the date on

which they can, under Standing Orders, be brought to the House for First Reading.

Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, if I may just wind up on this before putting the Motion, and to just clarify a few things. The question whether Government puts business here or not, I think has been clearly set out by the Honourable Minister who last spoke, in that the House has before it substantially all private business. There are the 80-odd questions, and seven Private Members' Motions. This is all Private Members' business. When a Meeting is so filled up with this load of motions and questions, then the Members should come prepared.

What the First Elected Member for Bodden Town, in his long speech about leaders—and by himself, who has only been a follower, and who ever will be a follower . . . What I said in relation to independence - and I would like to clear it because the Second Elected Member for Cayman Brac and Little Cayman talked about *Chief Whips*—was because Chief Whips are only found in independent countries with organised parties who are independent with Chief Ministers.

I would have thought that the two Opposition Members would have had sufficient intelligence to pick up the phone and call the Clerk—as the last Minister said. They are always around the Legislative Assembly, they could have asked what is coming up. I have had to do that many times. You cannot expect that the Legislative Assembly staff are going to call around and try to get every Member when it is a simple thing for each Member to pick up the phone and call in and ask what is on the agenda. If they had any interest in what is before the House, I think they should do that.

I hear that that follower—which is all the First Elected Member for Bodden Town, who is attempting to interrupt me...

Mr. Gilbert A. McLean: [*interjecting*] just sit down and stop...

Hon. Truman M. Bodden: ...will ever be—stating that the question of the Business Committee having the Fourth Elected Member for George Town on it, who sits by the Second Elected Member for Cayman Brac and Little Cayman in here; the First Elected Member for Cayman Brac and Little Cayman, another Backbencher; it has the Second Elected Member for George Town and it has the Third Elected Member for Bodden Town and myself. So, it cannot be said that there is not proper representation on the Business Committee.

Reference was also made by the First Elected Member for Bodden Town about common decency and common courtesy. But if people heard the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman trying to interrupt me in the background, they will find out where the common decency and the common courtesy is.

Madam Speaker, what I am prepared to do at this stage is to withdraw this Motion and then put a Motion to start the business on Monday, if you and the House feel that that would be prudent. If Members are not prepared, I do not really wish to go on in circumstances in which they are uncomfortable. So, I will move the withdrawal of this Motion.

The Speaker: The question is that the Motion previously put by the Honourable Minister for the suspension of Standing Orders be withdrawn.

Would Members be prepared to vote on that? Can I put the question that the Motion to suspend Standing Orders 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 has accordingly been withdrawn.

AGREED: MOTION TO SUSPEND STANDING ORDER 14(2) WITHDRAWN.

ADJOURNMENT

The Speaker: The Motion is that the House will resume on Monday morning at 10 o'clock.

If there is no debate I shall put the question that the House will adjourn and resume on Monday morning at 10 o'clock. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

Before I do say that the House is now adjourned, I wish to correct an announcement I made as regards the day on which Government Bills could be properly dealt with. I understand that that date is now the 19th of June because the Bills were sent out to Members on the 26th of May—twenty-one clear days would make that the 19th of June. The House is accordingly adjourned until Monday at 10.00 A.M.

AT 11.35 A.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. MONDAY, 5 JUNE 1995.

**MONDAY
5 JUNE, 1995
10.07 AM**

The Speaker: I will ask the Forth 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, forever 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. Questions to Honourable Members and Ministers. Question No. 86, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

**QUESTION NO. 86
*Deferred***

No. 86: Mr. Roy Bodden asked the Third Official Member responsible for Finance and Development to state the number of new companies registered since the registration fees were changed in March 1995.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 23(5), I would like to ask the leave of this Honourable House to defer answering that question. The information is currently being prepared and

should be available to be answered during the course of this meeting.

The Speaker: The question is that the answer to question No. 86 be deferred until a future time during the meeting of this House. 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: QUESTION NO. 86 DEFERRED.

The Speaker: The next question is No. 87, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 87

No. 87: Mr. Roy Bodden asked the Third Official Member responsible for Finance and Development whether telephone charges have been incurred by the residents of Tent City for which the Cayman Islands Government is liable.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the Cayman Islands Government is not liable for any telephone charges incurred by the residents of Tent City.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say if, at any time during its operation, the Government was responsible for any of these fees, and can he categorically state that, now that Tent City is official closed, there are no outstanding bills to come to the Government?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker, I can safely state that the Government is not responsible for any of the telephone charges incurred by the residents of Tent City. It will be probably for the benefit of this Honourable House if I read a short statement in terms of how that aspect has been handled to date.

With your permission, Madam Speaker, I read: "**The Administration of Tent City initially allowed telephone calls to be made by the residents of Tent City by allowing Cable and Wireless (W.I.), Limited to set up a mobile telephone truck at the camp.**

"Accompanied trips to telephone boxes were subsequently allowed to also enable the residents to make telephone calls. Latterly, three card phone boxes have been erected by Cable and Wireless at

Tent City."

So it is evident from this arrangement, Madam Speaker, that the burden of dealing with this costs has been through arrangements put in place between the residents of Tent City and Cable and Wireless.

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 Third Official Member responsible for Finance and Development whether any consideration is being given to removing customs duties from sugar free, salt free and cholesterol free foods.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, Government has no plans to remove customs duties from sugar free, salt free and cholesterol free foods.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if any approach was made to the Government to have these duties removed?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I am not aware of any approach being made to the office of the Financial Secretary. I cannot say if any other Ministries or departments have been approached.

The Speaker: The next question is No. 89, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 89

No. 89: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Tourism, Aviation and Commerce which department is deciding the category or "Star" rating of hotels and what is the criteria being used.

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, the answer: No department of Government decides the star rating for hotel properties.

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 if it is a fact that the new hotel, the Westin, is supposed to be a five star hotel and does Government play any role through a Portfolio, Ministry or Department regarding that claim by that hotel or any other hotel?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, the hotel being referred to by the Second Elected Member for Cayman Brac and Little Cayman, and its rating, as I understand it, they have always said to Government it is "four stars". Those stars are a responsibility of the hotel to gain the acceptance of the American Automobile Association (commonly referred to as "AAA" which has its own guidelines for determining the ratings, whether they are stars or diamonds. We also look closely at those guidelines.

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

Mr. Gilbert A. McLean: Can the Honourable Minister say if it is the case where the Government really does not have in place any mechanism, through law or regulation, in determining ratings on hotels whether they are stars or diamonds in the Cayman Islands?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, the Member should know that there is no legislation governing this fact. Mainly 85% of our visitors are coming from the United States. Many of those visitors are members of the "AAA", and therefore they look to see what is the rating of the hotel prior to making reservations. I am not saying that that is the case for everyone, but, certainly, that is the case with many of them.

The Government accepted the proposal by the developers of the Westin Casuarina Resort Hotel that it would be a four star hotel and we have sufficient information to know what a four star facility should be. And we will hold them to that.

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 Tourism, Aviation and Commerce if any attempts are being made to negotiate cruise ship visits to Cayman Brac.

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. Efforts are ongoing to identify medium sized ships which may favour the port of Cayman Brac.

SUPPLEMENTARIES

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 any indication from any medium size ships which show an interest in visiting Cayman Brac, and if there is anything that its Elected Representatives, or the residents, can do to assist this process?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

Madam Speaker, I can only say that there is interest, but as to what the elected Members and residents can do to assist, I believe there is much that can be done. Part of that is to identify areas of Cayman Brac that would be attractive to cruise ship passengers and see that those are put smartly in place which will cause those cruise ships to sell to tourists on board; whether it be diving, visiting Rebecca's Cave, visiting the Lighthouse on the Bluff, at the Lighthouse, or whatever the amenities are of the Brac that can be moulded into an attractive feature for cruise passengers. It would be helpful if the Members of the Legislative Assembly and the residents of Cayman Brac could come together and move those particular activities forward.

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

Mr. Gilbert A. McLean: Can the Honourable Minister say if there has been any specific indication given to his Ministry by cruise ships of a medium size with regards to what they would require, such as, landing facilities, depth of the water or any specifics be it ground transportations? Or have discussions or negotiations not reached that type of details at this time?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, as I mentioned earlier there is interest, and the interest obviously will be displayed by officers of a cruise line or lines visiting the Brac to look at the facilities there as to what the appeal would be to cruise ship passengers.

What is becoming very clear is that there will be a need for an extension of the Cayman Brac dock in order to ensure the safety of passengers who depart or board the ship. The facilities which we utilise in George Town cannot be safe in the Brac, simply because of the layout

of the land, and in a majority of cases the prevailing wind is blowing down both sides of Cayman Brac, thus making the tendering process at most times rather unsafe for people to move from the gangway of a ship onto a tender and vice versa.

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 Health, Drug Abuse Prevention and Rehabilitation what is the average monthly occupancy rate of the George Town Hospital since January 1994.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: The average monthly occupancy rate of the George Town Hospital since January 1994, has been 67 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 this percentage figure has been arrived at taking into account all of the rooms available in all the various specialisations in the hospital, and, if so, would he have any idea what would be the percentage in those which are in the General Ward?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. The answer is yes for the entire bed occupancy of the Hospital. I would be willing to pass on in writing the figures of each different section of the hospital.

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

Mr. Gilbert A. McLean: Madam Speaker, I thank the Minister for the information to the latter part of the question which he says he will send in writing.

Could I ask if anything at this time is being done to remedy the situation? It is my understanding that there are many instances where beds are not available in the General Ward?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

In the instance when there are no beds in the General Ward, the person is held in the Casualty Ward until a bed becomes available. But as we know, we are now in the process of getting things underway for the new Hospital. I certainly hope that this will alleviate the problems we are now experiencing.

The Speaker: The next question is No. 92, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 92

No. 92: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what is the estimated cost of the proposed works to be undertaken in phases at the George Town Hospital site.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Madam Speaker, Phase I and II of the new George Town Hospital project will be constructed concurrently. Combined, these phases will include all patient and medical related functions. Phase III will house administrative functions. Of the total budget of \$21.7 million, \$18.5 million is allocated to Phases I and II, and \$3.2 million to Phase III.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

Madam Speaker, the answer states that \$18.5 million is allocated to Phases I and II, and \$3.2 million to Phase III. I wonder if the Honourable Minister could say if it is estimated that Phase III will cost \$3.2 million, or whether that is just what is left of the budget that will be put towards it.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, this is estimated and it is my understanding we should be on line with this projected amount.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

I wonder if the Honourable Minister is in a position to give some sort of time frame, although it is in phases, regarding the completion?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

My understanding, Madam Speaker, is that, as projected at this time, Phase I will start in October and finish in August of next year. As I have said this will be done concurrently so the other buildings will be going on simultaneously.

I am not quite sure yet of the estimated time of completion of Phase II and III.

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister will be able to say if in order to keep in line with budget, any major changes have had to be made with regards to what his Ministry would like to see as the end result?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, we have not had to make any major changes.

The Speaker: The next question is No. 93, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 93

No. 93: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to give an estimated start up date of the proposed National Health Insurance Scheme.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

With the approval of Executive Council, a Health Insurance Advisory Committee was assembled and its Terms of Reference agreed. The Committee commenced meeting in January 1995. The Ministry anticipated that, acting upon the recommendations of the Committee, a National Health Insurance Scheme would be implemented by November 1995 after passage of enabling legislation.

Madam Speaker, this Ministry is still working towards that goal.

SUPPLEMENTARIES

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

say whether this scheme would be one simply regulated by Government, or whether it would be one operated by Government?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the debate and the information gathering is still being done. I would not like at this time to commit to one or the other.

The Speaker: The next question is No. 94, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 94
Deferred

No. 94: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to provide an update on developments of the proposed national stadium project in Spotts.

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

Hon. W. McKeeva Bush: Madam Speaker, under standing Order 23(5), I would like this question to be deferred to a later date in this meeting because the information has not yet been provided on it.

The Speaker: The question is that Question No. 94, be deferred until a later sitting in 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 question is accordingly deferred.

AGREED. QUESTION NO. 94 DEFERRED UNTIL A LATER SITTING.

The Speaker: That concludes question time for today. Other Business, Private Member's Motion and Suspension of Standing Order 14(2).

The Honourable Minister for Education and Planning.

SUSPENSION OF STANDING ORDER 14(2)

Hon. Truman M. Boddin: Madam Speaker, I move the suspension of Standing Order 14(2), so that we may continue with Private Members' Motion today.

The Speaker: The question is that Standing Order 14(2), be suspended in order to continue Private Members' business. I shall put the question. Those in favour please

say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Accordingly Standing Order 14(2) is suspended.

AGREED: STANDING ORDER 14(2) SUSPENDED.

The Speaker: When we adjourned on Friday, the question on Private Member's Motion No. 5/95 had been proposed and commencement of the debate will begin.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 5/95

VEHICLE INSPECTION, LICENSING, COLLECTION OF FEES, PAYMENTS OF C & W (W.I.) LTD., AND CUC LIMITED BILLS

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. Private Member's Motion No. 5/95, entitled: Vehicle Inspection, Licensing, Collection of Fees, Payments of Cable and Wireless and Caribbean Utilities Company Bills, was moved by myself on Friday [2nd June, 1995].

To start with, let me say that my colleague from West Bay brought a similar motion, the First Elected Member, when he was on the Backbench in 1989.

Madam Speaker, everyone is aware of the traffic difficulties that we presently experience in George Town. It is almost impossible at the present time to come into George Town and find a parking space to conduct business. We are also aware of the fact that a lot of our people who live in the outer districts do not have their own transportation and find it difficult to have to travel all the way to George Town to pay for any service that is rendered in this country—be it is garbage fee, licensing a bicycle, or inspecting and licensing of their vehicle.

I believe that the time has come for Government to look at decentralising these services and making as many as possible available on the district level for the convenience to our people and to help eliminate the requirement of having to come into George Town to take care of these essential services.

Madam Speaker, with regard to licensing and inspection of vehicles, I see no reason why... and I have seen it before, for example, in Washington, D.C., where certain garages are certified or authorised as inspection stations. If you need your car to be inspected, you would go to one of these certified garages where they have the required checklist. They inspect your car and if it passes the requirements you get a certificate saying that it has been passed. You then take it to the respective Police Station and pay the fees that are necessary there.

I believe that the Government could take the same approach with regard to the licencing and inspection of vehicles in this country because we have police stations available in all of our outer districts and with the modern technology it should not be very difficult to have a computer link from Central George Town into these outer districts where someone could be employed specifically for the purpose of collecting fees on behalf of Government for these services.

I believe that this move will be welcomed by the general public and I believe that it will eliminate some of the problems that we now experience with traffic congestion and I believe it is a convenience that we owe to our people.

I know the excuse may be brought forward that it means Government may have to hire additional people in order to ensure that these fees are collected and that the outer districts stations are manned. But I believe that the additional expense, if any, necessary would be outweighed by the convenience that this service in the outer districts would provide.

I honestly believe that if Government makes it more convenient for people to pay their taxes, that is, garbage fees, licencing of bicycles, licencing of dogs and that type of thing, as well as vehicles, that it would have a significant impact on the amount of revenue that is collected by Government because people will be more inclined to go to their respective district substations and pay these fees, who would otherwise be discouraged from traveling to George Town to deal with paying for these services.

The other problem that we have in George Town is that, depending on the fee that you are required to pay, you could probably go to three or four Government offices to pay these respective fees. For example, if you are required to pay a garbage fee you have to go to the Tower Building; if you are paying to licence your dog, I understand that you have to go to the Agricultural Department, which is down the road. If you took it upon yourself to licence and inspect your car at the same time, you would have to go to the Central Police Station for that purpose.

So, there is an inconvenience and I believe that by pooling these services in the districts that the convenience to the people would be improved and Government's collection of revenue would be improved as a result.

What I propose is that Government fees, such as garbage fees, maybe animal licencing fees, and fees of that nature, could all be paid and collected at the district Post Offices, as all districts have a Post Office. That could be used for this purpose. Once again, all it would mean is that someone in that office, maybe a member of staff, could be trained to write a receipt or operate a computer with regard to issuing a receipt and making a note of the payment.

I do not think that this would be a very difficult exercise if the Government has the interest in doing so.

This Motion also calls for Government to initiate negotiations with Cable & Wireless and Caribbean Utilities Company to also make payment of their fees possible at

the district level. I have been advised since filing this Motion that this process is now in the works and that there are negotiations with Cable & Wireless and C.U.C. to this end. I am very pleased to hear that. I see no reason why these monopolies should not take the initiative or be willing to, if necessary, rent a little space in the outer districts for the convenience of the residents in that area so that they can pay their bills in the districts rather than having to come to George Town or to the West Shore Centre in order to make those payments.

Madam Speaker, in summary, the advantages would be an improved convenience to our people living in the outer districts, an increase in Government revenue as residents would be encouraged to pay fees due to the convenience being offered. It would drastically decrease the traffic congestion in Central George Town and it would also reduce the congestion at central Police Station in George Town because of the sheer magnitude of vehicles which are required to be licensed and inspected on an ongoing basis.

So, Madam Speaker, I believe that this will be a step in the right direction if Government accepts this Motion and agrees to offer these services at the district level.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

As the seconder of this Motion, I definitely have to give it my whole-hearted support. I have to agree with what my colleague has said, that it will be more convenient for the people in the outer districts, and even to the Government. It will help eliminate some of the congestion here in town and I feel that this Motion is a good Motion. I once spoke of it myself. I hope that this Honourable House accepts it.

Thank you.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the substance of Motion 5/95 is consistent with the Government's position on the matter of seeking to decentralise the collection of Government fees within the various districts.

The Mover alluded to the fact that the providing of this service will result in additional costs being incurred. This additional cost may not necessarily result from having to employ additional persons, but essentially from having to improve the security of the various collection centres.

The Mover further mentioned that he is aware that negotiations are currently underway with Caribbean Utilities Company and Cable & Wireless to facilitate the collection of fees within the various districts. The Mover and Secunder also put forward a very good point that this would assist in alleviating the traffic congestion presently being experienced in terms of persons having to come into George Town from the various districts. This was brought up in a meeting of Executive Council less than a

month ago, so there is a commitment.

However, with the inspection of vehicles, it is not a question that a date can be given in terms of when this will be achieved because the safety of vehicles on our roads is very important. The importance of that, the inspection side of that, cannot be diminished. So, this is a matter that will have to be addressed by the Ministry of Environment, Communications and Works in consultation with the Traffic Department.

Therefore, as mentioned earlier, the Government has no difficulty in supporting this Motion as put forward by the Honourable Member.

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

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

Madam Speaker, I think Private Member's Motion 5/95, which is requesting Government to take certain action to bring about vehicle inspection, licencing collection of fees, payment of light bills and telephone bills in other districts, is very timely, practical and realistic.

If we look at the way businesses are located in the Cayman Islands, it seems like the only place that is considered proper, or suitable, would be in George Town or the adjacent Seven-Mile strip. So we find an extremely high amount of density of businesses, of people and of traffic in this area of the Cayman Islands.

In this day and age, and understanding that there are certain things such as overcrowding which is not conducive to the best environment of doing business, it does seem that it is more than practicable to look at extending businesses into other districts.

There is already limited government presence in each of the districts as far as sub-Post Offices go, and there are some districts that have good modern facilities which serve as Post Offices. To the best of my knowledge, the work in these is largely part-time. It should not necessarily be that way for I believe that it is possible for the Post Mistresses to do the additional duties of collecting government revenues other than from stamps. There is no good reason to think that a Post Mistress could not collect garbage fees, or fees for bicycle licencing or motor-car licencing fees and all the rest of it.

There is no good reason why there should only be one place in George Town where all the cars in the Cayman Islands—at least in the island of Grand Cayman—have to be inspected.

I recently saw a copy of a letter written by a lady who lives in Newlands, bringing to the Government's attention the situation over at the Licencing Department here in George Town where the service is, to say the least—and not by any design of the people who work there, but simply because of the limited space and the number of people who have to go there—ridiculous and atrocious. It is pure pain, discomfort and frustration for people to go there to try to licence their cars as they must.

We are supposed to have police in all of the various districts. There has been an ongoing question about the

fact that we do not have enough policemen to have 24-hour coverage in the outer districts. I do not believe that. I can believe the fact that more than one Commissioner has said that there is a formula for deciding the number of police it takes to do the police duties in the various districts, but I believe that they can be so deployed that this can happen.

If I were to think of the police station in East End, it is a very large area. There is no question in my mind that inspection of vehicles could be done there and that certain things could be done by the police in that district. There are other districts where the situation is similar. There is limited space in Bodden Town, although that is the fastest growing district in the Islands. But, there are capabilities in these districts for improving conditions there.

If this is done, it immediately creates a growth factor in that some jobs will be created in these districts. I cannot believe that one needs to have a paranoia about places that collect Government's revenue will be robbed every night or every week. I have always heard quite a lot of concern expressed about how Government's revenue will be handled. Well, Government's revenue is already being handled to some extent in the Post Offices, so it is purely a matter of enhancing and improving on this.

It could create full-time jobs for some individuals. I believe that Government could enhance its revenue earning capabilities to some extent, if it offered to the light company and the telephone company the service of collecting their bills through the Post Offices and the sub-Post Offices for whatever percentage fee since there has to be hundreds of people, and in some districts thousands, who would be inclined to go there to pay in that it may be easier than going to Seven-Mile Beach or other such areas to pay the bills.

By developing this concept, I think the Cayman Islands Government would be developing government services to some degree within the Cayman Islands. It is no good just to say that it is being thought of, as is often the case, and the government at this time is looking at it and examining it—something needs to be done if it is to become a reality. Surely, it can only become a reality if the Government works to make it work.

The Mover of this Motion noted that the power company and the telephone company are both monopolies—that is so very true. I do not believe that to improve and to extend its services, or at least collection areas, into the districts would create such a burden on their overhead expenses that we should see any great rise or increase in the amounts which we now pay to these two entities.

The matter of vehicle inspections is becoming an ever-increasing problem in this country. It has to be addressed sooner or later overall and surely a good way of helping to improve the conditions so that there would not be so much traffic congestion, at least on some days, would be by setting up vehicle inspection and licencing [in the districts].

I trust that the Government will simply not accept this Motion (there was a similar one moved in 1989 that was not accepted) and have it fall on that heap where so many motions that are accepted seem to fall, with little to no effort being made to do anything about the motions which the Government under-

takes to do something about, and that there will not be any major hold ups in getting whatever little legislation that might be necessary to be changed or put in place to make this possible. The problem is not that we do not see the problem, the problem is that the Government should do something about improving or correcting the problem.

Madam Speaker, I support the Motion that is before the House at this time.

Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the part of the Motion dealing with the payment of fees for licencing vehicles seems by far to call for immediate attention.

The Second Elected Member for Cayman Brac and Little Cayman just mentioned a copy of a letter which he had received which was written by a constituent of the Bodden Town district imploring the Government to do something about the licencing and collection of fees for motor vehicles. She raises an important point in that letter. She said that if you go into a bank, there are usually 10 or 12 tellers to serve you. But there are so many banks that only a limited number of people will be clients of any particular bank.

On the other hand, the Licencing Department of Government caters to the entire population. Yet, when you go there to pay your licence fees in the morning there are only three tellers. Of course, at times one of them might be away, sick or on leave. It is impossible to go there for any business and get out of there in less than one or two hours, sometimes even longer. The plain fact is that the staff is inadequate in number, although I must admit that the girls who serve there, particularly Mrs. Mary Bodden, who has been there for a long time, seem very efficient and do try to speed up things. But the many little bits of paper that they have to deal with and the confined space in which they operate makes it very difficult for anybody to carry on an efficient business.

Those who have to go there to licence a motor vehicle find it extremely difficult to conduct their business. So, I am happy to support any move that will speed up this process.

Of course, like all things that we do, if you are going to get better service you are going to have to pay for it. There is bound to be additional expense to Government to provide other places and other means of collecting these fees. But you always get what you pay for and the expenditure would be justified.

There is also a hope in the Motion that Caribbean Utilities Company and Cable & Wireless will use some system, if Government can negotiate it with them, whereby fees can be paid in the districts. The Second Elected Member for Cayman Brac and Little Cayman thought that the cost would be so insignificant that there would not be the burden of increased fees. I do not share that view. I know the way these companies have been run—they will take advantage of putting in elaborate schemes which can increase their basic rates, since any operational cost becomes a factor in the fixing of the rates. So, the burden will fall on the consumer.

Apart from the physical difficulties in paying these fees, we have to remember that these two companies, who operate a mafia-type of business with full autonomy, now make it very difficult for persons to pay their telephone or electricity bill on time.

When I receive my electricity bill, I see on it a certain date by which the bill must be paid. That date is usually 21 days from the time the bill had been made up. What makes it difficult for the person paying the bill is that it is never mailed out on the day it is made up. So when it says you have 21 days in which to pay the bill, you probably only have five days by the time you receive

it.

The other organisation is even worse. Cable and Wireless has a date by which the bill must be paid, and it is usually under 14 or 15 days from the date printed on the bill as having been the date when it was made up.

So they make up a bill on the first of the month and ask you to pay it by the 15th, when they probably mail it out on the 16th sometimes, or the 12th. It is utterly impossible to pay the bill on time. This needs to be negotiated, although this is not a part of this Motion, but it has to do with the prompt payment of bills.

If the bills can be paid in the districts, the public may not have their utility services cut off as the companies so like to do. In fact, I do not believe part of the franchise is that they can use these high-handed tactics. I know that in Florida, the large Florida Power and Light Company gives its users 90 days in which to pay their bills—of course, they charge interest if the bill is not paid by the 30th day. But that is an arrangement that people can live with. It is utterly impossible for the consumers in this country to pay their bills every month on time, because people travel abroad, people are sick, people just fail to pick up their mail which is sometimes slow. Perhaps if this part of the Motion can be instituted it will go a long way in helping the consumer to not only pay his bills at his convenience, but also to pay them more promptly.

I support this Motion, Madam Speaker, and would like to thank the Movers for its introduction.

The Speaker: The Fourth Elected Member for George Town.

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

I am quite sure that the Mover will be very pleasantly surprised this morning as I, too, rise to support his Motion.

There are various aspects of the Motion that have been mentioned thus far which are certainly going to have to be given serious consideration by Government regarding the viability of certain situations. Nevertheless, I think we all agree that the end result being sought is certainly one that we would like to see achieved.

Madam Speaker, in the first resolved section of the Motion, which says: "**BE IT RESOLVED that Government initiate a system of licensing and inspecting vehicles and collection of various Government fees in as many districts as possible . . .**" my comments will be based on the system which presently exists with the Government.

There are various ways in which the Government may be able to look at this situation and make assessments because I think one might safely say that at present there may well be less hassle getting a vehicle inspected as there is getting all the licenses and fees paid up to date.

The Government might have a problem in being able to put an inspection base in each of the districts. But even if, to start off, the Government is only in a position to do the paper work and have the inspection of the vehicles done at a location, it might still alleviate the given situation at present and it may be their starting point, thereafter working towards getting inspection base put in various locations.

The other way in which the Government might wish

to look at it is, if there is a central location in George Town for inspection of vehicles based on the density of the population, to consider one or two more locations for the vehicle inspection and that might be able to satisfactorily service the entire island.

The other thing, which may seem a little bit far-fetched at present, but my view—and it is one which can be debated—is that even if where you have your vehicle inspected and where you pay for licensing the vehicle is in two separate locations, the whole situation may be better if it is decentralised. I think that is the consensus by the Mover and the Seconder and everyone that I have heard so far.

So, while I am not saying that having a location for inspection of vehicles should be different from where you pay the fees, I am saying that if it has to be that way we might still be better off than having it in the one location where it is now.

The other thing, while it has not been mentioned by the Honourable Third Official Member and the Mover I am sure they have thought about it, is how the computer network would have to be organised, because the system is computerised at present. There is also the question of renewing drivers' licences. I think the practicality of that would have to be thought out regarding the camera equipment and the other type of equipment that is needed when you are doing all of that, whether it is worth it to have one in each district. Those are matters which would have to be thought out, and may well have to be taken one step at a time to work out the kinks to see the various areas operate efficiently, to prove to Government that it is worth the effort to provide the service by ensuring that people utilise that service.

So those are some of the areas that I think we need to practically work out. But certainly, it would be a very valuable service to the general public if this department was decentralised and people, rather than having to wait for a long period of time in George Town in order to get their vehicles licensed, could use that time elsewhere.

Madam Speaker, there is also mention made in the Motion regarding Cable and Wireless and Caribbean Utilities Company in making arrangements to have these fees collected in as many districts as possible. At present I think there are several of the commercial banks who are able to collect these fees for both companies. I am not sure how the system works, but it is my view that the various locations which the Government may have collecting could well house a similar operation for the utilities companies and the internal framework and mechanisms to organise. They might have someone going to collect payments on a daily basis, or it may be part of a system operated by Government which are forward to them. All of those things can be certainly ironed out, I am confident. I do not see it being a tremendous hassle for either one of those two companies to be able to organise such service.

I am sure that the Government would take the view that they would assist both companies in being able to organise the collection for these fees once they are so inclined to provide the service for their own collection of

fees in the districts.

So with these few points I would again like to say that I do support the Motion. And I trust that the Government, as it has indicated that it has accepted the Motion, will certainly look at the various avenues to carefully think the matter through and whatever the end result it will be the most cost effective and efficient service to the public

Thank you.

The Speaker: If there is no further debate would the Mover of the Motion like to exercise his right to reply?

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

Madam Speaker, let me thank all Honourable Members who spoke in support of the Motion, and also those who supported the Motion silently.

The Honourable Third Official Member, speaking on behalf of Government, raised a valid point with regard to vehicle safety. Madam Speaker, I believe Government can certify certain garages. They would have to be very selective, and as long as they are satisfied that those institutions can provide the service, then there should not be a major concern to have them certified and they should have the confidence that they would do what they are required to do as far as inspection of vehicles. As I said, I saw this in Washington, D.C. and the system seemed to work very well and was convenient to the general public.

If the Government is not inclined to go in that direction, I would suggest that maybe they start with a district like West Bay which is the largest district, putting in place the necessary vehicle inspection ramp for this purpose near the Police Station.

Madam Speaker, I believe that all of the services that this Motion is calling for, vehicle inspection and licensing is probably the most critical service to be addressed. So, I trust that Government will not accept the Motion and wait two or three years from now to see that these services are implemented.

Madam Speaker, I believe that this Motion calls for things that are very essential in this country, and I trust that the Government will move ahead in addressing these issues.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 5/95, entitled: Vehicle Inspection, Licensing, Collection of Fees, Payments of Cable and Wireless and Caribbean Utilities Company bills.

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 No. 5/95 has duly been passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 5/95 PASSED.

The Speaker: Proceedings will be suspended at this time

for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.24 AM

PROCEEDINGS RESUMED AT 11.50 AM

The Speaker: Please be seated.

Private Member's Motion No. 7/95, the First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 7/95

**AMENDMENT TO THE LEGISLATIVE ASSEMBLY
STANDING ORDERS—NOTICE OF BILLS**

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, I beg to move Private Member's Motion No. 7/95 entitled: Amendment to the Legislative Assembly Standing Orders—Notice of Bills which stands in my name and reads as follows:

"WHEREAS in many instances the provisions of Standing Order 46(1) (i.e. that copies of Bills reach every Member not less than 21 days before they are proposed to be read a first time) have not been observed;

"AND WHEREAS the public have made known their desire to have a reasonably long time to consider the implications of Bills coming before the Legislature;

"AND WHEREAS, in accordance with the provisions of Standing Order 84, Notice of Motion is hereby given to amend the Legislative Assembly Standing Orders (Revised);

"BE IT RESOLVED THAT Standing Order 46(1) be amended as follows:

- (a) by replacing the word "twenty-one" with the word "sixty" where it appears in the fifth line; and
- (b) by inserting immediately after the said Order the following Proviso *'Provided that the Legislative Assembly shall, by majority vote, waive the prescribed sixty days notice of a bill, only in circumstances where the proposed Bill is deemed to be expedient and in the best interest of good government.'*"

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. 7/95 has been moved and seconded and I shall now put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. Accordingly, the Motion is referred to the Standing Orders Committee.

**AGREED: PRIVATE MEMBER'S MOTION NO. 7/95
REFERRED TO THE STANDING ORDERS
COMMITTEE.**

The Speaker: The next item is Private Member's Motion No. 6/95. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 6/95

**AMENDMENT TO THE LEGISLATIVE ASSEMBLY
(IMMUNITIES, POWERS AND PRIVILEGES) LAW
(REVISED)**

Mr. Gilbert A. McLean: Madam Speaker, I beg to move Private Member's Motion 6/95, entitled: Amendment to the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised), which reads:

"WHEREAS members of the general public have no recourse of action against defamatory words said of them by Honourable Ministers/Members during proceedings of the House and/or Committees of the House, nor against any written report, petition, bill, resolution, motion or otherwise;

"BE IT NOW THEREFORE RESOLVED THAT this Honourable Legislative Assembly agree that section 3 of the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised) be amended to provide that this immunity shall not extend to personal defamatory statements made by Members of the Legislative Assembly against members of the public who are not Members of the Legislative Assembly and that civil or criminal proceedings may be instituted by members of the public where this provision is breached."

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
I respectfully beg to second the Motion.

The Speaker: Private Member's Motion 6/95, 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 which is now before the House contains considerably thought-provoking controversy, for it is drawing attention to the most fundamental principle under which the Westminster system of Parliamentary democracy works.

It touches on the question of immunities, powers and privileges of Parliament. I have taken time to look at various authorities on this particular matter. The reason why this Motion is before this House is the fact that in my opinion, and in the opinion of many people in this community, the privilege of the House is being misused and abused by Members of this House on various occasions to make personal attacks on citizens of this country who do not have recourse to the same forum as do the Members of this Legislature.

The principle of Parliamentary privilege has been established for hundreds of years. It is considered fundamental to the functioning of Parliament. If we look at

Erskine May, it clearly sets out that: "**Parliamentary privilege is the sum of peculiar rights enjoyed by each House collectively... and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies and individuals.**" [Twenty-first Edition, page 69].

Another 18th Century authority, Hatsell, said about the privilege of Parliament and its rights, that these are "**absolutely necessary for the due execution of its powers.**" [ibid., p. 84]

In the text *Parliament Functions, Practice and Procedures*, by J.A.G. Griffith and Michael Ryle, it states: "**It should be emphasised that these privileges are essentially those of the House as a whole; individual Members can only claim privilege in so far as any denial of their rights, or threat made to them, would impede the functioning of the House.**" [page 86]

Madam Speaker, there can be little doubt that within the British Commonwealth of Nations, where the Westminster style of Parliamentary democracy is practised that immunity and privilege are paramount. For the proof of that I have consulted various authorities—the one I just named, another text called *How Parliament Works*, by Paul Silk; *A Report of a Select Committee on Parliamentary Privilege in New South Wales*, Constitutional Law, by E.C.S. Wade and A. W. Bradley; *The Constitutional Law of Jamaica*, by Lloyd G. Barnett: All of these are outstanding, eminent authorities on the question of Parliamentary Privilege.

Every text that I have consulted supports the concept of privilege in Parliament. All authorities, as well, take note that there is a chance of, and, indeed, actual abuse and misuse of privilege which takes place in Parliament. That is what this Motion addresses: not any question as to whether Parliamentary Privilege is necessary—which it is; nor any question as to whether it should be abandoned. It is not seeking such a thing.

It is requesting certain action where deliberate, calculated actions or words by Members of this House are used in a way to defame a member of the public, particularly where no proof is offered to substantiate the defamatory statements or when the statements made about a citizen are not related to the subject matter before the House.

There are various articles written about this matter. I would like to quote what it says about this matter of privilege from the *The Parliamentarian* of October 1993: "**Parliament is one of the most important institutions in any democratic country, in that it is the body vested with the power to make laws, impose taxation, vote government expenditure, and control government activity. These are very important and delicate functions which can only be carried out with the very minimum of interference.**" [page 238]

It also says: "**The principle of parliamentary privilege was extended to British colonial Legislators.**" That is why the Cayman Islands has an Immunity and Privileges Law.

One of the main things that is protected under privilege is freedom of speech. Protection of this freedom of

speech is very fundamental because it has developed over centuries, so persons who are representing the people of any country which operates under our system of Parliamentary democracy, have the opportunity of speaking freely without fear of facing the courts for things which might be said.

However, there are certain limitations on this whole concept in that these privileges are given for particular reasons.

I would like to read from the book, *Parliament Functions, Practice and Procedures*, on page 90, where it says: "**The parliamentary privilege of freedom of speech applies only to speech in the House and other proceedings of the House itself, but not to reports of proceedings or debates by newspaper or others outside Parliament (although such publication may attract 'qualified privilege' in a court action). Thus parliamentary privilege does not protect a Member publishing his own speech apart from the rest of a debate.**" This is an interesting thing I have learned since looking into this particular matter.

Madam Speaker, the reasons for the application of privileges today—again I would like to quote from the text I have just mentioned: "**Parliamentary privilege has been developed over a very long period. Some matters are firmly established, especially the freedom of speech in debate and other proceedings; the central point has not been challenged since 1887 when, in *Dillion vs. Balfour*, the court declared that it had no jurisdiction in a matter involving words spoken in the House. This freedom is essential for the effective working of the House. Under it, every day, Members are able to make statements or allegations about outside bodies or persons—and sometimes in offensive language—which they would hesitate to make without the protection of privilege. This is often criticised and undoubtedly privilege may occasionally be abused.**"

The text further states: "**However, the freedom to make allegations which the Member genuinely believes at the time to be true or at least worthy of investigation is fundamental.**" Madam Speaker, this text is making clear that there are situations which give way to conditions when a Member may make allegations to bring about certain actions. They list certain things here in the text: "**Such allegations, for example, may relate to possible corruption by a policeman, or abuse of power by some powerful person or public body, or sale of dangerous toys, or fraud by financial businesses, or breaches of health and safety regulations in a factory, although the Member might not be able to present detailed evidence in support of his statements which would stand up in a court of law.**" [page 94].

Thus, there are conditions which might prevail in a society such as the Cayman Islands, when Members may make allegations such as those cited there—to bring about a change, to cause the government to act in a certain way. But, through all of the texts that I have looked at (and I have looked at a number) there is no provision made for members of any legislature to come to the Legislative Assembly to directly castigate citizens of the country who may have written a letter to the press which was critical of them; to speak of the letter writers in defamatory terms when it has nothing really to do about changing any particular damaging condition to the coun-

try. That is happening in our Legislative Assembly at this time, and all too often.

The Parliamentarian of October 1993, speaks about abuses of Privilege. It reads: "**Parliamentary Privileges can, however, be abused. When we talk of the abuse of parliamentary privileges, we are referring to incidences and situations when Members of the House misuse the rights and powers conferred upon them by virtue of their office. Such cases arise when: Members choose to use their Parliamentary Privileges for purposes not related to functions of their office; Members choose to use their privileges outside the precincts of Parliament; and Members choose to take advantage of those privileges even inside Parliament, but commit libel on other people, taking it for granted that they are protected from any court suit as long as they are within the precincts of Parliament.**" So, other jurisdictions have these types of situations and this particular article was presented at a Parliamentary Seminar held in Kenya.

Madam Speaker, it has reached the point here in the Cayman Islands where it is justifiable for Members and Ministers, who come to this Parliament to castigate private citizens, to have to face them in court, as they would if they were not in the Chamber of this House. There is little doubt that within the Legislative Assembly (Immunities Powers and Privileges) Law (Law 24 of 1965), that the widest privilege is given to Legislators. In section 3, Immunity from Legal Proceedings, I read: "**No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, the Assembly of which he is a member or to a committee thereof, or by reason of any matter of things brought by him therein by petition, bill, resolution, motion or otherwise.**"

There has been an amendment to this particular law to cover Legislators by immunity even when what is said here is broadcast in the Cayman Islands. Wide coverage is given to us as Legislators to do the business of this country on behalf of the people of this country, but never is it given to come here to abuse the citizens of this country who elected us as representatives.

This law was passed in 1965. Through the good offices of the Clerk, I was able to discover who were the members of the Legislative Assembly and of Executive Council at that time. I think it has historical worth and, indeed, any of us who know these people, I doubt very seriously that they could be accused of such actions and behaviours as is now the case.

On Executive Council there was Mr. Desmond V. Watler, Judge G. J. Horsfall, Mr. V. J. Johnson, Mr. Allan Berkeley Bush, Miss Annie H. Bodden, Mr. James A. Ryan. Elected Members being: Mr. Thomas William Farrington, Mr. Spurgeon A. Ebanks, Mr. Dalmain Ebanks from West Bay, Mr. William Wallace Bodden, Mr. Ormond Panton, Mr. Albert Colin Panton from George Town, Mr. Eldon E. Kirkconnell, Mr. G. Burns Ruddy from Cayman Brac and Little Cayman, Mr. Anton Bodden, Mrs. Evelyn Wood of Bodden Town, Mr. Craddock Ebanks of North Side, and Mr. Warren Connolly of East End.

I did not have the opportunity of seeing whether the *Hansard* could be located to see what the debate may have been at that time, but, surely, I would believe that

these past Legislators would have only wished to have acquired the privilege which is given by the Mother Country to have that entrenched here in the Cayman Islands.

I do not believe that these persons would be persons who would have indeed taken the advantage and on so many occasions castigated persons here in this Legislative Assembly.

The adoption of the principle of Parliamentary Privilege from the big city or from the Mother of Parliaments, the House of Commons, by the Cayman Islands does not mean that the same attitude of legislators in the former country were adopted accordingly.

I do not believe that past Legislators ever thought that what happens now, where some Members and Ministers take the opportunity to carry out character assassinations on citizens of this country, would have come about. Madam Speaker, there are so many instances of this type of situation.

I know that on various occasions the Chair intercedes in these matters and requests proof from Members for some of the things that are being alleged. Nine out of 10 times there is no proof—it is simply a matter of character assassination. There is not any truth to it to the extent that the Government could start an investigation and bring someone to justice for what the Member is saying. It is done purely as a matter of beating up on someone in a cowardly manner where that person has no right of reply.

In the *Hansard* Report of the 10th of November, 1994, the Honourable Truman M. Bodden, in debating the Budget, makes the remark: "**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...**" Madam Speaker, I need not elaborate what that statement imputes. If it was the case that the Minister for Education needed to make that statement because he knew that there was, indeed, something that was done which was a criminal activity and that Government could undertake an investigation into that allegation, so be it. But was it? The proof was never produced and we hear of no investigation—but the allegation was made about a person who was a former Minister of Executive Council and who now is a private citizen.

Another example: This statement was made in the debate of the Throne Speech, by the Honourable Thomas C. Jefferson, and I read: "**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, with another million over a 12 month period of time.**" [*Official Hansard Report* 17 November, 1994].

Again, Madam Speaker, I do not need to elaborate on that statement for it is clear what that statement is saying.

The point, as is made by all authorities, is: if these

types of statements are necessary to bring about an action to have an investigation, where those allegations can be made to bring about justice and bring wrong-doing before the courts, then it is acceptable for privilege to cover Members in those regards. But has such action come about? Has the Minister proffered such evidence? Has it been treated to the extent that the police heard it and the police would choose to start an investigation? I do not know. Perhaps. Has it?

Madam Speaker, this House has become a Chamber, in many instances, where civil servants have had their careers destroyed. Poisonous words from this Chamber have been uttered on various occasions during the past year, particularly. Interestingly enough, the persons who have been attacked by Ministers and some Members of this House have simply disappeared off of the civil service scene under that condition of 'early retirement' in many instances.

I would like to cite another case from the unedited *Official Hansard Report*, of the 11th November, 1994, where the Honourable Truman M. Bodden says: **"We have a situation where the 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..."

At that point, Madam Speaker, I moved a point of order when I said: **"The Minister is grossly misleading the House attempt 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."** Madam Speaker, you did intervene and found it to be a valid point of order.

That is a good example of a matter, a subject, a pertinent topic before this House not being discussed directly on its own merits, but the District Commissioner—who is no longer the District Commissioner—being accused of something exceedingly serious. He supposedly was not spending the money that was allocated by Government to be spent. It was found to be untrue; it was found to be a lie when his Deputy came before the Finance Committee of this country and produced proof—unquestionable proof—that all of the money that was allocated had been spent and they were in dire need of more and what was not spent in any particular vote was simply to be spent a little further on when the job could be started.

Madam Speaker, the difference between myself and the District Commissioner is that I could move a point of order in the House at that moment and the Speaker could intervene and rule on it. But who rules on it for the civil servant? The civil servant simply leaves; or, in this case, this was the type of scenario that played around the person of the District Commissioner, Mr. Oswald Rankine,

who has now left that job.

The dialogue goes on in this case by 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."**

Madam Speaker, I do not come to this Legislative Assembly—and I do not believe that Members of this Legislative Assembly are sent here—to talk about who are good friends of whom. I do not believe that civil servants must have their careers destroyed by Members of this Legislative Assembly. Particularly where a person of this Legislature is a Minister, he has absolute access to the Governor to put his case before him. The Governor has the power to investigate and that civil servant has a way to be dealt with. It is done from a point of view, in my opinion, of malice and a deliberate act to destroy the character of a person.

It is all covered by immunity in here. Mr. Oswald Rankine has no recourse to the courts. Certainly not. So he takes the blistering.

There are questions regarding the media, and I have certainly had my day with the media for I am very appreciative when I get a good coverage, as I think most Members are. One hopes that that would be in the larger percentage than in the lesser one. However, I get the distinct feeling that we seem to want to deny the very privilege of freedom of speech, which we all enjoy and which we all want and will do everything in the world to have, to the citizens who are not in this House who might write a letter or who may have a critical opinion about us as Members; or the media, whose business it is to report the news, albeit in many instances not correct, or albeit in instances too where sometimes it appears that they make a particular point of not making the point a Legislator would wish to have made.

But, there has to be that coexistence between what happens in this Legislative Assembly, where 15 people are empowered through the vote every four years to act on behalf of the people—not against them... and acting on their behalf sometimes requires a legislator to make allegations because they are aware or they have certain information to a certain extent which can better the situation for that citizen, but not use it cowardly to attack that person.

Madam Speaker, anyone who comes to this Legislative Assembly learns pretty soon that you have to have a tough skin because there is always some Member who will make personal attacks, innuendos or allegations as the case may be. But in these cases there is recourse instantly through the officer presiding over the proceedings—not so with the citizens who come under such attack.

Madam Speaker, I have observed in recent times a general change in the tone of this Legislative Assembly where, in the larger part, Members seem to not be able to discuss the subject or the matter before the House in analytical, sensible, practical terms, offering their opinions. But, by golly, if someone gets up and offers their opinion, there are Members who are waiting to pounce

upon that Member for having that opinion. Do not listen to the message, kill the messenger. That seems to be the general attitude.

In the question of privileges of the House extends to things that happen here against the House and its procedures and its Members also as contempt. A contempt, of course, can constitute speeches or writings reflecting on Members' conduct in the House—for example, accusing the Speaker of partiality in the Chair, as is noted in the book *Parliament*, by Michael Ryle.

Madam Speaker, that is not unfamiliar in the Legislature, or in our country at this time—it has happened. It was noted by the Speaker in a statement that a contempt of the House did occur. We have no Privileges Committee of the House. Was any apology made? No, Madam Speaker. We are in a rift in this Legislative Assembly where I believe the conditions and procedures, which are so revered in Parliaments under the Westminster system, are being eroded. Surely, many people in the public tend to label all of us, because of the action of some, as being disrespectful of their rights as citizens.

Madam Speaker, there are other persons who have in recent times been assaulted from this Chamber—Mrs. Bridget McPartland, Mrs. Ellen Peguero—their only sin is that they wrote a letter, or an article expressing opinions about what the Government was or was not doing. There is nothing wrong with a Minister or Member replying to an article in the paper to set the record straight. But why is it necessary to castigate persons, even making mockery of what their particular profession is. Whether or not one sells alcoholic beverages, or whether one sells candy, once it is an honest living they have a right to it and we should be proud that there are such persons who work in the various areas who do not become charges of the State.

Madam Speaker, there is no question in my mind that misuse and abuse of privilege in our Legislature has reached the point where if Members and Ministers who are responsible for misusing and abusing privilege cannot change their attitude and their ways, then one has to change the Legislation so that they can have their ways changed.

The resolution of this Motion asks the House to amend section 3 to provide that the immunities which Members enjoy does "not extend to personal defamatory statements made by Members of the Legislative Assembly against members of the public who are not Members of the Legislative Assembly and that these members of the public have recourse to the court of law through civil or criminal proceedings."

As life goes on things have to change. I believe that the time has come to change the situation with the wide coverage of privileges extended to this Legislative Assembly because these privileges are being abused to an extent that can hardly be seen as acceptable or reasonable. Therefore, Madam Speaker, I leave the Motion to the opinions of Members of the House and to the will of the majority.

Thank you.

The Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.45 PM

PROCEEDINGS RESUMED AT 2.20 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion 6/95. The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the Motion before the House seeks to impose certain limitations on the freedom of speech which Members of Parliament have enjoyed from time immemorial. It would be totally wrong to interfere with the privilege which exists and which has existed for a long time. Such a motion cannot be allowed by this House and, in fact, it should not even be entertained.

A true understanding of privilege is not a mechanism that allows a member to make defamatory statements against people on the outside. We all know that parliamentary privilege exists solely because the House cannot perform its functions without the unimpeded use of the service of its members. Without privilege Members of Parliament could not discharge their functions to the public. They would become impotent and, as the Opener said, privilege is the fundamental right necessary for the exercise of constitutional functions.

As far back as 1675, that is, more than 300 years ago, the House asserted that privilege existed so that Members might freely attend to the public affairs of the House without disturbance or interruption.

The most important privilege given to a Member of Parliament is the freedom of speech in debate. By the latter part of the 15th Century, the House of Commons enjoyed an undefined right to freedom of speech as a tradition rather than what it now enjoys—and which this House now enjoys—as a privilege conferred by law.

It had been felt from ancient times that freedom of speech is so important that the Crown, the Government, ought not to act against a Member directly for something said in the House. If the Crown is not allowed to act against a Member, how can members of the public be given the right to act against a Member?

One of the reasons for the laws, and particularly the Bill of Rights passed in 1689 giving full freedom to Members of Parliament, was because the King himself sometimes interfered with Members and had them punished for statements made in the House.

Having said that and, although the Member enjoys freedom of speech, he does not have—and this is very important—an unbridled right to say anything he likes. It is just like on the outside, a person has the right to freedom of speech but if he goes too far and interferes with other people he may be sued under the law for libel and slander. In this House Members have the freedom of expression, but there is a constraint on it and that constraint is managed by the Speaker in the Chair. I need not tell Members of the many sanctions that may be imposed by the Chair.

Our Standing Order 35(7) forbids a Member to speak against "**The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer, Members, Judges and other persons engaged in the administration of justice or of Officers of the Crown...**" Now, all of these people, with the exception of the Presiding Officer and the Members are on the outside. They are given full immunity from what a Member may say regarding the person's conduct.

Standing Order 36(1) states that the debate has to be relevant; the Chair is responsible for order in the House; the Chair may order a Member to discontinue a speech; Members may be suspended. So there are controls on how badly a Member can behave, or how far he can go.

This is not new. As far back as 1610, it was expressed in a Committee on a House of Commons petition that freedom of speech could not well be taken from us without shaking the foundation of the liberties of parliament. If a Member is not free to vote and to bring any question he likes, subject to the Standing Orders, the public cannot be properly represented—the public would suffer if Members were afraid to speak or to vote as their consciences direct.

The privilege of freedom of speech in Parliament, that is in the United Kingdom, was established in 1689 by the Bill of Rights. In article IX, Crown and Parliament concluded that "**the freedom of speech in debates or proceedings of Parliament ought not to be impeached or questioned in any court [of law] or place out of Parliament.**" The privilege was clearly and widely established in both Houses and largely protected from outside interference, whether by the Crown intent on stifling political initiatives, or in decorous criticism, or by the courts. The privileges of Parliament are rights absolutely necessary for the due execution of its powers.

There is an interesting case in the book *The Office of Speaker*, a test case that took place in 1523. The King's man Wolsey had come to the House of Commons demanding the prodigious sum of 800,000 dollars [pounds] for the war with France. Although he tried to intimidate the Members and demanded an immediate answer, the Members remained silent. Wolsey then demanded an immediate answer from the Speaker. The Speaker of the House at that time was Sir Thomas Moore. He dealt with this in his classic reply, which influenced a similar case 100 years later during the reign of Charles I.

The Speaker, that is, Sir Thomas Moore, excused the silence of the Commons and then "**reminded Wolsey that for the House to return an answer without an opportunity for unhindered debate, was neither expedient nor agreeable with the ancient liberty of the House' and as for himself 'except every one of them could put into his one head all their several wits, he alone in so weighty a matter was unmeet to make his Grace answer'.**"

In our own House, as well as in the British Parliament which we follow, freedom of speech, subject to the rules of order in debate, has been the corner stone of our democracy. A "**Member may state whatever he thinks fit in a debate, however offensive it may be to the feelings, or**

injurious to the character, of individuals;". This we find in Erskine May, the Twenty-first Edition, on page 84. The Member is "**protected by his privilege from any action for libel, as well as from any other question or molestation.**"

"**At the same time, article IX preserves the authority of both Houses [that is, in the United Kingdom] to restrain and even punish their Members who, by their conduct, offend the House.**"

This is what I said earlier, that while we enjoy freedom of speech, we also have limits on where we can go.

While the Members enjoy freedom of speech, it becomes the duty of each Member to refrain from any course of action prejudicial to the privilege which he enjoys.

Although there may have been a few instances in the past where Members may have been a little out of line, I do not think there has ever been an exaggerated case where the Members have embarked upon any course of action which would have prejudiced the privilege which they have enjoyed.

This fight to preserve the freedom of speech has been an ongoing one for many centuries. Quite recently, "**On the 15th of July, 1947, the House of Commons by resolution declared that 'it is inconsistent with the dignity of the House, with the duty of the Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in Parliament or stipulating that he shall act in any way as a representative of such outside body in regard to any matters to be transacted in Parliament; the duty of the Member being to his constituents and to the country as a whole, rather than to any peculiar action or any misguided group of people [section thereof].'**" [ibid. p. 85]

We may compare this freedom to the same freedom of speech that is given to witnesses and officers of the court. What would happen to justice in this country if witnesses were intimidated by the fear that their evidence in court might be a cause for a defamation action against somebody? It is my belief that if we allow this wedge to be put in today, at the next meeting we will have a motion asking to do away with the privilege which the witnesses and the officers of the court enjoy. Then may also come other requests for the removal of other privileges which are enjoyed by Parliament.

There are some people who believe it is funny to attack the Members of the House, and that the Members of the House have no right to reply.

Hon. W. McKeeva Bush: Hear, hear!

Mr. G. Haig Bodden: Some years ago they were in this country—and I am happy they have disappeared—with the idea that freedom of the press only belonged to the people in the press and did not extend to the individual on the street.

For me, this is a sad moment to know that I would have to stand up and defend for my constituents and the people of this country as a whole the right to have their Members uninhibited by any fear and to have them worry

about their debates in Parliament bringing them into a court of law.

I am totally against this Motion, and I thank you, Madam Speaker and Members of the House, for listening to my few remarks. But while the remarks are few, I will let the whole world know that I am deeply concerned that there has been this threat to the freedom of speech in debate, which I believe would undermine all that we have fought for in all the years since we have enjoyed the privilege of representative government.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

Article IX of the Bill of Rights of 1688 (some 300 years ago) provided as follows, and I quote: "**That the freedom of speech in debates and proceedings of Parliament ought not to be impeached or questioned in any court or place out of Parliament.**"

I submit that this Motion is the first of several acts attempting to destroy the traits and principles of democracy in this country, as was quite eloquently put forward by the Honourable Member for Bodden Town who last spoke. It is a deliberate attack on one of the oldest and most important rights which exists in any country, and which continues to exist in all other countries throughout the Commonwealth with the exception of those that have been taken over by radicals and militants who not only destroyed freedom of speech in the House, but destroyed the countries which they sought deliberately to destroy.

Absolute privilege, as it is referred to in law, covers not only proceedings of you, Madam Speaker, and Members of this House, but it covers many other areas are critical and fundamental which in a democracy and to the continuation of the society that we live in.

Gatley on Libel and Slander, the Eighth Edition, at page 158, sets these out: "**There are certain occasions on which public policy and convenience require that a man should be free from responsibility for the publication of defamatory statements [words]. The courts are unwilling to extend the number of the occasions on which no action will lie even though the defendant published the words with full knowledge of their falsity and with the express intention of injuring the plaintiff.**"

It sets out: "**An absolute privilege attaches to the following statements:**". I would like to show how far this ancient right, this ancient freedom, goes. I am reading now from *Gatley on Libel and Slander*.

1) Statements made in the course of judicial proceedings.

2) Statements made in the course of quasi-judicial proceedings.

3) Statements contained in documents made in judicial or quasi-judicial proceedings.

4) Statements made by one officer of state to another in the course of his official duty.

5) Statements made in the course of parliamentary proceedings.

6) Statements contained in reports published by order of either House of Parliament.

7) Statements contained in reports of the Parliamen-

tary Commissioner and in communications between him and a member of the House of Commons for the purposes of the Parliamentary Commissioner Act 1967.

8) Fair and accurate reports in a 'newspaper' of proceedings publicly heard before a court exercising judicial authority within the United Kingdom."

This right which is entrenched in Article IX of the Bill of Rights of 1688 is the most ancient, the most important and the most fundamental right that any democratic country can have. The rights within the courts are equally important, and we well know that if one succeeds in destroying fundamental rights within the court system or the Parliamentary system then, ultimately, one can destroy the country and the society in which they existed. This trend is frightening; it really is frightening.

The law relating to this and the rights relating to it have been very eloquently and capably put forward by the Third Elected Member for Bodden Town. He has very adequately covered many of the areas pointing out that this right always has been, and will continue to be, one of the most important rights that exists in a free society.

Can you imagine, Madam Speaker, what it would be like in this Honourable House if one could not speak freely? What it would be like if one could not vote freely? If witnesses coming before this Honourable House could not have some protection—witnesses before a court could not have the protection which exists? And it goes even further than that, Madam Speaker, because the newspaper that publishes the proceedings of this Honourable House fairly accurately, will also be clothed in the immunity that exists here.

The allegations made from time to time in this Honourable House are fairly minor when you compare them to the United Kingdom's House of Parliament. Anyone that watches C-Span Television for an hour or two will realise how orderly this Honourable House is compared to larger parliaments such as that. So, there is nothing here that would cause any alarm—nothing that is any different now than it has been for the past 100 years in the Chambers of the Legislature, or the Vestry, or any of the other legislative bodies.

The importance of having the right to speak freely is because this Chamber deals with making laws which are the highest form of discipline in this country. The courts similarly deal with decisions that relate many times to very serious and long periods of imprisonment, and could go on to matters which now carry a life penalty, but prior to that carried the death penalty, such as murder. So, there must be preserved the rights that are necessary to ensure that a free democratic society continues.

Balanced against that, which the Third Elected Member for Bodden Town clearly pointed out, is not an unbridled right to say anything one wishes to say within the House. The Standing Orders, and the practice found in May's Parliamentary Practice, sets out clearly that there are limitations to that freedom within this House and the House of Parliament in the United Kingdom. What was said somewhat earlier, the references referred to which must have been 10... well, more than that, probably 12 years ago, relating to missing drugs in the De-

partment which was under the then pharmacist, Mr. Ez-zard Miller, came from the Auditor General's Report at that time. It is not as if this is something, as the Second Elected Member for Cayman Brac and Little Cayman has tried to impute, that was untrue.

I stood up in the House and read 'missing drugs, including hard drugs' that were missing according to the Auditor at that time. I have a right in this Honourable House, or anywhere else, to read or repeat that.

The section relating to other references to another member, Mr. Linford Pierson... Madam Speaker, I will just read here, once again, from the Public Accounts Committee and the Auditor General's Report. At page 34 of his report he states: "**The results of this exercise [which related to underbilling of water charges] confirmed underbilling of \$2,634 on two accounts, plus underbilling of \$1,880 on one other account. These irregularities occurred during the period August 1991 to January 1993 and were attributable to the deliberate manipulation of water meter readings.**" This is nothing that I am making up, Madam Speaker. And at page 5 of the Public Accounts Committee's report it says: "**The result of this exercise confirmed under-billings 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.**"

So, Madam Speaker, I do not understand what the Second Elected Member for Cayman Brac and Little Cayman is talking all about. He, himself has levelled very fierce attacks on Official Members, or on an Official Member, in this House. He has attacked other people. This is a part of the democratic process, provided it is within the procedures of this Honourable House.

But, you know what this is all adding up to is that if one succeeds in destroying the foundation of democracy, then one can push this country into independence and destroy it too; because these rights—which have been taken away in several of the other countries around us, where people who came into the legislature or into the courts stand in fear of speaking what they felt was the truth, speaking without having any worry of being put into prison or sued, those countries are now destroyed. They are in shambles because they have destroyed the right of freedom of speech within this Honourable House which has existed from the Bill of Rights of 1688. Very few rights can be followed back over 300 years. As the Honourable Third Elected Member for Bodden Town pointed out, there were places prior to that which established these rights.

Rights are only so good and no further. Suppose that these rights were removed, but the people who are making the libellous allegations are people of straw. Then you really have no rights against them. So, if somebody stands up... which I had to advise on one occasion about three elections ago, a person running for election stood up on the platform and libelled another person and I had to advise him that if he took that case against that man that he had nothing which he could get from him. Therefore, he would be throwing good money after bad. Should it not then be, to balance this out, and this is the extreme

to which it could go, suppose this was removed and you take a case against a person who has no money to pay, that is as much as not having a right. Or should people then have to take out defamation insurance to ensure that the people of straw who get into politics with nothing and can stand on the floor and say anything with impunity and not worry because nobody would sue them because they have nothing. What I am saying is that this could be taken to extremes.

But those people in this Honourable House have the same rights as anyone else. I believe that we are going to find that over the next 18 months there is going to be an attempt to destroy this and several other of the privileges of this House. I believe that there is a concerted effort on the part of people to attack and destroy democracy in this country. I believe there is a move by the groups that are now forming out there... which the Good Lord help us if this is what they are going to begin putting forward.

I know that the attacks that have been made on me over my last 20 years in politics are mainly because I have been one of the people that has stood in the way of putting this country into independence and destroying it. I will continue to take that stand and to fight for what I believe is right and to preserve freedom of speech and the other rights that, over the past 300 and more years, have made this country what it is today.

What is perhaps sobering and good for the public to hear is a gentleman of the stature of the Third Elected Member for Bodden Town, a gentleman who has served in this Honourable House (although not continuously) for longer than any other sitting Member now, even though the Minister for Agriculture has the longest continuous sitting. He has probably seen many of these fly-by-night arguments put up and he has been able to see the wisdom in not letting them destroy the foundation upon which democracy survives.

If this passes this House now it will then be applied against the courts of this country. If you destroy... and it is very clear the communist approach was always to attack the foundations of democracy, it was to attack what has been in place for hundreds of years and worked. They knew if they destroyed that they could destroy the country.

Matters such as this should never even, in my view, have been put out to attempt to put fear in the people of this country that if they could destroy freedom of speech in this Honourable House and destroy it in the courts, then the country must of necessity suffer, and, I submit, be destroyed as well.

I think the Motion is ill founded. There is too much destruction around us where misguided members of other Houses have put forward this communistic approach and they have failed and been destroyed. So I would ask this Honourable House to protect freedom of speech here, protect freedom of speech in the courts of this country and protect democracy. I know that the people of this country can then sleep comfortably, knowing that we will continue as we have done in the past to have a free country. That is what it is all about—to continue to have a free country.

Thank you.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Confucius, the great Chinese sage and teacher, in his *Analects*, the 13th book, relates a story where he was travelling with his students and they came upon a village that appeared in total destruction and chaos. Sitting by a wall, he met a woman weeping with great travail and conviction. Confucius asked the woman why was she weeping so, to which she replied that there was a man-eating tiger running amuck and the tiger had on the first occasion eaten her brother, then her father and on the third and subsequent occasion, eaten her husband. To which Confucius asked, "But why, lady, do you not leave this place?"

To which she answered. "Because here there is good government. There is a government who respects the people, a government in whom people can put its trust and a government which, when it speaks, speaks for the people and of the people. If I leave, I will leave all that behind, so I prefer to stay and run the risk of being eaten by the tiger."

Confucius took the opportunity to tell his students what the woman meant by good government. He told them that three principles make up a state that is governed well: A well-drilled army, an adequate supply of food, and the confidence of the people. They asked him if he had to sacrifice these things which would he sacrifice and he told them the last quality that he would get rid of was the confidence of the people.

Madam Speaker, any government whose representatives come to Parliament, where they are protected by certain immunities and privileges, to castigate and defame and attempt to destroy the very constituents who put them in the positions of trust—for it is that we hold these positions in trust for our constituents—is not good government.

I do not care how many insinuations are made about radicals, about independence, as could be expected from the last speaker, this issue has nothing to do with radicalism or independence or destruction—it has plainly, Madam Speaker, to do with respect and an interpretation of the trust and faith which our constituents put in us.

I just want to take time to say that those references are like an old hat which will no longer fit. I would like to see how mischievous people are going to attempt to use them in the next 18 months to extend their tenure. For I guarantee you this time, they will not only be buried, but they will be cremated.

This Motion is nothing but an attempt to instil a sense of dignity, a sense of fair play and a sense of responsibility in us as legislators. While I concede that sometimes there is a tendency to be retaliatory, there is a tendency to strike out against people who say untruths, who write unflattering and unfounded allegations and make unwarranted comments against us, we, as legislators and as the trustees of the people must rise above

that.

This is a good point to interject: that in every reference where I have come across this whole debate and where people have explained and expounded their positions with regard to privileges, there is absolutely no justification given for this abuse. This is the quintessential point being made by this Motion.

We are cognisant of the fact that privilege has its specific design and role. We are also cognisant that abuse of privilege is equally bad—if not worse—than having no privilege at all. I fail to see, it escapes me, how someone can justify that they are correct in perpetrating defamatory statements because they read them from a text offered by some other people.

You know what I find peculiar, Madam Speaker, perhaps it is so basic that it escapes many people. Each of us, and every one of us, is given to having public meetings from time to time. Why is it that those people who are so bold and so quick to make these kinds of statements inside here, why is it that they do not make them at the public meetings?

You know why, Madam Speaker; I know why and they know why. Because there is no privilege there, and they could be held to account. As to the suggestion that constraints are levied by the Chair, quite true in theory, but what a pity that the Member did not add that the Chair itself comes under some of this abuse from time to time and meets with some of these obnoxious challenges.

Freedom of speech means freedom with responsibility. It is a sad moment indeed when we as representatives and trustees for our constituents use our position to flog them, to castigate and to defame them.

Too often, much too often are the occurrences where Members of this Honourable House take off on civil servants, on members of the public who have no recourse and no right to the same forum—indeed, who are impotent to do anything other than write a letter to the editor, or privately raise a query. Is this democracy? Is this freedom as we would wish it to be? Or is this abuse of the exalted positions which we hold?

I am convinced that the ultimate decision as to the discretion or indiscretion of Honourable Members of this House when it comes to the abuse of privilege will be made by those for whom we hold these positions in trust.

It cannot be right, it cannot be ethical, it cannot be morally sound when the very people who send us here are on the receiving end of our wrath and our ire and vitriolic comments.

Madam Speaker, the disposition of Honourable Members on this Motion will speak for itself, and in spite of the insinuations and the attempts to link this, as has been the custom, to some non-existent imaginary plot, the people will know better. The people will understand that they would prefer circumstances to have not reached this point, but they realise that if some sobriety is not restored, they realise that if a halt is not put then the totalitarianism which was alluded to... and, by the way, the dictatorship does not always come from the masses. The dictatorship can come from the elite as well and it is equally as dangerous. The people understand that this

too is a great danger. No one can argue that democracy in its truest form was meant to be bastardised, was meant to be polluted and contaminated by the representatives of the people turning piranhas on the people who put them there.

It does not matter who offered what report, the fact is that it is unsavory, it is wrong and it is not in the best interests of democracy to embark on this type of behaviour.

I will leave the Motion to the disposition of those Honourable Members who have consciences and who dare to exercise those consciences with the warning that what goes around comes around.

Like the Chinese say: "He who murders is murdered in his turn."

Thank you.

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

Hon. W. McKeever Bush: Madam Speaker, I do not propose to be long because I think that the time taken on the Motion before the House could have been better used to debate some of the other resolutions on the Order Paper.

I have no doubt that the two Members who brought the Motion are well aware of the damage to the conventions of Parliament which have been entrenched since the Magna Carta, if we adhere to their Motion.

I think this exercise of debating this Motion is another way for the Opposition to try to put down the Ministers of Government and our supporters, while at the same time trying to vindicate their political allies.

It is true that we as Members of this House should not abuse the privileges which are the foundation of free speech in this Legislature. All of us, including the two Opposition Members and especially including the Member who just spoke, need to be more sensitive to the feelings of others. When I say all of us, including the Member who just spoke, I include myself, Madam Speaker, because I am not too big to say that at times we are rash with what is before us, or when Members attack us, or when the political would-be-candidates on the outside attack us.

Many times, Madam Speaker, as happened just awhile ago, Confucius is quoted. But Confucian thought, according to one writer, is characterised by a spirit of humanism, moralism and rationalism. It is concerned with human relations upholding humanity or love as its highest value.

Madam Speaker, the truth is that the Opposition should stop being hypocritical. They should shake off their cloak of hypocrisy! What I object to in this Motion... the Members want to protect their political allies, perhaps I would do the same—it is getting close to the elections and we see politics being thrown into everything that has been done in this country. I have never seen so much politics, Madam Speaker, such a far distance away from the General Election.

I really object to this accusation that the general

populace is being lambasted or criticised, or their characters are being assassinated in this House to the extent that we now have to change the Law on Privilege in the Legislature. Nothing can be further from the truth. The Opposition is trying very hard to let the public believe that every meeting of this Legislature is characterised by the slandering of some citizen out there. It is so far from the truth that it is a pity that the resolution is before us.

Madam Speaker, it is true that some people write letters, or let us say there are many letters written—some signed and some unsigned. Speaking for myself, Madam Speaker, if I have mentioned any one or two persons—and I do not give some of them the credit of mentioning their names in this Legislature—but at times there are people who have the ability to write things very vicious to make Ministers look bad in the worst way. People say all sorts of things against the policies of Government, and there is no motion or law brought to this Legislative Assembly to attack anyone in particular when we are dealing with issues before the House when an opportunity arises to straighten out something that was said or put forward by one of these letter writers. And what makes it worse, Madam Speaker, is when we know that the letter writers are either political "has-been's" or political "would-be's", or candidates, in other words!

Must we allow them to trample all over us? Must we allow them to say all manner of evil against our policies, or when we debate the Budget, the Throne Speech or some other major piece of business before the House? Should we not rectify it?

I have not chosen to defy anyone's character. If I am attacked I defend myself at most times as vigorously as I can. I have never heard anyone's character defamed to the extent that evidence was not put before the House. The one time that I thought that something could have gone as far as defamation or libel was in the Auditor General's Report. And if they have an issue, then they should take it up with the Auditor General. Ask him where he gets his information? But it is not that Ministers of Government or Backbenchers of the National Team come here with any predetermined law or motion to wreck anyone's character.

Madam Speaker, I know the rules of the House as good as the next man, and better than many. I know when the rules are adhered to, and I know when I am being pushed. I have been here long enough to know when I am being pushed. But for all of that, sometimes I let it go and other times I do not.

Now, Madam Speaker, there have been many efforts to try to get the Speaker to be at odds. I have seen that in one of the letters written by one of the persons who this Motion is supposed to protect, when she questioned your authority. You never heard anything about that from the mover? You heard that some Member was questioning her business. You never heard that she on the outside was questioning the Speaker's authority and what was allowed to carry on. Oh No! That is all right.

But if Members defend themselves and perhaps if the Speaker had choose to defend herself against that particular letter they would have heard the same thing today, Madam Speaker. You would have heard the same thing.

They are going to be candidates in the election, there are no two ways about it. We know what is going on, but that is their business. I suppose, Madam Speaker, that when the time is called, when the bell has rung, the spotlight will be well shed on

some of those would-be candidates. I do not think that the Members need to go as far as they are trying to go, because I do not think the situations that arise warrant it. Yes, people's names have been called, but they are people who attack Ministers and other Members of Government and attack people who cannot defend themselves. I challenge anyone on the Opposition to get up and read one part of any *Hansard* where they can say, McKeeva Bush maligned any civil servant.

If they want to bring an example where civil servants were maligned and they should not have to go back because they were Members of the House, they only have to see what Ezzard Miller used to do other members of the Civil Service, including doctors. Yet they bring this Motion purporting to defend Mr. Miller.

I recall how much the now Director of Tourism, Mrs. Martins, suffered in this House by Mr. Miller at that time, because I used to rise to her defence. I also recall, Madam Speaker, how the present Chief Secretary, the First Official Member, used to be challenged, and if he was not maligning him it was very close to it, the same Second Elected Member for Cayman Brac and Little Cayman, the Mover of this resolution. They have the audacity and the temerity to come here and talk about the Government.

Madam Speaker, what is so bad about the whole thing is that they are trying to make the whole world believe that every citizen in this country has something to fear by this Legislature—except the two of them, of course. It is ridiculous! How about when the same Mr. Miller stood in this House, and others with him, and maligned the character of the Auditor General because of his investigations; when the First Elected Member for Bodden Town was the Chairman of the Public Accounts Committee and had to work closely, hand-in-hand, to get his information. Have they forgotten it? They believe that the people of this country have forgotten what when on from 1989 to 1992. That is why they believe that they can bring a censure motion and all these things to try to destabilise the Government.

Time could be well spent if they wanted to do something about the other problems that Government is having a hard time dealing with. In truth and in fact, we could use some of their expertise, if they have it, to assist us. I tell you, Madam Speaker, that I may be many things, and I know that I am called many things, but one thing that I am not is a hypocrite, because I know that hypocrisy is the greatest sin and I do not know if there is any redemption for those people who cloak themselves in the cloak of hypocrisy.

Madam Speaker, there are no personal attacks on the good people of this country, the citizens in general, there are none. Many times Members will get up, Government and Backbenchers and laud our people and talk about their problems, but the general populace is not maligned. There are only a few people's names that have been called or a few situations that have been mentioned. To suggest that democracy is being thrown out, that all of this bad work is going on in this Legislative Assembly is only putting down the good name of the Cayman Islands.

Madam Speaker, I do not have a lot of the *Hansards* with me, simply because I did not bring them today, but you can believe that I have in my records of when things were said in this Parliament. Let the House know this: there are avenues for those of us Ministers who will not be able to speak in closing to defend themselves by bringing in the *Hansards* to show what was said years ago about civil servants and other people.

Madam Speaker, I will close by repeating what I began with: All of us need to be more sensitive to the feelings of others. It is not a one sided thing. It is not just Government, it is the Opposition as well. I do not believe that any of us wants to see these laws that have been around for four, five, six or seven

hundred years... which are really not causing the problems—it is not the law, it is Members, it is the people. And all I say to the Opposition is that they should adhere to the same things that they are trying to tell the Government to adhere to. I cannot support this Motion.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.37 PM

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 6/95.

If no other Member wishes to continue the debate, would the...

The Fourth Elected Member for George Town.

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

Madam Speaker, as I listened to both sides of the debate on the Motion, I was sitting in my usual precarious position on the little four inch thick fence that I am said to be sitting on at all times. I was getting a bit uncomfortable, and every time I leaned one way or the other I felt as if I was going to fall off.

I suddenly realised that inasmuch as there are varying arguments for and against the Resolved section of this Motion, an astounding truth has come out this afternoon. It was stated by the Honourable Minister for Sports, Youth Affairs and Culture, when he said the truth is all we need to be more sensitive to others whenever we are rebutting points, or are simply on the attack.

Madam Speaker, the truth of the whole matter is that whenever occasions occur, which might give rise to some individual's feelings that a motion like this needs to be brought to this House, it is always whenever anyone strays from the issue at hand that is being debated.

The first time that I sat in this Honourable House was on the 25th day of November 1992. When the oath was taken I felt a great sense of pride; simultaneously I felt a deep-seated humility. But what came after that was the scare of my life, because I suddenly understood the responsibility that went with the oath. I daresay that it is my personal view that when I sit on that very narrow fence it is because I hold that responsibility to the people of this country very dear to my heart.

Madam Speaker, there are those who have expounded, by way of history and otherwise, on what is termed to be the danger in allowing the passage of this Motion. The difference with me is that I have not had all the time in the world to develop many battle scars to form opinions about people and to think who may or may not be a communist. I simply deal with each issue as it comes to this House, and I think that it is really more than I should be doing. Should I try to pre-empt peoples' thoughts going beyond what I see here in the Legislature?

Now this Motion is calling for this Honourable Legis-

lative Assembly to agree that section 3 of the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised), be amended to provide that this immunity shall not extend to personal defamatory statements made by Members of the Legislative Assembly against members of the public who are not Members of the Legislative Assembly, and that civil or criminal proceedings may be instituted by members of the public where this provision is breached.

Madam Speaker, I, for one, will be able to coexist with the other Members in this Honourable Legislative Assembly whether section 3 of that Law remains as it is or is amended as is being asked for, simply because one of the things—even when people may think that I should be more forceful—that I pride myself with is that I do my best to stick to the issues. I do my best to deal with them from an informed position because I believe that is exactly what this job entails—nothing more, nothing less. Everybody wants to do a little bit of showboating sometimes, but there are limits to that.

Madam Speaker, if we look back historically, as the Minister for Sports, Youth Affairs and Culture quite rightly said earlier in his debate, and he said words to this effect: 'I daresay that had I been in the position that the Mover and the Seconder are in, I might have been doing the same thing.' Of course, I understand that his position is not that one, so he certainly cannot defend the Motion as it appears.

As I was saying, historically what really happens is whoever has the upper hand tends to fire a little bit more freely simply because there is always security in numbers. When the tables have turned, those in the minority tend to feel persecuted because they will naturally hear more voices going against them than they may produce going for them. That is fairly obvious. I come back to what was said for the Minister for Sports, Youth Affairs and Culture about being more sensitive towards other.

Madam Speaker, one of the very important things that has come out in the debate this evening—and I sincerely hope that all Members (myself and the other 14 included) take heed—is with regard to the words "being more sensitive". You see, while we try to be correct by way of statistics and we may choose to say that if we added up the different names of people who have been called names by other Members in the House compared to the entire population, they are certainly in the minority. The truth of the matter is that when this happens it has a domino effect on the public. Regardless of whether it is the Opposition who is throwing the punches, or whether it is the Government who feels justified by a letter in the newspaper, or some other comment made by someone to retaliate, people who are outside of this forum do get a distinct feeling that you cannot say this, or you cannot do that because they will climb all over you.

I say that by experience, not by anyone saying to me this is how you should think, because people have come to me and said, "I do not like what is happening but I am afraid to say anything."

I would say; "Well, what gives you that impression?" Then I hear, 'Well, you notice this one wrote a letter

and this is what happened.'

While that is the way it has to be sometimes, I simply make the point that the truth of the matter is—even though by number it may well be able to be called isolated incidents—the truth is, coming from this forum it has more of an effect than ordinary street talk. This forum is the nucleus of where the Laws are made in this country. This forum, I daresay, actually tends to dictate behavioural patterns in the people of this country because they hear how we act and they hear what we do, and they take that for the norm.

So, Madam Speaker, we can be talking on either side of this issue that we may choose. It is obvious that the Government feels that the Motion is directed at some actions on their part which are wrong. Naturally, they are going to defend that and say that it is not the case, that the so-called Opposition who has brought the Motion is doing so because they feel that this is their only method to bring this out and they get a chance to debate their points. And it goes back and forth. But in all of that I would asks us all to remember that when it is all over we still have a job to do.

To retain a hold is not something that I could sensibly say does not matter to people or should not matter to people, that is really a pie-in-the-sky statement. It would also be pie-in-the-sky to say that one should not expect those who have aspirations not to make attempts to get a hold on them too. Unfortunately, I guess that is what we have to live with within the system we have, and it is sometimes very difficult for us to temper the balance between those aspirations or the given, along with what we know is right and best for all of us concerned.

Madam Speaker, if we are to really talk about this Motion in the political sense, we could line up all the ducks and find out that the arguments come from political opponents going at each other and questioning the other person's credibility or the ability to do his job, or sometimes their integrity.

I personally wish that we did not have to deal with it like that. I have slowly but surely learned to accept that it will not change, but I would sincerely like to believe that it is possible for us to be able to strike a balance where we can coexist.

Madam Speaker, I am not trying to be a peacemaker sitting on that little fence. But the truth of the matter is that even if numbers deny the passage of this Motion, there is merit to the Motion; not about justifying what one of us may say, and not about whether the Opposition is right and the Government is wrong or vice versa, but about the fact that we should learn not to take our politics the extra mile, as has been happening all around us, and learn to be able to do what we have to do within reason and still end up being able to do what is best for the country.

One might say that this is easy for me to say, but difficult for me to do. I accept that, and respect the thought because prior to being in here I was able to look at things in a very different light and felt a freer to speak on issues in different ways. Ever since I have been here, it seems like everyone wants you to take a position and

you cannot stand and freely discuss the pros and cons of something and hope that by general consensus we can come up with the right decision—we seem to have to take a position. Likewise, with this Motion before us, I would have liked to have been able to discuss unencumbered—to be able to sit down and sensibly try to understand the basic reasoning behind either having it or not having it. But the truth is that even when the arguments come for it or against it, they are aligned with their own reasoning—and I can detect that even when it appears so. I really do not think that I am an idiot, I think I have the ability to assess what I hear.

Having said all of that about the Motion, Madam Speaker, purely as a matter of purpose because of the way that I believe we should be dealing in this House and having no thought towards who likes what or dislikes what about it, the fact of the matter is that I personally believe that what the Motion is aiming to achieve is how we should be operating (counting myself and the other 14 Members). And whether the incidents are deemed isolated or not, I have seen too many in my time here where I think people have gone overboard. That is not counting any one side of the House, that includes everybody including myself. I believe that, if nothing more, we should learn from this to be more tempered in our dissertations. Therefore, for what it is worth, whether it is liked or not, I support the Motion.

Thank you.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: It is nearly 4.30 pm. I doubt if any other Member would want to take one minute. I would ask for a motion for the adjournment at this time.

The Honourable Minister for Education and Planning.

ADJOURNMENT

Hon. Truman M. Boddén: Madam Speaker, I move the adjournment of this House until Wednesday morning at 10 o'clock.

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 Wednesday morning at 10 o'clock.

AT 4.29 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 7 JUNE 1995.

**WEDNESDAY
7 JUNE, 1995
10.19 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, forever 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.

APOLOGIES

The Speaker: I have an apology from the Third Elected Member for Bodden Town for his absence. He is not well and we hope that he will improve.

Continuing with the Orders of the day, deferred question No. 94, standing in the name of the Fourth Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

DEFERRED QUESTION NO. 94

No. 94: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to provide an update on developments of the proposed national stadium project in Spotts.

The Speaker: The Honourable Minister responsible for

Community Development, Sports, Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, there is no national stadium project.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

I wonder if the Minister would then be able to clarify the nature and name of the project in Spotts where Government recently purchased several acres of property?

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

Hon. W. McKeeva Bush: Madam Speaker, the name of the project is the National Sports and Recreation Centre, that is public knowledge, and everything about it is public knowledge already.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, notwithstanding the answer the Honourable Minister just gave about everything being public knowledge, I wonder if he would be in a position to enlighten us somewhat regarding exactly where the project is now, and what the immediate and long-term plans for the project are?

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

Hon. W. McKeeva Bush: A response from the neighbouring properties was required. Polling was done by the Public Works Department on 23 January 1995, and they received 62 approvals, 11 objections and 47 were returned mail.

The Central Planning Authority required 89 approvals before the plans could be submitted. A door-to-door survey was then done. Outlined Planning approval was finally given on 17 May 1995.

Madam Speaker, the balance of the question is also public knowledge. I have no further information with me than what I have given this morning.

The Speaker: The Fourth Elected Member for George Town.

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

wonder if the Minister could say when any physical construction may start with the project since there is outlined Planning permission given?

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

Hon. W. McKeeva Bush: Madam Speaker, I have already said that everything else about this project—its phases, what we intend to do—is public knowledge. I do not have the information here. It has been given in statements, written in the newspapers, said on the radio, said on television, and Members have chosen to bandy it about as they please. I do not have any more information, Madam Speaker, that is all I have this morning.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I would just like to say that the reason for my question is simply because many things have changed due to factors that might have either not been taken into consideration or were not known about before. So, while the Minister's answer may be that it is public knowledge, I ask the question—and I ask it again, and I will rephrase it: Are there any changes to what has been publicly said regarding the immediate and long-term plans for the project?

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

Hon. W. McKeeva Bush: Madam Speaker, I have told the Member that I have given him all the information I have. Everything else about the project remains the same. Its long-term and short-term plans are all public knowledge. I do not have any more information from what I have already given.

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 Third Official Member responsible for Finance and Development how much money has been repaid on the loans of US \$5 million and US \$2.117 million, respectively, borrowed by the Civil Aviation Authority.

The Speaker: The Honourable Third Official Member.

DEFERMENT OF QUESTIONS NOS. 95 & 96

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 23(5), I would like to ask the leave of this Honourable House that the answer to Question No. 95 be deferred until a later sitting during this meeting. I would also like to ask that the same be done

for question No. 96, which is asked by the same Elected Member.

The Speaker: The question is that the answer to questions 95 and 96 be deferred until a later sitting of this meeting. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The answers to the two questions have accordingly been deferred.

AGREED: QUESTIONS 95 & 96 DEFERRED.

The Speaker: The next question is No. 97, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 97 *Deferred*

No. 97: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to provide a breakdown of the number of people by district receiving financial assistance from the Government.

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

Hon. W. McKeeva Bush: Madam Speaker, in accordance with Standing Order 23(5), I ask the House to defer the answer to this question to a later sitting during this meeting. The information is not yet ready.

The Speaker: Accordingly, as moved by the Honourable Minister, the House is being asked to agree that the answer to question 97 be deferred until a later sitting during the meeting. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The question is accordingly deferred.

AGREED: QUESTION 97 DEFERRED.

The Speaker: The next question is No. 98, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 98

No. 98: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if any requirements are imposed in the licences granted for television in these Islands to date for television service for Cayman Brac and Little Cayman.

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

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

In relation to broadcast television, which is available to the public at no cost, the requirement to service Cayman Brac and Little Cayman is not specifically stated in either of the two licences currently in force, but is implied by: 1) the 'licenced area' being defined as the Cayman Islands; and 2) the requirement that '... the licensee shall ensure that the transmission output of the telecommunication service shall at all times be no less than that required for a clear image and clearly audible signal to be available throughout the licenced area ...'

In relation to subscription television, which is available only to those persons who subscribe to it for a fee, the requirement to service Cayman Brac and Little Cayman is specifically stated in both of the licences currently in force in that the licensee is required to provide a minimum of five channels.

SUPPLEMENTARIES

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

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

Could the Honourable Member say if the clauses contained in these two licences are a direct deviation from the first licence which was granted to CITV, the ill-fated television station that went down when these two stations took precedence over it, in that supplying Cayman Brac was not a definite requirement of that licence?

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

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

Madam Speaker, the licence for CITV was, in fact, executed before my time in the Portfolio and I do not have the specifics. But, as I recall there was a definite requirement for CITV's licence to supply television services to Cayman Brac and Little Cayman. It may be that there is a deviation, but I am afraid I do not have that information.

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

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Member say if, in fact, CITN is not really required to give service to Cayman Brac? And whether or not Cayman Brac and Little Cayman get television is if they are subscribers to their signal, be it for whatever and however many channels?

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

Hon. James M. Ryan: I wonder if the Elected Member could clarify that a little more. I am not really sure what he is trying to determine.

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

Mr. Gilbert A. McLean: Madam Speaker, in the substantive answer it says: "**The requirement to service Cayman Brac and Little Cayman is not specifically stated in either of the two current licences in force. But it is implied by the licenced area being defined as the Cayman Islands.**"

My question is . . . in fact, it is implied according to the answer . . . but is it really in practice that the licensee is required to provide the service to Cayman Brac and Little Cayman? Or is it based on whether there are subscribers to their signal on the two islands of Cayman Brac and Little Cayman? Is it dependent on that?

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

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

I think if I could go back to the substantive answer that I gave, the requirement is only implied by the fact that the licensees are required to supply television services to the Cayman Islands.

The specifics of it come under the MMDS, the actual subscribed part of the television where subscribers have to actually subscribe. But it is my understanding that the matter of television to Cayman Brac is now moving ahead and that the broadcast television which is a free channel will be there and, of course, the MMDS, which does not really fall under my Portfolio, the cable television, will be offered to subscribers. I am not sure if I have answered the question, perhaps we will see.

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

Mr. Gilbert A. McLean: Madam Speaker, in the substantive answer it also says: "**The licensee shall ensure that the transmission output of the telecommunication services shall at all times be no less than that required for a clear image and clearly audible signal to be available throughout the licensed area [which means the Cayman Islands].**"

Madam Speaker, it is my understanding that the signal which emanates from the transmitting device here in Grand Cayman is not capable to cover Cayman Brac and Little Cayman. That being the case, that Government has overlooked being specific that Cayman Brac and Little Cayman should have television service, did they not in granting these licences give these two companies a better deal than they did the pioneering one who had to provide that service for Cayman Brac and Little Cayman?

My understanding is that in providing that service it went bankrupt.

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

Hon. James M. Ryan: Thank you, Madam Speaker. As I said earlier I do not have the information on the earlier television company (CITV, the original one), and it is difficult for me to compare without actually having the information on that.

But regarding television in Cayman Brac and Little Cayman, it is my understanding that the free channel is available in some form in Cayman Brac, although I must confess that I have not actually seen it. The Honourable Member may be familiar with the signal that is received over there and have specifics on it, but I have not actually seen it. I have not actually had any complaints from the Sister Islands about it, or the lack of it, as the case may be.

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

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

Madam Speaker, I have certainly had complaints regarding the transmission of television from Grand Cayman to Cayman Brac and Little Cayman.

I would like to ask the Honourable Member if he would look into this matter to determine if Cayman Brac and Little Cayman are not being left out (as they should not be), and that Government will take a decision that these television companies must provide similar services to Cayman Brac and Little Cayman so they will be within the bounds of the contract and licence which Government has granted them.

The Speaker: The next question is No. 99, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, just before I ask the question could I ask the Honourable Member if he would give an undertaking to—

The Speaker: I am sure that he will, sir. That is why I did not press him to reply.

QUESTION NO. 99

No. 99: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is Government's policy on ensuring that competition exists in television service in the Cayman Islands.

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

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

The Government has no policy that ensures competition in television service or any other service in the Cayman Islands. The Government is appreciative of the benefits of competition, but does not consider it appropriate in a free market economy such as ours to actively

promote the duplication of entrepreneurial initiatives to obtain a competitive environment. At the same time, the Government does not normally grant exclusive licences, and neither of the existing television licences is exclusive.

SUPPLEMENTARIES

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

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

Would the Member say if one company claims to be operating services for two separate licenses in the Cayman Islands at this time?

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

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

Government has issued two licenses—one to CITN and the other to CTS, that is the extent of the information that I have on the matter.

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, as far as Government's knowledge of this operation goes, these two companies are operating services separately in the Cayman Islands? I assume it would be stated in their licence granted by Government.

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

Hon. James M. Ryan: Madam Speaker, I would assume that they are operating separate services. They each certainly have a licence to operate.

The Speaker: The next question is No. 100, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 100

No. 100: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if Government has issued any regulations or guidelines to television licensees in the Cayman Islands to ensure that political opinions put forward by Government officials are properly balanced by officially recognised opposition views.

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

Hon. James M. Ryan: Madam Speaker, the broadcast licences issued to local television stations place on the licensees "an obligation to afford a reasonable opportunity for the discussion of conflicting views on issues of public

importance.” There are no specific requirements for the licensee to ensure reciprocity of opportunity to holders of political office.

SUPPLEMENTARIES

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

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

Would the Member say if Government's interpretation and understanding of section 12 of the Broadcasting Law 1977, subsection (d), which says: “**It shall be the duty of the licensee to ensure that the programmes broadcast by him (d) include no discussions or debates where persons taking part express opinions or put forward arguments of a political character which are not properly balanced by other opinions**” takes the form of what obtains in the Legislative Assembly where the Speaker presiding ensures that there are balanced views and opportunities and that the whole concept of balanced political views relates to that from a legislative perspective?

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

Hon. James M. Ryan: Thank you, Madam Speaker. I tend to think that I am being asked to give an opinion, and I do not know if I am in a position to do that.

The Speaker: I do not think it is an opinion, Honourable Member, since the licences are being issued by your Portfolio. I think that an answer is required. If you cannot give an answer at this time, perhaps later on you may do so. But if a licence is being issued under a specific Law and there are specific provisions laid there, and someone is asking if that has been brought to the attention of the licensee, then I do not think that there is a matter of opinion arising in an answer to be given to the Member.

Hon. James M. Ryan: Thank you, Madam Speaker. In that case, I would undertake to give a written answer to the Member.

The Speaker: Thank you.

The next question is No. 101, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 101

No. 101: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works if Government has taken steps to restrict the use of public docking facilities by local watersports operators.

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

Hon. John B. McLean: Thank you, Madam Speaker, the an-

swer to the question is yes.

SUPPLEMENTARIES

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, at this point in time, to give any reason for this restriction?

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

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

A restriction was placed on the White Hall Bay facility for two reasons: 1) for repairs necessary from damages caused by the watersports operators; and 2) some restriction had to be placed on a certain area of West Bay next to the public beach because of operators who were driving down and causing a lot of beach erosion.

However, I would point out that Government is presently working along with the operators in an effort to upgrade the facility in the South Sound area that will be more or less to their disposal.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I am grateful to the Minister for advising us of that recent development. I wonder if the Minister is in a position to say if Government is investigating the possibility of working along with the operators to see if there is any other facility that might be provided in the other areas where the restrictions are, so that those people operating in that area may have something somewhere to use?

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

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

There has been constant talk between these operators in question and the Government trying to come to a solution that will be favourable to themselves and indeed the general public. We also have to take into consideration that there are many fishermen, especially here in the White Hall area, and that there has been conflict with . . . as a matter of fact, the facility there was built for the public and mainly the fishermen in that area, who have suffered as a result of the watersports operators operating from there.

The Speaker: The next question is No. 102, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 102

No. 102: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what is the policy of the Public Works Department regarding the purchasing of aggregate and fill.

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

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

The rock marl and chip materials are purchased from whoever can supply the proper material at the best price in the time allowed. Purchase Orders are issued using normal purchasing procedures.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

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

Would the Minister be able to tell us if, whenever any of this rock marl or chip materials are needed by the department, all the providers of those materials are advised, or is there a line of communication whereby everybody knows what is needed, when it is needed, so that everyone has a chance to bid?

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

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

There is only a handful of individuals on the island who actually provide chip material or marl. It is my understanding that the Public Works Department is constantly in contact with these individuals and, as pointed out in the question, it is those who are able to deliver at the time of need and at the best price.

The Speaker: That concludes Question Time for today.

We proceed to continuation of the debate on Private Member's Motion No. 6/95. [pause]

If there is no further debate, I would ask the Mover of the Motion, the Second Elected Member for Cayman Brac and Little Cayman, if he wishes to exercise his right of reply.

OTHER BUSINESS PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 6/95

AMENDMENT TO THE LEGISLATIVE ASSEMBLY (IMMUNITIES, POWERS AND PRIVILEGES) LAW (REVISED)

(Continuation of debate thereon)

Mr. Gilbert A. McLean: Thank you, Madam Speaker for the opportunity of being able to reply in respect of Private Member's Motion No. 6/95 entitled: Amendment to the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised).

Madam Speaker, the first point that I would like to make is that this Motion is not asking that the privilege that the Parliament in the Cayman Islands enjoys be removed in any part of the resolve. It asks for a specific amendment to that privilege of the House where it would set a limitation on the immunity so it would not extend to

personal defamatory statements made by Members of the Legislative Assembly against members of the public who are not Members of the Legislative Assembly, and that civil or criminal proceedings may be instituted by the members so defamed.

Madam Speaker, when I moved this motion I noted that I had researched this matter of privileges in Parliament from various authorities and authors of texts which offer the very best concepts on it. These all noted—without fail—that immunities and privileges are necessary under the Westminster style of government in Parliament so that legislators may speak without fear of persons who might threaten them, and so on.

They can speak with the knowledge that they are protected to best represent the views of the people whom they serve. In serving those people, it cannot be by attempting to defame them in the Chamber of this Legislative Assembly.

This Motion speaks of an amendment to deal specifically with what takes place all too often in this Legislative Assembly—that of castigating and defaming members of the public. What happens here, all too often now, has become like a syndrome for some Members in this House. The names of citizens are used in here like we would use the term “Erskine May,” which is largely looked upon as the bible of parliamentary procedure.

When we refer to one another, Madam Speaker, the Standing Orders require that we identify those persons by their office or by the district that they serve. We do not even use each others' names! In fact, Madam Speaker, if one of us uses the name of another Member in this House, the Chair intervenes in every case to remind Members that it is not permitted. That is to maintain good temper and, indeed, to remove ourselves as far as possible away from personal attacks, individual to individual. Even more so, the Members of this House should not use the names of citizens of this country, the way it happens here so often, to castigate and defame them.

Madam Speaker, the Third Elected Member for Bodden Town expressed great concern that such a Motion would even be entertained in this House. Motions like this have been entertained in many Houses of Parliament, including the mother of Parliament, the House of Commons, where it has been referred to the Committee of Privileges and Select Committees to see whether it would be wise to amend these privileges.

There are reports of Select Committees on it because even there they have the type of situation (I am sure much less than we do here) where Members indeed castigate members of the public.

The Minister for Education and Planning says that those of us who see the House of Commons on C-SPAN would know that what happens here is very gentle and that we are not as vociferous. I do not believe for one minute, Madam Speaker, in the whole idea of being vociferous in the first instance, or having a need for vociferousness.

The idea that such a motion should not even be entertained is absurd to say the least. This question of privilege in the Legislative Assembly or in Parliaments in the

Commonwealth often comes up for debate at seminars and otherwise. But still the authorities say that it is necessary.

This motion asks to deal with certain specific things: If a Member deliberately gets up to defame a member of the public, then that member of the public has the right to take legal action as he would if this was being said from a political platform.

My colleague, the First Elected Member for Bodden Town, made that point yesterday, that what Members say in here about individuals they do not say at their political meetings because they know very well that they would have to face people in court.

The people who write letters to the press being critical of government or a particular Minister have no immunity. It is a criticism, but not one that defames their character. Is it so much to ask that a Minister or a Member write a letter in reply, or play on an even playing field where they respond to the person similarly? Why is it that the Government does not respond with the facts on the matter through the press or otherwise, to letters that may be critical of a Minister or of Government policies? [Rather], they come in this Legislative Assembly to attack the person here personally.

That is what the motion is asking for, Madam Speaker, to put an end to that.

Madam Speaker, it has become more pronounced since the time of this present Government—because the chief offenders are Ministers of this present Government (some of them) and some of their Backbench supporters. It includes civil servants that are simply carrying out their duties as they are instructed to, and it includes members of the public.

Madam Speaker, the Minister for Education and Planning, in his usual manner seems to be somewhere in space talking about things that are utterly and absolutely unrelated to this motion. For he started out... and I did not interrupt as I felt I could have, on a Point of Order, which I believe the Chair would have taken... he went on making innuendoes and all sorts of defamatory remarks regarding me the Mover, and the Seconder of the Motion. Other than that, what he does best is giggle and talk—as he is doing now—with his colleague.

He began by saying, and I read from the transcript, Madam Speaker: **“I submit, the first of several acts which are attempting to destroy the traits and principles of democracy in this country. It is a deliberate attack on one of the oldest and most important rights that exists in any country, and which continues to exist in all other countries throughout the Commonwealth, with the exception of those that have been taken over by radicals and militants who not only destroyed freedom of speech in the House, but destroyed the countries which they sought deliberately to destroy.”** [Official Hansard Report 5 June 1995]

That is the rambling of the Minister for Education and Planning.

Then, Madam Speaker, at another point he talked about the rights of speech: **“This right, which is entrenched in Article IX of the Bill of Rights of 1688 is the most ancient, the most important and the most fundamental right that any democratic country can have. The rights**

within the courts are equally important, and we well know that if one succeeds in destroying fundamental rights within the court system or the parliamentary system then, ultimately, one can destroy the country and the society in which they existed. This trend is frightening; it really is frightening.”

I agree, this country should be frightened—of him!

He says: **“The allegations made from time to time in this Honourable House are fairly minor when you compare them to the United Kingdom's House of Parliament.”**

Madam Speaker, I am not here comparing anything with the United Kingdom's House of Parliament. I am speaking about what is happening in the Cayman Islands, and when he talks about Freedom of Speech, that Minister by his actions appears not to allow other persons the freedom of speech that he sings so loudly about here in this Legislative Assembly.

Madam Speaker, *The New Caymanian*, which has now gone out of business (for how long, I do not know) that he says only hired losers and which he criticised from beginning to end, had something to do with freedom of speech—it is the press, it is the newspaper, it was one of those in this country. He has castigated everyone who ever wrote for the company (and I have transcripts to prove it) including the Editor, the Assistant Editor, some of the journalists—all of them are losers and unemployable and they could have no other jobs except that, according to him.

Hon. W. McKeeva Bush: We can look in the *Hansards*.

Mr. Gilbert A. McLean: But, Madam Speaker, I think we can remember just last year when a citizen, Mr. David Wight, wrote a letter to *The New Caymanian* where he mistakenly referred to him [the Honourable Minister for Education and Planning] by the wrong title or subject. And we know it is possible even for Members in here because the subjects are shuffled so much. He had to write an apology because this Minister for Education and Planning was offended and told him that he could be sued for libel and defamation, and so on, because of his good character. So he had to apologise. His freedom of speech was attacked by the Minister for Education and Planning.

In the same paper, there was a cartoon of him [the Minister] with embellished ears, and the paper again had to succumb to his threat of action against them and they had to apologise for the cartoon showing him with his ears growing.

Madam Speaker, he talks about communistic trends in this country. He talks about that and he said, **“I know that the attacks that have been made against me over my last 20 years in politics are mainly because I have been one of the people that has stood in the way of putting this country into independence and destroying it. I will continue to take that stand and to fight for what I believe is right and to preserve freedom of speech and the other rights that, over the past 300 and more years, have made this country what it is today.”**

Madam Speaker, he has quite a record when it comes to the matter of freedom of speech. How tolerant

is he of it?

Madam Speaker, I hold in my hand a clipping from the *Caymanian Compass* entitled, "Libel Case Decided," and I quote: "**West Bay MLA, McKeeva Bush was ordered to pay damages and costs to four former members of Executive Council after Chief Justice John Sommerfield ruled yesterday that an article by Mr. Bush published in the *Compass* in 1983 contained libel. Mr. Haig Bodden was awarded \$3,000 in damages; Mr. James M. Bodden, Truman Bodden and John McLean were awarded \$5,000 each; and the other defendant, Mr. Brian Uzzell, publisher of the *Caymanian Compass* and Cayman Free Press Limited, which produced the newspaper, settled out of court earlier....**"

Madam Speaker, we are talking about all Ministers of Government at this time. And, at the time, West Bay MLA, Mr. McKeeva Bush was speaking about freedom of speech and freedom of the press. "**The article which appeared in *The Caymanian Compass* of Wednesday, 27 July 1983 was entitled, 'Freedom of the press is a must.' Its publication occurred before Mr. Bush was elected as a Member of the Legislative Assembly (November 1984) and while the four plaintiffs were the Elected Members of Executive Council.**

"**The article dealt with reports in which Mr. Haig was reported as having attacked the press during a public meeting and advanced his views about licensing journalists.**"

Madam Speaker, what is of importance here... and I will show how the very things that the Minister for Education and Planning and his present colleague sued someone (who is now their colleague on Executive Council) for is the very thing that he stands in this House and imputes about the First Elected Member for Bodden Town and me.

"**Sir John found defamatory a paragraph in which Mr. Bush alleged that Mr. Haig and his colleagues were of the same mentality as 'the Manley's, the Castro's, the Forbes Burnham's, the Maurice Bishop's, the Papa Doc's, and the Sandinista's.'**"

And the learned Judge said: "**To say that of a public figure who plays a prominent part in the Government of this country, a democracy and part of the free world, must, in my view, tend to lower him in the esteem of the majority of inhabitants here.**"

Madam Speaker, was the Minister of Education and Planning imputing the same things about two Members of this House (the First Elected Member for Bodden Town and me) that he sued Mr. McKeeva Bush for? I say he was. What is good for the goose (with him) is definitely not good for the gander.

He said in yesterday's speech: "**If this passes in this House now it will then be applied against courts of this country. If you destroy... and it is very clear the Communist approach was always to attack the foundations of democracy, it was to attack what has been in place for hundreds of years and worked.**"

It is true, Madam Speaker, one of the fundamental things in every Communist nation is to silence the populace.

Mr. Roy Bodden: The Minister knows that, so that is

what he is trying to do.

Mr. Gilbert A. McLean: They put everyone who writes a letter that might be critical of the Government in the gulag. Or they come, like he does, to the Legislative Assembly and castigates their ability, their profession, their families and whatever.

Madam Speaker, I do not think that we live in a communist state, but it is certainly possible to adopt certain communistic principles.

Madam Speaker, he says: "What I am saying is that this could be taken to extremes." That Minister is a person of extremes. He is *extremely* against things like freedom of speech. In fact, freedoms generally. And, Madam Speaker, I offer as evidence what he moved in this Honourable Legislative Assembly on 25 November 1993—Motion 5/93, entitled: "**Fundamental Rights Clause of the Constitution.**"

It reads: "**WHEREAS:**

"**(1) Her Majesty's Government has raised concerns about the removal of the Fundamental Rights of Freedom of Conscience from the Constitution;**

"**(2) There was some public concern that all the provisions of the Bill of Rights were very complex and needed more in-depth study;**

"**(3) The United Kingdom's Fundamental Rights are the European Convention on Human Rights and the International Covenant on Human Rights which continue to apply to the Cayman Islands [which they do not, there has been a case to prove that with Mr. Barry Randall];**

"**BE IT THEREFORE RESOLVED THAT this Honourable House recommends to Her Majesty's Government that the changes set forth in Government Motion No. 4/93, excluding Part IV A of the Cayman Islands (Constitution) Order, 1972, as amended, (being the Fundamental Rights and duties of the individual), be brought into effect as soon as reasonably practicable by an amending United Kingdom Order in Council by Her Majesty and that the said Part IV A be referred to a Select Committee of the Elected Members of this Honourable House for further study...**"

Madam Speaker, this Minister moved a Motion to take out of the Constitution (which he wrote in 1993) the Fundamental Rights and Freedoms Clause. For two and a half years he and his colleagues have played around with that particular part of the Constitution. He has now anointed himself as Chairman of that Committee, and that Committee still flounders on.

Prior to that, Madam Speaker, this same Minister moved a Motion in this House to remove the Freedom of Conscience clause of that Constitution.

He talks about his fight for freedom? That freedom must be solely his and his alone for he does not wish for freedom of speech to extend to other Members and people of this country. That seems clear to me. There is an ever-present threat of lawsuits, and people are intimidated and afraid of expressing themselves here in this country. Thus the reason for having so many letters signed "Name withheld by request."

He wishes to deny other people the right to speak freely—which he supposedly cherishes so much here—so that he can stand up and defame people with impunity.

Another good example was all that he had to say regarding the former newspaper writer of *The New Caymanian*, Mr. Wil Pineau, when he came out and issued a study done by the Chamber of Commerce. He accused him, and I read from the transcript: **"Let me show you why the manager, Mr. Pineau, was able to take and manipulate the Chamber of Commerce to get the results they wanted, because we know they have pledged to bring down this Government."** [Official Hansard Report 16 March 1995]

If he so pledged, and if he knows of such a thing, then it would seem that he would have taken more serious steps—like suing him—as he is so famous for doing. But those comments, of course, were not true.

Mr. Roy Bodden: He could not say that outside the House because he would have been sued.

Mr. Gilbert A. McLean: Naturally, he could not make those accusations in a public forum. That is why he chose to do it in this House.

He went on in this instance talking about the survey by the Chamber of Commerce: **"This is the most stupid thing that I have ever seen and the directors of the Chamber of Commerce had better come to grips with the Chamber of Commerce, or they are going to be led into the same disaster that Pineau has led The New Caymanian because it is now in serious financial trouble."**

"The Chamber of Commerce will be in the same situation. He has no managerial capabilities, but very mischievous writing abilities."

He goes on to castigate this person: **"Here we have a man (Pineau) who was in a job at The New Caymanian—which they had bankrupted—and he left just in time and went into this job. He could not have gone anywhere else."**

Madam Speaker, the Minister for Education is the last person on earth that should speak about freedom of speech. He is an absolute proponent against such a thing, and there is a string of evidence to prove that, where he is concerned, where someone as close as one of his fellow Ministers can attest to with the lawsuit where he wrote to the local paper talking about freedom of the press and freedom of speech and he was sued and had to pay for so doing.

The Speaker: Would the Honourable Member take a suspension at this time?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.28 AM

PROCEEDINGS RESUMED AT 11.52 AM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman, continuing the debate.

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

When we took the suspension, I was replying to some of the wild, unrelated and, indeed, hypocritical statements made by the Minister for Education in his ramblings yesterday, and things he said regarding this particular Motion, relating it to the concept of freedom of speech and how freedom of speech is abused—that Minister being a living, and perhaps the best example of abuse of privilege in this House.

He said yesterday as well, that it is set out clearly in Erskine May that there are limitations to that freedom within this House and the House of Parliament in the United Kingdom—speaking here of freedom of speech. Madam Speaker, I certainly agree with that.

Then he went on to justify why he had attacked the former Minister for Health, Mr. Ezzard Miller, when he said: **"What was said somewhat earlier, the references referred to, which must have been 10... well, more than that, probably 12 years ago, relating to missing drugs in the Department which was under the then pharmacist, Mr. Ezzard Miller, came from the Auditor's Report at that time. It is not as if this is something, as the Second Elected Member for Cayman Brac and Little Cayman has tried to impute, that was untrue."**

Madam Speaker, I made no such statement about something being untrue. I made reference to the fact that in November of last year he was willing and able to make character assassination references about Government's two masterminds—Mr. Ezzard Miller and Mr. Linford Pierson, about something that (according to him yesterday) occurred 12 years ago. He said: **"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."**

Why was he saying this? If this happened 12 years ago, and he was indeed reading it from the Auditor General's Report, there are all sorts of things in the Auditor General's Report. And, as he also spoke about the situation relating to Mr. Linford Pierson, about water meters being deliberately tampered with, who in this country would really believe for one minute that that man would himself be checking out water meters or fixing water meters? Not the Mr. Linford Pierson that I know. Oh no, no, no. Definitely not. But to character assassinate!

My argument is that there are certain times when one has to bring to the attention of the nation, or this House, certain things one believes truly to be wrong. And the authorities say that this is what has to be done in these instances where privilege is used, or these things are said where privilege covers them. But not what happened here yesterday and what was said about this very important matter.

I quote from an article in *The Parliamentarian*, October 1993, on Privileges immunities and the powers of Parliament. It says: **"Elected representatives are not placed above the law by way of parliamentary privileges, but are simply awarded certain basic exemptions of the law in order that the House may function independently and**

efficiently.

"This is in the interest of the nation as a whole. If anything, privileges are (and ought to be) designed in a way that would safeguard the rights of every elector. For example, the privilege of freedom of speech enjoyed by Members of Parliament is in truth the privilege of their constituents. It is secured to Members, not for their personal benefit, but to enable them to discharge the functions of their office without fear of civil and criminal prosecution." [page 233]

Madam Speaker, this Minister for Education is always talking about independence. Supposedly, he is always defending the world and the Cayman Islands from independence. I truly believe that there is only one person here who would fervently like to see independence in this country—and that is him. But he would want to make absolutely sure that he had the ultimate power, including the power to sanction anyone who was to exercise his right of speech.

Mr. Roy Boddén: He showed them rights by aspiring against his Leader of Government Business.

Mr. Gilbert A. McLean: Referring once again to the landmark case here in this country, the libel case brought by that Minister for Education against his now colleague, who at that time was the West Bay MLA, McKeeva Bush...

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, I think you have belaboured that point sufficiently. Could you go on to another point? I think you have talked extensively about that issue.

Mr. Gilbert A. McLean: Madam Speaker, I would like, with your permission, to note something that was said by the Judge in this particular matter, and it relates to: "**Deemed defamatory to all four men and the most serious libel was another paragraph which began: 'Until relatively recently, Mr. Haig and his colleagues' antidemocratic activities were all the more effective because they were stealthy and insidiously, rather than frontal and challenging.'**"

The Judge said: "**To accuse the elected representatives in a democratic country of the free world of undemocratic activities by stealth and insidious means is undoubtedly calculated to injure their reputations by exposing them to contempt.**"

That is what I think the Minister for Education was attempting to do yesterday to me and the First Elected Member for Boddén Town.

I wish to refer to the section from the book *Parliament*, by Michael Ryle, just to reiterate one short paragraph. "**This freedom [of speech] is essential for the effective working of the House. Under it, every day, Members are able to make statements or allegations about outside bodies of persons—and sometimes in offensive language—which they would hesitate to make without protection of privilege. This is often criticised and undoubtedly the privilege may occasionally be abused. However, the freedom to make**

allegations which the Member genuinely believes at the time to be true or at least worthy of investigation is fundamental."

And it gives examples when this can be used, Madam Speaker: "**Such allegations, for example, might relate to possible corruption by a policeman or abuse of power by some powerful person or public body, or sale of dangerous toys, or fraud by financial businesses, or breaches of health and safety regulations in a factory, although the Member might not be able to present detailed evidence in support of his statements which would stand up in a court of law. Without this freedom parliamentary scrutiny of the executive would be muzzled and individual Members' defense of the interest of their constituents and others would be severely constrained.**"

To that I can add an example: Last night and this morning two different people from West Bay told me that there is a certain dredging operation going on in that district where permission was given sometime ago (perhaps a year or more, I understand) for a specific time. It is my understanding from another source that called me this morning that it has been extended to include a larger area of dredging. It is also my understanding that the licence set down certain prescribed ways of handling this dredging which was supposed to guard against a certain amount of silt.

Allegedly, no royalties have been paid to Government according to the licence, and where, also, the fill is to be supplied for Government to do roads. I have heard that from three separate people since last night.

I believe that deserves looking into and investigation.

I have also been told that someone has an aerial photograph of the area that shows immense milkiness in the sea. I wonder what Government is doing in that particular area?

Only this morning there was a situation here where a Member asked a question about fill, or materials used for roads. I think that deserves some investigation by Government. I am not a representative of West Bay, but three people since last night have called me about it. It would seem that something there is amiss. I state that because I think that is so.

There is another matter I have concern about that relates to me as a legislator, of which I have been aware of and of which there is a certain duty on me at this time, while everyone is talking about privileges of the House and so forth and so on—that it must not be amended, and it must not be denied and all the rest of it, particularly in relation to the Minister for Education.

For some time I have had a certain document, which I received by way of the mail. It was a flyer, and apparently it was put out during the time of the 1992 Election. The flyer states that "this paper is published by Messrs. W. McKeeva Bush, Thomas Jefferson, John Jefferson Jr., and printed by Economy Printers of George Town Grand Cayman in accordance with The Printing of Papers Law 1991."

It is headed "West Bayers—These are the facts." It lists five different—

Hon. W. McKeever Bush: Madam Speaker.

Mr. Gilbert A. McLean: ...items...

Hon. W. McKeever Bush: Madam Speaker, on a point of order.

POINT OF ORDER

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

Hon. W. McKeever Bush: I am dealing with the Standing Order on relevance. I have listened to the Member talking about dredging, and something that he suspects might be going on, when this Motion deals with a specific matter. I know that nobody has raised those matters, so he cannot reply to them. I would like a ruling on the relevance of the particular matter he just finished, and the one I suspect he is about to go into.

The Speaker: I was just waiting to hear whether the Second Elected Member for Cayman Brac and Little Cayman could tell the House about the last document. He said it was issued in 1992 before the General Election. When did it come into your possession? Can the Honourable Member say?

Mr. Gilbert A. McLean: Yes, Madam Speaker, it came into my possession earlier this year.

The Speaker: Can you tell the House the relevancy of that document to the matter before the House, which is dealing with an amendment to the Legislative Assembly (Immunities, Powers and Privileges) Law (Revised)?

Mr. Gilbert A. McLean: Yes, Madam Speaker, it relates to an example of when the Immunities and Privileges Law applies when a legislator wishes to bring something before the House which he believes is of importance which relates to the public interest.

The Speaker: I think I would need to hear more on that. That does not really satisfy the issue at this time.

Mr. Gilbert A. McLean: Madam Speaker, this matter relates to statements of denial, issues regarding BCCI, the bank in liquidation and now out of operation.

The Speaker: I am afraid that I am going to have to rule that that would be inadmissible at this time unless there is a substantive motion dealing with BCCI.

Could you please continue without drawing relevance to any past documents or any other issues with the exception of what is really before the House as part of Private Member's Motion 6/95?

The Honourable Minister who raised the point of order has a valid point of order.

Continue Second Elected Member for Cayman Brac and Little Cayman.

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

Referring to the two matters as I did, was on the basis of the fact that such matters may be raised under privilege of the House and that in such instances the question of defamation, and so on, would not come into play. It also accorded with the sections I read from the book by Michael Ryle.

Madam Speaker, I would like your permission to table the article from the *Caymanian Compass*, which I quoted from extensively, regarding the libel case as a part of the record to show the points which I made regarding freedom of speech and the Minister of Education to whom I referred. The *Hansards* are the possession of the House and, therefore, they are with the House at this time.

Madam Speaker, on this matter of limiting immunity on the freedom of speech, I agree, as some Members have said, that it is necessary to be more sensitive to members of the public. That is what this Motion is about: It is about stopping Members of this House from defaming members of the public who cannot reply for themselves.

Madam Speaker, this Motion before the House brings into focus just how things are happening in this country at this time and, indeed, in our House of Parliament. It needs to be changed. It should change, and the only way that it can be effectively changed is by an amendment to the wide privilege which presently exists that can stop Members from saying the things which they say in this House about individuals.

It was never intended for abuse or misuse, and, Madam Speaker, in my opinion, those persons who do not support this amendment—specifically for the purpose as stated—would indeed be those who choose to leave this regulation as it is and go on with impunity castigating the people of this country.

Madam Speaker, I leave the Motion before this House for the will of Members.

Thank you.

The Speaker: The question before the House is Private Member's Motion 6/95. 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 Boddin: May we have a division please, Madam Speaker?

The Speaker: You certainly may.
Madam Clerk.

Clerk:

DIVISION 4/95
Private Member's Motion 6/95

AYES:

NOES:

Hon. James M. Ryan

The Speaker: The Members who were not present when the vote was taken really cannot now say that they are voting. Please, only those who were present here.

Please continue with the vote.

DIVISION 4/95(continuing)

AYES:

NOES:

Hon. George A. McCarthy
Hon. W. McKeeva Bush
Hon. John B. McLean

ABSENT

Hon. Thomas C. Jefferson

The Speaker: I said that the vote had already been taken and there were Ayes and Noes. I declared it, then I was asked for a division and the Members who were not present when the vote was taken cannot now vote on that. Please.

Honourable Minister, do you have a point of order?

POINT OF ORDER

Hon. W. McKeeva Bush: I sure do.

I would like to inquire of the Chair what the Chair means. This is the first time I am hearing it, and I would like to inquire of the Chair under what Standing Order you are ruling and how far does this extend, whether it is in our seats or in the door, as some Members were coming in, or in the precincts of the House.

The Speaker: I have already said, Honourable Minister, that those Members who were not present when the vote was taken—I called Ayes and Noes, and I heard more Noes than Ayes and I declared that the Noes have it...

Hon. W. McKeeva Bush: And we did.

The Speaker:... and then I was asked for a division. Those Members who were not present in the Chamber when I called Ayes and Noes cannot now vote.

Hon. W. McKeeva Bush: I understand that ruling, Madam Speaker. What I am inquiring from you is under what Standing Order are you making the ruling?

The Speaker: It does not have to be a specific Standing Order. It has to be something which is very simple and clear-cut. If I am not present in the room at a particular time, then my name cannot be listed as having been present when the vote was taken.

I have made my ruling on that.

Will you continue, Madam Clerk, taking the vote?

Hon. W. McKeeva Bush: Madam Speaker.

The Speaker: I have made a ruling, Honourable Minister.

Hon. W. McKeeva Bush: I understand you have made your ruling. What I am inquiring from the Chair is how far it extends—to the Chamber, in your seat, or in the precincts?

The Speaker: It would be sitting in the House.

Hon. W. McKeeva Bush: In the seat?

The Speaker: In the seat, yes.

Hon. W. McKeeva Bush: Thank you.

The Speaker: Please, may we recommence the taking of the division?

I repeat that I have put the question for Ayes and Noes. I got more Noes and I made the declaration that the Noes have it. That would apply to those Members who were in the Chamber at that time.

May we recommence the taking of the division?

Clerk:

DIVISION 4/95

Private Member's Motion 6/95

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 7

Hon. James M. Ryan
Hon. W. McKeeva Bush
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mrs. Edna M. Moyle

ABSENT:

Hon. Thomas C. Jefferson
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

The Speaker: The result of the division is seven Noes, three Ayes. The Motion therefore has not been passed.

PRIVATE MEMBER'S MOTION NO. 6/95 DEFEATED BY A MAJORITY.

The Speaker: We continue with Private Member's Motion No 8/95. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO 8/95

CENSURE MOTION

Mr. Gilbert A. McLean: Madam Speaker, I beg to move Private Member's Motion No. 8/95, Censure Motion, which reads:

"BE IT RESOLVED THAT this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing

unwarranted expenditure, social disharmony, fear and apprehension in the Cayman Islands."

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. 8/95, 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 relates to the performance of the Government of the day as an expression of no confidence in their handling of public business during their term in office.

In 1992 the Government of the day came to power with a very large majority in the Legislative Assembly. It formed the Government Executive and had a large percentage in number of Backbench Members, which it continues to have at this time.

It came to power at a time when the people of this country were highly disgruntled over the actions of the Government it replaced, and there were high hopes that things would be improved. This has not happened, and the people of this country at this time are restless and regularly express dissatisfaction with the policies of the Government of the day.

Its general policy has been one of negativism. The first action under its authority was the stopping of various things that had been left by the Government they replaced. One of the largest expenditures that this country has ever made and which shows no value for money is when the Dr. Hortor Memorial Hospital was stopped. That has cost this country millions of dollars.

A Commission [of Inquiry] was undertaken and it was found that \$4 million-odd dollars had been spent up to the time that the Hospital was stopped; and since that time they are nigh on to [spending] \$5 million in paying off contracts which were broken. Madam Speaker, the Government has spent approximately \$10 million since that time and the country does not have a hospital.

In addition to the stopping of the hospital the opportunity of having national health insurance, which was actually in place, was scrapped as well. The country has suffered because it has no opportunity as was planned under that particular law for health care.

There was also the disbanding of the Health Authority, which went hand in hand with the insurance and the new hospital. The country has reverted back to the old form of a department under a Ministry and this has caused undue expenses, it has caused displacement of some people in the Health Services and it has caused an unsettled situation with the Civil Service.

The Civil Service has been traumatised. One of the first statements made when the new Government took office was that it would be cutting back the civil service 7.5 percent. This exercise was undertaken and, at best,

my understanding is that 20 persons were found to be of retirement age or necessary to be retired. But the whole of the Cayman Islands Civil Service has been put into a state of uncertainty.

Although it was the stated aim of the Government to reduce the Civil Service, they have since that time hired over 100 persons into the Civil Service, thus showing that they have not planned the whole exercise properly when they attempted to reduce the Civil Service.

There have been changes in the Civil Service, which are highly questionable. Top civil servants have been retired early, and it seems that whatever pronouncements are made by the Government of the day regarding any civil servant—including those here in this Legislative Assembly—these persons seem to have fallen into the number of those leaving the Service.

This has created an expense to the Government in that the persons who have retired early have had to be paid monies that they would not have been paid until a later date when they would have reached the normal age of retirement.

This matter continues until now when only last week there was a notice that there would be changes again in the Civil Service in one department, which was amalgamated. It has also been said (and it was in the news) that the Head of the particular super-department, that is, the Department of the Environment, would be changed with someone else being put in his place. The persons who were section heads would be, in effect, paid Head of Department scale because of the work they were undertaking.

That is obviously a waste of Government's money for if the responsibilities and the duties of those departments have been reduced, then the salaries which it should attract should be salaries of Section Heads and not Heads of Department. It is clear that the Government of the day does not have a clear policy where the Civil Service is concerned and the Civil Service is suffering as a result of this. The country is suffering as a result of this because the Civil Service is the machinery by which Government carries out its work.

The National Flight Carrier, Cayman Airways, has also had its share of this Government's policies. These policies have been such that it has caused great expense to the country. Millions of dollars have been paid to the company to pay off various breaches of contract; there is now less aircraft flown by the airlines and many persons have been displaced from their jobs—some retired, others terminated.

In actions taken, it is clear that these have not been sound in that in most recent times there has been notice in the local media that there has been a settlement with the former Managing Director who was dismissed very soon after this Government took office. It is my understanding that the settlement was in the region of \$150,000. Obviously, the Government was not sound in making that decision, for if it was it would have fought the case in court and won; there would not have been a settlement out of court.

The Government's policy concerning the airline at

this time, is that we have aircraft flying for which the Government has produced guarantees and these guarantees are to be met, irrespective of what should happen and there is no break clause in these contracts—something which the present Government claimed it would never tolerate or stand for. Obviously, the expectation of the public in this regard has not materialised. The country has not had the benefit of a sound Government correcting a problem—which was the main problem, supposedly, at the time and the reason why the Managing director was terminated.

This Government has utilised Government's funds in a way that is highly questionable in paving private driveways in one district of this island while others have not been paved or even slightly repaired. This is a change from the way Government's business is handled in that monies allocated by this Legislative Assembly have always been approved by the Finance Committee for specific purposes. Never before in this country has there been an instance where similar action has been taken by Government. It has created doubt about the fairness in the way Government's money is used, and thus creates doubt about the particular way that the people's money is being handled.

It has led to a situation now where block amounts of money are put in the Estimates with no specific works to be done, and it is left to the political discretion of the Government of the day.

A major change occurred with regard to the Turtle Farm—the only such farm in the world—where the production of meat has been increased and where we have lost touch with the scientific aspects of it in that we can no longer claim that the farm is offering scientific research to the extent that it was before. The Director has left, and at this time the Farm is without a Scientific Officer.

This has caused public concern in that the Director resigned because of the way Government managed the affairs of this Farm, which clearly indicates that there was the strongest political interference in its normal operation.

The Government has further shown that it does not handle money wisely in that there is on record an instance of a purchase of land in the Spotts area, which was allegedly being purchased for a stadium for the country. This land was purchased one day at a price of \$140,000 and on the same day bought by Government for \$880,000. No justifiable reason or excuse has been given for this transaction.

It has brought the country to wonder, it has caused major queries within the world of real estate which, even now, stand unanswered—money not wisely spent. No proof has been given that a stadium is needed in this country. Indeed, it has been found, and only today confirmed, that a stadium is not being built in this area, there has been a change. It goes to show that the Government is unfocused and it does not have a plan of action.

Priorities are not being set in a manner consistent with a collective way, but each Minister of Government seems to carry on in his own way and fashion.

Never before have there been so many terminations

of civil servants, and never has there been such reshuffling in Government; never have subjects been reshuffled from Ministry to Ministry and civil servants from one place to the other, with changes in the affairs and management of Government. Subjects have been changed, and each time it changes there is little indication that the management of these subjects has improved.

Education in the country has been unsettled. Early in the day the plan of education for the Cayman Islands, which had been paid for and came about as a result of the studies done by five of the regions top educators along with one from Great Britain, from UNESCO, was scrapped and education was set back in the country—all over a question if we should adopt the Caribbean Examinations or carry on the GCSC or other such British examinations. Even now, there are a large number of subjects which are taken when the children of this country leave high school. There has been no national curriculum up until this time and thus, there has been money spent, where value for money has not been given and the situation with education now is not as focused as it should be and the education system, and the children it is supposed to educate, are the losers under the policies of this Government.

Under this Government there have been seven lawsuits since 1993. Again, it speaks to the poor management of the Government and to an ongoing situation where breaches of contract and actions by the Government takes them to court and takes the country's money to pay for these lawsuits.

In Immigration, which is one of the most important subjects in this country, the situation has been very similar to the blunders in other areas. In the early part of 1993 certain policies were issued by the Government of the day where certain sections of the Immigration Law relating to Caymanian status were suspended. Instructions were given to the Immigration Board to carry out certain actions. The Board did this, and then the Government at one stage accused the Board of not carrying out its policies and decided to investigate.

The Government Executive Council appointed itself to investigate the matters of Immigration and what they came up with was what was said in the first instance that there were problems in the Immigration Department. Those problems continue and worsen.

The Speaker: Would this be an opportune time to take the luncheon suspension?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceeding will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.44 PM

PROCEEDINGS RESUMED AT 2.26 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion 8/95.
The Second Elected Member for Cayman Brac and

Little Cayman, continuing.

Mr. Gilbert A. McLean: Madam Speaker, when we took the adjournment for lunch, I was commenting on the subject of Immigration.

I seriously doubt that there has ever been a time in the history of this country when the people, the foreign residents in this country, have been more frightened when it comes to matters relating to Immigration.

Time and again, the business sector and business people will say they are afraid of being victimised if they speak. They are afraid of this expressing itself in denial of work permits for persons whom they need to employ. I do not believe it is the case that persons called upon to do their duties are not willing to do their duties, I believe that there is a general tendency towards fear and intimidation in regards to the situation with Immigration.

There are programmes on television about it and, of course, there are denials; but everyone in this country knows that there is a general atmosphere of fear of victimisation and intimidation.

As I mentioned earlier, the situation of Caymanian status has been suspended in some areas, such as for persons who have lived here for 10 years and more. They are no longer permitted to apply for Caymanian status—something which has been in effect from the 1970s. Generally, there are serious concerns relating to the matter of Immigration in this country at this time.

There are no indications that the Government of the day is living up to its claims, as expressed in the first Budget Address after it took office, that there would be no more supplementaries as a means of running the country, and that these were 'ticking time bombs' (as it was so expressed), and that such things as supplementary expenditure would no longer be. When one looks at the supplementaries that this country has resorted to over the past two years, one sees a completely different picture. In 1993 alone, there was upwards of \$6 million, and in 1994 (if the information I have been able to gather is correct) it is something like \$14 million in supplementary expenditure. There has already been supplementary expenditure this year and no doubt there will be more to come.

Among the negative things done, one cannot forget that as one of its first acts the Government decided to stop the benefits that were being given to Caymanian seamen and their spouses, something which those who needed it had benefited from. That was stopped and now, allegedly, it has come back in a manner where it is being better managed; but everyone affected by it knows much better than that.

The road by the airport in Grand Cayman has been changed. Allegedly it has been changed because the Ministry or the Department of Tourism wanted to encourage large aircraft to land here from long range flights. When this all came about, there were those of us, including myself, who spoke about it and said that it should not be done in the way that it was being proposed. But it was.

What was estimated by the Public Works Department to cost in the vicinity of \$275,000 ended up costing

(according to answers to questions given in this House) \$1,178,114. That speaks of the type of financial stewardship that is going on in this country at this time. That money has been spent, and it certainly has not improved the road system in this area—as anyone who drives it well knows.

During the course of this Government's handling and management of the country we have seen an influx of Cuban nationals come to these shores illegally. They were here for almost a year. The last have now all gone back to Cuba. However, during that process, this Government was in negotiation with the United States Government and, I would assume, the British Government, where it has undertaken to pay \$10 per day, per person—for Cubans to be taken back to Cuba, their country of birth. We take that as still being the case as I do not know if there is any change to it.

We would seem to owe the United States Government alone \$4,321,600 for the 1184 people. The Government has been rather silent on that part of things in recent times. Prior to that we spent, during the time of their being here, several million dollars.

Madam Speaker, one of the things that concerns me perhaps most in this country is the fear, that is real at this time, of victimisation which has come about during the time that this Government has been in charge of this country. They have good cause for feeling that way—even our own people, 100 percent Caymanian, and certainly foreign residents—by the statements made by Members of the Government, and by the stories which are related to one if one takes the time to listen.

Among other things, the Government has undertaken to change the Customs Law. Where before times it was prescribed what was prohibited, now they (the Government in Executive Council) make that determination on a day-to-day basis as the case may be.

I was most amazed to know and, indeed, I was told by a businessman of a certain occurrence where this particular type of condition came into play. Anything that relates to heavy equipment, which could be a link or something for a backhoe, anything whatsoever in this country, now has to have the approval of Executive Council. It is my understanding that it has been assigned to the Portfolio of Agriculture, Environment, Communications and Works. The Minister thereof makes the determination on behalf of the Executive Council.

The person who spoke to me about having been caught in this particular condition was John Hurlstone of Hurlstone Construction. I think the whole world knows that that company has not been allowed to tender for Government business since the Government broke its contract with that company almost two years ago. One wonders how far situations go where this company is concerned.

In fact, when the man told me about certain problems that he had with his importing a crane here to do the business of this company, I did not believe him. I told him that he would have to give me proof of what he was telling me before I would believe it.

He made an application to bring in a crane to use on

a hotel construction project on West Bay Road, for which he had a contract in place. After various instances of correspondence with the Government he was allowed to bring in this crane to do business here.

Now, I have also tried to find out whether he claims Caymanian status by birth. I understand that he and his parents, and his parents' parents, do. I also understand that is one of the few fully Caymanian-owned companies. He has been allowed to bring this crane in and this was communicated to him in a letter dated 29th March, 1995. Madam Speaker, I hold it in my hand, and I would like to read it and tender it together with all of the correspondence relating to this matter. I would like to lay it on the Table, it will show how unrealistic and far out this Government is. It has to be personal because his operating a crane, where he stands to lose if he cannot get work, has to be his liability and his problem. But the letter which gave him permission reads as follows: "29th March, 1995; Dear Mr. Alberga: RE: THE IMPORTATION OF A 50 TON ROUGH TERRAIN CRANE.

"Following the receipt of your letter dated 17th March, 1995, Executive Council has reconsidered the application for Construction Equipment Services Ltd. to import a 50 ton rough terrain crane with a boom, swingway, block and overhaul ball. This permission is subject to the following conditions:

"1) The permission is restricted to the intended use by Construction Equipment Services Ltd. (the applicant) in the construction of the new Westin Casuarina Resort Hotel, adjoining Government House on Seven Mile Beach Road;

"2) The permission is personal to the applicant company; and

"3) Following the crane's use on the site mentioned in condition (1), the said crane and its ancillary equipment will be immediately removed by the applicant at its own expense from the Cayman Islands."

I would like to know in this case where the crane was supposed to be moved to. Does he not live in the Cayman Islands, or what? After his company has paid \$160,000 (according to the invoices) for the unit, freight of \$4,000 and the Government's duties and so forth and so on, how on earth can he—a Caymanian operating a company here—be told he cannot have a crane, he cannot bring it to his country, he cannot operate it?

Madam Speaker, this is rather stupefying. With your permission I would like to Table this document. I think it is something the country might be interested in reading.

The matter of fear and apprehension in this country is, I contend, throughout at this time. If people speak, they speak looking over their shoulder. They are worried it is going to be heard by 'them'—and we know who 'them' are. We know who is threatening about work permits, and I think the best example at this moment in time is what has recently been in the newspaper with regards to a report from a public meeting held in West Bay in very recent times where the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture was quoted as referring to professionals in the country as "cluttering up the infrastructure." That is derogatory and it is insulting to every professional in this country.

Hon. W. McKeever Bush: You shut up now!

Mr. Gilbert A. McLean: His figures are wildly unrealistic, for he contended that there are 3,000 such people and that they pay at present \$5,000 each for their work permits, which would mean that the Government collect \$15 million. If the Government is going to double this (as he is quoted as saying would be the case) to \$10,000, it means that \$30 million would be realised from that source alone.

But, of the greatest interest is that in the 1995 Estimates of Revenue and Expenditure, for all work permits, all that is shown there as being collected for work permits is \$10 million. I do not know how that can be explained.

That is just one thing that is wrong, but the greatest wrong lies with those remarks [being made] by a Minister. It has to be taken, unless there is a denial. That is the way it works in politics and in Government—when a Minister makes a statement such as that, it has to be taken that that is the position of the Government, particularly when it relates to things such as increases in revenue. That must be the policy.

Madam Speaker, most of my education was in the Island of Jamaica.

Hon. W. McKeever Bush: Yeah.

Mr. Gilbert A. McLean: I was a student there and I went to University there to study to become a teacher.

Hon. W. McKeever Bush: You should have stayed there.

Mr. Gilbert A. McLean: In a country that had everything—EVERYTHING—I heard similar remarks and suggestions in the late 1970s: suggestions that the professionals should leave, suggestions that the investors could leave. They left! And we all know the unfortunate economic plight that that country has seen since those times.

I, for one, do not wish to see that happen here in the Cayman Islands. It can happen here, particularly with a Government whose Ministers say, "Look, you are being charged \$5,000. We are going to charge you \$10,000 because you all are cluttering up the infrastructure anyway."

Madam Speaker, that is why this Motion says: "**BE IT RESOLVED THAT this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing unwarranted expenditure, social disharmony, fear and apprehension in the Cayman Islands.**" It is causing social disharmony because it is deepening the rift in this country between the foreign residents and the indigenous people.

The Coopers & Lybrand Report on Tourism—which this Government chose not to accept—dedicated two chapters to it, chapters 7 and 8. In the first chapter they said; "**The expatriate problem has to be resolved.**" It also said that: "**Expatriates, non-Caymanians, have to be seen as a resource rather than a problem.**" I am

saying that this Government is creating a serious problem in this country that the country is going to suffer for and is beginning to suffer for because it is creating fear, anxiety, apprehension and uncertainty.

One of the biggest problems that we have to face in this country is the number of non-Caymanians who we have to have here to fill the number of jobs that we have allowed the country to develop to that require persons over and above Caymanians. Certainly, if those persons are going to be looked upon as clutter, then we are in for some surprises. This world is a big global village and no longer do people not have the option to go wherever they choose. Certainly, a lot of investments have come to this country because the people investing have believed they were welcomed. It is becoming very clear that that situation has drastically changed—particularly when a Government does not want to deal with the very situation which they make these wild and derogatory statements about.

The Coopers & Lybrand Report says that this matter needs to be brought above the waterline and dealt with. What a way this Government is dealing with it.

Madam Speaker, this Government has not managed the affairs of this country properly—economically or socially. The country is fearful of what is going to come next. The big boom that we hear the Government speak about is not evident to everybody, that is for sure. I have heard that the monies which Government supposedly is expecting to take in have not been that forthcoming, and that the revenue is in trouble. Naturally so. It is going to get worse, too, unless this Government leaves the landscape and gives the people of the Cayman Islands the opportunity of choosing another Government that will be more responsive to its people and the country on a whole.

Hon. W. McKeeva Bush:... back-door movement...

Mr. Gilbert A. McLean: You and your BCCI, maybe. You heard what I said now, you and your BCCI.

Hon. W. McKeeva Bush: If I got anything out of BCCI, I paid for it. I want to know what you got out of it. Mine is recorded. Can you say where you got all of yours from?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I think this Motion is the first Motion I have seen that is so unfounded that it has no 'Whereas' clauses in it. It makes very serious allegations without any justification within the Motion and, surely, if the two Opposition Members (the Mover and the Seconder of this Motion) had been serious, then they should at least have had the ability to put together a Motion that set out in the usual way what justifies the operative or the resolve part of the Motion. It has absolutely no 'Whereas' clauses in it.

This is a type of Motion that is geared at putting fear into the people of this country. It is geared at destabilising

the country and it is geared at disrupting business within this country because nothing could be more unfounded than a Censure Motion where the Movers, either deliberately or through inability to support what they have stated in it, have produced a Motion that is three lines on what is the most serious type of motion that can come before this House.

I believe that this is just another move by a very small, destructive Opposition in this House to attempt to bring down this country because they are frustrated by the fact that there is only two of them, occasionally others perhaps, but two out of 18 Members of this Honourable House who must know that putting a Censure Motion against the Government of 18 Members cannot succeed. So, it must be aimed at disrupting this country and destroying it, which is what I submit is the process of destabilisation which we have seen over the past 25 years in other Caribbean countries by socialistic and Communistic policies which were brought into those countries. We know that they were geared at attacking the fundamental principles of democracy, as we saw earlier in a Motion to abolish a 300 year old right in this House, and now we have wild allegations made in a Motion that cannot be expected to go anywhere and, therefore, must be aimed, in my view, at attempting to destroy the Cayman Islands. It is only in a destructive approach that people who are losers can ever expect to gain anything.

I believe the people of this country are smart enough to know that a destructive Opposition is one that has to be kept exactly as they are—a very small minority of individuals in this Honourable House. They must realise that is the reason why they are still in a very small minority of one leader and one follower.

To bring this Censure Motion after the extensive debate of an earlier Censure Motion in December, and to bring this on totally different grounds than what was brought then, goes to show the unstable train of thought of the Opposition. It goes beyond that to show the cunning way in which there will be attempts at destroying the good that this Government has built up in this country.

What has been put forward by the Second Elected Member for Cayman Brac and Little Cayman, the wild allegations, I do not believe the country of Cayman Brac and Little Cayman would endorse. Perhaps he is so out of touch with his failure to spend time in Cayman Brac and Little Cayman that he does not understand what his people over there want.

We know it is rare for the Member to spend any length of time over there, and I submit that rather than spending his time in this Honourable House debating a lot of theory and wild allegations, it could be better spent trying to do something for the people of Cayman Brac and Little Cayman who, I submit, he has in effect abandoned and is now in Grand Cayman and up in Bodden Town trying to stir further trouble up there—political, that is, Madam Speaker.

The fact of the matter is that this is the best that the economic development in this country has ever been. We have figures, and I will go into detail on these further on. Tourism is way up. Things are good in the hotel, restaur-

rant and dive businesses. These are facts that cannot be disputed. We have seen in the area of building that there is a boom. The Member even referred to some of the companies that seem to be in serious financial difficulty are now finding jobs out there in the building sector—the one that he referred to earlier on.

In the financial sector we know that a boom is going on. We have led the way with a lot of legislation in promotion for the offshore sector in the area of mutual funds; the number of companies are up, the number of mutual funds are up. We now have the reputation for being one of the largest banking centres in the world, we are well regulated.

Madam Speaker, what I found interesting (I am sure the public will too) is that in his opening the Second Elected Member for Cayman Brac and Little Cayman really did not touch on anything of substance or significance. He made wild accusations of fear and victimisation. Victimisation of whom? The public out there is far more afraid of people who have Communist and Socialistic ideas in their heads, of people who have a past... and I am speaking generally here, Madam Speaker... of being of the mind, and more so of the dress, of the militants of the past—Che Guevara, and those people. That is what puts fear in this country. You do not see that in this Government or in the National Team. We are people who are stable; we do not have these wild ideas about changing the world and getting into the pure system of Communism and Socialism which has, unfortunately, failed even though it is still being pushed by a few losers who do not even realise that this has been destroyed.

We see, for example, the wild allegations that are set out in the Censure Motion. The Mover is still at a loss as to how to justify them. But I will tell you what the public out there is afraid of—they are afraid of people who want to change the Constitution of this country and move it into an independent country; people who are obsessed with power and who see themselves as Chief Ministers and leaders in this country. That is what the public is afraid of.

Those who supported that line of thinking in the power-hungry move to bring in an advanced Constitution here are all out of this Legislative Assembly, with the exception of the Second Elected Member for Cayman Brac and Little Cayman, and he is still pushing areas which the public itself objected—to such an extent that it removed a whole Government.

This is where the fear exists. It exists because they realise that if you get a combination of radicals together, the group that I will deal with at a later stage, then you can see the writing on the wall and this country is going to suffer.

Something was referred to, and there was so much rambling here, but one of the criticisms levelled was in relation to the Government's position regarding Cuban nationals. Madam Speaker, if this Government had not negotiated to get the acceptance of Cuban nationals at Guantanamo, they would have still been in this country. The difference between paying \$10 per day for a month or two, would have been a lifetime of paying in excess of \$10 per day for them—in fact, it was costing us more

than that.

If the economics of the Opposition are such that they cannot see the difference between paying a sum for two or three months and paying it for the lifetime of a person, then that is as misguided as this Motion is.

The reference that was made in relation to Immigration is once again a move to upset and destabilise the country. We have to remember that effort now appears to be very concentrated at disrupting and destabilising this country.

We have put out the Immigration Policies and there is no difference now from what it has always been, except that people's rights are no longer held up for years. When this Government came in there were hundreds of appeals that had not been touched by the previous Government—which this Second Elected Member for Cayman Brac and Little Cayman is now holding the hands of and trying to elevate and do what he can—even if it means destroying democracy and the right to privilege and speech in this House to do so. Some of those appeals have stretched back for several years before this Government came in. That is what should be told. We have cleared most of them up.

Where you find Mr. Ezzard Miller, Mr. Arden McLean, Mrs. Mary Lawrence, Mr. John Hurlstone, Mr. Linford Pierson, Mr. Oswald Rankine, and where you pull all of them together and look at the overall package, then you realise how good the present Government is.

I had someone come up to me the other day and specifically say to me that he did not support me and the National Team, which was a rare statement I must say. But he said, "If the alternative is the package that I see out there, then you will get my vote next time." What is happening now is a package of losers. They are people who are extremists in different areas... I left out Mr. Steve Scott, who has also been in some of these meetings. But when you look overall at that you realise how good this Government is, how good the National Team is.

This is where the fear comes in, Madam Speaker. It is bad enough if within the group there is only incompetence, but add... and I am speaking generally here,... when you compare incompetence along with militancy and the viciousness that sometimes has emanated in the past, you realise how worrying it could be. This is why the country rejected that lot and put them in mothballs.

But they are pulling together again. We have just seen on the floor of this Honourable House an attempt to support the Hurlstone Construction Company—an implication from the Second Elected Member for Cayman Brac and Little Cayman, who does not get to Cayman Brac too often and not to Little Cayman at all that much. But we have a move now because Mr. John Hurlstone is back in the group. That is why it is important to look at how these things are unfolding. But it would have to be ludicrous for the Government to go out and enter into a contract when they are in a court case fighting the same person. That has to be ludicrous from anyone's point of view. This is how ludicrous the Opposition's approach to Government is.

On the one hand you are in court fighting a case and on the other hand you give a contract where you have to sit down and work with those people. Does anybody in business do this? Government has principles of business in many ways, but this is how shallow and incompetent the approach to Government is when we look at allegations of this sort.

I guess you can apply that strategy a bit further. If we were at war... or go back a few years when Great Britain was at war with Germany... but on the other hand they must also enter into a contract to build something? You cannot have a situation with two total opposites arising.

Madam Speaker, in relation to Immigration, the policies that have been put out as draft and discussion policies in a white paper, are out there for all to see. But, instead of trying to look at those and rationalising what the policies are, we just get wild allegations.

The Immigration Policies are fair, but they are firm. They have asked that certain things, such as training, be put in place by organisations that can put those in place for our people. I see nothing there that can be subject to criticism. The fact that the country is in a case of economic boom, business is growing, is a sign that things in Government are stable and good.

A lot has been levelled at education—because I am the Minister for Education, I guess. I do not want to go into a lot of detail about the past, Madam Speaker, but it is a fact that during the period that policies were introduced by the last Government, when Mr. Oswald Rankine was in the Portfolio, presumably with some discussion with the First Elected Member for Bodden Town, the school system had reached a stage where there had been rapid introduction of policies, and no one had the time or the ability to deal with how those policies were going to be implemented.

Perhaps one of the best examples is when the First Elected Member for Bodden Town brought a policy through this House to add another year. But ever since that was brought in (I think some 18 months had passed) no one knew where the year was going.

If that is the ability the Opposition is bringing to education and to this Ministry...

POINT OF ORDER

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 who presently occupies the floor of this House is misleading the Honourable House when he says that I, as a Backbench Member, brought in a policy requiring that an additional year be added to the school leaving age. As a Backbench member, Madam Speaker, I cannot bring policies.

The Speaker: Honourable Minister for Education, perhaps you would like to explain what you...

Hon. Truman M. Bodden: What I meant, Madam Speaker, is that a Motion was brought to the House to add a year to it, and I am prepared to merely say that it was supported by the First Elected Member for Bodden Town, rather than to have to go back and look at the Hansards.

The Speaker: You are not saying that he brought the Motion are you?

Hon. Truman M. Bodden: No, Ma'am, no. He voted for it.

The Speaker: Well, that is a different thing. I think one has to be very careful in what one says because if a person who is not a Member of Government is being accused of having brought something into effect and there is no truth in the fact, it really is

a Point of Order. So once you clear that up, I will allow that to go by.

It was a valid Point of Order, but please explain further what you meant.

Thank you.

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

The policy that was brought in by the last Government in this House and supported by the First Elected Member for Bodden Town, was to add another year to the school system, but nobody knew where it was being added. This is how misguided the system was that the Second Elected Member for Cayman Brac and Little Cayman now seems to have forgotten about and is criticising the present system.

Let me point this out, Madam Speaker. The strategies that are being brought in for the Education Plan for the next five years are not my strategies. They should both, the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, understand that 353 people in this country have brought in the policies that...

Mr. Roy Bodden: That is foolishness.

Hon. Truman M. Bodden: ...and the First Elected Member for Bodden Town says it is foolishness. I hope that the 353 people out there will listen to him, and I hope that he will get up and say that these strategies brought in by the 353 people are foolishness. Let that Member stand up and tell these people it is foolishness.

I submit that this plan, which 353 people have brought in, has taken a lot of their time and dedication over the last year, and it contains good strategies and good policies. I have fully accepted them.

I had nothing to do with this process from the point of view that I was not on the Planning Team or any of the Action Teams. This is something developed away from the Ministry and this is where the confusion has come in with the First Elected Member for Bodden Town. He is attacking this believing they are my policies. I have accepted what 353 people have put together and let me say this, Madam Speaker, the old Calypso says: "10,000 Frenchmen cannot be wrong." If the First Elected Member for Bodden Town thinks that he is so bright and such an educationalist that he knows more than 353 people who put these strategies together, then let him stand up in the House and justify on what basis he is saying so. He is not attacking me. As I said, these policies are policies of the people of this country.

But this is how this Government works in relation to how the past Government worked and, I submit, how the Opposition sees that a Government should work. They believe in sitting down, writing out these policies, and not involving the public at large.

So you are back to a situation where the view is that one man is right—the First Elected Member for Bodden Town—and the public is wrong. When you get to that stage it is no wonder you spend all your life as a follower, rather than ever getting into a leadership situation.

I would like to challenge that Member, when he gets up to speak, to explain why 353 people are wrong in this Education Plan.

Mr. Roy Bodden: I will do that when you explain...

Hon. Truman M. Bodden: What was levelled in this House at education and the Education Plan is totally unfounded. It is, in my view, confusion by two Members of this House—the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town—who have not been teachers, one in about 20 years and the other in about 12 or 15. They do not understand and they are not up-to-date as professional teachers.

Half of the 353 people were professional teachers who practise their profession and I will rely on them any day. I have fully accepted this and I reject the views put forward by the two Opposition Members when it comes to giving advice on education and the school system. They have been defunct as teachers for a very long time. Like everything else, one has to keep up to date and be involved in the classroom and in education if one is going to understand what is going on.

I remember back not very long ago, I referred to the Welsh Joint Exams and one of the Members asked me what that is. I agree that it only came in about ten years ago, but I had assumed that they would at least have known that much.

The strategies set out have been laid on the Table of this Honourable House... and I would like to take this opportunity on behalf of this House (naturally excluding the two Members who attacked it) and the National Team to compliment and thank the staff of the Education Department and all those people who took their precious time to help build a system of education that is good for the children of this country.

That is where everything has to end. This is the future of this country, a generation of children that will be the leaders of tomorrow. Hopefully—and I know they will not if they follow policies like this—they will not be radicals or militants who are off on a single-minded obverse approach to life.

I am prepared to defend these policies throughout, and I am prepared to stand fully behind the 353 people who have produced this Education Development Plan. I believe that there is nothing that can be said by the two Opposition Members that can detract from what I regard as the best plan that the school system has ever seen.

The results are already coming in. From a situation where we had a lot of disruptions and a lot of behavioural problems two years ago when the National Team came in, we are now in a position where there is a lot more guidance within the schools and there is very little of the behavioural problems that we saw a couple of years ago. I am very happy for this; especially in the two high schools, there are a lot of students and it is good to see that they have now settled.

But you know, a lot of what was stirred then about the schools is once again being pushed by Members within this House. If there is one line of ability that I must say the Second Elected Member for Cayman Brac and Little Cayman especially has, it is his ability to stir things up and cause disruption. I cannot say that ability also goes on to the First Elected Member for Bodden Town because he merely follows and gets caught in the wake of it.

The social policies in this country have shown that juvenile crime is down from a high of nearly 300 convictions to an all time low (at least in the last few years) of under 200—somewhere in the area of 179 or 180. I submit that this has been to a large extent by the efforts of the churches and service clubs, and also of the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture who has done a lot to channel the efforts and the energies of young people to areas that are wholesome and away from the downside of crime and drugs.

While it is a combined effort, I think that Minister has really put forth extra effort to develop sports and to bring competitive sports to these islands. I know that he is quite capable of setting out his policies and he will do so.

The attack this time against this Government is so wide, it seems to range over everything that both the Elected and Official Members are dealing with. The results at the schools in the final examinations have been very good—CXC, GCSC exams have been extremely good.

I know that one Member referred to the problems that have been seen in the newspaper here and in Jamaica, but I guess there are controls with problems over the system in CXC, as over any system, and we can only hope that whatever the problems were that they will not affect us here too much.

But I would like to come back to deal with this a bit more at a later stage.

The Speaker: Would the Honourable Minister take a suspension at this time?

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.31 PM

PROCEEDINGS RESUMED AT 3.54 PM

The Speaker: Please be seated.

The Honourable Minister For Education and Planning continuing the debate.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

There have been aspersions cast against Cayman Airways and it seems that there are those who do not want to believe that Cayman Airways has considerably improved its position over the past two years. But then there are those who do not really wish to see anything good or any stabilising within Cayman Airways, or any other aspect of the Government.

It is a fact that under the last Government they lost US\$34.6 million over a period of two and a half years. That was paid out of the pockets of the people of this country. They are still paying for that because a loan of US\$26 million had to be taken out by this Government to pay for debts incurred prior to November 1992.

In that Government we had the other colleague of this group that I named earlier who is supposed to be the financial expert—Mr. Linford Pierson. Despite predicting some very fair, good and profitable positions for Cayman Airways, they continued to lose money to such an extent that in 1992, despite the fact that in the middle of that year in the June Session a Motion was passed to raise this CI\$16 million for Cayman Airways, the country was in such a state that it could not borrow that money from the banks here.

But this is what the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town would like to forget. They are bringing back, or keeping company with, the same people who were rejected by the public two and a half years ago, the architects of the financial problems of this country—Mr. Ezzard Miller and Mr. Linford Pierson—who were Members of the Government back then.

The public will go on paying for that \$34 million mistake... and, by the way, that was financed from \$12.2 million that they received for selling the 727-200s, which I must say the two Opposition Members (as Backbenchers with us) had the wisdom to object to. That was when they were keeping company with us. The sale of those two 727-200s was a mistake. We would have owned them two years ago and had no lease payments to make on them.

So, if the wisdom that came through in the dismal financial position of the last Government is now one that the two Opposition Members are trying to associate themselves with—the two architects of that dismal stage—then we can expect that the country has nothing whatsoever from a combination where you add those two Members, Mr. Ezzard Miller and Mr. Linford Pierson onto the six or seven who are in the present group. That alternative is, indeed, frightening.

Cayman Airways itself, with the help of the staff, the Board and the public... because the public has always supported Cayman Airways. That is why anyone who is politically sensitive should know that trying to pound Cayman Airways, which is made up and supported by the public, or the Education policies that have been produced by the 170-odd teachers who are current and professional, with a further 170-odd members of the public taken from all strata of society; people who attack and attempt to damage policies which are so popular with the public have got to be taking a destructive approach, they are no longer representing their people.

While it is one thing to say that one is out of touch because an island is 80 miles away and you cannot get over there, or you are not going over there very often to check on your constituents, even a non-resident Member of the Legislature should be able to figure out what the generally accepted policies of the country are.

Cayman Airways has moved from a situation of very heavy losses ranging up to nearly US\$14 million per year to a situation where, with the subsidy, we will see that there has been an operating surplus over all and throughout nearly every month of the year.

The Board, the Management and I have tried to be fair to see that the staff, who has been trodden upon and has had no salary raise for three or four years (some of them had their salaries reduced) were given raises and are not being asked to work with conditions that existed under the previous Government. Indeed, Madam Speaker, we know that Cayman Airways could not have existed. It was documented that Cayman Airways would have been liquidated in January 1993.

Because of the efforts put forward by this Government—the whole National Team—Cayman Airways is still going. While in the airline business one is never out of the woods financially, we are a long way out of it to a stage where the subsidy that is given is really very comfortable. Last year we would not have even used all of the subsidy, so we have some credit in the accounts.

On top of that, Madam Speaker, we paid \$50,000 a month (which is \$600,000 a year) towards a loan that the last Government left. After paying that we are still surviv-

ing. We have also paid off the Civil Aviation Authority that was owed a tremendous amount of money—millions of dollars. That was cleared. Our payments are current within a 30-day period.

At a later stage there is a Motion in this when I will go into a lot more detail to really show where quotes such as those made by Mr. Linford Pierson talking about a "sweetheart deal" of selling the 727-200s. That deal raped this country of millions and millions of dollars and set the stage for the financial wreckage of Cayman Airways when it subsequently lost close to \$35 million in two and a half years.

The Motion talks about public pronouncements. I would like to make it clear to the Second Elected Member for Cayman Brac and Little Cayman that what the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture said about fees for work permits were his personal views. He said that at the meeting and also in the press. Everybody knows by his record that he is not anti-expatriate as has been alleged.

These are allegations to build up fear in the people of the country. There is an old Communistic tactic that if you tell the people the same thing over, and over, and over, and over, after a while they believe it. This seems to be the ringing over and over again of statements which are unfounded and which are only geared at disruption and instability within the country.

Talking about supplementaries. It is a totally different thing to have supplementaries when you have the money to pay it. What we were against were instances where either the Budget or the supplementaries had no funds to deal with even the recurrent expenditure of the country, much less to deal with the capital. What we had were instances (which I will show at a later stage) where the Government of 1984-1988 left a lot of money in the Government Treasury. But the last Government (who it now appears that Mr. Pierson, will be the new leader of, which the First Elected Member for Bodden Town will have to follow) managed within four years to spend all the money, not only what Cayman Airways had, but all the money that the previous Government had left. They managed to do this so effectively that they had no credit left to borrow from the banks in this country.

While there is a fair amount of detail around this, and I do not want to attempt to get into that this afternoon, it will be clearly shown that during the last three years of the last Government it is the only time that they were in such a deficit that they actually had to borrow to pay for the recurrent expenditure of the country. That is really a frightening stage because the contribution to capital in every year had been significant. Even 10 years back, Madam Speaker, the contribution to capital has been significant.

But in two of those years there was actually a deficit in recurrent expenditure of \$9.5 million. In other words, that amount was a loss in recurrent expenditure that had to be covered from somewhere and we will see that this was done through loans and money taken out of the reserves and the surplus. So, there is nothing that the pre-

sent Mover and Seconder of this Motion can learn from the past Government.

It is interesting to see that people of the same mentality seem to flock together, as we see with this list of people that I read out earlier, who seem to be getting together trying to come up with destabilising and disrupting factors within the country.

In a Motion of censorship, it is just not good enough to make wild and unfounded allegations. Some of these, in fact, do not seem to be very relevant to the substance of the Motion, but have been thrown in to show how irresponsible the Mover was in drafting this Motion.

I submit that same irresponsibility is something that the public can expect on the day which will never come—we are certain of that—when they have the upper hand in the Government or in this House.

What I find very interesting is that these Motions brought by the Second Elected Member for Cayman Brac and Little Cayman, or the First Elected Member for Bodden Town, with rare exception, are always negative Motions. They obviously have no solutions to the problems of the country. In fact, the Second Elected Member for Cayman Brac and Little Cayman has no solutions for his own island constituency, much less overall national solutions to the problems of the three islands as a whole.

What we find is that the whole approach to motions such as this is simply negative which can only be aimed at destabilising the country.

Madam Speaker, unwarranted expenditure... and we know that in the past motions were brought on that. We saw that the First Elected Member for Bodden Town was requesting the most expensive road, which was a road named 'The Roy Bodden Road' to be built at an expense that would have cost some \$600,000 to his House. If they wish to see the unwarranted expenditure, a lot of that actually came after the Motion, saying that the Government should not be paving private roads where emergency vehicles, such as fire and ambulance should go in, but that we should be paving private roads which they requested—only. And some of them were actually requested some time after they brought a motion showing it was wrong, as I showed sometime back.

The public has to look not just at what is said, but at what is done. Here we have a situation where their request... there was even one request to put marl into somebody's yard by the First Elected Member for Bodden Town.

I sometimes think that they wake up in the middle of the night with some sort of nightmare and then we get the 80-odd number of questions that were asked this time—all aimed, as with this Motion, at causing disruption.

Where is the unwarranted expenditure? Anyone with a negative mind can find something to criticise in everything. But the progressive person has to take a positive approach. They have to look at the good side of life and try to come up with solutions; that, we know, can never emanate from a negative mind.

This Censorship Motion is a negative motion, and I submit that it has come about through frustration on the part of the Mover and the Seconder who cannot figure

out why they are two lone voices crying out in the wilderness in a Legislature of 18 people. That wilderness goes beyond this House. They are crying in the wilderness of the Cayman Islands because they do not have the political ability to see the difference between what is good for the country and what is bad for the country.

If nothing else, there should be some ability to look and see what the people want before attempting to bring a motion that is going against persons in this House who were put in by an extremely large majority.

Better than associating with the group that I named earlier—the group I understand that is formalising now and has even sent out for donations in support of the group, they are getting on to more of a formalised political system—they should be spending time trying to assist the people in their districts and going over more to the Sister Islands and seeing how they can help.

In fact, an Opposition which is constructive and not destructive can have a place in our type of system. I believe that the two Members should remember some years back when we were a constructive Opposition. When we put matters and Motions forward they were to help the country rather than to waste the time and money of the Ministry's and the other Departments.

Not only is this Motion misguided but many of the questions take a lot of time and waste the public's money to deal with, which could be better spent dealing with matters that are more important.

Where is this Motion going to take this country? The attempts that have been made actually go very much against democracy. As mentioned in the last Motion, the Bill of Rights of 1688 was attempted to be changed in this House. We find that the move is always one that is aimed at precisely what the Censure Motion is talking about. It is aimed at causing social disharmony, fear and apprehension in the Cayman Islands.

If there is anything that can cause that, it is where you have an Opposition (of two at present) bringing a Motion which they know has nothing positive and can only be aimed at hurting the country. Once it goes out publicly that there is a vote of no confidence or a censure Motion, that in itself creates harm within the country. It creates apprehension. It creates fear. That must lead to social disharmony.

The policies that this Government has work. If Honourable Members of this House are not able to see that the country has moved out of the economic doldrums that it was in and is now in a stage of boom, if they cannot see that the country is progressing forward, that things are moving quite well... the only areas of disruption, quite frankly, that can be seen are the wide, destructive allegations that we have from time to time going out in the form of questions, motions or statements.

The financial position of this country is good. Tomorrow I will go into some detail on that because it is going to take some time to go through to show where policies that the present two Opposition Members opposed then, now seem to be adopted by them... inconsistencies, and sitting on the fence hoping that votes can be built up at the expense of the country.

I would submit that allegations made here, that persons had to apologise in the press for, statements that they made where there clearly was a breach of the law. But the law is there for everybody, and when untruthful statements are made in certain circumstances in breach of the law, instances of the newspaper were referred to, that is dealt with under the law.

Quite frankly, one of these references made by the Second Elected Member for Cayman Brac and Little Cayman was in relation to Mr. David Wight who, like the two Opposition Members, has a very negative attitude, who, quite frankly, abuses me publicly even when my children are there. If they wish to stand up in here and defend people like that... In fact, Madam Speaker, I told that young man that I was going to speak to his father. There is no respect. No matter where I am this man comes up and abuses me. If the Member wishes to defend that... yes, he made statements about me that were wrong by law, and he had to put in an apology. But, he was presumably advised by his attorney that he had done wrong.

I am amazed that the Second Elected Member for Cayman Brac and Little Cayman should go on in this country. That is the sort of thing that someone who is hot tempered could cause—social disharmony and apprehension in the country. That is the type of group, and the support of that group, that we are now getting in these islands.

Instead of trying to help someone like that, we have a situation where the Opposition is coming in here and trying to justify what is unlawful in the country.

I was at a stage where... Is it just about time for interruption?

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Yes, it is almost 4.30. Would someone move the Motion for the adjournment?

ADJOURNMENT

Hon. Truman M. Bodden: I move that this House do now adjourn until tomorrow morning at 10.00.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 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 10.00.

AT 4.30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10.00 A.M. THURSDAY, 8 JUNE 1995.

**THURSDAY
8 JUNE, 1995
10.07 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, forever 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.

Question to Honourable Members and Ministers. Question No. 103, standing in the name of Fourth Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 103

No. 103: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture to provide a list by district and individual amounts of persons who have received assistance through the Social Services Department to effect home repairs.

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

QUESTION NO. 103

Deferred

Hon. W. McKeeva Bush: Madam Speaker, under Standing Order 23(5), I ask that this question be deferred to a later sitting in this meeting. The answer is not yet ready.

The Speaker: The question before the House is that the answer to question No. 103 be deferred for answering 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. The question is accordingly deferred.

AGREED. QUESTION NO. 103 DEFERRED UNTIL A LATER SITTING.

The Speaker: The next question is No. 104, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 104

No. 104: Mr. Roy Bodden asked the Honourable Member responsible for Internal and External Affairs if any charges have been made against any of the Cuban inmates of Tent City who took part in the fracas of 15th April, 1995.

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

Hon. James M. Ryan: Madam Speaker, the answer: No charges have been made against any of the Cuban inmates of Tent City who took part in the fracas of 15th April, 1995.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say what the extent of this incident was, and provide details of any injuries to persons and damage to property as a result of this incident?

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

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

The incident got very wide publication in the media. I do not have all the details, it so happens that I was off the

island when it occurred.

It came about as a result of one or more of the Cuban migrants returning to the camp with alcoholic beverages. There was a confrontation. The alcoholic beverages were being confiscated and when other sympathisers in the camp saw what was going on they began throwing stones. There was damage to vehicles and some injuries. I do not have the extent of that here, but as I said, it was widely published in the media.

If the Honourable Member wants the specifics of that, I will certainly be prepared to supply him with a report on it.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

It is my understanding that a female Immigration Officer sustained serious injuries and, in addition to that, some vehicles were damaged. These circumstances occurring outside of Tent City would lead to serious charges being pressed. I would like to know, Madam Speaker, why no charges were pressed in this instance? And I certainly welcome the Honourable Member's intent to provide these details.

Thank you, Ma'am.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs. I do not think you have any more to add.

Hon. James M. Ryan: I may just say, Madam Speaker, with your permission, that one of the things which hindered action being taken against the Cubans was positively identifying the perpetrators. The Immigration Officers were not able to positively identify the individuals—we know that it was quite a group.

What transpired was that on the 21st of April a large group volunteered to go to Guantanamo Bay. We understand that at least some of the perpetrators, whether the individual the Elected Member is speaking about was involved or not, volunteered to go to Guantanamo Bay and they did leave.

The main problem was the positive identification of the ringleaders in the incident.

The Speaker: The next question is No. 105, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 105

No. 105: Mr. Roy Bodden asked the Honourable Member responsible for Internal and External Affairs to state the total number of illegal Cuban residents in the Cayman Islands.

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

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

Madam Speaker, the answer: The total number of illegal Cuban immigrants resident in the Cayman Islands is 21.

Of this total number, seven individuals are awaiting voluntary repatriation to Havana; two are awaiting conclusion of arrangements to resettle in Spain; and two have indicated a desire to leave by boat. No determination has yet been made in respect of the other ten persons.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if the Government had any documentation prepared which would enable it to easily identify or keep tabs on these persons?

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

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

Madam Speaker, I am not sure if I clearly understand the question. Perhaps I can answer it this way: All 21 Cubans have been placed at Northward Prison, so we certainly know where they are. I would imagine there is documentation available as well.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

It is my understanding that in transit camps and camps of this nature, individual inmates have identification, including finger prints in most instances and photographs, which they are required to keep on their person always, even when they are resident inside the camps. This is what I was referring to, Madam Speaker.

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

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

Yes, there are identification cards held by each individual. I am not in a position to say that they are carrying them while at Northward Prison, but certainly they were in their possession while at the camp. I would expect that they are still holding them.

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable First Official Member would be in a position to indicate if any of the 10 persons who no determination has yet been made about are females?

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

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

Yes, I know that there is at least one female in the group, there may be more.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if any of the authorities have knowledge that this one female (or more) is pregnant?

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

Hon. James M. Ryan: Madam Speaker, I do not have the specifics on that. If the Honourable Member would like I could try to get the information, but, obviously, that is a matter that would be confidential to the hospital authorities.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

When the Honourable Member says, "no determination has yet been made in respect to the other 10 individuals", could the Member explain what is meant by that? Have any of those 10 individuals applied for political asylum or for consideration to go elsewhere? What exactly is meant by that?

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

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

If I could refer to the original question: The term 'illegal Cuban resident' would refer to any that have not qualified for political asylum. They were all screened originally, and were deemed to be economic migrants and not political refugees. There has been an appeal process and their appeals have been heard and turned down. So they are not deemed to be political refugees.

With regard to any other requests by them, they have simply not made a request. This does not mean that the Government will not actively work on arrangements to see them part company with this territory.

I give the Honourable Member and this House the assurance that I will continue to work towards that goal.

The Speaker: The next question is 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 First Official Member responsible for Internal and External Affairs if any of the illegal Cuban migrants remain at large in the Cayman Islands.

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

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

answer: It is believed that there were three illegal Cuban immigrants at large in the Cayman Islands. However, it is possible that some or all of them may have departed without the knowledge of the Immigration authorities. Efforts have commenced, and will continue, to seek out these persons—if they are still here.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if these efforts included raids by members of the Police and Immigration Departments at residences in the Islands?

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

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

Yes, Madam Speaker, that is perhaps the primary way of seeking out these persons. If information is received that there may be a person being concealed, then the Police Officers, or Immigration Officers—primarily Immigration Officers—would carry out raids to find these individuals.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Member aware of any complaints from citizens regarding these raids, some of which were carried out by seemingly hostile authorities with no warrants for search?

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

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

No, I have had no complaints. I am not aware of any complaints by members of the public regarding this matter.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Would the Honourable Member give an undertaking to research into the matter? I am aware of one incident which was brought to my attention by a constituent.

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

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

With respect, if there has not been an official complaint lodged, I do not know how I can investigate it. I would expect that if a complaint were lodged it would be with my Portfolio and I have no knowledge of such a complaint.

The Speaker: The next question is No. 107, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 107

No. 107: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if the proposed Health Insurance Plan will cover the cost of treatment for alcohol and drug addiction.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. Since January of this year, the Health Insurance Advisory Committee has been meeting to consider a National Health Insurance Scheme for the Cayman Islands. The Ministry of Health, Drug Abuse Prevention and Rehabilitation anticipates that, acting upon the recommendations of the Committee, the Scheme would be implemented by November 1995 after passage of enabling legislation.

At this point in time the Committee has not completed its deliberations and I am not in a position to confirm that any National Health Insurance Scheme will cover the cost of any particular treatment.

I will say, however, that it is not my intention to ignore the plight of those in need and due consideration will be given to them during the deliberations of the Committee which is chaired by the Permanent Secretary of this Ministry.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister would be able to say if those individuals who suffer from drug and alcohol abuse who attend the Cayman Counselling Centre have to pay for these sessions?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, not to the best of my knowledge. But I will check on this and pass the answer on to confirm this.

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister would then be in a position to say how those people attending counselling sessions at the Counselling Centre have to be referred for further treatment, are dealt with?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

To the best of my knowledge, if help is needed, like the medical situations, they are handled through the social worker at the Hospital on an as-needed basis. If financial assistance is required it is provided.

The Speaker: The next question is No. 108, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 108

No. 108: Mr. Gilbert A. McLean asked the Honourable Minister responsible Health, Drug Abuse Prevention and Rehabilitation if the value of all the tenders for the proposed new George Town Hospital will be made public.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The answer is no. Under the Financial and Stores Regulations, Chapter 8, Section 8(7) (g) and (h), only the name of the successful tender and the bid amount is released, normally through the Gazette.

SUPPLEMENTARY

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

Mr. Gilbert A. McLean: Madam Speaker, I imagine that the Honourable Minister is aware in the instance of the Dr. Hortor Memorial Hospital, and it was quite precedent setting, that all of the persons who tendered agreed that their tenders would be made known publicly. Shortly following that, the Financial Secretary gave an undertaking that such would be considered in the future for Government contracts.

Would the Honourable Minister be prepared to consider doing such a thing in the process of tendering, which I imagine would be coming sometime in the foreseeable future?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I will have to discuss this with the Department of Finance and Development and see what are the guidelines set out for such an undertaking.

The Speaker: The next question is No. 109, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 109

No. 109: Mr. Gilbert A. McLean asked the Honourable

Minister responsible for Education and Planning if the spare parts for the Boeing 737-400s have been sold and, if not, what efforts are being made to sell them.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the answer: Cayman Airways Limited's most recent acquisition, the Boeing 737-200 VR CKX, has some similarities to the B737-400, particularly on the flight deck. Some spares may therefore be retained. The bulk of the spares are, however, for sale and this has been made known to potential purchasers. The Airline is presently receiving presentations and bids from possible buyers.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister could say if the value of these parts is recorded as an asset on the books of Cayman Airways?

The Speaker: Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Yes, Ma'am.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if the exercise of determining what spare parts might be usable on the 737-200s has been completed, so that the airline knows what parts are available for sale?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Yes, Ma'am. We have been trying to sell these for some time, but they have to be sold as a whole because there are some parts that can be sold very easily. To break them out of the full inventory of spares would mean leaving a lot of other parts that could not be sold easily, or may never be sold.

The Speaker: The next question is No. 110, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 110

No. 110: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs when will the 100 percent increase in work permit fees for top professionals come into effect, as stated by the Minister for Labour, and reported on page 3 of the Caymanian Compass of Monday, 22nd May, 1995.

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

Hon. James M. Ryan: Madam Speaker, the answer: There are no plans by the Government to increase work permit fees by 100 percent.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say if the statement made to that effect by the Minister before mentioned was a personal view of his, or had this been contemplated?

The Speaker: I think that this question could properly be answered by the Honourable Minister for Community Development, Sports, Youth Affairs, and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I am happy to answer that question because the substantive question has no substance to it, as it is based on a statement imputed to me, which I did not make. I have never said that Government will increase work permit fees for top professionals.

Madam Speaker, whether by poor paraphrasing, or by mischievousness, the report in the Compass did not accurately convey what was said at the meeting. This is the reason why the clarification was necessary in the next day's paper. I would have thought that Members asking this kind of question would have seen and referred to the clarification, but they chose not to.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Having heard the other part of the answer that was passed on for the Honourable Minister to discuss, and in asking him a supplementary... May I ask the Minister a supplementary, Madam Speaker?

The Speaker: You may.

Mr. D. Kurt Tibbetts: I would just like to let him know that the question was asked before the clarification statement was made by him in the newspaper.

I wonder if the Honourable Minister could then say if (as he stated the paraphrasing might have been incorrect) in fact it was not said that Government will raise these fees? Or if it was said that we will raise these fees or not?

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

Hon. W. McKeeva Bush: Madam Speaker, there has been a lot of politics thrown into this question and that particular meeting, and in particular to what I had to say. I

will also check the House to see when the question was asked.

I would read verbatim from what I said at the meeting, and I quote (and I have all my meeting notes and I appreciate the opportunity to air this): "Ladies and gentlemen, I understand that there are 14,000 work permits in the country. Everyone say they need their work permit. Of course, they put more stress on the roads, the health services, and the schools, cluttering up the infrastructure.

"I believe this is an area we could get funds for the old people's pensions. I understand that there are 3,000 work permits for professionals; lawyers, accountants, and so on, people who are needed for the running of businesses in the country, and they are charged up to \$5,000 per year for a work permit.

"I have talked to lawyers and accountants and they feel, like I do, that this is an area that could take a rise in fees.

"I feel if a lawyer can come into the country and make \$200,000 per year, I do not feel he would gripe about paying \$10,000 a year for a work permit. I do not feel that a firm would gripe about paying \$10,000 for a work permit, once they get the amount of permits they need to run their businesses.

"The Immigration system is outmoded, it is causing a lot of problems, and needs to be revamped to encourage the granting of work permits quicker. My Ministry has nearly completed the Manpower Development Review and we are making suggestions for a serious change such as, different boards to deal with work permits, business licences and immigration matters.

"I feel that if a law firm needs ten lawyers, and an accounting firm needs 20 accountants, they should get them, but [be] made to pay more for the work permits and also to make sure that Caymanians are trained to take over down the years."

End of quote on that particular matter at the meeting.

The clarification, Madam Speaker, states exactly in fact, what I had to say.

Now, we have heard a lot about this in the press, and yesterday in debating the Motion before the House. They are using it for political purposes...

The Speaker: Excuse me, Honourable Minister, I think you have now answered the particular part of the supplementary. When it is time for your debate you can bring that in.

Hon. W. McKeeva Bush: I certainly will. Thank you very much, Madam Speaker.

The Speaker: If there are no further supplementaries, that concludes Question Time for this morning.

We continue with Private Members' Motion No. 8/95, the debate by the Honourable Minister for Education and Planning.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/95

CENSURE MOTION

(Continuation of debate thereon)

Hon. Truman M. Bodden: Madam Speaker, the Motion that is before this Honourable House is, as I believe other Members will also point out, one of the shortest but most damaging motions that I think has ever come to this House. It deals with causing unwarranted expenditure, talking about the economic and social policies, and I would just like to read that again:

"BE IT RESOLVED THAT this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing unwarranted expenditure, social disharmony, fear and apprehension in the Cayman Islands."

This Motion, Madam Speaker, is aimed at doing exactly what it is alleging against the Government. I will show in areas of the finance side that this is not so. The Motion has absolutely no recitals and it has no specifics in it. The two Opposition Members, out of the 18 Members of this Honourable House, know it cannot succeed and they have therefore brought it, in my view, to cause social disharmony, fear and apprehension in the Cayman Islands. That is all it is. It serves no purpose other than to stir up trouble in the Cayman Islands.

Madam Speaker, when we look at where the country was... and we have to remember that yesterday I named some seven or eight members—including the two Opposition Members here: Mr. Ezzard Miller, Mr. John Hurlston, Mr. Linford Pierson, and others, like Mr. Steve Scott—who seem to be going to these meetings and are somewhere tied in with producing the sort of motion that is now coming before this House.

When we look at the expenditure when the last Government was in here, we really see instances where the country was moving into a bankrupt position. We know that they had already bankrupted Cayman Airways by the time this Government came into Office.

Madam Speaker, the official Appendix V of the Government's accounts shows that in the years prior to the last Government, in other words up until the year 1988, the previous Government under Sir Vassell Johnson, Capt. Charles Kirkconnell, Mr. Norman Bodden and Mr. Benson Ebanks, left the country with total reserves and surpluses of \$24 million. Back in 1988 and 1989 (because the budget would have been carried into 1989) the country was in a very good position. There were contributions to Capital in those years, and in every year in fact, coming from 1984. The recurrent revenue contributed to capital. That is like a person out of his own salary buying a house and paying for it, or paying for capital amount out of his salary.

In 1984 contribution to capital was \$9.7 million. That was when we left the country, Madam Speaker, and we left it then in a very good position. It was carried on by the Government of late 1984 to late 1988.

In the following year, 1985, the contribution to Capital was \$6.8 million; 1986—\$7.4 million; 1987 from recurrent revenue to Capital was \$11.2 million; and in 1988, \$12.5 million. The previous Government's budget for 1988 (that went into 1989) was \$14.8 million.

There, Madam Speaker, is where the economics of the country changed because that Government spent every penny it could get its hands on. Mr. Ezzard Miller and Mr. Linford Pierson and their Government proceeded to spend, and spend, and spend. In 1990, for the first time in the recent history of this country, there was a shortfall of \$1.2 million where recurrent revenue could not cover recurrent expenditure. That is frightening because it is like a person whose salary cannot cover his recurrent expenditure.

Beginning in that year (1990), they totally reversed the situation where no money was put from recurrent revenue towards Capital—and that is frightening! It is really frightening because a country whose recurrent revenue is less than its recurrent expenditure has to ultimately go bankrupt.

How did they finance the Capital Expenditure that they had? They borrowed. In 1990 they had a deficit of \$14.9 million...

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, Honourable Member?

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, on the point of relevance, this is a Censure Motion dealing with the Government which took office in 1992, and the accounts of one back in 1984, 1988, and so on, does not bear relevance to the financial performance of the Government since 1992 to date.

The Speaker: Honourable Minister, there is a Point of Order in relation to what you have just been saying, because the Motion really concerns the Government which took office in 1992. If you could just briefly proceed from there on, rather than going back into 1984.

I do appreciate that there are some instances where there is an overlapping of expenditure, but please do not belabour the point of the previous Government because the Motion concerns this Government.

Thank you.

Hon. Truman M. Boddin: Madam Speaker, before you make the ruling, it would have been good if you had given me a right to reply.

You obviously have ruled. May I just say this... and I accept your ruling, I have no choice but to... but let me

say this, Madam Speaker, the Second Elected Member for Cayman Brac and Little Cayman has gone way back into the dark ages and was left alone. He has dealt with a lot of matters that go back prior to this Government, and on a Motion as wide as this Censure Motion, I think that Members have to be given very wide latitude because there is no way of knowing whether the country has, as he has mentioned in his Motion now, economically, socially, and otherwise unless there is something to compare it to.

The Speaker: Honourable Minister, I think if you had listened to what I said, I said: 'I do appreciate that there is an overlapping of expenditure and that you would have to refer back...', but what is before the House now is dealing with the present Government which took office in 1992.

I did say that I understand and appreciate that you would have to go back a certain number of years, but certainly not to the dark ages.

So, would you continue Honourable Minister?

Hon. Truman M. Boddin: Madam Speaker, I was at that stage dealing with 1991... But, if that is the way it should be, then so be it. I will go on to other areas which are very relevant.

What is putting fear into the people of the Cayman Islands at present, and in the immediate past, goes far beyond what is now being put before the House. What people in this country are afraid of—very seriously afraid of—is the radicalism, and the militancy that exist around certain politicians in this country. What people fear is a Government that will be taken over in the future by militants and radicals who would like to take us into independence. That is what racial disharmony... sorry, social disharmony is alleged in this Motion—fear and apprehension. That is what the people of this country are worried about. The message was sent loud and clear, Madam Speaker, in the last Election because they rejected the militants and the radical who wanted to take this country into independence.

I would like to now read from *The Official Hansard Report* of 26 February, 1992, and this is a statement made in this Honourable House by the Second Elected Member for Cayman Brac and Little Cayman. He said: "I am going to be out there, Lord sparing my life, vying to succeed in re-election along with my running mate. And whatever comes of the next election, whoever is elected, I am satisfied that the mechanism and the system proposed by the Commissioners and by the Select Committee is what is needed in my country, the Cayman Islands, to help the Government to function better."

We know that that was to advance the Constitution and to put in a Chief Minister. What is more frightening, Madam Speaker, is this statement, and it is taken from Mr. Gilbert McLean's speech in the *Hansard*. He states: "It is time that we move away [he said] from a God-like character called 'Governor' who has all the ultimate power and so on, and invites Members to hold certain responsibility and charges them with that responsibility to be accountable so that it does not hinder the Governor in seeing to the overall running of this country, and to the manage-

ment of the subjects which are reserved for him.”

Madam Speaker, the day we move away from the character called the "Governor", this country is independent. There is no Governor in an independent country and this, I submit, is precisely what the Second Elected Member for Cayman Brac and Little Cayman stated here very clearly and what is the one thing that can cause social disharmony, fear and apprehension. The public out there is absolutely afraid of this country changing its political position. They are afraid of the country being taken over by people who are going to take it—against the wishes of the people, because the wishes of the people are very clear—into independence. I submit that the whole lot of the present "Team Cayman" or whatever they are calling themselves, is to move this country and advance its Constitution. That is where the social disharmony in this country is coming from. That is where the fear and apprehension is.

The people out there, Madam Speaker, especially with what was raised here about foreign persons in this country, are afraid of seeing this country go the way other countries in the Caribbean have gone. They are very happy with the Government that is here. At this stage, the present Government [is comprised] of people who live normal lives. We have no militant or radical aspects in our past. We run this Government and are satisfied under the Constitution that exists. What worries people is changing it and advancing it, and they know very well that whoever leads that next group, be it—and I must say this with all due respect—Mr. Linford Pierson, who is not a radical, let me say that, I want to say that to make it clear, he is not a militant, so I do not want to imply that in any way—but he may be the next leader of that group. But what is worrying, Madam Speaker, is that they all are striving for more political power—that Chief Ministership. That is why so much spite has been taken against me by people who oppose the Government. It is because I have been one of several people who has stood in the way of giving them that absolute power of Chief Minister and advancing the Constitution.

Madam Speaker, the statement that I read where the Second Elected Member for Cayman Brac and Little Cayman wants to move away—and look at the manner in which it is put—"**It is time to move away from a God-like character called the Governor, who has the ultimate power....**" To change the Governor of this country you must go independent! That is where the fear of people in this country exists.

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

Mr. Gilbert A. McLean: Madam Speaker, the Member has quoted from what he says is the *Hansard* of the House. I wonder, Madam Speaker, if the Minister would table a copy of the *Hansard* Report he is speaking

about?

The Speaker: I am sure the Honourable Minister is in a position to table a copy of that.

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

I need to read from some other areas, but I will table it.

The Speaker: Thank you.

Hon. Truman M. Bodden: Maybe copies could be received. It is *The Official Hansard Report*, 26 February 1992. His speech begins on page 131.

Madam Speaker, if there is fear and apprehension and social disharmony, it is that people in the country are worried that the good Government that they now have may one day be replaced by people who are only power hungry. It is absurd to allege, for example, that we are out there doing something other than trying to keep people in the private sector happy.

I am a lawyer, I practise in the private sector, and I would be naive, I would be biting the hand that feeds me to take an approach which causes—as this is set out—social disharmony, fear and apprehension out there among people. Unlike some of the politicians out there, I am a practising professional. I am not a defunct professional who has not practised for years. I am in touch with what happens in the private sector. My duty is to promote the Cayman Islands, to take positive approaches.

But, Madam Speaker, amongst that we have to temper our approach as Members of the Government in such a way as to take a positive attitude; that we try to assist the public with achieving what they wish to achieve providing it is good for the country. We are people of substance. If this country goes down, Madam Speaker, I will lose a lot and I will never do anything against my country or to try to give extra power, through being a Chief Minister, to myself when I know it will ruin the country or anyone else. So, this Government is responsible.

Quite frankly, Madam Speaker, for two Opposition Members to bring a Motion such as this, making these wide allegations supported with no recitals—it is the shortest motion I have ever seen, either they were in such a hurry to do it, or they did not have the competence to put it in— but they know it cannot succeed. It is two Members out of 18 Members in this House who brought it. So what is the purpose? The purpose has to be to create social disharmony, fear and apprehension in the Cayman Islands because it is just stirring up... and this is coming less than six months after a previous motion was brought in this House.

I know why they could not put any recitals or any WHEREAS clauses on this, Madam Speaker. It is because when they brought the last motion to this House, they brought as a reason the private roads. Just five months ago I laid on the Table the letters which go way back showing that those same Members had, immediately before they brought the Motion, and even after they brought the Motion, requested Government to do private

roads.

One of those letters, Madam Speaker, that I laid on the Table of this House specifically had in it a reference to a letter of the 18th of September, 1990, and one of those roads was the Roy Bodden Road. We know, as was shown there, that that road cost more than every other private road that had been requested in all three islands—with some \$600-odd thousand dollars.

So the reason why they could not put recitals is because the last time they put WHEREAS clauses, we showed the public how deceitful it was for them to come here and say that something is wrong, when they are asking the public and this Honourable House to do exactly what they are trying to condemn. They cannot have their cake and eat it.

If they are going to bring a Motion like this, Madam Speaker... I submit that it is making wild accusations with no recitals at all, and they cannot really achieve anything.

I laid on the Table of this Honourable House six, seven, maybe eight different letters showing that with the last No Confidence Motion both the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town—especially, the First Elected Member for Bodden Town, who was even trying to get the road that went into his house paved—came by saying that the Government should not be paving private roads.

The Speaker: Honourable Minister, excuse me. I have listened and this is the second time you have mentioned this matter. You did it yesterday, and you have also mentioned it twice. That is repetition and I would ask you not to repeat what you have already said in a debate.

Thank you.

Do you have a Point of Order, First Elected Member for Bodden Town?

POINT OF ORDER

Mr. Roy Bodden: Yes, Madam Speaker, in that the Honourable Minister is misleading the House because, as has been explained, and as the records and the *Hansards* will show, the road upon which I live is not the Roy Bodden Road. It is a public road. I explained that I have nothing to do with the road other than that I live on it. The Minister is misleading the House into believing that it is a private road. It is a gazetted public road and it is not my road. The Government, including his Government, gave it that name.

The Speaker: Honourable Minister, I have commented on what you have just said. Would you please not repeat any submission? Thank you.

Hon. Truman M. Bodden: May I say, Madam Speaker, I was reading from page 9 of the Gazette of the 15th of December, 1994, which I did not read yesterday. If the Member disputes something, it is down in the *Hansard*. The letters were laid on the Table of this Honourable House and it was back in 1990. It was not this Government who named it, the road is there and the parcel num-

ber is 14B/13—Roy Bodden Road (construct road)...

The Speaker: I appreciate that, but I think you also appreciate that since that time the matter has been cleared up and it should not be repeated again in that vein.

Thank you, Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, what I would like to say... and I will now begin to take objections after this on any other straying outside or straying back prior to those earlier times. So I put the two Members on notice of that. That is my right. It will be taken, and I will see what happens on it.

The Motion before this House is one, Madam Speaker, that has no foundation. It is, in my view, ill-founded.

It is a fact that the economic and social policies of this Government are policies which, while they have now been attacked by the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, are policies they supported in the past. If we look at the National Team's Manifesto, we will find set out in it very clearly that at the time, Mr. Roy Bodden, the First Elected Member for Bodden Town, who is shown here, was a part of the team. And those policies, which were adhered to and produced by all of us specifically say in relation to Health Services: **"We are against the building of the new hospital in the swamp and we will review the hospital plans and documents and accordingly take any necessary action which is legal and prudent."**

So one of the main policies that they are attacking now, of building the hospital where it is, was very clearly the policy of the First Elected Member for Bodden Town when this Manifesto went in. I submit that it goes also to show the way that Members have moved sometimes, speaking generally, in a very hypocritical way—having accepted something [then] trying to change course mid-stream, because they are now associated with Mr. Ezzard Miller whom they were fighting at that time.

He has persuaded them, obviously, and the public should know that if you see a development of that 'Team Cayman', or whatever it is called, of the people I have named, he will be a very prominent person influencing people if he is within it.

Perhaps the clearest statement is this one, and I am reading from the *Hansard*: **"I have believed for a long time that the present hospital can serve us for some time yet, and that steps should be taken to improve certain areas of it to a standard so that the physical plant can be in a position to better do the job for which it was intended."** That is the Second Elected Member for Cayman Brac and Little Cayman.

But these are the policies which they are now trying to put a Censure Motion against this Government [for] that both those Members adhered to and helped to produce, and specifically stated that they were against. Obviously, Mr. Ezzard Miller has now convinced them that what they were presumably doing then was wrong, and they must now come and attack the Minister for Health on

these economic policies.

I submit, Madam Speaker, that the true belief of those two Members in relation to the hospital was, and possibly still is, that the hospital should be built and upgraded on the present site—exactly what the Minister for Health is doing. Yet, they are now attacking these policies—and I hope the public clearly understands that there were no doubts whatsoever... the *Hansard* bears out clearly that the Second Elected Member for Cayman Brac and Little Cayman... and he did not even say "I believe then", he said: "**I believe for a long time that the present hospital can serve us for some time yet, and that steps should be taken to improve certain areas of it to a certain standard. So that the physical plant can be in a position to better do the job for which it was intended.**" Nothing here about moving to the site in the swamp. We know that the First Elected Member for Bodden Town clearly supported that, yet they are now attacking the Minister for Health for doing what they had put forward at this stage, and it can only be to try to help the derelict past Executive Council.

You know, Madam Speaker, what can put fear and apprehension into the people of these islands is when one looks at the Master Ground Transportation System proposed by Mr. Linford Pierson, and presumably supported by the present Opposition Members to some extent. Back then they were Opposition. But we know that in meetings at that time they had put forward many things to increase import duties, and to even take and put a percentage of tax on the financial community, as they said in the Minutes, "**the \$350 billion which flows through Cayman's financial institution per year.**"

What the Second Elected Member for Cayman Brac and Little Cayman is referring to here, about our approach with attempting to have a well paid professional civil service, and the small reductions we did... paragraph (g) of that document says: "**The Civil Service reduced the number of civil servants to save money to pay for roads.**"

So I believe that the two Opposition Members are being caught in the net. When you are a public figure and you make statements, especially in this Honourable House, and you then change and go against those statements, especially if it is done in a hypocritical way, then they will come back to haunt you. People who change sides so often have, in my view, a very confused political mentality.

The only fear and apprehension that there is in this country is the fear and apprehension of having a government of socialist, communist or militant people.

You know, if you think of a little story along these lines, of a young man who during the heyday of the Cuban revolution may have put on the military fatigues of Che Guevara and strutted around the place—I am speaking generally—think how horrifying that might be if some 20 years later those views are developed and that person comes to power in a country. It is a frightening thing. Very frightening. I can assure this country, economic havoc would be wreaked in any country where...

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

Mr. Gilbert A. McLean: Madam Speaker, again I rise on a point of relevance. If the Minister for Education and Planning is off on communism and socialism and Che Guevara, he seems to have lost track totally. Perhaps we should get Dr. LeHee or somebody down here, Madam Speaker. It is totally irrelevant.

Madam Speaker, I submit that what he is talking about has no relevance to discussing a No Confidence Motion about this Government from 1992 to present.

The Speaker: The Honourable Minister has again repeated Che Guevara, because I think you did it yesterday afternoon. I think it is recorded and I have already asked you not to repeat something because it is becoming a bit tedious.

Could you proceed to speak without repetition, Honourable Minister?

Hon. Truman M. Bodden: Madam Speaker, if you are referring me to Standing Order 41, then I will sit.

Thank you very much, because I have not gotten to the content stage...

The Speaker: Honourable Minister, I have not referred... I am just saying that you have repeated yourself, and this is the second time I have asked you not to repeat. I have not stopped you with your contribution, you can continue Honourable Minister.

Hon. Truman M. Bodden: Out of an abundance of caution, I will conclude there, Madam Speaker. I will not run that risk.

The Speaker: If you so wish, Honourable Minister.
Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.23 AM

PROCEEDINGS RESUMED AT 11.51 AM

The Speaker: Debate continues on Private Motion's No. 8/95.
The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, permit me to open with a sobering reflection: It is a sad day indeed when a leader gets so discombobulated that he cannot defend his party and its policies. All I can say is that certainly never happened under the most withering fire to the former Leader of Government Business and the National Team. I am glad I am on the Opposition.

Madam Speaker, this Motion: "**BE IT RESOLVED THAT this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing unwarranted expenditure, social disharmony, fear and apprehension in the Cayman Islands**", is not only a relevant Motion but, contrary to what has been spoken by the last speaker, such a format is in order and is widely accepted.

Certainly, Madam Speaker, if the Honourable Minis-

ter was widely read and knowledgeable about modern Parliamentary procedures, he would understand that the modern trend is to frame motions this way and, certainly, in a Censure Motion there is no need for any recitals, or 'whereas clauses' as he calls them. And to substantiate my argument, Madam Speaker, permit me to quote very briefly from some texts with which I am familiar.

The first, *Ministerial Responsibility*, edited by Jeffrey Marshall and published by Oxford, page 36 and 37, reading briefly under the section: "Types of defeat", explicitly worded 'Votes of Confidence' (subtitle): **"These clearly state that the House has, or has not, confidence in Her Majesty's Government and debate on them thus centres upon the issues of confidence. Governments may occasionally seek explicit votes of confidence but such motions are more usually tabled by the opposition, employing the negative wording."**

Permit me Madam Speaker, to emphasise that: "but such motions are more usually tabled by the Opposition, employing the negative wording. For example, that this house has no confidence in Her Majesty's Government."

"By established conventions the Government permits a debate on them as soon as possible." And the last section, Madam Speaker, from this reference reads: **"The carrying of an explicitly worded censure motion against the Government may be regarded as a most effective type of confidence vote. The passage of such a motion puts it beyond doubt that the Government has lost the confidence of the House."**

I would like also now to draw reference to a second text, entitled: *Ministers and Parliament: Accountability in Theory and Practice*, by Dianna Woodhouse, published by the Clarendon Press, Oxford. Introduction: Chapter I, entitled: 'Accountability of Minister to Parliament': **"A fundamental principle of the British Constitution and, by inference, the Westminster system of Government is that the government is accountable through its Ministers to Parliament. Such accountability is central to the concept of responsible government and may be regarded as essential in a system with a dominant executive."**

Madam Speaker, this point is the most important, **"The government is held accountable through its responsibility to the party and through the electoral process and by critical scrutiny of the mass media. It is also accountable to the courts for legality of its actions. These are all-important locations of accountability. But in a Constitution which centers upon supremacy of Parliament, accountability to the Legislature is Constitutionally of most significance."**

Madam Speaker, if the Honourable Minister who is Leader of Government Business was as knowledgeable with his nine senior qualifications (as he likes to boast of them) as he should be, he would be familiar with these texts, and he would know that our Motion is quite in order. For, Madam Speaker, if the Motion was not in order it would not have passed the Chair. His argument about the Motion being the briefest Motion in history, how it has no recitals and no "whereas," perhaps he should seek to familiarise himself with developments in modern Parliamentary practice.

Madam Speaker, the Honourable Minister last speaking should really be an authority on Censure Motions. Has he forgotten when he got us, the seven Back-

benchers, into trouble and made the then Government slap us all over when he told them in the Committee Room that they should step down gracefully? Has he forgotten all of the furore surrounding that debate? Has he forgotten that he was the leader of that movement to topple the last Government?

It seems, Madam Speaker, that the Minister is good at giving, but very poor at taking. Perhaps he should seek out the edition of the *Caymanian Compass*, which carried that story in the headlines "Step down gracefully", and familiarise himself with those events in which he instructed us, the six Backbenchers, to take... leading us into a pit of acrimonious debate. Indeed, the Government went all over the island bamboozling us.

Now, Madam Speaker, in keeping with his character, he has lead his National Team Government into a debate and abandoned them at the height of the battle when they need him most, because he could not even defend their position. He got so discombobulated he ducked out.

This Motion is brought by the Opposition Members to evoke a debate, to hold the Government to account for what we consider mismanagement of the country's affairs and, in so doing, I argue that we are on the right track.

Madam Speaker, as I will go on to show, there have been too many instances, including instances where the present Leader of Government Business, the Minister for Education and Planning, has been one of the greatest culprits of mismanagement and taking advantage of his position as a Minister in Government. But before I get to that stage, there is something of critical importance which I need to say.

Madam Speaker, I have decided that the only way this whole business of the mischievousness which surrounds the road gazetted as the 'Roy Bodden Road' will come to an end is when I instruct my attorneys to write to the Government asking them to remove my name from that road. And I have taken steps to so do, because the history of the development of that road will show that when I bought the property from the late Mr. R. Selkirk Watler, I was the only resident on that road. The road at that time was just a trail through which I had to navigate with a four-wheel drive vehicle. Madam Speaker, I have changed vehicles since that time, but I still have a four-wheel drive vehicle. If I had my wish, the road would have forever remained private.

The Government gazetted it through no effort of mine but, I suspect, because Mr. Harvey Stephenson has one of the largest farming establishments in the country and I understand he works closely with the Government. It is through his insistence and lobbying, even now. I went down in there, Madam Speaker, only to raise my family in peace and comfort away from the hustle and bustle. I was quite prepared to live the kind of rural life that I thought I would lead. So, I have nothing to do with the gazetting of the road and the Government did not consult me when they chose the name. I suppose it was convenient to identify it by the fact that I was the only person living there. However, I have instructed my attorneys to write to the Government requesting that they remove my name from the road.

Madam Speaker, the Honourable Minister who last spoke has tried to cloud this issue, as he is so expert in doing, by all kinds of insinuations of radicalism, socialism and communism—the old-hat technique, I call it—insinuating that people with whom the Opposition may be in association with will introduce this kind of disharmony into the country.

But I noticed, Madam Speaker, that he did not say anything about Nazism, Fascism and Racism, and he did not talk about those kinds of people who would like it to remain as South Africa was. And I wonder if that was a convenience on his part because he has something to hide, or because he may be disposed in that direction?

Madam Speaker, I also noticed that every time he tried to say 'social disharmony', he said 'racial disharmony'. I wonder if that was a Freudian slip? Or is it so buried in his mind that when he becomes intense it is his real intent and it automatically slips [out]? Like they say: Alcoholism reveals what sobriety conceals.

His problem, Madam Speaker, is not as he is trying to say—that he would not want political advancement. I do not know who on the Opposition wants any political advancement, because it certainly has not been articulated in this House since I have been in Opposition, nor has it been articulated outside by us or by anyone with whom we are associated. His problem with political advancement is that he would want the advancement if he was sure that he could be the leader. But because he knows no one would consider him for leadership in a fair runoff, he cries wolf when he thinks it suits him. But what he had better come to grips with, Madam Speaker, is the Brutus-like traits in his character. He would like leadership; but he wants it by default, like how he has it now—as the result of stabbing his colleague in the back.

Mr. Gilbert A. McLean: Hear, hear! He is a Brutus.

Mr. Roy Boddén: Madam Speaker, that accusation is vividly borne out in the *Caymanian Compass* of Tuesday, 23rd May, 1995, when, in a statement: 'Governor refutes MLA's allegations', the Governor said that he, "**on the advice of, and following lengthy discussions with, the other four elected ministers...**" took a certain step. That Minister, who says he does not want any leadership and he does not want any Chief Ministership, was one of those persons consulted. And it is a pity that we cannot move a motion in this Honourable House to change his name and his title to Brutus, because he is a Brutus!

Mr. Gilbert A. McLean: Hear, hear!

Mr. Roy Boddén: Madam Speaker, this Motion did not have anything to do with losers. He brought in the notion of losers—talking about "**losers who can never expect to gain anything, and these losers, being a small minority of one leader and one follower...**" I want to say something about that, Madam Speaker.

I understand that in the Calvinist Religion the doctrine of predestination is foremost. That means that the Calvinists believe that if you are born to be a slave, you

must remain a slave; that it is a sin to try to elevate your status, but you must try to be the best slave ever. Well, I am not a Calvinist, but I want to tell you something about my position as a follower. If I give my word that I am going to follow someone, I am telling you, Madam Speaker, that I will endeavour to be the best, the most faithful, most deserving follower ever. Any person to whom I give my pledge to follow does not have to worry about me stabbing them in the back, the chest or anywhere else, because I am a man of my word; nor will I conspire to erode their position of authority or primordial position over me. See the difference between he and I.

And, talking about losers, Madam Speaker, has he forgotten that he lost \$500,000 in a newspaper venture? Has he been successful in everything that he has put his finger on? Is he a King Midas? Well, I would like to know.

I am going to tell you something, Madam Speaker, talking about losers—he was at the right place at the right time, and I challenge him to explain to this Honourable House how he purportedly undertook a mission to promote the affairs of this country and, as we were made aware of in a letter written by Mr. Linford Pierson which was published in the *Caymanian Compass*, when he was supposed to be attending meetings promoting the Government's business he did not attend the meetings but was off on a tangent promoting his own interests. I want him to explain how...

Hon. Truman M. Boddén: Madam Speaker, on a Point of Order.

The Speaker: Yes, may I hear the Point of Order?

POINT OF ORDER

Hon. Truman M. Boddén: The Point of Order is that the Member is misleading the House. He is making an allegation against me that is untrue. If he has anything specific let him lay it on the Table, or give it to me.

The Speaker: First Elected Member for Boddén Town.

Mr. Roy Boddén: Yes, Madam Speaker, I certainly will. I challenge the Honourable Minister to explain why, when he should have been promoting Government's business, he was not at the meeting, but was instead handing out—and I shall read it and lay it on the Table—a document promoting his law firm which reads: "**The Partners: The Honourable Truman Boddén is the Minister of Aviation and Education in the Government of the Cayman Islands responsible, inter alia, for Cayman Airways.**"

"**Mr. Boddén was an Elected Member of the Executive Council of the Government from 1976 to 1984 with responsibility for the Portfolios of Health, Education and Social Services and he has been an elected Member of the Legislative Assembly of the Cayman Islands from 1976 to 1984, and from 1988 to the present.**"

"**He was acting Attorney General of the Cayman Islands for periods during 1970 to 1972 prior to founding this partnership.**"

Madam Speaker, I challenge him to explain that.

The Speaker: First Elected Member for Bodden Town, could you read where that paper came from?

Mr. Roy Bodden: It came, Madam Speaker, from a brochure advertising and promoting his law firm.

The Speaker: Please lay it on the Table of the House. Honourable Minister, are you...

Hon. Truman M. Bodden: Madam Speaker, the only thing I... it must be my biography that he is laying on the Table. I do not know whether that is what he is now doing... which I have no objection to, it is in Martindale—Hubbell and...

The Speaker: Your Point of Order is not valid because he has presented something that is laid on the Table.

Hon. Truman M. Bodden: No, Madam Speaker. He said Mr. Linford Pierson, in a letter in the *Caymanian Compass*. That is what he said, and that is what I objected to. This is a different thing.

The Speaker: I know that. Have you got a copy, First Elected Member for Bodden Town, of that letter that was in the *Caymanian Compass*?

Mr. Roy Bodden: No, Madam Speaker, but it is published and I can get it, and give him time to do research.

Hon. Truman M. Bodden: Madam Speaker, I would like to take a Point of Order.

The Speaker: There are two Members... just one minute, please...

Hon. Truman M. Bodden: If he does not have it, then I object to his making allegations of what somebody else has said by something he does not have. That is unfair.

The Speaker: Well, perhaps he may not have it in his possession, but if it has been public... It is a letter to the press which has been widely publicised, I think he has every right to make a mention of that.

Hon. Truman M. Bodden: If he is reading from a document, Madam Speaker, he has to lay it on the Table of this Honourable House.

The Speaker: He has laid one document on the Table, he made reference to a letter from Mr. Pierson which was in the *Caymanian Compass* of the 23rd of May, and that is a public document.

Hon. Truman M. Bodden: Madam Speaker, if he has something and he is going to use it, he must have it, because he may speak on it, create the damage and then not produce it.

The Speaker: Yes, but I think in this respect, when it was published in the newspaper... it is not something that nobody else has had, this has been widely circulated.

Please proceed, First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I think that I have made my point on that issue and I will move on. Suffice it to say that such actions are a part of what this Motion challenges.

Madam Speaker, yesterday afternoon the Minister, in his usual misleading way, also tried to say that I objected to the efforts of the people who produced the strategies. I have never been on record as saying that I objected to any person so involved. What I have said, and what I will say...

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

The Speaker: Honourable Minister for Education and Planning.

POINT OF ORDER

Hon. Truman M. Bodden: Thank you, Madam Speaker.

He is misleading the House. What I said yesterday was that he sat over there away from the microphone and made those objections. And I repeated it time again, and he did not challenge me on it, because he did say so.

If he is saying that he did not say so, it is untrue and misleading.

The Speaker: Honourable Minister, I have heard your objection. First Elected Member for Bodden Town would you like to explain, if it is possible?

Mr. Roy Bodden: Thank you, Madam Speaker, I was going to explain what I said.

I said that I did not put down or cast any aspersions on the strategies produced by these 353 people. I said only that, as far as I am concerned, I do not favour the Strategic Planning method for these reasons: In the Educational Administration that I studied... and, by the way, I heard the Minister make mention, as he usually does, to defunct school teachers referring to the Second Elected Member for Cayman Brac and Little Cayman and myself. If, as trained and experienced teachers, we are defunct, then I wonder in what category that person falls who is neither trained nor experienced, such as he himself?

I said, Madam Speaker, that when I studied Educational Administration we were told that the weakness of Strategic Planning (because it was around from those times) was that it does not offer any definitive statements about what the strategies will cost. I prefer a method which allows the policy-maker or the administrator to arrive at some form of cost analysis.

To go further, Madam Speaker, to this point: I have not made any statement concerning his efforts to reform

education outside of this House. That is his business, his priority, his policy, and as an educator I respect that enough. Although I might not agree with it, I will not attempt to put any hurdles in the way. I just know that if I was in the position I would try to involve the people in a different method and technique. Enough said on that.

Madam Speaker, the Government has caused upset in the community by its actions. And it does not matter who was a part of what when Manifestos were being made. The fact is that the whole dismantling of the infrastructure must cause this country significant expenditure to re-institute.

I have never declared that I have the monopoly on making a correct decision in every instance. But, by the same token, I do not feel embarrassed about any change of opinion or position that I have had, politically speaking. As I have said before, the great Winston Churchill changed parties seven times. What I can say, Madam Speaker, is that I am not associating with anyone who sued me for libel.

Madam Speaker, the National Team Government cannot get away from the fact... and speaking about stability, which is one of the points that this Motion seeks to address: Is it stable when the Government changes leaders mid-stream? Is that an example of stability? Or is that indicative of the social disharmony that we are talking about? Is it a hallmark of stability when the efforts and confidence of some people are being eroded by others?

Madam Speaker, the Honourable Minister takes issue... and I listened to him, while preaching that he is such a supporter of democracy, using every opportunity to question and to denigrate the Opposition for bringing questions, motions, etcetera, to the House. He made several references yesterday to the questions brought in this sitting. I wonder if he has forgotten about the time when he was a Backbencher, how he would come to the Second Elected Member for Cayman Brac and Little Cayman and myself and say: "Gilbert, you and Roy always seems to have so many questions, can I cull a few from you?" [Members' laughter] Has he forgotten those times?

Why is it so difficult now? Why is it such an unheard of and disgraceful thing now for the Second Elected Member for Cayman Brac and Little Cayman and me to bring questions? Is it because we are asking him?

Mr. Gilbert A. McLean: That is it.

Mr. Roy Bodden: You know, Madam Speaker, I hope the Honourable Minister understands that it is nothing personal, but it is just that he needs to be reminded from time to time. As they say: "Nothing 'poisonal' at all."

Madam Speaker, we have a history of upsetting things. We have the disruption of the Civil Service under the excuse that it was large and unwieldy—7 percent had to be trimmed. Who is left? Caymanians? Now we have arrived at the point where the Civil Service has been increased by over 100. Yet, just about two and a half years ago we trimmed—the same Government, same tenure of

office. Does this make for good Government? Or does it make for apprehension, uncertainty and disharmony?

We have the wholesale dismantling of certain infrastructures. We have the purchase of the Hawley's Estate, which to this day is not utilised in spite of all the expense we went through to acquire it. Most recently we have had a whole slew of upsetting statements, some of which are still being explained and talked about in an attempt to clarify and to water-down the damage which is already done.

I want to say this in all seriousness: Every person elected in this Honourable House has a tremendous responsibility to engage the brain before they engage the mouth. After the word is spoken, no amount of explanation can change the impression that has been left. If we talk about people cluttering-up the infrastructure we had better take heed, because these were the same phrases used by the Manley's in the 1970s...

Hon. W. McKeever Bush: You would know. [Members' Laughter] You and Gilbert would know.

Mr. Roy Bodden: ... and these were the same strategies offered by the people...

Hon. W. McKeever Bush: Trevor Monroe...

Mr. Roy Bodden: They call Trevor Monroe.

I want to say something about Trevor Monroe. I wonder if they believe that the Second Elected Member for Cayman Brac and Little Cayman was the only person in here who went to the UWI (University of West Indies), who may have met Trevor Monroe?

Hon. W. McKeever Bush: Only through Tivalley...

Mr. Roy Bodden: [addressing the Hon. Minister] Yeah? Well maybe you would find it of interest to know that the Chief Secretary, the Honourable Mr. James Ryan, majored in Economics. Ask him who were some of the people he had to meet, if not Don Robotham and Trevor Monroe. But you would not know that.

Hon. W. McKeever Bush: Yeah, but he was not down in Tivalley Gardens—it was you!

Mr. Roy Bodden: [addressing the Hon. Minister] I never went to Tivalley Gardens, because when I went to school in Jamaica there was no Tivalley Gardens...

Hon. W. McKeever Bush: Brown's Town...

Mr. Roy Bodden: ...and I do not know anything about Brown's Town. I did not go to University there.

Hon. W. McKeever Bush: You know about the destabilisation of Jamaica.

Mr. Roy Bodden: Well, you are the one...
Madam Speaker, that Honourable Minister...

The Speaker: Order! Please no talking across the room.

Mr. Roy Bodden: Madam Speaker, thank you Ma'am. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture is the one who is talking about expatriates cluttering up the infrastructure, and taxing them to the point where they will have to flee; or inducing capital flight, like they did in Jamaica, and send the cash by the suitcase-loads out of the country.

Madam Speaker, militants and socialists are no different from racists and fascists. I am neither, nor is the Second Elected Member for Cayman Brac and Little Cayman. All we are, are loyal Opposition who want the best for our country. Madam Speaker, that is borne out by the debates and the issues that we bring forward in this Honourable House.

There is no escape, Madam Speaker, for the Government from this Motion. There is no way that they can say that under their stewardship this country is doing as well as it could be doing. They say that the last Government left the country bankrupt. I wonder, then, how are they going to explain that upon taking office they found \$10 million in the Reserves and the first thing they did was to take \$8 million out of it?

Hon. W. McKeeva Bush: Now are you talking nonsense.

Mr. Roy Bodden: I wonder if that was a bankrupt Government—a Government that left \$10 million in the Reserves, and a Government which allowed them to take \$8 million from the Reserves?

Madam Speaker, believe you me, there are a lot of things which are going to have to be dealt with. I wonder how they are going to explain the purchase of a piece of land for about \$800,000 which, when it was purchased initially, was purchased for less than \$200,000? I wonder if this is good stewardship? I wonder if this is not reason enough to talk about unwarranted expenditure?

The Speaker: Honourable First Elected Member for Bodden Town, I must draw your attention to the fact that having a Member use the arguments of another Member is not tolerated. That has already been stated, and I would ask all Members in the future not to repeat an argument put forward by a Member, or repeat their own arguments, please.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, this Government, among many things, has the record for being the most widely travelled government in the history of our country for the time they have held office.

Madam Speaker, one example of that is the fact that the trip to Hong Kong, and I think there were two other destinations, New York and London, cost this Government \$309,777. Yet, the Government, up until a few days ago, was not in a position to say how much business was realised as a result of this trip. Madam Speaker, we say that this is not good enough.

In addition to that, there were other trips taken by individual Ministers of Government. I would like to read into the *Hansard* of this Honourable House the details of these trips, because it will serve to show that much, if not all, of the expenditure incurred by these honourable gentlemen (under the pretence of promoting the country) is of questionable results.

Madam Speaker, let me say at the outset that what I am quoting from is a matter of public record, and if the Chair would like for me to table the documents I would have to beg a moment in order to request the Serjeant-at-Arms to photocopy them. But some of these documents I believe may already be privy to the House, since I got one from the Accountant General and the other from the Honourable Financial Secretary, and one came from the Honourable Clerk of this Assembly. So, what I propose to do, with the Chair's permission, is to read the documents and, if so requested, I could ask the Serjeant-at-Arms to provide copies to be tabled at the end of my reading them into the *Hansard*.

The first, Madam Speaker, has to do with the Official Travel Account from 1992 to 1995, and I shall detail the travel of the Ministers beginning with the Honourable Minister for Community Development.

THE HONOURABLE MINISTER RESPONSIBLE FOR COMMUNITY DEVELOPMENT, SPORTS, YOUTH AFFAIRS AND CULTURE.

- 1) January 20th to 24th, 1993—a trip to Florida at a cost of \$264.36;
 - 2) February 2nd to 6th, 1993—a trip to Miami at a cost of \$413.14;
 - 3) February 25th to 26th—a trip to Miami at a cost of \$315.20;
 - 4) March 12th, to the 12th March, 1993 (that is obviously an error) a trip to Aruba at a cost of \$428.71;
 - 5) April 14th to 23rd, 1993—a trip to New York/London at a cost of \$1,770.03;
 - 6) August 15th to 18th, 1993, a trip to Jamaica at a cost of \$1,237.88;
 - 7) April 21st to 26th, 1994, a trip to New York at a cost of \$1,770.03;
 - 8) April 6th to 18th, 1994, a trip to Trinidad at a cost of \$1,953.60;
 - 9) August 94—August 94 (no more specific date than that) a trip to Canada at a cost of \$2,875.60;
 - 10) September 25th to 28th, 1994, a trip to Washington at a cost of \$1,242;
 - 11) October 30th to November 2nd, 1994, a trip to Washington at a cost of \$160;
 - 12) January 29th to February 1st, 1994, a trip to Bermuda at a cost of \$815.20; and
 - 13) February 11th to 24th, 1995, a trip to New York/London/Hong Kong at a cost of \$3,525.
- Making a grand total of \$16,770.75.

THE HONOURABLE MINISTER FOR HEALTH, DRUG ABUSE PREVENTION AND REHABILITATION:

- 1) January 20th to 28th, 1993, a trip to Florida at a cost of \$577.49;

- 2) May 26th to 27th, 1993, a trip to Florida at a cost of \$176.37;
 3) July 1994 to July 1994, a trip to Barbados at a cost of \$828.03.
 Making a total of \$1581.89.

THE HONOURABLE MINISTER FOR EDUCATION AND PLANNING:

- 1) April 1993 a trip to Cayman Brac at a cost of \$265;
 2) May 26th to 29th, 1993, a trip to the Bahamas at a cost of \$629.51;
 3) July 7th to 17th, 1993, a trip to Bermuda and the United Kingdom at a cost of \$1,869.63;
 4) December 5th to 7th, 1993, another trip to the United Kingdom for a cost of \$683.75;
 5) July 94 a trip to Atlanta for a cost of \$120.00;
 6) September 25th to 28th, a trip to Washington for a cost of \$231.86;
 7) May 8th to 21st, 1994, a trip to Europe at a cost of \$2,679.36;
 8) May 8th to 21st, 1994, again to Europe at a cost of \$1,427.85; and
 9) February 1995, a trip to New York/London/Hong Kong at a cost of \$2,516.01.
 Making a grand total of \$10,422.97.

THE HONOURABLE MINISTER FOR TOURISM, AVIATION AND COMMERCE:

- 1) January 20th to 23rd, 1993, a trip to Florida, at a cost of \$487.73;
 2) August 23rd—a trip to New York/London at a cost of \$1,791.57;
 3) August 1st to 10th, a trip to Miami/Chicago at a cost of \$2,090.10;
 4) September 4th to 12th, a trip to Aruba at a cost of \$617.25;
 5) November 21st to 26th a trip to London at a cost of \$1,429.99;
 6) December 7th to 10th, a trip to Miami at a cost of \$1,019.08;
 7) April 17th to 23rd, 1994, a trip to New York at a cost of \$1,931.93;
 8) May 7th to 20th, 1994, a trip to Europe at a cost of \$3,879.77;
 9) June 1994, a trip to Barbados at a cost of \$361.90;
 10) July 24th to 27th, a trip to Texas at a cost of \$435.73;
 11) September 1994, a trip to Jamaica at a cost of \$303.72;
 12) September 25th to 28th, a trip to Washington at a cost of \$160;
 13) October 25th to 27th a trip to Barbados at a cost of \$492.58;
 14) February 12th to 25th, 1995, a trip to New York/London/Hong Kong at a cost of \$3,630; and
 15) March 24th to April 1st, a trip to the United Kingdom at a cost of \$3,005.
 Making a total of \$21,636.35.

THE HONOURABLE MINISTER FOR AGRICULTURE, ENVIRONMENT, COMMUNICATIONS AND WORKS:

- 1) April 14th to 27th, 1993, a trip to New York/London at a cost of \$1,075.06;
 2) May 5th to 17th, 1993, a trip to Florida at a cost of

\$2,351.62;

- 3) July 2nd to 10th, 1993, a trip to the United Kingdom at a cost of \$1,958.18;
 4) July 1993, a trip to Jamaica at a cost of \$1,215.05;
 5) July 27th to 29th, 1993, a trip to Florida at a cost of \$533.20;
 6) May 7th to 14th, a trip to Florida at a cost of \$1,071.45;
 7) August 1994, a trip to Pittsburgh at a cost of \$1,767.10;
 and
 8) September 25 to 28th, a trip to Washington at a cost of \$1,003.43.
 Making it a total of \$10,975.09.

The total accumulative is \$61,387.05.

I noticed that the figures from the Financial Secretary and those of the Accountant General bear a slight difference because the Financial Secretary's figures show accumulative total of \$63,642.05.

But, Madam Speaker, may I hasten to add that does not include expenses incurred on Commonwealth Parliamentary Association's business, which I would also crave the permission of the House to read into the *Hansard* at this time.

The Honourable W. McKeeva Bush, JP—\$594 in 1992; being expense incurred as attendance to the 38th Commonwealth Parliamentary Association Conference in Bahamas. In 1993, \$3,466.44 for the conference in Cyprus; \$3,506.44. I think that this appears to be an updated figure for the same trip. Mid-year Executive Committee Meeting in British Columbia at a cost of \$2,035.70; the NCSL Conference in San Diego at a cost of \$2,522.80; 40th Commonwealth Parliamentary Conference in Alberta, Canada at a cost of \$6,248.98; Mid-year CPA Executive Committee Meeting in Norfolk Island at a cost of \$5,626.19; and the Mid-year C.P.A. Executive Committee meeting in Malta at a cost of \$2,944.51. Those are individual figures rather than accumulative figures.

Madam Speaker, as I said, this information is quite readily available. But if Honourable Members so desire I shall request of the Serjeant-of-Arms to prepare the relevant copies of the documents so that I may be able to...

Hon. W. McKeeva Bush: On a Point of Order, Madam Speaker.

The Speaker: May I hear the Point of Order, Honourable Minister?

POINT OF ORDER

Hon. W. McKeeva Bush: I wonder if the Member would table his expenses for the Commonwealth Parliamentary Association Conference?

The Speaker: Honourable Minister, I am sure that you know that was already brought to the attention of the House, in a recent debate—his expenditure and travel to CPA Conferences. If I remember correctly, that is on record in the House. If you would like to bring that up again, you can do so. But it was recorded.

Hon. W. McKeeva Bush: I will be doing that, Madam Speaker.

The Speaker: Would you continue, First Elected Member for Bodden Town?

Mr. Roy Bodden: Thank you, Madam Speaker.

I think, Madam Speaker, that the figures bear out the point that I wish to make: This Government has been the most travelled government in the history of our country. One significant note needs to be made: there is still much time left in their tenure of office, so there will undoubtedly be more such travel.

The Speaker: May we take the luncheon suspension at this time?

Mr. Roy Bodden: Certainly, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.15 p.m.

PROCEEDINGS SUSPENDED AT 12.43 PM

PROCEEDINGS RESUMED AT 2.21 PM

The Speaker: Debate continues with the First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, I need to make a clarification with regard to something I mentioned concerning the CPA passages. Some of these passages have been refunded, therefore they would not figure into the statistics which I read out before we adjourned for lunch. So I do not want to convey any confusion or the impression that this had not been done.

Madam Speaker, continuing now. One of the expectations of the public, and one of the means whereby apprehension and doubt are removed is by the Government providing ample notice on what it is intending to do and what it is intending to bring by way of Bills. Madam Speaker, it is accurate, indeed, it is both accurate and fair to remark that that was one of the selling points of the National Team and the Government. But the Government has not done a good job of this, they have not lived up to the promise; so, it bears emphasis that failing to deliver on this promise creates a certain amount of apprehension.

Madam Speaker, the *Caymanian Compass* of Wednesday, 19th January, 1995, very clearly and explicitly made the point in a column written by the Chamber of Commerce, entitled: "Public Notice on Bills". I will not read the whole column, as it is quite extensive. I will only say that in this column the Chamber of Commerce remarked that in the run-up to the 1992 General Elections the candidates' forum hosted by the Chamber enabled candidates to declare their position on ten major public issues, one of which involved advanced notice on Bills.

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order.

The Speaker: The Honourable Minister for Community Development.

POINT OF ORDER

Hon. W. McKeeva Bush: Standing Order 35(2) states: "It is out of order to attempt to revive in any debate a matter or reconsider any specific question upon which the House has come to a conclusion during the current session..."

We just dealt with that motion, Madam Speaker, by sending it to the Standing Orders Committee. The Standing Order goes on to say: "...except upon a substantive motion or rescission." I believe that I am right in calling his points out of order, in bringing this back into the debate when we have just completed it.

The Speaker: Honourable Member, that is not a valid Point of Order, because the Standing Order specifically says: "A specific question upon which the House has come to a conclusion..." Sending something to a Select Committee does not mean that the matter has come to a conclusion.

So that is not a valid Point of Order.

Hon. W. McKeeva Bush: Madam Speaker, I am not going to question the Chair, but I would draw to your attention that we did take a vote—that means that that ends, it would revive when it comes back to us, from my understanding of the rules. But, as you have said, so it shall be.

The Speaker: But it is not really a conclusion, Honourable Minister. The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker, and I am glad that the Chair has posited that what I am saying is quite relevant, because I am discussing the Chamber of Commerce and its statement as it relates to apprehension in the community. The Chamber of Commerce, Madam Speaker, formally calls upon the Government to provide a statement to the public as to why they have not fulfilled this promise. Why have they denied democratic participation of the electorates?

Apprehension! Apprehension as a result of the public's inability to participate.

It is a matter of public record that the Chamber of Commerce is a watchdog and is perhaps, up to this point, the most influential and accurate thermometer as to the performance, not only of the Government but of individual Ministers and Members of Parliament. The Chamber from time to time voices its concerns, as it did in the article quoted.

The Government, especially the Honourable Minister who spoke for the Government, is always trying to portray the notion that the Opposition is disorganised, mischievous, and that what we offer is not constructive.

Madam Speaker, the Chamber of Commerce had this to say about the efforts of the Second Elected Member for Cayman Brac and Little Cayman, and myself, as Opposition Members in this Honourable House, in an article in the *Caymanian Compass* on Wednesday, 7th June, 1994, "Views from the Chamber of Commerce" entitled: 'Good News for Democracy': "**The Caymanian Compass of Wednesday, 31st May, featured an article on proposed motions by MLAs Roy Bodden and Gilbert McLean. Mr. Bodden has proposed that the public be given additional time to consider bills before they are tabled in the Legislative Assembly...**

Hon. Truman M. Bodden: Madam Speaker, I would like to take a Point of Order.

The Speaker: The Honourable Minister for Education and Planning.

POINT OF ORDER

Hon. Truman M. Bodden: The Member is now specifically referring to the length of time for Bills under the Standing Order—the motion just moved recently and sent to a Select Committee. It is very clear that once the motion is put, a vote is taken and it is sent to a Committee—there is no debate on it. What is happening now is an attempt to circumvent the Standing Orders.

Standing Order 84 specifically states: "**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.**"

There was no right to speak on it then and, I submit, he is in breach of this order by attempting now to speak on a motion which he did not have a right to speak on at that time.

The Speaker: It is a valid Point of Order, and I must ask the Member, although he is quoting from what the Chamber of Commerce has stated in the article of the 7th of June, that this matter must be passed over. Would you go on to another subject? Thank you.

Mr. Roy Bodden: Thank you, Madam Speaker. I respectfully bow to your ruling.

I will pass on the matter by saying that the Chamber of Commerce was only praising the efforts of the Second Elected Member for Cayman Brac and Little Cayman, and myself, as responsible Opposition Members carrying out what we see as a very important duty.

Hon. W. McKeeva Bush: Yeah, right.

Mr. Roy Bodden: But, Madam Speaker, there are other areas which lend themselves to fear and apprehension which the Government has to take some responsibility for—certainly, the delay in implementing a Bill of Rights. The *Hansards* of this Honourable House will show that I

have been persistent in my efforts to incorporate this essential doctrine into our Constitution. Would that the Government was of the same frame of mind to see such a necessity and such an urgency.

Madam Speaker, this whole business of a change in the Customs Law, when it came some time ago, still causes widespread ripples in the community. Yesterday, a letter was read by my colleague detailing what could clearly be termed as victimisation. What is striking, Madam Speaker, is that Government has an absence, it seems, of any regard for the suffering and the depravation brought on by these kinds of actions on legitimate enterprises and citizens.

Madam Speaker, I also have to wonder if the Government does not realise—and this especially goes to the Minister with responsibility for Education—that when he (as he did a short while ago) stands in this Honourable House and pokes fun at educated people by calling them defunct, that that, in itself, promotes social disharmony and apprehension?

But I want to say something in all seriousness, since he persists in castigating us as defunct school teachers: Perhaps it would be good for him to know what some elements of the public say about his abilities as an attorney. If an edict went out to hang attorneys and he was hung, someone would be in serious trouble for hanging an innocent man.

I say that, Madam Speaker, to ask what kind of country is this, where the Minister of Education pokes fun at education? Is this not, in itself, a manifestation of what this Motion is talking about? I hope he has taken note of what I have just said.

On occasions like these it is also the responsibility of the Opposition to bring to the attention of the Honourable House and the Government what is happening. Before I move on, I want to say that I heard the Honourable Minister for Education mention on many occasions that there are two of us on the Opposition—the Second Elected Member for Cayman Brac and Little Cayman, and myself—against 18 Members. Well, I wonder what kind of mathematics he is using when, up to yesterday, I heard the Fourth Elected Member for George Town say that he was sitting on a "little four inch fence"? Perhaps, Madam Speaker, like many things, that is a figment of that Honourable Minister's imagination.

Madam Speaker, I contend that the Motion is in order because the stewardship of the Government betrays a distressing level of confusion and a lack of any insight into the ills the country faces at this time which demand consistent and well thought-out policies, and not the discredited and untried quick fixes proposed by them. Certainly, the country is absolutely tired of the National Team heaping blame on past Governments, some [Members] of which I understand are never returning to active politics.

Madam Speaker, the aim of the Motion, contrary to the aim of the efforts spearheaded by the now Leader of Government Business when we were Backbenchers together, is certainly not to topple the Government. We are not asking anyone to step down gracefully. All the Motion says is: "BE IT RESOLVED THAT the Honourable House

has no confidence in the Government." It is not for us to propose.

Just as I read from the text quoted at the beginning, the Motion is an indictment on the failure of the Government to deliver what they said they were going to deliver. The onus is not on me, nor is it on the Second Elected Member for Cayman Brac and Little Cayman, for we are not in any position to make policy. It is, therefore, left to the Government to acquit themselves; to debate and convince Members of the Honourable House that they are not in breach of the confidence of the Honourable House.

Thank you, Madam Speaker.

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

Hon. W. McKeever Bush: Madam Speaker, I have listened carefully to the Opposition on this [Censure] Motion. In fact, when the Motion was sent to me by the staff of the Legislative Assembly, I had to wonder where the Opposition was going with this. I listened because they have not brought anything new, nothing other than what they have been saying all along.

But when a credible Opposition chooses to try to enlighten the country and the House that a government is all wrong and that things are in a disastrous situation, that Opposition—if they had the credibility and the where-withal—would lay before the country an alternative to what the government is doing. But they come with a Censure Motion, with no alternative and with no proof; nothing except wild allegations, insinuations and a down-right tearing down of the Honourable Minister for Education. Of course, they had their chance with me.

They have not produced any alternative, and when an Opposition in the Westminster tradition brings a Censure Motion they bring an alternative to the country and say: "Ladies and gentlemen, citizens of the country, this is what we offer you. We are the alternative government, and this is what we are offering you."

I ask the two of them: If they win the Censure Motion, who are they going to replace us with? They must tell the country. If they win the Censure Motion against the five Elected Ministers here, who will they replace us with? Is it the same group that has been stirring up trouble? Is it the same group that they have produced their subscription paper for—The Team Cayman? The one with the black hand shaking the white hand? Is that what they are going to offer the people of this country? The Black Power Movement? The Black Power sign? The Caribbean-style politics?

They have the barefaced gall to come here and accuse us of scaring people! I have never heard such vicious, outlandish attempts. It is in the true tradition of their schooling... and you heard who the First Elected Member for Bodden Town said that they associated with.

Now, Madam Speaker, I am going to try to deal with this attempt to discredit the National Team and the Ministers.

They began their debate by saying that the public

was highly disgruntled in 1992, that the public had high hopes so they elected the National Team by a landslide victory: but those hopes were not realised. They went on saying nothing new, slandering people and insinuating things without proof—somebody told them this, somebody told them that—but no proof, only what they can concoct themselves. They are shelves of flowery language. They come from academia, they can do that—talk with no proof or substance.

First of all, the ploy... and let me deal with this issue first. The ploy of the Opposition, the two Members moving the Motion, to try and smear me or the government with a charge of being anti-expatriate is to cover-up their own history, to cover up their antics and their dislikes. If we could believe their ploy today of liking foreigners... but we know, and the Caymanian public knows, Roy Bodden and Gilbert McLean, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman...

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?

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture is calling my name and that of the First Elected Member for Bodden Town which is not allowed under Standing Orders. He is posturing to catch attention, as he believes he will.

The Speaker: The Honourable Minister did call names, but he afterwards corrected himself and used the correct terminology: "The First Elected Member for Bodden Town and The Second Elected Member for Cayman Brac and Little Cayman". So, I believe he realised the error and corrected it in time.

Would you continue, Honourable Minister?

Hon. W. McKeever Bush: Thank you, very much, Madam Speaker. I am sorry that I referred to them by their names and not their elected districts.

The people of this country know very well, and have heard remark after remark by those two men. For the First Elected Member for Bodden Town to come here and try to smear me as being anti-professional, or anti-expatriate... he should hang his head in shame. I wonder if he remembers his statement about Sir Milo Butler in the Bahamas? I wonder if he remembers that statement? I have not forgotten it. But it is not good to read everything to compound the problems.

I was discussing, in a public meeting with my constituents, the very matters that I raised in the Throne Speech—training and pensions. It is a fact that they have taken that... and I believe the paraphrasing was done

deliberately because of the reporter that was there. I forgive them, because I clarified it promptly.

How could anyone try to imply that I, by what I said, did not like professionals, or that I was being "derogatory", as was the word used? And how can they say with all sense of propriety that the government is chasing people away to catch "trunk-loads of money", I believe were the words used by the First Elected Member for Bodden Town.

Some other people have also taken it upon themselves—one, whose name was mentioned this morning by the Second Elected Member for Cayman Brac and Little Cayman, about some crane—I see him also writing in the press.

I believe that my record stands, and I will go into the records of this House to show that I am not a hypocrite and the people know that I am not a hypocrite. What those people who are writing letters in the press about expatriates should do... they would have done well, Madam Speaker, if when they were on the Caymanian Protection Board to have not given status and permanent residency with the right to work to certain people who today are not only interfering with the small business of Caymanians, but are also driving away the business of good long-term residents who have built up their businesses here for many years. They are not only driving Caymanians out of business, they are driving foreigners out too.

I did not sit on the Caymanian Protection Board, nor do I sit there now. But the public well know who got status and who got permanent residency with the right to work, and what business they are in today, and who gave it to them. I do not think that anyone can accuse me of being anti-expatriate or anti-professional.

Madam Speaker, please allow me to read from a *Hansard*. I have been consistent. I will just go back to the 16th of March, 1992, and perhaps some others. It is very important that I do. I want to quote from the *Hansard*, 16th March 1992: "When it comes to expatriate labour and opportunities for Caymanians, I am not a hypocrite. I have always said I support an immigration policy which would preserve, strengthen and expand the economic health of these Islands, by policies where long range growth for economic sectors is determined, and a system where labour budgets to fit growth needs are devised, and available Caymanian labour and the amount of foreign workers required is established to ensure quality growth to operate, strengthen and expand the international business sector which we are so heavily dependant upon, while ensuring that Caymanians are not shunted in their career opportunities."

Madam Speaker, that is McKeeva Bush speaking there, and I quote again from the same speech: "It is true that we have companies now from Europe, and I did not say that we did not, but we need to attract more European banks, other financial institutions, trusts, insurance companies and so on. What I was dealing with is the high net-worth individual who is most affected by the different European tax laws.

"It is a fact that the European Economic Community, through its tax structure, will drive away its high income

professionals and high net-worth individuals. For example, a highly specialised German doctor will have to pay 60 to 70 percent of his income in taxes. These Islands, with the proper atmosphere conducive to investors I am saying must attract these kinds of investors with their investments.

"It is for these Islands to bridge the gap which is being caused by the European Common Market. This is what I was dealing with. We must actively go after that kind of business and effectively inform those targets about our advantages to be able to portray that we are not just another Island in the Caribbean with a shaky future. We must launch an in-depth campaign to convince them that we are the real alternative. I contend that if there is any new growing market into which we can develop, it can be sought in Europe. I am not particularly talking about the tourists, but much more about high finance and personal investment which I think is the future of this country."

Madam Speaker, I would like to quote again, and I quote from the *Hansard* of 5th March 1992: "Madam Speaker, I am going through the different components of the economy to perhaps see where new revenues could come from. If we look at the Banking Industry policy which already contributes a substantial amount to the public purse through Stamp Duty, Bank and Trust Licences and so on, our banking legislation could be examined to determine if any improvements could be made to facilitate banking industry expansion."

I went on to say: "I have long said that these Islands have much more space for development in the international business sector. While our financial industry has a good reputation, that reputation is not established everywhere.

"I feel that a world-wide bigger campaign is needed in order to let people know more about us and our good marketing public relations and communication in these target areas."

Continuing in the same *Hansard*: "Firstly, in trying to build our revenue base in order to keep down inflation the Cayman Islands should carefully target the European tourism market and increase its office representation in those areas. An appropriate marketing campaign should be devised aimed specifically at each target country as tastes and preferences of tourists vary widely..."

Madam Speaker, I would like to continue reading from the *Hansards*. I want to read from [3rd] December 1991: "Madam Speaker, the more foreign capital coming into the country, the more Caymanian workers, businesses and entrepreneurs would be able to accumulate capital of their own so that they can participate more and more in the development of their country."

I further quote: "If anyone thinks that this country can get ahead, can develop without foreigners and their investment money, they are sadly mistaken and fail to understand what has brought us this far. We, Caymanians and foreigners alike, must continue working together as working partners for a stable future."

Madam Speaker, does this sound to you or to any other Member of this Honourable House, like I am someone who is anti-professional or anti-expatriate worker, or expatriate-business? Or could it ever be seen that I am in the category likened to that of Jamaica (I believe, was the example used) back in the 1970s? Can anyone honestly say that, Madam Speaker, except for those people who

know better, but are only playing politics; except for those people who have associated, who admit they went to school and mixed with the same people when Jamaica was being destabilised? Everyone knows that the two Opposition Members are cut from that kind of cloth.

Madam Speaker, the *Hansards* from the recent meeting record the same thing—let us bring foreign capital in, and let us train Caymanians.

My Ministry is dealing with the same things that I said should happen through the Manpower Development Review. How can they accuse me of being anti-professional or anti-expatriate?

Madam Speaker, what is hurting this country is when big and bold statements are made in this House and on the outside in public meetings by the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman about this country. The business of the Opposition is to oppose. As someone said it was their first, second and third business. But nobody has ever said it is not the business of the Government in power to resist the Opposition. It is not the legitimate purpose of the Opposition to do things that tend to injure the country.

I say that group, or any other group, must present a clear alternative in terms of policies and aim so that there are real challenges for the people of this country in the future.

They are engaging in nothing but disruptive and destructive opposition—tearing everything down. They accused us of tearing things down. The things we are tearing down are things that the people of this country said they wanted torn down. Those were the plans of Ezzard Miller and that group that the country could not afford. Whether we have gotten off on the start that we wanted to or not, the fact remains that the people of this country chose and elected us, by very large number, to do just that.

Madam Speaker, what is hurting this country, and what will hurt it worse, is when Elected Representatives, in their want for power, take tapes of shows and publish them in a political meeting—such as the one done by the BBC, which is designed by outsiders who do not live here, designed by outsiders to injure the Cayman Islands as a properly run financial centre. When these intellectuals publish these things, and they get published and bruited abroad, who is it hurting but the country.

Yet they come into this Honourable House and don these attitudes of injured innocence and declare that they are the Lord Almighty knows-it-all who can do it all. They want to talk about something? Let them put out their record for the public to judge.

When it comes to the running of this country, if the public wants to dump this Government and take on the alternative in hiding—the Ezzards, the two Elected Members in here, the Linfords and all the others who were named by the Minister for Education and Planning—let them do it; let them do it by democratic means. If the people choose, I will live by it. But I do not believe that group is going to maintain the financial centre in the way that it has been maintained in this country up until now.

Madam Speaker, can they say that this country is falling apart and show proof of it? If things are as bad as they have

said, Madam Speaker, why is there so much activity in our financial industry? How can they call us a Banana Republic, as they have been saying on the public platforms, when there are so many people from the outside—the investors—choosing the Cayman Islands?

Madam Speaker, in company registration (and this was up until March) there were 992 mutual funds. Since 1992 Banks and Trust Companies now stand at 559—more now but it is an increase of 27 up until that date. Company registration was up at the time 25,000, and, as of December last year, the figure that I had was 31,612. In 1992 there were 102 ships registered, and in 1994/95 there are 730. Does this sound like we are living in a country that is broken down, that nobody trusts us? We are not afraid of criticism, but it must be constructive and fair. If something is wrong, criticise it—but give us an alternative. Say this is what I will do and this is how I would do it. But are those two highfalutin Opposition Members doing that?

What I am really concerned about is the kind of philosophy being pushed by those two Members today—the same kind of political philosophy which made such wide allegations about giving guns to young offenders. This is not a philosophy that I will adhere to. When they talk about intellectuals and Jamaica... it was those people who destroyed it with their philosophies. It was those kinds of political confrontational tactics that destroyed the Caribbean back in 1970. You heard the First Elected Member for Bodden Town say who he was associated with.

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?

POINT OF ORDER

Mr. Roy Bodden: Madam Speaker, the Honourable Minister is misleading this House because I made no statement, either in this House or outside of this House, concerning my association with anyone in Jamaica in the 1970s. Madam Speaker, I was not there and, for the Honourable Minister's record, I went to universities in Canada.

The Speaker: Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, can you explain your statement?

Hon. W. McKeeva Bush: Madam Speaker, I was only referring to his explanation when he was speaking about Trevor Monroe and the others. It was he who mentioned the name, in talking about what they were doing and who went to school with them. I thought he was there back in the late 60s and the early 70s.

The Speaker: I think that perhaps you might continue with your speech Honourable Minister.[pause]

Would you wish for a suspension at this time?

Hon. W. McKeeva Bush: Thank you very much, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.21 PM

PROCEEDINGS RESUMED AT 3.51 PM

The Speaker: Please be seated.

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

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I believe that I have sufficiently dealt with this aspect of what was said in my public meeting. I think the House and the country understands—except for those people who want to play politics with it—that I am not what they try to portray and what the Opposition is now saying, and I believe that the Opposition knows better. They know better. But I say to them, that in their wanting to try and make me look bad, they have to understand that they are damaging the country.

It is on that basis that I will not go further into other things that were recorded in the *Hansards*, said by the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman, because it can do the country no good with all the things that are being said. So I want them to understand that I will refrain at this time from further dealing with it in the way that I could, but I have the *Hansards* showing what they have said, and if they push me into it, Madam Speaker, the *Hansards* will be laid on the Table for one and all to see.

Madam Speaker, many unfounded criticisms have been pushed at the Government, accusations made ... I do not know where he comes off at about Hurlstone Construction. What I do know is that when the last Government was in power, the cry was that the only people in construction who were getting anything was that particular company. I do not handle that part of the economy, but that is a fact.

I have no problem, Madam Speaker, with the owners of that company. What I have a problem with is the way they ran the country when they were in charge. Nobody else could get work... or, I should say, very little work was given to other people.

Madam Speaker, the Opposition Member for Bodden Town who spoke, said that we should engage the brain before the mouth. I agree with him, but he needs to tell that to his leader. He calls him "my leader". I wonder if his brain was engaged when he asked me, as the Minister for Health [at the time], to give contraceptives to pregnant women?

[Interruptions from a Member]

Hon. W. McKeeva Bush: *[addressing voice across the floor]* You just keep quiet because I am not done with you yet.

Madam Speaker, there was mention made about the seamen, and I will leave that to my honourable colleague, the Minister for Health, but they are in a better position

because it is not abuse. I will leave it for him to deal with it. We have a good situation worked out now, where Caymanian seamen who are in need will be assisted.

If they know that something is not working they should say so. They should not come in here, Madam Speaker, saying what they heard ("I hear this and I hear that"), say what the problem is; for if there is a problem in what we have done, we would like to correct it because we are not hearing that ourselves.

Madam Speaker, I hear the First Elected Member for Bodden Town saying that he has taken steps to remove his name from the Roy Bodden Road in Bodden Town. This is after they have criticised the Government for spending funds in West Bay. The truth about it is that not all roads that are fixed or constructed by the Government have been gazetted. George Town, mainly, has a lot of gazetted roads, but the roads are not gazetted, especially in West Bay, where we have practically the whole western peninsula which is so widely populated with many homes being built. We have to rush sometimes to assist people in getting the fire truck, the garbage truck and ambulance to their homes.

That is the least that a progressive country can do. It is no different from what has been done over the years. So why criticise us? Why try to make us look as if we are doing something bad?

The First Elected Member for Bodden Town can take his name off the road, but the fact is that he still lives on the road and he will benefit from the \$691,000 expenditure to fix it. So why criticise us? Be fair. That is all I say to them.

Madam Speaker, much has been said about the advertising conferences held by the Government in the three countries. There was one accusation made that Mr. Truman Bodden, the Minister for Education and Planning, did not attend meetings. That is not true. What is true is that at one meeting we were invited to talk to a large firm about locating to the Cayman Islands, at the same time of that meeting there was another meeting, and Mr. Bodden went to that one and the other group attended the meeting with the people of the large firm. There is no truth about his going off to do his own business. He went on Government's business like everybody else did.

The question must be asked: What was Mr. Pierson doing in that meeting? Not the trip, not the conference, but the one with the investors.

I have no apologies to make. Over the years I have, as can be ascertained from the *Hansards* I read out earlier, advocated advertising Cayman. There are many other things which are being done where I am glad that I was in the forefront when others chose not to say anything in the House about getting some of them done. I was on the Backbench, and the two Opposition Members know it because they were with us at the time. Some of the motions I brought asked for some of these things. So why not send us, their Elected Representatives?

When people are going to talk about the Constitution they will want to ask questions ... Madam Speaker, who are they going to ask? The Attorney General? No! Ask the Elected Representatives. And if they were in Gov-

ernment, it would be no different. The Second Elected Member for Cayman Brac and Little Cayman knows that, because he has been a civil servant and he has been on many of these trips—boozing it up and having a good time, smoking big Cuban cigars and stuff like that. Now you want to criticize us? You should be ashamed of yourself!

[Voice from across the floor]

Hon. W. McKeever Bush: *[addressing voice across the floor]* Ask him, he likes them.

Madam Speaker, the First Elected Member for Bodden Town made mention about the different expenditures in travelling, and they are using this as a part of their vindictiveness against Government—over expenditure and mismanagement.

When I took over in 1993, the first thing we were faced with was the Cuban crisis. We did not know how to handle it. When I say that... we did not have the experience or the facilities. If the people in the country remember one of the places that [Tent City] was supposed to go was in Bodden Town. The people objected, in fact a petition was signed and they said that it should be taken down on Seven Mile Beach. That was where the First Elected Member for Bodden Town, and probably the Second Elected Member for Cayman Brac and Little Cayman said it should be taken. Madam Speaker, I did not believe that it should go [on Seven Mile Beach] because that is in the heart of our tourism industry. We went over to Miami to look at what they had set up. From that we gleaned some good information. That is just an example of what we had to deal with.

I had to go to Aruba for the Drug Awareness Campaign. One of the things that I learned there was what I had always believed in, that we should attack the drug abuse problem in the districts. When I came back I set up the Community Development Action Committees. That is where that came from, and you can go right down the line and see that where I did official travel, I came back with good ideas which cost the Government little or nothing.

What they should say is that their colleagues of the past Government, in fact the two who now sit with them in their proposed new Executive Council (Mr. Pierson and Mr. Ezzard Miller) spent over \$4 million in consultancy fees plus their travelling. Tell me what the country has to show for it! Tell me what. How much have we spent in consultancy fees, Madam Speaker? That is the difference. Sure, Government spends \$2,000, \$1,500 or \$100, as the case may be, for us to travel. If you look at my responsibilities in comparison to some of the other ones; if you look at what I have accomplished, regardless of what they want to say; they cannot match the accomplishments that have been achieved in this country since 1993.

So how are we going to get things done? How are we going to move from one country to the next to examine similar situations? Ride a stick horse?

Madam Speaker, I really object to Members bringing the Commonwealth Parliamentary Association into this

political arena. It is one thing that other chairmen and I have asked Members not to do, because it is not something to be drawn into the political arena. It is true that I have had quite a bit of travel, but there have been other Members as well. But that is what it is all about; that is how Members gain information, and that is how they know what is happening in other areas, and how we know a lot of times what not to do.

In dealing with my travelling expenditures for the Commonwealth Parliamentary Association, I want to state quite clearly for all to hear, Madam Speaker, that expenditure is not paid by the Cayman Islands' Government. My expenditure is paid for by London by virtue of the fact that I sit on the international body, which is the Executive Committee. I sit there as one of the Regional Representatives for the Caribbean, the Atlantic and the Americas. We have two meetings—one in April and another in October. There are also meetings in between where we deal with all sorts of problems. Members know what it is all about.

The Member who spoke was never on the Executive Council, but he travelled for the Commonwealth Parliamentary Association. He went all the way to Australia—we sent him all the way to Australia to have a good time.

Madam Speaker, why come here and make people believe that the Government is doing something wrong, when he has been party to it? Why try to make them believe that I have been doing something so drastically wrong, Madam Speaker? This country has had only two Members of this Honourable House to sit on the international body as Regional Representatives, that is, the Deputy Speaker, the Third Elected Member for Bodden Town, and myself. But the expenditure is not paid for by the Cayman Islands Government, it is paid for by the Commonwealth Parliamentary Association Headquarters in London. I do not see how that could be mismanagement. Tell the country the truth!

Madam Speaker, I do not know how they expect to form a Government with the people who they are now mixed up with. Firstly, Madam Speaker, people expect you to be trustworthy. You cannot say one thing today, and then say something else tomorrow and expect the people of the country to follow you. They are bound to ask questions: "Wait a minute. Where are they taking us? Yesterday they said this was so, and today they are saying it is not so." You cannot do that on major policies. You have to be consistent, or else the outside investors will question your common sense and the safety for investment.

We heard them talking about the Cubans, and how badly we have dealt with them; we should not be paying for them, we should not send them to Guantanamo Bay. I read from the *Hansard* record the speech of the Second Elected Member for Cayman Brac and Little Cayman, and I quote: "**I think we need to look very carefully at the humanitarian side of this situation that we now have, while not encouraging these shores to be refuge for persons who are running from their individual countries. We are too small to sustain the economic burden, but I believe that the Government could and should seek to find other destina-**

tions or assist these refugees to find other destinations.”

What has the Government done, and why has he changed his position?

Mr. Gilbert A. McLean: [interjecting off microphone]

Hon. W. McKeeva Bush: [addressing the Second Elected Member for Cayman Brac and Little Cayman] What else were you going to do?

If we had not sent them to Guantanamo Bay, Madam Speaker, we would have had to send them to some other country, as he has said. But first we could only send them to some other country if that other country accepted them. What were we going to do?

They criticised us for going to Washington, D.C. What were we going to do, Madam Speaker, sit and do nothing? I do not believe that is the way you run a country. You do what is necessary, even though at times the Opposition, or those around you, may make you feel that you do not know what you are doing. But I do not believe in sitting down and doing nothing. I would rather be wrong than to sit down and do nothing—I must attempt to do something.

You cannot be one thing today and another thing tomorrow and expect the world to be your follower.

Madam Speaker, there has been much hullabaloo about the Turtle Farm. Bring back the former Director, they say. Madam Speaker, I believe that the Turtle Farm has a good Manager and good staff. They are searching for a scientist, and they will get one. While I was not involved in any shape or form—because they have their own independent board—I had no objection to his leaving the country. I served on the board for several years and I know what it was like to deal with that man. Every time he left the country there was a break-in at the Turtle Farm. When he came back he would not do an inventory. He was pulled down about it at several board meetings, but he would not do an inventory. Lo and behold, there was \$164,000 missing, and we said that there would have to be an investigation.

What they wanted to do was an investigation of the clerks only. I said no, there had to be an investigation of the entire staff, because when I did my investigation what I found out was that the Manager would go to the sales clerks during the day—we know there is a lot of traffic, thousands of dollars going into the Turtle Farm—and he would go to the till and take out \$1,500, \$300, \$1,000. He would just write on a slip of paper what the amount was which was placed in the till. At the end of the day that would be turned in to him and his wife. Yet they wanted to investigate the sales clerks—the people who were taking in the money.

I said that we should do a full investigation. It was at that time, because I would not support the renewal of his contract unless they did a proper investigation, that the Member at the time changed the Regulation where it said that there had to be a Member of the Assembly from West Bay on the board to where it could be just anyone from West Bay appointed to the board. I was taken off [the board]. They changed the Regulations. And what did

you hear? Although a public statement was never made about it, they could not live with me on the board. There were other reasons why they could not live with me. I have no pity or objection to his going. As far as I am concerned, good riddance.

Madam Speaker, one of the things talked about by the First Elected Member for Bodden Town was the school leaving age. I do not know why he got into a hassle with the Minister for Education about it, because it is true that it was he and I who, on the 27th of February, 1989, got a Motion passed to increase the school leaving age in the Cayman Islands. So I do not know why he would get into a hassle about it.

I do not think there was anything bad about it. I think it was a good thing that the Member for Education, who has been the Member for Education for many years, should have done it. They cannot complain about the situation with education. I believe that education is in a better condition today than it was before.

When my son, who is now 18, was in school back then (around 1987 to 1989), there were three major changes to the education system of this country in one year. I do not remember what year it was. But to now say that the country does not want to hear the National Team talk about these things—that must be the few people that they are talking to in the country. But when you go widespread, people remember because peoples' children were affected by it. The only children who could get scholarships were those who were favoured.

I remember when we took over, certain people who I know could afford, who gave large donations by the hundreds of thousands (I heard), were getting full scholarships while other children who should have received scholarship were not getting them. Tomorrow, God willing, I will say what we have done in regards to student loans since they are saying that I am not doing anything for young people.

They cannot say one thing today and say another thing tomorrow, as the Opposition does.

Madam Speaker, this is why the public is not going to follow the Opposition and their 'Executive Council'. I heard that their 'Executive Council' is the First Elected Member for Bodden Town, the Second Elected Member for Cayman Brac and Little Cayman, Mr. Ezzard Miller, Mr. Oswald Rankine (that is the name, I do not know if he will run or not), and Mr. Linford Pierson. But I do not think anyone is going to follow them because I heard the First Elected Member for Bodden Town, who I expected always to be a person who knew something about education, say just a while ago that he does not support strategic planning.

Now, here is this letter to the Honourable Truman Bodden, the Member for Education, Aviation and Culture dated November 23rd, 1993...

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?

POINT OF ORDER

Mr. Roy Bodden: Yes, Madam Speaker, the Honourable Minister is deliberately misleading the House because I made no such statement saying that I do not support strategic planning. I said that it is not my preferred policy method for change.

The Speaker: Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, I like his choice of words. What I had written down, and it is recorded in the *Hansard*, is, "I do not favour strategic planning...", straight. That is what he said.

The Speaker: Well, I think we are playing with words here, Honourable Minister.

Hon. W. McKeeva Bush: I think the Member knows how to do that, Madam Speaker. I really do not know semantics.

The Speaker: Can you please just proceed with your debate?

Hon. W. McKeeva Bush: Thank you very much.

What he said then, on November 23rd, 1993, in a letter to the Honourable Truman Bodden, Member for Education, Aviation and Culture, and I quote ... I wonder if I should read the whole letter... Suffice it to say, Madam Speaker, it says: "**The choice of strategic planning, while not new to educational administration was, in my opinion, timely and relevant to the Caymanian educational establishment...**"

How can anyone believe them when they bring a resolution so wide, so far, to expect to topple the Government in our Westminster tradition, which is what a Censure Motion does. An Opposition has to be credible, it has to offer alternatives. You cannot be today one thing and tomorrow another thing. The country will not, I know they will not, follow that kind of leadership.

Mr. Roy Bodden: There are no backstabbers over here, though. That is more than you can say.

Hon. W. McKeeva Bush: I do not think that...

Mr. Roy Bodden: Brutus! Brutus!

[pause]

The Speaker: Honourable Minister, are you going to use your two remaining minutes to debate?

Hon. W. McKeeva Bush: I am sorry, Madam Speaker, but this is one time I appreciate losing my composure.

[Member's laughter].

The Speaker: Would you like to move the Motion for the adjournment at this time?

Honourable Minister for Education and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: 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 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 JUNE 1995.

**FRIDAY
9 JUNE, 1995
10.09 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, forever 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 number 111, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 111

No. 111: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to provide a list of tenders for the hospital wastewater treatment plant.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The following four contractors were invited to bid on the new Hospital waste water treatment plant: 1) McAlpine (Cayman) Ltd; 2) Environmental Engineering Ltd; 3) Unit BCM Cape Ltd; 4) Arch & Godfrey (Cayman) Ltd.

Prior to the tender submission date, two of the contractors invited to bid notified the Water Authority that they were withdrawing from the tender. The two contractors were: McAlpine

(Cayman) Ltd and Unit BCM Cape Ltd.

Bids from the remaining two contractors were opened by the Central Tenders Committee on 3rd February, 1995.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if the term 'invited to bid' meant that these people were specifically requested to submit bids, or was it a case where advertisements were run and any company which could comply was encouraged to submit a tender?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, it was the latter. Advertisements requesting interested contractors to submit expressions of interest and qualifications were run in the *Caymanian Compass* and in *The New Caymanian* on Friday, 1st July, 1994. Four contractors responded to this advertisement and we proceeded from there.

The Speaker: The next question is No. 112, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 112

No. 112: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what Public Health Programmes have been implemented by the Medical Officer of Health during his term of office.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: The Medical Officer of Health has the responsibility for overall management (technical, professional and administrative) of all the Public Health Programmes in the Cayman Islands and for advising the Ministry on all public health related matters.

In addition to the ongoing and routine implementation of Public Health Programmes, the Medical Officer of Health has undertaken the following special projects during his term of office.

1. Introduced new vaccines in the Immunisation Programme as soon as they were available: e.g., MMR vaccine in 1983; Hepatitis B vaccination to Health Care Workers in 1988; Haemophilus B (Hib) vaccine in 1992.

2. Developed various health promotion programmes: for example:

- Initiated annual Health Week activities and annual

screening programmes for diabetes and hypertension in 1983;

- organised the first Health Fair in 1985 and the second Health Fair in 1992;
- was instrumental in the development of education materials such as leaflets, radio and television spots and give-aways such as pens, key chains and magnets, all with health promotion messages;
- has organised the annual No Tobacco Day activities since 1988;
- was primarily involved in the development of a Smoking Cessation Programme initiated on the 31st May, 1995;
- conducted survey on the knowledge attitudes and practices of teenagers towards use of alcohol and drugs in 1985 to obtain data for planning purposes;
- developed the Heartbeat Cayman Project in 1991 to focus on prevention and control of cardiovascular diseases.

3. Organised Sexually Transmitted Diseases Awareness Week during 1985, 1990, and 1994 and the annual screening for Sexually Transmitted Diseases for the past eight years. In 1983, 1989, 1992 and 1994, organised education seminars for staff to enhance their knowledge of the management of Sexually Transmitted Diseases.

4. Developed national programmes for prevention, control and management of AIDS since the occurrence of the first case in Cayman in 1985. I would like to interject at this stage that he was also instrumental in helping to draft the legislation when Mr. Miller's AIDS situation came on board and the legislation to ban it.

Prepared medium-term plans 1989-1991 and 1992-1997, and sought funding from the Pan American Health Organisation; and has also organised Annual World Aids Day activities since 1990.

5. In order to strengthen and further develop the Genetics Programmes, organised the visits of Dr. Benke from Mailman Centre in Miami in 1982 and 1995, Dr. Matalon from Chicago in 1988 and Professor Graham Seargent from the Sickle Cell Clinic at the University of the West Indies in 1989.

6. Initiated the Drug Prevention and Treatment Programme in 1984, and continued to coordinate this until 1993.

7. Coordinated the development of the Employee Assistance Programme as a joint venture between the Government and the Chamber of Commerce. The programme was launched in May 1992.

8. Organised Public Awareness Programmes to alert the public to outbreaks of disease in the region and elsewhere and put in place necessary steps to prevent importation of these conditions.

9. To implement Government's desire to expand the improve community health care, developed the proposals for District Health Centres in Bodden Town, West Bay and North Side and soon to be, East End.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

May I ask the Honourable Minister if all of these programmes are currently still in place; and, also, how are they being monitored as to the success rate?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: To the best of my knowledge these programmes are all ongoing and would be monitored by the personnel within the Public Health Department by keeping data and referring back to it.

One thing that has come out of this is the genetics programme that has now been initiated. I am very optimistic about solutions coming about. As a matter of fact, I have been told that there is a very good chance that by the end of this year we may be able to isolate the gene that is causing the Cayman disease. I am very hopeful that can be brought about shortly.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether there are any plans to take a more progressive approach towards some of these programmes, especially in advertising and promoting educational awareness among the younger elements of the population?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker. To enforce this we have recently employed a Health Promotion Officer. Also, in our Strategic Planning (which will come on line later this year) educating our young people is very much emphasised.

I would also like to take this opportunity to address the many questions that have been raised about the Medical Officer of Health. I can only speak from having worked with him, but he is a very highly qualified professional. I would like to say to this Honourable House that I have the highest esteem for him. I have had no problems, especially having worked with him on the Bodden Town Health Centre. Right now we are getting ready for the one in West Bay, which I recently advised the Members from there about. This year we have plans in the Budget for North Side and also we will get the plans going for East End.

A person within the civil service who does a professional job to the best of their ability should not be politically victimised. I do not think, when a person is doing what he is supposed to do under the General Orders, that he should be continually harassed.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

I wonder if the Honourable Minister could give us some idea of these steps that have been put into place under number 8: "Organised Public Awareness Programmes to alert the public to outbreaks of disease in the region and elsewhere and put in place necessary steps to prevent importation of these conditions"?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, in regards to the outbreak of Ebola disease in Zaire, he has already put that in there. Whenever any epidemic breaks out in the region... I am sure that most of us have seen the programmes and warnings that are put there. When people come in from these infected areas Immigration has the authority to flag these and have them screened, and if necessary quarantined.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether the educational seminars and programmes promoting the awareness of sexually transmitted diseases are held on a regular basis? And could the Honourable Minister give us an idea, for example, as to whether these programmes are staged in schools or at health clinics?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes Ma'am, these seminars are ongoing. As a matter of fact, up until November or December last year, I was in attendance at the one dealing with AIDS, where the authorities in the area from the University of Miami and the Caribbean presented these seminars at one of the hotels. The number of nurses and other health caregivers in attendance was incredible. I was very pleased to see the support it was getting and the awareness of our health care-givers participating and getting better prepared for the problems we have here in the Cayman Islands in relation to AIDS.

The programme also goes on in the schools.

The Speaker: The next question is No. 113, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 113

Withdrawn

Mr. Roy Bodden: Madam Speaker, I would beg leave of the Chair and the House to withdraw this question since, subsequent to my submitting the question, the information solicited here has appeared in the media and also over the airways making it unnecessary to have the question answered in this forum.

The Speaker: The question is that question No. 113 be withdrawn as the information has now become available through the media. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The question is accordingly withdrawn.

AGREED: QUESTION 113 WITHDRAWN.

The Speaker: The next question is No. 114, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman

Hon. Truman M. Bodden: Madam Speaker, I would ask that this question be deferred until later in the meeting.

The Speaker: The Member has to call the question first, then at that time you would ask that it be withdrawn.

QUESTION NO. 114

Deferred

No. 114: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Planning if the Federal Aviation Authority has placed any restrictions on the type of aircraft that Cayman Airways Limited can operate in the United States of America.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I would ask that this question be deferred until later in the meeting.

The Speaker: The question is that Question No. 114, be withdrawn 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 question is accordingly withdrawn.

AGREED: QUESTION NO. 114 DEFERRED.

The Speaker: The next question is No. 115, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 115

No. 115: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Planning whether he was aware, and did he agree that Cayman Airways Limited should enter into contracts to lease aircraft without a "Break Clause".

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Cayman Airways Limited, because of its past history, is not in a strong position to negotiate leases. In spite of that, the management has been successful in acquiring two excellent aircraft (one four years newer and one eight years newer than the previous aircraft). Together, these two aircraft cost approximately US\$450,000 less per year in rental than the previous lease arrangements. One contract is for three years, the second is for four and one-half years. In such short contracts it is impossible in a seller's market to get break clauses.

When break clauses are included, the lease cost is increased. Cayman Airways Limited has never had a lease with a break clause, not even for the 15 year leases of the two 737-400s, which lease payments (excluding reserves for maintenance checks) totalled approximately US \$112 million compared to the lease payments of the present two 737-200s which only total approximately US \$8,130,000—that is, the exposure on the two 737-400 leases was approximately \$104 million greater than on the present 737-200s.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Madam Speaker, the question asked: "Whether the Minister for Aviation was aware and did he agree that Cayman Airways Limited should enter into contracts to lease aircraft without a 'Break Clause'." I do not see a reply to that substantive question in what has been given here as an answer.

The Speaker: Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, I thought the answer was clear: It is yes.

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

Mr. Gilbert A. McLean: The Minister is on record, in a large number of instances, speaking about, disagreeing with and confirming that under him such contracts could not be entered into with Cayman Airways. In fact, the one which he drew reference to most times was the one for \$112 million (as mentioned here) with the 737-400s.

Is the Minister telling this House that airlines around the world or, certainly, Cayman Airways, can possibly get an aircraft to lease where that lease or contract has a break clause?

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, if I had been entering into leases that could have committed

Cayman Airways and, through guarantees, this Government to \$112 million, by no means would I have entered into it without a break clause. The instances that the Honourable Member is referring to related to these leases where we were dealing with \$112 million over 15 years. This is a short lease. In short leases such as this with so little money—the total commitments under the lease is US \$8.1 million. That is a little bit less than one and one half-year subsidy to the airline.

It is impossible in very short leases such as this, where there is a fairly small amount of money involved, to get the break clauses. You can get break clauses in leases of this length, but the cost of doing so would be astronomical. One of these is for only three years, for example, when do you break it? Is it after the first year or the second year? But we are talking about very small amounts of money.

Here, the difference is that these are short term leases for \$8.1 million compared to \$112 million on two aircraft alone—we must remember that Cayman Airways had three 737-400s, not just two, so the overall cost was probably \$150 million. I would never commit this country to \$112 million, regardless of how many break clauses or other clauses were put into a lease.

This is the reason why we have such good rental. We are paying \$450,000 less (the difference between \$85,000 that we pay now and \$110,000 (US) per month that we were paying before) on these leases. They are very good leases and, quite frankly, Madam Speaker, Cayman Airways is now in a position where I have no worry whatsoever that they cannot continue paying their leases. They are paying all their other debts—something that has never happened before in the history of Cayman Airways. We have entered into these in good faith and Cayman Airways can easily pay this—in fact, we are paying back the last Government's loan at a rate of \$600,000 per annum, along with these leases. So there is no problem with it. It is a normal transaction.

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 Minister if he is saying that the companies were reluctant to have a break clause in the contracts for these two particular aircraft, or is he saying to the House that in such instances, where five year leases are concerned, you do not get break clauses in them?

The Speaker: The Honourable Minister for Education.

Hon. Truman M. Bodden: Madam Speaker, we could not get break clauses on these two aircraft.

The Honourable Member must remember that the airline business is not like running a very small business. There are other people out there trying to get these jets. One of these is a 1984 jet. It is something in the vicinity of eight years newer than another jet, which we were paying \$110,000 for—which the previous Government had committed us to for three years without any break clause. It

was impossible to get these clauses in it.

What I would like to point out again to the Honourable Member is that Cayman Airways is in a position where I am not going to break the leases. This was what happened with the previous Government when they had just about bankrupted Cayman Airways.

He knows that we both objected at that stage to the \$112 million leases without break clauses. But I point out again that this is only US \$8 million, and we are going to run those jets (they are very good jets) and we have them at an extremely good price. The rental per month for these much newer jets is considerably less, Madam Speaker, than what we were paying for the two reasonably old 737-200s that the last Government left for Cayman Airways.

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

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Member say if he is aware of a magazine, *Avmark Inc.*, and that in its April issue 1995, Lufthansa alone was selling 737-200s, some delivered in 1987, some in 1988, and that this magazine carries a listing of all sorts of various aircraft which is available, and that there may have been, and were, aircraft available that Cayman Airways could have gotten where we could have had break clauses?

The Speaker: Honourable Minister, if you can reply to that, I will allow you to.

Hon. Truman M. Bodden: Madam Speaker, I do not know which edition or which issue he is referring to, but what I would like to say is that buying aircraft is not like buying toys. You have to go into detail with these, you have to see the quality of the aircraft. Cayman Airways turned down many aircraft that were offered.

In the end, you have to get the type of aircraft as near in quality and type to what is needed for the specific routes. Sure, you can go out there and maybe lease aircraft for less, but you get what you pay for. If somebody is offering an aircraft for little or nothing, then it means you may spend millions and millions of dollars doing D-Checks.

It is not as simple as just going out and picking up a magazine, such as *Avmark*, which is related to selling aircraft. When you look at the aircraft there are so many factors; and it is a very complex, detailed process when you lease them. All I can say is that I think we have two very good aircraft. One of them is a 1984 that came from British Airways where it was obviously well maintained.

I can really add no further to that, than to say that the time has come when the Second Elected Member for Cayman Brac and Little Cayman needs to get out of politics and leave Cayman Airways alone while it is making a profit and trying to move on.

The Speaker: Before we proceed to the next question, under question No. 114, I think the Honourable Minister

asked that it be withdrawn. I think he really meant deferred. I just wanted to get that point clear...

Hon. Truman M. Bodden: That is correct, Ma'am.

The Speaker: Deferred, not withdrawn. Thank you very much. The next question is No. 116, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 116

No. 116: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Planning how the annual inter-school sports events are planned and decided upon and who is responsible for their execution.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the answer: The inter-Primary School sports meet is an integral part of the Education Department's annual school calendar. It is planned by a Committee made up of Principals of each school and a representative from each school, both public and private, coordinated by the peripatetic physical education teacher under the guidance of the Senior Education Officer Training and Support Services. The programme of events for annual sports day is sanctioned by the Chief Education Officer on advice of the above Committee.

The same Committee is responsible for overseeing that the sports meet goes smoothly.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if, in the most recent of these events, there have been any problems involved with any schools, including the school children from Cayman Brac?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Yes, Madam Speaker, the instance I think the Honourable Member is referring to is when the last inter-school sports was scheduled. We got notification that the track, which was subsequently named the Truman Bodden Complex, was being worked on and the complex was begin worked on because of the upcoming CARIFTA games. The Primary School pupils came across and the venue had to be changed to the Bodden Town Sports Field.

One day was held at the Bodden Town Sports Field, and the second day was held sometime after and went off quite well. Assistance was given to the students and parents who had come over here who were not able to compete in the sports for the two days.

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

Mr. Gilbert A. McLean: Could the Minister say why there was no communication to the children from Cayman Brac who were travelling from another island to Grand Cayman? If they had been informed of the changes, they could have made proper arrangements for the housing of the children and all the other provisions that go into it.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I guess hindsight is 20/20. Looking back on it, perhaps it would have been better to notify them and to stop them from coming down. However, the decision was taken in what was felt to be the best decision at the time. It proved to create inconvenience.

While I knew nothing of the decision, I obviously take responsibility for it. I apologised to the schools in Cayman Brac publicly at an address that I gave some-time back, and I am a big enough man to stand here and apologise and take responsibility for what happened, notwithstanding that neither I or any of the Ministers knew about it. I am very sorry that we had that interruption. We tried to make up for it by assisting the parents, students and teachers so that their second day here... we did all we could to make up for it. It was an error. There was a judgment decision made at the time, and it is now history.

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

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

As history is alleged to repeat itself, could the Honourable Minister say if in the communications from the coordinator, or whoever else really planned these events, that he instructed different schools as to whether they should provide food and drink for children, or exactly what they were supposed to bring or not bring, and whether sufficient shelters are provided at these sites so that the children are not in the extreme heat as has been the case in the past?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the Truman Bodden Sports Complex has a lot of shelter and most of the bleachers are covered. If the Honourable Member would be more specific, I am not certain what. . . . There should be no reason why children who wish to be under shelter at these annual sports—from the last meet, as well as in the future—cannot be under shelter. There is adequate shelter on both sides of the complex.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman, and this will be the last supple-

mentary question.

Mr. Gilbert A. McLean: Can the Honourable Minister say if it is his intention, or the intention of the Department of Education, to hold inter-school events (be they high-school or middle-school) in this complex where there is supposed to be sufficient shelter for the children?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, as I mentioned in the answer, the decision on where these are held is dealt with by this committee. All I can say is that it is there and available, and I would assume that they would give that priority. But I would also like to say, Madam Speaker... and maybe this is what the Honourable Member is referring to. When the Cayman Brac students, teachers and parents came down the last time, we provided an air-conditioned room and refreshments at the Teacher's Department; they remained there in considerable comfort until they got back and left on the plane that night. Yes, we did do that. But, obviously, on the sports field it is not possible to provide air-conditioning to the whole field.

The Speaker: That concludes Question Time for today.

The next item, Private Member's Motion No. 8/95. The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, continuing.

OTHER BUSINESS PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/95 CENSURE MOTION

(Continuation of debate thereon)

Hon. W. McKeever Bush: Madam Speaker, the Motion under discussion is one of no confidence in Government. Under the conventions, protocols and history of the Westminster system, if this Motion of no confidence is passed, the Government is duty bound to dissolve the Legislative Assembly and call for a fresh Election. The Opposition has not said that this is what they want, but that is what will happen if the Motion is passed. That is the Convention's rules that surround a Motion of no confidence in Government.

There has been a lot said in the debate as I stated earlier, a lot of accusation, but no proof of any substance. Every sensible person has some concern today about their position in their country. I believe there is common agreement about Government's responsibility and about the needs of the people of these islands. But I think we all ought to agree that there is a high need today for a new spirit of unity, courage and hope about the future, and I think it is everybody's responsibility to not say or do anything that damages the future of our country. Nothing

could be more tragic than, while pursuing short-sighted aims, we destroy the things we all believe in.

Let us not make the mistake of exaggerating things. All kinds of things happen in this world and in these islands that Government cannot do anything about. Government cannot make people honest. It cannot make people have ambition (we can encourage them), nor can we legislate morality. These things give all of us cause for concern, but we should not lose our heads—we must be rational. All of us ought to know that the forces of history are much greater than the trivial anxieties that beset us from time to time. There is practically no one in the world who does not feel the effect of the strains and tensions of one of the very great periods of history in all time, as far as I am concerned. As for me, I will continue to have my profound faith in the people of these Cayman Islands and in the future of this country.

There are many, many worthwhile accomplishments of the people and the Government of these islands. We have good civil servants.

Madam Speaker, one of the reasons for this Censure Motion being moved is that we, the Elected Members of the Executive Council, are damaging the faith of civil servants, as pointed out by the Second Elected Member for Cayman Brac and Little Cayman.

As I said, we have good civil servants, but they themselves ought to know, that is the two Members moving the motion of no confidence, that the Government of this country, the Elected Members, have nothing to do with the tenure of civil servants.

In a campaign not too long ago, and in the great discussions of the revision of the Constitution, civil servants made it very clear that Elected Parliamentarians should have nothing to do with their hiring and firing. The Governor is responsible—and he said that he is solely responsible—for any firing or dismissals in the civil service.

I can speak publicly for the Elected Members in Executive Council because there has not been, at any time, any move by any one of us to hire or fire any civil servant that is under the jurisdiction of the Civil Service Commission, that is, the Public Service Commission. It is political.

In times when there is uncertainty, or when people have been retired, or fired (whatever the case might be), it would be good for the Opposition to get up and blame the Elected Members. But we have no say, no authority to do anything about it.

What we can do is to say to His Excellency the Governor when the matter is aired that we do not like it. In speaking for this Member, Madam Speaker, I do not like what has gone on—and I say that openly, as I have said so privately to His Excellency the Governor. But it is he who has the responsibility, and he has said that he takes his responsibility solely on civil service matters. Why not accuse him? Why not beat up on him, as they have beat up on the Elected Members of Government? You know why? Because that would not gain them any votes. They must make it look like it is the Elected Members that are doing this, what they call, 'dirty work'.

I do not like what I see. I see some hired, fired or retired, that I do not agree with. I make that publicly

known in this House as I have done so privately. There are people who have served this country well. Now, if they are not doing their duty, then that is the Governor's prerogative to say they are not doing it. But you cannot blame the Elected Members. It is not fair for any person working in the civil service to say to the Elected Members that we cannot have anything in the Constitution that gives us any power over him, and then when he gets into trouble with his job . . . it is not fair for him to come upon an Elected Member and ask what we are doing about it.

If they want the Elected Members to do something, they have to stand up publicly and say to me, '*I want you to do something about what is happening in the civil service.*' Then I can go to the public of this country and say that the people who are affected are asking us to do something about the situation. Up until now that has not been said to me.

I do not like what I see. I understand that a doctor is going to be terminated, but doctors get terminated often. But when it happens, I will say that I do not like it, because there are too many people in the civil service who have their ways. They have people that they like and, like all of us, they like some people and others they do not. That is the politics of the job. I stand here, and I speak personally, and say I do not like what I see because I do not believe that is the road to [take]. Where it leads us we will wait and see, but until the management of the civil service, the Civil Service Association, says publicly to the politicians or to the country that they need the Elected Members to have some say, I cannot go public—and I will not go public and say so, because it is they who are affected.

The workers of this country have come to me by the dozens and have said that there is a situation they do not like. They go to the Labour Board, and the Labour Board makes a recommendation and we try to change the law if it needs to be changed. But, the civil service is another matter—it is a Constitutional matter. If these things are going on, as has been alleged by the Movers of the Motion, then let the civil servants speak out themselves and tell us and the country that they do not like what is happening. Until then, this Minister cannot do anything about it except to say to His Excellency the Governor that I do not like these moves—and I have done that.

There are no two ways about it—we have a civil service that is hardworking. I am sometimes at that Glass House late at night and I have staff prepared to stay with me until the job is done. I can speak about them because they are close to me. They are prepared to stay and work odd hours to get things done. I have a secretary who is prepared to go in on Saturdays to get things done. I have a Permanent Secretary who takes work home to get things done. I have a senior and assistant secretary—all the assistant secretaries in my Ministry do the same thing, they are prepared to go beyond the call of duty. Nearly every night when I leave there, I look across from the elevator and I see the light on in the Hon. Financial Secretary's Office. Sometimes when I am going he is coming in late at night.

We have good civil servants. One thing we know is

that we cannot please everybody. That is a fact. We will never please them. The [son of the] Almighty God gave up his life and still did not please people. We have good workers in this country too—we have good secretaries, good young people coming back from college. There are many, many worthwhile accomplishments by the people and the Government of these islands that can be highlighted, that can be printed on the front pages of the news media. We have many, many good young people throughout this country.

At my son's graduation the other day, the young lady giving the welcome said that in the United States 97.8% of the young people were good, clean, working, honest young people. It was less than 2% that caused the problems. But how often do the good ones get on the front page, or get editorialised? How often? Some people do not want that—the people who could be helping us.

There are many good accomplishments in the country: new clinics, new civic centres, halls for schools and a lot of work in sports. But everything cannot be accomplished over night or in four years.

Education is up and it provides an opportunity for everyone in this country. More scholarships have been granted than in the past. In my time and in the time of this Government, we have processed more student loans than anyone else. We are not hearing about that. Up until the time that we took over (the 31st December, 1992) they had a value of \$1.4 million in student loans for all time—up until 1992. We surpassed that in two years. Children who were not able to get student loans can get them today. They do not have the hassle that they had before, and we are revamping the system. We have a new scheme through the banks, guaranteed by Government 100%, because we need to educate our children.

It was said in this House that we are doing everything against the foreigner. Under the old system they could not get student loans. Under the new system we will take the person who has been here long term and has permanent residence and, on the merits of their case, Government will assist them. I believe that we need to educate. I believe that a child who has been here for 20 years should be assisted if he needs assistance, because he lives and breathes and works in the Cayman Islands, and he affects the Cayman Islands.

But this is the same Government doing this that is being criticised as being against foreigners. How can you say that, when we have granted more permits (looking at the ratio over the past two years) than the previous Government? Yet, we hear them say that we are against foreigners. No one can say that they are not getting permits because the record does not uphold that statement.

It is good to criticise, but you must have facts, you must be truthful about it. What we are not prepared to do is give this country over hand and foot to those people who would undermine everything that has been built up here for their own self interests. We do have carpetbaggers, those people from abroad who come here to scrape up and go, without any good conscience about the people of the Cayman Islands. But, for all that, we must all coexist together and be about nation building.

Education is on the up-and-up. I am not saying that it is perfect, but from where I look, it is improving. Everything cannot be done over night, nor can it be done in four years. When I am dead and gone, the generation that follows will be totally different in their outlook because we choose to make things better throughout the country. Brain will find its metal, and ability will find its mark.

The difficulties we have to overcome, the challenges of the time, demand the highest level of leadership and understanding at all levels of the country. When people go to every one of the Representatives and complain, are they sitting them down and saying how much Government will do, or how much you are prepared to do for yourself? There must be leadership and understanding. Everybody has a responsibility to say, "This is my country, and here I stay and play my part in it." That is our responsibility—not to blow things out of proportion.

And when I say 'us', not only 'us' in this House, but the news media, the churches, the different social organisations, every one of us have a responsibility and people are playing their part. But there are those who choose to blow things out of proportion for their own benefit—whether it is political or monetary, or for some other gain. Is that helping the country?

We have heard of many charges of victimisation, but none of them can point a finger with any thread of truth that this Elected Executive Council has victimised anyone.

Madam Speaker, the country has a history, especially at election time, where these things are bruited all over the newspapers—letters are written and now we find a new way to put doubts in people's minds by signing letters 'name withheld', saying all kinds of evil in that letter. But we have a history that when it gets close to Election time these things are on the increase.

When you look at history, and I speak of the immediate past administration, just look at who has been victimised, look at who has been sued.

I hear the Member talking about the hospital and the Health Services Authority. I wonder if he forgot about the case that was won against them by doctors who sued them? In that situation they (the members of the Health Services) did not know whether they were coming or going. Today they are civil servants and members of the Health Service.

You hear them saying also that we are not doing anything for Caymanians. Today, the head of the Hospital is a Caymanian. When I took over the reigns of the Health Services in 1992 (November or December) someone from overseas [was to be brought in] and I stepped in and asked the Governor to do something about it. The Governor agreed, and today Mervyn Conolly is the head of the Hospital.

Madam Speaker, as far as I can remember, I had to break a contract, but I put my foot down and said, No! A Caymanian has the qualifications and he must take up the reigns. So, they paid the person a few days' pay and said they had someone who was trained and capable of taking the job.

There are many other Caymanians in head positions today in this country. For the first time in our history we have a Caymanian principal, Ms. Nyda Flatley, head of the High School.

We have a Caymanian Director of the Water Authority and a Caymanian Deputy Director. Caymanians are in charge, and there are many other Caymanians, not only in the Civil Service, who are moving up in the private sector as well, although not as fast as I would like to see. But there were no systems in place and that is what the Manpower Development Strategy is all about. On a timely and sensible basis, concurrent with the businesses, upward mobility for Caymanians is on the up and up. It is going to get better, if we make it better—it is not in our stars to fail, but it is within ourselves. Only the Caymanians themselves can be pushed to the extent that they cannot take it anymore, or they can lead and do the job properly and see that one and all are handled fairly in this country.

They said that we spent \$14 million in supplementary expenditure in 1994. If we are to try to meet the needs of the country money will have to be spent, once expenditure does not outstrip revenue. At the end of the day, it is not how many supplementaries that we bring before Finance Committee, but it is what the financial position is at the end of the year. We did not end up in a deficit in 1994. By God's grace, we will not end up in a deficit in 1995 either. We have handled this country without any major expenditure as far as borrowing is concerned. The only major expenditure was \$20 million that the previous Government passed along, but could not get the money—we had to borrow it, but they spent it. It was to pay their bills. Yet, they say that we are mismanaging the country. Let us take a good look at what is really typical of the Opposition.

In defence of their colleague—Mr. Pierson and Mr. Miller—they say that when the last Government was voted out they left \$10 million to their good. They accuse the National Team of mismanaging the \$10 million, that is, the First Elected Member for Bodden Town. What they fail to tell the country is that their colleagues, Mr. Pierson and Mr. Miller, also left at the end of 1992 \$7-plus million dollars in the hole, in deficits. So, how could they say that they left \$10 million? We paid the \$7 million they owed. They left the country with only \$3 million in the general reserves—\$3 million—when they found their colleagues, Mr. Miller and Mr. Pierson, found at least \$30 million when they took over in 1988.

That is typical of the kind of dishonest tactics of the Opposition. Talk is cheap, but where is the proof? They have the burden of bringing the proof.

The Opposition has accused us of mismanagement in many areas. I will go on to deal with some of them later on. Over \$200 million for roads was proposed by the last Government, but nothing on parks. Over US \$50 million on a bad deal for planes, but nothing on sport fields for our children; \$680,000 on a building to pull teeth, but nothing on prevention programmes for our children. Over \$340,000 for Mr. Miller's Post Office—at \$400 per square foot—in his district, but nothing for youth development. Yet, they have the audacity, the temerity, to accuse us of mismanagement?

They believe that people have forgotten. Not so. People do not forget. I still say to them that if they bring a Censure Motion here for a vote of no confidence—which means the Government must dissolve the Assembly and call fresh Elections if they win the Motion—then they should have an alternative on the Table of this House to say to the country, *'This is what we, as an Executive Council, are offering to the country...'*, what Mr. McLean, the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town and their other three colleagues, Mr. Miller, Mr. Pierson and Mr. Rankine, as I understand it is (I do not know, that is what the Minister for Education said).

Where is their alternative for the people of this country? What will be their stance on the problems that we are facing?

The Member who moved the censure motion said that

when we were taking the move (which is good management) to lower fees and... [pause]

The Speaker: Would you take a suspension at this time, Honourable Minister? Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.27 AM

PROCEEDINGS RESUMED AT 11.54 AM

The Speaker: Please be seated.

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

Hon. W. McKeeva Bush: Madam Speaker, when we took the break I was beginning to get into the area where we were being censured for economic policy.

I do not think that the Opposition is capable of challenging the Government on our economic policy. I remember when the Government pushed for the reduction in fees. The Member moving the Motion, the Second Elected Member for Cayman Brac and Little Cayman—who is touted as “the Leader”—disagreed with the reduction in fees. I remember the *Caymanian Compass* carrying the story (and I have it before me). He objected to the reduction in stamp duty on properties over \$250,000. He said that **“the sort of people who could afford those types of houses did not need that type of consideration.”** Further, he said that **“there was no evidence to show that this reduction in stamp duty would help stimulate the economy as it was intended to do.”** That was Mr. Gilbert McLean speaking.

All of this has proven positive—when we did it the economy took off. I do not have the figures before me, but I hope that other Members will take the time to find out the difference.

Real estate was dead until this Government came in. It was not moving. They can blame it on other factors, but the fact remains that there are people out there with money, regardless of where they are, and if our policies are good they are coming here to spend money. It was good up until the time the stamp duty was increased to 10%, and when they did it, the investors and the real estate agents and everybody else said it would damage it, but they still went ahead. It killed the market.

Certainly, it has boosted the economy. In connection with their disagreement with Government in lowering company fees, I believe that since we lowered the company fees we have increased the register with close to 6,000 new companies. Yet, they say it is bad, that the Government should not have done it. They now have the nerve to try to censure us for economic policy?

Of course, his partner, the First Elected Member for Bodden Town, said the same thing. Madam Speaker, I will deal with the two of them a little bit more because I know that others will come in support of them.

They criticised us about the Housing scheme. They can say that what I was saying about it was not clear, but the fact remains that today we have 50 homes built or bought in less than one year since we put in the scheme. Let me say that it is more the middle income person. What should I have done? Should I, because I could not get the banks to give the very low-income group loans, have done nothing for the middle income group? That is

the question. Fifty families, 50 homes. Check the record before that. I am happy to say that I have been racking my brains and those of the Ministry's staff trying to find a proper way of [providing for] the very low income [group]. I believe that we now have it, and I will soon be making an announcement about this group and this area of housing. The future looks good, the scheme looks good. I believe that there are going to be many more homes by the end of the year, or at least prospects will look much better for that very low income group, which nobody wants to touch.

When you want to find an excuse to criticise something or chastise me, or try to make me look bad, then you can find a way to do it. That is what the purpose of the Opposition is. They will find a way to do it.

There has been a lot said about the proposed acquisition of land at Spotts for the National Stadium, as they call it. At no time, and at no place, did we say we were building a National Stadium. It has always been a National Sports Centre—a different kind of Centre for different kinds of sports. That has been changed (and this is public knowledge) to sports and recreation. Not that the park was not in it from the beginning, but as you go along, more and more ideas come in.

It is interesting to note in regard to this land that is being purchased from Rex Crighton, that a number of self-appointed valuation experts have attempted to confuse the public into believing that value for money will not be obtained. This is not only most unprofessional, but very misleading for the purpose of making us look bad. It should be noted that it is the Land Officers of the Government who negotiate on behalf of Government, not Members of the House. They negotiate for land purchases, they are professionally qualified valuers who are also involved in the assessment of all land transfers in these islands. So, as far as I am concerned, it is ludicrous to think that those Officers, those civil servants, who in this instance work closely with the Legal Department would commit Government to the acquisition of lands that were not in the realm of what they considered a fair market value.

It has been said that Mr. Crighton registered the title in his name on one day and that the consideration stated on the transfer forms reflected an amount of US\$140,000; and that shortly thereafter he signed the contract to sell the parcel to Government for \$800,000. That, of course, is not true, it was \$759,000. But it should be noted that stamp duty on the parcel in question was assessed and paid on a market value of \$830,550.

What was also omitted was the fact that the \$140,000 which Mr. Crighton paid for the property was a historical figure and did not originate on the date that the transfer was submitted for registration. It was being purchased over a period of years. Furthermore, the property is being offered on a five-year instalment plan at 3%. Where else could the Government get that kind of deal?

Contrary to what self-appointed valuation experts might say, much of the land in the vicinity of the subject property varies in quality to a significant degree. For example, Mr. Crighton's property is essentially flat, dry land,

while land further to the north is low-lying and subject to holding water.

The adjacent Cascades subdivision is a useful comparison. While they have a good quality access road and some minor landscaping, the majority of these parcels require the importation of a substantial amount of fill. Yet, these lots are being sold for between \$70,000 and \$76,000 and are generally 19,000 to 20,000 square feet. This equates to about \$155,000 per acre—almost double what the Government is paying for the Crighton property.

Madam Speaker, there are other comparisons which the Lands Officer has identified. It shows that Government is, in fact, getting value for money. It is very unfortunate that there are those who always let the facts get in the way of a good story. It is also quite evident that those who are trying to castigate Government lack any appreciation for accepted professional valuation practices and discipline. I believe that the Government can defend its position insofar as value for money is concerned.

They not only criticise the Government for purchasing, they criticise Government for building there. The truth is that there was no where else. I met with the three Opposition Members, that is, The Fourth Elected Member for George Town, the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town. I sat them down and explained the dilemma that we had. The only option open to us was taking the property in exchange for some, and to give up the total lease on the West Bay property opposite Holiday Inn. We said: *'No! That should stay for the people whenever it reverts back.'* They agreed. I showed them the plans and they agreed, the three of them.

I challenge them now to say otherwise, that I did not sit them down in that Committee room and explain the situation. They agreed that if we had to build the facilities over a long term, that that was the best area, that we had enough property and that it was central. Traffic coming from the east would have to go that way when things were completed, and George Town and West Bay traffic would not be as heavy. For instance, if you went on West Bay Road, the vast majority of the traffic would all be coming back at the same time. The three of them want to make it look like we are doing something wrong.

I am not saying that the Fourth Elected Member for George Town wants to say that we are doing something wrong. I hope not. But I know that he is going to speak and he will have his say. I know he asked a question about it. Truthfully, Madam Speaker, everything that he wanted to know was already public knowledge.

The good thing about it is that we have never planned to do the kind of things that were mooted. I heard one figure of \$30 million. It is a 10-year plan and we have to plan. Look what has happened now, a private company, Johnson & Higgins (Cayman Islands) Ltd, has made a commitment. The truth is that when I met with them I never saw a more enthusiastic group, which, by the way, consisted of a lot of Caymanians. They wanted to do something because they know the country needs it. They know, they have families and they need the kind of project that Government has proposed over a long-term

basis.

It is a fact that there is a lack of facilities for our children, play grounds and so on, and also a lack of nature tracks and shaded walking areas where families can spend more time together in the open air. So, Johnson & Higgins (Cayman Islands) Ltd propose a children's play area and nature trails where that kind of facility would be of benefit to the Cayman Islands. They propose to create a series of interlocking paths among the shrubs and trees around a central hub. If we can focus it in our minds' eye, that hub will be a clearing at the centre of the park with barbecue pits and a picnic area with children's playground beside it. Benches will be situated throughout the park—both in the central hub area and in the pathways. Information signs regarding the flowers and shrubs will be placed throughout the park and there will be landscaping, where required, on an ongoing basis.

But of current importance is that the natural flora, the trees, shrubs and so on, will be disturbed as little as possible because the paths will be created to wind around areas of particular interest. The only major clearance work will be that undertaken for the playground and barbecue pit area and picnic area. The retention of the natural undergrowth would be an absolute priority.

They propose that everything added to the nature walk will be of the highest quality to blend in with nature—the signs, pathways, benches, barbecue, picnic area and playground facilities. I am very glad that we have a company that has that kind of social conscience that recognises this as something which is of value to the country. These are the kinds of corporate citizens the country needs, and that I encourage, because they are not afraid to spend money on the people of the country, recognising that it will benefit them too in the long run. A satisfied people makes for a better working force and a better community.

The Opposition can criticise as long as they want, but as long as I am in Government, and have the responsibility for the social development of this country, I am going to encourage these projects and I am going to fight with every bit of strength and will that I have to see that money is placed in those areas because we have to spend money on our families. All the information that I have given about this is already public knowledge. I and the company have said it more than once.

But the truth is that there will have to be some sporting project there. We now have good facilities at the Truman Bodden Sports Centre and the Ed Bush Sports Centre, and we are doing North Side and East End, which will soon be opened, and Bodden Town. We now have a need for an indoor facility, which can essentially be used for the people in George Town—a district with over 15,000 people as of the last census. If our young people are ever to make it in swimming, we must get a proper pool so that our children can learn and be able to compete on an international basis. They cannot do it with the one we have, which has served its purpose. It is still serving there, of course, but we now need to move on or else our children will never get anywhere internationally. So we do need a 50-meter pool, and it will have to go there.

What we must realise is that Government does not have the land. We have to purchase land. This is the first Government that I know about that is land poor—we have none. Thank God that there are people in the community who say that they will sell us land over a period of many years. If that is not good management, if that is not caring about the people, then tell me what it is. It is easy to criticise, but when you have to sit down, when you have the responsibility and you have to come up with the programmes, and you do not pay \$4 million or \$5 million for consultants like the last Government, it is a big headache. But we are doing it in the interest of our people without spending \$5 million as Mr. Pierson and Mr. Miller did, who are now part of the proposed Executive Council of the 'Team Cayman'.

What did they do? What did those two Members do, who are now part of the two Opposition Members' proposed Executive Council? They were selling off Government land. Do we not remember who the real estate man was who was supposed to have gotten the contract? Mr. Seales. How many pieces of Government property were being sold off over time?

There is no private company involved in any Government negotiation. It is true that I have a real estate business, but we have nothing to do... I would not want to earn one penny from Government if I was starving because there is too much ungratefulness. Even if it were done—and it would be done if we were involved, above board... there is correspondence going back for years and I believe that if Government buys land it should be done on a one-to-one basis and money should be saved. That is where Government saves money. That is not what Linford Pierson and the last Executive Council did. No. They had a load of Government properties to sell and they gave it to one of their colleagues.

They have the audacity to talk about the purchase of the Sports and Recreation Centre at Spotts when their two colleagues, Mr. Miller and Mr. Pierson, sold over 200 acres for \$2 million for 62 years to SafeHaven. Why do they not ask their two colleagues to explain that? Was that a good deal, Madam Speaker? Was that good economic policy? Sixty-two years! I have nothing against the company. They are corporate citizens here and anything that I can do to assist them I will do because they have offered assistance to Government.

The fact remains that their colleagues, Mr. Pierson and Mr. Miller, sold the lease for 62 years for \$2 million. And they complain to Government in a Censure Motion? I urge them to withdraw it. After we have debated it they should not put it to the vote; they should not have the audacity to ask for fresh elections because of mismanagement in financial matters.

Madam Speaker, as far as the social development is concerned, and as far as their Censure Motion is concerned about our social policies, I do not know where it is causing unwarranted expenditure and I do not know where our social policies are causing social disharmony, fear or apprehension in the Cayman Islands, because we are doing everything we can. And I can point that out as far as the social policies, which is what I want to deal

with.

The thrust of my Ministry and this Government in the area of social policy is to contribute to the knitting together of the social fabric—not tearing it apart, as has been suggested. We must ask the question: What makes this social fabric to start with? What are the threads that bind? I would submit that the relationships between people; and, most fundamentally, within families and between people and their God are among the strongest of these traits.

I am conscious of the fact that one of the complexities of Cayman at this point in time derives from the existence side-by-side of the very modern and the very traditional Caymanian way of life. So, many people will therefore say that, yes, family life is very important to the life of the society, and will often follow this by saying that we have lost ground in this area and we need to recover some of what we once had. That is true.

However, the Government's policy is based on the position that no way has yet been devised to satisfactorily replace either the biological or the sociological roles of human families. As far as I can see, the natural family is best suited to do the job of properly raising a child. Children who are raised in institutions, for want of this natural environment, seem to do well to the extent that the institution can model itself after the family. Therefore, much of what I have to say on programmes and projects touches on the family, and much of our social policy is about the family.

We have extended the scope of the proposed UNDP Study on the Status of Women and Children in Cayman for the status of the family in the Caymanian society. This study is likely to have wide repercussions in terms of future actions in the area of Community Development.

Now, the Opposition can come back and say, *'Well, he is just doing it now.'* I can only say that we cannot do everything at one time. But when it is done, it should set the terms for future action in the area of Community Development. I say again, the health of family life is essential to the health of the community.

The intended reform to the Juveniles Law (and they criticised that), the Young Parents Programme and the Cayman Islands Marine Institute, are initiatives all intimately associated with the family, seeking simultaneously to rehabilitate situations where the family structure has failed—not Government—at least temporarily, and to build up the capacity within the affected families to better manage such situations.

I should also mention here the After School Programme which is, again, intended to assist families in ensuring that children have proper supervision and a healthy environment to go to, especially in cases where private arrangements cannot be made by 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 the grant to churches to support their youth programmes.

We take these initiatives with the conviction that the church in our country 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.

The After School Care Programme... why is the Opposition not out there? If they wanted something to talk about they should have brought a Motion saying that more people should get involved. But we do not see them doing that. We cannot do any more than offer funding, and we have done that. We have talked, we have begged.

Take a district like George Town, which needs it so badly. There are only two or three taking it up, and they can only do so much—each group can only deal with a relatively... well, I should say, not a very large number of children. The Rehoboth Centre, one of the Pentecostal Churches and the Elmslie Church are doing after school care programmes, but I consider that this is one of the best areas for us to handle some of our problems with young people. It does cater to a time when children are not supervised, that time after school between 3.00 and 6.30, when parents are still at work and children are left to roam free. We know that they are left in front of the television or with the baby-sitter, and we realise that this is not the best thing for our country today. I have maintained that while it is good, it is educational, if unsupervised it is a detriment to the young elastic mind; when they see the kinds of programmes on television it only infiltrates their mind and encourages them to do wrong things. Unsupervised television for the young child is bad. BAD!

The After-School Programme is something that is seriously needed. I asked the Members for George Town to get up and do something about it because it is seriously needed in George Town and I, as the Minister responsible for Youth Affairs, cannot do it all. I need the assistance of Members and they should be working, rather than gallivanting... and I am talking about the Members of the House in general who constantly criticise Government, who are not doing anything. We have 15,000 people in George Town and a lot... I do not know what the age group is, but we need assistance with it and those of us who can be role models in George Town need to get up and do something because there are a lot of problems.

Yes, some people are doing—I know Members of the House have their own areas that they work in, people go to them and they are constantly harangued with the problems in the Community. But we need to do more. We cannot call on Government to do more and then curse Government for expenditure—because if you are not doing it, then Government will have to do it and we can only do it by expending money.

So, when they criticise McKeeva Bush, let them first ask what have they done to help better the situation. The Chamber of Commerce goes on a rampage sending out all sorts of information. What are they doing for young people in this country? What are they doing to assist the youth problems in our community?

The Speaker: Honourable Minister, I think you are stray-

ing far from the Motion that is before the House. Will you please get back on track?

Thank you.

Hon. W. McKeever Bush: Well, Madam Speaker, I would have thought that a censure motion... and I know that it is a lot of latitude, but when a censure motion—which, if passed, can call for fresh elections—says that the House has no confidence in Government whose social policies are causing unwarranted expenditure and social disharmony, fear and apprehension in the Cayman Islands..., I think I have to defend that. That is what I am trying to do!

The Speaker: But, Honourable Minister, you are going at such a length. You are asking Members to help you—that is really not part of the Motion. Please continue. You have about ten minutes more before the luncheon break.

Hon. W. McKeever Bush: Madam Speaker, I think I really need to ask for assistance because Government cannot do it all. All I am saying to Members is that instead of bringing motions for votes of no confidence, get out there in the community and do something about it. But I will abide by the ruling of the Chair.

Madam Speaker, 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 within each district. We intend to have a Youth Week with a National Youth Day, Family Week similar to the one held this year, we intend to continue to promote the after-school programmes. I must give high praise to the CODAC groups who have been doing a tremendous job in their respective districts. I believe they see the way towards pulling our communities and our islands back together. I encourage everyone to support their efforts.

George Town has none. We will intensify our efforts to get the programmes started and seek more volunteers under the time-release programme. These programmes are crucial to the welfare of our youth.

A very broad thrust towards community development, social development, has been initiated by the employment of Community Development Officers. These persons will be based in the districts and part of their duties will be to act as a liaison between the Social Services Department, the district residents and the CODACs and other voluntary agencies in the social sector. There are now three officers; one each for West Bay, George Town and one that serves Bodden Town, East End and North Side. Hopefully the 1996 Budgetary proposals will include provisions for two more officers to fully supplement the coverage of these officers' work.

The Social Services is doing its best with the requests that have been put before them by Members. I think that Cayman Brac cannot claim to have been forgotten because a lot of effort is being made there by the Government.

I see they have toned down their criticism on sports. A couple of months back I could not come into this House without being harangued with questions about sports.

There was not a day that passed when there was not a letter or some interview of the Opposition about sports policy. They cannot say anything at this time because we have done well. It is the best it has ever been handled, if I must say so myself.

With all that I have said, it is still not an exhaustive list of all the things that my Ministry has worked on, or programmes which were planned. So I think, looking at this and a previous statement made recently, it can be said that we have given a reasonable accounting of ourselves. But let me stress again that the matter of community or social development is a matter of brining our young people up to be good citizens; it is a matter of promoting our cultural development. These are not undertakings for the Government alone. That is what I was trying to get across just now.

Government cannot, and should not, do it all—and is not trying to do it all. People should do for themselves, for each other. We claim to be a friendly and caring society—let us really live up to this.

At this time, I am not able to do justice to the wide range of good works being undertaken daily through our churches, our social and cultural agencies both public and private, but I am able to say a huge 'Thank you' to all of those who contribute to these works—both paid and unpaid.

Our work shows that the efforts of the National Team have paid off, although we took over a very sorrowful state of affairs. No one can say that our investment in more Police Officers and in the police boat and in the new Task Force, and other investments in the dog programme (while not part of my Ministry is something that we have promoted, supported and spent funds on), have not paid off.

Certainly, there is no room for complacency. As I said, we cannot make people be honest, we cannot legislate morality; people have to vow to be honest within their souls. But a lot of work has been done.

When we look at the Police Report for 1994 it says, with the exception of drug offences, that "it is gratifying to report a reduction in almost every category of crime." That is not the way we found it. Of particular significance is the drop in the report of burglaries from 765 in 1993, to 595 in 1994—it is going down. There is no time for complacency, and the fact remains that the work of the Government has impacted positively on the negative influences in the country. It remains to be seen whether this overall trend will continue, but the enhanced police resources now available are impacting on the crime situation in a positive manner.

No one can give the impression that the National Team is a 'don't care' Government, or has not done something in these areas. It is a wrong impression for the Opposition to give, which falls on the basis that if the House votes for this no confidence motion we must have a fresh election. On what basis?

Let us take the Marine Institute. It is a very positive and moving programme for our young people, and I remember the criticism that was heaped upon us in Finance Committee by the Opposition. The role of the Institute is to provide cost-effective solutions to problems in the areas of juvenile offender rehabilitation and education. To achieve these goals residential and non-residential programmes have been developed as well as more intensive programmes for serious offenders. The programme's

success is based on the use of motivators whereby performance must precede rewards. These procedures have been found to be highly successful in the classroom and within vocational training programmes. In addition, all the residents of the Marine Institute are exposed to exciting marine or other environment-related study programmes.

Madam Speaker, they say we are not doing something for young people. They should put their alternative on the Table of this Honourable House. Where is their alternative?

They said that they would not vote the funds for it, yet they said that they disagreed with sending children overseas. We know it costs in excess of \$100,000 for one child per year. What would happen if we had to send the 30 children enrolled in the Marine Institute abroad?

I listened to their public meeting the other night and they said that they would not be supporting the Children's Legislation Bill because there is no Remand Centre. Madam Speaker, can you believe that?

You know, sometimes I get discouraged, and it was at that point that I said, 'Here we have intelligent people, who say they are from academia, not supporting it'—although they did say it had some good things in it. But they could not support it because we do not have a Remand Centre.

The West Bay lock-up is something that I have deplored, but the fact remains that it was the best place. We made it a little bit better, and while the children were there they could not be out burglarising or harassing others. It is not the best place, but it was the only place we had.

I have since obtained a commitment from Government to utilise the Dr. Hortor Memorial Hospital site, now that the Cubans have gone (that was our plan), and we are immediately redoing it for a proper Remand Centre for our juveniles. But I guess that I am going to be criticised for that too. You are going to hear that that is not the best place for them. But, we are going to utilise it, if I get the support, and so far Executive Council has passed the paper. Public Works and the Social Services Department are now with the architects looking to see how it can be configured.

Everything cannot be done at the same time, neither can we cure all of the problems overnight.

The Speaker: Would you take the luncheon suspension now, Honourable Minister?

Hon. W. McKeever Bush: Thank you, very much.

The Speaker: Proceedings will be suspended until 2.15.
PROCEEDINGS SUSPENDED AT 12.47 PM

PROCEEDINGS RESUMED AT 2.23 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, when we took the break I was going to deal with juvenile crime statistics. Before that, I think I should clear up [what I said on] the after school programme.

The Second and Third Elected Members for George Town were in discussion with me on it and they did go out and talk to certain churches. And, Madam Speaker, before I move into the juvenile statistics I know that there

are some efforts afoot by the Big Brother/Big Sister programme to strengthen what the NCVO is doing. This is a good move, but I hold to my position that the district of George Town needs a lot of attention, and I give a lot of credit to Members who are working in whatever ways to address people's complaints. But there is still a lot of work to be done. I hold to that position—a district of 15,000 people needs a lot more effort put into it.

Whatever position the Fourth Elected Member for George Town will take on this motion... as I said, the Opposition can gallivant all over the country, they can hold meetings in George Town, but they are not doing anything to affect the negative aspects of the district—or any district. That is what I was talking about. Whether the Fourth Elected Member for George Town supports the Motion (and I suspect we will hear from him) I hope he understands that he will be thrown, quite godly, into the Opposition camp... I await to hear how he will deal with these issues as pointed out in the Motion.

When you look at the Juvenile Court statistics, you will find that in 1992 there were 335 juveniles convicted. There were ten children at the age of ten years old; four children aged 11, and eight children 12 years old. When we look at their convictions, they were convicted for the possession of ganja—all of these 335 cases. Eleven were convicted for possession, 14 for consumption, four for possession of cocaine. That was for 1992. There were 118 convictions of young people for burglaries.

Immediately upon taking office, we started to highlight the problems, and the community started to get involved when we had the Business and Professional Women's Club out there talking about the need for parents to do more and the need for the community to get involved. There was a lot of community involvement. My Ministry was having a gigantic push on young people's problems.

We found at the end of 1993 that there was a decrease from the 335 to 206 juveniles convicted. The age group went down to 11 years of age. We had two children who were 11 years old. Possession of ganja went down to nine; possession of ganja with intent to supply went down to one. Consumption of ganja went down to five; possession of cocaine went down to zero. Burglary dropped from 118 convictions to 56.

For 1994, what do we find after all the efforts we made? The number of juvenile convictions went down to 164. The age group rose from eight-year-olds in 1992, to 12-year-old children in 1994, and that was for one child aged 12. The conviction for ganja possession was five; consumption of ganja was zero; possession of cocaine was zero; possession of ganja with intent to supply was zero. Burglary from 118 cases in 1992, went down to 16 cases. Yet we hear that we have not done anything, our social policy is no good and is causing disruption. Did this all happen by itself? It can be clearly seen that careful investment in quality programmes and in the Police has brought results.

They have made a big claim that I spend too much money on these youth programmes. The fact is that beginning with the high peak of juvenile crime when we took

over in 1992, and using that as a base (for that is when our responsibility for management started) juvenile crime has decreased. We are not saying that it has gone down to the extent that we are complacent, because our efforts are only now being intensified.

In an editorial the other day the *Caymanian Compass* mentioned the same thing and said that they do not know what can be attributed to the downturn. That, I guess, was the gist of their editorial. But the truth is, the message that I get from the Juvenile Court is that where they used to spend all day in Juvenile Court, they are spending much less time—sometimes an hour or two in Juvenile Court. The Justices are sending good vibes—not saying that the problems are not still there, they are still out there, and we know that, and I agree with the *Caymanian Compass* editorial to an extent. But they cannot say (nor can anyone else) that this Government's efforts did not help the situation.

What we are saying is that when you are coming from the high peak of juvenile crime in 1990, 1991 and 1992 where it reached 335, to where it has now reached 164, you must pass through various regions of heights before you come to the place you want to be. Juvenile crime has decreased by actions taken by Government and by the community being galvanised—by programmes put in place by my Ministry and by the schools doing what they can to assist. Yet we have this Motion saying that our social policy is causing problems and not doing anything according to them; unwarranted expenditure causing social disharmony.

I am glad that the Marine Institute is working. We have just started as far as those kinds of programmes are concerned. The truth about money being spent and unwarranted expenditure is that the Opposition gives lip service to preventing children from becoming criminals, but not much money or effort had been put in place over the years—until we took over. Money was put into the Police and into the Prison and we emphasised prevention programmes for children so that they do not wind up as convicts. Prevention starting at an early age has always been the most rational and cost-effective approach.

What we have from my Ministry is a comprehensive, coordinated approach for families in trouble; extensive after-school programmes; improved prevention of teenage pregnancy, and stronger efforts to prevent drug abuse. I say that we have not spent enough money because we have spent less than 2% or 3% of the National Budget for 1993 and 1994 put together. They have only spent on infrastructural development less than \$4.5 million. When you compare what we have spent for Police from 1984 to 1992, it is a total of \$72 million. In our three years (up to this year) we have spent \$36 million. So, we need to put money in prevention and we should stop being wimps trying to get political mileage—stop talking out of both corners of our mouths—and put more money into prevention. Otherwise, we can build prisons in every district—Cayman Brac to West Bay—and the prison system will never be large enough for the multitude of young criminals if we do not do something about prevention.

That is what we are trying to do, but for everything

that we try we hear we should not do it. Of course, the Opposition, including those on the outside, will find ways and means of saying that this could be done this way or the next way, but what have they done to help the situation? That is what I want to find out: Other than to talk and get up in here and postulate, what have they done to better things?

Prisons are necessary for violent and hard-core prisoners who should serve their full sentences, and the Police are necessary. We have to spend, and we have been spending on that, but we must put more into prevention. If some of this \$72 million had gone into young people over the past eight years, we would have had less problems today than what we have now.

In closing, we have done well and I do not think there is any room... if the Opposition can find and bring positive proof to where we can better the programmes—lay it on the Table. If they can bring better programmes than what I have, or they can improve upon them—bring them to my Ministry or call a press conference and say this is what the Government should do. Otherwise, they should withdraw the Motion because the Motion carries no truth to it, it does nothing for the country; it does not help the country and it does not help us. If any Member wants to vote for this they have their own conscience to deal with. As for those of us who have been steering this country on a true course during the last two and one half years, we have done our best. As for the nay-sayers amongst us, let us not—and this especially applies to those of us in leadership positions—sow seeds of dissension and discord; let us not encourage people to search for the negatives. We all know that life in Cayman is tough in many respects, as it is in any modern society, but it is also a very pleasant place to live and it is pleasant to live here precisely because the "wide-spread social disharmony, fear and apprehension", as quoted in the Motion, does not exist. It is a good place to live because the whole world is beating a path to our doorway and wants to come in to work or live here.

This Motion cannot cause the demise of this Government simply because the Government is not guilty of the tyranny of which it is accused. To the contrary, the Mover of the Motion may learn something about the real road to nation building if he were to pay more attention to the merits of our social policies and our economic policies.

Madam Speaker, the Motion has no basis. Therefore, from here on in I put anyone who would even think of trying to get a little mileage out of this, by saying on the one hand this and on the other hand that, in the same category as the two Opposition Members—fully and squarely Opposition.

If the Motion is carried the Governor will call a fresh election.

Thank you, Madam Speaker.

The Speaker: If no one else wishes to continue the debate, I will ask the Mover...

The Fourth Elected Member for George Town.

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

First of all, my interpretation of this Motion regarding Censure of the Government is certainly not as far reaching as the previous speaker has been alluding to. From time-to-time in his debate he pointedly spoke about the Governor calling for elections, or the Government falling away. I would just like to read the interpretation that I am guided by in my understanding of the Motion.

On page 272 of [Erskine] May, under the heading of "Censure Motions," it reads: "**From time to time the Opposition put down a motion on the paper expressing lack of confidence in the Government—a 'vote of censure' as it is called. By established convention the Government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of such a motion. In allotting a day for the purpose the Government is entitled to have regard to the exigencies of its own business, but a reasonably early day is invariably found. This convention is founded on the recognised position of the Opposition as a potential Government, which guarantees the legitimacy of such an interruption of the normal course of business. For its part, the Government has everything to gain by meeting such a direct challenge to its authority at the earliest possible moment.**"

As has already been stated more than once during this debate, Madam Speaker...

Hon. W. McKeever Bush: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, Honourable Minister?

POINT OF ORDER

Hon. W. McKeever Bush: Yes, Madam Speaker. I am wondering if the Member will take a point of clarification?

The Speaker: You are rising on a point of order. Let us hear the point of order first.

Hon. W. McKeever Bush: Yes, Madam Speaker, I was really just asking the Member to continue reading from [Erskine] May, and if he does not want to read it, I will ask for a point of clarification. But continue reading that paragraph.

The Speaker: I do not know if the Fourth Elected Member for George Town would wish to do that. It really is not a Point of Order, if you want him to finish...

Mr. D. Kurt Tibbetts: Madam Speaker, this is my debate, not the Minister's (for Sports). What I read, I read as I see fit to make the points that I am making. If the Minister for Sports was so devout in his efforts, maybe he should have read it when he had the chance.

Hon. W. McKeever Bush: I do not have that issue. You continue reading. You read it. You are supposed to be honest.

Mr. D. Kurt Tibbetts: Madam Speaker, the Honourable Minister is alluding to my being dishonest. I am certainly

not that—anything else in the world, but not that.

Hon. W. McKeever Bush: No? Let us...

Mr. D. Kurt Tibbetts: I read the portion under Censure Motions, and if I had been allowed to continue my point would have been understood. The point that I wish to make as I go along, as stated before by previous speakers, is that the numbers which may support the Motion certainly will not allow for the Motion to be carried. So, to my mind it is obvious that the intent of the Motion was to be able to bring debate to this Honourable House to point out areas which Government may well wish to look into improving with regard to the way matters stand at present. If anyone wishes to take a different position, that is entirely their prerogative. Before I start to say anything, that is my position.

I noticed that just before he closed off his debate the Minister, in his style, made mention of any other Members (beside the Mover and the Seconder) who wished to talk about this or talk about that... and he made it a point to let it be known that if anyone debated in that fashion, he (the Minister) was going to place that one squarely in the camp as an Opposition Member.

Madam Speaker, that Minister has been here quite some years longer than I have, but I want him and every other Members in this Honourable House to know that neither he, or anyone else, holds a gun to my head to tell me what position I must take, or what position I will take in the future.

Mr. Roy Bodden: Hear, hear!

Mr. D. Kurt Tibbetts: If that was his way to threaten me into submission, he has failed this time.

Hon. W. McKeever Bush: Do you think I did not know that from the beginning? Everybody takes his or her stand. You just cannot beat one or two; you have to do all four at the same time.

Mr. D. Kurt Tibbetts: To be very honest, Madam Speaker, I would not mind if you would use your authority to ask other Members who continue to speak during the time that I am speaking to keep quiet. I would be very grateful for that.

Let me first of all say—and this is in reply to other things that I heard this afternoon—I can truthfully and safely say that when I sought to be elected as a Representative in this country, I simply had one desire; and that was to be of service to the people of this country. Where I end up, who I end up with, or whatever position I end up with—whether it is in this House or outside of this House—whatever happens in the future has no bearing on my asking the people to elect me as one of their Representatives. I am simply grateful for opportunities in life and I think it is good when one can give back to one's community some of what one might get out of it.

I noticed in the heat of the moment the last speaker, in talking about his social programmes, got into the dis-

district of George Town and started talking about inadequacies in the district. He mentioned that the Representatives should stop 'gallivanting'. He made a poor effort, in my estimation, about clarifying it afterwards, but I am not going to get into that afterthought—I am speaking about what he said first. He was speaking about the district of George Town.

Madam Speaker, the Minister said that the Representatives of George Town should stop 'gallivanting'. That is what he said. Now, I noticed that the moment we took the break the Second Elected Member for the District of George Town went over to take him to task because he apparently also took umbrage. The Minister was quick to clarify that he was not speaking about him. I know he certainly was not talking about the Minister for Education who sits behind him, and I really do not think he would go as far as to speak about the Lady Member who is not even present. By process of elimination, that leaves little old piddly me—the oddball who barely managed to scrape through the process to be able to sit here.

If the 'gallivanting' the Minister was talking about was the fact that I still socialise with people at this point in time... and if he wishes for me to sit down, I will give him a chance to say it again because I have no excuses to make for that; I so happen to enjoy the fellowship and camaraderie with the people that I have always enjoyed. If he is going as far as to allude that there may be something that I may be doing that, for instance, my wife might take issue with... I sincerely hope not.

Hon. W. McKeeva Bush: Now, that is stupid...

Mr. D. Kurt Tibbetts: By the way, Madam Speaker, you know, the Minister just said that I am stupid. I really wonder when he combs his hair which mirror he looks into.

Madam Speaker, I am not finished with this 'gallivanting', because I know my life and I know what I do; and I, for one, do not go about trying to do things to try to help in any way that I can just to let people see and hear what I do. I simply do the best that I can, given the circumstances that surround me.

When it comes to being a Representative of the people, it may well be his wish that I should not be one of them, and he might well do everything to make sure that I am not one of those elected again. That is his prerogative. But what I thank God for is that the decision is not his—it is the decision of the people. Like he knows so do I—they will decide.

I do not like to get like this because I sometimes have to be very careful. Nevertheless, I will be.

Madam Speaker, as one of the Representatives of the District of George Town, let me say to this Honourable House and to everyone who might hear (whether now or later), that I have been doing, and I will continue to do, the best that I can as one of their Representatives; notwithstanding the fact that I do not have the authority that others have. Sometimes I have to beg or plead for assistance. I do not have any problems with that. The truth is that when it comes to others I am used to doing that. Sometimes people do not know what others are

faced with and it takes someone else to let everyone understand.

The other thing that I wish to say about 'gallivanting', Madam Speaker... and I was of two minds whether I should or not, but I think I will...

Madam Speaker, I have been a Member of a service club for nearly half of my 41 years... [long pause]

The Speaker: May we have a short suspension for 15 minutes?

PROCEEDINGS SUSPENDED AT 3.02 PM

PROCEEDINGS RESUMED AT 3.26 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town, continuing the debate.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker, I am so grateful to you for taking that short suspension so that I could gather myself together.

I stated my understanding of the intention of the Motion earlier. I will move on to point out various areas that I believe the Government of the day needs to be looking more closely at.

When we took the suspension, I had just mentioned a small fact about my being involved in a service club. Just to close that off, I wish to say that while I do everything possible to separate my life outside of that, because I know it does not need to be involved in other things, the truth of the matter is that sometimes when certain occurrences take place it is difficult to separate parts of one's life without it affecting others.

This Government, like any other Government (past or to come) has to understand and accept that insofar as its performance is judged—not by me, but by the people—human nature is simply going to let the people talk about anything that may not be quite right in their minds. The things that are all right are simply taken for granted, and that is just the way it is. So, to have certain things pointed out, and for them to be put to task from time to time, is only an opportunity for them to take stock and at least get those problems out of the way so that whatever happens down the line can be a new problem and not that one over and over again.

One of the problems that I have continuously spoken about, and will continue to speak about in this country, is the problem of Immigration. There are many aspects to be considered, and I am the first to admit that there is no easy answer to the problems which arise on a daily basis, simply because of the tremendous integration that has taken place over the years because of the growth of the Cayman Islands.

One might easily say that the Elected Government is not responsible for Immigration, but the truth of the matter is that the Elected Government does issue directives from time to time. While those directives come from Executive Council, which is chaired by His Excellency the Governor and includes the three Official Members, at

some point in time the Elected Government comes into play.

I am sure that even though the Honourable Chief Secretary is the individual who actually has hands-on dealings with the day-to-day affairs of the Department, any problems that arise occur not necessarily because of a lack of sensitivity, but because of the way systems have been set up over the years and they sometimes find it difficult to make changes. Sometimes to make positive and effective changes there are some risks because whichever way you turn to satisfy one end of the coin, it causes a problem for another end. I understand that. But I hold the view that it has to be a situation of continual change in order to adapt to the times.

I hold the view today that the way the system is set up in dealing with the various types of permits, inclusive of dealing with appeals, it allows for too many individuals to undeservedly get hurt because the system does not allow for expeditious end results. While we may say that, as we go on and try to make changes from time to time, the majority of the public are being serviced properly, the truth is that the problems that arise because of Immigration can affect the lives of individuals to where it determines whether they eat or starve. While on a general level you may say that things are happening the right way, I am continually made aware of instances where, if I had been that person, I really do not know if I would have wanted to continue to live.

Very recently, I became aware of a situation where an individual had not been allowed to work in this country for the past eight months. The situation is not resolved, based on an appeal. The person has two children, a 15-year-old daughter, and another very young child—both children fathered by Caymanians. That person has an inalienable right to permanently reside in the Cayman Islands, but at the same time has been told that she cannot work.

I bring this example, not to test anyone's fortitude, but simply to point out the kinds of problems that occur and, if the right people do not holler and scream, it gets lost in the woodwork. It is a fact.

If we go into examining the entire situation, we will find that there are various agencies involved before due process can take place. It is my understanding that whenever an appeal is made, after fighting with the Department to get the facts from them, it is then forwarded to the Legal Department for them to give an opinion. It is then brought back into the system through the office of the Chief Secretary and it is then very possibly delegated. Then there is a wait for it to get on an agenda.

There may be no easy answer, but there are many instances when the length of time this process takes is simply too long for natural justice to occur. I am saying this afternoon that if we want to talk about the good things, that is fine. But while all the good things are happening—and some of us expect to be chiming about them morning, noon, and night—these bad things are also happening. If the Government expects that I, being made aware of this and being a messenger of the people, will not talk about it, then, I am sorry; they can class

me any way they wish because by my not speaking about these issues I would certainly not be living up to the responsibility which I hold at present.

I do not necessarily wish to spend a very long time on this issue, but I want to impress on the Government—including the Elected Government, the Official Government and, if His Excellency listens to this, him too—because, while I have only spoken about a specific situation with the process, there are other matters which have to be examined. If it is such that someone else needs to hold the authority to deal with this appeal, then so be it. I do not care who it is. If it requires an independent Appellant Tribunal like other areas have (I am not here to say that is the answer), maybe it is worthwhile looking into and they could meet on a regular basis and the process would be expedited to where it is only a matter of weeks before these issues are dealt with and completed one way or the other; rather than [taking] a matter of months and, in many instances years—and that is not an exaggeration.

I remember having discussions with the Honourable Chief Secretary, and I am grateful for his enlightening me about the process and some of the problems. My aim is not to point fingers at anyone, but I am saying that this needs attention and the longer it continues the way it has been continuing, the more problems it will cause in this country.

We never know the far-reaching problems it causes. We have no idea until we get into some of the specific situations. We find, for instance, the specific situation I just spoken about (and I could have called another one, it just so happened to be the freshest one in my mind). You will find that because of that situation you have another family who is near and dear to that family who is barely able to make ends meet; and everyone is suffering trying to keep that family going because no one can work. It is a fact. It goes as far as people going to the Social Services Department. While due process does not take place, money has to be forked out by the Social Services Department.

It is certainly not that the person is lazy, and certainly not that the person is a bad person either. I am saying this, and I am saying it without reservation. This incident is not isolated. It is beyond that point now. So, that is one area of the Immigration Department and its necessary attachments that I see a major problem with.

There is another area of similarity where there are individuals who are in business. They go through the process of inquiring exactly what is required by the Board to make an application for a work permit. They are told to advertise for a certain period of time to see if there are any qualified Caymanians. They pray that a qualified Caymanian will come forward because they hate to know that they have to darken the doors of the Immigration Department. I am not saying anything bad about the Immigration Department, I am just saying it is always a problem. So, they go through that process, and no one applies.

They go as far as to advertise again and say, *'We ran such-and-such an ad on such-and-such a date and*

we have had no reply, and we really would like to hire a Caymanian.' They still get no reply. So, they make an application and the answer they get is "The application is refused on the grounds that a Caymanian could fill the post." Madam Speaker, many of these individuals are just like me—ordinary people doing their best to be good citizens to earn a living and make ends meet and, if possible, to put a little bit aside for those days of gray hair.

So, these people appeal and they go through the pains of going through all of the necessary prerequisites—and their business is going on without this person. Nine months later, the one person they have on a work permit is leaving the next month and they have not heard from that appeal yet. What do I tell them? Tough? I cannot tell them that.

I only bring those two examples to say that whatever it takes out of the Government, situations must be able to be dealt with and expedited. If they knew the answer was going to be 'no', they would have a different course of action. These people are in limbo.

The cute thing about that first example is that after eight months into the appeal, somebody discovered that this person had the right to remain permanently in this Island. They said: *'No, we are not going to deal with this appeal. This is funny. Let us send it back to the Board so they can save face and we can get this dealt with right because this person must remain here.'* Eight months later! If that does not prove the point, Madam Speaker, then I give up.

Madam Speaker, I will move off from that subject because I know there are no easy answers. I also know that it is my fervent desire to see all Caymanians who are able to work placed in a job that they can manage in order for all of us to be able to survive. While we accept that at present there is much more demand for labour than the local supply, I am certainly not being a proponent of not making sure that any and all of our Caymanians are not placed rightfully in the work force. But, there are many, many instances similar to what I have pointed out. While we have to be very conscious to ensure that Caymanians are not bypassed for foreign labour, we must not go overboard and stymie the natural growth which will effectively take place once ordinary people are allowed to function within the world of business efficiently.

At some point in time this is a sore topic because everybody who talks about it has a different idea. But the bottom line is this: When it comes to operating our Immigration Policies through any Board or through appeals, etcetera, natural justice must be served for the sake of all concerned.

The other thing that I have a problem with is somebody knowing somebody and telling somebody else about a problem with that person, and before we know it the Board says: *'We do not want that person, we better refuse that work permit.'* And no one knows the truth. You see, Madam Speaker, the Government can stand up and cry forever that they do not know anything about it, but it comes back to the point—like the Minister for Education said this morning about a certain issue, that while he did not know anything personally about it, he took re-

sponsibility for it. That is what happens.

From where I stand, I have no recourse but to advise the Government. I cannot go to the people who work the system and say they have to do something about it—who am I? So I am taking this opportunity to tell the Government that they must do something about this.

I am not telling them that they must do something about this so that they can look good and they can look bad, I really do not care—I do not! I do not care! I just want it right. The difference between me and a lot of people is that I have no aspirations to get anywhere else—I am happy with myself as I am... I certainly do not want to get any bigger, but, besides that, I am happy with me as I am. I just want to see it right.

Mr. D. Kurt Tibbetts: *[addressing voice across the floor]* Not quite, sir. Having that advantage might be greater than it is.

Anyway, Madam Speaker, I just wanted to reiterate that point so that maybe, while it is a difficult task, enough attention will be paid because it is an ongoing process—and I accept that.

I understand that if everyone gave up everything tomorrow and simply concentrated on that, the answers would not be forthcoming. I understand that. But we cannot say that because it is difficult we will leave it alone and hope for the best, that never works. It never works from the time we are children. We know what happens to children when we deal with them like that.

Madam Speaker, the other thing that I personally have a problem with (and, unfortunately, I experienced it again today) is that there are individuals who get caught up in the heat of the moment and by the time what is said is heard, quite likely what is heard is totally different from what was intended to be heard. The Government must understand that while I, as a Representative, am under the gun, they are under the cannon. I only get it sometimes. A part of the price that they pay for who they are, and where they are is being under the gun, which means... and I know it inhibits some of us, but that is tough... which means that the Government must on a whole—individually, collectively, some of them, one of them, all of them put together—must at all times be very careful in what is said and what is done; and how it is said and how it is done because of the natural tendency of the human being to interpret what they wish to interpret.

We keep hearing about things being blown out of proportion. Madam Speaker, the only way things cannot be blown out of proportion is to not exist. It is as simple as that. If it does not exist and one alludes to it or talks about it, then you can say it is a lie. But, if there is any chance of any misunderstanding, the best you can say is that you did not mean it like that.

You know what? Inasmuch as it might sound like a very touchy topic, I know that what I just said is the whole truth and nothing but the truth. Others will use a different tactic, and maybe I get the urge sometimes too, but I want the world to understand that I do my best to be fair in my debate. I do my best, even when it does not appear

that way.

I am trying to be fair about this situation. But, when you have a string of events happening in your country that are said and/or done at a national level—even when they are misinterpreted—all you hear from everyone is, *'Uh-huh, I told you so.'* That is all you hear. To go back and say now that the fault lies with those who misinterpret does not work. They are going to be there all the time. When we come and go they are going to be there. So, it is not by chiding them, it is to ensure that they do not have that opportunity, because it hurts. I am not talking personally, I am talking about the country—my country.

Madam Speaker, I daresay that the most recent incident about the... how did it go again? Oh... the cluttering up of the infrastructure. If the Government could just be open and relaxed, I bet they would say. *'Lord! I wish that did not happen.'* That is what they are going to say. It is not to point a finger at this one or that one: *'Well, this should not have happened because this should have been the way it was said.'* It has to come back to the source. That is my point.

I am not going to stand here and talk about who does not want foreigners here or whatever. The point that I am making is that along with the responsibility of an office goes the responsibility of one's actions and one's words. If everybody is not getting into trouble with it, then maybe one should take the time to find out why certain people do not get in trouble. Then maybe it will not happen.

Being blown out of proportion is after the fact. I do not worry about how it makes the Government look, or who wants to take on an individual; I make the point that it negatively affects the well being of my country. I do not have any answers for it when people ask me about it—that is my trouble. Even if I go as far as to say *'I do not believe that'* or, *'I do not think that person would say that'*, it does not help. Does it? It does not. As insignificant a point as that might seem to be, the truth of the matter is that when little old me gets a spate of phone calls asking; *'What's happening?'* and I have no answers, then I am really, really worried. When instances like that happen I cannot even say, *'Can I find out the truth and get back to you?'*, because the truth is so relative then that it is not funny. If I even go back and say, *'Well, this is what I was told, and it is the opposite of what you heard'*, that is not even going to change their minds because the die has been cast.

So, Madam Speaker, I would ask the Members of Government to pay heed so that we do not have to be fearful of situations getting to where we are not able to deal with them. Opinions are already [being] formed, and after opinions come decisions.

I have stated before in this Honourable House that in my humble opinion there seemed to be a lack of national direction; insofar as if we segregated the various Ministries and Portfolios one might well be able to say that individually these are doing everything within their power and working hard. But it is just like the colours of the rainbow—individually you see a certain picture, but when you

put them all together you see something totally different. The point that I am making is that somewhere along the line—and I am addressing the entire Government, not just the Elected Government—we have to find the proper reasoning and the correct way in order for us to be doing long range planning at a national level. I am not trying to sound like an economist or forecaster or anything like that, but there are certain basic situations which are almost obvious to the ordinary person. What makes this country tick before each and every Ministry can function is the amount of money that can be spent at any given time. When each Ministry outlines its plans for the year it is combined and we end up with a budget.

The budget process, as I understand it, is to make realistic projections based on all the facts available as to how much money the country will earn within the fiscal year and, in so doing, to divide it in the order of priorities between the various areas that have to provide the goods and services and make sure that what you spend is within what you have budgeted, and does not exceed what you anticipate the country will earn. That way you do not have deficit spending.

I believe that in many instances money that is spent—I do not want to say haphazardly, because I do not want it to sound like it is just taken and thrown into the air, that is not what I am saying. But money that is spent without a real enough purpose in mind (if I may say it like that), could be better spent to give the people of this country better net end results.

I will use an example by way of roads. We sit here squabbling about how many roads get done and about roads being done in West Bay. When I walk in George Town all I can hear from the people is, *'When are you going to fix my road?'* And we are back and forth at each other's throats over roads. In doing that we go as far as to devise the principles of these things. When that is all over, we still have not hit the real problem. When it comes to equipment, when it comes to manpower and when it comes to materials, the deployment of your equipment and manpower is very critical to your cost. When it comes to material purchases, the more volume you are able to deal with, even if it is on a timely basis, the better deal you must get. Is it not right? So, every year we worry for three months to decide which little piece is going to get done and we have the people from Public Works leaving North Side at 11.00 to run to West Bay by 2.00 to get one done and what is supposed to be done gets done; but, certainly, not anywhere as efficiently as it could be.

The point I am making here is that if we had some long term planning with regard to, not only the smaller roads and the ancillary roads leading off from the main roads, but also the main roads plus the roads that we propose to build... I am not one to stand up here to challenge anyone to refute it... I am simply saying that I have very strong doubts that the method I am alluding to will not bring about noticeable benefits with regard to how much goods and services we are able to provide for 'X' amount of dollars.

To be more specific, Madam Speaker, if we look at

this Budget which was presented in November, along with the one presented the year before, along with what is projected for next year in the Estimates; the amounts of money for road repair and expansion of roads would easily be used to service a debt if one was incurred, for instance, by way of long range planning what it is costing us now that we are only getting two cents worth, when we could get 10 cents worth if we dealt with long range planning.

I am simply using that as an example to say that this country, at this point in time, needs to be making long range plans in order to develop our infrastructure properly—and get the politics out of it. Leave that to us idiots to argue about. What is good for this country at a national level is what should be dealt with. Let us talk about the other little picky things.

I think there is an accepted formula that countries should be dealing with servicing debt no more than 10% or 15% of its GNP. I may be taken to task at the end of the day for suggesting that we should go into more debt, but the difference in all that I am saying is that if your debt is controlled and you handle it properly, you utilise the funds in a much more efficient manner. Even when servicing a loan with interest you are far ahead of the game with the net end results. On top of that you will be able to see those results physically by the enhancement of the infrastructure in the country. I make no bones about that because I firmly believe that.

Sometimes I have a problem with the system because elections are held every four years and somewhere along the line we have all gotten into the habit where we spend one year familiarising ourselves with what is happening, we spend the next two years fighting, then we spend the next year trying to get re-elected. In the meantime the country is asking; *'What are those idiots doing?'* I am not just talking about us in here, Madam Speaker, that has been happening for some time, and that is the way it is.

We have to be able to rise to the level where, notwithstanding the individual political aspirations of persons and/or groups, we can accept that as players in the game the type of long term planning that I am talking about is not stuff that we interfere with. It is proposals that we allow those who know to deal with and once we can see the sense in it we do not interfere. If people put us in next time, we do not interfere; and if they do not put us in next time, the other people do not interfere, because it is in the best interest of the country. We have not been doing that from the time that I have been paying attention to what happens in my country—and that is not yesterday.

I am asking for a new way of thinking in the whole scheme of things. Maybe one of these times we might hear some good results.

The Elected arm of Government (as I know the system, and as has been preached on quite recently here) has no dealings with the civil service by way of hiring and firing. It is the Governor's responsibility and the buck stops with him. I think, by way of the chain of command, the Honourable Chief Secretary is the Head of the civil service and everyone else answers to him and he an-

swers to the Governor. That is my understanding.

Let me say this... and I hope I do not end up like the cartoon, but I am going to say it because I believe it. If certain things are fully left to the Governor and it is his dealing, then I believe that we should have some type of mechanism which allows for the people of this country to be able to have some say when it comes to our people. If someone wants to take that and bend it and twist it and talk about independence and communism, that is up to them. I am not dealing with that.

I firmly believe that... and let me just put a hypothetical situation here, maybe that will explain the point. If the Chief Secretary has misgivings about the termination of an individual in the civil service, then that should not be left where someone just arbitrarily says that person must go.

I see the Honourable Chief Secretary looking at me as if to say he wishes he could explain the system, because I do not fully understand it. I think I know a little bit more than I am saying. I choose to say it the way I am saying it because if I say it another way my point may not be taken.

I have very strong feelings about persons in my country who have ability and talents to offer my country who are cast aside. I have strong feelings. I believe that because we are so lacking in numbers as compared to the need for those types of people that, short of major differences, or physical confrontations or criminal action, we must be able to sit down and work this thing out. That is how I feel about it. Now, I am not asking everyone to agree with me, I am just saying how I feel.

I contend that the human element is not one to be cast aside in any dealings, whether it be professionally, personally or otherwise. So, while I am not one to point fingers and say it was because of this one why this one is not there anymore. It does not really matter to me. What matters to me is that these people are not there anymore. That is what matters to me.

I make that point, without an answer as to how to deal with it, but with the hope that the tide will be stemmed and we will not see anymore of such happenings. I would really like to be able to say that we are one big happen family. That may be far-fetched, but I guess I can only say it the way that I see it.

When it comes to the civil service some of us, or maybe all of us, try to be careful and try to give them kudos the best way that we know how because we know that is the largest group of people who are employed in this country. Naturally, when it comes to an election that number counts. Believe you me, Madam Speaker, I am not thinking about anything like that.

If there are problems in the Service and situations need to be rectified, I totally agree that they must be dealt with immediately, because I know the civil service is totally responsible for certain services which are provided to the public, and the public is the most important player in the game and it must be served. The truth is that, directly or indirectly, the public is paying the civil service so they must get the proper services provided.

But in that whole scheme of things, even when you have to

run a tight ship, I think that we ought to be able to deal with those situations so that whatever transpires, wherever there is any adversarial situation that occurs, we are able to resolve it with the least damage done to any individual or group. From what I have seen happening recently, I have to draw the conclusion that I am not so sure that we are sensitive enough about the issue.

The point that I make is in the entire scheme of things, whichever way the chain of command falls (if it is the way it is supposed to fall, or differently) I frankly do not care, because what I say applies to wherever it has to go. That is the way that I see it.

Mr. John D. Jefferson, Jr: You are speaking in parables.

Mr. D. Kurt Tibbetts: The Third Elected Member for West Bay says that I am speaking in parables. Madam Speaker, I saw no frown on your face. I am quite happy that you understood and you were who I was speaking to. I am sorry if he does not understand.

If the Member wishes for me to say that His Excellency the Governor is who is ultimately responsible, then I speak that to him. If that is what he wants me to say, I have no problem with that because it is not said with any disrespect. I actually should have waited and allowed the Third Elected Member for West Bay to say it when he speaks, because he might have actually felt better saying it himself.

Nevertheless, the point that I make is that I feel very strongly about our Caymanians being displaced, even if those who have the authority determine that the end result is deserving. I am saying that I have a problem with that because I feel confident that in the majority of instances it is not the inability to perform but, rather, some type of personality clash. I am saying that whoever has the authority needs to be able to rise above that conflict and be able to resolve it without our having to displace those individuals, because all we end up with are bitter persons who had much to offer who would still be able to offer that if we had dealt with it differently. That is my point.

A while ago when I was speaking about long term planning I forgot to mention fiscal policy. I have heard previous Governments mentioned on several occasions, and what was in surplus and how it had to be used and matters such as that. What concerns me greatly today... and before I make the statement I have to qualify it by saying that as a Representative hearing the desires of the people and sometimes seeing things that I know are needed in the country, I will stand here and make demands in my own way to the Government about things that I see need to be done. But, I am sure that they have been where I am before so they know that the relativity of the job is there.

Having said that, I also firmly believe that along with any long range planning that we might engage in as we go along trying to do what we can for this country, I think it is important that we organise our Budget process somehow, so that we will be able to put aside a little more on a regular basis for a rainy day.

I know the cry for Government to provide all of these things for the people of this country, but I contend that out of the \$170 million Budget we must be able to somehow put aside a little bit more than we have been into our General Reserves, so that when the situation we might not think about occurs, we will be better able to deal with it. Rather than spending the whole pay cheque over the weekend, we put aside a couple of dollars because we do not know if we might get sick or the children

might get sick and we find ourselves in a quandary not knowing how to deal with the situation. I draw that comparison because I firmly believe that if we were so minded we could do a little bit better with that situation.

It is something that I take issue with on the principle of the situation where if we have a Budget of \$160-odd million and we are hoping that by projections we will be able to put \$300,000 into General Reserves. I am really not satisfied with that and I trust that when it is being dealt with next time that will be taken into consideration.

I will probably hear about that when somebody is crying for something and they say, 'No, blame it on Kurt.' I really do not care. That is something that we get used to after awhile.

MOMENT OF INTERRUPTION—4.28 PM

The Speaker: I do not suppose you will finish.

Mr. D. Kurt Tibbetts: Not this afternoon, Madam Speaker.

The Speaker: May I ask for the Motion for the Adjournment of the House? Any Member may rise. The Honourable Leader of Government Business.

ADJOURNMENT

Hon. Truman M. Boddin: 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 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, 14 JUNE 1995.

**WEDNESDAY
14TH JUNE 1995
10.15 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, the Queen's. Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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 are 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 even 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 and Ministers. Question No. 117, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 117

No. 117: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to state by specification and time served what changes of doctors on staff at the George Town Hospital have taken place since January 1993.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Since January 1993, the following changes of doctors at the George Town Hospital have occurred:

Pathologist: One pathologist appointed Aug 1993 on a two year contract. Renewal recently granted for further two years.

Obstetrician/Gynecologist: One obstetrician/gynecologist was appointed on a locum basis on 11th October 1993 to 30th April 1994. Two part-time obstetrician/gynecologists provided cover from 30th April 1994 to 16th June 1994. A full-time obstetrician/gynecologist was appointed on 16th June 1994, on a two-year overseas contract.

Surgeon: One full-time surgeon (Registrar) was appointed on 1st September 1993 on a two year overseas contract. One locum Surgeon (Consultant) appointed on 30th October 1994 to 31st January 1995. One full-time Surgeon (Consultant) was appointed 20th January, 1995, on a two-year overseas contract

Casualty Medical Officers: One full-time casualty officer was appointed on 17th December 1993 on a two year overseas contract. One full-time Casualty Officer was appointed on 12th January 1994 on a two year overseas contract. Another full-time casualty officer was appointed on 10th February 1994 on a two-year overseas contract. Locum doctors are used to cover vacation leave and vacant posts.

Internal Medicine: One full-time internist was appointed on 21st March 1995 on a two-year overseas contract.

Dentistry: One full-time senior dental officer was appointed on 3rd January 1994 on a two-year overseas contract. This Officer resigned effective 10th February 1995. One full-time dental officer was appointed on 1st April 1994 on a two-year overseas contract.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what vacancies exist at this institution at this time?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: One vacancy currently exists for the post of Casualty Medical Officer. The post is currently being advertised in the United Kingdom and the Caribbean.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr.: I wonder if the Honourable Minister can confirm whether or not there are medical officers planning to leave the service.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, one internist is scheduled to leave later on this year.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say how much notice is required from officers who are leaving the Government Service at this institution?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: To terminate a contract, three months' notice is given. If they are going to renew their contract there is a requisition of six months.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if this is a current practise? Since it is my knowledge that at least one staff member at this institution whose contract expired some time ago was in a state of apprehension for quite a while, not knowing what to do as a result of a late notice of contract extension.

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, that is the practise. There are occasions when some glitches may develop where the timeframe is not met.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what the procedure is with regard to informing staff members when the required notice of extension of contract has not been posted to the officers involved?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, this is done through to the Public Service Commission, notifying the Personnel Department which passes it on to the Head of the Department.

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 for Tourism, Aviation and Commerce if Government has received any complaints regarding an illegal condominium rental company operating on the Treasure Island Property.

The Speaker: Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: No complaints have been received regarding an illegal condominium rental property.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Am I to understand that the Government has no knowledge of an operation called the Treasure Island Condominium Strata Corporation which operates out of the Treasure Island complex?

The Speaker: Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, I think the answer is pretty clear. We have no complaint—which was the question—we have no complaint about an illegal condominium rental company; whether it is Treasure Island or anywhere else.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say whether he has any knowledge of a letter written to an operation in June of 1994, advising them to cease operation as a tourist accommodation until the strata was officially licensed?

The Speaker: Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, according to our records the company I think the Member is referring to is licensed through 31 August 1995. So I do not know about any illegality.

The Speaker: The next question is No. 119, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO.119

No. 119: Mr. Roy Bodden asked the Honourable Minister for Education and Planning whether there have been any financial irregularities in the downtown office of Cayman Airways Limited at any time during this year.

The Speaker: Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the answer: There were irregularities in the city ticket office as a result of which two staff members were dismissed. This matter is presently under investigation by the Royal Cayman Islands Police.

SUPPLEMENTARY

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say if this is the reason why there have been major staff changes at the office?

The Speaker: Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, this is under investigation by the police and I would rather not comment any further on it. There have been dismissals, as was stated in the answer to the question.

The Speaker: The next question is No. 120, standing in the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 120

No. 120: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what is the cost of drawing the plans for the proposed remodelled George Town Hospital and its new innovations.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Over 80 per cent of the new George Town Hospital development will consist of brand new buildings, so it is misleading to refer, as this question does, to plans for the proposed remodelled George Town Hospital and its new innovations.

Our consultant's fees for the pre-contract work for the entire project is \$900,000. My Ministry has no specific breakdown of this fee which would show in isolation the cost of producing drawings for only the remodelling part of the entire work being undertaken on the existing site. When compared to the new construction which will take place, the remodelling is a relatively small part of the project, making up approximately 16 per cent of the overall budget. Given Ellerbe Becker's fee of \$900,000, it seems reasonable to estimate the drawing cost applicable to remodelling as approximately \$140,000.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Madam Speaker, could the Honourable Minister say if these drawings for the site and the new buildings are available anywhere for public inspection?

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, not at this time. They are still in the final phases in meeting with the staff of the Hospital. But at the appropriate time they will be made available for the public.

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

Mr. Gilbert A. McLean: Could the Minister say if, when the plans are completed, a specific costing of the building would be done, and would that costing be known to the public?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker. As a matter of fact, the quantity surveyors are now working along with Ellerbe Becket on the detail costing as they go along, and they will be made available to the public.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if any of the remodelling is underway at this time, or any preparatory work?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, not at time. Spaces that are now occupied will have to decant into the new buildings. Once they have vacated remodelling will take place on those.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if provision exists at this time for the payment of the \$900,000 to Ellerbe Becket, or is this an ongoing cost which will go over into next year?

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: It is in the Budget for 1995, but it is an ongoing process whereby, as and when they get certain stages, they will be paid.

The Speaker: The next question is No. 121, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 121

No. 121: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation how many cases of elective surgery have been rescheduled or cancelled since January 1994 to date.

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The number of cases rescheduled since January 1994 to April 1995 is 328. The number of cases cancelled from January 1994 to April 1995 is 190.

SUPPLEMENTARY

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

Mr. Gilbert A. McLean: The numbers that have been given by the Minister seem to be extremely large, to say the least. How far is the administration of the Hospital or the Ministry, which might be involved in this, able to deal with what is obviously a serious problem in delivering the health services at the hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, these delays and rescheduling of cases may come about for different reasons: sickness which renders the patient a poor surgical risk (these are when the patients are rescheduled); sometimes patients do not show up at the Anaesthetic Clinic for admission to the Hospital.

At times the cancellations are due to a lack of space with beds at the Hospital. Other times patients change their minds and decide to go overseas for second opinions. But any alteration in the schedule of the operating room lists is done after informing the patients or after receiving a request from the patients for a postponement.

We do realise that we have a problem, and we are diligently working on it with the setting up of better facilities as we go along.

The Speaker: The next question is No. 122, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO.122

No. 122: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if the Public Service Investment Committee has done a report on the renovation and rebuilding of the old George Town Hospital and, if so, would he table the document.

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Public Sector Investment Committee performs an internal advisory function to Executive Council and, as such, the advice or reports from it are not normally intended to be in the public domain.

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 Public Sector Investment Committee has done any study at all on this particular exercise involving the present George Town site?

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, they have. And possibly in the future, on direction from the Financial Secretary's office, they could be released. But, I cannot make a commitment.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if the findings of this exercise were favourable in doing what is proposed to be done on the present site?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

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

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

Mr. Gilbert A. McLean: As far as the Dr. Hortor Memorial Hospital is concerned, there was a study done and those findings were made available. Is there any chance that the findings of the Public Sector Investment Committee will be made available at the time the costing is done and the plans are completed for the Hospital?

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I cannot commit one way or the other at this time. It would have to be a decision made by Executive Council.

ANNOUNCEMENTS BY THE HONOURABLE SPEAKER

The Speaker: That concludes Question Time for today.

Before proceeding to Other Business, I would like on behalf of the House to welcome back the Third Elected Member for Bodden Town. We are happy to see him back and taking part in the proceedings.

OTHER BUSINESS PRIVATE MEMBERS' MOTIONS

Private Member's Motion No. 8/95 —Censure Motion

(Continuation of debate thereon)

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

When we adjourned on Friday afternoon, I was debating a point under the fiscal policies of Government. I just wish to reiterate that it is my view that in the process of preparing budgets this Government, and any other government, should be finding themselves in a position to deal with putting aside a reasonable portion of the earnings of the country into the General Reserves on an annual basis.

I am not suggesting that we should be able to put aside \$15 million every year. There is an old saying that we always hear. "One-one cocoa fill basket"—if it was dealt with in that fashion, then the country would be able to have, within not too long a period of time, reasonable reserves in case of unforeseen emergency. Not only that, if one has cash in one's hand, one can always use that cash as leverage when it comes to borrowings. Likewise, a country; if there were reserves held then the Government would always be in a very decent position when it comes to engaging in borrowings, especially for the long term, which I think is the way we should be thinking if we are ever going to have our infrastructure coming anywhere on line with the growth rate the country has experienced.

Some people might think is a boring topic because it does not have all the flare that goes along with the other nice juicy things that we can talk about. But I feel very strongly about the position that I have taken on that. And to be very honest, up until this point I have not seen the Government leaning in that direction. So, I have stated my position on that and I will wait to see if it falls on deaf ears or not.

I said on Friday that the position I have taken with the Motion we are debating is simply that this is an opportunity for those of us who are not on the Government bench to be able to air our views and publicly cite inadequacies that exist, with the hope that the Government would be able to use its machinery to examine the veracity of those inadequacies and do something about them. If the Government takes offence at me or anyone else dealing with it in that fashion, I am sorry; but they have their job and so do I.

My job at this point in time is that of a watchdog. Each and every Member on the Government bench has been a watchdog before. They have been in positions where they had to take stands in order to do what, they felt was right, and in order to get Government to do certain things. Truthfully speaking, when it is someone else's turn to be the watchdog—and these people have to be watched—then, that is the way life is and I would like to believe that they would accept it. I do not expect them to curl up; but I want to say something this morning for those over there who may have thought that I might have curled up—they are sadly mistaken. It is not going to happen.

This weekend was a long weekend, and I certainly would not disappoint the Minister for Community Development, so I had to do a little bit of 'gallivanting' on the weekend. During my gallivanting I went down into a couple of places. I went down into one place called Rock Hole. I visited an old lady (a dear old friend of mine), and the first thing she said to me was: "You know, Mr. Kurt, they still have not fixed my roof yet."

I said: "You must be joking."

"No", she said, "on everything that I hold dear, I am telling you they have not come to fix my roof yet."

This is a situation that has existed for nigh on to a year and I thought it had been taken care of because it was on a list from the Social Services Department to get done from last year. I tried to check on it to find out what has happened and I was told that the 1995 Budget for house repairs was exhausted from the end of April.

There is a question that was asked in this House during the last Sitting, and when there was no reply I asked the question again in this Sitting. The question is asking the Minister responsible for Community Development, Sports, Youth Affairs and Culture to provide a list, by district and individual amounts, of persons who have received assistance through the Social Services Department to effect home repairs.

This is the second Session, and the way I understand it, and the way I have heard it, is that the Department has not been able to provide this information. Madam Speaker, here is a simple opinion: I have very serious doubts that the very capable Head of that Department would risk the wrath of the Ministry by not providing that answer. So I do not know where the answer is.

I wondered, when the same old lady said to me—when I called her to tell her that it is still on the list, but that I was very sorry to tell her that there are no funds available—she said, "I guess that money went the same way the money went for the roads, and we never anything out of it." I do not know, Madam Speaker, but I am told that I 'gallivant', and I must try to do something for my district. Well I am hollering for some people in my district now, and I want to see what is going to be done.

In case someone wants to throw a slur about the service club that I belong to, I just want to say that if nothing is forthcoming as has been promised this lady, then once we

are able to physically get to it we will take care of that too—as we have been doing to the best of our ability in the past, while we are gallivanting all over the place.

Madam Speaker, I mentioned that a section of a budget was exhausted at the end of April. Now I have no doubt in my mind that the people who prepare the budget are professionals. But I also have a fair idea of the juggling that goes on in various areas to get the budget balanced whenever it is being presented. I would daresay that if this is, by any means, a typical example what the country is going to have to deal with this year—let alone the Cubans who are gone but not paid for at this point in time—I really wonder what will happen regarding supplementary expenditure if these other departments are to continue to function.

Madam Speaker, I vividly remember the first Budget. Session I sat in, when I heard everyone expounding that supplementary expenditure was not going to be the order of the day, and it was going to be prudent, planned Government that we were going to experience. No one can say to me and make me believe that there has been so much excess activity in that area that the Budget is run out at the end of April and we have to see ourselves through until November; that someone did not know that it was going to run out long before that. Which leads me to believe that whenever the Budget was being put together, it was put together with full knowledge that we were going to come back and talk about supplementary expenditure.

While this may seem to be funny business, I want to say this today because I firmly believe it: I have serious misgivings about anyone or any group who would deal with my country in that fashion. If it is not the case—and I pray to God it is not the case—then I will simply thank God that it is not the case, but I have serious misgivings about that situation. I will wait to see about supplementary expenditure, to see if the little vision I have had is a wild one or not.

While not purporting to be any expert (I know I am not), I believe that the country needs to be engaging in lot more long-term planning in many areas if we are going to be able to get maximum use of our dollars, and if we are going to be able to deal with the affairs of our country in the right way.

One of the things I firmly believe the political arm of Government, along with the Official arm, should be looking at is leaning towards having professionals plan the future of this country; people who are not necessary involved in the arena that we stand in today. Governments disappear, but the country always remains. If we are going to continue to reap and enjoy the benefits of the success that we have had by God's mercy so far without any real long-term planning, then we have to get our act together. If we deal with it like that, it does not matter who the Government of the day is. The Government of the day can stick to its chores and try to stay in power and deal with the way the country should be going. But if we have the basic plans in place and being operated on by the professionals, then we stand a chance of having a lot less money being wasted by changes in policies and funds being spent halfway then stopped—money down the drain with nothing to show for it.

Inasmuch as we might get acrimonious from time to time (maybe I am having my share of that today also), I hold the view that when it comes to the affairs of this country we must always be able to rise above that acrimony and be able to deliver what we have asked the people to put us in here for. So, with that in mind, I come back to the watchdog situation.

Madam Speaker, in my short tenure here I have seen a lot of things that I had not seen before, and I have heard a lot of things that I had not heard before. As time goes on the shocks are a little bit less because you get used to certain things. But when I recently took a very serious look at an issue which was a hot topic, I really wondered how certain things happen and I wondered how certain systems operate within the Government.

Not too long ago there was this 'White Paper', as it is called, that was passed around, supposedly a draft discussion paper on some amendments to the Labour Law. The truth of the matter is that in those proposed amendments there are several areas that make a lot of sense and areas that I certainly do not have any problems with if they are to be brought into legislation and enacted. However, there was one specific area which a lot has been said about, and when I fully understood what it was saying it frightened me. It frightened me to where I did not know what to say or do and thank God I was by myself, because I certainly would have looked lost to whoever else might have been there.

The proposed amendment, which basically stated that an employee would receive four week's salary for every year worked for the company—whether that employee walked off the job, was kicked off the job, or drove off the job it did not matter. To put it simply without trying to waste too much time, what it meant was that if there is a business that is going on in the Cayman Islands and it is 15 years old and there are 4 employees in that business who have been with that business from the time that business started; if this amendment was to take passage in law the way it had originally been proposed, it meant that those four employees simply had to go to their employer and say *'We are leaving you now, kindly give us each our cheque for \$60,000 and we will see you later.'* That employer would simply have to find \$240,000 or be put in jail and the key thrown away. Someone would say to me—

Hon. W. McKeeva Bush: Madam Speaker, on a Point of Order.

POINT OF ORDER

The Speaker: May I hear the point of order Honourable Minister?

Hon. W. McKeeva Bush: Yes, Madam Speaker, on the point of relevance. I am wondering how he is raising this when the Motion does not refer to it and nobody has raised it.

The Speaker: Honourable Minister, that is not a Point of Order. He is replying to the Motion and one of the points I gather so far from his debate is the Labour Law. I think he has every right to do that if he is talking about the competence, or otherwise, of the Government.

Would you please continue Fourth Elected Member for George Town?

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker, and I will come to the point.

I simply drew that illustration so that people could understand the danger in the proposed legislation.

Mr. Roy Borden: Hear, hear!

Mr. D. Kurt Tibbetts: I do not know if those who were involved in putting that piece of legislation together fully understood the ramifications of that specific section. I can only say that if they did, I feel sorry for us because I do not know what is coming next. On the other hand, if it took the riling up of the people to make them understand what a problem it might have caused, then woe be unto us again, because that means that people are prepared to deal with specific situations that may cause a problem for certain individuals in this country, expecting to take it at a national level without any thought for the consequences.

It is accepted that this White Paper was a discussion draft. But no one in their right mind is going to propose anything, even if it is for discussion, if they do not think that is how it should be. If they do not think that is how it should be, Madam Speaker, who would take the risk of throwing something like that out? You know what else happened about it? When the you-know-what hit the fan and everybody started to scramble, somebody said, *'You know, these people are saying that we should not be dealing with this. If we want to address this situation we should be dealing with a National Pension Plan. That is all right, let us use it. We have had problems with pension before.'*

So, they lay out this snow job. I really cannot blame them for that because if I was them I would try it too. The snow job is, *'Well, we brought it like this so we would put you in shock so you would understand that we need a pension plan.'* If that is what it achieves then, thank you very much, let us move on and get the job done.

Madam Speaker, I have decided that I am going to say what I believe and until people show me proof of [something] different, then I will maintain that belief. If what I am saying here in conjecture has anything true in it . . . no one can tell me that we do not have some problems. It is a pity that this Motion has to be interpreted that there is an intention for the Government to fall. I personally would not like to believe that I have to partake in anything like that in my country, because that in itself creates social disharmony.

I can only paint the picture the way I see it. And even if it is not the way that I have said, no one can tell me that it is not worth it for this country for us to be talking about the problems so that we can address them. No one can tell me that. And that is my sole intention today.

Madam Speaker, while I was gallivanting over the weekend I went fishing early one morning by myself and I had a little talk with my God. I had to ask him what size I was—was I a man or a boy. Because when the Minister for Community Development is going to stand up in this honourable House—and I know when he is talking to me and when he is not. He knows that I know that. And he is going to say: *'Madam Speaker, the Motion has no basis. Therefore, I put anyone who would even think to try and get a little mileage out of this, by saying on one hand this and on the other hand that in the same category from here on in as the two Opposition Members—fully and squarely Opposition.'* The only thing I forgot to do over the weekend was to go and ask my mother and father if they had sold me to him [the Minister]. I did not remember to go and ask them that.

But I want to tell everyone in this honourable House that regardless of how they see me operate and not like it, my sole intention here is to do the job I am here to do, and to do it in as responsible a fashion as I know how—even when it does not suit some of them. At times, I daresay, the two Opposition Members have not been pleased with me either,

because I may have taken a different position. Chances are that will happen again. But there is one thing that I can say, we are always able to discuss whatever the differences are to try and see where the moot points are and what is salient and what is not, Madam Speaker. That is our job in here—Government Backbench, Opposition, independents, those who have a little four-inch wide fences, all of us. That is our job regardless of how we see where we fit at any time.

Madam Speaker, the Minister keeps talking about hot and cold. I want you to know that while I may speak the things he says, I am trying my very best to make them relevant to the issue at hand. I have not had a fever in a little while. The only hot and cold that I believe he is talking about is hot when I agree and cold when I do not. So I must not be hot and cold—I must either be cold all the time or hot at all times. What I have come to believe is that because I am not fully cold all the time his style of politics cannot fulfill itself because he cannot come out firing at me all the time and justify his actions. So he wants—

Hon. W. McKeeva Bush: Neither can you.

Mr. D. Kurt Tibbetts: I have never tried to be like that.

Hon. W. McKeeva Bush: You know you are too—hot and cold. You do it all the time.

Mr. D. Kurt Tibbetts: So, he wants to be able to do one thing or another.

Hon. W. McKeeva Bush: You are hot now!

Mr. D. Kurt Tibbetts: Madam Speaker, I just heard him say (and it proves the point to me) that I am hot now. So he has put me in the corner where I have to decide. That is what he wants me to do—do it one way or the other.

Madam Speaker, as far as I understand it, we do not have any political parties that I have to join. But if and when it happens (if I am around), I will deal with it accordingly. I am here to do what I think is best along with the rest of the Members in here and the people of this country together to do what is best for all of us. I am really trying to do that. If the Honourable Minister cannot satisfy himself that my style is worth it, then all he has to do is to pretend that I do not exist.

I am easy. But what he will not do is force me to do something that fits into his scheme of things. Oh no! Not him or anyone else. And I sincerely mean that.

I believe to go on and on, might actually take away some of the relevance. I simply wish to say that regardless of the differences in opinions, whether it is now, in times gone by or in times to come, I only want to see it right for all of us. If we differ in methods, I can live with that if we have to get on because one is not satisfied about what the other has said, I can also live with that. What I have a hard time living with is people who know different about certain situations and because of the given circumstances—with who is who, and who is linked up with whom—one actually stifles one's conscience at certain points in time. These are national issues that I am talking about. Everyone will have to do as they are rightly convicted to do. I certainly know that I can stand up here today and say that I have never done that, and I will never do that—not knowingly, certainly not knowingly.

Madam Speaker, it is my humble view that besides some rebuttals which I have had to make, some of the points that I have raised are worth listening to. They will look better in the eyes of the public; they will do more justice to this country if these issues are addressed in a positive fashion.

Finally, my support for this Motion, regardless of who wants to interpret it their own way, is simply to ensure that the Government is kept on its toes. I am doing my Job as the watchdog they once were, to make them perform the way they should as the Government this country. Thank you.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, the Censure Motion before the House is one of the most power tools afforded to the Opposition. This type of motion is usually only brought when the Opposition has the potential to take over the Government. This Motion seems to be badly timed because the Opposition does not have the numbers or the plan to substitute for what the Government is doing.

In fact, the movers of the Motion do not seem to believe in it very much themselves because in contrast to a motion that had been seconded by the Second Elected Member for Cayman Brac and Little Cayman (although not debated in the House), [tabled on 2 March 1979](#), this Motion contains no recitals while that particular motion contained many.

This type of motion has bad effects, particularly in a country whose economy is very sensitive to the whims and idiosyncrasies of the offshore investment market. We know here today, as well as the movers of the Motion that what they have brought is a meaningless motion. However, the offshore investor who does not know, nor understand the day-to-day politics of the country, that this is a harmless motion, may see it as a Government in trouble and may have some hesitancy in enlarging their investments if this Motion were, in fact, a true expression of the state of affairs which currently exist. So, they are bound to put a different interpretation to the Motion.

It appears to me that neither the mover nor the seconder has very much against the present Government as a whole. From what I can gather from their debate since there were no recitals, the underlying reason for the Motion is to whitewash a couple of fallen heroes. This seems a fruitless task, and it reminds me of that nursery rhyme:

*Humpty Dumpty sat on a wall,
Humpty Dumpty had a great fall;
All the King's horses
And all the King's men
Couldn't put Humpty Dumpty together again.*

I believe they are wasting their time. It is a task that will not be rewarded.

To show that the movers do not really have their heart in this Motion, both of them seem to have made an effort to down-play the evil side of their Motion in their debates. I think they have some support from the Fourth Elected Member for George Town, as they continually talk about this Motion being an avenue for debate.

This Motion is not an avenue for debate, as was shown when a similar motion in the United Kingdom passed on 28 March 1979, and the Government was forced to resign. If this Motion could get enough votes to pass this House, the Government here may or may not resign.

I made an error a while ago in giving the date for that Censure Motion, which the second Elected Member for Cayman Brac and Little Cayman tabled. That date should have actually been July 1990, and I ask the permission of the House to note that.

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, I have no knowledge of having tabled a Censure Motion in 1990. If my name were on such a motion I am certain that it would not contain my signature, and no such motion was before the House in 1990 that I am aware of, censuring the Government; nor did such come to the Floor of this House.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, I would like to table the document that I have here because it plainly says that it was seconded by—I did not say that he moved it—the Second Elected Member for Cayman Brac and Little Cayman, and Tabled in the Clerk's Office in July 1990.

The Speaker: Before you lay it on the Table, would you please read it? I must know the contents of it.

Mr. G. Haig Bodden: Yes, Madam Speaker. It was intended to be Private Member's Motion No. 16/90—Vote of no Confidence in the Members of Executive Council.

WHEREAS there is a state of unrest and uncertainty caused by the Government's mismanagement that prevails throughout this country;

AND WHEREAS the Elected Members of Executive Council [are] altering a fundamental principle of parliamentary democracy by adding non-elected Official Members to Finance Committee to vote public money;

AND WHEREAS the Government has introduced approximately \$10 million of duties and taxes which are excessive and unreasonable;

AND WHEREAS the Elected Members of Executive Council are without the support of the majority of Elected Members of this Assembly;

BE IT THEREFORE RESOLVED THAT the duly elected Members of this honourable House record their lack of confidence in the Elected Members of Executive Council and dissatisfaction with the present state of affairs in the country.

That Motion was moved (although not debated in the House) by the First Elected Member for West Bay, and Seconded by Mr. Gilbert McLean, MLA, Second Elected Member for Cayman Brac and Little Cayman. It was Tabled in the Clerk's Office this [blank] day of July 1990.

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Order.

The Speaker: I am sorry; the Third Elected Member for Bodden Town has not finished what he was saying.

Mr. G. Haig Bodden: I am only going to add that at the bottom of this is the name of the Clerk of the Legislative Assembly. I do not believe that this Motion was debated but it was submitted to the House. I only drew a comparison between a motion that he had submitted and the one that is actually before the House.

The Speaker: I am afraid that it is not a point of order. If there was a motion that was tabled, although it may not have been discussed, he is Just using that in his debate as saying that something similar had been presented in 1990. So that is not a valid point of order.

Please continue, Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Yes, Madam Speaker.

I only want to make the point that neither the public or Members of this Honourable House should be lulled to sleep that what is before this House is Just for debate. This has a sinister intention and, as with all censure motions, if it is allowed to run its full course it could have disastrous results for the country.

Many of the allegations made by the mover seem to be lacking in strength. When examined closely they will prove to simply be the opinions of the movers and can therefore be interpreted by others to have far different connotations. They complain about how the Government has handled public business. This complaint was made in the first part of the mover's debate. If we examine this we will know that this Government took over in 1992 when the public business of Government was in a shambles.

By far, the biggest problem had been that the Government, in order to ensure the majority, brought Motion 3/90 which changed the structure of Finance Committee. It would allow the Government to bring Executive Council . . . and they alone could form a quorum in Finance Committee for [approving the] spending [of] its money because they would have the seven Members required to make a quorum, plus the Governor as Chairman.

In fact, both the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town had gone to London and complained about how the Government was managing the business. They were two of the most vocal members of that group not only in London but also in this House and on the outside as well. If anything at all caused the demise of the previous Government it was this solitary act.

How has the Government handled the business of the country? When they took over they changed Finance Committee back to the way it had been so that Elected Members alone would have full control of the spending of Government funds. This was a mandate from the people of this country. Every National Team Member campaigned on restoring Finance Committee to its original position. When they were elected they could not go and say, *'Well, these fellows were good boys, and we will leave it. We think they did right.'* No. This Government had to change it. What was wrong with handling that matter in that manner?

In 1988, the Government of that day inherited a Government in a good financial position with a very large and adequate reserve. But over the four years this reserve

was reduced, and at the time of the elections the little reserve that was left had to be used to pay for advance expenditure which the Government had charged through the New Year 1993. It was also used to make up the deficit which existed.

This Government—perhaps the Fourth Elected Member for George Town does not know this—has started to gradually rebuild the reserves and will continue to do so in the prudent fashion that they have embarked upon.

It is true, as the Fourth Elected Member for George Town complained, that there may be somebody out there whose roof has not been fixed. But this Government has done so much in this area that they cannot be faulted. The payments to indigent people have more than doubled, and many projects have been undertaken which benefit the needy.

But there is a limit to what can be spent in any particular area. We must not lose sight that the Government inherited a cashless Government with no ability to raise loans because of the sorry state of their finances. There were no reserves, except the little that was used for the cash advances that the old Government had created. What is even worse is that for the first time in our history, they inherited a Government with falling revenue and no ability to raise loans, as was shown when a resolution had been passed by this House to get a loan from the local banks for Cayman Airways. From the day that resolution was passed, the old Government was trying to coax the banks to lend them the money, and they met with strong refusals. It was not until this new Government took over and re-established the Government as a Government and put it back on a sound financial basis that this Government was able to draw down the loan which was so badly needed. So, how can they complain about how the Government has handled the business?

One Member complained about supplementary expenditure. It is my understanding from all the Financial Secretaries, that supplementary expenditure is normally only brought when there is excess revenue on that particular day to cover the supplementary expenditure; unless a loan is sought which will provide the revenue for the supplementary expenditure. I have been in this House for more than 20 years with several different governments. Every government in every year has brought supplementary expenditure. Supplementary expenditure is only a necessary housekeeping act. The Government cannot spend money which has not been approved by a Finance Committee.

Government is a living, moving thing. Government business changes day by day. No matter what plans have been made, no matter how smart the budget planners have been, new contingencies arise. The Government must revise its position.

I remember some years ago when Hurricane Allan hit Cayman Brac with devastating results. The Government had to step in quickly. I know the Second Elected Member for Cayman Brac and Little Cayman knows of this because he was the District Administrator at the time. The Government provided a large sum money; I believe something in the vicinity of \$250,000 to give instant relief to the people of Cayman Brac. I understand that he managed that fund quite well. What would happen if the Government did not have the ability to provide supplementary expenditure from which those funds came?

No one dreamed that we would have had the problem with the Cuban refugees: but what could we do? We were bound by the International Convention on Refugees of

which the Mother Country is a part. We were bound to take care of them. There was no other way to do it except by supplementary expenditure.

When this Government comes for supplementary expenditure, it is usually to cover a need which had not been seen in the previous year when the Budget was made up. One Member hopes that the Government will employ budget planners other than the people elected by the public to plan their budget. I can only say that they would be like the hired mourners in the time of Christ—performing simply for pay, not having any idea who had died, or what the situation was.

We have with us Elected Members of the Government approving the Budget. It is normally planned initially by the Civil Service and the Elected Members have a lot to do with the Capital Expenditure. These planners know the local situation and are best prepared to make a budget which is reasonable; but they cannot foresee the many situations that can arise. An additional post may have to be created, or some very necessary capital works have to be done, or there is some crisis like a hurricane or flood.

The point that I want to make is that this Government has responded to the situations which have arisen and has come forward with the supplementary expenditures to cover them.

The Member complains in the opening stages of his debate about the stopping of the Dr. Hortor Memorial Hospital, which has cost this country millions of dollars. But that cost cannot be attributed to this Government. This Government would have been foolish to have allowed that mad scheme to continue where it would have cost much more, not only in the Capital cost, but in the recurring costs which would be with us forever and a day.

We know the hospital was to have been built on two sites requiring two sets of records, two Capital costs, duplication of staff and equipment. For example, the X-ray on one site could not be shifted to the other site when needed, so the cost had to be doubled—perhaps more than doubled. There was a high cost in reclaiming the swamp lands and constructing the new building. While very little had been said about it at the time, the existing hospital had to be renovated to carry out the many functions that the new dream hospital would not be performing.

The Speaker: Would the Honourable Member take a suspension at this time?

Mr. G. Haig Bodden: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.40 AM

PROCEEDINGS RESUMED AT 12.07 PM

The Speaker: Please be seated.

The Third Elected Member for Bodden Town, continuing.

Mr. G. Haig Bodden: Madam Speaker, continuing, on the actions taken by the present Government now portrayed by the movers of this Motion as being so bad, we need to look at a statement which the mover made. I quote from a part of his speech, "The National Flight Carrier, Cayman Airways,

has also had its share of this Government's policies. These policies have been such that it has caused great expense to the country. Millions of dollars have been paid to the company to pay off various breaches of contract; there is now less aircraft flown by the airline and many persons have been displaced from their jobs—some, retired, others terminated." [Unedited Hansard 7 June 1995]

If there had not been a termination of the leases or the contracts which the mover complained about, we would not be here today debating this Motion; we would be out on our knees begging the United Kingdom for money just to balance our recurrent expenditure. The Member knows full well, because he was one of the leaders of the fight against the havoc that had been created in the Airline. Does he recall, or does the whole Island recall the lease of the Boeing 400 jets which were costing the Airline—and, as they had no money, this Government—something in the vicinity of \$350,000 per month? Had those contracts been allowed to run their full time it would have cost far in excess of \$100 million. But on the advice of the country, and on the mandate given to this Government at the last election, the Government negotiated [out of] this bad contract.

Certainly, it cost the Airline and the Government some money to get rid of these leases. But there was no alternative because the Airline had lost something like \$30 million in the two years since the change had been made from the 727s.

So, if you have a bad situation, if you have your hand in the lion's mouth, you have to take your time and get it out. You have to try to get out from under whatever burden you are carrying with the least cost possible.

The Government had not been able to go Scott free, but this was not something they had brought upon themselves. This was something they inherited from previous Members of Government whom this motion now seems to whitewash. The Government took a bad situation and did the best they could to do away with the massive losses which had been incurred and which, by contract, would continue to recur had not this Government had the stamina to say no.

The mover complained of many small items. He complained that the Health Insurance Law has not been allowed to function. He himself could have told the public the reasons why. It was not adequate, it did not provide the benefits one would expect and it was totally wrong in its conception. He complains about the disbanding of the Health Services Authority. But, like the Cayman Airways fiasco and the Dr. Hortor Memorial Hospital, this body had to be subdued. This body had to be disbanded. Why? Because in setting it up all power had been transferred from anyone responsible for Government finances to the Member for Health. He quickly made himself the chairman of numerous committees so that instead of separating the Health Authority from politics he brought it deeper into the mire.

Actually, some of the complaints made by the mover are hardly worth stating. He complains about recent civil service matters and, like some of the people in the public, tries to blame the Elected Members for what has happened. The mover knows better, because for many years he had been a very senior civil servant. He knows that under the Constitution all matters pertaining to the discipline, the hiring, the firing of civil servants is the sole responsibility of the Governor. This present Governor, being the man that he is, has not shirked that responsibility. He has, in fact, made a

public statement that he, Mr. Gore, is solely responsible for this civil service.

The Member complains about the amalgamation of two departments in Government. As I mentioned earlier, the Government is a living vibrant service subject to change and amalgamations, or separations, of departments. This has not been unknown in the past. I can remember when the Treasury and the Post Office were housed in one little building, and there have been times when departments that carried out different functions had to be separated. There are times when it is more economical to amalgamate certain departments.

The mover complains about block amounts put in the Estimates. How can that be the subject of a new complaint, when from time immemorial there have been blocked votes in the Estimates? There is a blocked vote for the maintenance of public buildings because the Government knows that throughout the year a door may break off some building or a roof may be damaged, some building may be in need of repair. There is usually a blocked vote for road maintenance. If you go through the Estimates, you will find many dozens of such votes because the people preparing the Budget cannot know at that time precisely what will require some expenditure.

He complains about the change of the road at the airport. I do not think this change, although finally approved by the Elected Members of Executive Council, was really initiated by them. This was a technical matter which is certainly for the benefit of this Island as a whole. The main reason for the change of that road is to allow the use of 600 feet of runway. That is just like adding 600 feet of additional runway to the existing airport, something necessary in this day of larger aircraft for the safety and well-being of all the people who use the jets. We could not very well move the airport. If it had not been extended in this manner, there would have been a very costly expense by moving into the North Sound.

I could go on with some of the frivolous reasons that they have given for this motion, but I do not think it is necessary to belabour them.

He does make one broad, sweeping, catch-all complaint, in which he says: "**The matter of this country being afraid, that there is fear and apprehension, I contend is throughout at this time. If people speak they speak looking over their shoulder to see if it is going to be heard by 'them'—and we know who 'them' are...**" This statement really amazes me. It is so imprecise and so open to conjecture that I doubt if the mover himself really understands this wild statement. As I move about this country, and as I move about George Town in particular, I see nobody who is afraid. There are some who have voiced their fear about what may come in the future—a fear of the shadow Government—but this is in the future and certainly is not the fault of the existing Government.

I agree with what Franklin Delano Roosevelt said when there were the same types of critics against him for all the good that he was trying to do in the social system and for the welfare of the United States. There were people running around talking about fear and trying to frighten the public. He made that classic quote: "We have nothing to fear, but fear itself." There are no duppies out there, so why should the public be afraid?

It is said that between the idea of a thing happening and the reality, that between the act and the motion falls the

shadow. The only shadow that I can think of is the new team which, God forbid, may take over at the next election.

But, within the walls of this House and within the present Government we have people who were elected with an overwhelming majority to run this country, and these people have all performed well. Despite the stones thrown at them they continue to do a good job.

So, Madam Speaker, I cannot lend my support to a motion like this because the allegations in it are unfounded. The major items they complained about were the actions of this Government, which this Government had been mandated to carry out. I think that everyone in business circles and in the most humble dwelling must agree that these actions, although some of them distasteful, had to be carried out.

We hear about successful people, but successful people are only successful for one reason, and that is that they do the things that failures hate to do. Failures like to be nice to people; but if you are going to be successful you have to hit the anvil, and hit it very hard, and do whatever has to be done.

So, this Motion has exonerated the present Government in that the few arguments against the Government have failed in their forcefulness, and I believe that the Government will continue to function and continue to do what it has been doing in the right way. Thank you.

The Speaker: Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

After listening to a number of debates, I have to wonder if I am living in the same country as the proponents of this Censure Motion.

Experience is a hard teacher because she gives the test first and the lesson afterwards. Let us not prepare for a lesson that could possibly ruin us as a developing country through moves like this Censure Motion. We must find other methods and tactics to address problems that may arise, rather than through the moving of a Censure Motion.

With your kind permission I would like to refer (as have other speakers) to Erskine May in regard to the official Opposition and its definition on page 200. It says: **"It is the largest minority party which is prepared [and this is the very significant wording] in the event of the resignation of the Government that this Opposition party could assume office. The Leader of the Opposition and some of his principal colleagues in both houses form a group popularly known as the 'shadow cabinet.'"**

In reference to this House, there are not enough members on the Opposition to form a shadow cabinet. Continuing on page 272 of Erskine May, it refers to Censure Motions, and I quote: **"From time to time the Opposition put down a motion on the paper expressing lack of confidence in the Government—a 'vote of censure' as it is called. By established convention the Government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of such a motion."**

The Speaker: Excuse me, Honourable Minister, this has already been recorded. The Member for George Town read this same section. May I ask that there be no repetition?

Hon. Anthony S. Eden: There is one section . . . could I please refer to it? It just says that **"this convention is founded on the recognised position of the Opposition as a potential Government which guarantees the legitimacy of such an interruption . . ."**

The Speaker: It is the same. It is a repetition of the same thing, Honourable Minister. Please continue.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Madam Speaker, this Motion is broken down into two categories—the economic and the social policies this Government. When we look at the things which this Government has done to improve the social structure of these Islands, I have to wonder (as I said in my opening) if it is the same country we are talking about.

We have created, specifically the Minister of Sports, world class facilities in the opening of the Truman Bodden Sports Complex; a facility that is second to none in the world, where we saw our athletes compete in the recent CARIFTA games. It made most Caymanians feel very proud of this facility.

This Government was also very instrumental in [raising] the allowance the elderly receive through Social Services from \$50 to \$125 per month. [This is] another move where this Government has made every effort to help those in need and to improve the style of living for the less fortunate in the Cayman Islands. I know in the district of Bodden Town we recently acquired a home which will be developed for our elderly as a place where they can rest in comfort and dignity.

Just a few months ago I attended an open house at the Cayman Islands Marine Institute. It was heartening to see the facilities that are now provided there for our troubled youth—another effort made by this Government in regard to improving the facilities for the youth of the country. I had the opportunity at that opening to talk with some of the Justices who sit on the Juvenile Court. They freely admitted that since the inception of CIMI (Cayman Islands Marine Institute) there has been a dramatic drop in juveniles appearing before the courts.

The headline of the Thursday, 8th June 1995 edition of the *Caymanian Compass* says: **"New centre credited for drop in school suspensions."** Just briefly, it says: **"The number of students suspended from Government's Secondary schools has dropped significantly since the opening of a special suspension centre in early January."** It goes on to quote Mr. Albin saying: **"The trend is quite positive. We have only had one repeat suspension from John Gray and two or three from George Hicks. It does seem the centre is acting as a deterrent. Figures confirm that it is having some effect on student's approach to behaviour."**

As a matter of fact, Madam Speaker, this was highlighted in the Editorial of the *Caymanian Compass*, Friday, 9th June 1995, crediting the creation of this for our young people when they have problems at school. Yet it is [alleged] that the social efforts we are making to help our youth and the less fortunate people are not up par. I cannot agree with that.

In regard to the economic side of this Motion, when we look at the dramatic increase in tourism—if it had not been for tourism in the first two years of this administration when employment and construction were down—without a doubt in my mind, things would have been very difficult for

us. But, as the records will reveal, there was a constant increase because of the strategies employed by the Minister for Tourism who encouraged tourists to come here. As a matter of fact, we were number 1 out of 24 Caribbean destinations in the highest percentage of arrivals to these Islands.

Economics. We see the construction that is now going on since we lifted the moratorium on hotels, and investor confidence has flourished. When we look at the Westin Hotel, Barclay's Bank, CNB (to start shortly), and hundreds of private homes and buildings being constructed, how can we be talking about the same thing as referred to in this Censure Motion? It does not make sense to me. The financial centre, the banks, the insurance companies, the mutual funds, all continue to grow. The Cayman Islands now leads the world's financial industry in pioneering proper laws and regulations to keep these Islands at the forefront of the industry.

This is what we have to say about the Financial Secretary: he never rests on his laurels. He keeps pushing, always thinking of ways to promote these Cayman Islands.

For the first time, conferences of major proportions were arranged in London, New York and Hong Kong. Our people will reap the benefits of these conferences as the multi-national countries come here and register funds so that we do not have to tax our Caymanians. This is what we are doing in regard to improving the economic stability of these islands.

There was much criticism on the reduction of the 10 per cent land transfer tax. But we know the benefit of that. Once again, it shows the forward thinking of this Government to develop this country. I would be the first to admit that we are not a perfect Government. But I will say that using the methods of a Censure Motion cannot be good for this country.

In the mover's opening, his very own admission was that these Islands **"...were highly disgruntled over the many actions of the [past] Government."** What happened after the last election is history. That is why we are in power—they were disgruntled and they made changes that we are now putting into effect for our Caymanian people.

The mover referred to the stopping of a number of ongoing projects—the Health Services Authority. The justification for our not allowing it to continue is recorded on page 49 of the Auditor General's Report. I would like to read one sentence from that to justify this. **"However, during the Authority's two year 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. So far as can be established, none of the consultancies examined was advertised or tendered either within the Cayman Islands or overseas."** This is just one of the areas which caused concern for this Government. We would not be doing the people who elected us justice if we allowed these problems to continue. That is what this Government is all about. The Dr. Hortor Hospital was stopped.

It is true that \$5 million or \$6 million was lost in this move, as quoted by the mover. But, if we had projected forward some years to the overall cost to this country, it would have been prohibitive. We know that it would have cost some \$16 million.

What is still not being put forward is what was planned for the present George Town Hospital site. I would like to read from a report—the Master Facilities Plan of the

George Town Hospital—where it said, **"Once the construction of the new hospital and transfer of inpatient facilities is completed, there would have been a further expenditure of \$10,631,000 on the present site. This did not include the mechanical, electrical hook ups and other necessary equipment."**

This is what I keep trying to tell them: sixteen million dollars, yes; but let us tell the rest of the story of what it would cost overall to make it a complete hospital—not just inpatient facilities, but out-patient, totalling over \$27 million. Many people have said it would be more like \$30 million by the time it was completed.

Madam Speaker, as was touched on by other Members, the civil servant situation is not the responsibility of the Elected Members. We have nothing to do with them.

It is hard to believe that Cayman Airways is still being criticised when, under the able leadership of the Minister for Education, we have for the first time in the history of these Islands been able to get it into a stable position. The two years prior to our taking over, \$34 million was spent. Now, with the subsidy, we are able to realise a small profit. Does this indicate a Government the people do not have confidence in? Does this not demonstrate able leadership, putting forward programmes and ideas to come up with solutions to get us out of the financial mess that we were in?

Much criticism has been levelled against immigration. There are problems. But we are continuing to work on them. I had a member of the public sector say that for the first time in many years Immigration is now enforcing that when permits are granted, Caymanians will be trained to take over down the line. This is no lip service. This is trying to improve for the good of our country.

In regard to the Seamen's benefits, this was looked at. It was being abused, there were many people who could afford medical care, many very wealthy people were taking advantage of this Government. It is now being looked at and the Cayman Brac Association has now agreed with the Association in the Cayman Islands to similar benefits and they are now in the process of getting identification cards made up to eliminate any embarrassment at the hospital. If they qualify they will get their health benefits.

We recall the situation of unemployment prior to 1993. There were hundreds of people out of work. I am pleased to say that that percentage is now very small. I would venture to say that those who are not working are those who do not want to work because building is in progress and there are opportunities for employment. Just about everywhere you look someone is buying another car, building or adding on to a house. I feel good about this country. We are doing this without one cent of direct taxation on our people.

The First Elected Member for Bodden Town mentioned the Hawley Estate. I am pleased to say that this is now before the Public Sector Investor Committee. Within a few weeks we will hopefully have the approval for this. We have followed the proper guidelines to the letter in the way these programmes have been put forward. I know that this will be a great benefit to these Islands as there are many troubled youth out there. Many of our young people have been hooked on the scourge of drugs. But I feel that with all of us working together we can help them, we can make them better citizens. We know that sending the user to jail does not help. They need counselling; they have to be put in an environment that is not conducive to continuing their drug

abuse. These will not be criminals, per se, not violent people going in there. They are sick with a disease and are trying to get help that only professionals can give them. With the support of the community they can get back into the community and make themselves better citizens.

Madam Speaker, Strategic Planning was also touched on. It was said that this method of approach was not approved because there was no cost benefit analysis. I would just like to show a portion of the Health Facilities Strategic Plan and the amount of detailed work—it is almost two inches thick—in regard to the cost benefits analysis. I would just like to briefly read the idea behind strategic planning in regard to cost benefit analysis. It says: “**Each action plan has a cost benefit analysis. These are very important because they ensure that the planning team and those in charge of implementation consider carefully whether there is an appropriate return on investment. Tangible and intangible costs are weighed against tangible and intangible benefits. Examples of tangible costs are outlays of money, time, facilities and other quantifiable expenditure. Examples of intangible costs are stress, resistance to change, community anxiety, doubts and fears, public outcry** [like what occurred over the Dr. Hortor Hospital].” So, it is there, through strategic planning. I have adopted it in my Ministry and I will venture to say that most of the people who have come into contact with this approach have received it well. Much of it has already been implemented without any cost to this country.

It has been said that this Government changed the Leaders of Government Business midstream. To the best of my knowledge, this is something that was advocated just after the elections. The Honourable Minister of Tourism would do the first two years, and after that the Honourable Minister of Education would do the rest. This did not happen by accident. We said this from the inception.

The Speaker: Would the Honourable Minister take the luncheon suspension at this time?

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.54 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation, continuing the debate.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I just wanted to touch on a couple of areas which the Fourth Elected Member for George Town noted in his contribution in regard to deficit spending.

If we go back and compare the last three years, as revealed in Government's Financial Summary from 1984 to 1994, we will see that in 1992 (when this Government took over) there was a deficit of over \$7 million, in 1993 it had become a surplus of \$2.2 million; and in 1994 it is projected at \$3.1 million.

We all know that during 1994 this country faced a situation with the Cuban migrants that had to be dealt with. Thank God the vast majority of them have now returned [to Cuba] and we hope that this can come to a good final reso-

lution without having too much adverse affect on the financial coffers of this country.

He also touched on supplementaries. Yes have had to bring supplementaries. But, as has been noted by other speakers, this is part of the financial operations of the Government. The difference with the Government is that up until now we have been able generate the funds to cover the exceptional needs that are requested through supplementary expenditure. We did not have to tax our people to the tune of over \$20 million.

The public knows of the difficulties we inherited back in November 1992. There were no funds available to spend on our people and, as I said, except for the benefits of tourism, God only knows what would have happened to us. That kept us afloat until the public sector was able to generate the confidence to start construction to build hotels, banks and so on. I would like to reiterate the percentage of growth in the financial industry from April 1993 to March 1994, in comparison with the same period to April 1995. It is significant.

These figures reveal the confidence that the financial industry now has in the Cayman Islands. Company registration grew by 13.6%; Banks and Trust by 12.5%; Captive insurance Companies 31%. We all know the history of the mutual funds since we introduced legislation to bring this avenue of revenue to the country. At the end of March 1995, there were almost 1,000 mutual funds registered here. These are benefits that our people can receive without having to be taxed directly. These are indirect funds coming into the coffers of the country which our people can benefit from.

Madam Speaker, does this demonstrate a Government the public has no confidence in? I say no! I think one of the most significant changes in this country is what has been reported in the Royal Cayman Islands Police Report of 1994. It says that with the exception drug offences there has been a reduction in almost every category of crime. This is a significant milestone.

The *Caymanian Compass* of Wednesday, 7th June 1995, headed “Hong Kong Rich Look to Cayman”, the first few lines of that article say, “**The Daily Telegraph in London and the South China Morning Post in Hong Kong recently reported that Hong Kong businessman Li Ka-shing has ‘moved his shares in the giant Cheung Kong company that he controls to the Cayman Islands’ . . . His personal fortune, thought to be well in excess of 1 billion pounds sterling . . .**” Does this sound like a person who has no confidence in a place like the Cayman Islands? I say, no!

Hon. W. McKeever Bush: Hear, hear!

Hon. Anthony S. Eden: I think it is time that we stopped criticising and putting forth negatives, and try to work together for the good of this country. I venture to say that there is no place on earth as blessed as these three little Islands. We see problems everyday in the news that keep emanating from other areas. We see how lucky we are. Let us work together to keep it that way. There is nowhere else for us to go. I know that with all of working together we can make significant improvements in these Islands to make it a better place in which to live.

Finally, I would like to close with a couple of items from the *Royal Gazette Limited*, in the *Bermuda Press* referring to the Cayman Islands: “**The Caymans enjoy a growing reputation because it has more regulation than any**

other offshore centre in the world. The Cayman Islands are a unique oasis. Here society offers a reminder of the kinds of standards that many western societies have lost over the past three decades. The God-fearing and very religious islanders wish it to remain that way. It is unbelievable that in 20-odd years you can change a country where there were not many jobs and most of the people were working in either the US or sailing on a ship somewhere. It is a level playing field with little crime and no corruption—something which is so prevalent in other countries. Cayman is a living example of what can be achieved with good Government and management. Consistently good decisions have delivered a high level of prosperity for not just a few, but for all of its citizens.”

Madam Speaker, as the old Proverb says: “A prophet is not known within his own country.” When you have the outside looking at the Cayman Islands in this position, yet among ourselves we tear each other down, it cannot be good for this country.

I close in saying that I cannot support this Censure Motion. Thank you.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, in offering my contribution to the debate on Motion No. 8/95, the Censure Motion, a vote of no confidence on the Government, I would also like to read from Erskine May, page 272. I will not repeat what was read by the Fourth Elected Member for George Town, but I will stress the section that says: “**The convention is founded on the recognised position of the Opposition as a potential Government which guarantees the legitimacy of such an interruption of the normal course of business.**”

In my opinion the Opposition in this parliament of three members does not have the potential to form a Government should this Censure Motion be carried.

The other paragraph says (page 272), for those who claim that this Censure Motion is not a motion to remove the Government from office, but a motion to bring about debate . . . and I am of the impression that those Members who make such remarks are not certain what a Censure Motion is . . . it says: “**After a period of decline, the numbers of Censure Motions debated tended to increase during the late 1970s when Government majorities were small, although they were still infrequent. The Government was defeated on a motion of no confidence on 28th March 1979 and subsequently resigned.**”

So, for those Members who are telling us that this Motion is just to bring about debate, I say they are talking total rubbish. If this Censure Motion is carried, the Government would have no choice but to resign.

In reading the Motion, I, like the Third Elected Member for Bodden Town, feel the lack of recitals in this Motion was to avoid Standing Order 24(4) which says: “**A motion shall not contain personal opinions or controversial allegations unnecessary to the main issue upon which the House is being moved to declare its will.**” All we have heard in the debate by the mover and the seconder are personal opinions and allegations why this country has no confidence in this Government.

In reading the Motion I wonder if this Motion is a vote of no confidence in the Elected Members of Executive Council, because it does not specifically state Elected Members of the Executive Council. The Motion reads: “**BE IT**

RESOLVED THAT this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing unwanted expenditure, social disharmony, fear and apprehension in the Cayman Islands.”

I find it hard to believe that Members of this Parliament would bring a Motion stating that they have no confidence in the Chief Secretary, the Attorney General and the Financial Secretary, because if we are going to remove these gentlemen we are moving one step towards independence. Is this where we want the Chief Secretary to be called the “Chief Minister”, the Attorney General to be called the “Minister of Legal Affairs”, and the Financial Secretary to be called the “Minister of Finance”?

We have heard things like, “The Government stopped the Dr. Hortor Memorial Hospital.” Madam Speaker, as a Member of the National Team, and as one who went through this Island and campaigned in 1992, the stopping of the Dr. Hortor Memorial Hospital was very high on the agenda of the National Team’s campaign. We had a mandate from the people of this country to stop this hospital and we carried it out. So I cannot see how these Members can now say that this is one of the reasons for bringing a vote of no confidence in the Government.

The National Health Insurance was another campaign issue, and as the Third Elected Member for Bodden Town said this morning, this was also stopped because we felt that it was not covering what we needed in a health insurance policy in this country.

The disbanding of the Health Services Authority. The mover of the Motion said: “**The country has reverted back to the old form of a department under a Ministry and this has caused undue expenses, it has caused displacement of some people in the Health Services and it has caused an unsettled situation with the Civil Service.**” I cannot see how, by disbanding the Health Services Authority and putting it back under central Government, it can cause unwarranted expenditure or undue expenses when the Authority now has the ability to call on various departments and expertise within the Government system; whereas before we heard the report regarding consultants for this and persons being employed to do this at this expense. I feel it will now work better under central Government.

We heard of the 7.5% cut in the Civil Service. Madam Speaker, His Excellency the Governor in his Throne Speech made it very clear that the Civil Service is his sole responsibility. I know nothing of the National Team Government requesting the cut of 7.5% in the Civil Service of this country.

We heard that because of the change in the Head of Department of Environment, and the Section Heads being paid as Heads of Departments, we have heard of Immigration policies where foreign residents have become afraid. Madam Speaker, all departments are departments which are directly under His Excellency the Governor. Maybe the Motion is portraying a vote of no confidence in our Governor. To me this is a very frightening situation when Members will accuse the Governor of doing incorrect things. We heard of civil servants being relieved of their duties. This, again, is something which the Elected Members of Government have no control over.

We heard of benefits which were being given to Caymanian seamen being stopped. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation has ably explained the reason for this—for the abuse. The num-

ber of people who were entitled to free medical in this country (who could well afford it) would have brought us to our knees financially if they had decided to utilise these benefits rather than pay for them.

We heard of the Cuban situation. We had no choice. And in speaking on the Cuban situation, back a few months ago when some of them left this country and went to Belize and the Government of Belize returned them, I called the Members because I felt that we should go to the airport to stop these people from landing. One of the Members I called was the mover of this Censure Motion. His words to me were, "I feel that the one thing that could destroy this country now is the way that it is going with these Cuban refugees." How can he now come, one month later, and say that the country has no confidence [in the Government] when he himself had confidence in the Government back then, that we were doing the right thing to keep this country on track?

What I object to the most is to bring as a part of this no confidence Motion the travelling of the Ministers of Government. When the Budget of this country was discussed in November, every Ministry had a travelling and subsistence allowance. Tourism had an allowance of \$69,750; the Ministry of Community Development, Sports, Youth Affairs and Culture had \$45,690; Ministry of Health, \$78,425; Ministry of Agriculture Communication and Works \$27,030; Ministry of Education \$17,210. I do not recall any Member of this Parliament objecting at that time to travelling allowances for any Minister of Government. For them to now stand up and read off the travelling expenses of the Ministers of this Government and not to have done something about it during the Budget is a waste of time.

The Minister for Tourism . . . if one is not prepared to go out there and sell the country to get the tourists to get here and spend money, then we may as well come out of tourism. When Ministers go abroad to sell this country it is much better than having advertising agents because people can deal one-to-one with the Ministers and know exactly how the country works and what is happening.

So, in my humble opinion, this vote of no confidence in the Government is a total waste of time, and our time in this Parliament could have been better spent debating what could be done to find a place a safety for the battered men and women of this country who are on the increase daily; or debating the problems of the Sister Islands to see what we as a Parliament can come up with to help the economic situation there, rather than standing here on the Floor of this House debating that the country has no confidence in the Government for the Ministers have ably put forward all their programmes since coming to office. They have stated improvements in all areas in the Cayman Islands since taking office, and I think that the mover and the seconder of this Motion would have been better off if they had put the Motion, since they wanted to evoke debate, as I read form page 425 of Erskine May: "**Motions 'To take note': 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.**"

With a vote of no confidence the stability of this country is at stake. Investors get frightened when they hear of such things and they will have the whole responsibility on their shoulders should this vote of no confidence (which we know it will not) be carried today.

I ask them, after they have evoked the debate, which they claim the Censure Motion is supposed to do,

withdraw it for the betterment of the Cayman Islands. Thank you, Madam Speaker.

The Speaker: If no other Member wishes to speak, would the mover wish to exercise his right of reply?

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

I am very happy to reply to what has been said on this Motion of no confidence. I think that I should read this brief Motion so that anyone who has been listening to what has been said by the Government Ministers and Backbenchers for the past few days might not come any kind of conclusion other than that which would be consistent with the Motion. The Motion is No. 8/95 and reads: "**BE IT RESOLVED THAT this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing unwarranted expenditure, social disharmony fear and apprehension in the Cayman islands.**"

As a first reply, I will speak on the matter of this Motion not having "Whereases". None of the Government Members speaking were aware that in its truest form a Motion is not supposed to have recitals or "Whereases." That says to me that the persons running the Government and dealing in the business of Parliament are unaware of the finer points of Parliamentary debate and they take little time (if any) to inquire and read on these matters.

This Censure Motion was only original in that I changed certain words from a Motion of no confidence that was moved in the House of Commons on 29th July 1980, by Mr. Callahan. I took this as an example. The Motion he moved was, and I quote from the text *Parliament Functions, Practice and Procedures*, by Michael Ryle: "**THAT this Honourable House has no confidence Her Majesty's Government whose economic and social policies are spreading mass unemployment, undermining British industry and demoralising the country.**"

I used that Motion as a guide to the proper way of doing a motion and I said: "**BE IT RESOLVED THAT this Honourable House has no confidence in the Government [meaning this Government] whose economic and social policies and public pronouncements are causing unwarranted expenditure, social disharmony, fear and apprehension in the Cayman Islands.**"

There can be no doubt that the Motion is correct and it is the proper way that a motion should be proposed in the House. Although I have proposed many motions since being a legislator—a dozen, two dozen (I really do not know the number right off)—and I have used "Whereases" . . . by using them one tends to create a situation that the Member for North Side alluded to under Standing Order 24(4): "**A motion shall not contain personal opinions or controversial allegations unnecessary to the main issue upon which the House being moved to declare its will.**"

The man who claims to have all the education in Cayman, the Honourable Minister of Education, with nine senior degrees . . . I have been looking at the unedited transcript of his rambling on this particular Motion and he too spoke about the 'Whereases'. I have four times noted but I am sure there are more as he rambled on. Very seriously, Madam Speaker, I think it might be well to have our psychiatrist on hand when this Minister takes the Floor rambling on and on about unrelated matters to the Motion that is before the House.

He had remarks like this to make, and I think the other Members who spoke about this are following their

mighty leader—he likes to talk about these leaders. He says things like this: “**So this Government is responsible. Quite frankly, Madam Speaker, for two Oppositions to bring a motion such as this, that makes these wide allegations and is supported with no recitals, it is the shortest motion I have ever seen—either they were in such a hurry to do it, or they did not have the competence to put it in. But they know it cannot succeed.**” Then he also said: “**I know why they could not put any recitals or any whereas clauses in this, Madam Speaker. It is because when they brought the last motion to this House, they brought as a reason the private roads.**” Again, he spoke about “**So the reason why they could not put recitals is because the last time they put whereas clauses, we showed the public how deceitful it was for them to come here and say that something is wrong...**”

Madam Speaker, my colleague and I debated among ourselves if we would put even one recital into this. We decided that we would not; we would follow the example in the text. I must say that I had a personal little perverted reason for not doing it. The people in this Government are incapable of true debate, they can only try to pick on some word or some phrase and go on rambling off into the unknown about it. So what this has proven, more than anything else, is that they are incapable of debating a matter. They were hoping that I would give them something to debate about.

Hon. W. McKeeva Bush: [laughter]

Mr. Gilbert A. McLean: They did not get that.

If they wanted to debate this matter, they should have tried to show that there was no social disharmony; that their economic policies were sound; that the pronouncements that they were making were sound in judgment and not causing any fear and apprehension. But they are incapable. They did not know how to do it. They did not know how to refute the resolve that said these things are actually happening.

I would like to quote from another text on this matter of ‘whereases’. It is taken from the text, *Parliamentary Practice in British Columbia*, Second Edition, by E. George MacMinn, LLB, QC, Commissioner, Legislative Procedure Review Act, Deputy Clerk British Columbia Legislature. I would like to quote a short section, and it might edify the people in this Government so they might not be so far afield next time: “**Apart from the Chair’s power to reject motions when out of order, the Chair in Saskatchewan ruled that it has the power to edit motions which contravene the rules:**

“**Throughout the last few years, there has been discussion as to the proper form of a Resolution in regard to preambles. [The very thing these persons in Government are lost without] I refer all Hon. Members to Beauchesne’s *Parliamentary Rules and Forms*, Fourth Edition, 1958, page 165: ‘A substantive motion is a self-contained proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House.’ And further on page 166, ‘A motion should not be argumentative and in the style of a speech, nor should it contain unnecessary provisions or objectionable words. Motions are usually expressed in the affirmative, even where their purpose and effect are negative.’”**

Further, in Bourinot’s *Rules of Orders*, Revised by J. G. Dubroy, page 28, “**A preamble is objectionable in any motion or proposed resolution. When a motion is agreed to, it becomes a resolution. It is a common practice to pre-**

fix preambles to a set of resolutions, but it is at variance with the correct parliamentary usage, and can be easily avoided by a careful framing of a motion.’ I want to emphasize to all Hon. Members that a preamble is argumentative and is not to be part of a motion. Certainly arguments can be offered during the debate on the motion, but should [not] be a part of it.”

Hon. W. McKeeva Bush: See the next motion?

Mr. Gilbert A. McLean: I trust, Madam Speaker, although most of the Ministers are not present, that their colleagues who are will pass on that bit of knowledge for their edification when it comes to motions in the future; and that the man with nine degrees will take note that he missed that particular one when he claims to be a lawyer of 50 years and he did not know something as simple as that.

On that point too, Madam Speaker, the nine degrees that the Minister for Education went on and on about in this transcript and what he could do and would not do—there is no question that he is ancient in mind. But if we were to take nine degrees, and unless he is about 100 years old right now, anyone knows that he cannot have nine degrees if we even take each of them being at three years to arrive at a degree and he, starting at age 16 or 17 . . . it would still stretch the imagination.

We all know, even if he does not, that they are the type of certificates that one can get on their wall by applying to become an associate of a particular institution.

The Speaker: Honourable Member, would you please now pass over that point and not dwell on it any longer? Thank you.

Mr. Gilbert A. McLean: Madam Speaker, the Member for North Side spoke about the fact that she was unaware of the National Team having anything to do with the reduction of the civil service. I would like to refresh her memory, and that of the Government who also may have forgotten, that in the Budget Address delivered by the Honourable G. A. McCarthy, BBA CPA, Financial Secretary, to the Legislative Assembly at the Budget Session for the year 1993, held on 5th March 1993 (these words are on page 13): “**4. 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, the Minister for Health spoke regarding the question of funds and the financial state of the country. As I recall he and the Third Elected Member for Bodden Town spoke about a Government that was bankrupt and broke, and how the National Team Government came into power and they saved the country to the state that it is presently in. However, in the same Budget Address of 1993, on page 11 under the caption “General Reserves”, the Financial Secretary said: “**The balance in General Reserves at the commencement of 1992 amounted to \$13M interest earned during the year and transfers out of General Reserves were \$0.5M and \$3.5M, respectively. The closing balance as at 31st December, 1992 was approximately \$10.0M.**” I think any Government, company or person with \$10 million cannot be broke.

Hon. W. McKeeva Bush: Can you show the overdraft?

Madam Speaker, could he continue reading from it? I think he should continue reading from it... the overdraft of \$7 million...

The Speaker: Honourable Minister, perhaps you would ask if you can make an interjection next time.

Hon. W. McKeeva Bush: I was asking the Chair, I thought you had noticed.

The Speaker: I am afraid you did not ask me.

Mr. Gilbert A. McLean: Madam Speaker, there have also been statements made by the Third Elected Member for Bodden Town, the Minister of Health, among others, including the Minister of Education, that now that they have gone against what was the stated policy in 1993 (that is, the situation of going against the practise of having supplementary expenditure which they now embrace), the Government then said through the Financial Secretary at page 14, section 7: **"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."** Here the Financial Secretary is referring to the bad practise of using supplementary expenditures. It goes on to say: **"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' [in quotation marks] that threaten restoration of budgetary balance and ultimately fiscal stability."**

Their economic policies have not adhered to what they were so willing to say would be their policies in 1993. The National Team Government has progressively relied on supplementary expenditure—millions of dollars. I am told that soon the Finance Committee is to be summoned to seek even more. They have been relying on supplementary expenditure, and will continue to rely on supplementary expenditure.

It is of little use to say that they are moving monies from one Head to another, therefore it is not additional. It is simple enough for a child to understand that if you have \$1 million voted to do a particular project and you take that to do another, then the other one has fallen short. So however they cut it, they are not living up to what they said they would do in terms of supplementary expenditure.

While spending—and they balance it by coming to the Legislature for supplementary expenditure—they hid all sorts of various costs in the way the Budget was prepared for 1995. That is the reason why they have to come and get supplementary expenditure very soon, because the amounts put into the Budget were not the true costing of the things which they chose to undertake. But in March of this year, it looked good to say the Budget was balanced. That is how it was balanced.

Madam Speaker, that drives this country into unwarranted expenses because it is not factual and truthful budgeting. If the amounts are to be spent, if they are necessary, it is the duty of the Government to show this so that the country will be aware from day one what will be committed in expenses.

I need to reply quickly to the situation regarding the Cubans who were in this country for nigh on to a year. The Member for North Side quoted me as saying (and I do not agree that she was there taking notes that she quoted me verbatim in what I said). I think that what she said would have generally captured my view that I had been concerned from day one about the expense to this country. I said it in this House when, with the approval of the Chair, I was able to move a motion on the adjournment to discuss the matter, and I think that Members of the House expressed the same concern. So, I have been absolutely consistent in my concern about the costs to this country which I understand have still not ended, nor have they all been met.

However, I did not fancy myself as a legislator at the airport attempting to stop Cuban nationals from coming in at the airport if, indeed, they were coming here from Belize. I thought it more appropriate that, this being the bailiwick of the Government, the Chief Secretary would have instructed Immigration and the Police how to deal with such persons who were, or might be, coming to the Islands.

There is no question in my mind, or in my position that the Government handled the situation in a way that this country—unless the contrary is stated—is suppose to pay nigh on to \$5 million to the mighty power, the United States, to take Cuban nationals back to Cuba. There is no way that I can justify that in my mind, or find that logical. It was the United States' foreign policy which caused the exodus of Cubans from Cuba. If they are going back home, why on earth would this country of 30,000 people have to pay \$10 per day for persons for one year to the United States for keeping them in Cuba?

Of course, that has to be the responsibility of the National Team Government for causing that to happen. That deal was obviously cut and no one beside the Executive Council and, I would imagine the lady Member for North Side who went with the delegation to Washington, would have known about it. It became officially known when I asked the question: 'If there were any financial implication to the deal?', then it was told to this House. So, that also speaks to bad management that also speaks to unwarranted expenditure as the Motion says. Certainly, I did take the opportunity when we had a visit from two MPs here from the House Commons a few weeks back to bring that point to them. I asked them to see to whatever means to remove or change that undertaking because it is killing this country.

The seconder of this Motion, the First Elected Member for Bodden Town, spoke about the travelling costs this Government has incurred, and I believe rightly so. One thing is certain: this Government is a travelling Government. The Country & Western song about 'Travelling Man' really suites this Government. It is cost and expenditure to this country and it cannot be good to have a Government in abstentia which, it seems, this Government is often turning out to be.

Moreover, Madam Speaker, it was the Minister of Education who, in his usual manner, did not just talk about travelling expenses, he talked about what was spent travelling in the CPA. Of course, he brought it up to attempt to make it look bad on the First Elected Member for Bodden Town, as if he were gallivanting all over the globe on his free will spending money at his own discretion.

The Honourable Minister responsible Community Development, Sports, Youth Affairs and Culture spoke about how he did not wish the CPA to be brought into the political arena. It is a pity he did not so advise his colleague, the Honourable Minister of Education. He brought it up, and it

shows that \$61,387 went down the tubes on travelling from 1992 to the present time in 1995; and if one wants to see amounts spent on the CPA then, indeed, they need look to see the tens of thousands of dollars that were spent on travel for the Minister of Youth.

It is my understanding that some parts of these monies for the CPA are refunded, but it is also my understanding that it is not in its entirety. That is why the question of travelling was brought up, and why it clearly points to another area of expenditure employed by this Government. In many instances it is unwarranted.

The Speaker: Would the Honourable Member take a suspension at this time?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.36 PM

PROCEEDINGS RESUMED AT 4.01 PM

The Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman, winding up the debate.

Mr. Gilbert A. McLean: Madam Speaker, when we took the suspension I was commenting on certain points raised by the Member for North Side. There is one point she raised which was raised by the Minister of Health, the Minister of Education and the Third Elected Member for Bodden Town, that being the question of the stoppage of the Dr. Hortor Memorial Hospital and the claim that the National Team Government campaigned that they were going to stop that hospital.

I attended many of the meetings of the group that eventually wound up calling itself the National Team. I never heard on any of those occasions any such statement being made. In fact, a very politically astute person told me that it was at the last meeting, or the meeting before Election Day at North Side, on an occasion of great buoyancy and revelry that someone got on the platform there and stated that they were going to stop the Dr. Hortor Memorial Hospital. I believe most fervently that had the present Government stated those intentions in that kind of explicit manner during the 1992 Election, the result of that Election would have been seriously different.

The Minister of Youth said that I and the seconder bring no proof of the various allegations and statements. What is of the greatest concern where this hospital comes into discussion is that the Government, with reckless abandonment, decided that they would stop the biggest capital works [project] that had ever been undertaken in the country. That is shown in the Commissioner's Report on page 88, where it is noted: "**The legal [department] estimated a total outlay on the project to date of CI\$4,045,000.**" Still, the Government went ahead and stopped that hospital. That created a situation of unwarranted expenditure, and a waste of public funds that has never before been in the history of this country.

One could say—if they could satisfactorily find proof of all the many allegations that the Government had regard-

ing that hospital—it was all right. But the Commission on it found exactly the opposite.

Figures given in a reply to a question asked on this by me on the kitchen equipment—although it was said that it did not have any kitchen—but the Government had to pay for the contract which was broken relating to the kitchen equipment, \$15,730. For medical equipment it had to pay to Transmedical \$134,000; and to William Cameron, the project manager, \$48,864. In this reply it says that the termination cost was \$4,472,740, plus the cost of the Commission of Inquiry \$35,905; making a total of \$4,508,645.

The Minister, in referring to it (because there have been additional costs since that time) said that there has been an expenditure of close to \$6 million and no hospital. It has been used as a refugee camp. And we now hear it is to be used as a prison for juveniles. If that is the case, and if we are to believe that the grounds surrounding this site are subject to flooding, I wonder whether it is being suggested by the Government that they would place children into the area there so that they might drown. I do not think they are suggesting that because the truth is that ground there—that ground that was created, dug up, dredged, filled, whatever—meets engineering standards and there is no fear of that happening.

Their policy is that they at this stage do not see the wisdom of taking half of the money they are talking about spending on the old hospital site and finishing a building that is almost finished so that the country can have its hospital. Not any one individual—the country—can have a hospital.

The Minister of Education said that the Government was mandated to do that, and that it was a split site, and it did not have this and it did not have that. We have also heard on various occasions about having to take food from one site to the other. Why is it that the Government cannot simply tell the truth and the facts as they are? I refute that claim on the basis of what was found in the Commissioner's Report on page 33, under 'Kitchen Equipment Contract', where it says: "**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 \$256,344.**" Now, Madam Speaker, that can buy a lot of cups and saucers. So, it had to be the case that that kitchen equipment was in that site and, indeed, would be there for the preparing of meals.

That cannot be an excuse to perpetrate the waste and unwarranted expenditure that is happening in this country at this time. It cannot be. If this Government wants to lay claim to having such sound fiscal and financial policies, why is it that up until now we hear of a \$22 million hospital, and speculations to claim it will cost \$22 million when there are no specific figures on it? Why are there no specific figures done before all that is going on at this time?

The plans are apparently not completed. If there is such openness in the Government's present policies regarding financial costs and expenditure, why is it so difficult for the Government to show or publish or get any contractor who wants to do this hospital they are talking about to agree that their bid would be seen as in the case of the Dr. Hortor Memorial Hospital?

That was the first time, to the best of my knowledge in the history of the Cayman Islands that that was ever done—that all bids were made known to the public. It is on record. The Financial Secretary at the time, upon being asked, said it was a policy which the Government would be

looking at to consider doing in the future. Page 46 of the Commissioner's Report shows each bid. The whole world knows what each bidder bid on that hospital. Anything less than the Government completing that hospital is one of the gravest instances of unwarranted expenditure, a waste of public money, and the people have received nothing for it.

The Minister of Education, and others, keeps reading and talking about what I said when the hospital was to have been built there. I myself have said that on various occasions. I stand here saying that when that question about building the hospital was there in the political arena, my objections were similar to those of the seven so-called Backbenchers at that time. But one thing is certain: After the Government had committed this country, after the credibility of this country was on the line, never would I—and neither did I—stand in this Chamber and say that I would have supported the motion which was brought as Private Member's Motion No. 8/92 by the present Minister of Youth, where, in effect, the motion asked this House to break the contract that was in place. That, too, is in the Commissioner's findings.

I would just like to read this brief paragraph, because it keeps coming up time, and time, and time, and time again. It is on page 23. It says: **"On 20 July Mr. McKeeva Bush, MLA, moved Private Member's Motion No. 3/92 that, since the Financial Secretary had stated on 2 July that the new hospital contract had not been awarded as of that date, no money be spent out of the \$18 million for the new hospital until the contract had been awarded by the Public Tenders Committee. The Financial Secretary's statement and this Motion seem to have brought about some misunderstanding and confusion in the Assembly. The Financial Secretary should more accurately have said that the hospital contract had not been signed (it had certainly been awarded) as of that date. It seems odd that nobody corrected him. In fact the tender selection and award of the construction contract to Hurlstone Construction had taken place as far back as 20 May (two months before) and it could not properly have been repeated by the CTC in July as demanded."**

On my own behalf, this is what he notes: **"Mr. Gilbert McLean, MLA, who had supported the Backbenchers in their vote against the Government loan guarantee on 2 July, seems to have understood the situation because he did not support this motion and it was defeated by nine votes to six."** That was my position then, and that is what it is now and will always be.

I believe in good Government, responsible Government, and I certainly would not have been any part to what then would have happened. I found objections to it on the basis that it was the Government Executive that had entered the Health Services Authority, and it was not this Legislative Assembly. This Legislative Assembly should certainly not have been the body to break the contract as the Government eventually did.

A point that arises, and it has arisen in statements made by the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture, by the Member for North Side and also by the Honourable Minister of Education, is regarding what a Censure Motion or a no confidence motion is supposed to do. Read a half-a-dozen times or more is what Erskine May has to say about it; and we certainly all realise that part of it is to give opportunity for debate. We also know . . . and I do not know why that brings such fear and trepidation to anyone that if a no confidence motion is carried, then the people have the opportunity of

voting in another Government or, for that matter, voting the same one in if they believe it is doing such a good job. So, that is basically the two premises on which this could work.

I certainly have no wish to say other than what are the facts and what is the truth, but, as noted by the Members who I just indicated, there are two out of 18 (as the Minister of Education said) who will be voting for it. The Member for North Side made it 3 out of 18. I am not sure of their figures, but they are off by at least one. The point is that the seconder and I believed there was a need to bring this Motion and we will most surely be voting for it. If they are so sure it will not pass, why are they so bothered; and why, then, did they not try to prove that the statement contained in the Motion was inaccurate by showing the opposite of what it was suggesting?

The Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture asks who, if this no confidence motion carried, will fill the Government. Who would take over the Government? If there are any doubts in any of the minds of the Government Members (including the Backbenchers) that there are people who can take over the Government and run it better than it is now being run by the Elected Representatives, if they have any doubt they should consult the voters list for the six districts this country. I would hope that their suggestion does not reek of such arrogance that they would think that out of all the people in this country it is only themselves—and let me include 'us', all of us in the country capable of running this country. If there is an arrogance, surely that must be the supreme.

They should not just judge the two voices in the House who speak for the Opposition, for there are but two in here. But outside of this Chamber they are legion waiting who would be delighted for the opportunity of being able to vote again to choose a Government. I am certain. So the fear need not be about who would replace the Government; the fear is what it obviously is—that they would no longer be the Government.

The question of the civil service was also raised by various speakers, and that the Government has nothing to do with it, that it is a reserved subject of the Governor. I certainly know that, and I am certain that the First Elected Member for Bodden Town knows that. We know that within any organisation there is the formal organisation and there is the informal. We also know that the informal organisation can actually overwhelm the formal. If the Members believe that they have convinced the country that they have no view in regard to civil servants, nor express any views, nor in any way make their feelings known regarding civil servants, then they are mistaken—for the country does not believe that. As living proof we can look to statements made in this Legislative Assembly against specific civil servants and what has happened within a relatively short time after all those remarks began.

There is no doubt about it. It is clear what has happened. And it is open to the interpretation of all logic and sensible thinking people and they can draw their own conclusions. It is because of those conclusions reached by civil servants why they are afraid, and why they are apprehensive—and they are. That is why the country on a whole has apprehension, because they see the things that are happening.

Who can be responsible? The Government of the day is the body that has the authority to run the country to let it work or perform however it may. That is the body.

As for who in Government is included in the no confidence Motion, I know who the Government is and I would say to the Member for North Side that I believe she knows who the Government is in its totality. It is left to her and the country on a whole to determine the interaction and role that is played in the process. I claim to know, to a fairly accurate degree, how it works and to what extent and so forth and so on. Of course, in this regard, this Motion is hardly directed to the Official Members, for the Official Members are appointed by the Government. So a no confidence motion of this House cannot remove the Official Members, it can only remove the Elected Members—therein is where the power lies.

Madam Speaker, this Motion is warranted, it gives the opportunity to put before the eyes of the public the situation as it truly exists. It is quite true what the Minister of Youth said: the Opposition is not saying anything new. Certainly not. The Opposition is simply emphasising what is existing in the country and saying that something ought to be done about it. The way of saying and doing that in the Parliamentary process is by way of a Censure or No Confidence Motion in this House.

I would not attempt to go into the extensive rambling of the various Members who have spoken—

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Member, will you be finished shortly? It is now 4.30.

Mr. Gilbert A. McLean: Yes, Madam Speaker, if you will grant me a few minutes, I will be.

The Speaker: Please continue.

Mr. Gilbert A. Mclean: Madam Speaker, I would not try to reply to the many things that were said—some of them so far fetched and unrelated, in my opinion, that they would not deserve an answer. But, I would leave on this thought: While there is a vast majority of Government Members and an overwhelming vote against this Motion, this motion has brought to the attention of the Government just where they stand. It has highlighted things which are wrong and which need correcting.

As for the Opposition not being able to form a Government should the no confidence motion carry, the way it generally works is that today one is Government, tomorrow one is Opposition; today one is Opposition tomorrow one is Government. That is the way the cycle works. The Government need not believe that because today with their numbers they can say it was a waste of time to bring this motion; on another occasion, in the not-too-distant future, the people of this country will once again have the opportunity of calling the shots at the election poles.

The Motion that this Honourable House has no confidence in the Government whose economic and social policies and public pronouncements are causing unwarranted social disharmony, fear and apprehension in the Cayman Islands, I submit, has been proven by the Opposition. Unfortunately, at this time the Opposition cannot prove this in terms of the vote by numbers. But, who knows? That time might present itself soon. If not, the Opposition is convinced that it will be a part of another Government made up of other people who are willing and able in this society, to run the Government unlike what the Government of the day may believe. Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 8/95. 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, Madam Speaker?

The Speaker. You may. Madam Clerk

Clerk: Division 5/95

AYES:

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES:

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A McCarthy
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. D. Dalmain Ebanks
Mrs. Edna M. Moyle

ABSENT:

Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Mr. John D. Jefferson, Jr
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

Clerk: Three Ayes, eight Noes.

The Speaker: The result of the division is three Ayes, eight Noes. The Motion has, therefore, failed.

PRIVATE MEMBER'S MOTION NO.8/95 NEGATIVED BY MAJORITY.

The Speaker: May I now ask for a Motion for the adjournment of the House? The Honourable Minister of Education and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10.00 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 10.00.

AT 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM THURSDAY, 15TH JUNE 1995.

**THURSDAY
15 JUNE 1995
10.07 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, forever 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 and Ministers. Question No. 123, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS AND MINISTERS**

QUESTION NO. 123

No. 123: Mr. Roy Bodden asked the Honourable Member responsible for Finance and Development to provide a breakdown by statutory authorities of all loans and repayments being made at this time.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: The breakdown by statutory authorities of all loans and repayments being made at this time is as detailed in the attached schedule. [see *Appendix I*]

The asterisks denote loans that have been made and are repaid in a basket of currencies. The corresponding repayments for these have been converted to United States' dollars for convenience. The repayment figure for all loans refers to principal only.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say what attempts have been made to negotiate the repayments from the basket of currencies to a standard currency, for example, the United States dollar?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, this was attempted sometime ago. We wrote to the Caribbean Development Bank and asked if it would be possible to pay off the loans denominated in Japanese Yen and Deutsche Marks, because we found that the... it is obvious to everyone that the rate of the Yen had appreciated significantly. We were told by the Bank at the time that they would have to get in touch with the Inter-American Development Bank through whom the funds were channelled.

It took them a long time to get back in touch with us but we were informed recently (not in writing) that we are now able to pay off these loans. They will not allow for currencies other than United States dollars to be paid off. The loans will have to be paid off in full.

Madam Speaker, I think it is to the advantage of the authorities to pay off these loans as quickly as possible.

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

Mr. Gilbert A. McLean: Madam Speaker, in the substantive reply, the last sentence says: "The repayment figure for all loans refers to principal only."

It may be assumed that interest is a significant part of what the Government will eventually pay on these loans. Does the Member have available what this figure would be? Or can he supply it.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the Honourable Member is correct, interest is quite a significant factor in all of these loan repayments. The most significant element of it would be the principal balance that is outstanding. The figure for the interest was not provided, but this can be provided in writing.

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

Mr. Gilbert A. McLean: In the column showing the rate of 1.2, is that 1.2 over LIBOR? What does it really signify?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the rate of 1.2 reflects the rate of conversion of United States dollars to Cayman Islands dollars. That is the official rate. It converts to .8333, a recurring CI 3 cents to the US dollar.

The Speaker: The next question is No. 124, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 124

No. 124: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development to provide a breakdown by statutory authorities of money paid to Government since December, 1992.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the answer: The breakdown by statutory authorities of money paid to Government since December 1992, that is, covering the years 1993 and 1994, is as follows:

1) Cayman Turtle Farm: contribution to Government Revenue—\$320,000.

2) Civil Aviation: loan repayments—\$4,579,317; contribution to General Revenue—\$1,500,000; making a total of \$6,079,317.

3) Community College: loan repayments—\$366,059; assets repayments—\$48,226; making a total of \$414,285.

4) Cayman Islands Currency Board: contribution to General Revenue—\$3,845,052.

5) Health Services Authority: loan repayments—\$258,870; contribution to General Revenue—\$774,470; totalling \$1,033,340.

6) Port Authority: loan repayments—\$497,751; asset repayments—\$318,862; contribution to General Revenue—\$1,165,125; making a total of \$1,981,738.

7) Water Authority: asset repayments—\$2,199,588; contribution to General Revenue—\$950,000; making a total of \$3,149,588.

Madam Speaker, the total that has been paid over to Government by the authorities, therefore amounts to \$16,823,320.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker

Is it the case that these authorities keep a significant balance as a matter of policy, or is it the situation where the loan repayments and the contribution totals all of the monies the authorities make?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: No, Madam Speaker. By law the authorities are allowed to maintain various reserve balances. For example, the sum of \$4,579,317 is not money that represents equity interest due to Government, but loans that have been guaranteed to Caribbean Development Bank on behalf of the Civil Aviation Authority. So this represents a flow through of funds on behalf of Civil Aviation Authority.

It is a question in terms of what are the pressing needs for the reserve balances to be maintained. But the authorities are not stripped of their cash balances.

The Speaker: The Third Elected Member for West Bay.

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

I wonder if the Honourable Official Member can confirm whether or not the \$774,000 for the Health Services; the \$1,165,000 for the Port Authority and the \$950 for the Water Authority... did these make contribution to Government prior to this period?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Thank you, Madam Speaker. I am not aware of the Water Authority having done so, but I am aware of the Port Authority making contributions over the years and definitely the Currency Board, that authority has been making contributions over the years as well.

It should be borne in mind, Madam Speaker, that most of these authorities were revenue-earning departments before they were converted to statutory authorities. So, rather than contributions, in the past the full revenue of the authorities was available to the Govern-

ment, plus the expenses used to be met from the General Revenue aggregate balance.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Madam Speaker, maybe I should make my question more specific. In the case of the Port Authority and the Water Authority, what were the most recent contributions from these authorities prior to this period?

The Speaker: If the Honourable Third Official Member can supply that information... but that was not a part of the substantive question which asked the Government to state the payments made since December 1992, covering the years 1993 and 1994. I doubt if the Honourable Third Official Member is in a position to answer that.

Hon. George A. McCarthy: Madam Speaker, I do not have the breakdown on an annual basis for years prior to the period for which the information was sought. The amounts that have been given in the answer to the question are the aggregate contributions. But that can be provided in writing.

The Speaker: The next question is No. 125, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 125

No. 125: Mr. Roy Bodden asked the Honourable Third Official Member for Finance and Development to provide a breakdown of outstanding room tax, giving name of establishment and amount outstanding.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: The breakdown of estimated outstanding tourism accommodation tax as at 31st May 1995, is as follows:

Time Period	Estimated T.A. Tax
Hospitality World Ltd: 09/78 through 04/95	\$ 311,189
Cayman Islands Hotel: 06/92 through 04/95	\$ 26,129
Plantation Village: 02 and 03/95	\$ 19,944
Villa Caribe: 01/88 through 1990	\$ 14,300
Seaview Hotel: 06/94 through 04/95	\$ 13,182
Grapetree/Cocoplum: 01/95 through 04/95	\$ 9,062
Driftwood Village: 03/95 and 04/95	\$ 840
Island House Resort: 03/95 and 04/95	\$ 720
TOTAL:	CI \$395,366

Excluded from the amount of \$395,366 are the following amounts totalling \$621,016, accumulated under the ten-

ure of previous owners, which is unlikely to be recovered (the period over which the debt was accumulated is indicated in brackets):

- \$586,726—Treasure Isle Resort, (12/86 through 07/88).
- \$13,580—Coral Caymanian (08/92 through 07/94).
- \$13,400—Cayman Islander Hotel (07/88 through 09/88).
- \$5,100—Island House Resort (01/88 through 06/90).
- \$2,210—Grand Pavilion Hotel (11/91 through 01/92).

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Official Member explain his expression: "Unlikely to be recovered," whether it means that the Government is considering writing these amounts off.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, it is very possible that the Government will have to resort to that action.

In September of last year, the information was given on the Treasure Island Resort, and it was then mentioned that the previous owners were taken to court where a judgment was obtained against them. Madam Speaker, if this is written-off it will probably mean that the collection of it will not be pursued. We would rather keep it open on the records so that in the event any of the owners can be reached with the necessary assets to make good this sum of money, that the Government will then have the option of doing so.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I noticed that on the first list there is one organisation, Hospitality World Limited, with \$311,189 dating from September 1987. I would like to ask the Honourable Official Member what attempt is being made to clear this balance, whether we have a system of making a monthly stipend towards settling this amount or if there is any procedure in place to clear the outstanding balance?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, this amount has been referred to the Legal Department and at this time efforts are being made to pursue the individual owners because the management company, in effect, has been stripped and does not have any assets.

So attempts are being made to reach the assets of the individual owners in order to make good on this sum.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Official Member could say if the Government is putting any protective measures in place to make certain that moneys due Government are paid prior to the change over of ownership?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker, measures are being implemented at this time, because obviously a situation like this would be in no one's interest to continue.

The Speaker: The First Elected Member for Bodden.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Third Official Member shed any light on the delinquency of these funds, seeing as these are monies which should have already been collected from this organisation? Why is there a delay or delinquency in these funds reaching the coffers of the Government?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, this is not an attempt to shift blame, but Honourable Members of this House will recall that the Government took a decision to transfer the collection of Tourism Accommodation Tax from the Department of Tourism back to the Treasury Department. Quite a lot of these arrears occurred at the time when the collection was under the administration of the Tourism Department. Not from the point of view that these establishments are not being pursued, but there was only a single officer dealing with all of this and keeping abreast of all the outstanding arrears.

Efforts were being made at the time, but now the Treasury Department has put in place a Debt Collection Centre and it is sufficiently staffed by various officers. So, where an establishment is recognised as being delinquent, this is not something that will be perpetuated for a long period of time.

The Speaker: The Elected Member for North Side.

Mr. Gilbert A. McLean: Madam Speaker, we know that the change was made to the Treasury Department, which I believe was the right one.

Could the Honourable Official Member say if he now has a system in place that is up and running for collections, and if these more recent outstanding amounts

here are being pursued or collected? What is the status on them?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, all of these outstanding amounts are being pursued at this time. Every effort is being made, wherever results are not being obtained on a timely basis, to pursue legal action.

The Speaker: The next question is No. 126, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 126

No. 126: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if there is any policy in place regarding civil servants presenting and defending political policy in public forums as contained in "White Papers" for Bills.

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

Hon. James M. Ryan: General Orders stipulate that:

"(1) No Officer may call a public meeting to consider any action or policy of the Government or actively take part in such a meeting; and

"(2) No Officer shall speak in public or broadcast in any way on matters which may reasonably be regarded as of a political or administrative nature, provided that: (a) the provisions of this Order shall not apply to an Officer acting in pursuance of his official duties and with prior permission of the Governor; and (b) the statements for publication of factual and technical information may be made by Permanent Secretaries, Heads of Departments and other Senior Officers with the prior permission of the Government."

Civil servants are not privileged to present their own views on policy matters to the public, but rather are expected to provide these to their superiors who are responsible for deciding on policy.

In summary, therefore, civil servants may be called upon to present public policy in the course of their official duties. Responsibility for defending that policy, however, rests entirely with the individual(s) responsible for deciding upon the policy.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Madam Speaker, in the light of the answer given which, in effect, does recognise that

the civil servant is the executor of the work and of policy, and really not one to present and defend it, has there been any deviation from this policy in recent times in practise, with, for example, the situation of the Labour Law?

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

Hon. James M. Ryan: Madam Speaker, not to my knowledge. I have no information to that effect.

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

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

Since it is of paramount importance that the civil and political arms serve in their separate capacities, would the Member give an undertaking that this particular part of the responsibilities be adhered to in the strictest form so that civil servants may not come under possible political attacks, since they might, where they enter into debates or expressions with regards to political views in public forums?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I hardly know how to respond to that. Civil servants are all very aware of the General Orders and they all have access to it. I have had no complaint about any deviation from this practise. Unless I receive a complaint it is difficult to take any action.

The Speaker: The next question is No. 127, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 127

No. 127: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what has been the cause of disruption of water supply during the first three days of the week beginning 8th May.

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

Hon. W. McKeever Bush: Water supply was disrupted from the junction of Crewe Road and the eastern end of old Prospect Road through Bodden Town during the week of the 8th of May due to three breaks in the ten inch diameter water main feeding all areas east of this junction.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Minister say what was found to be the technical problem causing these particular breaks in the pipeline?

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

Hon. W. McKeever Bush: Madam Speaker, the problem dates back to the early days with the laying of the pipeline. Subsequent road work in the area creating additional pressure on the pipeline, combined with the poor laying accounted for the breakage.

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

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

It has been said in some quarters that the cause of these breaks is due to certain pieces of rock which is found in the material that was used as a base on which the pipes were laid puncturing the pipes. Could the Honourable Minister confirm if that is indeed the case and, if it is the case, is the Government looking to take any corrective action in this regard?

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

Hon. W. McKeever Bush: Madam Speaker, my understanding of the matter is that it has nothing to do with any rock in the water line. The problem resulted from the line being laid directly on bedrocks.

The Speaker: The next question is No. 128, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 128

No. 128: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture what is the present rate being charged for house mortgages under the Government mortgage guarantee scheme and what was the interest rate at the commencement.

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

Hon. W. McKeever Bush: Madam Speaker, the present rate of interest is 12 percent. The interest rate at commencement (August 1994) was 10-3/4 percent.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if, due to this large increase in the interest rate, there have been difficulties in re-payments on these loans, that the Government is aware of, under the loan guarantee scheme?

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

Hon. W. McKeeva Bush: Madam Speaker, the Government has no knowledge of any report being made to us of any problems with re-payments. I think the banks are doing a good job, albeit the rates increased, but we have given in the region of between 50 and 56 mortgages.

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, in the agreement under the scheme, there is a particular ceiling placed on interest rates? Or is there a possibility that they may fluctuate to whatever the current market rate is?

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

Hon. W. McKeeva Bush: Madam Speaker, the only ceiling that I know about is the one of 3 percent above the Cayman Islands' dollar prime lending rate.

The Speaker: That concludes Question Time for this morning.

The next item should have been a statement by the Honourable Second Official Member. There is an apology that he may not arrive in time to do so. Accordingly, it will be laid down for the following day.

Other Business, Private Member's Motion No. 9/95. The Second Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/95

SITUATIONAL ASSESSMENT OF CAYMAN AIRWAYS

Mr. Gilbert A. McLean: Madam Speaker, I beg to move Private Member's Motion No. 9/95 entitled, Situational Assessment Cayman Airways, which reads:

"WHEREAS massive amounts of money have been paid into Cayman Airways Ltd. since 1993 to date and major changes in management, personnel generally, equipment and its operation have taken place; and

"AND WHEREAS there is a subsidy of four million dollars being injected into the airline by Government annually; and

"WHEREAS changes in aircraft have very recently been made and a change of top management imminent with the leaving of the present Managing Director;

"BE IT RESOLVED that Government consider commissioning Simat, Helliesen and Eichner Inc (SH & E), because of its familiarity with Cayman Airways Limited, as a result of its past study, or such other specialised entity to undertake a review or situational assessment of the airline at this time."

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. 9/95, 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 is as a result of what appears to myself and the Seconder to be good management practise and good sense—that Cayman Airways, at this time, should be examined by an outside person to see what is its true situation at this point in time.

The airline has seen many changes in the past two years, among which have been changes in management. The former Managing Director was terminated and replaced by another person and he will be leaving the airline shortly, according to a public report. There have also been other changes, as we have been made aware of in this Legislative Assembly, where persons have left the airline by taking early retirement or taking certain offers that were made to them by management in scaling and cutting back on staff. Certainly, there have been considerable changes in aircraft. This has represented considerable financial commitment by the airline and, indirectly, by the Government through guarantees.

Cayman Airways each year receives \$4 million in subsidy. So the people have a right to know what is the

situation with the entity into which this money is being paid. The money has to be of the greatest concern, however there are other concerns and views which might be taken about Cayman Airways which have public connotations.

Cayman Airways has generally been looked upon as an object of pride by Caymanians. I believe one could add to this some non-Caymanians, for the mere fact that it continues to survive, what it represents and the services that it gives.

Cayman Airways is not a new acquisition, for Government came into full ownership between 1977 and 1978, when it had operated under a different type of arrangement. It has great importance to this country, in my opinion, in that it is the means by which the people of the Cayman Islands are guaranteed a communication by air between these islands and the outside world. To a lesser degree the three islands (through inter-island service) are connected with Cayman Airways. There are additional services in operation also.

It has forever been a very costly item to Government, and this has been through loans and cash injections. This has continued in recent times, and guarantees in large amounts have been necessary to a large extent. Another factor with regards to Cayman Airways is that from its very inception it has been undercapitalised, and that situation continued until 1993 when the largest loan amount was taken by the airline. It is my understanding that it was paid for after several long outstanding debts relating to its operation, its equipment, and various financial undertakings and dealings which had gone on prior to that time.

Madam Speaker, there is no entity—public company or statutory authority—existing in the Government to which they pay such a large subsidy as they do to Cayman Airways. This is an amount which appears each year in the budget, and it is a subsidy of \$4 million—which is significant, to say the least.

In more recent times Government issued a guarantee which was approved in Finance Committee on the 24th March, 1993, for \$2.6 million. On the 19th of July, 1993, Cayman Airways also had a \$2 million loan, which was converted to a subsidy earlier. On December 21st, 1994, Government gave a guarantee on behalf of Cayman Airways for a rental of \$3,060,000, and a maintenance and overhaul amount of \$1,987,500 making a total of over \$5 million. This was later amended to show a guarantee of \$3 million. In April of this year there was another guarantee of \$5,264,000. This collectively means that almost \$13 million in guarantees have been given by Government on behalf of Cayman Airways since 1993.

There are few people, at least from a political standpoint, who at this time would try to argue that Cayman Airways should cease to exist and that Government should close down its operation. This is largely so because of the points I noted earlier: the services that it

gives to the islands, and the fact that it is linked to the outside world for the people of the Cayman Islands.

We heard from the Minister responsible that Cayman Airways is doing well—it has made a profit. But while hearing those pronouncements, the accounts of the airline have not been forthcoming; the two things would seem to contradict each other. Now that there seems to be an imminent change in the management of the airline and, for the second time, a Caymanian seems to be slated to take over—albeit he will be a General Manager and not a Managing Director—it seems only right that the people of this country know the true situational assessment of Cayman Airways at this juncture.

For one thing it would give the Managing Director-to-be an opportunity to have something official to show where the airline is when he takes over. It would not be left to himself to lay claims to what he found, but it would be done by an outside body specialised in the business of Cayman Airways's operations.

Madam Speaker, in 1992 a study was undertaken by two well recognised companies who did a comprehensive study on Cayman Airways. It could hardly be said that any management of the airline would not have some detailed documented facts about Cayman Airways, along with recommendations as to what was thought to be its best courses of actions for its aircraft, its personnel, and the business which it might undertake.

In the Resolve, the Motion requests the Government to consider commissioning Simat, Helliesen and Eichner Incorporated (SH & E), or such other specialised entity, to do such an assessment. For myself and the Seconder it really does not matter which entity undertakes the assessment, but Airlingus, or SH & E as it was called, has already done a large scale study on Cayman Airways and they would be familiar with its operations. In our estimation it would be logical that one would seek to have this entity do so. It should hold down the costs because they would not have to go through the ground work information, and so on, on the airline.

Madam Speaker, this request of the Government is seen by myself and the Seconder as something that the Government may already see the need to do. If not, they should be willing to undertake the request because of the clear need for such a thing to be done at this time. It is, therefore, our recommendation to this honourable House, as contained in the Resolve of the Motion, that such a review be undertaken.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, in my view this Motion is geared to stir up political upheaval in Cayman Airways and to bring it back into the political arena so that those who wish to benefit in the next General Elections can use it as a political football. What I have done over the past years is to substantially take Cayman Airways out of the stage—many times the disgraceful

stage—where it had been used by politicians to further their best personal interests relating to voting.

This is indeed a strange Motion because when Cayman Airways had consultants—not just one set of consultants... and I will show by the stack of consultants' reports that I have on this table here, the amount of paper and the fantastic costs that incurred—it was losing, and losing, and losing and losing.

After I became the Minister responsible for Cayman Airways we did the restructuring, and a new Managing Director was put into position. Cayman Airways is now at a stage where, with the subsidy, it is making a profit. Why in the world would someone, who knows very well the heavy losses of Cayman Airways (which I will show in detail) when they had consultants ... and believe you me, Madam Speaker, they had consultants. I doubt if anyone in a matter of months could even try to absorb the amount of advice that was given by consultants, mainly from Simat, Helliesen and Eichner Incorporated (SH & E). Why in the world would we go back to consultants when I have pulled Cayman Airways out of its financial problems?

Members in this House, at times, attempt to criticise me—and I think that is perhaps one of the most laughable types of criticism—for being too well qualified. But the people elected me into the House to sort out problems that Government had, and I do not think either the Mover or the Seconder can say anything other than the fact that Cayman Airways is now in a position that is 100 times better than it was back three years ago when SH & E and the other consultants were giving advice.

I do not like to boast, Madam Speaker, but my qualifications are not only in Law. I hold qualifications in Banking, I am a qualified practising banker—not defunct in any way—and I also hold qualifications in matters such as Credit Management and areas that are important to the management of a company. Therefore, I will show the public how, without the help of consultants, we have reached the point where we are.

Let me say this, Madam Speaker, I have nothing against consultants. But when you look at the facts, Cayman Airways was paying close to \$0.5 million for consultants and there are reports here that I will go through on just about everything that Cayman Airways did or could have thought to have been doing—and it was making massive losses to the extent where the Managing Director recommended, as an option, to shut down and liquidate Cayman Airways on the 1st of January, 1993. Whether they like it or not, this Government, the National Team, has put a lot of effort in pulling Cayman Airways [out of debt], for if Cayman Airways continued to lose money at the rate of \$12 million to \$14 million a year the country would have gone bankrupt. That is why the last Government (and, as we understand it, the Government that is being put forward by some of the Opposition politicians these days) at the stage where Cayman Airways was losing at the rate they were going, and the losses made by the Government, both Cayman

Airways and the Government would have been bankrupted. The country could not go on, Madam Speaker.

I believe that the two Opposition Members who put this Motion forward know very well because we opposed the heavy debts, the heavy losses Cayman Airways had back a few years ago when we were all together as Opposition Backbench Members. I do not understand now what this Motion is all about. If I could steer Cayman Airways the last two and a half years (when I say "I," I am talking on behalf of the Board, the Managing Director, and the persons who sit in at those Board meetings, such as the Attorney General, and the Financial Secretary, especially) out of the massive losses that it was making and, for the first time, it appears to have a future. But the aim of this Motion, Madam Speaker, like some of the moves in this Legislature, is now aimed at destroying Cayman Airways again. The Opposition, I know—

Mr. Gilbert A. McLean: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, Honourable Elected Member?

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, the Minister responsible for Cayman Airways is wildly rambling again, and accusing me directly—not even through innuendo—of trying to destroy the airline by asking that a situational assessment be done on the airline.

Madam Speaker, I ask for your intervention.

The Speaker: Honourable Minister there is a point of order. We need to get out of allegations and, please, just confine yourself to presenting facts rather than allegations against what other people are proposing. Please, Honourable Minister for Education and Planning.

Hon. Truman M. Boddien: Thank you, Madam Speaker. I will rephrase it: In my opinion this Motion is one that is going to seriously hurt Cayman Airways because when we bring in experts to do a situational assessment, it is going to throw it back in the political field. Now, whom-ever that cap fits may pick it up. I am speaking generally hereafter.

My view of this Motion is that it is going to damage Cayman Airways. I say that, Madam Speaker, with the full knowledge of the damage that has arisen in the past, and that we can expect in the future [if] Cayman Airways is put back into a situation where these assessments [are called for] and the experts begin to dig in and raise nonsense in relation to Cayman Airways.

This Motion achieves nothing. If Cayman Airways had not been losing the \$35 million that it lost in two and a half years when it had experts, then I could understand it. But, if nothing else, they [should] accept that I have

the ability to pull Cayman Airways out with the help of the National Team...

Hon. W. McKeeva Bush: Hear, hear!

Hon. Truman M. Bodden: With moves, at times, against the National Team I have been able to pull Cayman Airways out of a situation where the last Government would have shut it down on the 1st day of January, 1993—perhaps to the joy of the two Opposition Members. That is what is hurting them.

Madam Speaker, if Cayman Airways goes back to making the losses that it made before then, they know—it is obvious, the Government could fall with Cayman Airways. So I submit, Madam Speaker, speaking generally, that the attack from now on is going to be against Cayman Airways in any way that they can cripple the revenue of this country or increase its debts.

Cayman Airways has progressed well. It has progressed well because I have managed to keep it from being a political football. My aim is to keep it that way, and I hope that the staff of Cayman Airways clearly understand that it is important that they keep out of the political arena and ensure that we carry on the business of Cayman Airways in the normal way and avoid the type of political overtones that an inquiry, or a commission it presumably is... because we are supposed to commission SH & E to carry out a review and a situational assessment of Cayman Airways.

Madam Speaker, it seems that this Motion is falling into the same mode the last Government fell into. They believed that if they surrounded themselves with experts from abroad, and spent millions of dollars, that they were supposed to get good results. But you cannot get good results unless the people who are giving the advice have sufficient sense to know what to do with it.

The last Government had more experts, consultants, buddies and friends, [to whom] they paid millions of dollars, than any other government in the world. There are reports, such as ones I will show here on areas of Cayman Airways, that I do not really know why they even did an assessment of it. The difference is that the National Team and this Government, and I, have had the ability to do what is nearly a miracle.

People accepted that with Cayman Airways draining this country at a rate of \$10 million to \$12 million a year it would had to have been shut down and hundreds of people would have been out of work; we would have had no airline, and we would have had damages. I will show how we have gotten out of the damage that was left by the last Government, which this Government could not have paid for had we shut down Cayman Airways in January of 1993.

I went through that assessment, Madam Speaker, because at the rate the airline was losing money, this Government could not have come up with \$40 million to close it down. It was a simple fact. If I had not done something with Cayman Airways and got it back on its

feet, Cayman Airways would have bankrupted this Government. It could not have raised \$40 million just to put into Cayman Airways.

In fact, Madam Speaker, the last Government passed in July of 1992—I will go into that in some detail—a loan for US\$20 million and they could not get it. The Government's credit was so bad that they could not get the \$20 million—until the new Government got in and produced a budget early in the middle of 1993, and until the bankers looked at it, they were not prepared to lend that money. So the fact is very clear: if Cayman Airways had continued on, Government could not raise \$20 million (we know they could not raise \$40), therefore, Government would have been bankrupted along with Cayman Airways. That worried not just the people of this country, Madam Speaker, but also the United Kingdom Government as well because there were external international debts that they may have been morally obligated to pick up.

If anyone believes that the situation was nice and simple when I took over Cayman Airways... I looked at it, Madam Speaker, and I said a silent prayer and, thereafter—and thank God on this—Cayman Airways Board meetings began with prayers, the same way the House begins with prayer, which, I understand, does not go on the radio at all times... which I think should go on the radio, for what it is worth. But it is important for people to know the seriousness of the situation that existed at Cayman Airways then.

I do not mind saying that I looked at Cayman Airways with my many years of experience in businesses. While I said to my colleagues and the Governor that I would do what I could, I realised and said to them that this was one of the worst situations I had ever seen in any company during my 20-odd years in Law and in Banking.

I am also a qualified Administrative Accountant. I can understand balance sheets.

I do not believe that a situational assessment is going to get us anywhere, because I am going to now show that there was a situational assessment done by SH & E on November 30th, 1992. They came down here, presumably to give a report card on the Managing Director and on Cayman Airways. Now that I have explained the drastic stage Cayman Airways was in, let me just tell you what the assessment produced.

On passenger revenue SH & E gave an "A+" grade; on reservations they gave Miami "A," they gave Grand Cayman "incomplete"; Marketing-oriented schedules got "A-". Some of these items had no grades, I do not know what happened there, they did not have enough time because this was, in my view, brought in to cover the last Government in the mess that existed then at Cayman Airways. What is very interesting in 'aircraft leasing' they gave them no grade [Member's laughter]. When they were paying \$310,000, their goal was \$60,000 to \$90,000.

In food and beverage expenses they gave them a grade "B"; on ground handling expense they gave them "A"; on advertising promotions they got an "A"; on aircraft fleet renewal—and this one is wild—they got an "A-".

For selling the 727-200s, taking the \$12.5 million and wasting it within a matter of nine months, purchasing two 737-400s at a cost of approximately \$7.2 million a year with a commitment of \$112 million, then losing \$34.5 million in two and a half years—they got an "A-" on it. For the inter-island service they got an "incomplete."

I am going to show that what the Second Elected Member for Cayman Brac and Little Cayman is doing now, when he refers to the heavy subsidies, is going to hurt the Sister Islands. It is going to mean... and I will show where the losses that I now have are, and if the Second Elected Member for Cayman Brac wants to reduce the subsidy and cut Cayman Airways out of Cayman Brac, then let him put it forward as a substantive Motion.

For other revenue they have an "incomplete," and an "A" on flight crew salaries and expenses.

The staff of Cayman Airways had not had a salary increase in two or three years and some salaries had been reduced. It was not until about a year ago that they received any salary increase. That, Madam Speaker, is most of what I think is relevant from this [report].

Now, that was SH & E's situational assessment of Cayman Airways. If Cayman Airways could get "As" when it was \$40 million in debt; losing \$10 million to \$12 million per year; had law suits against it in the United Kingdom by GPA for money they could not pay, some \$5.5 million; the Managing Director had stated that one of the options that would have to be followed, unless there was a massive injection of capital, was to shut down Cayman Airways—if they could get an "A" then, Madam Speaker, I do not need to hire them now. I can give myself an "A," because we are now back into earning a profit after the subsidy. In other words, the subsidy has not been used.

For the first time Cayman Airways, and I will show this further on in detail, actually has a buff on its overdraft of perhaps \$1 million or \$1.5 million, and we are paying back the loan the last Government left at a rate of \$600,000 per year. Why in the world do I need an assessment?

My assessment, Madam Speaker, has been the public. The public overwhelmingly put me in this House and I believe, the public is happy with Cayman Airways. I believe the public gives what the National Team and I have done an "A". Quite frankly, SH & E would have to create a new alphabet when they look at the difference between what the situation was a few years ago when they did the assessment and the situation now.

I will show, Madam Speaker, that SH & E did not believe that this could be done. What I have done, the experts believed

could not be done. So why would I need experts? It is just another waste of money.

I do not mind saying that when I took over Cayman Airways I cut out all the experts. I cut out a lot more than the experts. Money was being wasted all over the place and the Government at the time even had a firm of lobbyists in the United Kingdom in relation to Cayman Airways, which I did not even know existed—not on parliamentary matters but a lobbyist for Cayman Airways too. I cut the whole lot, including SH & E.

It seems to me that even the Chamber of Commerce in its assessment, despite where it ran off the track, gave an excellent report on Cayman Airways. I do not really believe that the Mover and the Seconder of the Motion can believe anything else other than that miracles have been done with Cayman Airways. There are problems that still exist, I am not saying that [they do not], but we have been able to deal with them.

We had a situational assessment done on Cayman Airways back in November of 1992. They got a report card showing literally "A" on everything when they were in such a state that they would have had to have been shut down within two months of that.

Madam Speaker, the Motion states that massive amounts of money have been paid to Cayman Airways since 1993. In my view, without saying any more and without the Mover expanding on it, is a totally misleading statement. The US\$20 million that went into Cayman Airways was as a result of a Motion brought by the Honourable Norman Bodden in the Standing Finance Committee on the 3rd of July, 1992, to pay for past debts.

Madam Speaker, if I had been given \$20 million to use in the future for Cayman Airways, I would have had the interest on that now at a rate of maybe 8 percent and still have had the \$20 million because I did not need it. I could have used it, I could have used even \$1.0 million out of it, but the \$20 million was going to pay back the \$40 million in debts left by the last Government.

Madam Speaker, notwithstanding getting a "A" report on SH & E's report card, if people have any doubt as to where Cayman Airways was, I would just like to read a few things from the Finance Committee Report of 3rd July, 1992, by the then Member for Aviation. I read:

"Madam Chairman, over the past two years the efforts of Government and the Members of Finance Committee have all been concentrated on helping Cayman Airways to succeed and survive.

"This help has been through financial assistance at various levels and through different means; through an annual operating subsidy which often proved inadequate, through guarantees and loans and through studies conducted by airline experts.

"The financial statements to June 30, 1991, were recently tabled in the Legislative Assembly. This shows very clearly the seriousness of Cayman Airways' situation."

He goes on to say: **"Secondly, that a capital injection of CI\$16.8 million be made as early as possible by Government, negotiating a loan from a bank or banks in the private sector,...."** Well, it has to be that loan the Mover is

referring to, but has very carefully put in the clause that does not identify why the massive amount of money had to be paid in, or where it was paid from. So this was an act of the previous Government.

The situation was clearly set out on page 10 of the Finance Committee Report by the Honourable Financial Secretary, it says: "**When one looks at what the situation of Cayman Airways is as of the 31st of March, one can well assume that probably US\$20 million or CI\$16.8 million may not solve the problem initially.**"

"**The Member [Mr. Norman Bodden] circulated some interim financial statements to Members of this House and it showed that as at the 31st of March, the accumulated deficit of Cayman Airways amounted to approximately \$35 million.**"

So, Madam Speaker, there is no doubt... and he went on further to say on page 11: "**Finally, I have never deluded myself into believing that Cayman Airways will ever make a profit, and the other Members may want to take issue with me on this, but I believe that once the operating aspect of Cayman Airways can be defined as to the likely revenue that will be generated as against the operating expenses and the subsidy decided upon by the Government, be it \$3 million, \$4 million, \$5 million, \$6 million, I think all of that can be brought together in order to achieve a break-even position.**"

So, the Government at that stage was looking at a possible \$6.0 million of subsidy.

Madam Speaker, there is no doubt that Cayman Airways capital injection that we received in early 1993 was as a result of losses that had existed at the time and that were continuing. I want to point this out, it was not as if when I took over the losses stopped. The losses carried on for several months until the downsizing could take place.

The consultants were not the ones who said that Cayman Airways was bankrupt, it was the auditors. So, let us not confuse the auditors, whom we still have (external auditors) with consultants. They were not the ones who made the statements. Those statements were in the Auditor General's Reports of the latter years, I think maybe 1991 and 1992. The reports were very clear.

While the Second Elected Member for Cayman Brac and Little Cayman is trying to say that Government only had the liability of the guarantees on the leases at the time, there was a statement in the audited report, which has now been removed, which specifically says that Government would be responsible for debts of Cayman Airways. I will read that back and deal with it because in my view that possibly put the liability of \$112 million on Cayman Airway's and the Government's backs.

But, once again, without experts I negotiated (along with the help of the Managing Director, the members of the Board of Cayman Airways and the staff) out of a lot of liabilities—without the help of SH & E and the two Opposition Members.

In fact, the continuous questions put, especially by the Opposition Members, on Cayman Airways—some of them stupid questions, such as, "How many passengers have you carried in ten years?" which I fail to see the relevancy of—have only cost Cayman Airways more problems. We have wasted time having to answer them and they have consistently tried to chip away at it and, I submit, hurt Cayman Airways with some of the questions that have been raised.

Mr. Roy Bodden: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, Honourable Elected Member?

POINT OF ORDER

Mr. Roy Bodden: Yes, Madam Speaker, I think the Honourable Minister, in proposing that the Opposition poses stupid questions, is casting an un-flattering reflection on the Chair who has to approve questions. I object to the Honourable Minister describing questions as "stupid questions," when they have to pass the sanction and the approval of the Chair.

The Speaker: Again, that is a valid point of order, because questions receive the final approval of the Chair and come before this House. I do not think any Chair would admit stupid questions, and the questions receive answers in due course.

So, could you refrain from using that expression, Honourable Minister?

Thank you.

Hon. Truman M. Bodden: Sure.

Madam Speaker, some of the questions which have been approved by the House, then, have wasted Cayman Airway's time, such as the one I mentioned. So I am not implying anything, the question was properly here. But I am saying that it has wasted the time and money of Cayman Airway's to reply to questions which seem to have only a damaging effect on the airline, from the point of view of Cayman Airways .

The Speaker: Would you take a break at this time, Honourable Minister?

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

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.38 AM

PROCEEDINGS RESUMED AT 12.03 PM

The Speaker: Please be seated.

The Honourable Minister for Education and Planning, continuing the debate.

Hon. Truman M. Bodden: Madam Speaker, I can pick up a consultant's report on just about anything that I want to or need to at any time. The report that I relied on heavily in the early days was one from Aviation Services of Ireland. This was just a short report (perhaps about 80 or 90 pages), and it was a report on aspects carried out in 1991 on Cayman Airways. It is one report that I went back to from time-to-time in the early stages.

Madam Speaker, the National Teams' Manifesto on Cayman Airways reads so closely to what was the right thinking then, even though we could not foresee the future, that it is sometimes frightening to realise how accurately the National Team assessed Cayman Airways' position and what should be done to curb the massive haemorrhaging of public funds that was going on then.

I would like to just read this, because it laid the ground work for the National Team's success with Cayman Airways—every member of that team, including the First Elected Member for Bodden Town who was a member of the National Team and also adhered to this Manifesto. What was in this was so accurate and worked so well, that I would like to read it. It reads: "**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...."**

I would like to inject here, Madam Speaker, that we are very lucky to have the Managing Director that we have now, who was on one of the teams in the ASI report at the time.

The \$450,000 that the last Government spent on all of these reports from SH & E, if they had tried to find one good person who had contributed to the reports as we did, and employed them at far less than that, they would have gotten better results. I think that the highest praise has to be given to Mr. Ray Wilson, who came to us from the Irish Airlines, for what he has done and the difficulties under which he did it, because in the early days politics were a lot more rampant in Cayman Airways than it is now. We are not going to let the airline go back to that stage.

Reading from our Manifesto: "**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 know what happened there, Madam Speaker, with the New York route. Promotions done by Cayman Airways and the Government in New York... at one time the losses reached nearly \$4.0 million in one year. That is money that came out of the public's pocket. We cut back the jet fleet to two and we

eliminated some of the routes. We cut the Turks and Caicos route, the New York/Baltimore route, but kept the Sister Islands route. And I want to come back to that because the subsidy that Cayman Airways now receives is a subsidy largely for moving passengers freely to and from the Sister Islands.

Of all people to attack the subsidy is the Second Elected Member for Cayman Brac and Little Cayman. It goes to show how out of touch he is....

Mr. Gilbert A. McLean: Madam Speaker, on a point of order.

The Speaker: May I hear your point of order, Honourable Elected Member?

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, the Honourable Minister responsible for Cayman Airways, Education and Planning is deliberately twisting and misleading the House, in talking about me attacking the subsidies of Cayman Airways which are largely used for the payment of the aircraft to fly to Cayman Brac.

The Speaker: Honourable Members, I think there must be a certain leeway in discussion, but I think what is more important is that any sort of derogatory contribution should be eliminated.

Shall we not deal with the subjects as issues rather than inferences that Members may be "out of touch," or whatever. Please let us keep the debate on the issue before the House.

Honourable Minister, would you please continue?

Hon. Truman M. Bodden: Madam Speaker, with respect, the second recital of the Motion says: "...WHEREAS there is a subsidy of \$4.0 million being injected into the airline by Government annually." The Member has spoken on it. He has said...

The Speaker: Honourable Minister, you did infer that he was "out of touch," and that is the point that the Honourable Elected Member objected to and raised. I think that is absolutely unnecessary in a debate. Please continue. We know what is stated in the Motion. Let us leave out expressions of the way we think other people are—whether they are in or out of touch.

Can we just continue on the issue and the items before the House? Thank you.

Hon. Truman M. Bodden: Madam Speaker, the subsidy itself that is paid—and I will show this—is paid largely because of the heavy losses that Cayman Airways has on the Cayman Brac route. And that is well known to Members of this House. That arises out of an effort to help the Sister Islands passengers travel at the same price from Miami or Tampa to Cayman as they do to Cayman Brac. Therefore...

The Speaker: Honourable Minister, please. Now you are entering into a debate with me. The Member has raised a point because you did say that the Member was "out of touch." That is the particular aspect of your contribution to which I refer. I think that we need to get away from saying that people are out of touch or anything in that respect.

He has raised an objection to that, and I am just saying could you please continue your debate without saying that the Member is out of touch, or any expression about how you feel about a particular Member. That is all I am asking

Please continue to go on with your debate, Honourable Minister.

Hon. Truman M. Boddin: Madam Speaker, I did not realise that I had said anything about out of touch again. But I am just going to deal with the subsidy to Cayman Brac now...

The Speaker: Please continue, thank you.

Hon. Truman M. Boddin: ...and it is set out in the recital. That subsidy is there to help the people of Cayman Brac and Little Cayman so that their economy can thrive. It is there because people travelling on Cayman Airways go at the same fare from Miami/Cayman/Cayman Brac as they do from Miami or Tampa to Cayman or wherever. If the subsidy that has been spoken of by the Second Elected Member for Cayman Brac and Little Cayman, which apparently gives the Member concern, is pulled, then it is the equivalent of pulling the routes of Cayman Airways from Cayman Brac, because the subsidy is directly put in there to assist Cayman Airways in flying to Cayman Brac.

Therefore, Madam Speaker, any move by any Member—and speaking generally—to try to reduce that subsidy, or to in any way get at it, means that the people of Cayman Brac and Little Cayman will suffer. It is there to assist those people and whoever does not understand that in this honourable House has a shortness of memory if they do not know why the \$4 million in subsidy is there.

I know that there are politicians who over the years, and more recently, have attacked this but they have to understand that the repercussion and the fall-out is going to be on the population of Cayman Brac and Little Cayman because their tourism is going to suffer. Therefore, the people of Cayman Brac and Little Cayman are going to suffer if the injection of subsidy is not given to Cayman Airways.

When we fly people on that route, and they do not pay anything extra, then we obviously must make a loss. I submit that anyone (speaking generally) who attacks Cayman Airways or the subsidy, is attacking the people of Cayman Brac and Little Cayman—and I am speaking generally—I submit that this subsidy has to continue. In fact, it looked to me as if the last Government was con-

sidering moving it up to \$6.0 million. Anyone who cannot see how Cayman Brac and Little Cayman are benefiting from Cayman Airways and the subsidy they are getting, is distant to the problems of Cayman Brac and Little Cayman.

Reading now from the Manifesto again, it says: "**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, Madam speaker, we kept the same Board of Directors which Cayman Airways had, and that continued throughout the two-odd years since. We did set guidelines, and what has helped tremendously is that the Honourable Financial Secretary, the Attorney General and myself sitting in at Board meetings. Guidelines have been put out and there is accountability. We no longer have a Management Committee with very wide powers. And we know what happened in the early days, it appeared at times that the Executive Committee (which we abolished and which was mentioned in paragraph 5), made decisions which only came to the Board for ratification after [the decision had been made].

I read again: "**5) Abolish the Executive Committee as recommended by the consultants and reduce the Managing Director's power and review this position.**"

"**6) Institute better management, staff communication, participation and team work ethics and review CAL's reservation system.**"

These have all been done and it has worked.

"**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.**"

The public needs to be reminded that there was a judgment against Cayman Airways in the United Kingdom by GPA of approximately \$5.3 million. But three years into the judgment Cayman Airways had to take back two 737-400s at a cost of \$20 million.

Madam Speaker, we negotiated our way out of that. That alone would have triggered the bankruptcy of this country because by then, when Cayman Airways had grounded the two 737-400s (one was taken back and the other was grounded) they had gone ahead and leased a third 737-400 from ILFC. If that was not economic madness, Madam Speaker, then I have never seen it. Because at that stage...

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

Mr. Gilbert A. McLean: Madam Speaker, I move on the point of relevance in regard to the Resolve of this Motion which asks Government to consider commissioning an

entity to undertake a review of a situational assessment of the airline, Cayman Airways, at this time.

The Speaker: I am afraid that is not a point of order, because the Honourable Minister is at liberty in expressing his view to bring in any relevant issue he wishes, which is what he appears to be doing at the moment. So, it is not a valid point of order.

Honourable Minister, would you continue please?

Hon. Truman M. Boddin: Yes, Madam Speaker, we have to remember that SH & E in their situational assessment gave Cayman Airways an "A" for their, what I referred to as, economic madness.

So, we had a situation where Cayman Airways had gone bankrupt (and I will show this from the Auditor General's Report), and because of that, I submit, had been the selling of the two 727-200s and the leasing of the two 737-400s which they could not afford. While getting rid of one of them, and grounding another... and, by the way they not only owed money on the extra 737-400 at the end of 1992, but they also owed ILFC money on the 737-200s which they had.

What we now have is obviously better management and communication. Paragraph 8 of the Manifesto says: **"8) In light of CAL's serious losses of US\$20.0 million for the two financial years, 1990 and 1991 to 30th June 1991, and US\$4.8 million for six months ending 31st December 1991, immediately action will be taken to reduce future losses."**

That we have done, Madam Speaker. The National Team has put Cayman Airways back on its feet. I hope all Members of this House and the people of Cayman Brac and Little Cayman will listen carefully. Paragraph 9 says: **"9) Ensure that there are regular, practical flights to, from and between Cayman Brac and Little Cayman which are convenient."**

We have increased the flights to Cayman Brac and we know that flights to Little Cayman have also been increased.

Perhaps, Madam Speaker, one of the things that created very heavy liability on Government... and I want to point this out because the Second Elected Member for Cayman Brac and Little Cayman seems to believe that because we have guarantees, now equalling about \$8.5 million, that this is large compared to what existed before.

Madam Speaker, the audit by PriceWaterhouse dated the 4th of September, 1992, which would have been from December 1991, had this to say. I read: **"Without qualifying our opinion, we draw attention to the following matters which are more fully discussed in Note I to the Financial Statement. At December 1991 the company's current liabilities exceeded its current assets by \$20,422,488 and its total liability exceeded its total assets by \$16,669,547."** Therefore, the company was technically insolvent.

"In view of the significance of the excess of the company's current liabilities over its current assets; the company's inability to generate sufficient cash flow to meet its liabilities; the company's wholly dependant upon the financial support of the Government if it is able to discharge its obligations and continue to as a going concern.

Subsequent to 31st December, 1991 Government has indicated that it is intends to make \$20 million available to the company to assist it to meet its financial obligations."

Prior to 31st December, 1991, it was well accepted by the auditors that Cayman Airways was technically insolvent and that at least \$20 million was needed (as they put it) to assist it to meet its financial obligations. We know that in 1992 the situation worsened further, so the debts had increased to close to \$40 million when taken in total. The statement of the Government continuing to assist Cayman Airways was one that obviously could have created liability.

Let us now look at some of the many reports here, and look at Cayman Airways today and where SH & E placed it only a few years ago. This is one of the reports of SH & E called, "Financial Feasibility Subsidy/Route Value and Future Development of Cayman Airways," which was done sometime on the 9th of August, 1991. On page 7 it states: **"CAL's estimated financial year 1991 net losses are \$7.9 million excluding subsidy."**

So that is actually \$12.3 million in loss. It goes on to say: **"This corresponds to an extremely high 19.5% of pre-subsidy revenue. To frame the magnitude of this loss, consider that for an airline the size of Pan Am, a loss margin of 10% (1.5 of Cayman Airway's loss margin) would result in an approximate \$350 million."**

"Another way of looking at CAL's projected financial year 1991 loss is to portray it as \$22,000 per day or over \$20 per passenger."

And we know that that worsened.

The question of whether the present jets, as referred to in regard to the change of equipment, whether that was right or not... I do not believe the Second Elected Member for Cayman Brac and Little Cayman challenges the position that the selling of the 727-200s and the leasing of the 737-400s was wrong.

Madam Speaker, in a Dissenting Statement to the majority report of the Standing Finance Committee in 1989, the Report, signed by the Honourable Minister for Agriculture, Communications and Works, the Second Elected Member for Cayman Brac and myself set out what was a very wise position at the time. I would like to read just parts of the report. It says: **"We, the undersigned Members of the Standing Finance Committee, [the three members] hereby submit the following dissenting statement objecting to the leasing of two 737-400s and subleasing CAL's 727-200s to preserve the present position until the matter can be properly dealt with."**

The grounds are broadly... that we received a bundle of papers numbered in no particular order, about 89 sheets, some of which were not legible having been photocopied many times apparently, they were received by some Members as late as Tuesday afternoon for the meeting on Wednesday morning at 9 o'clock.

We stated very clearly that the reasons for opposing them were that firstly, Cayman Airways had, for the first time in 1989, reached a stage where it was showing a profit that had not been shown maybe in 10, 12 or 14 years earlier. We pointed out that the present jets were on a lease purchase, and we know that Cayman Airways got \$12.5 million for them and took an option to buy them back six years later at \$16 million. I will not call that financial madness, but it was not very prudent financial management.

We pointed out in this that, **"the leasing of another person's jet places a very heavy burden on Cayman Airways and a breach of the lease can mean loss of the jets, and we are back to square one with no flying equipment other than the shorts."** This actually happened, Madam Speaker, and when we got into office ILFC was owed \$1.5 million and they were taking back the last two 737-200s that were there. We met with them and got it put off and paid them money.

The minority report itself has set out in a summary form (because it is a fairly long report) the following: **"The undersigned Members therefore, having regard to the shortness of time given the inadequacies of the documents and reports; the failure to fully present the case; reserving the present jets at the present position; the total failure to state the inherent risks of leasing new jets and sub-leasing the present jets; failure to consult the public on a matter of such major importance; the speed at which the deal was pursued without having other competitive bids at the time and the ultimate high costs brought about by the lessors of the 737-400s being able to name the price they wished, and a failure of Cayman Airways to produce and discuss its overall financial loss position. We have no alternative but to vote against the leasing of the 737-400s and sub-leasing the 727-200s to preserve the present position and to allow this complex matter to be dealt with in a timely and more informed comprehensive way."**

This country would have saved \$35 million by this wise minority report of the Second Elected Member for Cayman Brac and Little Cayman, the Minister for Communications Agriculture and Works, and myself, who, at the time, were basically the Backbench Opposition Members. We had the foresight to know that the sale was wrong because we would have at this stage, from two years ago, owned the 727-200s and not have to pay lease payments on them. Can you imagine where Cayman Airways would be today? Owning assets—the 727-200s. Let me remind the House that they were 168 to 175 passenger jets, they carried 10,000 more pounds

freight than the ones we now lease, and they were very much accepted.

If we could do what we did against the odds we had then, I would have been able to stand here and fully assure this honourable House that the future of Cayman Airways would be very bright because our profit would be in the area of \$2.5 million more than it is now. Secondly, what we put into those 727-200s would improve the asset.

When we look at the wise words of the Second Elected Member for Cayman Brac and Little Cayman (when he kept better company)... we looked at what SH & E had to say about his wise decision. On page 4 of the Report on Cayman Airways' Routes and Aircraft, SH & E said this: **"CAL's decision to dispose of its B-727 aircraft was an excellent and extremely well timed decision. The disposal was well executed, generated substantial net cash, and has an annual continuing value to CAL in excess of \$1.5 million."**

"Replacement with B-737-400 aircraft was a good, [once again, was a good] but not necessarily the best, decision based on the facts at the time."

Now, Madam Speaker, I really do not believe that any Member of this House, including the Opposition, can stand here today and say that they support that opinion. I am not trying to get at the experts, okay? Consultants are consultants. But I want to show, Madam Speaker, with hindsight, how we were right and what the experts said at the time has proved to be so wrong, because we know that Cayman Airways' losses resulted directly from the leasing of the 737-400s—the Managing Director admitted it at the time, the Member responsible at the time admitted it, the Government admitted it at the time, and then there was a scramble within one year after leasing them to get rid of them.

So, I am not too sure whether the Second Elected Member for Cayman Brac and Little Cayman, having made such a wise decision on his own without SH & E, now may wish to rethink their opinion on how wise, excellent and good the decision Cayman Airways made at the time and why we should go back and get another opinion from them.

In another area of the report on page 27 under "Fleet Decisions," SH & E stated: **"By both subjective and quantitative measures, the B-727 disposal was an excellent decision; and replacement with B-737-400 aircraft was a good decision based on the facts at the time."**

Madam Speaker, if the decision was excellent and good, how did the results turn out so bad and catastrophic? All I can say is that, at least at the time when we looked at it and subsequently made further statement, of which the Second Elected Member for Cayman Brac and Little Cayman was involved in, we agreed on those decisions.

The course we took then was one that was right and, unfortunately for the public of this country, because they have to pay back the \$35.0 million of debts, they

could have continued paying that over the next 16 years. It will not be forgotten early. That could have saved them if they had followed the Backbench at the time.

At the time the Government had the benefit of the accountant, Mr. Linford Pierson. In an article of the 2nd of August, 1993, in the Caymanian Compass, on the front page headlines, 'CAL deal with Alaska Airlines' I quote: "Almost an offer too good to be true". We know that that statement and, as it mentions in here, what Mr. Linford Pierson referred to as a "sweetheart deal," was the ultimate disaster for Cayman Airways.

Madam Speaker, that report goes on to say that the then Member, Mr. Linford Pierson, referred to this as a "sweetheart deal," and it was too good to be true because it is like selling a motor car to someone for \$12 million (which is what we sold the jets for) and then buying it back five years later for \$16.0 million. That just does not make sense; as the car gets older (as the jet gets older) it is bound to cost less.

They went on to say how Cayman Airways was now well capitalised for the first time—and we know that they went through that capital in nine months. Twelve and a quarter million dollars was blown in nine months. In fact, Madam Speaker, the Member at the time and the other Executive Council Members noted, "CAL was finally in a good cash position with the deal." That is true. For the first time Cayman Airways had capital. It had debts but it had \$12.25 million in cash.

Not only did they spend the \$12.25 million, but the \$20 million that they passed in July in Finance Committee was also spent, partly before and partly after the sale of the 727-200s. By the way, Madam Speaker, they now appear newer than the 737-200s we were flying.

Be that as it may, Mr. Linford Pierson (the Member then) on the 10th of August, 1989, said words to this effect when talking about this: **"You hear them talking about the sweetheart deal with Alaska Air? Of course it was a sweetheart deal, but none are so blind as those who fail to see. There are some of the Members of the Legislative Assembly who walk around with their heads filled with misinformation. They make you believe that they know what they are talking about. But how can they understand the intricate, complicated financial matters? [this is the interesting part] They are not trained in these matters, how can they understand them? It is difficult enough when you are trained on those matters, but they are the first and they are the loudest to shout information.**

"The genesis and the basis for the sweetheart deal of Cayman Airways came about because of certain ... and I will not go into the detail of this because it will be in the newspaper tomorrow all mixed up, but it was because of certain tax concessions."

Madam Speaker, in looking back on this and having been chastised, not just myself but the entire Backbench at the time who were involved in this and who were against the sale, by Mr. Linford Pierson... Quite frankly, I wonder who got the sweetheart deals? Because it sure was not Cayman Airways—it bankrupted Cayman Airways.

Mr. Linford Pierson mentioned the large amount of profit that Cayman Airways was going to make. What a joke. Really, what a joke. But the unfortunate thing, Madam Speaker, is that the people of this country are now paying for that \$35 million and they will be paying it for a very long time to come.

Even after the 727-200s were sold, the then seven Backbenchers, which included Mr. Franklin Smith, on the 10th of July, 1989, tried to stop the leasing of the 737-400s even though the sale of the 727-200s had gone through. Unfortunately the Finance Committee was made up of the three Official Members and the Government had its say.

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

Hon. Truman M. Bodden: Yes, Ma'am.

The Speaker: Proceedings will be suspended until 2.15 pm.

PROCEEDINGS SUSPENDED AT 12.49 PM

PROCEEDINGS RESUMED AT 2.36 PM

The Speaker: Please be seated.

The Honourable Minister for Education and Planning, continuing the debate.

Hon. Truman M. Bodden: Madam Speaker, I was dealing with the fact that the consultants recommended in the Motion had stated quite clearly in several instances in their report that the decision to sell the 727-200s and lease the 737-400s was an excellent one, and in one instance a good decision; and that the report card (I will call it) of Cayman Airways, which is the situational assessment the Motion is now asking for, at a time when Cayman Airways was in very serious problems, came out with straight "A's" with the exception of one "B".

To bear that out, I would just like to read further from two different sections of the report by SH & E on Financial Feasibility. On page 7 of the 1991 Report, it states: **"On its current path CAL will run out of cash, default and possibly face limited or full shut-down by October 1991. Although CAL and the Government have options to avoid a drop-dead situation, these options do not diminish the seriousness of the situation.**

"CAL is solvent today only because of financial year 1990 Lease assignment revenue [and we know that is the \$12.5 million from the 727s], additional Government loan guarantees and aggressive stretching of payables."

If that is not use of the English language in its most flamboyant way, saying that the company is, as they put it, "in a drop-dead situation"... The company (Cayman Airways) at that stage was in a situation where it could not continue without help. Perhaps one of the most amazing things that I think will give the present Cayman Airways and the National Team far more than straight "As," is a statement made on page 10 of the report in 1991. It says: **"Thus, Cayman Airways Limited is un-**

likely to ever maintain sustained profitability due to structural reasons, no matter how excellent its management, planning and execution."

What they are really saying there, Madam Speaker, is that Cayman Airways will never make it. And with that in mind their performance is straight "As".

Well, without the help of the consultants, and a lot of hard work by the management, the board, the staff, myself and, most importantly, the way in which the National Team has stood by me in making decisions which were based on business experience and ability, Cayman Airways has done what the consultants said could never be done.

If anyone wondered what the future of Cayman Airways was going to be under the last Government... and we must remember that Mr. Linford Pierson and Mr. Ezzard Miller were the chief movers—Mr. Linford Pierson was the accountant who made those statements about the sweetheart deal on the sale of the 727-200s which ultimately crippled Cayman Airways. The responsibility must lie on their shoulders too, for the large loans that Cayman Airways now has to pay off.

Madam Speaker, the future of Cayman Airways was set out on page 12 of the report, and in an effort to avoid the impact of the statement, there was a footnote to it. It says: **"Based on these factors, SH & E recommends an annual subsidy of \$2.5 million plus or minus \$0.5 million"**. That is all well and good, but it has a footnote No. 1 by it, and when you go to the footnote it says: "The transitional subsidy through year end averaging perhaps \$1.0 million per month, excluding peak periods, would probably be necessary to permit rehabilitation."

Can you imagine this country popping \$1.0 million a month (or \$12.0 million per year) into Cayman Airways for the rest of its future?

After the 1992 General Election Cayman Airways was an economic and a national disaster. We have taken it out of that stage.

Now when we look at the past Government's history (or anyone's) on consultants... and one of the things that we are constantly reminded of by the two Opposition Members, who keep blaming us for spending too much money, is here we have Cayman Airways getting a little bit of money and they want us to now go and spend more money on consultants. We know that nearly \$.5 million was spent on consultants—that is a lot of money—only to be told that where the company (Cayman Airways) was in, as they put it, "a drop-dead situation," they were given "A's" throughout. **"No formal needs-assessment appears to have been developed by management prior to initiating discussions with consultants. And in five out of the 7 consultants studied no terms of reference were formalised between client and consultant."** I submit that is exactly what probably happened because there were two consultants consulting on the same thing in the same year. That was the track record of the last Government, as set

out in the 1993 Auditor General's Report in relation to consultants. It is perhaps the most confusing statement I have seen in the report because the Government had to be in a state of confusion in 1991. At the end I will tell the public how I assessed Cayman Airways and the simplicity with which I assessed it. But in Select Committee the report of the review of Cayman Airways tabled in the Legislative Assembly on the 9th of September, 1991, under "Terms of Reference," on page two of the report says: **"The term of reference was to review and advise on the airline's development regard to aircraft selection and routes and to recommend improvements, if any, therein."**

"SH & E elaborated in regard to questions arising out of the findings that: 'SH & E applauds the replacement of B-727s with B737-400s and feels that 'current conditions' dictate replacement of one B737-400 with two less expensive B737-200s or 300s.'"

This statement is in effect saying Cayman Airways did the right thing by leasing two 737-400s, and in the next breath, after applauding them for doing such a good job, they say that you must sell one of the 400s and lease two 200s or two 300s. This is a quotation taken from their findings. It is totally against what they have said.

But, in any event, replacing one 737-400 with two 727-200s would have been a greater economic disaster than keeping the one 737-400 they had. They had two 737-400s at the time, but, as we know, they were ready to take on a third and they had options to lease two other 400s. They could have ended up with five 737-400s which would have been an annual lease payment of \$15.0 million.

We are very lucky that the National Team got in when they did because, Mr. Linford Pierson and Mr. Ezzard [Miller] of the last Government, had already put the country into economic disaster.

One of the things that I saw while reading the dissenting statement in depth was where we stated: **"Option I"**—there were three options that were put forward by the Government back in 1989] which was to keep and operate the 727-200s, showed very clearly that it is US\$30,104.00 per month or \$361,248.00 per year, cheaper to continue doing what we are now doing, than to lease the new jets and sub-lease our present 727-200s or to sell our 727-200s and lease and operate the 737-400s.

The Government, in my view, had to deliberately go against the economics of Cayman Airways at the time. What this infatuation was, in that they had to have these over-expensive 747-400s, is beyond me. On page 3 of the same report we quoted a statement from the Public Accounts Committee of 1988, of which Mr. Linford Pierson was the Chairman. If he is ever to be put back as a part of a government, as I understand he, Mr. Ezzard Miller and the two Opposition Members may be, this is what was in the report at that time. It states: **"It is un-**

able [meaning the Public Accounts Committee and Mr. Linford] to determine whether the deterioration in Cayman Airways Limited is due to an inadequate subvention or managerial problems in the airlines.

“It recommends that Government clarify the consideration which are adopted for the level of subsidy for particular years.”

He was not able to tell whether the problems of Cayman Airways was an inadequate subvention (which is a subsidy) or managerial. It is frightening to believe that the same Mr. Linford Pierson, with the sweetheart deals, and Mr. Ezzard Miller are out there running around trying to form another government in the near future. It is a frightening thing. I submit that there is no way they have the ability to run a country.

The position of Cayman Airways at present is quite good. I do not believe that this House needs to pay a large sum of money out to SH & E, or anyone else, because the public is paying me, and it is paying Members of the National Team and the House to do the job themselves.

I must say that I have nothing against consultants, generally, but when things were in such a drastic stage we had consultants and we were paying them a large amount of money. At present we are in a very healthy position compared to what existed at that time. During the two years of 1990 and 1991 (I think it may have stretched into 1992), Cayman Airways paid \$490,000 to consultants for advice. What is being brought forward here and asked for in this Motion is a situational assessment, and this, as we know, is a report card which the last Government got to look good before the elections. But it did not work, the people of this country know the difference between where Cayman Airways now is and where it was then.

The last Government, who, it seems, are now supported in their views on certain things by the two Opposition Members, is now moving to bring back consultants who gave about seven "As" and one "B" to Cayman Airways; who said that the changing of the 727-200s for 737-400s was excellent and good, presumably to get them to try and tender advice to me to go ahead and wreck Cayman Airways and get it back in politics the way it was when the National Team took over.

The last Government took the decision against the wishes of the Backbenchers—and we actually went to London and pointed out to the United Kingdom Government that Cayman Airways was heading for economic disaster. No one heeded our advice at the time. I guess what they heeded was SH & E's report that Cayman Airways was in A-1 condition. Yet, on the other hand, they were talking about financial disaster and the end of Cayman Airways.

We are out of a situation where we were nearly bankrupt, and we have done that by taking the loan that the last Government approved (but could not get), and applying it to pay off the past debts of Cayman Airways.

Madam Speaker, if I had had \$12.25 million in cash (as Cayman Airways did in 1989) to work with in 1992, I would have been able to go out and purchase two 737-200s. That could adequately have paid for two of them and I would have had no lease payments. But that is the short-sightedness of the situation back in 1983 or 1984 when the Government that I was in then purchased the two 727-200s—it was on a lease purchase, we ultimately would have owned them.

So we went from a position where for the last two years we would have not paid any rent because we would have owned two very good jets, to a situation where they were sold—in my view under priced, despite what SH & E said—and all the money was spent within a short period of time.

I do not believe that this Motion is well founded at all. I believe that if this Motion is passed and SH & E or any other consultants come into Cayman Airways, it is going to create trauma, disruption—perhaps much to the satisfaction and delight of a few politicians who are in Opposition; probably much to the delight of the derelicts of the last government who are now trying to join some of those politicians who are in Opposition to make up a government for next time. It is not something that can serve Cayman Airways well at this stage at all.

The last Government, and those involved with Cayman Airways at the time, always put the blame for failure on other people. Whenever Cayman Airways got into trouble, somebody else was blamed—they blamed American Airlines, they blamed the fuel up in the far East, they always blamed somebody—and that is why they were basically blaming government. But that does not achieve anything.

The public has put the National Team in to find solutions to the problems. We are not floundering Opposition Members, speaking generally, with nothing to contribute, or no alternatives to the problems. We are out there solving problems, and if anyone believes that the public does not appreciate what the National Team has done for Cayman Airways, the way it has saved this country from perhaps \$100 million or \$200 million of debts that could have arisen... Cayman Airways at present has all the money it has to pay current with less than 30 days. We are now paying \$600,000 per annum on a loan left by the last Government in 1992. Previously Cayman Airways never paid the landing fees to the Civil Aviation Authority, we pay that now.

Instead of giving \$.5 million out to consultants as was done in the past, we have been able to give that money to the staff. You have to remember that the staff of Cayman Airways did not get their raise in salary because consultants (ILFC and GPA) had to be paid. General Electric had to be paid, by the way, for an engine that sat up there for three years and was a debt of \$4.5 million with interest that I had to deal with getting rid of. I do not believe that the staff should have to go back to the stage where money that could be used to give them a small raise—which they had not gotten in nearly three

years, some of them had a reduction in salaries—I do not believe that they would be overjoyed with glee to hear that they are not going to get a raise for another two or three years because we have to pay a consultant to come in and give the company a report card.

Madam Speaker, no matter what is said, no one out there can say that Cayman Airways is not in a much better position; it is in an extremely good position from what it was before. When I went through maybe two or three inches of documentation ranging from financial analysis to legal documents, and spent time with the then Managing Director trying to figure where the problem was, I was shown a graph that showed that every time Cayman Airways added another route or another jet, the loss got greater. The graph moved upward from the left to the right hand side showing that as they increased the number of jets and routes, they increased the losses.

I came to what may seem to be a simple solution—and let me say this, that was not all that went into it—but the logic was that if you lose more when you add jets and routes, then when you cut jets and routes you will be better off. That is an oversimplification of the position, but I did not need a consultant (nor did the Financial Secretary or anyone else) to come in and tell us that if a situation worsens when you do something, if you reverse it (other things being equal) it must get better.

This year is going to be hard, once again because of the fact that the last Government entered into leases both of which came up within five months of each other—which is economic suicide to have any large turnover of equipment coming close together because it is just too strenuous in trying to deal with two major turnovers of replacement of jets at one time. That will not happen again, but we had heavy expenditure to get the old jets into the shape that they should be in order to be returned—naturally, to be repainted, refurbished and whatever had to be done to the new jets coming in. So this year is going to be somewhat worse. But, Madam Speaker, I believe that subject to what goes below the line and what is above the line (so to speak) on the accounts of last year, that Cayman Airways is going to show a profit after the subsidy.

I think that we will find that there has been an operating profit, as far as I can remember, in literally every month of that year. This has got to be quite an achievement from the days where there was an operating loss in every month, and at one stage nearly \$14 million in one year.

The comments that are consistently hurled over here about the Mental Health Law and me... Madam Speaker, if I was able to achieve what I did in that period of time, then I believe they better hurl the Mental Health Law at some of their colleagues of the past who, in my view, were economically crazy. Perhaps it should be considered as well in the light of bringing this Motion to the House.

We had a situation a week or so ago in which we had about \$1 million of extra cash on the overdraft. In

other words, we were about \$1.0 under the overdraft limit. We are continuing to pay off the loan month by month, \$50,000 per month, or \$600,000 a year go towards the loan.

For the first time, and without the help of any large amount of capital... because we have to remember that the \$12.2 million in capital for the sale of the 727-200s was supplemented with \$20.0 million in loans, even though it was authorised in July of 1992, even with that Cayman Airways was not out of the red. It still had a financial problem.

We have tried to be fair with this. The last Government took from the staff to give to the large corporations, consultants, leasing companies, and let them suffer unduly. But if they are not aware of what they can expect if Cayman Airways shifts to the responsibility of either one of the two Opposition Members, or to Mr. Ezzard Miller or Mr. Linford Pierson, I submit they will be back out on the street with nothing and no pay raises, and perhaps no future.

I believe that this Motion is only going to stir up trouble at Cayman Airways. I believe that this Motion is ill-founded.

I think back to one of the more comical times when we asked what it would take to make a profit out of the New York route. We were told to fly the plane with 120% passengers. That is to give you some idea of the mental state of the people at the time, since that has been thrown across here.

When you look at where we are—and we are there despite the bombardment of questions to the Ministry regarding Cayman Airways, which take a lot of time and effort when staff have to be pulled off their regular job to get the information; and when you see the beginning of the line-up of the possible challenges to the National Team and the defunct and lost persons who are making that up—I believe that the people of this country can quite safely say that if Cayman Airways remains the responsibility of the National Team, if the Opposition will try to see positive things, try to help, try to do things that are useful to the airline rather than tearing it down and putting it into politics, then Cayman Airways has a future.

If Cayman Airways is thrown back into the political arena of persons who oppose this Government, generally, then the aim of those persons has to be a premeditated move to cause chaos within Cayman Airways and thus cause its ultimate downfall and liquidation.

I know that the Opposition Members got upset somewhat earlier when I was pointing out certain facts, but I will leave them with what the President of the United States, Harry S. Truman, once said: "I never give them hell; I only tell the truth and they think it is hell."

Thank you.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

It is a common and accepted understanding that Cayman Airways as a national entity provides this country with limited access to the outside world, and that this entity must continue to exist as it plays an important part in the national development of our country.

I argue also that, this being the case, the continued assessment of the airline becomes of critical importance. Cayman Airways has long moved from an area of symbolic importance to one of national budgetary importance by virtue of the fact that most recently the Government granted it a significantly large subsidy, and it also draws a subsidy to the tune of C\$4.0 million per year.

I think that it is safe to say that no one is suggesting, as has been suggested in the past, that the airline is a bastion of Government waste. However, the inference of this Motion is that since there has been a significant community-wide rally, to the point of tolerating the downsizing of the aircraft, it is fair and reasonable to expect that the airline from time-to-time is put through some assessment.

Madam Speaker, I certainly do not have to argue about any qualifications that I have in business, no more than to say that certain principles of administration apply whether they come from Educational Administration, which I have a Masters Degree in, or Business Administration, and I have been involved in running a business for 15 years successfully. Certainly, Madam Speaker, I am well familiar with what assessment, what accounts shareholders and directors require. I find the suggestion that an assessment such as this, or some kind of audit by technical professional expertise as being something to place the airline into the arena of politics and political football, ludicrous. Any proficient manager must expect to provide, beyond the day-to-day accounting and entries in the ledger, professional and audited assessments at regular intervals, not only to satisfy himself or herself, but also as a requirement for the shareholders and directors of the company to show how their investments are being handled. Certainly, outside opinion adds weight and credence to any boast a manager or policy-maker may make in saying this company is being run well.

Madam Speaker, certain organisations send in their own people to see that you are properly managing the resources with which you are entrusted; that you are making the best of the advertising budget; that you are promoting the technical aspects of the products most effectively and, above all, to see that you are effectively utilising the material and equipment with which you work. We have heard from the inception of the National Team Government that Cayman Airways is doing well. Certainly, the Opposition has been tolerant. But I contend that the proof of the pudding is in the tasting—anyone can say that they are making a profit, the proof, however, is in reading or viewing the audited and certified statements.

There is something else I wish to say. It would be a poor business manager who could not operate a business successfully with a subsidy—so, that is nothing to boast about. If I were guaranteed \$4.0 million annually, I could, with relative ease, operate successfully. So to say that Cayman Airways is going to make a profit after subsidy is certainly, by my criterion, not an achievement to boast about—it is the least one would expect under the circumstances.

Madam Speaker, the Opposition in this Motion is not even taking an issue with that. We are saying that we will accept that, but we would wish to see by this assessment what is happening with the airline now. It does not have to be with SH & E, the Motion only used that company as an example by virtue of the fact that they would have had some familiarity with the airline. It could be another organisation in a similar area. We are saying that we would like to see what is happening to the airline now. Are we making the best use of the subsidy, for example? Are we making the best use of the expertise we have on staff, routes and advertising?

Anyone with a modicum of ability can lay the claim that if you provide a reasonable subsidy, they can keep the company afloat. We have not seen the accounts—for too long now. I say that the ultimate test of the Honourable Minister's self-acclaimed success lies in the accounts; and until we get them I have to say that I remain to be convinced.

Madam Speaker, growing up in the 1960s I am well familiar with a saying that was popular at the time: "What if they gave a war and nobody came?" That saying arose out of the protest movement, or the anti-war movement, as it was then. What if there were no government to blame from 1989 to 1992? What would we do? As far as I am concerned we are operating on a clean slate—history began for us in 1992. I have no business with anyone else before that time, they do not exist. Cayman Airways, under the current regime, got the subsidy after the demise of the Government from 1988 to 1992. So that is where we begin; before that it is pre history, we do not need to go into that. So, I would caution and shy away from heaping all the blame on persons or personalities who were involved at that time.

Further, Madam Speaker, if they were so inept, if they were so inefficient, then why are they now haunting the Minister with responsibility for Cayman Airways? Because if they are not haunting him, I would like to know why he so often has to mention them? Why does the Minister not just let them die in peace? What he needs to tell us is where we are going from here. What is the next step now under his excellent management?

It is true that the Motion has merit. Contrary to what the Honourable Minister tries to portray, no one wants to bring Cayman Airways back into the realm of politics in which it floundered for many years before. But the Honourable Minister also has a very short memory because he must remember that he led the assault on Cayman Airways during the time that it mired in the politics, as he

talked about. Regarding floundering Opposition Members with nothing to contribute, as his statement says, I do not know where they are, because if the Opposition had nothing to contribute, then, certainly, the Minister would not have tried so hard to convince us that he has created a miracle.

I take issue with several things that the Honourable Minister has said, but I want to highlight what I think is one important point which no one has taken issue with as yet.

It can be argued that there may be some persons interested in staying away from a situational assessment of Cayman Airways by an independent entity, for this reason: The present Managing Director of Cayman Airways was one of those persons involved in doing a study before. I am saying that in my management schooling and theory, I find a difficulty with that because how do I know that in this case someone did not write themselves into a job. That is all the more reason why I would wish to see an assessment by an outside independent entity—so that I would have access to a completely unbiased view. That is the reason why companies have external audits—so that a completely unbiased view can be had. I am saying that any organisation or entity which claims to be operating under modern scientific management must go through these kinds of assessments.

The Opposition did not lay any claims to any ability to read any balance sheet, but, by the same token, everyone involved in Cayman Airways is not an expert in the airline business either.

The significance of this reference to not being defunct escapes me, but if it is to convey the impression that there is something lacking in the people who raise certain challenges, in the people who make certain requests; if the significance of these kinds of statements is that these people are not up to a certain measurement, then I ask the Honourable Minister to look around. Certainly, he will find that among his Ministers some are in a similar, or worse, position.

I do not want to get into this business of throwing stones, Madam Speaker, but I am absolutely fed up with the stooping, and these insinuations and inferences to success or lack of success. I do not want to be nasty because I had some good prayers this morning. I just want to sound a warning that I can be like that. It is a pity that he does not take some of his success and pass it on to some of his colleagues who are in positions where...

Hon. Truman M. Bodden: Madam Speaker, on a point of order, the Member is referring to me personally as "He" rather than "the Minister."

The Speaker: I am afraid that everybody has been mentioning each other so often.

Can I ask you, First Elected Member for Bodden Town, to get on with the debate on Private Member's Motion No. 9/95, please?

Mr. Roy Bodden: Thank you, Madam Speaker.

You know, I have his weakness—he can give but he cannot take.

Anyway, Madam Speaker, far be it from the intention of the Motion to drag Cayman Airways into any political arena, but I appeal to the Honourable Minister's good business acumen and good business sense, because he has told us that he is a successful businessman and I really believe him, and I believe that he knows—certainly he says that he is a banker...

POINT OF ORDER

Hon. Truman M. Bodden: Madam Speaker, may I take a further point of order? The Member has said "he" six times rather than referring to me as a Member of the House. I know when the Second Elected Member for Cayman Brac and Little Cayman took that point when it was raised only once by the Minister for Community Development, the objection was upheld. This is six times he has referred to me as 'he', rather than referring to me as 'the Minister' or 'the Member.'

Mr. Roy Bodden: Madam Speaker, I wonder if I should refer to him as 'she'?

The Speaker: Well, perhaps you could refer to him as the Honourable Minister for Education and Planning, please. Point taken.

Mr. Roy Bodden: Thank you, Madam Speaker.

The Honourable Minister for Education and Planning with responsibility for Cayman Airways says that his record in business is a successful one. I am certain that the Minister must be aware of the fact that in order to convince himself and others, being the good banker as was stated, certain assessments and audits have to be tabled in order to convince himself and others that the position claimed is the true position. This Motion is asking for nothing more than that. There is no hidden agenda, Madam Speaker, there is nothing evil or sinister about this.

The Mover, the Honourable Second Elected Member for Cayman Brac and Little Cayman, and I, have as keen and as avid an interest in the success of Cayman Airways as any other Honourable Members of this House. But we are saying that we would like to be in an informed position so that we can justifiably promote the interest of the airline on the outside. We cannot do so now because certain information is lacking. We have nothing to go on but conjecture and what is aired from time-to-time by the Minister when he says that it is successful.

So, Madam speaker, there is merit in this Motion. I stand by my secondment of the Motion and I call on the Honourable Minister to pay heed and give credence to what we are asking, because a situational assessment

at this time can only strengthen his position as well as that of the airline.

Thank you.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I would like to preface my contribution to Private Member's Motion No. 9/95, Situational Assessment of Cayman Airways, with a few general comments that have to do with what I have observed over the past few days in the House.

I have noticed that there has been an ongoing debate—sometimes it has run into hours, and hours, and hours of prolonged debate—about what is sometimes said to be a Motion with no merit. If the Motions have no merit, then I can see little wisdom in wasting the time of the House to debate them at such length.

I also would like to make a few comments about civility. I think that it is very important in any forum, and in a House like this, to exercise civility. I would like to remind all Members in this Honourable House of a quote made by none other than the 18th century preacher Richard Cecil, who said: "Once there were two goats attempting to cross the bridge. When they got halfway across the bridge they found out that they could not cross and they could not turn back. Because of civility one decided to lie down and let the other walk over." He said that civility was born.

I believe that we may as well face the fact that the public is starting to get disgruntled and disgusted with some of the debates that they hear broadcasted from this House. I really believe that someone has got to speak up and that the tenor of our debate needs to change. At times there is absolutely no civility practised in the House, and I believe one side is as guilty as the other in this respect.

A member of my campaign committee decided to discuss this very issue last week, as I had a meeting. I believe it is not just his opinion, but I am hearing far and wide that the House is becoming just like the other House used to be. I will call on Members to let us try to rectify the situation to see that we debate matters in a more civil fashion with an attempt to reach a common ground in the interest of the country.

STATEMENT BY SPEAKER

The Speaker: Honourable Member, would you just sit for one moment, please? Thank you.

I have interrupted the Second Elected Member for George Town, because he is quite right. I think it is disturbing to know that in the midst of seasoned politicians we have a young politician who found it necessary to

bring these matters to the attention of Members of the House.

Will you please continue your debate Honourable Member? Thank you.

CONTINUATION OF DEBATE

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I would like to quote from an essay that was written by a bright High School student, and I think it will support some of the matters that we should be addressing. I quote: "**The democratic system presupposes civil conduct in our courts and elected bodies. More generally, civility calls upon us to make an effort to see the other person's point of view and try to resolve differences democratically. It allows us to engage in dialogues with those whose ideas we oppose in a non-aggressive fashion. This leads to attempts to reconcile disagreements by seeking and moving toward common ground.**"

Towards the end of the essay, there is mention that: "**...according to the well known Mark Kingswell, '... civility is basic to political life and pluralistic society, because it governs the continuing dialogue that makes such a society possible. Properly understood, civility may provide us with the most coherent and most progressive characterisation of social cohesion that we are likely to find.'**"

Really the last paragraph that I will read from this essay, I found most stimulating, Madam Speaker. I read: "**Civility does not preclude intense debate, nor does it lead us to back down from principles that really matter. It only means that we conduct our debates and defend our principles in an atmosphere of reasonableness and courtesy.**"

"**Where there is civility and discourse, differences can be examined intelligently; they are not resolved by the unfair criterion of which party is able to shout the other down.**"

For a High School student to be so deep thinking and, really, to be so intelligent and observant as to recognise the importance of civility, I think we owe him lots of praise and he deserves lots credit. I shall not name the High School student, but I really believe that this young man is going to go places, and I do hope that we, although we are in a much loftier position than he is at the moment, would learn from his view points.

I would now like to go on to this Motion No. 9/95. It starts by saying: "**Whereas massive amounts of money have been paid into Cayman Airways Limited, since 1993 to date, and major changes in management, personnel generally, equipment and its operation have taken place; and...**" I do not think any of us would dispute that massive amounts of money have been paid into Cayman Airways. When this Government took office we had to try to re-capitalise the airline. We had to find \$16.0 million, and it is important to

say that this was because of the poor management of Cayman Airways. I believe the Minister has covered this adequately. Because of very poor management, the company was in serious financial problems. We had to find the money to re-capitalise the airline if it was not going to be liquidated. So huge amounts of money have had to be paid into Cayman Airways. As far as I am concerned, we are not so interested in laying the blame here, there, or any other place at the moment. But it is a fact that huge amount of money have been put into Cayman Airways in the recent past.

There have been major changes in management; we know that Mr. Ray Wilson is about to leave and although he will be retained on a consultant basis, a new manager has been appointed. There have been major changes in the company itself. I believe that most of these changes were necessary if we were going to have any airline at all.

The Honourable Minister knows that I have supported these changes and the decisions made in general that have taken place. Yes, there have been changes in the equipment. Recently, we know that we had to guarantee the lease of a plane for CitiCorp in December, and again in April we guaranteed a lease for a plane from Bullion Aviation. So there is nothing, in my opinion, inaccurate about that first recital.

"AND WHEREAS there is a subsidy of \$4.0 million being injected into the airline by Government annually;". That is quite true. I understand that last year all of the money did not have to utilised. But, we have all agreed that it takes \$4.0 million to keep the airline afloat that the Government would be willing to subsidise it because of the good benefits to the Cayman Islands.

It was my understanding that we all felt that we should do everything in our powers to keep the airline going. We also felt that it was not just the obvious benefits of the airline, but also the spin off benefits and the security of having the airline in the event that there is a pull out of other airlines. It is certainly reassuring and comforting to know that we have our own airline. We know otherwise how serious and severe it could be to our economy. It is very unlikely, in my opinion, that this would happen, but it is a possibility. For this, and many other reasons, we want to have our own airline.

I am proud of Cayman Airways, and I believe all of us will attest to the fact that we are extremely well treated when we fly Cayman Airways. Caymanians as a whole, seem to be behind Cayman Airways and they support the airline. So we are here to see to it that their wishes are respected.

"WHEREAS changes in aircraft have very recently been made and a change of top management imminent with the leaving of the present Managing Director;

"BE IT RESOLVED that Government consider commissioning Simat, Helliesen and Eichner Inc (SH & E), because of its familiarisation with Cayman Airways Limited, as a result of its past study, or such

other specialised entity to undertake a review or situational assessment of the airline at this time."

It is my understanding that SH & E already acted as consultants for Cayman Airways. I remember reading part of the report, and I was never impressed by it, so this is one of the problems I have with this Resolve. I see no point in asking the same entity to come back to assess the airline for us. It also cost money. We noticed that as we go on the resolve says: **"... or such other specialised entity...."** I do not believe the Mover of the Motion would be upset if another organisation or firm assessed the airline.

The important thing in my mind is whether we think it is necessary to have a look at the airline at this point, then do something about it.

In view of all the recitals here, and because we know that Cayman Airways has not been in a healthy financial position for a very long time, I am of the opinion that it is very prudent to keep short accounts with the airline. I have to agree that I have not seen any accounts on Cayman Airways recently. I have not seen any balance sheet. But I have confidence in the Minister who is responsible for Cayman Airways. We have to remember, though, that not every person in this House has the contact with the Minister that I perhaps enjoy, and, certainly, the public is interested in knowing the financial position of Cayman Airways.

In doing such a review, many things could come to light that the Minister may not be aware of in his day-to-day routine. I believe that it would be prudent to undertake such a study. However, I do not believe that any study will do. I do not believe it has to be a very elaborate study costing the Government millions of dollars.

I believe that a proper audit informing the public of the true state of affairs in Cayman Airways would suffice. I will be told that it is a private company, I am sure, and all of these details the public does not have the right to know. But I believe that since Cayman Airways is 100% Caymanian owned, and it is a known fact that it has been a political football in the past, and will remain so, it is important for the public to understand—if not in specific details, in general terms—how the airline is doing.

Therefore, Madam Speaker, in general terms I do support this Motion and I would like to see to it that some kind of assessment is done where everybody understands what is going on at Cayman Airways. Not only am I, but other people are confident that the Minister is working extremely hard, and there is every evidence that things have turned around. Certainly, the airline is in a much better position than it was in late 1992. But that does not mean to say that there should not be some audit—and that audit should become public knowledge.

With that, Madam Speaker, I think I have made my point and thank you very much.

The Speaker: The Third Elected Member for Bodden Town.

Mr. G. Haig Bodden: Madam Speaker, Cayman Airways, has stabilised, it is out of the flux which it endured for some years. We know that the staff has received salary increases, something which was unknown. In fact, I remember in the early 1990s when many of the staff and crew members came down to this Legislative Assembly one evening on their knees begging for some help, as they had not received a salary increase for many years.

It is all well and good to do the study, but who is going to pay for it? Even the Mover and Seconder of the Motion are bemoaning the fact that the airline cannot make a profit without the subsidy which it is given. The Minister mentioned that there would a disruption of the airline. We know that these studies require the time of the staff, of accountants, of clerks who have to dig up information for the study. So the smooth running of the airline would be troubled.

I usually do not praise individuals, but there is no doubt that the Minister responsible for Cayman Airways, the Honourable Truman Bodden—whether you like him or not—has a good handle on what is happening with the company.

The present Managing Director, Mr. Ray Wilson, has done, in my opinion, more for the people of these islands than anyone else I can think of who has come from abroad. I would like to pay special tribute to the interest which he has taken under very adverse circumstances, and I would be happy if he continues to give some advice from time-to-time, as I hear he may.

I am also pleased to know that a local person will be promoted to the management position. A gentleman has been appointed who has spent many years with the airline, and who has received special training abroad. At the present time the airline has a good board of directors. There is no longer an Executive Committee making quick decisions—decisions which in the past put the airline into problems. We heard about the \$35 million loss within two years. These losses have been replaced with operating profit.

Not only had the people who were responsible for the airline made losses, but they also destroyed the assets. They gave away the 727-200s for less than they were worth. And I understand some of the people who were in top position in Government are now trying to get back in so that they can buy the 727-700s back (as they agreed to do, because they took an option) many years later after the jets have worked in the Alaskan ice for much more than they were sold for. This has to be utter nonsense.

I see no need for consultants at this time. The recommendations and the policies put in place by Mr. Wilson and by the Honourable Minister have worked, and will continue to work if we give them the chance. I would not like to see the local staff demoralised to the point that they had been driven to on the evening they came down to the Legislative Assembly looking for help. I believe it is time that we give them a chance to go on working.

I will never forget a story I heard about Oscar Meyer, the man who made a fortune in the sausage business. In the early stages when he had his first factory, he found a man who was always sitting at his desk. He would ask, "What are you doing?" And the man would reply that he was planning.

The next day he would ask the same question and would receive the same answer. Then one day he asked again, "What are you doing?" and the man replied, "I am planning." Oscar Meyer replied, "Why the hell don't you stop planning and go to work?"

I think it is time we stop taking silly advice; and where we have found good advice, we get on with the job.

Many amazing things have happened with the airline. Its credit-worthiness has been restored. We know the dilemma the past Government was in, where the Government in this Legislative Assembly said that they would pay the loan and our local banks, knowing the true position of no management, no policies, nothing, said, "No, you cannot have the money." Those days are gone.

Some people do not like the style of our capable Minister with responsibility for Cayman Airways. But because of his undoubted ability, I think he is the perfect man for the job. I always think of the village blacksmith.

I consider the turnaround of Cayman Airways (and I do not need to go into the details because they were well put out by the Minister) to be one of the financial and economical miracles of this century. It was his expertise—I do not know anything about the degrees he has—that brought it about. He was the catalyst behind getting the job done. For the last 19 years that Minister has been involved with the airline. I remember he served during the 1970s as a member of the Board of Directors and he, being a lawyer, was often used to help with the very good contracts which were drawn up for the lease purchase of the 727-200s. Although he spent a few years in exile, he did a magnificent job for the airline and is continuing to do so.

I hear a lot of talk about subsidies. Let me deal with that. From its inception, when we had the old DC-3, the airline was given a subsidy specifically for the Cayman Brac route. I think the subsidy started at \$100,000. I supported it, and I still support it for the reasons I will give later on. But our Health Services are subsidised, our Mosquito Research Programme is subsidised. Why? Because these are necessary programs for the welfare of the islands. What is the good of having money in the Treasury if the tourist are not coming here because of mosquitoes?

I wonder if Members know that the reason why the subsidy is given to the airline is for the same reason it is given to the Port in Cayman Brac? The reason is the small volume of traffic and cargo going to the Brac.

I recall, when we built the Port in Cayman Brac, we were unable to get the loan because the Caribbean Development Bank said that we could not have it for a Port

in Cayman Brac because it could not support the Port. We had to go back to them and say, "If we put this Port under the Port Authority in Grand Cayman, will you give us the loan?" When they looked at the revenue from the Port Authority in Grand Cayman they readily agreed to give the loan. That is how Cayman Brac got its Port.

Well, Cayman Brac would not have the air service if it was not subsidised either by the Government or by the airline itself. We know that there is a great similarity between the two, because in the early stages the Port in Grand Cayman had to meet every loan payment on the Cayman Brac Port. There were even months when they had to pay off the overdraft at Barclays Bank to help with the operating expenses of the Port. Yet, I supported this because Cayman Brac needed a Port if it was to develop. Cayman Brac needs the use of the aircraft if it is going to develop.

So there is no use bemoaning the fact that we have to provide subsidy. I do not know if all the subsidy is used on the Cayman Brac route, but this was, and remains, one of the primary needs for the subsidy.

I hear Members bemoaning the fact that they have not seen the accounts of Cayman Airways recently. Well, I believe that I have a copy of the last account that had been put out by the airline. I too have not seen it recently because I just did not look at it. But the accounts are done on an annual basis and there has never been a problem in getting the accounts. This is not to say that the auditors always have it on the specific day when it is due, but, nevertheless, it is done. I think one of the reasons for bemoaning the fact that we have no report is because the Opposition may be suspicious that the report is going to be much better than the last time.

I cannot support this Motion because it would be a tremendous cost that we are not now prepared to pay for. As to the money paid into Cayman Airways, the Minister explained that carefully when he said that the US\$20 million was to pay for the debts that this Government inherited in November 1992, and other debts that were accumulated.

In my opinion the request for the study, if passed, would not result in any positive gains to the airline; and because of the costs involved and the accounts that are beginning to show a favourable situation, I cannot support this motion.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I rise to offer my contribution on Private Member's Motion No. 9/95. I will start by saying that I cannot give my support to this Motion.

In the first "WHEREAS," it refers to the massive amounts of money that have been paid into Cayman Airways. It has been demonstrated that the funds which have been put into the airline were because of inherited indebtedness.

We know that in the early part of this administration we borrowed US\$20 million; and because of the great difficulties experienced in the negotiation of getting out of the contracts with GPA, \$5.2 million was paid as a settlement. This sum went a long way in relieving this country of massive liabilities which would have reached as high as \$15 million. I think this was a fine investment on retiring this liability. Not only that, but you constantly hear about people breaking contracts. This is what happens in such a case. But, thank goodness, we were in a position to have the funds in place and the credibility in order for the banks to advance us the funds to make the settlements.

To the best of my knowledge there are no airlines in a healthy financial situation or making a profit. It is hard to believe that people expect a country of 30,000 people to be in a position to properly fund an airline consisting of two aircraft.

It is no secret what has happened in the two years since this administration has taken over. The facts are there, and there has been a dramatic improvement.

In the third "WHEREAS," it says that changes in aircraft have recently been made. Yes, Madam Speaker, this is another area that the Ministry has improved. This shows knowledge of what is going on by being able to replace other aircraft that had been leased. We know, and the figures are there in Finance Committee, the leasing of these two aircraft has saved this country in the area of \$600,000. This is what eventually will show up on the books of Cayman Airways: [Our] being able to negotiate superior leases without getting the country into massive liabilities, as was the case when we took over two years ago when approximately \$35 had been spent.

It was said that we could not bring in the situation prior to this Government taking over in 1992, but how can we possibly get away from the situation when we took over? The airline did not stop running, it was still an operating entity. But when we took over the airline, as an operating entity, spent over \$35.0 million in the two years prior to our taking over. We took over and we were responsible for improving the situation. It could not be left there. As a Government, we were liable. This is why, as I said before, when we took office we had to borrow the money. Thank goodness we had the credibility that the banks would then lend us the funds.

Without a doubt the consensus of the public out there is that what has happened with Cayman Airways is really nigh on to a miracle. There are very few people out there who can refute that.

As the Honourable Minister has said, all payables are current and within 30 days or less. There are times when the overdraft is under the \$4 million limit. Most of the funds for the overdraft are now being used to subsidise the route to Little Cayman and Cayman Brac. This is something that we have to bear until in the future, and I am convinced that, given an opportunity with the present management we now have there, this can be im-

proved on so that we do not have to continually subsidise to the extent that we are currently doing.

It is my understanding that full audited accounts will be brought to this honourable House by September of this year to substantiate what has been said here, to show the dramatic improvement in the finances of Cayman Airways. It would be good for us to see them so that the 'Doubting Thomases' will then have the evidence in front of them.

With the respect the country has for the Honourable Minister for Education and Planning... I do not think he would have stood up here today, and said the things he has about Cayman Airways if he did not have the proof in black and white which will be presented later on in this House. These will be audited financial statements done in the proper manner.

We know that on many occasions in the past bringing the audited financial statements to the House had always seemed to be a very difficult task to complete. But I honestly believe that this honourable House will see accounts that have been audited by recognised firms before the end of this year and will once and for all put behind us what has really transpired.

Madam Speaker, there have been changes at Cayman Airways and, thank goodness, most of them have been for the good of the airline—guarantees by this Government and past Governments. Because of good management we are grateful for the guarantees that we have now put forward are in such a position that this country can now fund those guarantees, we now have the credibility from the outsiders. Above all else, we do not have \$100 million hanging over the heads of people of this country.

As we all know, the present liability to this country for Cayman Airways with the guarantees is less than \$9 million. The way in which this has been negotiated is that each month the liability is reduced; and for one of the aircraft, as I understand, it is down to \$.5 million. This is sound business management.

I must at this time also pay tribute to Mr. Ray Wilson, the Managing Director. There is a foregone conclusion that for the work that he has done and for what has happened with Cayman Airways under his leadership, this country will always be indebted to him. I firmly believe that if he had not taken over the reins, there is no telling what would have happened.

As we all know, at the time the liabilities had been incurred, not only Cayman Airways would have gone under (as it has been put forward that it was suggested to put it into liquidation). What about the far-reaching effects on the coffers of this country? We would have suffered gravely.

I must say that in regard to consultants, from what I have seen being used by past administrations I am not convinced that it was to the benefit of this country. We know what was revealed by the consultants that had been used by the Health Services Authority, and when the Honourable Minister showed us earlier what the very

people who could be possibly used as consultants in Cayman Airways, SH & E, had put forward did not benefit Cayman Airways. To me it seems as if they were a rubber stamp. Most people have said that for the first time in history Cayman Airways is no longer being used as a political football.

I would say in closing, that if Cayman Airways was not in good shape, all of the would-be politicians would be kicking it all over the islands. But I guess this is one of the penalties of success.

My feeling, Madam Speaker, in regard to the consultants that would be brought here is: do we really need them? Why do we not give the present management the opportunity to continue on the avenue they are now using to continue to improve Cayman Airways without expending another \$.5 million?

I say if something is working and, working well, why should we try to fix it? Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

Cayman Airways has always been used as a political football, and I guess it will be used again. But I feel that most of the people of the Cayman Islands have pride in Cayman Airways, and they would love to see it continue flying.

I remember when Cayman Airways was formed, and hard work kept it flying. But we were always able to pull through. I remember that when the National Team Government took over there were plans to liquidate it. People were sad and disheartened about it, but, again, with the help of the Supreme Being from above, and the Minister who could think and plan, we have survived and pulled through.

I think that we all should be congratulating the Minister, the management and the staff of Cayman Airways for they have done a job that called for a determination and a stout heart.

Madam Speaker, I do not see the reason why we should now spend more money than what is needed, so I cannot support this Motion.

Although I feel that the Mover and the Seconder perhaps have good intentions—I am not one to criticise or run someone down even when they make a mistake or do something wrong—but now that we have seen the light and are making a little money, I think that we should continue on that road. Why change?

Keeping the airline flying means working together. Let us hold our hands together and keep Cayman Airways flying and Grand Cayman happy.

MOMENT OF INTERRUPTION

The Speaker: It is now 4.27 pm, I doubt if any other Member would want to continue the debate.

If it is the wish of the House, I would ask the Leader of Government Business to move the motion for the adjournment.

ADJOURNMENT

Hon. Truman M. Bodden: Thank you, 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 again No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10.00.

AT 4.29 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 16 JUNE 1995.

APPENDIX I TO QUESTION NO. 123

AUTHORITY	LOAN	ASSETS	CONTRIBUTION	TOTAL
Cayman Turtle Farm	320,000	320,000		
Civil Aviation	4,579,317	1,500,000	6,079,317	
Community College	366,059	48,226	414,285	
Currency Board	3,845,052	3,845,052		
Health Services	258,870	774,470	1,033,340	
Port Authority	497,751	318,862	1,165,125	1,981,738
Water Authority	2,199,588	950,000	3,149,588	
TOTAL	5,701,997	2,566,676	8,554,647	16,823,320

THE COMPLETE FIGURES FOR 1995 WILL NOT BE AVAILABLE UNTIL YEAR END.

APPENDIX II TO QUESTION NO. 124

AUTHORITY	TERMS	LOAN AMT US\$	RE-PMTS INSTALL US\$	RE-PMTS P/A	BALANC O/S US\$	RATE	CI\$ EQUIV
Port Authority (CDB Loan 1/SFR-OR-CI)	17	244,352	55,646	2	55,647	1.2	46,373
Port Authority (CDB Loan 1/OR-CI)	20	1,500,000	46,875	2	609,375	1.2	507,813
Civil Aviation							
CDB Loan 5/SFR-OR-CI	*15	2,117,000	319,005	4	1,637,671	1.2	1,364,726
CDB Loan 4/OR-CI	*15	5,000,000	43,493	2	4,147,070	1.2	3,455,892
UK Loan Cayman Brac Airport	18	282,901	8,100	2	96,601	1.2	80,501
ECU Loan Cayman Brac Airport	30	404,317	6,489	2	334,408	1.2	278,673
Water Authority CDB Loan 4/SFR-OR-CI	15	2,775,000	46,250	4	2,270,000	1.2	1,891,667
Community College							
CIBC Capital Projects	15	1,265,923	85,171	1	936,880	1.2	780,733

**FRIDAY
16 JUNE, 1995
10.13 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, forever 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 Minister for Agriculture, Environment, Communications and Works.

**PRESENTATION OF
PAPERS AND REPORTS**

THE PUBLIC PASSENGER VEHICLES REGULATIONS, 1995

-AND-

THE TRAFFIC (TRANSITIONAL PROVISIONS) REGULATIONS, 1995

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

I beg to lay on the Table of this Honourable House The Public Passenger Vehicles Regulations, 1995; and The Traffic (Transitional Provisions) Regulations, 1995, in accordance with the provision of section 113 of the Traffic Law, 1991.

The Speaker: So ordered.

Questions to Honourable Members/Ministers. Question No. 129, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 129

No. 129: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Environment, Communications and Works to provide a breakdown, giving names and amount spent, of any works done on private roads in the Bodden Town area since January 1993.

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

Hon. John B. McLean: Works done on private roads in the Bodden Town area since January, 1993 are:

- > March 1995 \$2,000 Belford Estates/Marl Patching (completed 21st March 1995)
- > May 1995 \$31,000 Bobby Watler Road relay and reseal (started 15th May 1995).

Many other private roads were requested, but priority had to be given to the public roads.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say when some other roads suffering from similar acute problems will be worked on?

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

Hon. John B. McLean: As I mentioned, there are many other requests. It is our intention to do some of these roads this year. This will reflect in the next question.

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 Minister for Agriculture, Environment, Communications and Works to provide a breakdown of the amount to be spent on capital works in Bodden Town during 1995.

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

Hon. John B. McLean: Capital spending planned or completed in 1995 by the Public Works Department in Bodden Town is as follows: *(See Appendix 1)*

Madam Speaker, this does not include other projects, such as the building for the Agricultural Department and the Abattoir, which will also be within our district. Of course, I did not include it under buildings because this is a Government project. But from those two we will probably be looking at another one million dollars in that district.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: On the first list, under the heading of buildings, with the exception of the clinic on which work is ongoing, and the stand-by generator, can the Honourable Minister say which of these projects, if any, is likely to be completed before the year end and, specifically, is any more work going to be done on the district play field before the year ends?

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

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

With God's help, and with the support of the First Elected Member for Bodden Town, we are hoping to do all of this work.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Is the Honourable Minister in a position to say when work will resume on the play field?

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

Hon. John B. McLean: Madam Speaker, there is another property east of the Police Station that is presently under negotiation for purchase so as not to have to cramp everything together. Once that is done we will commence work on the play field.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Minister say what the position is regarding the negotiation for the purchase of this property? Has a price been agreed to and finalised, or at what level are the negotiations?

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

Hon. John B. McLean: With the push of the Hon. Mr. Anthony Eden and our Department of Lands the negotiations have been taking place.

The Speaker: The next question is No. 131, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 131

No. 131: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what is the cost to Government for damages resulting from disturbances among Cuban inmates at Tent City and Northward Prison?

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

Hon. James M. Ryan: At Tent City the Immigration, Social Services and the Public Works Departments have incurred damages amounting to approximately \$12,500. There is also an outstanding claim by a local security firm for reimbursement of damaged and stolen property for about \$17,000.

At Northward Prison the cost of damages incurred by Cuban inmates is \$862.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member shed any light on how these claims are going to be settled?

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

Hon. James M. Ryan: Madam Speaker, in respect to damages or losses by departments, these amounts will have to be included in the actual costs incurred by the Cubans.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: In regard to the claim by a local security firm, is the Honourable Member in a position to say exactly how Government plans to deal with this? For example, is there a requirement that security firms carry some form of insurance liability that would defray these costs occurring in such situations, or does the Government have to bear all the responsibility itself in these kinds of claims?

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

Hon. James M. Ryan: The matter is now under assessment, and I would prefer not to comment specifically.

The necessary advice is being taken on this and we should know something in due course.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: For the edification of the Honourable House, would the Honourable Member undertake to inform us in writing if he would explore the possibility of the firm having some kind of insurance that would lessen the responsibility and obligations of the Government in circumstances where security firms are contracted by the Government?

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

Hon. James M. Ryan: We believe that this is, in fact, in place now; but I prefer not to elaborate on this since it is being investigated.

The Speaker: The next question is No. 132, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 132

No. 132: Mr. Gilbert A. McLean asked the Second Official Member responsible for Legal Administration what is the total value of claims against Government contained in the outstanding seven lawsuits.

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

Hon. Richard H. Coles: The total value of claims against Government is CI \$11,987,183.80. Madam Speaker, a schedule giving details of those individual claims is attached to the answer for the information of Honourable Members of this House only.

SUPPLEMENTARIES

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

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

Could the Honourable Member say if the lawsuits are at a situation of abeyance at this time, or are they actively before the courts of law—any, or all of them?

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

Hon. Richard H. Coles: All of these are cases that have been issued through the courts in Cayman. They are at various stages of the proceedings. Of course, they are all proceedings brought against Government as opposed to the other way around, therefore the impetus for pursuing

them is with the plaintiffs, in other words, the entities mentioned in the schedule.

Now, in some of the cases those particular entities have chosen not to actively pursue the claim, but in others they are being pursued, and both Government and those parties are talking with a view to seeing if a settlement is possible. That is an ongoing process.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Member could give us some idea of when the cases on this list took place?

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

Hon. Richard H. Coles: Yes, Madam Speaker. I think the question from the Member is really a follow up question to one that was asked previously. These lawsuits are all ones that are pending against Government since 1993.

The Speaker: The next question is No. 133, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 133

No. 133: Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development if the guarantee provided by Government to the contributors for land adjacent to the Spotts Jetty has been cancelled; and what have been the total payments to the project, with breakdown by principal and interest.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: The guarantee by Government for the purchase of land adjacent to the Spotts Jetty has not been cancelled, however the matter will be brought to Finance Committee's next meeting which will hopefully be within the next fortnight.

The answer to the second part of the question is that the total Government contribution to this project to date is US \$48,670.46 which represents accumulated interest incurred on the loan up to the 31 January 1995.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Member say if the matter of the purchase of the land at the Spotts Jetty is coming to the Finance Committee as a result of wishing to have the guarantee cancelled, or to have approval to pay the money that was not forthcoming under the original arrangement?

The Speaker: Honourable Member, that is asking a question in anticipation. He said the matter will be coming before Finance Committee, and at this time I do not think it is appropriate to ask why it is coming back to Finance Committee.

Mr. Gilbert A. McLean: Madam Speaker, can I ask the Honourable Member just what does the guarantee cover at this time?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the guarantee covers the outstanding indebtedness to the bank. When this matter is brought to Finance Committee for the sum of money required to make settlement, this will remove the guarantee which is presently in place.

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

Mr. Gilbert A. McLean: Can the Honourable Member say if the money for the purchase of this land was not approved in a recent Finance Committee Meeting—if I remember correctly, in the recent Budget that was approved?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I do not think that amount was included in the Budget.

The Speaker: The next question is No. 134, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 134

No. 134: Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development if consideration is being given to allowing statutory authorities to increase repayments on loans where surpluses are realised in any given year to reduce expenses, rather than paying such surplus monies into central Government.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, no such consideration is being given at this time.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Member say if by not so doing this provides money for Central Government that it would not otherwise have?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the contributions being made by the various Authorities to Central Government is one that is targeted for and is made known to the authorities. As a result of that it is included in Authorities' Budgets for a given year. It does not necessarily mean that all of the excess profits, or profits made by the various Authorities, are paid over to Government because, for various reasons, the Authorities are allowed to establish reserves. Also, part of those surpluses are used from time to time to fund projects that are determined by the various boards as necessary for the various Authorities' ongoing operation.

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

Mr. Gilbert A. McLean: Can the Honourable Member say if monies which are paid into Central Government by the Authorities are only expected when the Government is underwriting or guaranteeing loans to those Authorities, or are funds also expected from the Authorities where they may not have a guarantee from Central Government for their financial operation?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I think we need to recognise that when we look in terms of the authorities and what they represent... If we think back to the Port Authority and also the Civil Aviation Authority, these were departments where initially the full revenues of these departments were flowing into the Central Revenue stream of Government. But when a decision was taken to approach the Caribbean Development Bank for Financing Assistance for these authorities, then a decision was taken that the repayments of the loan should be the first call on the revenues. As a result of that they were then converted as autonomous agencies.

We should recognise that this stream of revenue that was initially coming into the Government should continue and not cease. It is not a question that the Government is seeking to strip the Authorities of their revenue, but it is necessary for contributions from these entities to continue to be made into the Central Revenue stream of Government, and it should be done on an ongoing basis.

If that is not done, the element of revenue that will be given up will have to be compensated for by putting in place alternative revenue measures.

The Speaker: That concludes Question Time for this morning.

Statement by the Second Official Member responsible for Legal Administration.

STATEMENT BY MEMBER OF THE GOVERNMENT

DEFERMENT OF THE INTRODUCTION OF THE PROCEEDS OF CRIMINAL CONDUCT BILL, 1995

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

I have received requests from the Cayman Islands Law Society and from other professional organisations, including the Private Sector Consultative Committee, Chaired by the Honourable Financial Secretary, for further discussions on The Proceeds of Criminal Conduct Bill, 1995.

I am anxious that this important piece of legislation should be introduced with the consensus of the professional and financial community. Accordingly, I welcome full consultation with all interested parties and, for that reason, I laid the draft Bill in the Assembly during the March meeting of the House. It is clear that if the Bill was to adhere to its present timetable in the current meeting of the Legislature, then insufficient time would be allowed for that consultation. I therefore defer the introduction of this Bill until the meeting of the Legislative Assembly due to begin on Monday 11 September 1995.

I very much hope that those persons who wish to make representations and comments on the Bill will now do so in good time so that they may be taken into account well in advance of the next meeting of the Legislative Assembly.

Thank you, Madam Speaker.

The Speaker: Other Business. Private Member's Motion No. 9/95, continuation of the debate.

Would the Mover then like to exercise his right of reply? The Second Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/95

SITUATIONAL ASSESSMENT OF CAYMAN AIRWAYS

(Continuation of debate thereon)

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

To begin, I think it would be appropriate to read the Resolve of Private Member's Motion No. 9/95, entitled Situational Assessment Cayman Airways, moved by myself and seconded by the First Elected Member for Bodden Town. The Resolve states: "**BE IT RESOLVED that Government consider commissioning Simat, Hellisen and Eichner Inc (SH & E) because of its familiarization with Cayman Airways Limited, as a result of**

its past study, or such other specialized entity to undertake a review or situational assessment of the Airline at this time."

The 'Airline' is the national flight carrier of these Islands, owned 100% by the Government of the Cayman Islands through a state-owned company: Cayman Airways Limited.

Madam Speaker, I submit that is not such a startling request to any sensible person. In fact, yesterday's paper (Thursday, 15 June 1995), under the caption, "Money Laundering Report," commends Cayman's efforts. It states in the beginning: "**Cayman's banking confidential laws do not inhibit compliance with recommendations for combating money laundering a recent review of Cayman and its financial industry has concluded. A three-person team carried out the review in January this year under the auspices of the Caribbean Financial Action Task Force (CFATF).**"

Reviews are standard management procedures—wherever sensible, intelligent, logical, scientific management is in place. We know that financial institutions, professionals associated with the financial industry in the Cayman Islands, regularly claim that the Cayman Islands meets most, if not all, requirements when it comes to divulgence of information where criminal activity is concerned. The Financial Secretary in this House reaffirms to this House at various intervals that such is the case.

I do not think that anyone really distrusts the things he says in general principle, but there are always those persons, and the public at large, who may have doubts. Therefore, reviews are standard procedures to get up-to-the-minute, or up-to-date facts to prove one's position or statement. So, in asking for a review of Cayman Airways, it is simply asking for something that is standard in any situation like Cayman Airways.

I would point out that the brief paragraph I read from the newspaper did not say that the people from the Cayman Islands financial industry, or the Financial Secretary's Office, or the Attorney General's Office, carried out that investigation. It did not even say that these persons I just named were claiming to be miracle workers and could therefore do no wrong. In fact, the review was carried out by: "**Mrs. Shirley Miller, a legal expert and Director of Legal Reform in Jamaica; Mr. Lance Sellman, a Law Enforcement Specialist and special advisor to the Ministry of National Security in Trinidad and Tobago; and Mr. Gordon Veal, a financial expert and manager of the Banking Services Division of the Bermuda Monetary Authority.**" These are persons who are really...

Hon. Truman M. Bodden: Madam Speaker, I would like to take a point of order.

The Speaker: May I hear the point of order, Honourable Minister for Education and Planning?

POINT OF ORDER

Hon. Truman M. Bodden: The Member is referring to some investigation up in Trinidad, and it has no relevance to Cayman Airways.

The Speaker: Honourable Minister that is not a point of order because he did say that reviews are being undertaken by Financial Institutions. That is how he prefaced his remarks and he was using that as an illustration.

Hon. Truman M. Bodden: As you so rule, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman, would you please continue?

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

If the Minister could stay out of the coffee room and stay in the Chamber he would hear what is being said.

The findings were that the Cayman Islands were well within what could be considered the high range of meeting the requirements of the Geneva Convention. What is very significant here is that the findings confirm an independent review of the Law commissioned earlier by Executive Council—I guess that would include the Minister for Education, or the Minister for Cayman Airways. So it seems that even where he is concerned on Executive Council, that is, the Minister for Cayman Airways, that is not unusual.

However, after I did my best yesterday to present a clear and logical reason as to why it would be desirable to have a review of Cayman Airways at this time, and I even went to the extent that I put in the things the Minister for Education likes so much—"Whereas" clauses, so he could talk about them—he believes that this is something which would stir up political strife and bring it into the political arena.

Yesterday the Second Elected Member for George Town spoke about civility, and I think there is a great need for it in this House. It is a small House, we all know each other, and I think it is greatly lacking. I do agree with what he said yesterday. But, when a Minister of Government, or someone replying for Government, takes the position as was taken by the Minister for Cayman Airways yesterday, then it is right that some of the things he had to say be rebutted.

Everyone knows that the Minister for Cayman Airways is a politician—

Mr. Roy Bodden: And not a miracle worker!

Mr. Gilbert A. McLean: And not a miracle worker. He was elected in a political lineup of a large number of people in 1992 by the people of George Town—as a politician. So, Cayman Airways already has a large dose of politics in it, in that he is associated with it.

It has always had politics. Cayman Airways grew out of politics under the term of office of the late, great, James Manoah Bodden. It was when it was a subject under his Ministry that it really became a full-fledged operation owned by the Government of the Cayman Is-

lands. So it was born of politics. Should it ever cease to be, it would quite likely die from politics; or quite likely too, bad management, which seems to be espoused by the Minister responsible for it at this time in that he thinks a review is the worst thing for Cayman Airways.

The first time that Cayman Airways really knew anything about itself in a comprehensive manner was through the expertise of outside groups in 1992, when the Government of the day undertook to hire not one, but two specialised entities to examine Cayman Airways in its totality. Two entities were chosen, SH & E and ASI [Aviation Services Ireland], because the Government and all of the Members of this House—which included the present Minister for Cayman Airways—sat down and actually worked out the terms of reference that we all thought best to find out what was the case.

On two separate occasions, the present Minister supported a motion that I brought to this Legislative Assembly to try to get a study of Cayman Airways. In the last instance it was unanimously passed. That study produced volumes, indeed, as he said.

While he mocked what was said by SH & E—which I understand is one of the biggest firms in the United States, operating out of New York . . . in fact, as I look on the cover of one of their booklets it says: "New York, Boston, London, Hong Kong." So they spread themselves around the world even more than I initially thought. He derided them here in this Legislative Assembly yesterday, making fun that they gave Cayman Airways "A's" in this, and "A's" in that, and "A's" in the next thing. I think that must have been a particular document which he is privy to in his own right as Minister, because I see no such listing or grading in this report here. So that is something else that he must have been referring to. Anyway, they were singularly and regularly mocked.

He talked about consultants, and the worst thing in the world that could happen is to have consultants. He is apparently also a consultant.

What we all need to be aware of in this House is that the present Managing Director of Cayman Airways—who was showered with bouquets and verbal kisses for his efforts and his miraculous work in Cayman Airways by three different Members—was one of the consultants of that time who worked with Aviation Services Ireland—and I am reading from the cover of their report—"on behalf of the Cayman Islands Government."

Just to bring things into focus, I wish to read from page 5 of the ASI Report, of which the Managing Director, Mr. Ray Wilson, was a part. **"Section 3.23, 'Salaries and Conditions of Service', paragraph 1: We find that the salaries of the two most senior executives are some 25% to 30% higher than would be normal for these positions. We appreciate that there were extenuating circumstances for this and that valid contracts are in place."**

On page 27, under the caption **"Position on four senior managers"**, section 6.12, I read: **"The four executives considered in this grouping are: Managing Director US \$130,000, or CI \$104,000; VP-N. America, US \$108,000 or CI \$86,400; Sen Mgr Maintenance—**

US \$55,000 or CI \$44,000; Sen Mgr Finance—US\$ 63,460 or CI \$50,770.”

It goes on to say: “**The salary of the MD [Managing Director] appears to be high by a factor of some 30%. Here we have the problem of an individual combining the jobs of Chief Executive and an active line pilot. This situation always presents problems in terms of what is fair total remuneration and whether the arrangement is a sensible one given the levels of responsibility inherent in both jobs. It is however a question for the airline Board.**”

That is contained in this report which anyone can read. It also includes the views of the present Managing Director, who was a part of this study. The salary is 30% more than it should be.

But, when I asked the Minister for Cayman Airways sometime ago in a question (which he does not like to answer) what was the salary of the present Managing Director, his reply was that it was approximately what the last Managing Director was making.

I make the point that to the best of my knowledge the present Managing Director does not fly the plane. So, we get a little vision or insight into the Board's thinking, or the Managing Director's, or the Minister's—wherever it would seem to lie among those particular persons or entities. With the Managing Director doing one job and receiving the same salary, it would seem that the Managing Director is being well paid to do whatever type of job he is doing—hopefully it is a good one.

The Minister for Cayman Airways also went on to say that when consultants had something to do with Cayman Airways it kept losing, and losing, and losing money. When he took it over it was not making money, but he has it now making money.

In point of fact and truth, the consultants had nothing to do with the running of Cayman Airways at the time that they carried out their study; they merely came and carried out a study and found certain things which existed in Cayman Airways. They wrote their report and made certain recommendations. It is false for anyone to give the impression that the consultants had anything to do with the running of Cayman Airways—except one consultant who was with the group (Air Services Ireland), whom the Minister appointed as the Managing Director.

Hon. Truman M. Boddén: Madam Speaker, on a point of order.

The Speaker: The Honourable Minister for Education and Planning.

POINT OF ORDER

Hon. Truman M. Boddén: The Member is imputing something that is totally incorrect. I have no power to appoint a Managing Director, the Board does. Therefore it is an incorrect imputation in relation to me.

The Speaker: That is a valid point of order Second Elected Member for Cayman Brac and Little Cayman,. Please correct that and continue with your debate.

Mr. Gilbert A. McLean: Madam Speaker, I take the point made by the Minister for Cayman Airways, when he says it is the Board. But, I must point out that until yesterday I did not know that he sat on the Board along with the Financial Secretary and the Attorney General. That is what he said yesterday.

Hon. Truman M. Boddén: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, Honourable Minister for Education and Planning?

POINT OF ORDER

Hon. Truman M. Boddén: I am not a member of the Board—I do not sit on the Board; and the Member is once again either very confused or deliberately imputing something which is incorrect.

The Speaker: That is a valid point of order, Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Minister for Aviation said on at least two occasions yesterday that he and the Honourable Attorney General and the Honourable Financial Secretary sit on the Board. Is he denying that, Madam Speaker? I will give way for him to clarify.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Boddén: Madam Speaker, we sit in at meetings of the Board, we do not sit on the Board. I am prepared to lay on the Table the document that the Member referred to earlier by SH & E, showing where Cayman Airways got all “A's” back in November 1992, if he wishes. If not, I will do a statement later.

The Speaker: Excuse me, Honourable Minister, I do not think that came into the point of order at the moment. Please, let us not bring in something that was not raised.

The Minister has said that he and the other Official Members sit in on the meetings, Second Elected Member for Cayman Brac and Little Cayman. We will have to accept that.

Mr. Gilbert A. McLean: Madam Speaker, the Minister for Cayman Airways admits that he sits in on the Board—so do the other people that I factually named, as he did yesterday. It should be interesting to know—

Hon. Truman M. Boddén: Madam Speaker, I hate to belabour this—

The Speaker: Please, please, ‘on a point of order’!

Hon. Truman M. Bodden: On a point of order.

The Speaker: Just a minute please, I must put your name down to allow you to speak.

Honourable Minister for Education and Planning. May I hear your point of order?

POINT OF ORDER

Hon. Truman M. Bodden: There is a difference between sitting in on the Board and sitting in on Board meetings. As the Member obviously does not know the difference, I draw his attention to it again. I do not sit in on the Board.

The Speaker: Well, it's a matter of semantics, but I assume, or I gather that you would be sitting in on meetings because sitting in on the Board would be a futile exercise.

Please continue Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the Minister for Cayman Airways claimed that he has no dealings in the day-to-day affairs and operations of Cayman Airways. Quite often, up until yesterday, in reply to a supplementary question from the First Elected Member for Bodden Town, he claimed it was a private company. But he did say yesterday that he, the Minister for Cayman Airways, turned it around, that he virtually performed a miracle.

How does he perform that miracle? By being in his office and by Divine power directing that into the boardroom up at the airport? Or, does he and the National Team—

Hon. Truman M. Bodden: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, Honourable Minister for Education and Planning?

POINT OF ORDER

Hon. Truman M. Bodden: The Honourable Member is imputing that I alleged Divine power. That is nearly blasphemous, and I would ask him to withdraw it. I do not have Divine power.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman, please be careful in your statements about Divine power, because I am sure we all appreciate that there is only One who has Divine power.

It is a valid point of order. Second Elected Member for Cayman Brac and Little Cayman, would you continue, and avoid such references?

Mr. Gilbert A. McLean: Madam Speaker, I do believe that Divine power is with One source, and that is the Great Supreme of this universe. Therefore, only He could perform miracles—not the Minister who said that he did yesterday. That is my point, Madam Speaker.

With such a claim, one has to know what is being claimed. The Minister said that he and the National Team have fixed Cayman Airways. Well, all of the National Team Members are politicians and Members of this House, so if there is to be no politics in Cayman Airways, I wonder what was happening, or is happening, when he, the Minister for Cayman Airways, and the National Team are fixing Cayman Airways? Does it become politicised—even a little bit—on those occasions?

The fourth point I noted in the notes I took yesterday was that this claim was made.

Also, Madam Speaker, the Minister for Cayman Airways made reference to the fact that the last Government could not get the \$20 million that was approved for it. Naturally they could not get it. They did not have that much time left in office. As I recall it was approved sometime in July, and on September 20 the House was prorogued and that was the end of it. Any Government takes time to negotiate a loan, and the Government of the day had to have taken time, as well as the Government of which he is a part.

What is very significant . . . and when we are getting down to facts and truth, this House, and whomever might listen to the broadcast, ought to be aware of the facts that the last Government—the last Minister, Norman Bodden, whom I must say was big enough to decide he was not going to run anymore in politics and stepped away from it—had the courage to bring a Money Bill to this House seeking \$20 million. The other truth is that seven of us did not vote for that Money Bill, including the Minister for Cayman Airways. The *Hansards* of this House show it.

Mr. Roy Bodden: Very quick to use the Money Bill.

Mr. Gilbert A. McLean: Very quick to use the money he was, indeed. To talk about how great and powerful he, the Minister, was in being able to negotiate it and get it from the banks.

There is no proof whatsoever that the last Government, had they been in office, could not have gotten the same loan facility from the banks. If there were, I would hope the Minister would be delighted to tender it to this House for the eyes of everyone.

In another note that I have here, the Minister for Cayman Airways noted that when he took over the disaster, which he says the airline was, he said a silent prayer. He then went on to say that a prayer is said at the Board meetings before each meeting. That is something good. I, too, pray for it. I even pray for him—that he could change his ways.

Madam Speaker, we know that there was a contract entered into during the time of the last Government by the then Managing Director, the Board, and whoever else would have had any dealings with it, where it bound this country into a contract for 15 years without a break clause. It had Cayman Airways, the company—not the Government (the Government did not sign a guarantee for that)—bound to pay Guinness Peat Aviation \$112 million over that period of time. In fact, even if the deal went sour (which it did) the Company was still liable for that.

Naturally, the costs were too high for each plane, which were two brand new 737-400s, costing \$310,000 each, so \$620,000 per month just on rental had to be paid. The Company could not continue to do that.

But what is of great significance is that there were five aircraft then in the possession of Cayman Airways. The Managing Director of that time was smart enough, and the Minister was smart enough, and the Board was smart enough, to negotiate on its own to have five aircraft, including two 737-400s that were right off the line (we were told). How does that compare with the Board of today, who, any time they want something comes to Government for a loan guarantee?

One of the things that the Minister for Cayman Airways went on about incessantly during the time that he was part of a group of seven then-called Backbenchers . . . he tore into the Minister for Aviation at every opportunity he got. He asked questions repeatedly about Cayman Airways—he did not consider questions stupid then—and he also thought that questions should be answered then. Where they were not answered, he sure ripped into him in debate over it.

One of the things that the present Minister for Cayman Airways shouted the loudest about was the fact that Cayman Airways had entered into an agreement with Guinness Peat Aviation for such a sum of money, for such a period of time, without a break clause in the contract, and assured this country and this House that such could never happen had he anything to do with it.

This week he stated in this House that he knew and agreed to two contracts signed by Cayman Airways for five-year periods without any break clauses. Do I detect any sort of double standard in this process? Is there any kind of double standard?

Who stands the liability of it all? The same people that the Minister for Cayman Airways said he was defending—the people! It is a liability on the people of the Cayman Islands.

What is he now doing about it? It seems like he gets encouragement often in these things because the one daily newspaper, the *Caymanian Compass*, on Tuesday, 18 April 1995, under an Editorial captioned: "Who's doing the barking?" went to great lengths to say what a wonderful management decision had been taken in getting this Bouillon aircraft 737-200 and getting it without having a break clause.

I would like to quote a few lines from this: "**Three MLAs were concerned that there was no break clause in the contract.** [Those three MLAs were the Second Elected Member for George Town, the First Elected Member for Bodden Town, and me]. **Mr. Wilson explained that a contract you could get out of was not a contract at all . . .**" Madam Speaker, this really defies any logic, and this must really delight lawyers or make them wonder if this is for real.

It goes on to say: "**...rent depended on how long they leased the aircraft; it was a seller's market; demand for such aircraft was high. He said that he had never been successful in getting a termination clause.**" Those are the words of the *Caymanian Com-*

pass, the wisdom of the Managing Director, whom they say they are quoting here, and the agreement, undoubtedly, of the Minister for Cayman Airways.

They go on further to pick on the only three MLAs in this Legislative Assembly who thought something was wrong with it. It says; "**Mr. Wilson has considerable experience and a good track record.** [That is what the Minister for Cayman Airways says too] **that is why he was hired. In his two years he has turned CAL around completely. It has not been easy: he has had some hard decisions to make, but, with the backing of the CAL Board and the Minister, he made them.**" Word for word what the Minister for Cayman Airways is saying.

What does the paper say about the three Members of this Legislative Assembly who are truthful and honest enough to stay in a position that was taken before, and to stay concerned about the welfare of this country? This is what they said: "**The vote against the guarantee is tantamount to a vote of no confidence in the airline and those who have been put there to run it.**" Now we are being accused of voting no confidence in the airline by the papers, and in today's editorial they are going to town on the recent No Confidence Motion being a waste of the time of the House for the past four days.

They should have told the Government that. That would have been something logical.

This contract that the *Caymanian Compass* was so bravely defending without any break clause, goes on to say: "**The contract has been examined by the Attorney General, the Solicitor General, CAL's Miami lawyers, the Minister and managers at CAL.**" So, when all of these people look at a contract that has \$5 million liability without any break clause and say; 'Go for it', that makes it all right. The three Members get attacked: "**The MLAs' opposition might be understandable if they had some knowledge of the airline business.**"

I wonder how much knowledge the *Caymanian Compass* has of the airline business. What we have knowledge of is the stability of this country and the proper spending of the people's money.

"**The three MLAs claim they support the airline, yet when called upon to do so, they failed to live up to their words.**" I think that any newspaper or media in this country needs to understand that in this Chamber are a few legislators who have enough conviction, good sense and general knowledge of things—including the airline business—that when something is not right we will not vote for it irrespective of how many high rollers have said it is all right.

In ending this up it says: "**The CITI Corp's aircraft guarantee came before Finance Committee twice, on 21 December last year and 11 January this year. At neither time was the matter of a termination clause raised.**" That is true, Madam Speaker, because I do not believe any Member of this House thought that after all that had happened with the Guinness Peat deal, and knowing that the Minister who claims to have done a miracle with it would never, ever agree to a contract that did not have a break clause.

The Speaker: Will the Honourable Member take a suspension at this time?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.34 AM

PROCEEDINGS RESUMED AT 12.09 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 we took the suspension I was referring to a certain Editorial in the *Caymanian Compass*, and offering some differing views as to its supposed wisdom and logic.

In response to that particular Editorial the Second Elected Member for George Town wrote a letter to the newspaper on Thursday, 4th May, 1995, and it is captioned "CAL Aircraft Lease." He makes one point there that I would like to raise as something which I think the Minister for Cayman Airways, with all the wisdom he claims, should have thought about when he was sitting in on the Board meeting negotiating this contract for the aircraft.

The letter is by Dr. S. A. Tomlinson, MLA, and the first part of it reads: "**Having read your 18th April Editorial concerning Finance Committee's guarantee for the lease of the B737-200s from Bouillon Aviation for Cayman Airways, I invite you to objectively answer the following questions: 1) Which deal would you support and embrace—the outright purchase of the B727-200 for the sum of \$7.5 million, giving the airline ownership of the aircraft once the loan is paid off OR the deal guaranteeing the lease of the same aircraft for \$94,000 per month for the next 56 months for a grand total of \$5,264,000, at the end of which time the airline is no nearer owning a plane? Rent or buy, which makes more sense?**" It says the 727-200 and I think it should have been 737-200 there.

The question is made by the MLA, and I believe that if Cayman airways is to continue, and, too, be logically and soundly managed financially, thought needs to be given to the lease purchase of aircraft and not simply just leasing aircraft from Bouillon Aviation or anyone else. What has been happening under the present Minister for Cayman Airways is that we are leasing planes and equipping them with collision avoidance systems—which was put on some of them because they did not have it, and which improves them—then giving them back; we are doing checks and hush kitting them, then handing these aircraft back to the owners. We have nothing, and they have an improved aircraft.

I believe that proper management would be taken if we look seriously at lease purchasing aircraft, suitable aircraft, not like the latest one we took on with an extra

tank in the belly taking up luggage space which, I am told, has to be taken out at a cost of about \$90,000, and then put back in when the aircraft will be handed back over to the people who originally had it.

The question of owning the aircraft can be illustrated by the fact that with the 727s, which Cayman Airways owned, the company was able to sell those aircraft because of the equity that it had for \$12 million. So, even if the company should run into trouble where it would have to shut down, at least there would be equity and the company could seek a buyer because they would have something to sell. In the present situation, the company has no aircraft, and if it were forced to shut down for whatever reason, they would have no aircraft, they would have nothing to sell; and we would be in debt for \$11 million or \$12 million, still having to pay off the aircraft which are leased and for which there is no break clause in the contract.

If the Minister for Cayman Airways had spent time on that, I think he could compliment himself and give himself an A, as he says he has already done for his performance so far. It is interesting to note that while he gives himself an A for that performance, a survey by the Chamber of Commerce did not necessarily come up with the same lettering.

If I remember correctly, it was raised by the Third Elected Member for Bodden Town that one of the consultants, who is now the Managing Director of Cayman Airways, is expected to be leaving, but would be offering consulting services. It is also my understanding that he would be sitting on the Board of Cayman Airways on these particular instances. But the new man who is being appointed as "General Manager" would not be doing the same thing. I have a serious concern about that. While the claims are that consultants caused the airline to go bankrupt and get into all sorts of trouble—even though one of the prime consultants is there running it now—we cannot give the same position and privilege to the Caymanian person who will be called upon to run that airline on a day-to-day basis, that he would be Managing Director of the Board.

Madam Speaker, if, like the Minister for Cayman Airways said, Mr. Norman Bodden (the former Minister for the airline) had had the opportunity the present Minister has available to him—all the cash injection that has gone on since 1993—the situation could have been much different than it was. Also, if the airline is in such wonderful shape, if everything is so perfect, as if by miracle; and if it is paying off so well all of its indebtedness within a 30-day period; and if there is such confidence in the Minister and the managing director, then why, oh why, is it necessary for the government to continue to have to underwrite loans and borrowings and financial dealings? If the airline is succeeding so well, why can the subsidy not be reduced? Or, if it is generating so much cash and functioning so well, why do we need to continue with the same subsidy?

On that matter of the subsidy, where the Minister for Cayman Airways said that that large subsidy is really needed because of his doing so much for Cayman Brac .

. . . he should really give up that old claim, because he is convincing no one on the Islands of Cayman Brac and Little Cayman. Surely, the people who have put their trust in me for two terms in this House know very well that if I had anything to do with that airline it would fly there virtually every day. It would also fly at least on a Saturday from Miami through Cayman Brac, just to give that island an opportunity to fly directly from Miami.

The people there understand that very well, for of any words of his ever spoken that will be remembered in this country will be those of his spoken at Julian's Restaurant at Spotts Bay in Cayman Brac, on Friday, 23 October 1992, when he declared to the people of Cayman Brac that if they did not vote for whom he told them to vote for they would get nothing.

Hon. Truman M. Bodden: Madam Speaker, on a point of order.

The Speaker: Yes, Honourable Minister for Education and Planning.

POINT OF ORDER

Hon. Truman M. Bodden: On the point of relevancy. Whatever was said in relation to voting at a restaurant some years ago is totally irrelevant.

The Speaker: I am afraid that there are a lot of things that may not have been relevant, but he is replying to a point and I think he is trying to make a point there of something that you said as a follow up. So I am afraid that it has to be allowed.

Would you continue Second Elected Member for Cayman Brac and Little Cayman?

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

As I mentioned a little while ago, Cayman Airways flying to Cayman Brac is something that is needed. It should never be a secondary thought, and I do not believe for one moment, nor can I be shown, that \$4 million is spent for Cayman Airways to fly into Cayman Brac. So, the Minister can hand that particular thought to those people who might choose to believe most anything.

Another thing that one could wonder about is that the Minister claims he has kept the same Board since he has taken over. If that is the case, then it must be that that was not such a bad Board appointed by the last government. Why things were the way they were could not have been the fault of the Board, it must have been that it was cash-strangled and up against certain competition, and so on, in the very beginning of the onslaught of foreign carriers coming to the country. Those things must have really played a bigger role in creating a situation of cash shortage than he is prepared to admit.

If Cayman Airways is where it is today because of the Minister and the National Team, then it must have immense political interplay within it, around it, or over it. But the truth is that we do not know where Cayman Air-

ways is today and that is what the Motion is asking for—to find out where Cayman Airways is.

The Minister gives himself an "A", and says we do not need any consultants, while he has one consultant who did the study in 1992 employed. We need to know where the entity, Cayman Airways, really is at this time. Where are the accounts? The accounts have not been forthcoming. If an airline, or any company, is running so good, why are the accounts for it unavailable? On what basis could the Minister assess this wonderful story? Is it on the smiling faces of the staff? Are their faces really smiling? Does he want us to believe that there is such absolute harmony, that everything there is hunky-dory? If that is the case, then get someone who is an independent person to come in and tell all of us here in this country. That is the point of the motion.

His charge that the Opposition would be happy to see political upheaval in Cayman Airways is ridiculous, like many of the ridiculous statements that he made yesterday in regard to two Members of this Legislative Assembly. If he, the Minister for Cayman Airways, and the National Team are solving problems like he says, then the ultimate solution would be—I say to him, the Minister—to resign! That is the final solution.

Another matter that was raised by the Minister is that he had to pay General Electric for an engine that he had to get rid of. One of the things that I wonder about seriously when it comes to Cayman Airways is what is happening to the \$4 million worth of parts? The Minister has now been responsible for Cayman Airways for two and a half years, and in two and a half years we have not heard that the Minister has been able to sell any of those parts. That would be an immediate cash flow into the airline.

Another thing that I understand in regard to the present aircraft is that, while they are 737-200s, they are not technically the same. You cannot pull one part from one to put on another—they are different 737-200s. How does that explain his efficient management and the genius that is going on now in Cayman Airways? They are not the same—two 737-200s that are not the same, the parts are not interchangeable. How much of a [737]-400s parts will be workable in those planes is anyone's guess.

No one in this House, surely not the First Elected Member for Bodden Town or me, has spoken a word about stirring up any strife in Cayman Airways. Far be it [from that]. What we are attempting to do with this motion is to stir the minds of the Government to see that they can do something right. Is that too much to ask?

There are many reasons why there is a need for Cayman Airways to have a review at this time. First, no one factually knows what the situation is with Cayman Airways at this time for there is no proof of accounts or other technical data. The claims by the Minister for Cayman Airways are all that there is.

Another reason is that there is to be a change in top management. The present Managing Director is supposedly going to go, but he is not going to go—he will be around advising and consulting and still sitting in on the Board. The Caymanian who is to be taking over, suppos-

edly running the airline, will be called a "General Manager" and he will not be sitting in on the Board.

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, please do not repeat your arguments. That is repetitious. You have already said that.

Mr. Gilbert A. McLean: What, Madam Speaker, the term "sitting in on the Board"?

The Speaker: You have already said what will be happening to the present Managing Director. You have already said that the Managing Director will be sitting on the Board as a consultant. That statement has already been made by you. Please do not repeat it. Thank you.

Please continue.

Mr. Gilbert A. McLean: Madam Speaker, undoubtedly, the General Manager will be the person who is responsible for the day-to-day operations of Cayman Airways. That individual is being appointed to take up those duties beginning at some point in time. Neither the public, the Members of this House or I, believe that that person himself would be able to assess just where is he taking up from; but what is certain is that that individual could be the patsy for taking the blame for things which might be wrong now in the airline which are not known. It is unfair for that individual or any such individual.

Major change is coming about now. The miracle worker is moving away and an ordinary human being is coming in to take over. There needs to be a clean slate for that individual to begin with. I have been told, unlike what the Minister for Cayman Airways says, 'that everything is fine,' I have been told that there are certain problems which will occur relatively soon (I am told between now and September) for which someone is going to take it in the neck. Obviously, that will be the manager. Which manager? Let us check the time of changeover and see. Is it fair?

Even in government, Madam Speaker, when there is changeover of Heads of departments, and so on, there is at least some basic summation done, or there may even be an audit in the vote book so a person knows where they are taking over from. What will that individual be held for that he may not even have had any hand in whatsoever?

There are other things that a review could look at: charters, for example. Cayman Airways is now doing but two charters—St. Andreas, Panama, so on, now and then. One of the things that same SH & E Report recommended as far back as 1992 was that Cayman Airways should seriously explore the revenue-earning possibilities of Charters. We do not have a charter to North America anymore. At one time there was a charter to New York. That has all been changed, according to the Minister. He changed that, and gave himself an "A" for doing it.

Another thing that he changed and stopped was, according to him, having a lobbyist in England. I believe that that should be re-instituted, that was a good thing. I

bet that British Airways has lobbyists in the House of Commons to help them with negotiating bilateral agreements and to put pressure on their behalf. I think we should have such persons there since we, in effect, are flying a route of the United Kingdom and Cayman Airways comes under that. I think that should be re-instituted and the wisdom of someone prior to him acknowledged for having appointed such a person.

I believe that a review would also look into how the operational side of Cayman Airways is functioning, which is very important. [This review] would take a look at routes and the feasibility of routes, for airline routes is something which has very specialised significance—which, I state, the Minister for Cayman Airways does not have the capability of doing, irrespective of whether he says he has a degree in credit managing and banking. We are talking about airline routes and the determination thereof, that is a science in itself.

I believe that a review would look at the maintenance part of Cayman Airways and how well that is doing. I understand that it is doing well to some degree. It is now in Grand Cayman, which at least offers opportunity for our own people to find employment. It would look at that situation, and it would even look at some of the spare parts that are being held and there might be advice forthcoming as to how dispose of them. If the Minister has all of these miraculous powers, how is it that he does not know how to get rid of the \$4 million worth of parts being held there?

I think that a review would also look at the contracts without break clauses that have been signed and will give some views other than those of the Minister and the Managing Director. I believe that a review would look at the situation of just purely leasing an aircraft, and look at the feasibility of lease-purchasing an aircraft.

Hon. Truman M. Boddin: Madam Speaker, on a point—

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, you are repeating yourself again. That point was already raised by you.

Honourable Minister for Education and Planning.

Hon. Truman M. Boddin: I was just going to make the same point.

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

Mr. Gilbert A. McLean: Madam Speaker, I believe a review would look at the present Air Services Agreements which limit the capacity of Cayman Airways in flying its routes, and would be able to advise on what attempts should be made to amend the Air Services Agreement.

In speaking about that, a question asking if any limitations have been put on by the FAA in regards to Cayman Airways has been deferred in the House by the Minister because he supposedly needs information on it. Well, I have done a little inquiry myself and, as I thought about it, the answer could either be yes or no—it could

only be yes or no; so there is nothing to research. But I am told that there is a restriction put on where we can only fly 737-200s; that we cannot upgrade to a 737-300 because under the wonderful management of the Minister, the Board and the Managing Director, there has not been adequate, systematic record-keeping to show certain data in regard to the aircraft. So a limitation has been put on the two jets of Cayman Airways, and a restriction that it must fly 737-200 which limits the capacity to 120 people.

I believe a review of the Air Services Agreement would recommend whether Cayman Airways should try to limit the capacity of airlines flying in here now. To the best of my understanding the limitation is now on the number of flights. But we well know that Cayman Airways' competition were told that they could only fly in from Miami so many times. So they simply flew a larger plane and brought in the same number of people in two or three flights. A review could advise on those types of Air Services Agreements.

A review could advise on the best way to attempt to continue to have a moratorium. A review could look at the aircraft and consider such things as hush-kitting these aircraft, what it would cost and what options might be available to Cayman Airways. Surely, a review would have some small comment about the accounts that have not been forthcoming and what they may or may not have included, and make queries about it.

In those same reports, both of the Air Services Ireland and the SH & E Report, it speaks about Mission Statements—statements as to where the airline is going and how. I would imagine a review would also have something to say about that as I am unaware of any Mission Statement (new or otherwise) recently publicised in this country about Cayman Airways.

A review could certainly address the matter which has long been debated in this country about Cayman Airways being a private company therefore we cannot be told this, that or the other thing about it; that is often said in this House [in answer] to questions and otherwise. But the question, then, is: If it is a private company, for which the Legislative Assembly has no right to query, why is it that whenever it needs a loan it is always the Legislative Assembly, or the Finance Committee it comes to, to underwrite those loans? Maybe a review could come up with a sensible answer to see exactly where Cayman Airways fits into that seeming contradiction.

The motion that is before this House needs to be accepted by the Government for the reasons I have stated, which, I postulate, would make sense to any reasonable man or woman. To not do so continues to allow Cayman Airways to be shrouded in the dark shadows so ably spread over it by the Minister for the airline who speaks so highly of himself and of where it is supposed to be at this point in time.

If there is nothing to hide, if there is nothing to fear from what could be found through a review, then there is obviously no logical reason why there should not be a review.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion No. 9/95: "BE IT RESOLVED that Government consider commissioning Simat, Helliesen and Eichner Inc (SH & E) because of its familiarization with Cayman Airways Limited, as a result of its past study, or such other specialized entity to undertake a review or situational assessment of the airline at this time."

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.

The Clerk:

DIVISION NO. 6/95

Private Member's Motion No. 9/95

AYES: 2

Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 12

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
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
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

Absent: 4

Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy
Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell

The Speaker: The result of the division is two Ayes, 12 Noes. The Motion, therefore, has not been passed.

PRIVATE MEMBER'S MOTION NO. 9/95 NEGATIVED BY MAJORITY.

The Speaker: Proceedings will be suspended until 2.30.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated.

Private Member's Motion No. 4/95. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 4/95

CONTROL OF LOCAL BUSINESSES

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. I beg to move Private Member's Motion No. 4/95, entitled, Control of Local Businesses, which reads as follows:

"WHEREAS there are a number of Caymanians who own and depend upon local businesses for their livelihood:- that is watersports, real estate agencies, boutiques, contractors' licences and other businesses;

"AND WHEREAS it is becoming increasingly difficult for these Caymanians to earn a decent, honest living in these areas because of unfair competition from foreign-owned companies which are attempting to monopolise these different industries;

"AND WHEREAS it is important to ensure that Caymanians continue to earn an honest living from their chosen areas of business to ensure the continuance of the social harmony that we enjoy in these Islands, which is one of the key reasons for our financial success;

"BE IT NOW THEREFORE RESOLVED THAT Government consider taking steps to ensure that new licences issued to industries as above, as well as any other businesses deemed necessary, are to Caymanians or to wholly owned Caymanian companies."

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, I rise to second the Motion.

The Speaker: Private Member's Motion No. 4/95, Control of Local Businesses, having been duly moved and seconded is now open for debate.

The Third Elected Member for West Bay.

AMENDMENT TO MOTION

Standing Order 25(2)

Mr. John D. Jefferson, Jr: Madam Speaker, in accordance with Standing Order 25(2), I beg permission to introduce an amendment to this Motion. Standing Order 25(2) says, in regard to Motions: "Not less than two days' notice shall be given of an amendment to a motion unless, in exceptional circumstances, the Presiding Office so authorises otherwise."

Madam Speaker, I beg you to consider that.

The Speaker: Would the Third Elected Member for West Bay indicate whether he considers the circumstances to be exceptional?

Mr. John D. Jefferson, Jr: Yes, Madam Speaker, I do.

The Speaker: Would you say why you think they are exceptional?

Mr. John D. Jefferson, Jr: There have been some concerns raised as to certain provisions of the motion and I think it would be in order to offer some enhancement to some of the wording in the motion, and to deal with the issue as a whole rather than wait the two days.

The Speaker: Thank you.

Accordingly, permission is granted to waive the two days' notice and the amendment can therefore be made.

Would you put forward your proposed amendment?

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker, for your kind consideration. This is an amendment to Private Member's Motion No. 4/95, and it reads:

"BE IT RESOLVED that Private Member's Motion No. 4/95 be amended as follows: (1) That the words 'and other businesses' be deleted from the first recital; (2) That the words 'as well as any other business deemed necessary' be deleted from the resolve section; and (3) That a further new resolve section be added as follows:

"AND BE IT FURTHER RESOLVED that a Select Committee of all Elected Members be established to study other areas of local business, that the quorum be eight Members, and that public input be sought."

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker. I rise to second the motion for the amendment.

The Speaker: Before I put the question on the proposed amendment, I think that on the number (2), the last resolve section in the original motion says "as well as any other businesses", and this proposed amendment has "business". Could you just add "other businesses deemed necessary be deleted from the resolve section"? Is that in order? Thank you.

The question is that Private Member's Motion be amended as follows: "(1) That the words 'and other businesses' be deleted from the first recital; (2) That the words 'as well as any other businesses deemed necessary' be deleted from the resolve section; and (3) That a further new resolve section be added as follows:

"AND BE IT FURTHER RESOLVED that a Select Committee of all Elected Members be established to study other areas of local business, that the quorum be eight Members, and that public input be sought."

The amendment has been duly moved and seconded and is now open for debate.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Madam Speaker, I ask your guidance... do I speak to the amendment or to the motion?

The Speaker: Well, to speak intelligently to the amendment you would have to include the motion, otherwise it would not make sense.

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

This motion has generated a great deal of interest in our community. There has been feedback in favour of this motion and then too, other sectors which have raised some concern with regard to what we are proposing. Let me mention up front that this motion does not, in any way, attempt to control the financial industry and its related services in this country. The motion also does not intend to be anti-foreigner.

As sensible and responsible legislators, we all recognise the necessity of foreign investment in keeping the economic and financial wheels of this country turning. Foreign investments have created one of the highest standards of living of any place in the world for our residents. We will continue to welcome foreign investments and foreign investors in this country.

May I just remind all of the key ingredients that have been responsible for the success that we have enjoyed in this country. We can boast of a stable government; no foreign exchange controls; social harmony; and the people of this country (that is, Caymanians) and those who reside among us (but especially Caymanians) have always been known for their warm hospitality and for welcoming anyone who chooses to visit or live among us. I am one person who would not want that situation or that advantage that we have here to ever change. I believe that the Cayman Islands are islands where people can come to relax and feel relatively safe. They receive a warm welcome and, as a result, we have attracted a lot of repeat visitors and business to this country.

But, Madam Speaker, on the other hand, as a representative of the people I do not think it wrong for me to call on government to consider putting in place measures and policies to promote or protect the local interests of Caymanians. Even the Bible tells us that any man who does not look out for his own household is an infidel. It is in order for us to promote and create advantages and benefits that would be to the sole benefit of our Caymanian people.

In this country, for far too long, we have sat back and done very little out of fear of doing the wrong thing. As a result, the situation in this country has deteriorated to the point where right now in certain areas as highlighted in this motion—that is, the watersports industry, the real estate industry, the construction industry, in particular, and other small businesses which Caymanians have relied upon to make an honest, decent living. . . I do not believe that any foreign investor would feel threatened by measures of this nature. Regardless of where you go there are provisions or policies in place that are geared to the local citizens of that jurisdiction.

I understand that there is similar legislation in place in jurisdictions such as Bermuda, and some of the other countries. Even in the great United States there are certain areas where only US citizens are allowed to benefit. So, I do not think it is out of place for us to take measures

in hand to ensure that we continue to enjoy the benefits that we have had in this country for so long; that we protect the environment here so that visitors can continue to feel welcomed, where foreign investors can come in and feel comfortable and continue to feel safe with regard to their local investments.

There are a number of opportunities available to foreign investors in this country. I am not calling for any restriction whatsoever in businesses in the financial sector; I am not calling for any measures to close off the construction of hotels or condominiums. These are the areas that have, over the years, been financed and operated by foreigners. These things are necessary—these investments, these businesses, create employment for our local Caymanians. We should continue to encourage that type of activity in this country.

[I will now] specifically address those areas mentioned in the motion, the first of which is the watersports industry. Caymanians have always been known for their sea-faring success. Over the years when Caymanians had to do so, they became known as some of the world's best seamen. They sailed the seven seas. That was not too very long ago, when our Caymanian men had to resort to the sea in order to make a living. I am a young man, and when I was a boy that was the only option that I had available; I looked forward to going to sea—like so many of my relatives and friends—to earn a living.

They went to sea and sent home what was known as the 'allotment' to their wives or mothers who helped to build this country. They ran the household. What happened over the years . . . and that was not only going to "Southwell", as we used to term it, but a lot of our men were also employed in the turtle fishing industry, trolling back and forth between here and the Mosquito Cays fishing for turtle, also to support their families.

But, Madam Speaker, what happened over the years was that we then had Caymanian men who chose not to go to sea to make a living, but to stay at home. There were men, such as, Captain Ertis Ebanks, Captain Crosby Ebanks, Captain Gleason, Captain Marvin Ebanks, Captain Frank Ebanks, who were the pioneers in the watersports and charter fishing industry. These were the ones, contrary to what might be said today, who were responsible for creating the big tourist attraction that we have today known as "Stingray City". In the early days, these men were able to earn an honest, decent living in this industry to support their families. Our visitors enjoyed real Caymanian hospitality.

Over the years the watersports industry, or dive industry, has grown to where the Cayman Islands today now boasts of being the number one (or number two) diving destination in the world. The watersports industry today is big business. As a result, large foreign investors have seen the opportunity. They have come in through the assistance of Caymanian partners who get a piece of the action, and have attempted to gobble up all of the business; and in the process have hurt many small Caymanians who are finding it very difficult to continue to earn a decent, honest living in this industry today.

The large foreign-controlled businesses, even though a lot of them are 60% owned on paper by some Caymanians, have tremendous advantages compared to the small local Caymanian who is in this business. They have the cruise ship contacts, the contacts with big wholesalers overseas, they have contacts at the hotels and condominiums locally, and, as a result, they are able to sew up the business at the expense of Caymanians.

It has gotten so bad that some hotels even refuse to allow the local Caymanian operators the privilege of displaying their brochures in their lobby. So, the odds are against the small Caymanians at the present time in the watersports industry.

As a result of the difficulties that many of these small Caymanians have experienced, they have had to leave the industry and find jobs elsewhere to support themselves and their families. Today, the majority of the people who operate and/or work in the watersports industry are persons who are on work permits who have very little watersports experience and know nothing about the waters here around the Cayman Islands. Particularly—and this is a concern that I have raised on a number of occasions—since these people are here for two weeks and put in charge of boats that offer snorkeling trips and dive trips in the North Sound and to Stingray City. I have heard of several occasions where these boats have been rammed onto the reef in the North Sound, or they run aground on the shallow bars in that area simply because they do not know what they are doing.

We have a tendency to not do anything until we have a crisis. In other words, we are going to wait until someone gets hurt or killed in that industry as a result of someone's inexperience. Then government will jump in and put stringent legislation in place in order to try to correct the situation. At that stage it is too late.

One of the concerns that I have is that if you talk to persons who are here on work permits, be they dive masters, boat operators or personnel working in that industry, you find that they are paid very little to come here and work in this industry.

I remember talking to a young Caymanian who was working for one of these outfits and he told me that he was being paid US \$5.00 per hour. What happens is that these people come in from jurisdictions where unemployment is high and they look forward to being able to work, to come down here and have a good time. Once they get here, not only are they employed in the watersports industry, but they get amendments to their work permits and work at night in the hotels and restaurants. They also get consent to work in the real estate industry on a part-time basis in order to supplement their income. Issues of this nature and the problems that Caymanians are now being faced with in this industry have to be addressed.

We had a public meeting at the West Bay Town Hall and after the meeting we met with a number of the local watersports operators. They have formed a new watersports association named The Cayman National watersports Association. In order to be a member of this association one must meet the requirement of being a

born Caymanian. They highlighted some of the difficulties that they have experienced where, for example, they have called meetings with the hotel operators and management and offered them a piece of the action (maybe up to 20% commission) if they would be allowed to display their brochures on their racks in their lobbies. They flatly refused to even consider it.

Because of this attitude, many of these Caymanians are to the point where they are saying that they must have a piece of the action or they will see to it that nobody benefits from this industry. That kind of situation alarms me as a representative.

The membership of this new association consists of some 22 local operators. Some of the things they are recommending are: 1) To lift the current ban on distributing literature in Cayman's large hotels; 2) To establish deep water cruise ship moorings in West Bay; and 3) To build a landing jetty in West Bay on the west side of the island.

Like I said, they are all born Caymanians, honest Caymanians who have looked to and relied on a living from the sea all their lives. But what I am proud of is that Caymanians in this industry have started to organise themselves and, hopefully, in conjunction with the Motions and the Department of Tourism, their message can also get out there that if our visitors to this country want to enjoy real Caymanian hospitality, as far as the watersports industry is concerned, there are Caymanians who are still capable, willing and able to offer that service.

Many of them previously, on an individual basis, had approached the cruise ships about assistance. One excuse that the cruise ships always came up with is that they needed a million-dollar liability insurance policy in place. I have been informed by the members of this new association that this insurance is now available to them. So they are now in a position where they do qualify for consideration from the cruise ships for part of their business.

One of the recommendations that they also put forward is that not only should any future licences in the watersports industry only go to Caymanians or companies 100% owned by Caymanians, but that foreign controlled companies in this area should also be restricted as to how far or how wide they can expand.

I believe that the government has to step in and lend some assistance in this area. They can assist in a number of ways, not only by directing the Immigration Board to not license any companies in this area unless they are Caymanian owned, but by also ensuring that financing is made available to local Caymanians, through the AIDB, in order to finance their operations provided they can show a good business plan and that they have the ability to operate the business on a successful note. Government should encourage and ensure that financing is made available to local Caymanians—not only through the AIDB, but also through the commercial banks that are licensed and operating in this country.

I believe there is a need for government to establish some type of watersports board. We could have representation on that Board from the Cayman Islands Wa-

tersports Association, the Cayman National Watersports Association, the Hotel and Condominium Association and maybe someone from the transportation industry could sit as a member of this board or committee. Also, maybe one or two legislators should sit as members of that board.

As I see it, the role of this board or committee would be to review any new applications or requests that may be submitted to government for any new boats to be brought in, to ensure that boats used in the industry are seaworthy; because there is a lot of concern out there right now regarding specific boats that were mentioned that are falling apart and still going out there on a daily basis filled with visitors. The concern is that one of these days someone is going to be hurt or killed in one of those boats—it may sink or someone will drown. They are really concerned about that. I think that this could be one of the functions of the new Committee or Board, perhaps with the assistance of the Port Authority or the marine section, to ensure the seaworthiness of those vessels that are used in that industry.

I believe that there is also a need to ensure that anybody who operates a boat in this area has the experience, qualifications and knowledge of the waters here around the Cayman Islands to operate that boat. They should have to satisfy the members of that Committee that they are capable of doing that and if they are that they be issued some type of licence that is renewable on an annual basis, or whatever time the Board deems necessary.

I also believe that with the assistance of the Department of Tourism Caymanians employed in the watersports industry should be assisted in getting business from the cruise ships. I know that what some jurisdictions do is to refuse to allow any pre-bookings whatsoever. I am not advocating that, but I believe that it is necessary that a representative of the new association, perhaps along with the Director of Tourism, should sit down with the agents and ensure that the new association gets a piece of the action. All that Caymanians are asking for is to get a little piece of the pie. They are not asking for everything, they just want the ability to be able to earn a living in this industry.

My recommendations in this area are: (1) that any new companies be 100% owned by Caymanians; (2) any licences issued in that area be issued only to Caymanians or 100% Caymanian owned companies. The other necessary thing that was brought to my attention is that we find situations where foreign investors come to a Caymanian who is tempted to do so-and-so, and asks him to form a company for them. They say: 'Here is \$100,000 for the business, but I will control the business by acting as Chairman of the Board, President or Managing Director of the Company.' I believe it is also necessary for the Board to look at the make-up of that board and management of that company. I believe that what is recommended is that a Caymanian is put as Chairman or President of the Board, and also as the Managing Director—to ensure that once the company is formed and licensed a Caymanian will control the business.

I am recommending that some type of new Watersports Board be established for the purpose of determining the sea-worthiness of vessels used in the watersports industry; the licencing of operators in that area and to review and approve (or disapprove) any new requests that come to government for new boats that will be used in this industry.

I believe that once government takes that approach in regards to the watersports industry, we can head off some of the dissatisfaction and frustrations that our small Caymanians who are attempting to make a living in this area are presently experiencing. I honestly believe that that is the key to our continued financial success in this country.

The Cayman Islands has always been a place where Caymanians, regardless of what rung of society they may find themselves in, were always able to make an honest, decent living in this country. I believe that once Caymanians can continue to do that, they will not feel threatened or too concerned about the number of people who come into this country as visitors, or [those] here on work permits to fill jobs that Caymanians are not presently capable or available to fill. But Caymanians will continue to share in the success that we have in this country.

The other area mentioned in the motion is real estate agencies. I was pleasantly surprised at the reception I received from Caymanians who are employed in the real estate industry. Their comments were that this was very timely, necessary, and they really supported the idea of our doing something at this stage to protect Caymanians in this industry.

The real estate industry in this country is big business. We have some Caymanians who are doing quite well indeed in this industry. The opportunities in this industry continue to expand, but we see the same trend in the real estate industry, as I just mentioned in the watersports industry—the big foreign investors coming in and joining up with a Caymanian partner and controlling the business. One of the real concerns highlighted to me in my discussions with people in that industry is that they have right now multi-national real estate companies that are coming in here to operate in the Cayman Islands—Century 21, RE/MAX and agencies of that nature.

Those are franchises, and those franchises have certain requirements. For example, let us use Century 21—they require that a franchisee have a certain minimum percentage of all real estate listings in this country. Not only that, by their very nature they constantly demand adding agents. Because we do not have that many Caymanians available in this area, these agents have to be brought in from the outside.

The other concern brought to my attention was regarding part-time agents in the real estate industry. Many of these people are here on work permits, employed in the watersports industry making US \$4.00 or US \$5.00 per hour. But they see the opportunities available to them and apply for an amendment to their work permit and become part-time agents in the real estate industry in order to supplement their income. The concern is that these

part-time people are only out to make a buck, there have been instances where they have not played by the rules. That hurts the reputation of the industry and those people who are reputable and who have a genuine concern and interest in doing what is right and who have a concern for the reputation of the Cayman Islands.

As a matter of fact, because of those problems, one of the considerations is that the Cayman Islands Real Estate and Brokers Association is eliminating part time agents in that industry. By the very nature of the business, if they can continue to get work permits for people who do not necessarily have the experience or qualification (but just an interest to come in here and work); rather than looking to see if they can find a qualified Caymanian who may have the ability and the interest to be trained in order for him to make a living in the industry, the preference is to apply for a work permit. Unfortunately, work permits at the present time are too easy to get.

I am not saying that we do not need people on work permits. There are certain areas of work in this country where Caymanians do not have an interest in working but a need is there for those services and we need to bring people in on work permits. There are certain positions that Caymanians have not attained at present, so we have to continue to offer work permits in these areas. But where we can find a Caymanian with the ability and the interest to be trained, the government should insist that he be trained.

The other complaint that I get from Caymanians is that there are people employed in the industry who really do not need the income. Some of these agents are staying at the Britannia and riding around in a Rolls Royce, a BMW or a Mercedes Benz. A lot of property owners are also listing their properties with agents in return for work permits for family or friends in order for them to also be in a position to sell the property and get a commission.

The number of abuses that are going on in this industry is amazing. Unfortunately, we Caymanians have not learned a whole lot from other nationalities. The Cubans look out for the Cubans, the Jamaicans look out for the Jamaicans, the British look out for the British, Americans look out for Americans . . . the Caymanians? The attitude amongst Caymanians—and I am glad to see that they are starting to organise themselves—is: ‘As long as I can make a living, I forget about you.’ That is what has promoted some of the problems we are experiencing in these areas.

One of the recommendations that is coming forward for that industry is that government should consider placing a ban on any further multi-national real estate companies being licenced to operate in the Cayman Islands.

There is also a recommendation that government should consider placing either a moratorium or a limit on the number of real estate agents that are issued work permits to come in here. I honestly support those recommendations. I believe that we have a sufficient number of companies licensed in this area. The Cayman Islands Real Estate Brokers Association wrote me when they saw the article on my motion, and they provided me with

some very essential information. I would just like to read some excerpts from the letter:

“Of our 24 member companies, without exception, all are proper Caymanian companies with the majority controlled by Caymanians. No company is operating by virtue of a Local Companies (Control) Licence and, given our membership criteria and approval process, it is very unlikely that this will occur in the future regardless of a government-imposed moratorium.”

So, the real estate industry has also organised itself, and I understand that there is only one company operating in that industry that is not a member of this association. The association is a good thing because it disciplines and monitors what goes on in the industry. If necessary, they can take action to ensure that a person no longer remains a member if they do not abide by the rules. That is good because it ensures that the foreign investor who comes here to purchase a piece of property, or who buys a condominium or whatever, is dealt with in a professional matter. That is very important.

We have enough agencies in the real estate industry, and until that situation changes where we might have to issue new licences to companies that are 60% Caymanian owned, I would recommend that government consider issuing any new licences in this area to 100% owned Caymanian companies, or to the Caymanians themselves. When you talk about a Caymanian, he falls under the definition of the Immigration Law—someone who has Caymanian Status as well.

I believe that it is important for us to put certain controls in place in that area so that people who are employed in that industry do not find themselves in the same situation, now or in the future, as presently exists in the watersports and transportation industry (which is another area where a lot of our Caymanians are very frustrated and having a very difficult time in earning a decent living). I believe the time has come for us to also ask the government to consider issuing new licences in the real estate industry only to Caymanian owned companies or to Caymanians themselves.

I also believe, as has been recommended by Caymanians employed in that area, that government should consider placing a moratorium or a number with regard to the number of permits that are allowed to any one real estate agency. If we do not control the numbers at this stage, it is going to be another dog-eat-dog situation as in the real estate industry.

Madam Speaker, the other area that this motion covers is boutiques. That covers a wide range of businesses—the little T-shirt shop, the little flower shop, you name it, I guess we could basically cover it under a boutique situation. What we find at the present time are people with a lot of money who are allowed to operate here in the Cayman Islands. They are allowed to establish boutiques and are able to compete with, and not only compete with, but to destroy small Caymanians who are attempting to earn a living from that little business.

I believe that this is an area where we also need to look at putting some controls in place, and ensuring that

any new licences in this area are issued to Caymanians. By that, I believe that the definition includes those who have Caymanian status.

The problem that we have in this country is that one person decides to go into a particular business and then you find 100 additional people deciding to go into this same business with no thought whatsoever of the number that business can support, and everybody suffers as a result. I believe that it is necessary for us to also look at issuing any new licences for boutiques in this country to Caymanians or 100% owned Caymanian companies.

One of the areas that the motion also covers is local contractors. I know that government is now in the process of attempting to address this issue. I think a bill entitled, "The Local Contractors Bill", will be brought in September, I think, in an attempt to regularise or improve the situation with regard to local contractors.

I recall the policy of the 1976—1984 Government where they had large foreign contractors—at that stage we had McAlpine and Hadsphaltic who were not allowed to bid on jobs of a certain size, I think it was anything under \$250,000 that they were not able to bid on. That did lend some protection to the local contractors. What is happening today is that we have qualified Caymanians who are carpenters and masons, good builders, who are finding it very difficult to continue to earn a decent living in this country.

We have people being brought in by the large contractors who are paid \$4.00, \$5.00 or \$6.00 per hour—cheap labour. As a result, many Caymanians are having a hard time earning a living. I believe that some controls have to be put in place and that Caymanians have to be protected in this area.

We have enough contractors in this country. I do not care what has to be built here—you can find somebody here at the present time who can build that for you. That is not a problem. Previously, the policy was that we had these people who were brought in (be they masons or carpenters) for specific projects. The condition was that once that project was finished those persons were to be repatriated. Over the years a lot of these people have been allowed to stay here. They were able to establish roots and, as a result, they are now in a position to compete and they get preference in a lot of cases because they have the contracts with local Caymanians. Like I said before, Caymanians do not want all of the business, they only want the ability to be able to earn a decent living in this area.

The motion also calls for government to consider the issuing of licences in this area in the future to Caymanians or Caymanian-owned companies.

I found it very interesting to see what the Chamber thought about this motion. In an article in the *Caymanian Compass*, on Wednesday, 14 June 1995, under the title, "Protectionism in Business," certain concerns were raised. One of the issues raised that I found amusing was the issue of 'fronting'. They said that if you have the requirement that any company in this area is 100% owned by Caymanians, what happens if a Caymanian marries a foreign spouse and they want to go into business. They

are saying that the Caymanian spouse would have to front for their foreign spouse. That is nonsense, Madam Speaker. How can you front against yourself? Once you are married you are one as far as I am concerned. How can my wife front for me for them? They benefit, regardless of who owns the business. I do not have a problem with that. If a Caymanian spouse holds the shares in that company that is fine with me.

The other issue they raised was: what happens if the spouse does not qualify in this area? There is nothing in the Trade and Business Licensing Law that says a person has to be qualified to apply for a Trade and Business Licence. It does not say that. It says you have to be Caymanian. So, they raise issues that really do not make sense in a lot of cases—like they always do.

The statement they make here is, . . . let me read this Madam Speaker: "**The Compass quotes Mr. Jefferson as saying: 'that it is difficult for Caymanians to earn a decent, honest living in these areas because of unfair competition from foreign-owned companies which are attempting to monopolize these different industries.'** The Chamber cautions that Mr. Jefferson's remark is biased and smacks of nationalism."

Madam Speaker, I do not care who likes it from who does not—I am a nationalist. I am Caymanian, I promote Caymanian interests, but it does not mean that I am against any foreign investor in this country. I do take pride in being Caymanian. The minute you start emphasising or promoting these types of ideas, the first thing they try to label you with is being a radical, or anti-foreigner. I am no idiot; I recognise the value of the foreign investor, I recognise the value of the foreign financial industry in this country.

I hear a lot of Caymanians saying: "Boy, the good old days." Not me—I would not want to go back to the good old days where the mosquitoes were eating us and we could not find a job. I would not want to have to go on the iron shore and pick whelks. That was fun when you had to do it, but I do not find that too enjoyable anymore.

There is nothing wrong with having national pride or promoting national pride, or protecting certain industries or areas for your own people. What is wrong with that?

The other comment they made which I thought was very interesting, and which shows where their support is, is where they said: "**Additionally, it is the nature of the business to grow and expand if possible. Indeed, the free enterprise is based on the arrival [they mean survival] of the fittest.**"

We adopt that philosophy here in the Cayman Islands. That is exactly what we have—the 'arrival' of the fittest. But the arrival or survival would not be the local Caymanian, Madam Speaker.

I have no apologies to the Chamber or anyone else for bringing a Motion of this nature, because I believe it is in the best interest of my people. This in no way sends any signals nor should it be misinterpreted by any foreign person or company operating in the Cayman Islands that I am promoting nationalism. What they are talking about there, nationalism... the context here is we are heading toward a situation like Cuba, where the government just

took over banks and hotels and all of the other businesses. That is not the situation here. The dog will eat all of our supper the day that kind of philosophy is promoted in this country.

What I am asking the government to consider doing is with immediate effect to put in place a moratorium or controls on any new licences issued to companies in the watersports industry, the real estate industry, the construction industry and in the area of boutiques. This motion also calls for, through the amendment, a Select Committee to be established that will consist of the 15 Elected Members which would give us as legislators an opportunity to invite members of the public in to appear before us and say what, in addition to the areas Mr. Ebanks and I have raised, should be considered to be set aside for Caymanians. This is not intended to infringe on the financial industry that we have in this country. This is local businesses—be it little cleaners, whatever—this Motion is restricted to consideration in those areas.

Madam Speaker, I thank you for your time and I commend the Motion to this House.

The Speaker: Proceedings will be suspended for 15 minutes, and I ask Members to please be back in the Chamber by 10 minutes past 4 o'clock.

PROCEEDINGS SUSPENDED AT 3.54 PM

PROCEEDINGS RESUMED AT 4.09 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 4/95. The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Thank you, Madam Speaker.

I would like to begin by saying that after such an enlightening presentation by the Third Elected Member for West Bay, I feel pretty confident that this motion is going to get unanimous approval.

It is a well known fact that there are problems brewing in our communities—be that George Town, East End, Cayman Brac, wherever—there are persons who feel that they are not getting their fair share of progress as our islands develop. They approach many of us representatives and legislators in an effort to see if something can be done so that they can enjoy the progress that the islands are making as a whole. I therefore feel that this Motion is very timely and appropriate, and I look forward to hearing the various points expressed by the various people as they contribute to the debate.

As Cayman progresses and business opportunities become more lucrative, and where there is the opportunity to make money, it is only natural that this will attract outsiders to our shores, and this is nothing more than we can expect. Such was the case in the California Gold Rush, etcetera. It is only natural that people will be attracted to this island. I do not think that anyone should ever insinuate that they are doing something wrong or other than they expected, but, at the same time, I think it

would be remiss of us as Legislators and Representatives not to protect the interest of those we represent.

Now, if there were not a problem at all, and Caymanians were not complaining and did not feel that they were not being taken care of by the present legislation in place; in other words, if the Companies Laws and the Trade and Business Law and all these other laws that are in the statutes were working, then perhaps this motion would not be expedient. It is my firm belief that all the laws we have in place to protect our own people are, in fact, not working because we do have a problem on our hands.

The mover of the motion pointed out some of the particular areas of business that are very affected. He spoke about boutiques, watersports and real estate agencies. I thought that he went into elaborate details as to the where, when and how these various businesses are affected.

I noticed that in the amendment to the motion, which I found on my desk this afternoon, it is the intention to amend the resolve: "That the words "and other businesses" be deleted from the first recital;" and also, "That the words "as well as any other business deemed necessary" be deleted from the resolve section;" and to add a further resolve: "AND BE IT FURTHER RESOLVED that a Select Committee of all Elected Members be established to study other areas of local business, that the quorum be eight Members, and that public input be sought."

I must admit that I had some concern when I read the motion initially, and saw that it did leave it very wide open, not only for the various areas noted, but it did go on to be kind of all-encompassing and left to the discretion of... I am very happy to see that this amendment has been proposed because it makes it much easier for me to support the Bill.

I am not so interested in the semantics and the legalities and whatnot. I am more interested in the spirit of this Motion. What it is trying to do is ensure that our people can make a living in this the only place they can call home. That is very vital to me because I, for one, know that if this does not happen we are going to have social disharmony, unrest and the very things that we fear are going to happen. Unless we have a contented populace and unless we try to do something about it, it is not going to happen on its own.

As we have already heard, a free enterprise system involves the survival of the fittest. Many of the persons who come to our shores are far better equipped because of their past experience, education, etcetera, to survive in this our island home. Therefore, it seems very prudent for us, as legislators, to ensure that our own people can survive, that they will always have a job and that they can make money in their own country, their own home.

I do not think any Chamber of Commerce or any organisation should ever attempt to insinuate that we are doing anything else than what we were put here to do.

I remember during the campaign and shortly afterwards, there was so much talk about 'standing up for Caymanians', 'protecting Caymanians' rights', doing everything

we could to make sure Caymanians had a fair part of the action. I am not at all in the least frightened when I read articles in the paper which seem to want to give the impression that we had better be so careful because all the investors are going to run. We are not talking about businesses and investments, and so on, that Caymanians are not qualified to undertake. We are not talking about those things. We are not talking about the banks, the trust companies and international organisations that have established themselves in the Cayman Islands. We are talking about simple businesses where there are sufficient Caymanians already amongst us to do the job. All that would happen if we allow other people to come in and participate, is that they would be put at a disadvantage.

We know that it is very healthy to allow Caymanians to compete amongst themselves, and we would never be able to stop that—we want to encourage that, we want to make sure that we can get the very best product. I believe in the free enterprise system and I believe that it should be encouraged. But, when we invite extraneous factors to our shores... and we know they are going to come because there is hardly any better place in the world than Cayman, despite the detractors and all the statements they want to make—so they are going to keep coming—unless we protect our own people then they surely will not want to come. Nothing is so bad as to go to an island—and many of us have visited such islands—where people are so disgruntled they lack stability; they are so ill-tempered and bad-mannered, full of expletives and so on, that you really feel like taking the next plane out. We never want to see a Cayman Islands like that.

Therefore, I think it is very important for us to do our part to make sure that our own people can survive in dignity in these islands. Like I said, there may be a few words in this motion that the legal minds might want to change, but I believe the Caymanian public wants us to support a motion like this to ensure that they have a fair chance.

If I were any other legislator, or anyone else, I would not even care two hoots about what people are saying because that is purely a scare tactic—where they say we are going to drive the investor out with a motion like this. It is nothing but a scare tactic and it is to make sure that they continue to deprive and rape this country of what other people should be benefitting from. So I am not impressed with people who come along with scare tactics.

We certainly welcome foreign investment to our shores, and there will be lots of room for foreign investment in Cayman—this is a growing, blooming type of blossoming economy, and there will be lots of opportunity for the foreign investor to come in here and invest and help us out and for us to help them because it is always a two-way street—one can hardly do without the other. We certainly welcome those well-meaning people and we want to see them make money and do well in this country. We will maintain the free enterprise system, while at the same time ensuring that Caymanians are not victimised and not disadvantaged in any way.

I too found that comment about nationalism very interesting. Nationalism, in the sense of national pride and looking after my own people and going the extra mile to ensure that the Caymanian populace is going to get first place in Cayman... I tell you, there is not a stronger proponent in Cayman than I in that respect. So, if the Chamber of Com-

merce is referring to that kind of nationalism they can come and talk to me.

The other sort of nationalism, where you want to take over banks a take over like in a communist country, I do not think the foreign investor even has to begin to fear that this is what we are intending to do here. So, for those well-meaning foreign investors, and all of those people who are fair minded, I think that they would support what we are trying to do here in the Legislature today. It is those people who are themselves warped in their thinking, who feel that they can come into another man's country and take over, that will perhaps object.

Cayman is for Caymanians. We welcome foreigners and will always make them feel at home, within reason. I want to remind people who have been using scare tactics that whenever you go into another man's country it is just that—unless you get status or citizenship it is not your country and you have to abide within the laws and mores of the country.

So, good luck to this motion, and thank you very much, Madam Speaker.

The Speaker: Does any other Member wish to utilise the five minutes remaining? (Pause) Do you wish to have an early adjournment?

Hon. W. McKeever Bush: We have five minutes more.

The Speaker: Perhaps the Honourable Minister responsible for Community Development, Sports, Youth Affairs and Culture would like to utilise the five minutes.

Hon. W. McKeever Bush: Madam Speaker, any time I get a chance to speak, I speak! If I was going to speak...

Mr. John D. Jefferson, Jr: Madam Speaker, I would recommend an early adjournment.

The Speaker: Is that seconded?

Mr. Roy Bodden: I second that, Madam Speaker.

The Speaker: I am going to have to put the question... The Fourth Elected Member for George Town?

Mr. D. Kurt Tibbetts: I am sorry, Madam Speaker, I was just going to suggest that since the motion had been seconded we take a vote on it.

ADJOURNMENT

The Speaker: The question is, as proposed by the Third Elected Member for West Bay and seconded by the First Elected Member for Bodden Town, that this Honourable House do now adjourn until 10.00 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 Monday morning at 10.00.

AT 4.25 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 19 JUNE 1995.

APPENDIX 1 TO QUESTION NO. 130

APPENDIX 1 TO QUESTION NO. 130	
Buildings	
Bodden Town Clinic	\$ 512,400
District playfield	100,000
Bodden Town Channel	25,000
Bodden Town Public Beach improvements	12,000
Breakers' Community standby generator	16,000
Bodden Town Police Station standby generator	8,000
Prison visitor centre and other works	610,000
Bodden Town Primary School	69,000
Roads	
Cumber Avenue (off Cumber Crescent) (completed 22nd March 1995)	2,700
Eden Crescent (West) (completed 4th April 1995)	8,200
Bodden Town Road seal shoulders from the Primary School to Guard House (completed 21st March 1995)	31,900
Belford Estates/Marl pitching (private) (completed 21st March 1995)	2,000
Rackley Canal Road spray and chip (completed 3rd April 1995)	21,000
Arlene Road (next to Rackley Road) relay and reseal (started 18th April 1995)	22,100
Farrell Road/Newlands relay and reseal (started 17th April 1995)	18,000
Road off Northward Road relay and reseal	16,900
Northward junction realignment	39,500
Roy Bodden Farm Road survey and clear	70,000
Reseal road—Buddy Wood to Moon Bay Condominiums	75,000
Bobby Watler Road relay and reseal (to be gazetted)	31,399
Current approved projects:	\$370,600
Anticipated work: shoulder and reseal main road/Buddy Wood to Bodden Town Clinic	\$29,400

**MONDAY
19 JUNE, 1995
10.09 AM**

The Speaker: I will ask the Honourable Minister for Tourism, Aviation and Commerce 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, forever 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

The Speaker: Before we begin the matters for this morning, I would like to extend on your behalf a very warm welcome to the Lady Member for George Town who has been ill. It is good to see her back.

Questions to Honourable Members/Ministers. The first question is No. 135, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 135

No. 135: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state the number of Exclusion Orders lifted since 1993.

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

Hon. James M. Ryan: Thank you, Madam Speaker. The answer: Only one Exclusion Order has been lifted since 1993.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member inform the House as to how the decision to lift Exclusion Orders is made?

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

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

Each case would be considered on its own merits.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say from whom these recommendations come, whether it be a body, organisation or individuals?

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

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

Again, it depends on the individual case and the circumstances. Generally, the individual who has been declared a prohibited immigrant will quite often write and ask for reconsideration putting forward any additional information that may not have been available before, or a change in circumstances, as the case may be.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is it a requirement that such an applicant provide substantiating documents or references from persons of prominent standing in the society?

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

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

Again, it all depends on the circumstances. For the sake of argument, maybe I can elaborate a little more: If a person has been declared a prohibited immigrant by virtue of the fact that he/she was convicted in another country, let us say, the United States; and suppose the offence was a tax offence that is not an offence in the Cayman Islands but, at the same time, the person would have gone to prison for an extended period of time; then the person would be declared a prohibited immigrant in the Cayman Islands. But, after a number of years it may be that the person writes and asks for a reconsideration giving the details, and the government would then examine the case to make a decision.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

In cases where the orders are lifted, are there any provisions attached, or when the order is lifted is an absolute order granted?

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

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

That one is a little difficult to answer because, as I stated in the substantive answer, there is only one case since 1993, and in that case the person was granted permission to re-enter the Cayman Islands. There were no specific conditions attached.

The Speaker: The next question is No. 136, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 136

No. 136: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to state if any counsellor from the Cayman Counselling Centre provides daily counselling sessions at Northward Prison.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. The answer: Presently the Cayman Counselling Centre has a designated Drug Counsellor assigned to Northward Prison with other staff members assisting in doing assessments with regard to appropriateness, attitude and motivation on individual inmates who express an interest in drug counselling.

Implementation of the educational programme, that is, videos, lectures and discussion groups, began 13 June, 1995. Cayman Counselling Centre is currently using a classroom provided by the Prison one day a week while awaiting space and additional staff. At this time an intensive programme which has been prepared will be implemented five days a week to assist the inmates in a smooth transition back into society upon leaving prison.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say how many prisoners avail themselves of this service at this time?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Forty-seven, at this time.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if there is any follow up available for these counselling sessions when the prisoner has been released?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, they are now connected to the Counselling Centre for the follow up treatment.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I noticed in the answer given by the Honourable Minister that it only expresses an interest in drug counselling. I wonder if he could state if other areas of counselling are given at the Prison such as for a kleptomania (a person who is always in there for stealing), or is it strictly for drug counselling?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, I cannot say if that is going on. Our main responsibility is the drug and alcohol problem.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Would the Honourable Minister give an undertaking to investigate into the feasibility of addressing this need?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: It is not my subject, but I can talk to the Honourable Chief Secretary, or his Deputy, who I think is responsible for Northward Prison.

The Speaker: The next question is No. 137, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 137

No. 137: Mr. Roy Bodden asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if there is at the present time a fully functional Personnel Department at the George Town Hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. The answer: No, there is not at the present time a fully functional Personnel Department at the George Town Hospital.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister then state how personnel problems are addressed, and by whom?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

With the dissolution of the Health Services Authority on 1st January, 1994, the Health Services Authority returned to its former status as a government department. As such, personnel functions, that is, recruitment, benefits administration, compensation management, etcetera, are provided by the Public Service Commission and the Permanent Secretary of Personnel.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister tell us who recommends when personnel should be hired, and if someone is not performing, does all this go back to the Public Service Commission or straight to the administrator?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

There are two aspects: The hourly paid employees are recommended by the Head of Department, the permanent and pensionable would be through Personnel.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say who is responsible for keeping current personnel records if there is no Personnel Department at the hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Head of Department, Madam Speaker.

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

Mr. Gilbert A. McLean: As the Hospital is one of Government's largest departments, and in large part its staffing is specialised, has the Ministry or the department considered that it might be best to have a functioning Personnel Unit within the Health Services Department? Is any consideration being given to it?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Not at this time, Madam Speaker.

The Speaker: That concludes Question Time for this morning.

Government Business, Bills.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1995

Clerk: The Development and Planning (Amendment) Bill, 1995.

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

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1995

Clerk: The Agricultural and Industrial Aid (Amendment) Bill, 1995.

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

SECOND READINGS

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1995

Clerk: The Development and Planning (Amendment) Bill, 1995.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I move the second reading of the Development and Planning (Amendment) Bill, 1995. This Bill merely permits tribunals to be established for the Development Plan representations, and for objections to be heard. It is impossible for one planning tribunal to deal with all of the several hundred applications. That is the reason for the Bill.

The Speaker: The question before the House is that a Bill entitled, The Development and Planning (Amendment) Bill, 1995, be given a second reading.

The Motion is open for debate. [pause] If there is no debate, does the Honourable Minister have anything to add?

Hon. Truman M. Bodden: No.

The Speaker: I shall now put the question that a Bill entitled, The Development and Planning (Amendment) Bill, 1995, 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 DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1995, GIVEN A SECOND READING.

The Speaker: Second readings.

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1995

Clerk: The Agricultural and Industrial Aid (Amendment) Bill, 1995.

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

Hon. W. McKeever Bush: Madam Speaker, Members are aware of Government's policy to amalgamate the Housing Development Corporation and the Agricultural and Industrial Development Board into a new entity which has, thus far, been referred to as the Cayman Islands Development Board.

The purpose of this amalgamation is to streamline the operation of this organisation to make it more efficient. In order to facilitate the proposed amalgamation, it is recommended that the Agricultural and Industrial Aid Law, 1978, be amended to empower the Board to prepare for the winding up of the activities before it is actually wound up.

An amendment to the Housing Development Corporation Law, 1981, passed in the Legislative Assembly in September 1994, empowers the Housing Development Corporation to prepare for its winding up and the formation of a new board. The draft bill of the Cayman Islands Development Board is being reviewed by the Committee and the recommendations will be made to Executive Council in July as to the makeup of the board and so on.

It is my intention to bring a Bill to this Honourable House in September to formally effect the amalgamation of the Housing Development Corporation and the Agricultural and Industrial Development Board.

The required provision for the AIDB has been prepared in the form of a Bill to amend the Agricultural and Industrial Aid Law, 1978. I trust that Members will appreciate this Bill as being just a housekeeping exercise, as was done with the Housing Development Corporation Law, 1981, in September last year to pave the way for the amalgamation in September 1995.

I commend the Bill to Members and trust that it will enjoy the full support of the House.

The Speaker: The question before the House is the second reading of The Agricultural and Industrial Aid (Amendment) Bill, 1995. The Motion is now open for debate. [pause]

If there is no debate, and unless the Mover has anything more to add, I propose to put the question.

The question is that a Bill entitled, The Agricultural and Industrial Aid (Amendment) Bill, 1995, 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 AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1995, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider the two Bills.

HOUSE IN COMMITTEE AT 10.30 AM

COMMITTEE ON BILLS

The Chairman: Please be seated.

The House is in Committee to consider the Development and Planning (Amendment) Bill, 1995, and the Agricultural and Industrial Aid (Amendment) Bill, 1995.

The Clerk will now read the Clauses.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1995

Clerk: Clause 1. Short title.
Clause 2. Amendment of section 2(1) of the Development and Planning Law, revised
Clause 3. Amendment of Section 8(3) of the principal Law.
Clause 4. Amendment of the principal Law by addition of new section 38A.

The Chairman: The question is that Clauses 1 through 4 do stand part of the Bill. The Motion 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 Chairman: The Ayes have it.

AGREED: CLAUSES 1, 2, 3 AND 4 PASSED.

Clerk: A Bill for a Law to Amend the Development and Planning 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 AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1995

The Chairman: The Agricultural and Industrial (Amendment) Bill, 1995.

Clerk: Clause 1. Short title.
Clause 2. Amendment of the Agricultural and Industrial Aid Law, 1978.

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

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

Clerk: A Bill for a Law to Amend the Agricultural and Industrial Aid Law, 1978.

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 a Bill entitled Development and Planning (Amendment) Bill, 1995, and The Agricultural and Industrial Aid (Amendment) Bill, 1995.

The question is that the House do now resume. I shall put the question. Those in favour please say Aye...Those against, no.

AYES.

The Chairman: The Ayes have it.

AGREED. THAT THE HOUSE RESUME.

HOUSE RESUMED AT 10.33 A.M.

The Speaker: Please be seated. The House is resumed. Reports on Bills.

The Honourable Minister for Education and Planning.

REPORTS ON BILLS

THE DEVELOPMENT AND PLANNING (AMENDMENT)

BILL, 1995

Hon. Truman M. Boddien: Madam Speaker, I have to report that a Bill entitled a Law to Amend the Development and Planning Law (Revised) 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 AGRICULTURAL AND INDUSTRIAL AID
(AMENDMENT) BILL, 1995**

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

Hon. W. McKeeva Bush: Madam Speaker, I have to report that a Bill for a Law to Amend the Agricultural and Industrial Aid Law, 1978, was considered by a Committee of the whole House and passed.

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

Other Business. Continuation of the debate on Private Member's Motion No. 4/95, Control of Local Businesses.

OTHER BUSINESS**PRIVATE MEMBERS' MOTIONS****PRIVATE MEMBER'S MOTION NO. 4/95****CONTROL OF LOCAL BUSINESSES**

(Continuation of debate thereon)

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

Although I seconded the Motion, I still feel that there is something I should say, that is, that I rise to give the Motion my full support.

What the Motion is calling for is something that should have been done a long time ago, that is, providing some form of protection for our local small business people.

I still feel that although it may be late, it is never too late to do good; so, I hope this Honourable House will give this Motion its full support and that government will get along with the job of trying to help these people.

The small business people are being pressured, especially those mentioned in the Motion. I know that the watersports industry is suffering badly, they need help.

The watersports business was formed here by Caymanians in the early days of our development and it was run good. But, as it always happens, the big business people in that area have moved in now and are working as if to try to take the whole business over. The watersports business is something that we should preserve for Caymanians—Caymanians lived off that, and those doing it enjoyed that livelihood. It was like one big family operating together.

I know that one of our Captains, the late Captain Ertis, who was one of the first Caymanians who went into watersports—and he did a good job. I remember him also landing the biggest fish that was caught in the Cayman Islands. It was a Jew Fish, I think, 300 pounds—that was a huge catch. That fish was hung up under the grape tree on the seashore and people came down to look at it and take pictures. I remember seeing tourists there. What he should have done at the time was set up a cool drink stand and he could have made some money off the show. But, it brought friendship and people came and looked for him. He was always busy.

The other captains who followed also provided a good service to the tourists and they enjoyed it. Actually, the harmony and tranquillity that was brought to the people through those men is what brought the tourists back to the Island in those days. They loved and enjoyed it.

We are now where the big fish eats up the small fish. That is what is happening now to that industry and also to others. I feel it is high time that the government take steps to control this to put an end to this pushing, and give our local people a chance to live again.

Madam Speaker, we have large businesses here, such as the investors and bankers. We are not interfering with them. What we are speaking about are the local small business people. I say that it is now time for government to move forward and do something to protect them. I know that the pressure on one establishment is really bad and they are thinking about moving. If Caymanians were not people who have a loving heart and all this thought out, 'How would it look for me to do something radical or something rough?' they would probably have made a move already. I have had representation from the transportation side (the taxis) and they are looking for the government to step in and give them some help.

This thing is like a sleeping, boiling volcano—it will erupt if it is not stopped. I, for one, hope that something is done soon.

I give this Motion my full support. Thank you, Madam Speaker.
[pause]

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

Private Member's Motion 4/95, which is presently before the House with its amendment, is one that I can support. My support is for a variety of reasons.

I believe there is a need for Members of the Legislative Assembly, be they Ministers or Members on the other side of the floor, when they are aware of problems in an industry, to try to take the necessary action which, hopefully, will bring an amicable solution to the perceived problem.

Many of us who grew up in Cayman, as stated by the Fourth Elected Member for West Bay, know about the people who started the industry and know that the North Sound, particularly, was left for people who conducted snorkelling businesses as well as for bone fishing and other activities.

It was not many years ago that those operators in the North Sound who, by their daily visits to a particular area of the North Sound, where they had been feeding the stingrays for many, many years, developed what is now one of the most popular dive sites in the Cayman Islands. I think what is important is that they who developed it have an opportunity to reap the benefits from it.

We have seen the significant traffic to that area over a period of time; so much so that it is almost difficult on some days to pull up another boat. Sometimes some people who are heavy on the commercial side of watersports tend to forget who actually created it.

The control of local business is not anything new. I believe that one of the reasons why the Caymanian Protection Law was put in place was with that objective in mind. If we now find that the law is not working as effectively as it was intended to, then there is need to take another step. Rather than reacting to a crisis situation, I believe it is in our interest to head off any possible crisis and to resolve it as best we can, hopefully being fair to all parties concerned.

In my view this control of local business does not affect the financial industry. It is basically dealing with people who provide local business, such as in the watersports areas. The amendment to the Motion is calling for a Select Committee to be established to take public input on how other areas of the economy may be looked at, and maybe [recommend] possible solutions to difficulties that we now experience.

I believe that the local people in the watersports industry, who were there from almost as far back as I can remember, are going through very difficult times. If we are, as we have been, successful in promoting tourism to our shores, whether they arrive by an airline or a cruise ship, I believe that they too should get a little bit of what everybody talks about—trickle down economics—by tourism traffic.

I believe that the objective of the Bill is to preserve the present position, to not allow substantial increases in this area of watersports which would further dilute the business that is presently earned by the people in the watersports industry. We know there are dive operations that go on which are diving different parts of the waters

around the island. Those who are here, as they say, are here. This Motion does not seek to do anything about them at present. As for the future, we will need to look at that carefully. Certainly, if you have a group of people who are not earning as much money from it as they believe they should (and I believe they should), then we need to take some steps to ensure that that happens.

The free market system is not a solution to every problem. It does not take a genius to figure out that people with significant amounts of money can capture just about any industry in these islands. My question is: if Government allows that to happen, is that fair? I say it is not.

I look forward to [listening to] other Members, who I feel certain will offer their contribution now that they understand what the Government is going to do in respect of this Motion. Not to prolong the debate—I have always believed in being brief and trying to get my points across as best the Lord helps me to do—I will take my seat by saying that I see no danger with this particular Motion, and I support it because I think it is right for the people of these islands.

[pause]

The Speaker: If there is no further debate, would the Mover of the Motion wish to exercise his right of reply?

The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I did not mean to be too hesitant, but I will proceed at this time.

Madam Speaker, I must say that I was a bit surprised to see a Motion like this come before the House. We all know that Cayman is a very young country and that it has only been in the last 20 years that we have developed and become fairly prosperous. But we have always looked to foreign investment to help out with our cash flow, as well as help from outside in general.

If this Motion passes, even with the amendment, I believe this will encourage and create more fronting, as it is known. I think the public in general knows how I feel about fronting from a recent article in the *Newstar* magazine, where the Second Elected Member for George Town and I expressed our concerns about fronting.

One speaker mentioned how the big fish are eating the small fish and that it is dangerous. I am sympathetic towards small businesses that are suffering. We know that money talks and can move and help in any small business when they are under-capitalised and their cash flow is not in the position that it should be. But if this Motion passes... it is very dangerous.

Are we going to set a precedent by limiting certain sectors? Here it talks of real estate and watersports, but where will it stop? If we consider putting a limit for a certain sector, such as the watersports operators, are we then going to do this with restaurants?

While I was at home this past week, I took the telephone book and went through it and tried to determine how many restaurants we have with a trade and business licence. I came up with over 130 restaurants, according to the telephone directory, and less than 25 of those are owned by Caymanians. Are we, then, going to say that we have to limit restaurants? That they have to be 100% Caymanian owned?

We have the Local Companies (Control) Law in place that will take care of those being Caymanian owned, or wholly Caymanian owned. In section 14(4) it is stated very clearly there that: "**The Board, in granting a licence, has the right...**" and I would like to quote here from section 14(3), (4), (5) and (6), where it explains that: "**(3) The Board may—(a) by written notice, summons a director of a local company to appear before the Board at the time specified in the notice... (b) on the appearance of the director in accordance with the notice put to him questions in respect of the directors, shareholders and other matters relating to the operation, financing and control of the company.**"

Under subsection (4): "**The Board may, at any time by notice in writing, require a Caymanian who claims to be the beneficial owner of shares in a local company to forward to it such information as to his ownership of the shares as the Board may specify.**"

And subsection (5): "**The Board may—(a) by written notice, summons a Caymanian who claims to be the beneficial owner of shares in a local company to appear before the Board at the time specified in the notice, being a time during normal working hours; and (b) on the appearance of the shareholder in accordance with the notice, put to him questions in respect of his ownership of the shares.**"

Under subsection (6), it goes on to state that if the individual fails to comply with this and when summoned the Board is unable to establish that the company is continuing to comply: The Board shall by; "**notice in the Gazette, declare that, for the purposes of section 5(1)(a), the company is not to be taken to be a local company complying with section 5 or a company that is a wholly owned subsidiary of such a company.**"

What I have just read gives the Protection Board, which grants the local company a Trade and Business licence, the authority to write and question to find out whether it is Caymanian owned. I believe that this is all that we need. When we begin to tamper with free enterprise lots of problems come into play.

This past week I also read in the Time magazine concerning Nigeria and all the problems they are facing. What happened in Nigeria almost 25 years ago is slowly catching up with them in that all of the businesses there, including banks, are controlled by the government. The present government agreed that two banks could be privately owned. They have reneged on this. The Nigerians living in the United States were protesting with placards saying "Nigeria is Dead". I would hate to think that this is what we would like to have happen here. If we continue in

this, perhaps this is what will take place because we have foreign investors coming and they will not be sure and will question if that is what will happen here.

In section 5 of the Local Companies (Control) Law provisions are also made, and I would like to quote: "**5. (1) For the purpose of section 4(1)(a) a local company is complying with this section if—(a) it is Caymanian controlled; (b) at least sixty per cent of its shares are beneficially owned by Caymanians; and (c) at least sixty percent of its directors are Caymanians.**"

This Motion is saying that it must be fully Caymanian owned in these certain sectors, such as water sports. It is also considering some other businesses and it would expand into real estate.

But, Madam Speaker, the law is there. All we need to do is follow this law and I see no reason why we need to change it and have this Motion come before the House at this time.

Years ago when I was President of the Chamber of Commerce, one of the concerns of the members was the suitcase salesmen who were affecting the businesses here and we still hear complaints about this. A committee was formed to see how we could help the local businesses, that is, large and small businesses operating in Cayman against the suitcase salesmen. They come in for one or two days and take orders and this is in all sectors—chemicals, clothes, food, building materials, everything. This is what our local businesses face—the suitcase sales people. They have no overhead, and 90% of the time they do not even pay for a Trade and Business Licence or a temporary work permit which would cost them less than \$100. Government is losing revenue there as well.

We have the laws, all we have to do is make sure that they are carried out, then the protection is there. I will agree that our people are suffering in certain sectors. I sympathise with them. But it is our own people who have created this, as I mentioned earlier, by fronting.

I believe that free enterprise is very important in any healthy society and if this Motion passes, and we start interfering with free enterprise, then our society will be in danger. We must always look at the position of free enterprise and try and preserve that free enterprise that we have as our present position.

Therefore, for the reasons that I have stated, I cannot support this Private Member's Motion 4/95, because I do not feel it is in the best interest of our free enterprise society.

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 offer my views on Private Member's Motion 4/95, Control of Local Businesses.

At the outset I must say that the views expressed in the debate by the Mover of this Motion, about concerns of

Caymanians versus non-Caymanians in business in these islands, very well reflects many comments that I have heard in this area as well. One could argue that there is more perception in this matter than there is reality; others would take a differing view. My comments will be largely based on what is provided for in the Local Companies (Control) Law, (Law 24 of 1971), 1995 Revision.

This question of who owns what in the Cayman Islands in the commercial field, came into focus by legislators long before us. As far back as the 13th of December, 1971, there was a law enacted which gave certain preference to Caymanian people and put in place certain restrictions where non-Caymanians could not enter the business world in general business enterprises in the Cayman Islands. There were amendments to it in 1974, 1977, 1979, 1980, twice in 1992, and on the 21st June, 1993.

I remember 1992 in particular, because there was a Select Committee examining the Caymanian Protection Law, and the name was changed to the Immigration Law. It was in that Select Committee that certain amendments were made to the Local Companies (Control) Law. These had to do with strengthening the law where fronting was concerned, and strengthening the law so that it became even more explicitly clear (if that were possible) where Caymanians were concerned in business, and the way that legislators at that time felt about the situation.

In the recitals it is noted that there are various Caymanians who earn a living by doing business in real estate, in boutiques, in watersports and in building contracting. I quite agree with that. We know that competition has increased over the years, for as the tourism business, particularly, has grown, there has been more demand for services in these particular areas. As the numbers grow the competition becomes greater.

It is also well known that excessive numbers in any field can dilute business to such an extent that hardly anyone finds operations profitable. I do not know if that is the case at this time in the Cayman Islands in these particular areas which have been mentioned. I would tend to think not, in that there is still ongoing business in these fields. There is economic and physical development in the country which would suggest that there is a growing demand for such services.

Madam Speaker, the Motion also speaks about unfair competition from foreign owned companies in these fields. I am not quite sure how to interpret that for, to the best of my knowledge, all boutiques, real estate agencies, watersports, and so on, are already Caymanian owned in almost every instance, except where what is called a Local Companies (Control) Licence has been issued to a company that does not have a Caymanian 60% shareholding.

Certainly, if one speaks of unfair competition, the government is in a position to deal with that matter through a Fair Trading Commission. Only a few months ago this House passed a Motion brought by the First

Elected Member for Bodden Town, and seconded by myself, to set up a Commission to look after the very same matter of fair and unfair competition in the commercial world. So, already, Government has the approval from this Legislative Assembly to deal with matters where there may be any unfair competition—be that coming from local businesses or Caymanian owned businesses which, through certain practices, are gaining unfair advantages and, indeed, it would come into effect if there were foreign owned businesses creating unfair competition for Caymanian businesses.

The Motion also notes that because Caymanians have been able to earn an honest living in the areas noted, this has helped the continuance of social harmony. Where there is social harmony there is normally a stable society; and where there is a stable society foreign investors will normally come to do business.

If I am to understand the various arguments that I have heard over the years in this country, each government purports to say that it wants and welcomes foreign investment. That being the case, it is not logical on the one hand to say, 'Yes. *We want foreign investment*', and then, on the other hand, there is another school of thought that says foreign investment may find itself unwelcome.

It is my understanding that there are laws, such as those dealing with the construction and operation of hotels, where these properties can be foreign owned outright, and operated in the Cayman Islands within the bounds of other areas such as the Trade and Business Licencing Law, the Public Health Law and all the others. So, there are boundaries already in effect where foreign owners can carry on business as they wish, and there are other boundaries where it is secluded for Caymanians.

This Motion is asking the government to consider taking steps to ensure that new licences issued to watersports operations, real estate agencies, boutiques and contractors, are issued to Caymanians or wholly owned Caymanian companies. I gather that by "wholly owned" we are talking about companies 100% owned by Caymanians.

I wish to refer to some sections in the Local Companies (Control) Law. Some of these may have been referred to by the last speaker. I trust I will be allowed to comment on them without my comments being taken as repeating what has been said, for I see it more as what is done by lawyers who quote the very same section and offer differing views on the matter. I trust I can offer my views and my understandings on these sections.

Section 5 of this Law says: "**(1) For the purpose of section 4(1)(a) a local company is complying with this section if—(a) it is Caymanian controlled; (b) at least sixty per cent of its shares are beneficially owned by Caymanians; and (c) at least sixty per cent of its directors are Caymanians.**" That is a guarantee in this law, that the very same businesses which operate here locally, such as have been named in the Motion, have to have a majority shareholding of Caymanians. This sec-

tion of the law also does not preclude these companies being owned 100% by Caymanians.

I refer to section 4 of this Law (which is referred to in section 5), the marginal note is: "**Circumstances in which local business may be carried on.**" It reads: "**4. (1) Subject to subsection (3), no company shall carry on business in the Islands unless it is so empowered by its Memorandum of Association and—(a) it is a local company which, at the relevant time, is complying with section 5 or is a wholly owned subsidiary of such a company. . .**" No businesses can carry on local business unless they are Caymanian owned in the majority. Surely, if the law requires a 60% holding, the law would not be against Caymanians having 100%.

Section 5(1)(b) says "it is licensed under this Law and under the Trade and Business (Licensing) Law (Revised) and, at the relevant time, is carrying on such business in accordance with the terms and conditions imposed in such licence and not otherwise."

This Law further goes on to prescribe in section 5(2); "**If for reasons beyond its control, more than sixty per cent of the shares in a local company cease to be beneficially owned by Caymanians, the company shall be taken to be complying with this section until—(a) a director becomes aware of the cessation; or (b) a director should, with reasonable diligence, have become aware of the cessation,**". So the Law even goes on to make provision where, for reasons beyond its control, the majority position of Caymanians might change; then certain onus is put on the directors. Whichever of the two instances, that is, a director becoming aware of the cessation or a director, because of reasonable diligence, becoming aware of the cessation: "**whichever is the sooner, [the company] shall then continue to be taken to be complying with this section if- (i) the directors immediately act in accordance with subsection (3); and (ii) the period mentioned in subsection (4) has not expired.**" That period is the period which the Board may give it to comply.

Madam Speaker, section 3 sets down how the Law prescribes that a company shall be considered owned by a Caymanian. Section 3(2) says: "**For the purposes of this Law, a company shall be deemed to be Caymanian controlled if the Board is satisfied that effective control is not, either directly or indirectly, or by reason of any arrangement, artifice or device vested in, or permitted to pass to, persons who are not Caymanians.**"

So, the Local Companies (Control) Law is very specific, wide, definite and detailed on the matter of Caymanians owning businesses in the Cayman Islands.

Madam Speaker, the Local Companies (Control) Law also provides for specific considerations to be given by the Board if, under what is commonly called the LCCL (The Local Companies (Control) Licence), a person or company may wish to have more than 40%. In section 11 it sets down that where the Immigration Board, which is also the Trade and Business Licencing Board may grant

such a licence, it can be granted for 12 years. But in deciding to grant that licence or not, the Board has to go through the following scenario: Section 11 subsection (3) says: "**Subject to any general directions which the Governor may from time to time give in respect of the consideration of such applications, the Board shall, in deciding whether or not to grant a licence, have regard inter alia to the following matters—(a) the economic situation of the Islands and the due protection of persons already engaged in business in the Islands; (b) the nature and previous conduct of the company and the persons having an interest in that company whether as directors, shareholders or otherwise; (c) the advantage or disadvantage which may result from that company carrying on business in the Islands; (d) [which comes back to the Caymanian aspect of it] the desirability of retaining in the control of Caymanians the economic resources of the Islands; (e) the efforts made by the company to obtain Caymanian participation; (f) the number of additional people from outside the Islands who would be required to reside in the Islands were the application to be granted; [I skip to (i)] (i) whether the true ownership and control of the company have been satisfactorily established; and (j) the environmental and social consequences that could result from the carrying on of the business proposed to be carried on by the company.**"

So even the question of social implications is covered already in this Law.

Power is given to the Trade and Business Licensing Board, or the Immigration Board in section 11(4) which says, "**...the Board may at any time revoke a licence.**" So there is also power there to protect Caymanians who might find themselves in any kind of unfair competition or where non-Caymanians might be attempting to carry on local business to the extent of over 40% shareholdings.

The situation which has come up time and again with regard to businesses in the Cayman Islands is that of fronting. I believe Caymanians in many instances have chosen to relegate themselves to positions where they do not truly own the businesses as this very law prescribes, but they pretend to own those businesses. In that regard, those businesses are, in my understanding, foreign owned and the Caymanian person is fronting for them.

I also understand that we have some well-known professional frontiers in this country—accountants, lawyers, businessmen—they front in areas of water sports, retail businesses—all over. That is a personal condition induced by Caymanians who place themselves in that position. Some of these persons who are 'fronters' are persons who are looked up to as wealthy persons in this society, outstanding businessmen. But they truly do not own the businesses in the majority that they say they own. How do we deal with that? I would imagine that those persons have taken steps to hide this particular fact. Where this is happening, this law also gives the Board unlimited power.

Section 14(1) says: "**The Board may, at any time by notice in writing, require the directors of a local company to forward to it such information as to the directors of and sharholdings (including the classes of shares and the voting and other rights attached to each class) in the local company as the Board may specify.**"

Section 14(3) says: "**(3) The Board may—(a) by written notice, summon a director of a local company to appear before the Board at the time specified in the notice being a time during normal working hours; and (b) on the appearance of the director in accordance with the notice put to him questions in respect of the directors, shareholders and other matters relating tot he operation, financing and control of the company.**"

I well remember that in 1992 when we were looking at the Immigration Law and this particular law, these were some of the concerns that were voiced by legislators then. They insisted that we had to try, as far as possible, to give power to the Board to stop this phenomenon of fronting in the Cayman Islands.

The Speaker: Would the Honourable Member take a suspension at this time?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED AT 12.04 PM

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 break I was speaking about fronting and various powers given to the Board to correct this situation, as far as it might be possible, where we have our own Caymanian people knowingly and deliberately fronting for operations which we hear are really not owned in minority but, indeed, in majority by foreign persons.

I would like to refer to section 14(4): "**The Board may, at any time by notice in writing, require a Caymanian who claims to be the beneficial owner of shares in a local company to forward to it such information as to his ownership of the shares as the Board may specify.**"

And 14(5) says: "**The Board may—(a) by written notice, summons a Caymanian who claims to the beneficial owner of shares in a local company to appear before the Board...**" and answer questions.

Madam Speaker, this matter of Caymanians feeling, or believing, or even knowing without the ability of proof, but still knowing what is happening, is covered at length in the Local Companies (Control) Law. There are serious penalties involved for persons doing that, for section 26, says: "**(1) A person is required to make a declaration or to supply information for the purpose of this Law who—(a) fails to make the declaration; (b) fails to supply the information; or (c) willfully makes a declaration or supplies information that is—(i) false; (ii) misleading; or (iii) insufficient for the purpose required, is guilty of an offence and liable on conviction to a fine of thirty thousand dollars or to imprisonment for three years.**"

It also provides that: "**(2) A person summoned to appear before the Board...**" who does not come before the Board is liable "**to a fine of thirty thousand dollar or imprisonment for three years.**" It further states: "**(3) A Caymanian who, with intent to deceive, in any way represents himself to be the beneficial owner of a share in a local company if, whether a law or in honour only—(a) he holds the share in trust for, or on behalf of a person who is not Caymanian; or (b) he holds the share subject to a power of disposition exercisable by a person who is not a Caymanian, is guilty of an offence and liable on conviction to a fine of thirty thousand dollars or to imprisonment for three years.**"

I believe that, in part at least, the concerns voiced by the Mover and by other persons is for what is happening in business in this country where fronting is concerned.

I had a call from a person who is in the real estate business who said to me that he would like to let me know some of the things that are happening in the real estate industry. He spoke specifically about two businesses which, according to the information he gave me, are in effect not owned by Caymanians. He said the way the companies are structured internally each individual is, in effect, self-employed, thus they are playing a greater role in that company than would be allowed by the 40% allowed under this particular Law. Even in those cases, the Local Companies (Control) Law has a provision to deal with it.

In section 5 (3), where a person is actually acting in a way where they have more than is prescribed under this law, and where it has reduced the 60% shareholding, it says: "**...the directors must serve written notice on the person who is not a Caymanian and whose beneficial ownership of shares in the company results in the percentage of shares in the company owned by Caymanians falling below sixty per cent requiring him to divest himself of at least so many of those shares as will result in at least sixty per cent of the shares in the company being beneficially owned by Caymanians.**"

In the two cases that I was told about, I believe there is a way open to other Caymanian realtors who believe that through such conditions they are having to face un-

fair competition and, that in truth and in fact, the companies are not what they appear or stated to be; the directors can serve notice on the non-Caymanian persons. I imagine that realtors do have recourse to the Immigration Board or the Trade and Business Licencing Board where they can express their concerns. The Trade and Business Licencing Board has unquestionable authority to call such persons and put them to proof.

I seriously doubt that more stringent requirements could be placed in the law, or that we could come up with a law or an amendment to this one to put on further restrictions; particularly restrictions which say that henceforth, watersports, real estate agencies, boutiques, contractors and so on, will be 100% owned by Caymanians.

Which brings me to the point that, in reality, where banks are concerned one has to prove, as is often said by the Third Elected Member for Bodden Town, that you do not need the money before you can get a loan. Money is not readily available to the many Caymanians who would wish to enter the various fields of commercial business in this country—not just in watersports and all the rest of it.

That is where investors who see the potential in it come in and, in effect, they become the banks. They put their money forward in good faith and good trust with these individuals. The problem occurs when those Caymanian—individuals chose to break the law and truly do not represent that 60% or more in the company. That is where the problem lies!

If the competition is such, and unfair competition comes into play, then Caymanians are creating that among themselves more so than anyone else.

This country has not developed to the point it has by the many business people getting loans, but by capital being put up by non-Caymanian persons. One might imagine that a foreign person would want to have full control of some venture that he has put his money into, but to do so is illegal; and for a Caymanian to front for him to do so is illegal. But, do we really want to say to the foreign investor that they can no longer invest in these particular areas?

What must a foreign investor generally feel when such things are done in this country? Already there is a condition where there is a certain feeling of resistance towards foreign persons in the country. I believe that to put a restriction, such as has been asked for in this Motion, could have a serious effect and cause foreigners in this country to take a second look at whether they invest further or not.

Under the Local Companies (Control) Law, all businesses are protected for Caymanians, and it clearly states that Caymanians must have the major control. I am sure that if capital was so readily available all Caymanians would have their boutiques and real estate agencies and watersports businesses and so on, but it is not that way, Madam Speaker. I believe that for such a restriction to come into place, conditions are seriously going to change in this country. I do believe that it will change.

The Motion also asks that a Select Committee be appointed to look at other businesses that will be included with those suggested in this Motion to be 100% Caymanian owned. Already we have various languishing Select Committees: we have the Sunday Trading Law, we have the Bill of Rights, the Register of Interests, the Code of Conduct, the Gambling Law and others I cannot even remember right now. I wonder what time it would take for something like this to also go to a Select Committee to decide which other businesses must be kept 100% Caymanian owned?

I believe that there are certain prejudicial business practices in this country, and I think these can be addressed as they come to light. I had a call from a former legislator, Mr. Franklin Smith, who related an instance to me where he tried to get a shop in one of the recently built places on Seven-Mile Beach to set up a fruit and juice bar. He told me that he was told (by a lady he spoke to) that it was a "plush" place, and that he really could not do such a thing. He also told me that there is another place over on Schoolhouse Road, or Eastern Avenue, where he attempted to do a similar thing and he met with a similar fate.

To me, that is improper business practice, and it is prejudicial towards certain types of business. Surely, persons who take that attitude are unaware that in a health-conscious world, juice and fruit bars are the modern way of life. Surely, he (Mr. Smith) is a person known in this country in this particular field and there is no reason why he, or others who might want to do that, should not have access to that opportunity on the Seven Mile Beach. If he can prove that he has the ability to pay and meet all the other requirements. They take liquor, beer and wine and all sorts of other things into these places, why could they not take fruit and juice?

I suggested to him that these types of business practices would come under the Ministry responsible for Commerce and that he should bring these kinds of matters to the attention of the Trades and Business Licencing Board.

As to the question of brochures where hotels are refusing to display them, I think this is a matter that needs to be looked at from the view of proper business practices. A hotel does have a right to decide what will be displayed on their hotel racks, but surely there can be no good reason why local businesses would not be allowed to have brochures in their racks. I think it is something that can be dealt with without having to resort to a law or any association that might attempt to tell the hotels they must. Such regulation should properly emanate from government in my opinion.

This Motion which asks for a restriction for Government to change its present policy (under, I would imagine, the Local Companies (Control) Law) to say that certain businesses in the Cayman Islands must only be granted 100% to Caymanians, restricts and limits the opportunities for business. It can do more harm than good. Already the law allows all local businesses to be owned in major-

ity by Caymanians, so I think the Motion is superfluous to what presently exists.

I believe what is necessary is that the Trade and Business Licencing Board should be encouraged or directed by the Government to take seriously strong stands, and enforce the law where there is a perception that Caymanians may be up against unfair competition until such time as there may be, hopefully, a Fair Competition Commission; and where it is necessary, to call in a Caymanian person and make them prove their position in these companies. In so many words, I believe the law is there, it is strong enough, it needs to be enforced.

The Government, in Executive Council, can play its role when the Board refuses to make certain grants in this area by upholding, wherever possible, the decision of the Board.

Madam Speaker, the Chinese philosopher, Lao-Tzu said: "As restriction and prohibition are multiplied the people grow poorer and poorer. When they are subjected to over-much government, the land is thrown into confusion."

For the reasons I have stated, I cannot, in good faith and conscience, support this Motion which is now before the House.

Thank you.

[pause]

The Speaker: If no one else wishes to debate... The Fourth Elected Member for George Town.

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

Much like the elements, precedents have their role. But the elements—water, wind and fire—when they are our servants they are the best in the world; but when they become our masters they are the worst thing that can ever happen. So, too, are precedents. When precedents are to occur, extreme caution has to be employed.

When I am through with my short contribution to this short Private Member's Motion 4/95, quite likely I will be told again that I am saying this, on the one hand, and that on the other. But I do believe that in very important matters such as this, it is not responsible and correct for one to simply take a position and disregard whatever might not support that position.

In concept, Private Member's Motion 4/95 calls for some relief to be forthcoming for certain sectors of the business community in order to allow Caymanians latitude, not only to survive in their businesses, but to thrive. I do not believe that any one of us in here takes any issue with that position. I think every one of us would be very happy to find the solutions whereby this can be achieved while still retaining not only the harmony that is desirable in our country but; also the ability to move forward and grow the way the economy is now structured so that everything will work hand in hand.

The motion, which is called, The Control of Local Businesses, reads: "**WHEREAS there are a number of**

Caymanians who own and depend upon local businesses for their livelihood:- that is watersports, real estate agencies, boutiques, contractors' licences..." in its original form it reads" and other businesses"; the proposed amendment deletes" other businesses."

In this Whereas section, if we read it as per the proposed amendment, the first question that comes to my mind is: If we take this route, the other areas that have not been mentioned will certainly have some Caymanians who feel that the country should take a stand to ensure that they are not threatened by competition from any other businesses that are not totally owned by Caymanians also.

A further proposed amendment which might be deemed to take care of this, reads in the resolve section: "**BE IT FURTHER RESOLVED THAT a Select Committee of all Elected Members be established to study other areas of local business that the quorum be eight members and that public input be sought."**

I do not have a problem with the concept there for a Select Committee dealing with the entire Motion in this fashion, but there are many, many areas that have to be brought into play if one is to try to satisfy the concerns that are ringing in our ears. I daresay that I have had those concerns raised to me also. The unfortunate thing is that individuals who are faced with a specific situation quite naturally only look to solve their specific problems and to satisfy that problem. But what we as legislators unfortunately face, is having to do our best to satisfy those problems, while at the same time ensuring that the national good prevails. This, I believe, is where the hic-cough is in the debate that has come out so far, and which might ensue further. In my opinion, this is what we must be looking at.

There are certainly some problems which I feel need to be aired, to show that in order to achieve this it is not as easy as the Motion might be calling for. For instance, one of the immediate potential problems that I see is the fact that, as most of us would be prepared to say today, the way the Local Companies (Control) Law, reads (and I will not read the sections that have been dealt with by the two previous speakers) it is obvious that from those sections that they read, by and large, if the laws were adhered to, Caymanians would not have this inbred thought that they are being pressured by outside influences, and that their very survival is being threatened by those outside influences. We again come to the problem of fronting.

One of the problems I see is if we were to enact straightforward some kind of legislation—which is totally in line with the way the Motion is worded—I daresay there may well be many more Caymanians who would run the risk of breaking the law. They have their own desires, they see opportunities; but they will have difficulty in raising sufficient capital to get certain businesses started. There are usually two reasons why Caymanians will link up with foreigners to do business, and that is capital in-

jection and expertise. I believe that if Caymanians do not have this opportunity, several of them may well be prepared to break the law in order to get this opportunity.

While we may be protecting one end of the entire cycle, we are also putting another segment of our society at risk because their hands become tied. The immediate response to this is that Caymanians should not front and the laws are there, so be it. The truth of the matter is that when Caymanians have aspirations, many times those aspirations are hog tied by the realities of the given situations—people do not have funds available because they are ordinary and they do not have a tree to shake it from. While one would very much like to say that once given the opportunity Caymanians could do certain things and engage in certain businesses, the truth is that many times there are very successful unions of Caymanians and foreigners operating businesses in this country. There are living examples of it, notwithstanding the abuse which may have taken place before, and which may take place in the future.

One of the problems is the way certain of our laws are structured. The legal minds have the ability to meet the requirements of our laws; and to also have side arrangements filed away which, while on paper the local person is a majority shareholder by way of 60% in a company, the foreign entity in actual fact owns either the majority or the entire company. This is one of the things that we must stop. It is more important nowadays to be able to do that, because in days gone by the country was not what it is now, and the numbers of Caymanians aspiring to be on their own had not grown to the point where we find as many as we do today.

So, if we take on board what is proposed in this Motion and completely deny other Caymanians the opportunity to be involved in businesses, albeit not totally owned Caymanian businesses, that is what I see as a problem.

As I mentioned before, while it may not seem at this time to be an important area, I get the feeling that this Motion can have a domino effect on many other businesses which have not been mentioned in this Motion. There will be pressure put to line those areas up with the other areas because the Caymanians will say, *'Look you guys, you have taken care of this sector by doing this and ensuring what they want to achieve. How can you separate us and not allow us the same privileges?'* That may not be something that seems important, but I believe that is what is going to happen. If it happens, I do not see an answer for the people who ask that question, because they too have the same rights as others.

Which brings us to a further point that we have to consider at a national level: If we go that route and we take the hard line when it comes to local businesses and try to satisfy that immediate thought without looking at the entire situation, we run the risk of causing a serious crippling effect on this economy. That is the position that I hold.

If we take the time to look at all of the various businesses operating in this country, it is obvious—whether

they are totally owned by Caymanians or majority owned, or otherwise—whenever a Local Companies Control Licence is issued and no Caymanians wish to participate in them, they are all intertwined and interdependent. While there are many areas of business that cater to the tourist trade, the truth is that many of the businesses are supplemented by local trade, in fact all of them—some to a lesser degree than others, I agree.

To be looking at singling out certain situations like this, could well for the larger effect at a national level, be actually cutting off our noses to spoil our faces. I believe that we have to look at it carefully, because the same people who quite rightly wish for us to enact legislation to protect them, also need to consider the fact that if we hog tie and hamstring certain situations their clientele will diminish. It is a fact.

For instance, if we say that we are limiting certain areas to Caymanians, it is possible to find those areas to be less booming and less expanding, and the other areas that will depend upon those areas to get business will find themselves getting less business.

For instance, in the construction industry, when businesses expand construction takes place; if businesses do not expand, there will be less demand for construction. That is just one example, and I am posing that simply to say that it is something we have to be looking at very carefully.

The other area that I feel very strongly about—and I stand to risk the wrath of everyone, but I nevertheless speak it as I know it and believe it—is the area where there are hundreds, if not thousands, of people who have been in this country for as many years as we might wish to remember who have not been dealt a fair deal by way of the Immigration policies that have been forthcoming over the many years. I feel that it is unfair to be saying to them at this point in time that, by way of this action, we are precluding them from being in business in this country in the future.

That problem is like this: There are many people who have been here for 20-odd years and in some cases 30-odd years; they have been accepted by us in this community. I will repeat myself, as I have said this on other occasions—they have worked side-by-side with us, they have rubbed shoulders with us, they are actually a part of us, but they do not know what their position is in this country. What this might well say to them is: "You have been married to a Caymanian for 25 years, but if next year you want to form a company, the Caymanian that you are married to will have to hold 100% of the shares of that company and you are worth nothing."

Others may say that that is not important, but I feel differently. I feel that these people should not have to face a situation like this. I genuinely believe that. The majority of these people are inter-married into our society. Their children are what we call Caymanian—we have to call them Caymanian—and we do not know what we are going to do with them. We do not know what is going to happen down the line if we do it like this.

We speak about social harmony, and I accept that there are Caymanians who feel very, very threatened by foreign elements coming in and operating businesses of the same kind and they feel like the foreigner is thriving and moving forward while they are being stymied. I understand all of that, and I do not wish for us to have to live with that without being able to do something about it. But, if we work along these lines without putting the larger picture in place before we take action, we may well be our own undoing. That is my position.

I have no problems if we are going to meticulously sit down, take public input and go through the whole scheme of things so that we are comfortable that we are not satisfying one arm of the situation and hurting another arm. I daresay that the way the Motion is worded, and if we go the route it suggests and tow the line, we might be creating more problems than we are solving.

Madam Speaker, never let it be forgotten that if we infringe on what I believe are the rights of these people who have been amongst us for so many years, we are also inhibiting the possibility of their being able to support their families who are, by-and-large, Caymanian. Whether we believe that or not, that is the view I hold.

One of the things we need to ensure when we look at the problems which exist, is that when we go to protect local enterprise, it must be protected in such a way that the economy is not affected detrimentally; that it does not simply satisfy a situation for the immediate term (because others are only concerned with what is happening with them right now); that we are going to cause those same people more problems down the line.

I can guarantee this: While we may be seeming to solve their problems immediately, if that causes more problems down the line we are going to get the blame for that too, even though they wanted us to do that then. They will say that we should have known—they do not have to know, but we do. That is why I believe that we need to look at this situation carefully.

I do not wish for the Motion to be forgotten and not addressed, but I think we need to look at ways to strengthen the existing laws in order to ensure that Caymanians are not trodden upon because others are able to fix papers to look different. I think we definitely have to lean strongly towards looking at these laws to ensure that that the proper protection is there.

I have great misgivings about specifically identifying certain areas and restricting businesses from being able to operate within certain given parameters, which, once they are adhered to, are acceptable. So, while we may have abuse going on in the one area now, going to the other extreme might create three more problems while solving the one. I would hope that in some way or the other we would be able to take the problem that has been identified in the Motion and deal with it in a fashion that will be right for all of us, both immediately and long term. While there are no easy answers forthcoming, I take the view that we must deal with it, but deal with it having taken all factors into consideration.

While I accept what the Motion wishes to achieve, I have a problem with the method it is using to achieve it. So, as it is, I will not be able to support the Motion, but I do accept the concept that is behind it.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.50 PM

PROCEEDINGS RESUMED AT 2.24 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 4/95. (Pause)

If no other Member wishes to speak, I will ask the Mover of the Motion to exercise his right of reply.

The Third Elected Member for West Bay.

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

I would like to thank those Honourable Members who stood in support of the Motion for their contribution, and I would also like to thank the Second Elected Member for Cayman Brac and Little Cayman for his lecture on the provisions of the Local Companies (Control) Law. I also thank the Fourth Elected Member for George Town for his contribution even though, as usual, he spoke in parables.

I believe that the provisions in this Motion are very specific. It only deals in areas where at the present time we have an over saturation, as far as participation of businesses, that is, the water sports industry, the real estate industry and boutiques.

This Motion does not in any way prevent local Caymanians from continuing to benefit from the establishment of businesses in this country. The provisions of the Local Companies (Control) Law will still be in effect and there will be many businesses that will continue to be allowed to be registered which are owned 60% by Caymanians.

I believe also that even though we are asking for these areas to be restricted to Caymanian ownership, there is no reason why foreign investors would not be interested in financing some of these businesses. It depends on the return that is offered by the local Caymanian.

I do not believe that we can do what the Fourth Elected Member for George Town is recommending—leave things to the elements (wind, water and fire). I believe we have done that for far too long, and that is the reason why we...

Mr. D. Kurt Tibbetts: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order Fourth Elected Member for George Town?

POINT OF ORDER

Mr. D. Kurt Tibbetts: Madam Speaker, during my contribution I made no such statement that we should leave anything to the elements. I simply quoted a parallel, and at no time did I say that the elements should take charge of any situation. So the Member is misleading the House.

The Speaker: I think that the Fourth Elected Member for George Town has a valid point. Perhaps you would like to clarify that, Third Elected Member for West Bay, in your contribution. Thank you.

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

He just mentioned about the elements and, like I said, he normally speaks in parables, so I was not quite sure what he was trying to say. I would just like to leave it at that.

I believe that the provisions of this Motion are very timely, and what I would encourage the government to do is to move on with regard to putting the provisions of this Motion in place with immediate effect, maybe with a directive to the Immigration Board with regard to new licenses in these areas.

I would also encourage (and I know it is your prerogative and up to your discretion), that the appointment of a Chairman of this Select Committee be done as soon as possible because I believe that we need to move ahead to ensure that these other businesses where there is protection necessary can be identified, and the proper conditions be put in place.

I do not see where acceptance of this Motion in any way poses any threat to foreign investors because, like I said in the beginning, I believe that regardless of where we go we will find certain businesses that are made exclusive to the local residents or citizens of that country. I believe that we should do no less here in the Cayman Islands.

What I am concerned about is, that if these conditions and issues are not addressed, that all of those concerns mentioned by the Opposition Members and the Third Elected Member for George Town will be a reality anyway. I believe that, especially in the area of the water sports industry and, in particular, the area of transport (which is one of the businesses I believe we will get some representation from), we are sitting on a time bomb in those areas. I believe that from what I have heard mentioned to me personally, many Caymanians are very fed up. Their attitudes are that if they cannot benefit from the economic success of this country, why should anybody else? That is a dangerous stage for us to be reaching in this country.

As a Representative, these matters have been brought to my attention, and I am only doing what I was elected to do, that is, to represent the people of this country. I believe this is a move in the right direction and I do thank Honourable Members for their support. Thank you.

The Speaker: The first question which the House is being asked to vote on is the amendment to Private Member's Motion No. 4/95: "**BE IT RESOLVED that Private Member's Motion 4/95 be amended as follows: 1) the words "and other businesses" be deleted from the first recital; 2) that the words "as well as any other businesses deemed necessary" be deleted from the Resolved section; and 3) that a further new resolve section be added as follows:**

"AND BE IT FURTHER RESOLVED that a Select Committee of all Elected Members be established to study other areas of local business, that the quorum be eight Members, and that public input be sought."

I shall put the question. Those in favour of the amendment please say Aye...Those against, no.

AYES AND NOES.

The Speaker: The Ayes have it.

Mr. Gilbert A. McLean: Madam Speaker, could we have a division.

The Speaker: You certainly may. Madam Clerk.

The Clerk:

DIVISION NO. 7/95

Amendment to Private Member's Motion No. 4/95

AYES:8

Hon. James M. Ryan
Hon. Richard Coles
Hon. George A. McCarthy
Hon. McKeeva Bush
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mrs. Edna M. Moyle

NOES: 4

Mrs. Berna L. Murphy
Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

ABSENTEES: 6

Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Dr. Stephenson A. Tomlinson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

The Speaker: The result of the Division is eight Ayes, four Noes. The amendment has therefore been carried.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 4/95 PASSED BY MAJORITY.

The Speaker: The next question which the House is being asked to vote on is Private Member's Motion 4/95 as duly amended. I shall now put the question. Those in favour please say Aye...Those against, no.

AYES AND NOES.

The Speaker: The Ayes have it. The Motion has therefore been passed.

Mr. Roy Bodden: Madam Speaker, can we have a division, please?

The Speaker: You certainly may, Madam Clerk. (Division No. 8/95 begins, but Abstention interrupts)

DECLARATION OF INTEREST

Hon. W. McKeeva Bush: Madam Speaker, I sent you a note requesting your ruling on whether I can vote on this part of the Resolution since I do own a real estate company. That is one of the things which is in the Motion.

Under Standing Order 80, I believe, I may be precluded from voting and I would like to have a ruling from you.

The Speaker: Honourable Minister, you should have asked for that before the vote was taken because I was in the midst of a vote and I did not read your note at the time.

Does any Member object to the vote of the Honourable Minister? if not, I have no objection.

Since you know you have an interest in it you may decline to vote.

Hon. W. McKeeva Bush: I will do that, but I will point out to the House that we were dealing with two separate Resolutions that is why I wrote to you asking about one and not the other. But I will abstain from voting as my conscience leads me to.

The Speaker: May we now have the division on Private Member's Motion No. 4/95 as amended?

The Clerk:

DIVISION NO. 8/95

Private Member's Motion No. 4/95 as Amended

AYES: 8

Hon. James M. Ryan
Hon. Richard Coles
Hon. George A. McCarthy
Hon. Thomas C. Jefferson
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mrs. Edna M. Moyle

NOES: 4

Mrs. Berna L. Murphy
Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

ABSTENTION: 1

Hon. W. McKeeva Bush

ABSENTEES: 6

Hon. John B. McLean
Hon. Truman M. Bodden
Dr. Stephenson A. Tomlinson
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

The Speaker: The result of the Division is eight Ayes, four Noes, and one Abstention. The Motion has been passed.

PRIVATE MEMBER'S MOTION NO. 4/95 AS AMENDED PASSED BY MAJORITY.

CHAIRMAN OF THE SELECT COMMITTEE

The Speaker: In accordance with Standing Order 69 (2), I appoint the Honourable Minister for Tourism as chairman of the Select Committee.

We now proceed to Private Members Motion No. 3/95. The Third Elected Member for West Bay.

PRIVATE MEMBER'S MOTION NO. 3/95

PROPOSED AMENDMENT TO SECTION 9 OF THE MISUSE OF DRUGS LAW (1995 REVISION)

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. I rise to move Private Member's Motion No. 3/95, entitled, Proposed Amendment to Section 9 of The Misuse of Drugs Law (1995 Revision)', and it reads:

"WHEREAS the Cayman Islands Drug Enforcement Agencies are becoming increasingly effective in their Illegal Drug Interdiction Programmes;

"AND WHEREAS, as a result, a tremendous amount of illegal drugs are being confiscated and have to be stored;

"AND WHEREAS accordingly to section 9 of the Misuse of Drugs Law (1995 Revision) the destruction of illegal drugs confiscated is subject to a hearing from the defence;

"AND WHEREAS the holding of these illegal drugs in safe-keeping creates a safety and security risk, not only to the Royal Cayman Islands Police Force, but the general public as well;

"BE IT NOW THEREFORE RESOLVED THAT consideration be given by Government to amend section 9 of the Misuse of Drugs Law (1995 Revision) to allow, provided that a sample is kept for evidence purposes, the destruction of illegal drugs confiscated in a timely fashion."

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker, I rise to second the Motion.

The Speaker: Private Member's Motion No. 3/95, Proposed Amendment to Section 9 of The Misuse of Drugs Law, (1995 Revision), having been duly moved and seconded is now open for debate.

The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Madam Speaker, let me say at the outset that the reason for this Motion was not my idea, but was brought to my attention by someone who works in one of the agencies who has been involved in the destruction of illegal drugs that have been confiscated over the years.

The main problem is that when a consignment of drugs is confiscated, according to section 9 of The Misuse of Drugs Law, (Law 13 of 1975), the magistrate provides the defence with an opportunity to consent or object to the destruction of the consignment of drugs in question. It is my information that this has posed much difficulty over the years. As a matter of fact, I am told that there is a consignment of drugs now in safe keeping which has been there for the last eight months because the defence refused to consent to its destruction.

Madam Speaker, on a number of occasions I have been called upon by the police to be one of the witnesses to the destruction of illegal drugs. I was amazed at the quantity of drugs that was being held in safekeeping to be destroyed. I think the last shipment that I witnessed being destroyed was in excess of over 2,000 pounds.

Now, the real concern that I have is not that the drugs are being stored, because I guess you could find a place where this could be done. The main concern is the risk factor involved. When we deal with the drug world there are no rules and there is nothing to prevent people associated with a drug haul (be it on the inside or outside) to arrange for the Central Police Station or wherever the drugs are stored to be bombed. We hear of this almost on a daily basis in other countries, such as Columbia.

I see no reason why, when a consignment of drugs is taken into custody, it cannot be properly documented—pictures taken or whatever is deemed necessary to ensure that there is sufficient evidence at the time of trial. A sample of those drugs can be held for trial purposes, and the rest of the consignment destroyed in a timely fashion.

I believe that we cannot sit by and wait until we have an occurrence, the nature which I mentioned earlier, before we do something about it.

The other thing it does, Madam Speaker, is reduce the temptation and eliminate the rumours that we hear all the time with regard to casting aspersions on the police—the drugs getting back on the street and those sort of things. I believe that if we take steps to ensure that the drugs are destroyed in a timely fashion it will also minimise such rumour or innuendo.

Those are the main reasons why this amendment is being proposed, and I look forward with interest to hear what the Government has to say in regard to the provisions of this Motion.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

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

Madam Speaker, Private Member's Motion No. 3/95 is a Motion that I personally have no problem supporting, again much to the surprise of the Third Elected Member for West Bay. It is just a pity that with his biblical prowess he does not understand the parable better.

Madam Speaker, I rose very early in the debate because when the Government takes its position I wish to ensure that a question I have is dealt with, so that I and

others may be satisfied. I wish to ensure that Government will be able to satisfy all of us that there are methods which can be employed that will maintain the strength of the evidence, even if the majority of the drugs is destroyed, when it comes time to using it for prosecution. I am not sure of the method that would be used to prove to the court the various quantities that we are talking about, I am sure there are methods. But I wish to hear exactly how they will work to make sure we are not doing something now that will cause a problem later.

The one observation that I wish to make is that if these drugs are going to be destroyed more expeditiously, then I just want to ensure that as few people as possible will know the time and venue so that security risks are lessened.

While I am sure the Mover of the Motion is dealing a lot with the security risks, there will also be the security risks of moving these illegal drugs from one place to the other for the purposes of destruction.

So, while supporting of the Motion, I wanted to make the observation and also satisfy myself that the court will be able to deal with these illegal drugs—while they are not able to be produced as evidence, once enough is proven that they did exist. I therefore support the Motion.

The Speaker: The Honourable Second Official Member.

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

First of all, I would like to thank the Third Elected Member for West Bay for his interest in this topic. The matter of drug interdiction is a very important matter as far as the Legal Department is concerned, and of course, as far as the Royal Cayman Islands Police Force is concerned.

The section of the Misuse of Drugs Law to which the Member has referred allows for destruction of drugs held by the police pending the trial of a case. But before the drugs can be destroyed, first of all the prosecution (and the prosecution only) has to make an application to the court. In other words, it is not open for the defence to make that application, it is only the prosecution. But, Madam Speaker, the defence has a right to be heard on that application.

My submission would be that that is only correct. They should have a right to be heard for a number of reasons: 1) The preservation of evidence pending a trial, and by that I mean the original evidence (not copies, not samples, but the evidence), is one of the fundamental points of the prosecution of a criminal case. Although this particular Motion does not give any alternative to the section as it is presently worded, I am assuming that the Mover is indicating that he would like to see either no observations by the defence or possibly even the police or the prosecution being able to destroy the drugs without reference to anybody. I certainly would not like that to be the case.

I think the right person, and the right authority for making that decision is the judge in the court—not the prosecution, not an individual in the Police Force, not the

Commissioner of Police, and not, indeed, myself. I think it is the right issue for a court of law to decide and I think it is correct for the court to hear from the defence first.

Now, it has been said, or maybe implied, that if the defence does not consent to this application, but objects, then that is it—the drugs cannot be destroyed. That is not so, Madam Speaker, there may well be occasions when the defence might take objection or might have some comments to make. But it certainly does not necessarily follow that because of that the court is not going to order destruction. What the court will do is hear the application from the prosecution as to why the drugs should be destroyed. The court will then invite the defence to make any observations they wish to make and, having heard both sides (so to speak), the court will make a decision as to whether the interest of justice would be best served by destroying the drugs or by leaving them intact in their entirety.

So, it is not a question of the defence being able to thwart a perfectly reasonable application by just saying; 'We are not prepared to consent; we are not going to say why, but we are just not going to say yes', and that is, therefore, going to somehow prevent the judge from making an order for destruction. No. The judge will take into account what is said by both sides and then come to a decision.

I should also say, of course, that I would not want Members to be under the impression that the prosecution would always wish to see drugs that are being held as evidence destroyed before a trial—far from it. On many occasions the prosecution may want to see drugs retained for a variety of reasons. I can give some instances, not specific instances, but the type of questions when the prosecution or the judge, if it comes before him, may feel that the drugs (the evidence) should be retained in their entirety and that a sample just will not do.

For example, could there be a doubt that all the material is the same? May arguments be raised that, while some of it may be the particular drug concerned, not all of it is? Was it all found at the same locality? Was it all found at the same time? And, of course, the other factor that has to be borne in mind once a conviction has been secured, is that the amount or quantity of the drugs involved has a material bearing on the sentence that is passed by the court. So, it is very important that a court is aware, not just of a drugs offence, but the amount of drugs that were involved.

Now, I am not saying that there are not occasions where those questions or similar questions do not come into play, and, therefore, it may well be appropriate for an application to go before the judge to have drugs destroyed. I am certainly not saying that it is good for narcotics to be kept if it is unnecessary, because the best thing that could happen to them, without a doubt—and I agree wholeheartedly with the Member—is that they should be destroyed and that is the end of them. But to destroy evidence before a trial takes place is something

that should only be done with the greatest of care and with the greatest of circumspection.

The Member has referred to a particular consignment, but I am afraid that I am unable to speak to that, because I do not have any knowledge of that. I do certainly know that the prosecution have made applications in the past. I do not know the frequency with which they have been made. It is certainly not a matter that has been raised with me by either the police or my prosecuting counsel as being an issue that needed looking at.

I would hope that Members would accept that at the present time, whilst I am sure the mover has some genuine concerns, concerning this matter, section 9 of the Misuse of Drugs Law provides, in my submission, more than adequately for destruction where it is prudent and sensible and necessary, and I think provides for in the right manner.

I am unable to support this Motion because I believe that this particular section should be left as it is, and that the decision should be made by the court after allowing those persons who are interested to have their say.

Thank you.

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

Mr. Gilbert A. McLean: Madam Speaker, I believe the Honourable Third Elected Member for West Bay would be happy to hear that my speaking on this will not constitute a lecture, but some observations fully in support with his idea and effort in this case.

Madam Speaker, having read this Motion and what it asks for, I think that the concern as expressed by the Mover of the Motion is indeed real. Large quantities, up to tons of drugs have been confiscated or seized in this country, and when one hears of large quantities of drugs being confiscated in this country, following hard on the heels of it are always suggestions that some of the drugs will soon be on the street, be it seized or otherwise. I have heard it dozens or hundreds of times.

I do not think it is the case that the Government has such large and available facilities to store things such as drugs to readily and easily have it properly guarded and so on. In fact, Madam Speaker, small amounts of drugs, such as cocaine, have disappeared in different instances from the airport or otherwise, because it carries such a high street value. It is my impression that some of the motivations of the Mover must have been taking such things into account. Surely, one of the reasons why I feel moved to support what is recommended here, is because of these real life situations that have occurred in the country in regard to storing large quantities of drugs which are seized or confiscated.

I have taken note of the statement made by the Attorney General and, indeed, I think I understand what he has put forward as to the part that is played both by the prosecution and the defence in instances where things like this have to be dealt with. However, I cannot believe if

large quantities of drugs of whatever type are photographed, filmed, if needed, by video camera to show the largeness of the drugs; and some extracted from each packet, for example, into smaller packets, that this would harm the process of arriving at a legal conclusion. If that was done, the large amounts could then be ordered by the court to be destroyed.

I understand, in fact, that the court may do that now under the provision of section 9 of the Misuse of Drugs Law. It is my understanding that as a procedure as such, the court would be requested, if this section is amended, that once the court was satisfied that it had sufficient material both for the prosecution and for the defence to be tested, the court would simply give an order to destroy the rest of it.

If one thinks of the large amounts, suppose all of it were not the same material. Although there have been large quantities of illicit drugs in this country, I have no recollection that the large amounts have been taken to the court, or that any scientist, chemist, or laboratory technician has ever been ordered to go in to search in the large quantities of the various material.

Madam Speaker, I believe that this Motion does really address a practical concern, and certainly makes it less able for any kind of illicit action by whomever once large quantities of drugs are in custody by the Police Department or the Customs Department or whoever holds it. That, in itself, is an effort in the right direction where illicit drug use, possession and distributing is concerned.

Madam Speaker, I support this Motion because I believe it addresses a need where the misuse of drugs in this country is concerned, and it would relieve the situation of keeping large portions of any particular drug in storage while a case may play out over a week, month, or even years.

Thank you, Madam Speaker.

The Speaker: If there is no further debate, I would ask the Mover if he would exercise his right of reply.

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

I must say that I was surprised that the Fourth Elected Member for George Town supported this Motion, and I was also surprised that the leader of the Opposition also supported this Motion, that is, Her Majesty's Opposition.

Madam Speaker, I also appreciated what the Second Official Member had to say on the Motion. But, after listening to what he had to say, I could only come to one conclusion: If only the prosecution can put up an application requesting the destruction of drugs, regardless of whether or not the defence consents to the application or not, once the application goes up in front of the prosecution for destruction, that is ordered by the courts. It lends itself to a question in my mind: Is the prosecution now responsible for the extraordinary delays that we have experienced in regard to the destruction of drugs? Is it because they have failed, or have been neglectful in putting

before the courts an application for the destruction of drugs in a timely fashion? That is what it appears to be, Madam Speaker. If that is the case, that is a very serious situation indeed.

But the reason why I brought this Motion is that I am concerned about the general safety of the police because, as we all know, these drugs are stored by the police. Like the Second Elected Member for Cayman Brac and Little Cayman said, there is no reason at all why you have to keep the whole consignment of drugs as evidence for any case. Like the Member rightfully said, when a case in on you do not haul the whole seizure into the court and say this is what these persons are accused of trafficking as far as the quantity of drugs. It is only a sample that is taken before the court.

If it is felt by the courts and the Attorney General's Office that this amendment is not necessary because the present provisions of the law are adequate, then I would recommend that we get on to ensure that these applications for the destruction of large seizures of drugs are [carried out] in a very timely fashion.

Madam Speaker, we hear almost on a daily basis of bombings and raids and all the other tactics that criminal elements have available to them in the pursuit of their drug business. I believe that if we continue the practise that we have of keeping these large quantities of illegal drugs in safe keeping over long periods of time, it is a disaster waiting to happen. I honestly believe that, Madam Speaker.

I would recommend that we do whatever is necessary, that is, the courts, the Attorney General's Office, the police to ensure that we do minimise such an occurrence in this country.

The Fourth Elected Member for George Town posed a question with regard to the destruction of the drugs that as few people as possible knows about the destruction. This is presently the case. In addition to the police, there are certain citizens who are required to be present to witness the destruction. I am not recommending that such a procedure be changed. I think it is a very healthy one and it works.

So, Madam Speaker, as I said, I brought this Motion out of interest and concern for the safety and welfare of the members of the Police Force and also the general public as a whole, and also out of the concern for the reputation of these islands as a financial industry.

Madam Speaker, all we would need to have happen here is for CNN to carry a headline: "Bombing in the Cayman Islands", by some drug trafficker and it would immediately cause ripples in our financial industry.

So, Madam Speaker, I do recommend this Motion, and I trust that Honourable Members will see the genuineness of the recommendations and support the Motion.

Thank you, Madam Speaker.

The Speaker: The question is Private Member's Motion No. 3/95. 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: PRIVATE MEMBER'S MOTION NO. 3/95 PASSED.

The Speaker: That concludes business for today.

I understand from the Honourable Third Official Member that there are two Government Bills which he proposes the House should deal with during this meeting; The Trusts (Foreign Element) Bill, 1995, and the Perpetuities Bill, 1995. These have been issued on Business Paper No. 4, today's date, and there remains the Third Reading of two Bills dealt with this morning.

At this time, then, I would ask for the adjournment of the House until Wednesday.

The Honourable Minister for Education and Planning.

ADJOURNMENT

Hon. Truman M. Boddén: Madam Speaker, I move the adjournment of the Honourable House until Wednesday morning at 10 o'clock.

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 Wednesday morning at 10 o'clock.

AT 3.17 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM WEDNESDAY, 21 JUNE 1995.

**WEDNESDAY
21 JUNE, 1995
10.27 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. Oath of Affirmation to Mr. Donovan W. F. Ebanks, MBE, to be the Honourable Temporary First Official Member.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF AFFIRMATION

Hon. Donovan Ebanks: I, Donovan Ebanks, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II her heirs and successors according to law.

The Speaker: Please take your seat, Honourable Member. I welcome you to what may be a short sitting of the House.

ANNOUNCEMENT BY THE SPEAKER

The Speaker: First of all, I would like to apologise for the late start of the House this morning. Certain changes were required to be made to the Order Paper for today.

Proceeding to Business, Presentation of Papers and Reports. Report of the Standing Business Committee. The Honourable Minister for Education and Planning.

**PRESENTATION OF
PAPERS AND REPORTS**

**REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held 4th November, 1994)**

Hon. Truman M. Boddén: Madam Speaker, I request to lay on the Table of this Honourable House the Report of the Standing Business Committee meeting held 4th November, 1994.

The Speaker: So ordered.

The Honourable Minister for Education and Planning.

Hon. Truman M. Boddén: Madam Speaker, I do not wish to make a statement, I just wish to lay the second one.

The Speaker: The Standing Business Committee Report. The Honourable Minister for Education and Planning.

**REPORT OF THE STANDING BUSINESS COMMITTEE
(Meeting held 3 March 1995)**

Hon. Truman M. Boddén: Thank you, Madam Speaker. I request to lay on the Table of this Honourable House the Report of the Standing Business Committee meeting held 3rd March, 1995.

The Speaker: So ordered.

Report of the Standing Finance Committee. The Honourable Third Official Member responsible for Finance and Development. There are two reports, perhaps you would like to do them both together?

**REPORT OF THE STANDING FINANCE COMMITTEE
(Meetings held on the 19th & 20th October, 1994);**

-and-

**REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 11th January, 1995)**

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 meetings held on the 19th and 20th October, 1994, and 11th January, 1995.

The Speaker: So ordered.

The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, in accordance with the provisions of Standing Order 73(5), the Standing Finance Committee met to consider two papers from the Financial Secretary which were circulated to all Members.

The Committee sat on Wednesday, the 19th of October, and Thursday, the 20th of October, 1994. The minutes of proceedings are appended to this Report.

Matters considered by the Committee: The first order of business by the Chairman was to direct the Members' attention to an article which appeared in the *Caymanian Compass* pertaining to the cost associated with the upkeep of the Cuban migrants. The Chairman noted that this information was the subject of a private meeting with Members of the Legislative Assembly and should not have been reported in the press.

Madam Speaker, at this time I would like to take the opportunity to apologise to the *Caymanian Compass*, in particular to Mr. John Redman, for the criticism in connection with this incident. The blame for the mishandling of this matter rests with the Portfolio of Finance and Development as the document which gave rise to this criticism was not classified as confidential or restricted, and was made available to the staff of the Legislative Assembly along with the regular agenda to be considered by the Committee.

CONSIDERATION OF SUPPLEMENTARY FUNDS: In accordance with Standing Order 67, the Committee considered the following financial requests.

HEAD 03—PUBLIC SERVICE COMMISSION

Sub-Head 02-013—Recruitment
APPROVED: CI\$45,000.00

HEAD 04—JUDICIAL

Sub-Head 01-005—Wages
APPROVED: \$12,855.00
Sub-Head 07-014: Professional Fees
APPROVED: \$30,000.00

HEAD 05—INTERNAL AND EXTERNAL AFFAIRS

Sub-Head 01-001: Basic Salary
APPROVED: \$14,750.00
Sub-Head 01-008: Pension Allowance
APPROVED: \$750.00
Sub-Head 01-122 -Personal
APPROVED: \$900.00
Sub-Head 01-123—Entertainment
APPROVED: \$450.00

HEAD 06—IMMIGRATION

Sub-Head 02-017—Repatriation Expenses
APPROVED: \$45,500.00
Sub-Head 01-002—Overtime
APPROVED: \$125,000.00
Sub-Head 02-008 Motor Car Upkeep
APPROVED: \$625.00
Sub-Head 07-014 Professional Fees
APPROVED: \$31,964.00

HEAD 07—POLICE

Sub-Head 01-002: Overtime
APPROVED: \$136,152.00
Sub-Head 07-029: Interpol Dues
APPROVED: \$2,875.00
Sub-Head 51-117: LR—Police Buildings
APPROVED: \$79,072.00

HEAD 9—PERSONNEL

Sub-Head 41-126 LR—Office equipment
APPROVED: \$2,000.00
Sub-Head 08-055—Specialist Training
APPROVED: \$210,518.00

HEAD 10—SISTER ISLANDS' ADMINISTRATION

02-007 Mileage \$147
02-015 Subsistence \$1,645
02-018 Official Travel \$513
03-020 Fuel & Oil Supplies \$116
06-002 Electricity \$19,270
07-016 Freight & Shipping \$622
APPROVED: \$22,313.00
Sub-Head 51-114 LR—Medical Facilities
APPROVED: \$29,465.00
Sub-Head 01-008—Pension Allowance
APPROVED: \$36,044.00

HEAD 13—ADMINISTRATION—LEGAL AFFAIRS

Sub-Head 41-127 LR—Other Equipment
APPROVED: \$749.00
Sub-Head 01-001 Basic Salary
APPROVED: \$7,205.00

HEAD 14—FINANCE AND DEVELOPMENT

Sub-Head 19-012: AIDB Student Loan
APPROVED: \$250,000.00
Sub-Head 41-101 LR—Computer Equipment
APPROVED: \$37,452.00
Sub-Head 41-102 LR—Boats
APPROVED: \$310,000.00

HEAD 20—TOURISM, ENVIRONMENT AND PLANNING

Sub-Head 08-078—Pedro Castle
APPROVED: \$241,270.00
Sub-Head 41-124 LR—Office Furniture
APPROVED: \$4,000.00
Sub-Head 51-119 LR—Public Buildings
APPROVED: \$1,000.00

HEAD 21—FIRE DEPARTMENT

Sub-Head 41-108 LR—Heavy Equipment

APPROVED: \$11,900.00

HEAD 23—ENVIRONMENT

Sub-Head 01-001 Basic Salary

APPROVED: \$27,343.00

Sub-Head 01-005 Wages

APPROVED: \$260,000.00

Sub-Head 03-024 Insecticides

APPROVED: \$46,038.00

HEAD 25—COMMUNITY DEVELOPMENT, SPORTS, YOUTH AFFAIRS AND CULTURE

Sub-Head 52-123 LL Sports/Playing Centres & Parks

APPROVED: \$505,000.00

Sub-Head 06-007 Water

APPROVED: \$15,521.00

Sub-Head 52-123 LL Sports/Playing Centres & Parks

APPROVED: \$233,992.00

Sub-Head 08-046 National Cultural Foundation

APPROVED: \$15,000.00

HEAD 26—SOCIAL SERVICES

Sub-Head 01-002 Overtime

APPROVED: \$30,000.00

Sub-Head 07-900 Juvenile Rehabilitation

APPROVED: \$204,000.

Sub-Head 51-119 LR—Public Buildings

APPROVED: \$18,000.00

Sub-Head 08-052 Housing Repairs

APPROVED: \$30,000.00

Sub-Head 41-124 LR—Office Furniture

APPROVED: \$20,000.00

HEAD 27—MEDICAL HEALTH SERVICES

Sub-Head 41-135 Medical Equipment

APPROVED: \$133,349.00

HEAD 28—LABOUR

Sub-Head 41-126 LR—Office Equipment

APPROVED: \$550.00

HEAD 29—AGRICULTURE, COMMUNICATIONS & WORKS

Sub-head 07-042 Maintenance Radios/Transmitters

APPROVED: \$48,000.00

Sub-head 02-006 Leave Passages

APPROVED: \$1,050.00

Sub-head 02-018 Official Travel

APPROVED: \$2,200.00

Sub-head 41-118 LR Vehicles

APPROVED: \$16,551.00

HEAD 30—LANDS AND SURVEY

Sub-Head 41-126 LR—Office Equipment

APPROVED: \$40,000.00

Sub-Head 51-108 LR Survey Development

APPROVED: \$10,900.00

Sub-Head 51-120 LR—Purchase of Lands

APPROVED: \$1,672,945.00

HEAD 31—AGRICULTURE

Sub-Head 12-010 Vehicle & Equipment Maintenance

APPROVED: \$4,032.00

Sub-Head 07-016 Freight and Shipping

APPROVED: \$28,670.00

HEAD 32—POSTAL

Sub-head 03-045 Uniforms

APPROVED: \$20,500.00

Sub-head 07-048 Overseas Mail Service

APPROVED: \$80,300.00

HEAD 34—EDUCATION AND AVIATION

Sub-Head 08-024 Private Schools

APPROVED: \$30,000.00

Sub-Head 41-124 LR—Office Furniture

APPROVED: \$24,950.00

HEAD 35—EDUCATION DEPARTMENT

Sub-Head 08-029 Scholarships & Bursaries

APPROVED: \$32,306.00

Sub-Head 41-132 LR—School Equipment George Town Primary

APPROVED: \$5,000.00

Sub-Head 41-132 LR—School Equipment John A Cumber Primary

APPROVED: \$5,000.00

Sub-Head 41-132 LR—School Equipment Savannah Primary

APPROVED: \$15,000.00

Sub-Head 41-132 LR—School Equipment East End Primary

APPROVED: \$5,000.00

Sub-Head 41-132 LR—School Equipment Spot Bay Primary

APPROVED: \$5,000.00

Sub-Head 41-132 LR—School Equipment Creek Primary

APPROVED: \$5,000.00

Sub-Head 41-132 LR—School Equipment West End Primary

APPROVED: \$5,000.00

HEAD 36—HEALTH, DRUG ABUSE, PREVENTION AND REHABILITATION

Sub-Head 08-020—Overseas Medical Health

APPROVED: \$600,000.00

The total supplementary appropriation approved was CI\$5,886,006.00

Consideration of other matters recurrent expenditure virements between different sub-heads:

The Committee ratified the following recurrent virements, totalling CI\$166,795 made between different sub-heads, as were approved by the Financial Secretary (in accordance with the provisions of Financial and Stores Regulations (1986) 2.70) during the period June through August 1994.

Variation of funds within the same classification under Capital Expenditure: The Committee ratified the following variation of funds made within the same capital classification, totalling CI\$543,000.00, as approved by the Financial Secretary (in accordance with Financial and Stores Regulations (1986) 2.70) during the period June through August, 1994.

Capital expenditure virements between different classifications: The Committee ratified the following movement of funds totalling CI\$2,978,636.00 between different classifications under capital expenditure (which results in a change of purpose of the original funds as approved by Finance Committee in the 1994 Budget).

Creation, deletion and regrading of posts for the period May—August 1994: The Committee ratified (in accordance with the provisions of the Public Finance and Audit Law, 1985, section 8.2.c) the creation, deletion and regrading of posts which took place during the period of May through August.

Request for authorisation to convert a loan to a grant to the Community Care Association of Cayman Brac and Little Cayman: The Government granted a loan in the amount of CI\$ 200,000 to the Community Care Association of Cayman Brac and Little Cayman to partially fund the construction and equipping of a facility for the housing of the elderly of Cayman Brac. The facility was scheduled to be completed and ready to receive its first residents in mid-1992. As a result of a lack of donations, the premises were not quite ready for occupancy. Consequently, the Association had no source of revenue on which to draw in order to make interest or principal repayment on the loan.

Executive Council granted a moratorium on interest repayments on 26th April, 1994. This moratorium extends until the Association is assessed as being in a financial position to make such payments. However, the Association is not in a position to commence the principal repayments which are now due.

The Committee therefore granted approval for the conversion of this loan for \$200,000 to an outright grant.

Request for authorisation to seek a guarantee for a loan from a local commercial bank to the Cayman Islands Farmers' Co-operative Society Limited:

The Committee also approved the issuing of a guarantee from a local commercial bank to the Cayman Islands Farmers' Cooperative Society Ltd (CIFCSL) in the amount of CI\$ 150,000.

Request for authorisation to vary the agreement—low income housing scheme: At a meeting of Finance Committee held in June, 1994, the Government agreed that First Home Banking, First Cayman Bank, Bank of Butterfield, and Canadian Imperial Bank of Commerce would be the lending institutions to the Low Income Housing Scheme coordinated by the Ministry of Community Development, Sports, Youth Affairs, and Culture. The Ministry sought the authorisation of Finance Committee to vary the agreement to allow any Bank or Company approved by Executive Council to provide financing to the Low Income Housing Scheme.

The Committee agreed by a majority (see division below) that the Ministry be authorised to allow any Bank or Company to provide financing to the Low Income Housing Scheme.

The Committee agrees that this Report be the Report of the Standing Finance Committee in respect of meetings held the 19th and 20th of October, 1994, to be laid on the Table of this Honourable House.

Turning now to the Report of the Standing Finance Committee of the meeting held on 11th January, 1995.

REPORT OF THE STANDING FINANCE COMMITTEE (Meeting held Wednesday, 11th January, 1995)

At this meeting, on the 11th of January, the Committee considered and approved a request for authorisation to vary the terms of the guarantee approved by Finance Committee for Cayman Airways at a meeting held on 21st December, 1994. The details of the amendment were as follows: In accordance with Standing Order 67, the Committee approved a "Request for authorisation to vary the Agreement—Government Guarantee of aircraft lease for Cayman Airways Limited" as follows:

In accordance with the provisions of section 28(1) of the Public Finance and Audit Law, 1985, approval was given to amend the existing Government guarantee (between Cayman Airways Limited (CAL) and Citicorp Leasing Inc) to read: "a guarantee by Government of rents (including reserves), interest fees, expenses or otherwise; provided that Governments' liability for amounts due and payable by the lessee (CAL) pursuant to the lease other than rent (including reserves), and any interest due thereon shall not exceed US\$3,000,000.00." And further that: "the form thereof be settled by the Honourable Attorney General and CAL's United States of America's lawyers."

The Committee agrees that this Report be the Report of the Standing Finance Committee in respect of its meeting held 11th January, 1995. Thank you, Madam Speaker.

The Speaker: We proceed to Questions to Honourable Members/Ministers. The first question is deferred question No. 86, standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

DEFERRED QUESTION NO 86

No: 86: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development to state the number of Companies registered since the registration fees were changed in March, 1995.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker. The answer: Company registration fees were last changed on 1st April, 1994. The number of new companies registered from 1st April, 1994, to 31st March, 1995, is 5,535 or an average of 1,383 per quarter.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member state the number of these companies that emanated from the jurisdictions visited under recent promotions embarked upon by the Government?

The Speaker: The Honourable Third Official Member responsible for Finance and Development. I do not know whether you can answer that it was not part of the original question.

Hon. George A. McCarthy: Madam Speaker, I am not in a position to give the details or to answer that question. It would require some research to be done.

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 able to tell us how these figures compare to last years figures?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, for the period in question for which the information is sought, the amount of companies registered was 4,418. Therefore, for the recent period given this would represent an increase of approximately 30%.

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 could also indicate whether the proportion of ordinary to exempt companies is the same, or if this has changed since last year?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Thank you, Madam Speaker. I would like to correct the information which I gave earlier. The increase in question was around 26% and not 30%.

Madam Speaker, we are seeing a significant increase in exempt companies. For example, for the quarter 1st April to 30 June 1993, the amount of exempt

companies registered was 643. For that same period in 1994 it was 1,025. For the period 1st July to 31st September, there were 671 companies registered. For that same period in 1994 there was 1,043. For the period 1st October to 31st September 1993, there were 697 companies were registered, for that same period in 1994 the amount registered was 897.

For the period 1st January to 31st March 1994, the amount registered was 933. For the period 1st January to 31st March, 1995, the amount registered was 1,052.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I beg your indulgence, just to make sure that I understand the answer. The question asked about fees being changed in March 1995. The answer states the fees being changed on 1st April 1994. Was the question incorrect?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the only change that took place in 1995 was the change to the restricted trust companies, not company fees.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I crave the Chair's indulgence to make a point of clarification. That is exactly the information which the question sought.

The Speaker: That was not stated... if the Honourable Third Official Member responsible for Finance and Development can reply.

Hon. George A. McCarthy: I thought that could have been the direction the question was leading. But I also thought that this question was also well thought out, and, as a result of that, what was submitted to this Honourable House was the question that was intended to be answered.

Anyway, in regards to restricted trusts, the number of new companies registered to date since the licence fees for restricted companies were changed is nine. Of this nine, eight originated from Hong Kong and one from Bermuda.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Can the Honourable Member state if this figure shows a marked increase compared to the same time span in the previous year, and, if not, what would be the difference in income earned by Government since the change in the fees?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: The number of restricted trusts on our records was 18. We were not having any requests on an ongoing basis for the issuing of new licences. It had gotten to a point of being static. We were made to understand that this business was going to Bermuda because they had a substantially lower fee than what was being charged in the Cayman Islands.

We also understand that although there was a preference for this business to be coming to the Cayman Islands, the British Virgin Islands also seemed to have taken their cue from the level of fees in Bermuda, and they also had their fees set to correspond with that charged in Bermuda as well.

So, this, together with the amending legislation that will be brought later on in this meeting today, we will hopefully see a significant increase in the number of these companies that are coming to the Cayman Islands.

Obviously, in reducing the fees of these companies on an annual basis from \$6,000 to \$2,000, we are going to see a significant differential in terms of decline in fee. But when we take 18 at \$6,000, we are looking at \$78,000. If we can attract an incremental increase in numbers and volume, to get the information out to the international financial community that we are a jurisdiction catering to this type of activity and, obviously, we have put in place the necessary review of fees in order to make ourselves more attractive, I think we should look at this arrangement not in the immediate short term, but from the medium to long term perspective.

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

The Speaker: It is now a few minutes past 11.00 o'clock, the time at which Questions should cease. Since Question Time began at five minutes before the hour, would a Member move the suspension of Standing Orders so that this could be entertained?

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I move the suspension of standing order 23(7) and (8) in order for questions to continue to be taken.

The Speaker: May I have a seconder for that Motion?

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I second the Motion.

The Speaker: I shall put the question that Standing Order 23 (7) and (8) in order for Questions to be concluded, the Motion having been duly moved and seconded. 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 QUESTION TIME TO CONTINUE.

The Speaker: We may proceed with supplementaries. The Fourth Elected Member for George Town.

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

Begging your indulgence, Madam Speaker, and hoping that the Honourable Third Official Member would be able to entertain this, I wonder if the Honourable Member could expand a bit as regards other benefits that may accrue from such trusts being registered in these islands, over and above direct income to Government?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Thank you, Madam Speaker. There would be quite a number of spin-offs. First of all, we will continue to be in the forefront as a leading Financial Centre and, obviously, volume plays a significant part of this.

Employment opportunities will be generated because these trusts involve a lot of documentation that will have to be reviewed. In order for these services to be provided it will require that the personnel be employed to perform the services required.

So, overall, the islands will continue to benefit in an increase in the volume of these activities.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say, when the package has been totally reviewed, what procedures Government will be taking with regard to advertising them and letting the outside world know that we are now in a position to offer these services at a competitive level?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: On hand today is the coordinator of marketing and promotions. He is doing an excellent job in terms of keeping in touch with leading international magazines and also taking inquiries from overseas pertaining to the full scope of activities within the financial industry.

As soon as this is done this information will be passed to the international financial community by way of updates on the information that we are currently providing those organisations.

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 Third Official Member responsible for Finance and Development how much money has been repaid on the loans of US\$5 million and US\$2.117 million, respectively, borrowed by the Civil Aviation Authority.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the answer: Repayments to date on the Civil Aviation Authority loans of US\$5 million and US\$2.117 million, are US\$4,813,737 (CI\$4,011,448) and US\$479,329 (CI\$399,441) respectively.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if these payments are on schedule?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Thank you, Madam Speaker.

Yes, the payments are on schedule, but it is very disappointing because this Honourable House is very much aware of the fact that these two loans were denominated in baskets of currencies. Since for example, the obtaining of the loan in 1984 for \$5.0 million, there has been a 300% increase in the rate of the Japanese Yen to the CI dollar. For example, in 1984, CI\$1.00 could purchase 307.37 Yen. Today that CI\$1.00 can only purchase 102.784 Yen.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I noticed in the supplementary that the Honourable Member says that discussions are ongoing with the Caribbean Development Bank to alleviate this problem by some kind of refinancing schedule. Is the Honourable Member at liberty to inform the House as to the progress being made at this point, and what are the prospects for the refinancing?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I can confirm that we have gotten an indication from the Caribbean Development Bank that the outstanding loan balances can be paid off.

We were initially told that the reason why they could not give a yes answer to us when we made the initial inquiry was that their source of funds was through the Inter-American Development Bank, and they would have to get the approval of that institution for the loan with them to be paid off.

Now, when the Auditor Generals' Conference was held in Cayman, the Auditor General for the Inter American Development Bank was also a part of the group that assembled here for the conference. The Auditor General took the opportunity to mention this to his counterpart and arranged for a meeting between that Auditor General [of Inter-American Development Bank], and myself. Apparently he got in touch with the Caribbean Development Bank. I am not saying that this was the case, but shortly thereafter, we were told that all the loans that were so denominated could be settled.

Madam Speaker, we have not really approached any of the local commercial banks as yet in order to obtain the necessary refinancing, but I would envisage that this would not pose any difficulty.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if we are going to be liable for any penalties for early repayment of these loans from the Caribbean Development Bank?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I could not answer that with absolute certainty, but what we need to do is to get confirmation in writing from the Caribbean Development Bank in terms of what the terms of the settlement would be. But I would imagine, that since they did not really introduce a penalty for the loan that was paid off for the Water Authority, the same will obtain for these two loans for the Civil Aviation Authority.

The Speaker: The next question is No. 96, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 96

No. 96: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development to state the revised figure for the accumulated balance for the year 1994 which will be shown in the statement of surplus and deficit account.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Thank you, Madam Speaker.

The unaudited figure for the accumulated balance for the year 1994, as shown in the statement of surplus and deficit account, is \$2,457,676.

The Speaker: If there is no supplementary, the next question is No. 103, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 103

No. 103: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Youth Affairs, and Culture to provide a list by district and individual amounts of persons who have received assistance through the Social Services Department to effect home repairs.

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

Hon. W. McKeeva Bush: Madam Speaker, the answer: Between January and March 1995, 16 housing projects have been completed with the help of the Department of Social Services. Of these 16, one, was in George Town; 14, in West Bay; none, in Bodden Town; one, in North Side; none, in East End; and 9, in Cayman Brac.

The Member will be aware that this vote covers more than home repairs and may include installation of plumbing, new rooms, or even in some desperate cases a complete home.

In addition, the total picture of housing assistance and its distribution by district requires us to also look at another vote covering rental assistance. The breakdown of this, for the period January—May 1995 is as follows: **Long Term Rental Assistance (10)**—West Bay, 2; George Town, 8; Bodden Town, Nil; East End, Nil; North Side Nil; Cayman Brac, Nil.

One-Time/Temporary Rental Assistance (25) West Bay, 2; George Town, 20; Bodden Town, 1; East End, Nil; North Side, Nil; Cayman Brac, 2.

The Department has observed that, and I quote: "**over the years the largest numbers of requests for services tend to come from the District of West Bay followed by George Town, with a few from the eastern districts. This is true, not just for housing, but financial and other services as well. All cases are assessed to determine need and if need is verified, aid is provided.**"

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

Could the Honourable Minister state if at present there are—and if he knows, how many there are—

outstanding requests from the district of George Town that have not been attended to?

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

Hon. W. McKeeva Bush: Madam Speaker, I have asked for an update on all outstanding cases and this is still in process. But since there was a complaint about the answer, I decided to give the information that I had.

The Speaker: The Fourth Elected Member for George Town.

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

Notwithstanding the fact that information is still forthcoming, I wonder if the Honourable Minister would be able to say if, when the list is brought to his attention, there are funds available for any works to be completed on the list as present?

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

Hon. W. McKeeva Bush: Madam Speaker, I would believe that the Elected Member had that information already because he made mention of it in his debate the other day that the housing vote was finished and we were seeking more funds. He himself said that the other day.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, having said that, if my memory serves me right I said that is what I have heard. I was only seeking an official answer because I did not hear anything officially. I would still ask the question because I have not had an official answer.

The Speaker: Honourable Minister, is there anything you may add?

Hon. W. McKeeva Bush: Madam Speaker, I thought I just said that is what is happening, new requests are being made.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

The Honourable Minister has said that these works may not only include, "installation of plumbing and the addition of new rooms, but in some desperate cases, a complete home". Is the Honourable Minister in a position to say what ceiling, if any, is placed on the amount which is spent on one vote?

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

Hon. W. McKeeva Bush: Madam Speaker, I think it would be difficult for me to say because it would depend on the size of the family and so on. I know that we, through the efforts of the Third Elected Member for George Town, voted in the Finance Committee something like \$30,000 for the district of George Town for one home. When that home was completed it cost \$46,000, because of children. So, it depends on the size of the family.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if included in the 16 housing projects there were any instances where a complete house was built, and where was it built if, indeed, it was?

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

Hon. W. McKeeva Bush: I am not sure, Madam Speaker, I just made mention of a house being completed in George Town. I am not sure. I do not have those figures, but that was a complete home.

The Speaker: The Fourth Elected Member for George Town.

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

Would the Honourable Minister be able to verify that of the one-time temporary rental assistant list, if the majority of these were because of the fire that was experienced in the Watlers Road area which, out of 23, 20 were designated to the district of George Town?

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

Hon. W. McKeeva Bush: Madam Speaker, the victims of the fire from Watlers Road area were a total of approximately \$5,800.

The Speaker: The next question is No. 114, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 114

No. 114: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Planning if the Federal Aviation Authority has placed any restrictions on the type of aircraft which Cayman Airways Limited can operate in the United States of America.

DEFERMENT OF QUESTION NO. 114 STANDING ORDER 23(5)

Hon. Truman M. Bodden: Madam Speaker, I would ask to defer that question under Standing Order 23(5), with the leave of the House.

The Speaker: Would that be deferred until the next meeting, or would you give that answer in writing?

Hon. Truman M. Bodden: I would answer in writing if the House finishes, because it appears that it will be finished today or tomorrow.

The Speaker: The question is that the answer to question No. 114 be deferred and, if the House continues beyond today, to a sitting during this meeting; if not, it will be answered in writing if the meeting terminates.

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

AYES.

The Speaker: The Ayes have it.

AGREED. THE ANSWER TO QUESTION NO. 114 DEFERRED.

The Speaker: I have been asked by the Honourable Third Official Member for Finance and Development to provide an opportunity for him to clarify a point under question No. 96, and I now give him permission to so do.

LEAVE GRANTED FOR THE HONOURABLE THIRD OFFICIAL MEMBER TO CLARIFY INFORMATION GIVEN IN REGARD TO QUESTION NO. 96

Hon. George A. McCarthy: Thank you, Madam Speaker. In responding to question, No. 96, I pointed out that the unaudited figures for the accumulated balance for the year 1994, as shown in the statement of surplus and deficit account, is \$2,457,676. I did not say whether this was a surplus or deficit, Madam Speaker. This is a surplus.

Thank you.

The Speaker: That concludes Question Time for today. The next item is a statement by a Member of the Government. The Honourable Minister for Community Development, Sports, Youth Affairs and Culture.

STATEMENTS BY HONOURABLE MEMBERS/MINISTERS

Hon. W. McKeeva Bush: Madam Speaker, I find it necessary to clear the air on certain observations made by the Fourth Elected Member for George Town, and reported on in the *Caymanian Compass*, regarding the matter of housing assistance provided by the Social Services Department, one of the departments within my Ministry.

The Member spoke of: 1) The alleged case of an old lady in Rock Hole with a roof to be fixed by Social Services; 2) he alleged that it was on a list from the Social Services Department to be done last year; and 3) he

alleged that he was told that the 1995 Budget for house repairs was exhausted since the end of April.

If the Member knew of this case existing for over a year, why did he not inform me, as the Minister responsible? As far as the client goes, this handling of the matter makes a show of representation. However, effective representation might have been better realised if the Minister had been asked to look into the matter. Direct approach to the Department responsible places the department in a potentially sensitive position where it either denies the information and may be seen to be unhelpful, or releases it and may be seen as making life awkward for the Ministry. The Department appears to have released details of its lists in this instance, and added to that its budget status in this vote.

If this was in fact done, it indicates at best an error of judgment on the part of the staff member responsible, and indicates on the part of the Member a level of indiscretion in placing that staff member in a compromising position.

To put the record straight, the Social Services Department has advised, as follows, regarding this particular case of the old lady in Rock Hole. I read from a memorandum from Ms. Alicia Dixon, who is Acting Director:

"Further to our discussion regarding this client I write: The client had requested assistance with roof repairs. On visiting to assess the situation Public Works Department found that the house was too dilapidated to be repaired. They recommended that the house be demolished and a new house be built. The case worker, subsequent to the client's refusal to have her old home demolished, visited the client who, after talking with the caseworker, still refused to consider a new house being built. It was noted that the old house would need to be demolished to make room for the new one bedroom house being built, as the property could not accommodate a new structure in addition to the old one. The matter was then referred back to Public Works Department for further assessment as to any possibility of the roof being repaired in light of the client's refusal for anything else to be done. The feedback from Public Works Department is that it is not feasible to repair the roof with the house being in the condition that it is in. There has been no further contact with the client with regard to this matter.

"In light of current concerns, I will have the caseworker visit to assess the client's current disposition towards work being done. The usual routine in management of these cases is: once the assessment to determine need is done, a referral is made to Public Works Department for an estimate. If sufficient funds are available the client is included in those persons approved for work to be done. If no funds are available, the client is wait-listed for the service and advised of this. The case does not remain an active one, as no other services are usually being given. The case is usually assigned to the Social Work Assistant who is in charge of the housing

programme. This worker then monitors the progress of the work carried out by Public Works Department and notes when it is completed.

"I trust the above information will assist you. [signed] Alicia E. Dixon."

The Member mentioned his Parliamentary Question to me regarding the breakdown of assistance through the Social Services to effect home repairs. He went on to say: **"...the way I have heard it, is that the Department has not been able to provide this information. I have very serious doubts that the very capable Head of that Department would risk the wrath of the Ministry in not providing that answer. So I do not know where the answer is."** [*Official Hansard Report 14 June 1995*]

Lastly, he said: **"She [the old lady] said: 'I guess that money went the same way the money went for the roads and we never got anything out of it.'"**

For the Member's information, the department was not able to provide all the information required when the question was initially asked, as is apparent from the answer that I provided to the question. The answer is broader than the Member seems to think.

The Member also seems to have taken full advantage of the outsider status of a MLA without Ministerial responsibility in allowing this constituent to take the view that he could do nothing about any funding shortfall which may exist. We all know that if such a situation is brought to light in any forum, including Finance Committee, it would receive sympathetic treatment. Again I ask, why did the Member not approach me? Why did he not draw this situation to my attention? Surely, it is of the greatest benefit to the little old lady in Rock Hole if the Member got me to deal with the matter expeditiously, than it is for the Member to use her case to try to score some points against me on the floor of this Honourable House.

This attempt on his part is made really obvious if you consider the fact that the Member could have spoken before me and, in his debate, asked for information. Instead he held out and spoke after me in order to score a point. Even after the Member spoke ... in fact, when we took the break I asked the Member to identify the case and he refused. I hope the Member will be prepared to accept the advice now given in dealing with similar matters in the future. The Member and the House in general should accept that I will do, and have done, anything that is humanly possible for any such needy case.

Thank you, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.36 AM

PROCEEDINGS RESUMED 12.04 PM

The Speaker: Please be seated.

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker, I would crave your indulgence to make a very short personal statement regarding the one just made by the Honourable Minister.

The Speaker: You may.

PERSONAL EXPLANATION

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

First of all, in the Minister's statement he referred to my putting the Department of Social Services and its staff in, what I would term, an almost untenable situation by my personal approach to that department. I think the inference in the statement was that what I was talking about was the information that was given to me by the Department. I wish to make it very clear, and the Hansards will prove it, that I did not mention in my contribution to the said debate, anything at any time regarding that specific department nor its members of staff with regards to me, either soliciting, or being given any information about the budget, or, for that matter, about any old lady in Rock Hole which I may have mentioned.

The indiscretion that he refers to is certainly not factual with regards to what he has drawn as a conclusion, because I did not call anyone's name, neither did I refer to anyone or to any department whereby I was supposedly given any information.

Finally, with regards to my scoring any points, which he mentioned in his statement, Madam Speaker, if the Minister thought for a split-second, he would fully realise that I simply borrowed a page from his arsenal.

The Speaker: We proceed to Government Business.

Hon. W. McKeeva Bush: Madam Speaker.

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

Hon. W. McKeeva Bush: The Member has made a statement which contains controversial matter, which you allowed. I will not get into it because you allowed it, although Standing Order 31 says it should not be allowed. But the *Hansard* I have does say that he mentioned the Social Services Department several times. The *Hansard* is there for all to see.

The Speaker: Perhaps, Honourable Minister, since you have risen on what might be termed an explanation, could you please read the sections which refer to the Social Services Department, or the context thereof, please?

Hon. W. McKeeva Bush: Perhaps, Madam Speaker, I should read the whole section that pertains to that question.

The Speaker: I think you could just take out the references to the Social Services Department since this seems to be the point of issue.

Hon. W. McKeeva Bush: The part that he read when he spoke, Madam Speaker, he said: "**This is the second Session, and the way in which I understand it, and the way I have heard it is that the Department has not been able to provide this information... I have very serious doubts that the very capable Head of that Department would risk the wrath of the Ministry in not providing that answer. So I do not know where the answer is.**" [Unedited *Hansard* 14 June 1995]

The Speaker: Well, Honourable Minister, the Member came in and discussed with me the point that he wished to make and I allowed it. Taken in the context in which your statement was presented I felt it was quite in order for the Member to have made the point that he did not approach any officer in the Social Services Department. I think that the matter needs to rest now.

We will continue with Government Business, Bills, First Readings. Suspension of Standing Order 46.

The Honourable Third Official Member responsible for Finance and Development.

SUSPENSION OF STANDING ORDERS 46

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 83, I would like to move the suspension of Standing Order 46, dealing with the requirement that 21 days notice be given before bills can be dealt with in this Honourable House.

The Speaker: The question before the House is the suspension of Standing Order 46 in order for two bills to be dealt with at this meeting without their specified notice. I shall put the question. Those in favour please say Aye...Those against, No.

AYES AND NOES.

The Speaker: The Ayes have it. Standing Orders are accordingly suspended.

AGREED. STANDING ORDER 46 SUSPENDED TO ENABLE STAGES OF BILLS TO BE TAKEN WITHOUT SPECIFIED NOTICE.

The Speaker: First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995

The Clerk: The Trusts (Foreign Element)(Amendment) Bill, 1995.

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

THE PERPETUITIES BILL, 1995

The Clerk: The Perpetuities Bill, 1995.

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

Second Readings. The Honourable Third Official Member responsible for Finance and Development.

SECOND READINGS

THE TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995

Hon. George A. McCarthy: Madam Speaker, before I get into my comments on the bills, I would like to crave your indulgence to make a short statement in regards to the reason why the request has been made for the suspension of Standing Order 46.

The Government is ever mindful that, in accordance with Standing Order 46, bills be submitted to this Honourable House 21 days before they are to be dealt with.

Being mindful of this requirement, these bills were submitted to the Legislative Assembly on the 8th of June with a request for their circulation following which they would be dealt with at the September meeting. However, last Friday the Leader of Government Business and I were contacted with a request for the bill dealing with Perpetuities to be acted upon during this meeting. Implicit in this request was that the bill dealing with the amendment to The Trusts (Foreign Element) Law, 1987, should also be dealt with, but it was mentioned that it would not adversely affect the operations of our financial industry if this bill was held back until the upcoming meeting in September.

However, because the bills are dealing with the subject of trust activities, there is an advantage to dealing with both of them at the same time, hence the reason for both of these bills being on the Order Paper today.

We have been made to understand that the reasons for the urgency, specifically with the bill dealing with perpetuities are twofold: 1) To prevent certain pen-

sion fund activities registered here from seeking to be re-domiciled elsewhere due to deficiencies in our existing legislation; and 2) To allow the financial industry to favourably respond to inquiries to other major financial centres which are seeking to establish trust activities in the Cayman Islands.

As a leading financial centre it is necessary that we remain in the forefront with our legislative framework. We all recognise that there are certain risks (hopefully minimal) that can result from this approach, but this is a risk we take.

As we continue our efforts as a Government working with the financial industry to make Cayman more attractive for off shore services, we will be asked to fast track legislation such as what is being done today. In so doing, as I alluded to earlier, it is recognised that not all of the "i's" will be dotted and "t's" crossed in all instances. But to remain in the forefront I think the Government will have to put itself in a position in order to accommodate such requests.

I am thankful to the Honourable House for allowing the waiving of Standing Orders for these bills to be taken.

Turning now to the second reading, I beg to move the second reading of a Bill for a Law to amend The Trusts (Foreign Element) Law, 1987.

The Memorandum of Objects and reasons explains the effects of each section of the Bill. With your permission I will read only the introductory paragraph, which explains the general purpose as follows: **"This Bill amends the Trusts (Foreign Element) Law to clarify the Law in view of developments since the Law was passed in 1987. The amendments are important technical changes to ensure the Cayman Islands remain an attractive jurisdiction for financial services relating to trusts."**

The principal legislation passed in 1987 was intended to remove any doubt that if a trust is formed subject to the laws of this country, questions concerning the trust will generally be determined by the law of this country to the exclusion of the laws of other jurisdictions.

Part of the concern was that the trust concept exists only in England and other Common-law countries. Another concern was that in some other countries there is a legal principle of forced heirship. This means that people do not have the same freedom that we enjoy to dispose of our property as we please; instead, the law determines who takes the bulk of the property of a deceased person.

These forced heirs may also claim to set aside gifts and other property arrangements made by the deceased in his lifetime including trusts. Under English Common-law principles it was thought unlikely that forced heirs could succeed in enforcing such a claim in this country against a Cayman Islands trust, but it was thought appropriate to remove any doubt.

The principal legislation seems to have been successful in deterring a tax on Cayman Islands trusts. Furthermore, it has been widely copied by other offshore financial centres. However, in the period since 1987,

legal practitioners here have become aware of some possible loopholes which ought to now be plugged.

This bill seeks to do so.

This is another joint effort between the Government and the private sector, and it is felt that if this bill is passed into law it will further enhance the attractiveness of these islands as a trust jurisdiction.

I commend this bill to this Honourable House. Thank you.

The Speaker: The question is that a Bill entitled, The Trusts (Foreign Element)(Amendment) Bill, 1995, 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.

For several reasons, which I will elaborate upon, I am not disposed to waiving the Standing Orders to deal with this business at this time.

Concern has already been expressed about the necessity and the efficacy of extending the time period from 21 days so that Members and the public may have ample time to deal with these kinds of matters. Having regard that before the House at this time is machinery to take that into consideration, Moved by myself and Seconded by the Second Elected Member for Cayman Brac and Little Cayman, I cannot take such an obviously contradictory position.

The Honourable Member said in his introductory remarks that the Government is also mindful of this situation and he outlined that the business was indeed only circulated on the 8th of June. A significant observation emanating from his introductory remarks was that this Perpetuities Bill, which we are now called upon to pass, is new legislation—seeing that we have no such legislation currently in our jurisdiction.

Also, these bills are of a seriously technical nature and it would certainly have served those of us who would need to, to do some research and seek some counsel to put us in a position to argue intelligently, constructively and logically. Cognisance must be taken that not all of us are familiar, however widely read we claim to be, with this kind of technical legislation. I can speak for myself, but I am sure that is the position of other Members too.

When we get up to debate in this House we all like to debate from an informed and educated perspective. We catch enough hell as it is for debating, so I do not want us to lapse into the position where we cannot stand up to debate and offer contributions from an informed, educated and researched perspective. That is another reason.

While I can understand the reasons for urgency, as outlined by the Honourable Member, I am sure that the reasons for urgency could be given on almost all bills and motions brought to this House. I am concerned that these kinds of things only serve to convey the notion that the Honourable Parliament is a fast food joint where you come in, place your order and wait on your ham-

burger—take it and go. Not so, Madam Speaker. Far from it.

So, as I voted no, I am not in a position to... I would have expected that these kinds of things would have been intelligently thought out coming from the Honourable Member, and I am rather disappointed that he would expect me to give this my support. I suspect that probably the urgency for this emanates from an exterior avenue, and I am not convinced that delay until September, to allow Honourable Members to go into this at their leisure, to explore, seek advise read and research this, would be detrimental at this point.

This will not be getting my support.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the purpose for bringing this bill on short notice was clearly set out by the Honourable Financial Secretary. This bill has certain relationships in specific areas of the law to a bill that follows after it where the Government feels that it can attract business here that we may otherwise lose, unless we can get on with dealing with these amendments early.

The law itself is really only going to affect, in all practicality, offshore persons. It is not as if this is a law that is going to have any effect at all on persons locally. It is one that really deals with the foreign aspect of trusts.

It is very complex—and without appearing to be critical, I do not think that adjourning this until September is really going to help the First Elected Member for Bodden Town to understand it. It is a technical law that is largely within the realm of lawyers. From what I can understand it has been carefully looked at by the lawyers and the feeling is that we should attempt to get this bill through at this stage.

I can give some explanation, if that may be helpful, but the main amendments are fairly technical. The first one relates to the heirship right, and now these will arise in consequence, or upon anticipation of a person's death. That is the area that has been put in.

With trusts many times the conflict of laws between two different countries provides that they can be subject to the heirship laws of one country, whose courts will try to take jurisdiction, when, in fact, they are made subject to the laws of another country.

The difference between real property and immovable property is that real property is looked at more as realty; immovable property can include matters such as lease holds. That is the amendment to section 4.

Section 5 of the bill, which amends section 6 of the Law, is basically adding the words: "**...nor is the trustee or any beneficiary or any other person to be subjected to any liability or deprived of any right.**" It is dealing with forced heirship rules under foreign law.

The other amendment is the question of enforcement of the foreign judgment, and that deals with the principle of enforcement as well as estoppel, basically

saying that a foreign judgment will not be recognised, nor enforced, nor give rise to an estoppel (which is a barring of a right) under the heirship rights of 6A.

Paragraph 7 is the same as what is now in the law in that it applies to trusts and disposition of property both before and after commencement of the law which is basically the way this had to go. It will only affect a small portion of trusts in any event, of which it is not something that is going to have an impact on the day-to-day life of Caymanian people.

It is only in fairly narrow instances that the question of the foreign element of a trust would arise and the conflict with the laws of another country, and the question of which court has jurisdiction and whether foreign judgments are recognised for estoppel or enforced in our law.

Nobody likes suspending Standing Orders, but the Member seconded the suspension of standing orders this morning. I am sure that the suspensions will go on day after day in this Honourable House by those two Members, because they want to ask questions. So, when it suits them to suspend Standing Orders they do it. I believe that Standing Orders have been suspended more for the two Opposition Members to ask questions beyond 11 o'clock than for any other reason.

I support the Financial Secretary. I believe that this bill is one that can only help us. It cannot do any damage and it has no impact on the day-to-day life of our people here. It is mainly to trusts. It will not affect many Caymanians at all. Obviously, the question of foreign jurisdiction and forced heirship of a foreign country would not affect a Caymanian unless they were living in that country with a trust here which is really unlikely.

I support this bill.

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

Mr. Gilbert A. McLean: Madam Speaker, it has been my understanding from the first time I became a Member of this House that the business of Parliament is one of formality and certain practices and procedures which have been followed for centuries which we have copied from the British Westminster System. If we follow the same procedures and formalities each time, we tend to treat each thing in the same way with the same emphasis.

Only this Session has there been a Motion, as noted by the First Elected Member for Bodden Town, asking that the Standing Orders look at the matter of the time for bills to be extended to 60 days. As it stands now it should take 21 days.

This bill which would bring into effect a new law was circulated in this House at exactly 11 o'clock on Monday—today is Wednesday. The Mover and the Minister speaking on behalf of Government noted the fact that this is a technically complex bill. The proposed Perpetuity Law.

I think that if this Legislative Assembly is to take on the image that whenever there is some concern in the

financial sector to whatever extent of business it embraces, a law must come here to be passed right away because something is impeding tomorrow, is giving this Legislative Assembly anything but credibility—which it needs.

Last night I called a friend of mine, who is a lawyer, and read this bill section by section and asked him if he could give me some enlightenment on this. He did. From what I was able to understand (not being a lawyer) I thought I grasped the basic ideas of what it is dealing with.

I pointedly asked him if he saw anything in it which he believed directly impacted on the average citizen in this country. He told me no, that he was not really aware that there were any trusts locally set up. He said this had bearing on factors mostly external which would be doing business in this country.

I also understood that whereas matters now initiated in courts overseas may impact here locally, this law says that this will end; they will not after this law is passed. Any business relating to trusts will have to be dealt with in our courts. It appears to me that we would be making business for lawyers who would have to take such business to court. Altogether, Madam Speaker, I gathered from what I was able to understand last night, that it did not necessarily touch the average person here.

What I wonder about, is the way business is presently being done between other jurisdictions and this jurisdiction, where these trusts are concerned. Are there other countries that will view this as some move to stop what is happening now, which might gain their displeasure?

I notice that it referred to the bill which was pulled back until September—The Confiscation Bill. It seems to me it is a bit deeper and wider than what is being pooh-poohed as the story here—that it is so innocent that we should all just get up and vote for it.

I have concerns that the bill could have implications over and beyond what I understand or, what I could understand if this bill was brought back to the House in September after we all would have the opportunity to examine this and take such as advice as necessary.

In September it could be the first item on the Order Paper and passed the same way that I am sure Members are now sitting poised waiting to pass it. From my own perspective, I share the view of the First Elected Member for Bodden Town. There is a side to the effort here, where this House is concerned, and it is about time that this House stopped seeing the Standing Orders suspended to pass these innocent little bills which are so necessary to get passed because it is going to make and shake such big trees in the financial industry.

Madam Speaker, suspending of Standing Orders to ask some questions that are down on an Order Paper for the country and the House to hear; suspending Standing Orders to pass a law that is not there now—one that the government admits is technical and complex and, indeed, amending another law which is, for all purposes, technical and complex—are worlds apart.

I see nothing wrong with waiting until the forthcoming meeting of the House, and I too will not vote for this bill at this time—that does not stop its passage, of course.

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

Hon. W. McKeever Bush: Madam Speaker, when we discussed suspending Standing Orders for these two bills, I did not think we would incur the wrath of the Opposition, since financial matters and matters which tend to bring revenue into the country are something that we all tend to agree on.

There are no big issues in the country, the country must be reminded of this, so the Opposition nit-picks on every item to make a molehill look like a mountain. It is high time that the Members of the House, those who refuse to understand—the Opposition that is—and those in the country outside who believe that they know all about Parliamentary business, understand that the Orders of this House are capable of being suspended under the Standing Orders—any Order; Standing Order 83 gives the House the power to suspend any Standing Order at any time for a specific purpose by the consent of a majority of Members present.

That is what that is put there for, it does not say for questions, it does not say for any statements; it is for any specific purpose. We would be a poor government—any government, in my opinion, would be a poor government—when matters such as this matter now before us arises that we can not suspend Standing Orders with the understanding of Members of this House. Members of this House must understand that running a country is not like running a little shop. In very big ways, things come up that at times they may not understand, which cannot be said publicly for the good of the country. It is not right for any Opposition to get up and make a big thing out of the ordinary suspension of the Standing Orders. It is just not right.

It is not right to refer to this Honourable Legislature, or to anyone in it trying to make this Honourable Parliament a fast food joint. I am sure that is going to catch the headlines because it is catchy. I am sure that is what it was said for.

This House does not operate like that. The Opposition often likes to pull us up, saying we are being disrespectful to the Speaker. But who gives permission for this sort of thing to happen? The first person who has to agree is the Speaker. I dare say that the Chair does not operate this House like any fast food joint. I do not agree with every ruling, but it is ridiculous to suggest it.

The Chamber of Commerce, and the likes, must understand that they do not run the country. They are not going to run the country. This thing of 60 days for a bill cannot work in every instance. It cannot! We must, as legislators and Parliamentarians and the Executive who run the country, have room so that when certain things arise we can bring a bill. Members should be able

to understand that it does not affect the general populace. It is not something that is going to create taxation; it is not something that is taking away any right from the court; it is not something that is doing the children any harm. It is something that will give the financial industry a new facility that is needed, that will bring business in. It does not affect the general populace, and when this comes before us as a government we will be derelict in our duty not to do so.

You know, Madam Speaker, this thing about intelligent talk, these slurs that often come across from the Opposition, they do not have a basketful of intelligence that we can call on. If they had it, I do not know if they as the Opposition would give it to us, because they are the Opposition. In this instance, this thing about intelligent talk I think is a slur on the integrity and the competence of the Financial Secretary. We have to give him his due. That is as far from the truth as the east is from the west.

I stay late at the Glass House sometimes, and I look across my corridor and the one light that is shining when I come out... is the Financial Secretary's. The one car is his. Sometimes the two of us (not saying that the other Ministers do not do it) are the last ones to leave.

It is wrong to leave any kind of impression that he has not given thought to this matter before us. He is very capable of determining what laws need amending and when they need amending, and I say that he has given this thought. Besides, he has a very competent and wide-ranging committee, the Private Sector Consulting Committee, made up of people who run the financial industry—lawyers, bankers, accountants, trust managers and so on—all of whom have the knowledge, understanding and competence to deal with these matters. I do not think that we should use this to score any points on the Government. This is something that we should be on all fours with.

It has no relationship, as I understand, whatsoever with the Confiscation Bill. That is a good example of a bill (since it was raised) that the industry has said they need time to look at. What has the Government done? Put it back until September. That is of a very technical nature.

It is time for one and all to understand that government must have the capacity to deal with matters when they arise. This is one such matter. It will bring us business, and with all the competition that they get up and talk about—we should be doing this and that because of the competition outside and the country needs it. How come now when we bring something the country needs they say they cannot support it?

I say it is time for the Opposition to put on a cloak of responsibility and shed their cloak of political activity that is only hurting us—them and the government. Indeed, their activities are hurting the country at large.

The Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 12.49 PM

PROCEEDINGS RESUMED AT 2.28 PM

The Speaker: Please be seated.

Debate continues on the Trusts (Foreign Element)(Amendment) Bill, 1995. *[Pause]*

If no other Member wishes to continue with the debate, would the Honourable Third Official Member wish to reply?

Hon. George A. McCarthy: Madam Speaker, I would like to commence by thanking all Honourable Members of this House for their support in allowing the passage of this Bill. I listened to the comments of those who spoke in favour of the relative Standing Orders being suspended in order to allow for the bill to be presented, and I have also taken on board the comments of those Members who have spoken against this suspension.

I have taken note of the comments by the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman. First of all, to suggest that bills are being moved through this House, or this House being compared to a fast food joint has certain implications...

The Speaker: Honourable Third Official Member, that point was raised already. Please do not repeat the arguments of another Member, all right? Thank you.

Hon. George A. McCarthy: Thank you, Madam Speaker.

To follow on from earlier speakers on this comment would suggest that the respect that is due to this House is not being given.

First of all, I have the highest regard for the Chair, for Honourable Members of this House, and knowing the significance of Parliament itself. It is not one that I would treat with disdain or take lightly, because to treat lightly the institution responsible for the formulation of laws within a given country is one that is difficult to describe that level of respect. This is definitely not the case. I pointed out this morning the reasons why these bills are being brought forward with such urgency.

Secondly, there was a comment in terms of the process by which bills are brought and their being thought out in an intelligent manner. If this reference was at a personal level, I will not get into it because I would not want to believe that was what was intended by the Honourable Member who made that comment. But I, and everyone in this House, recognise that these bills we have in front of us are very technical in nature. There is no need to pretend that they are not—they are. It has been pointed out that since the law was introduced in 1987 there have been developments occurring in the areas of trust activities. There have been certain deficiencies and essentially this bill attempts to correct those deficiencies. The bill in no way is linked to the Proceeds of Criminal Conduct Bill that has been deferred until September.

The process by which bills such as this go through before being brought to the Legislative Assembly is of

such where there is a Committee known as the Government Private Sector Consultative Committee. This Committee is comprised of 21 persons who are leaders within the financial industry of the Cayman Islands. These bills were vetted by members of that committee. The bills were circulated before the initial meeting, they came forward, they attended the meeting, questions they raised were dealt with and the bills were voted upon unanimously to be sent to the Legislative Assembly.

That committee consists of the President of the Cayman Bar Association, the President of the Cayman Islands Law Society, the President of the Cayman Islands Insurance Managers Association, the President of the Cayman Islands Bankers Association, the President of the Cayman Islands Society of Professional Accountants, the President of the Chamber of Commerce. These are just to name a few of the members of that committee.

The Committee is made up mainly of lawyers, we will have to rely on the expertise of those members because I am not going to pretend... I recognise my abilities and I also know my limitations. I am not going to lock myself away in a room and try to become conversant with every detail of such legislation before it is brought to the Legislative Assembly.

We have been made to understand that the reason why we have been doing so well with Mutual Funds in the Cayman Islands is because when we introduced legislation it is regarded as timely, necessary, intelligent and conducive to the conduct of such business.

We have been made to understand that the Financial Services Supervision Departments have been established in some countries, and these commissions are often manned by persons who, while they are competent in their various fields, may not be competent in the field of mutual funds. These documents to facilitate registration are voluminous.

What they do on a number of these commissions is they have persons vetting these documents who do not understand the implications and meaning to some extent of what they are looking for. In order to avoid dealing with it, these documents are put on shelves and the buck is passed from one person to the next. As a result, we have found that when we introduce legislation in Cayman the process of how it was going to work was outlined, we found that we had a very large influx of business and such business is continuing. We recognise that the expertise is in the financial industry itself.

Another point to bear in mind, if the question of intelligence dealing with the thought process is of such that not much regard seems to be shown for the time frame and the importance of this, this is definitely not the case. The government is very cognisant of this and recognises the importance of presenting bills to this House in a timely basis. However, if we are going to think of extending the time frame beyond the 21 days as set down in Standing Order 46, I think we will have to take a decision in order to discriminate to make a determination as to whether that extended time is going to em-

brace all pieces of legislation coming to this House or if legislation will be grouped into various categories and certain consideration allowed in different areas.

The reason for this is that we are the fifth largest financial centre in the world. We did not get here by accident. While we do recognise that we are a very important financial centre, if the Government introduces obstacles and they are seen as impeding this, we know what the end result of that is going to be.

With your permission, I would like to quote a few paragraphs from a magazine called Finance International, which looks globally at things happening within offshore financial centres. What is interesting is that 20 or 30 years ago I imagine that a magazine like this would have been 10 or 15 pages, but today it is over 184 pages, commenting on various jurisdictions and new ones that are forming. We are not the only kid on the block and I do not think that we should believe that we are, and with your permission, I would just like to quote a few paragraphs.

The Speaker: Would you like to have my permission, Honourable Member?

Hon. George A. McCarthy: Yes, Madam Speaker.

The Speaker: You have my permission.

Hon. George A. McCarthy: Thank you, Madam Speaker.

The title of the article is "Offshore", the sub-caption is "Take off—Offshore". It says: **"Generally offering attractive tax rates and regulatory attitudes conducive to business, offshore centres attract many types of businesses, particularly banking, fund management and insurance. The model of these offshore centres is Bermuda, but newer less obvious locations have begun to challenge the offshore centres."**

Commenting on Bermuda: **"The story of Bermuda's financial centre began in the 1930s, but the most dramatic growth came in the 1960s when offshore captive insurance companies began to register on the island. Captive insurance are the offshore insurance subsidiaries of multi-nationals set up to provide in-house insurance at the low market rate with the benefit of regulations that are suitable to their activities. The number of insurance companies on the island has risen more than ten-fold since the 1960s, and there has recently been a renewed surge. The number of international insurance and re-insurance companies registered in Bermuda is now 1357, up from 1315 in 1994."**

We know that we are dealing with a limited market of offshore financial services and when we see an upsurge in business activities taking place in Bermuda it is sending a message in terms of development occurring elsewhere.

Now we go to Mauritius: **"Of the following pack, Mauritius is one of the fastest developing offshore**

financial centres. It is pursuing the objective of being the Hong Kong of the Indian Ocean. Having followed a classic pattern of economic development moving from an agricultural based economy in the 1960s to a manufacturing base in the 1970s and 1980s, Mauritius has now set up the legal, physical and economic infrastructure to encourage development confidence in Mauritius as an international financial centre."

So, that is one more centre that is added to those countries providing this service. We now go to the Bahamas.

"The Bahamas has grown rapidly as an offshore financial centre since the late 1960s when it was an offshore tax haven with little more than a few branches of foreign banks. Today government estimates put these assets, based on the banking centre, at more than \$200 billion. The cornerstone for this is an absence of personal or corporate income taxes or capital gain taxes coupled with straight banking secrecy. But incentives like these are only valuable because of its political stability and proximity to the United States.

"The Bahamas became independent from the British Crown in 1973 and is now a parliamentary democracy. Financial services account for 10% of the gross domestic product. The banking sector employed some 3386 in 1993, and contributes well in excess of \$200 million in direct expenditure. A growing number of banks have a physical presence in the island. Of the 415 banks licenced to conduct business from within the islands, some 166 have brought a physical presence. Once established, offshore financial institutions are not subject to any liquidity requirements and regulations are minimal. There is, however, ongoing consultation to ensure adherence to widely accepted norms. The Bahamas has attracted banks from as many as 36 different countries representing subsidiaries of the world's largest and most prestigious financial institutions."

It goes on further, Madam Speaker: **"In 1989, the government drew up the International Business Companies Act after consultation with the banking sector in order to provide the offshore financial sector with the corporate vehicle that was administratively flexible and cost effective. More than 24,000 IBCs have registered since 1990."**

I just thought I should underscore this point to show what is taking place and that the range of our competitors is increasing significantly.

We now go to Puerto Rico. **"Puerto Rico is a late entrant into the world of offshore financial services, but it has a well defined mission. Hector [?] Commissioner of Financial Institution has been marketing the island as a base for structuring deals for the Caribbean and Latin American region. It is well placed for that role. Constitutional ties with the United States means that it can offer the political stability that many countries in the region cannot.**

Offshore banks operating there are free from Puerto Rican domestic taxes and US withholding taxes."

There are also banking secrecy laws, although these can be over-ridden by court orders.

We have a range of financial centres developing in the region and we see where mention has been made that countries that depended on agriculture some time ago are now moving into the forefront and offering financial services. This is becoming a significant part of their economic activity.

We have to determine whether or not we are going to continue to keep ourselves in the forefront. I recognise that it is important for any piece of legislation being brought before this House to be well thought out. From what has just been mentioned in terms of Puerto Rico, the Bahamas and other countries in the region, the British Virgin Islands, Turks and Caicos, the US Virgin Islands, Bermuda, and the range of countries in the region offer all of these services. If we take an adamant position that we are going to lay down certain requirements; that we are going to be inflexible in terms of dealing with time limits set out in Standing Orders for bills being brought to this Honourable House, and we are going to adhere to that with such rigidity, I suggest to all Members that we will be putting ourselves in a position to move from the premier position that we are now in—which is fifth in the rank of leading financial centres.

If it is a question of my intelligence that we should adhere to the 60 days, I will have to differ...

The Speaker: Honourable Third Official Member, there is no discussion at the moment about 60 days. Please do not bring that into the debate. It is irrelevant.

Hon. George A. McCarthy: If it is a question that the time limit should be extended beyond the 21 days as set down in the Standing Orders, if this is the view they hold, I think I will have to differ from the thinking of a large majority of the persons within this Honourable House. To maintain the position that we are in, we will have to cultivate a certain degree of flexibility. I cannot stand by and do my job by believing that the best thing to do is to turn away requests from the financial industry that such bills should not be considered irrespective of their merits. I cannot do that.

Again, I thank Members for their support of this bill.

The Speaker: The question is that the Trusts (Foreign Element)(Amendment) Bill, 1995 be given a second reading. I shall put the question. Those in favour please say Aye...Those against, No.

AYES AND NOES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

AGREED BY MAJORITY. THE TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995, GIVEN A SECOND READING.

THE PERPETUITIES BILL, 1995

The Speaker: The Perpetuities Bill. The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I beg to move the second reading of a bill entitled, A Bill for a Law to Modify the Law of the Cayman Islands Relating to Perpetuities.

The Memorandum of Objects and Reasons explains the effect of each section of the bill, but with your permission I will read the introductory paragraph: "**This Bill seeks to change the rule against perpetuities which strikes down dispositions of interests in property that might vest too far in the future. At present the common law rule applies.**" The common law rule is a rule which stipulates that the life of a person is one plus 21 years. "**In England and many other jurisdictions the rule has been substantially modified by legislation.**"

This is technical legislation relevant to trusts created in this country. Trusts are a major part of our financial business. The common law rule against perpetuity which we inherited from England has a number of drawbacks, all of which are well recognised in England and other common law jurisdictions.

It is a complicated rule which is not always well understood, even by attorneys. It should be noted that a mistake made in interpreting the existing common law rules could result in total invalidity of the trusts concerned. Further, a mistake, if made, may not be discovered for several years following the setting up of a trust, but will still have the same disastrous effects of invalidating the trust.

In England legislation was introduced 30 years ago to modify the rule by introducing a wait and see principle. Instead of seeing that a trust is invalid if it might last for too long a period, the English legislation provides that one must wait and see if the trust lasts too long. This bill will bring the 'wait and see' principle to the Cayman Islands. It would establish a basic perpetuity period at 150 years and enable the court to reform any trust which fell foul of the rule at the end of that period.

A number of other modifications and improvements would also be made. For example, pension funds would be exempted from the rule.

This bill, as with the other (bill), is as a result of co-operation between the government and the private sector. It is believed that when passed into law this will significantly enhance the attractiveness of these islands as a trust jurisdiction.

Thank you, Madam Speaker.

The Speaker: The question is that a Bill entitled The Perpetuities Bill, 1995, be given a second reading. The motion is open for debate. [pause] If there is no debate, does the Mover of the Bill wish to add any further comments?

Hon. George A. McCarthy: Madam Speaker, just to thank Honourable Members for their support.

The Speaker: The question is that a Bill entitled, The Perpetuities Bill, 1995, be given a second reading. I shall put the question. Those in favour please say Aye...Those against, No.

AYES AND NOES.

The Speaker: The Ayes have it. The Bill has accordingly been given a second reading.

Hon. W. McKeeva Bush: Can we have a division, Madam Speaker?

The Speaker: Madam Clerk.

The Clerk:

DIVISION NO. 9/95

AYES: 10

Hon. Donovan Ebanks
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeeva Bush
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Mrs. Edna M. Moyle

NOES: 2

Mr. Gilbert A. McLean
Mr. Roy Bodden

ABSENT: 6

Hon. Thomas C. Jefferson
Mr. John D. Jefferson, Jr
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy
Capt. Mabry S. Kirkconnell
Mr. G. Haig Bodden

The Speaker: The result of the Division is nine Ayes, three Noes. The Bill has accordingly been given a second reading.

AGREED BY MAJORITY. THE PERPETUITIES BILL, 1995, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider two Bills.

COMMITTEE ON BILLS

(2.58 PM)

The Chairman: We have to make a correction in the division, it was actually 10 Ayes and two noes. We apologise for that error—at least it was a very clear majority.

The House is in Committee to consider two Bills. The first is The Trusts (Foreign Element)(Amendment) Bill, 1995. The Clerk will read the clauses.

THE TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995

The Clerk: Clause 1. Short title.
Clause 2. Amendment of section 1.
Clause 3. Amendment of section 2.
Clause 4. Amendment of section 5.
Clause 5. Amendment of section 6.
Clause 6. New sections 6A and 6B.
Clause 7. Application.

The Chairman: The question is that clauses 1 through 7 do stand part of the Bill. The Motion 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 Chairman: The Ayes have it. The clauses stand part of the Bill.

AGREED. CLAUSES 1 THROUGH 7 PASSED.

The Clerk: A Bill for a Law to Amend the Trusts (Foreign Element) Law, 1987.

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 on the Trusts (Foreign Element)(Amendment) Bill, 1995. The next bill is The Perpetuities Bill, 1995.

THE PERPETUITIES BILL, 1995

The Clerk: Clause 1. Short title.
Clause 2. Commencement and application of this Law.
Clause 3. The rule against perpetuities.
Clause 4. The perpetuity period.
Clause 5. Accumulation of income.
Clause 6. Administrative powers.
Clause 7. Leases.
Clause 8. Pension funds.
Clause 9. Contractual rights.
Clause 10. Charitable dispositions.
Clause 11. Non-charitable purpose trusts.
Clause 12. Reformation.
Clause 13. Application to the Court.
Clause 14. Foreign element.
Clause 15. Abolition of the modern rule against perpetuities, the rule in *Whitby v Mitchell* and the rule against inalienability.

Clause 16. Repeal of section 78 of the Trusts Law (Revised).

Clause 17. Supplemental.

The Chairman: The question is that Clauses 1 through 17 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye..Those against, No.

AYES.

The Chairman: The Ayes have it. The clauses do stand part of the Bill.

AGREED: CLAUSES 1 THROUGH 17 PASSED.

Clerk: A Bill for a Law to modify the Law of the Cayman Islands relating to Perpetuities.

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 the Trusts (Foreign Element)(Amendment) Bill, 1995, and The Perpetuities Bill, 1995.

The question is that the House do now resume. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Chairman: The Ayes have it.

AGREED. THE HOUSE RESUMES.

HOUSE RESUMED AT 3.03 PM

The Speaker: Please be seated.

The House has resumed. Reports. The Trusts (Foreign Elements) (Amendment) Bill, 1995. The Honourable Third Official Member responsible for Finance and Development.

REPORT ON BILLS

THE TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995

Hon. George A. McCarthy: Madam Speaker, I am to report that a Bill entitled The Trusts (Foreign Elements) (Amendment) Bill, 1995, 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 responsible for Finance and Development.

THE PERPETUITIES BILL, 1995

Hon. George A. McCarthy: Madam Speaker, I am to report that a Bill entitled The Perpetuities Bill, 1995, 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 DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1995

The Clerk: The Development and Planning (Amendment) Bill, 1995.

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

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

I move that a Bill entitled the Development and Planning (Amendment) Bill, 1995, be given a third reading and passed.

The Speaker: The question is that a Bill entitled the Development and Planning (Amendment) Bill, 1995, 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 DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.

THE AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1995

The Clerk: The Agricultural and Industrial Aid (Amendment) Bill, 1995.

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

Hon. W. McKeeva Bush: Madam Speaker, I ask that The Agricultural and Industrial Aid (Amendment) Bill be given a third reading and passed.

The Speaker: The question is that a Bill entitled the Agricultural and Industrial Aid (Amendment) Bill, 1995, 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 AGRICULTURAL AND INDUSTRIAL AID (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.

SUSPENSION OF STANDING ORDER 47

The Speaker: Suspension of Standing Order 47. The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 83, I beg to move the suspension of Standing Order 47 to allow for the Trusts (Foreign Element) (Amendment) Bill, 1995, and the Perpetuities Bill, 1995, to be given a third reading.

The Speaker: The question is that Standing Order 47 be suspended to allow for the Trusts (Foreign Element) (Amendment) Bill, 1995, and the Perpetuities Bill, 1995, to be given a third reading. I shall put the question. Those in favour please say Aye...Those against, No.

AYES AND NOES.

The Speaker: The Ayes have it. Standing Orders have accordingly been suspended.

AGREED BY MAJORITY. STANDING ORDER 47 SUSPENDED TO ENABLE THIRD READINGS OF BILLS TO BE TAKEN.

THE TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995

The Clerk: Trusts (Foreign Element) (Amendment) Bill, 1995.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: I move that a Bill entitled the Trusts (Foreign Element) (Amendment) Bill, 1995, be given a third reading and passed.

The Speaker: The question is that a Bill entitled the Trusts (Foreign Element) (Amendment) Bill, 1995 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 TRUSTS (FOREIGN ELEMENT) (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.

THE PERPETUITIES BILL, 1995

The Clerk: The Perpetuities Bill, 1995.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: I move that a Bill entitled the Perpetuities Bill, 1995, be given a third reading and passed.

The Speaker: The question is that a Bill entitled the Perpetuities Bill, 1995, 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 PERPETUITIES BILL, 1995, GIVEN A THIRD READING AND PASSED.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: That concludes matters for this Meeting. Before calling for the adjournment, I wish to thank Members for their attendance and hard work, as well as the Clerk's Department and all the members of staff for their work.

Secondly, I wish to express, on behalf of Members, best wishes to the two Members who are not well, the First Elected Member for Cayman Brac and Little Cayman and the Third Elected Member for Bodden Town.

May I now ask for the Motion for the adjournment? The Honourable Minister for Tourism, Aviation and Commerce, Leader of Government Business.

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, I move the adjournment of this House until 10.00 AM, the 11th of September, 1995.

The Speaker: The question is that this Honourable House do now adjourn until the 11th of September, 1995, at 10.00 AM. 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 11th September, 1995, at 10.00 AM.

AT 3.09 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM MONDAY, 11 SEPTEMBER 1995.

**MONDAY
11 SEPTEMBER, 1995
10.07 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, forever 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 is in Session.

Questions to Honourable Members and Ministers.
Question No. 138, standing in the name of the Third Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 138

No. 138: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if Pan American Health Organization donated a vehicle to the Hospital in the past few years.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: In 1992 the Pan American Health Organisation donated a Toyota Station Wagon for the Cayman Islands Health Services Department primarily for the use

of the AIDS programme.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Would the Honourable Minister state the specific purposes for, and the type of insurance, this vehicle carries?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The insurance carried on this is typical of what is being carried on all Government vehicles.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Would the Honourable Minister say who is responsible for driving this vehicle and what is its present condition?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the staff of the Public Health Department and, to the best of my knowledge, the vehicle is still in fair condition.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Would the Honourable Minister state if this is used for private use, on the weekends in particular?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, it should not be used unless there is a visiting member from PAHO. The vehicle may be driven home over the weekend by someone if deemed necessary.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Would the Honourable Minister give an undertaking that a policy is in place for all the vehicles at the George Town Hospital?

The Speaker: The Honourable Minister for Health, Drug

Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I will look into this. I think the vehicle is normally parked at the hospital, unless it has to go somewhere in the case of an emergency.

The Speaker: The second question is No. 139, standing in the name of Third Elected Member for George Town.

QUESTION NO. 139

No. 139: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if the George Town Hospital has a qualified medical secretary.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer is: No, the George Town Hospital does not currently have a qualified medical Secretary. Medical secretaries are very hard to find and several attempts have been made locally without success. Efforts to employ one will continue.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Would the Honourable Minister tell us who transcribes the doctors' notes, or takes instructions from the doctors for patients' files and so forth?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, the Executive Officer and the Chief Medical Officer.

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister could say if there has ever been a medical secretary employed and, if so, how long has the post been vacant?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, about four years ago, but we are endeavouring to have this post filled. As a matter of fact, there will be a requisition again for next year.

The Speaker: Fourth Elected Member for George Town.

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

Bearing in mind the length of time that the hospital

has been without a medical secretary, might it not have been in the interest of Government to seek an individual locally to be trained for this position?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, the Member is right. We are endeavouring to fill this position. It is a very technical position. In fact, a number of the universities in the area do not even teach that subject. It is a very specialised area. We will endeavour to fill this position.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

What methods are in place to ensure that proper and adequate records are kept on behalf of the doctors and their patients?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Would you repeat the question?

Mrs. Berna L. Thompson Murphy: Certainly. Would the Honourable Minister state what methods are in place to ensure that proper and adequate records are kept? Is it done by the doctors, or what method do they use?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This is monitored by the new Chief Medical Officer and the Executive Officer from his department.

The Speaker: The next question is No. 140, standing in the name of Third Elected Member for George Town.

QUESTION NO. 140

No. 140: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation what arrangements, if any, were made for relief of Government's radiologist while on annual leave.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: The Government-employed radiologist took end of contract leave from mid-May to mid-August 1995. During this period a locum radiologist from the Hospital of the University of the West Indies provided cover on the basis of two days every other week, except for the last week in June 1995, when the locum covered for the en-

tire week.

This arrangement was not as good as we would have liked, but the fact is that it was the best that could be done. Intensive efforts were made locally, in North America and the region to find a locum for the entire three months, but without success.

During this period some delays were possibly experienced in processing special radiological procedures, and this is regretted. Routine radiological and ultrasound services were not affected.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister would say if efforts were being made prior to the radiologist's going on sabbatical (I so term because it was three months) to have someone cover?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, every effort was made to do this, but the problem is that these are areas that people do not like to come for one, two or three months. This is where the difficulty comes about. There was a local person who had done this in the past, but when the application was made to get a permit, there were some difficulties experienced.

The Speaker: Fourth Elected Member for George Town.

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

Is the Minister saying that the Immigration Board had a problem issuing a work permit for this period of time with the one local person who might have been able to fill this job?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Indirectly, yes, Madam Speaker. What had happened was that it was a person who is resident who, under the Law, was not allowed to work at that time.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Minister can say if under these (should I say?) extreme circumstances... I know when all stops are pulled out in other areas I have seen it happen... I am wondering how nothing could have been done to sort out this matter.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, I understand the situation. But I have also been told that he was

off the Island on this occasion as he works in a foreign country.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

The Minister mentioned that he was on three months' annual leave. In the event that we could only have a person come on the two days, as stated, was there any negotiation with the radiologist that perhaps he could have taken one month and spread it out over the year, instead of leaving for the three months in its entirety on vacation?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker. We were trying to negotiate with him to spread his leave, but it built up and he decided to go.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Would the Honourable Minister state what steps are being taken so that this will not happen again?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Every effort will be taken to ensure that this does not happen again.

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

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

Would the Honourable Minister say if any thought was given to seconding the former radiologist at the hospital, whom I understand now works in Finance, to cover the business of radiography at the hospital during that period of time?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I am made to understand that she is a radiographer and not a radiologist.

The Speaker: Fourth Elected Member for George Town.

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

This supplementary follows up the previous question. I am just wondering if, under the circumstances, the Honourable Minister might not think it fit to identify a local individual who might be qualified and prepared to be trained for such a post?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, we will be looking at this.

The Speaker: The next question is No. 141, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 141

No. 141: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Environment, Communications and Works to provide a list of all property the Government has bought and contracted to buy stating the terms of the contracts.

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

Hon. John B. McLean: Thank you, Madam Speaker, the answer: It is utterly impossible for my Ministry to provide an answer to such an open-ended question. Government's land acquisitions predates the Registered Land Law, Cadastral and the original Land Registration Law. It would take years of research to carry out such an extensive investigation. However, should the Member wish to have a list of properties bought or contracted, he should state a specific date, and I will undertake to give the answer in writing.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Madam Speaker, this question purely related to the term of this present Government. To the best of my knowledge, I had included that in the question. I apologise that it was left out, and if the Honourable Member could present that in writing, that would be fine.

The Speaker: The next question is No. 142, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman

QUESTION NO. 142 *Deferred*

No. 142: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Environment, Communications and Works whether Government owns two condominiums at Foster Village and, if so, what is the present status of these properties.

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

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

I beg that this question be deferred to a later date in this meeting as the answer is not yet ready.

The Speaker: The question is that the answer be deferred until a later date in this meeting. I shall put the question. Those in favour please say Aye...Those against, no.

AYES.

The Speaker: The Ayes have it. The question is accordingly deferred.

AGREED: QUESTION NO. 142 DEFERRED.

The Speaker: The next question is No. 143, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 143

No. 143: Mr. Gilbert A. McLean asked the Honourable Minister for Agriculture, Environment, Communications and Works to state the present status of the proposed West End Post Office with regard to the land acquisition and commencement date.

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

Hon. John B. McLean: Thank you, Madam Speaker, the answer: A site has been identified and negotiations completed in respect of the West End Post Office. However, the Director of Lands and Survey is awaiting supplementary funds to cover the costs associated with this acquisition. Until such time as the property is acquired, building construction cannot commence.

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 funds provided in the 1995 Budget for the purchase of this land, or for any part of the cost of this post office?

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

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

I think there are funds in there for the construction of the building, but not for the land purchase.

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

Mr. Gilbert A. McLean: Would the Honourable Minister say how it is that money was provided by the Govern-

ment to build the structure where there was no land to build it on, and why no funds were provided for that particular project?

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

Hon. John B. McLean: There was a block vote in the Budget where the funds would be coming from.

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

Mr. Gilbert A. McLean: Would the Honourable Minister say, if there was a block vote sum in the Budget to purchase this, why the land has not been purchased? Was it not enough money, or has that money been used for something else?

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

Hon. John B. McLean: I think there was about \$1 million in the Budget for land purchases and there were many commitments in regard to land purchases. That is why this one could not come out of the \$1 million.

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

Mr. Gilbert A. McLean: Would the Honourable Minister say if it is the case that no specific purposes were set at Budget time for the spending of that money, and is it left solely to the discretion of the Minister, his Ministry or Executive Council to do this?

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

Hon. John B. McLean: Madam Speaker, this is handled through the Lands and Survey Department and my Ministry.

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

Capt. Mabry S. Kirkconnell: Thank you, Madam Speaker.

I would like to ask the Honourable Minister if there is a provision whereby money would be made available to purchase the land in order for the construction to go ahead? The Island of Cayman Brac needs the labour, and we certainly need the post office. If this could be done it would be very helpful to the Sister Islands.

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

Hon. John B. McLean: Thank you, Madam Speaker. As I pointed out in my answer, that is exactly what we are

doing right now—securing supplementary funds. As soon as this is released we are hoping to get started on it.

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

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

Is the Honourable Minister aware that in the 1995 Budget an objective for 1995 in Note 5, says that there is provided in the Budget \$60,400 to acquire property for the construction of the West End Post Office and, if that is correct, could I ask the Honourable Minister what has happened to the money?

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

Hon. John B. McLean: Madam Speaker, that is quite simple. The property costs more than \$60,000, so we must find the additional funds.

The Speaker: The next question is No. 144, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 144

No. 144: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Environment, Communications and Works to provide a list of road works completed to date, giving districts, names of roads and costs.

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

Hon. John B. McLean: Thank you, Madam Speaker, the answer: It is utterly impossible for my Ministry to provide an answer to such an open-ended question. Roadworks in the Cayman Islands predates Public Works. Should the Member wish to have a list of roadworks completed, he should be specific about a date, and I will provide the answer in writing.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. My apologies to the Chair. Will the Honourable Minister give an undertaking to provide a list for the financial year that we are currently in?

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

Hon. John B. McLean: Certainly, Madam Speaker.

The Speaker: The next question is No. 145, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 145

No. 145: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Environment, Communications and Works to state what is the current status of the proposed new Post Office for Bodden Town.

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

Hon. John B. McLean: Thank you, Madam Speaker. the answer: Plans are currently being developed for the construction of a new Post Office for the Bodden Town District. The new building will be located in the general vicinity of the existing Post Office. The Lands and Survey Department is in the process of entering into negotiations for acquisition of the site. It is anticipated that land acquisition and construction drawings will be completed by the end of the year to allow construction to commence early in 1996.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister identify the site on which the proposed Post Office will be built?

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

Hon. John B. McLean: I would prefer not to say anything more on this than what I have already said. It is going to be in the vicinity of the old Post Office. I do not want to prejudice any negotiations that may be going on.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Minister be able to state if the land which now houses the present Post Office is Government property?

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is yes.

The Speaker: Fourth Elected Member for George Town.

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

That being the case, is it fair to ask the Honourable Minister if the site which now houses the present Post Office will be part and parcel of the new site?

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

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

That would be impossible to do because as I understand it the measurements of the present piece of property is only about 40 x 30 and the building is almost the same size.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I did not ask if the present site would be sufficient, I asked if it would be part and parcel of the new site.

The Speaker: I think this will be the last supplementary on this question. The Honourable Minister for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Madam Speaker, I believe we are saying the same thing. What I meant when I gave him the size of the property was that I do not see any space there that could be utilised for a new Post Office if the present Post Office is built almost the same size as the present piece of property.

The Speaker: The next question is No. 146, standing in the name of The First Elected Member for Bodden Town.

QUESTION NO. 146

No. 146: Mr. Roy Bodden asked the Honourable Minister for Agriculture, Environment, Communications and Works what steps are being taken to prevent further erosion of coastline in the vicinity of the Bodden Town Public Beach.

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

Hon. John B. McLean: Thank you, Madam Speaker, the answer: Immediately after my Ministry was assigned responsibility for the subjects of Environment and Dredging, contact was made with the Florida Department of Environmental Protection to identify a specialist from within its Bureau on Beaches and Coastal Systems... (this was not only for the Bodden Town area, but other areas on the island) to review a number of coastal issues, including the Bodden Town public beach.

Based upon options provided by Dr. Clarke of the Bureau, the Ministry is currently considering which option to implement. The available options are: a) the construction of a breakwater to close the channel; or b) the construction of a sand retaining wall where the present beach conditions appear to have equilibrated.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say at what point the Ministry will be in a position to begin rectifying this problem?

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

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

As soon as the Ministry is satisfied and has considered the options given, we will take the necessary action.

The Speaker: Fourth Elected Member for George Town.

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

Just to ensure that we understand exactly what is being said, can the Honourable Minister clarify which channel is under consideration for closing?

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

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

The channel that was cut through the reef behind the present public beach that has caused the beach to erode.

The Speaker: The last question is No. 147, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 147

No. 147: Mr. D. Kurt Tibbetts asked the Honourable Minister for Agriculture, Environment, Communications and Works whether Government has any plans to compile a comprehensive national road works plan.

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

Hon. John B. McLean: Thank you, Madam Speaker. The answer is yes.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister could give an indication as to what stage Government is at with this plan.

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

Hon. John B. McLean: Presently, the Department of Public Works is working on a system for the country and I would just like to add that it will not be taking the pattern of the Master Ground Transportation Plan. It will be something that is reasonable and that will assist us with the traffic flow in the years to come.

The Speaker: Fourth Elected Member for George Town.

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

asking the question, I also intended for existing roads to be part and parcel of what I was looking for. With that in mind, I wonder if the Honourable Minister could let this House know if plans have been made, or if a survey has been done, regarding the present state and the life expectancy of existing main thoroughfares.

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

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

Yes, that is a part of the plan. We are going to try to protect the present roads as much as possible. The main focus will be to work on the roads here in the Capital because I believe the roads here are probably worse due to the fact that we have had so many cuts as a result of the work of the various utility companies. That will be done and other areas of the Island will also be looked at.

The Speaker: Fourth Elected Member for George Town.

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

Am I to understand then from the Honourable Minister, that a comprehensive national road works plan will have as its priority the upgrading of existing roads?

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

Hon. John B. McLean: Thank you, Madam Speaker. The Member is correct.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I did not understand the Honourable Minister to state a time frame. Is that going to take place in 1995 or 1996? If it is taking place now, will this begin in 1996? When is it expected to be implemented?

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

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

The dates mentioned by the lady Member are exactly what I am hoping to be able to do—complete the plans this year and, God's willing, next year begin some of the road works.

I would like to say that this will probably have to be spread over several years because this will be very costly. But it is my intention to present the case (once I have costing) to Executive Council and then on to the Financial Secretary for funding.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I also wonder if the Honourable Minister would be able to say at this time if the cost of this national road works plan will have any effect on the annual district maintenance amount which has recently

been allocated. I am just wondering if having a national plan will affect the availability of the maintenance funds or not.

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

Hon. John B. McLean: Madam Speaker, the maintenance vote will have to remain with the Public Works Department because from time to time you will find that because of an accident, or when something heavy drops from a vehicle we get cuts in the road, and we will have to continue to do this kind of maintenance.

The Speaker: That concludes Question Time for this morning.

The next item is one which I know we all regret, but we have to place on record our deep regrets at the passing of one of our Members, Mr. George Haig Bodden. The following details will be read to become part of the record.

OBITUARY

**The late Mr. G Haig Bodden, MLA, CLU
Deputy Speaker of the Legislature, who passed away
on Sunday, 3rd September, 1995**

The Speaker: Mr. George Haig Bodden was born in Grand Cayman on 23rd February, 1930. He was married with three children. Education: First-Third Year Jamaica Local Examinations; Chartered Life Underwriter Extension Course, University of Toronto.

His Career: School teacher from 1947-1954; Merchant seaman from 1955-1959; Customs Officer from 1960-1965; Comptroller, Executive Officer 1965-1966; Life Underwriter from 1966-1988, when he retired as manager of the local branch of Manufacturers Life but maintained a pensioner's contract; sales Manager for family business from 1988 to the date of his death, Sunday, 3rd September, 1995.

He was first elected to the Legislative Assembly on 22 September, 1972 until 1988, serving as the Second Elected Member for Bodden Town. He was elected a Member of the Executive Council when he served as a Member responsible for Lands, Agriculture, Natural Resources and later Communications and Works.

He was re-elected at a by-election in May 1990 and served until the date of his passing as the Third Elected Member for Bodden Town.

On the 2nd March, 1994, following amendments to the Constitution, he was appointed Deputy Speaker. In the New Year's Honours List for 1995, he was awarded the MBE by Her Majesty the Queen.

I had the pleasure of knowing Mr. Haig since 1960 when he joined the Government service as a Customs Officer. I also had the pleasure of working with him when he came into the Legislature in 1972. He and his colleague, the late Mr. James Bodden, were very assiduous in their duties as Elected Members. They were always

seeking my advice so that their questions and motions were presented as provided for in the Standing Orders.

I also had the pleasure of attending two Commonwealth Parliamentary Plenary Conferences with Mr. Bodden, one in Jamaica in 1978, and the last in India in 1991. He was always a loyal Parliamentarian, and one who aimed to always uphold the aims and objectives of the Commonwealth Parliamentary Association.

I know that we will all miss him and we place on record our deep regret.

May we stand for a moment of silence?

The House stood for one minute in silence (10.48 AM)

The Speaker: Please be seated.

Before proceeding to Government Business, I would like to say that under section 31A of the Constitution, the appointment of a Deputy Speaker will be done as soon as practicable after the vacancy occurs. This will be done at the Sitting on Wednesday. Bills, First Readings.

GOVERNMENT BUSINESS BILLS

FIRST READINGS

THE YOUTH JUSTICE BILL, 1995

Clerk: The Youth Justice Bill, 1995.

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

THE CHILDREN BILL, 1995

Clerk: The Children Bill, 1995.

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

SECOND READINGS

THE YOUTH JUSTICE BILL, 1995

Clerk: The Youth Justice Bill, 1995.

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

Hon. W. McKeeva Bush: Madam Speaker and Honourable Members, while this Bill (and its companion) is by far the most important piece of work accomplished by those persons who deal with the problems of children and young people daily, and is the end result of much hard work by those people, I would much rather be dealing with something else than to accept that we have to take such measures in dealing with the consequences of the

rapidity of social change and the upheavals in the course of our children's growth and the power of the social environment that affects adolescent development.

The Youth Justice Bill, 1995, seeks to reform the criminal law relating to young persons. It is a partner to The Children Bill, 1995, which aims to bring under one statutory framework the public and private law relating to the care and protection of children. Some of the reforms to be implemented by the Youth Justice Bill include re-constituting the Juvenile Court as a Youth Court with jurisdiction mainly to try summary offences. Parents who fail to attend court when summoned, or to take action as ordered by the court, will be liable to a fine up to \$1,000.

Sentencing powers of the court will be extended to include a custodial sentence which may be imposed in accordance with the provisions of Schedule I. The Grand Court will be able to make the same orders on conviction of the young person as a Youth Court, but will be able to sentence the young person to a more substantial penalty if it decides this is appropriate.

The aim of the legislation is to provide a more coherent framework for the administration of justice with respect to young persons, and to provide a wider range of sentencing options to suit correctional and rehabilitative concerns.

The Bill is divided into four parts. In Part I there is provision for the law to commence in phases if necessary. The definition of 'parental responsibility' found in The Children Bill is extended to the Youth Justice Bill to identify those persons responsible for the young person. The definition of indictable offence, summary offence, and offence triable either way, are provided to avoid ambiguity. A 'young person' is a person under the age of 17.

Part II of the Bill deals with proceedings in respect to young persons.

Jurisdiction of the Youth Court: A Youth Court is a court of summary jurisdiction presided over by either; (1) a magistrate sitting alone; (2) a magistrate sitting with two justices, at least one of the justices being of the opposite sex of the magistrate; or (3) three justices of the peace, at least one of whom shall be a woman. A Youth Court has the same powers in relation to the exercise of its jurisdiction as any other summary court. It has the power to try all summary offences committed by young persons, except when the young person is charged jointly with an adult.

Mode of trial of indictable offences is determined in accordance with section 6, and the provisions of the Criminal Procedure Code. Indictable offences categorised in the Criminal Procedure Code as Category A offences, such as murder and rape, are tried by the Grand Court only.

Offences triable either way (Category B offences) may be dealt with by the Youth Court with the consent of the prosecution and the young person charged, except where a young person is charged jointly with an adult person over age 17, in which case the mode of trial for that offence shall be determined by a court of summary jurisdiction other than a Youth Court.

The restriction previously in existence will continue,

that is, the person authorised to attend court proceedings, reporting restrictions, and the duty of the police to ensure that young persons are kept separate from adults when being detained in a police station or being conveyed to and from court.

Duties of parents: In addition to requiring the parents to attend court, the parents may also be ordered by the court to cooperate with the Department of Social Services and to take such action as required. Failure by the parent without reasonable excuse to attend court, or to take an action as ordered by the court may result in the issue of a warrant of arrest and to the imposition of a fine not exceeding \$1,000.

There is a right of appeal to the Grand Court, and subsequently to the Court of Appeal.

Bail or detention: The normal bail procedure for adults applies to young persons in police custody. Where a young person is detained, the police must inform the parents, the Social Services Department and the Education Department within 24 hours. The young person may be detained in a detention facility for a period not exceeding seven days until he can be brought before a court. Pending the building of a proper remand centre for young persons, the police will have to continue to detain young persons at the Police Station Lock-ups or, in extreme cases, at Northward Prison.

Remand: Factors to be taken into consideration by the court in determining whether a particular detention facility is appropriate for the period of remand include: The welfare of the young person; the nature of the offence; any breaches of the rehabilitation order or probation order; and the likelihood of the young person absconding, committing further offences or interfering with witnesses.

Notice and reports: Existing requirements will continue for adequate notice to be given to Social Services and for the obtaining of pre-sentencing reports and other information to assist the court in the determination of the proceedings.

Evidence of young persons: The circumstances in which a young person may give information on sworn evidence are set out more clearly.

Duties of the Court: The court must explain in simple language to the young person the reason for his being brought before the court and must, in cases where the young person is not legally represented, ascertain his defence to assist in questioning witnesses.

Part III—Offences, punishment: A full range of punishment is provided for young persons convicted of criminal offences from absolute or conditional discharge, mental health order, community service order, probation order, attendance order, youth rehabilitation order or custodial sentence.

The sentencing options added include: Community Service orders, which are essentially the same as contained in the Penal Code; Attendance orders as set out in sections 24 through 26 which may require attendance, for example, in drug counselling for a prescribed number of hours, or custodial orders which allow custodial sentences to be imposed in accordance with provisions of

Schedule I for crimes other than murder, or offences for which sentence is fixed by law as life imprisonment in cases where the court is of the opinion that none of the other methods is suitable.

Youth rehabilitation orders replace the existing approved school orders and juvenile rehabilitation orders and are detailed in Schedule II.

Sanctions against parents: A court sentencing a young person may, if it determines that it is reasonable to do so, order the parent, guardian or other person having parental responsibility to pay the fine, compensation or cost imposed. The court may also, if satisfied it is desirable in the interest of preventing the commission of further offences by the young person, require the parents to enter into a recognisance to take proper care of the young person and exercise proper control over him.

The amount of recognisance will be dependent on the financial means of the parents, guardian, or other person having parental responsibility. The court may order the payment of a fine not exceeding \$5,000, if the parent, or other responsible person, unreasonably refuses to enter into a recognisance. There is a right of appeal to the Grand Court, and subsequently to the Court of Appeal.

Cautions: In appropriate cases, the police may deal informally with a young person by means of a caution contained in a written statement. Where a young person commits further criminal offences and is convicted, the caution must be produced to the court prior to sentencing and the court may take previous behaviour into consideration when sentencing.

In Part IV, Miscellaneous and Supplementary Provisions, Contribution and Affiliation Orders: Persons having parental responsibility for the young person have a duty to make contributions towards the maintenance and for the benefit of the young person who is subject to a rehabilitation order. Payments made under an affiliation order may be applied as if made under a contribution order.

Appeals: The normal appeal procedure applies for appeal to the Grand Court against the decision of a Youth Court.

Procedure, forms and regulation: The existing court procedure and the forms used will continue until changed by rules made by the Rules Committee of the Grand Court. The usual power of the Governor in Council to make regulation is conferred by subsection (2).

Amendments, repeals, transitional provisions and savings: Details are set out in Schedule III to ensure that the changes made by the new law do not disrupt existing orders and are reflected in existing laws. Laws to be amended include the Criminal Procedure Code, the Penal Code, the Court of Appeal Law, the Prisons Law, and Prison Rules. Laws to be repealed include the Juveniles Law, 1990, and the Juveniles Joint Trial with Adults Law.

Court orders imposed under section 9 subsection (1) of the Juveniles Law 1990, will continue to have effect and, if relevant, may be reviewed by the court as if made under the provisions of section 20 of the Youth Justice Law. This means that the new powers of the court with respect to parents could be available against parents of a

juvenile offender already sentenced under a probation order or juvenile rehabilitation order.

The amendments to the Penal Code include insertions of the offences relating to the neglect and other ill-treatment of children committed by adults who are presumed responsible for the child or young person.

Restrictions on the employment of children are also imposed with total prohibition of the employment of a child under the age of 10. School-age children, except where receiving work instruction at a school registered under the Education Law, or a rehabilitation school, shall not be employed: (1) during school hours on a school day; or (2) for more than two hours outside of school hours; or (3) to lift, carry or move anything heavy which is likely to cause injury; or (4) during the night between the hours of 10.00 pm and 7.00 am.

Provided that all regulations, procedures and forms can be prepared by the Legal Draftsman, training can be arranged using the existing resources for this law to come into full effect from January 1996. There are no immediate cost implications, although the development of a local detention facility is expected during 1996.

Arrangements are now being made in consultation with the Royal Cayman Islands Police to effect urgent refurbishment of the West Bay lock-up which is the facility used most frequently for detention or remand of juveniles.

This Bill is a very important one. It has been in circulation for many months. As I said in my opening, many persons from the staff of the Department of Social Services, Justices of the Peace and other Court staff, and members of the public have been involved with these Bills. I want to thank all of those persons who worked diligently over the years and past months to bring these Bills to where they can be presented today. I ask Members to give favourable consideration to the Youth Justice Bill, 1995.

The Speaker: The question is that a Bill entitled, The Youth Justice Bill, 1995, 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.

The search for solutions regarding the effective accommodation of young people in societies is by no means limited to us here in the Cayman Islands. Certainly, the challenges that we face are no less daunting than those faced by those authorities in other countries who are confronting the same problems. It is encouraging to note that we are trying to come to grips with our problem, and those aspects of the problem which are unique to a developing society such as the Cayman Islands.

In so doing, we can learn from the experiences of those in other jurisdictions. This leads me quite conveniently to mention that, as has been recognised by persons (including Honourable Members of this House), these problems are aggravated by certain happenings in our society which lead to a breakdown of families and a weakening of the social fabric—not the least of which is the need for both parents to be working.

Also (as I am often given to stressing) is the advent of television, almost as a kind of surrogate parent and, certainly, as a great entertainer and not infrequently, a baby-sitter. I would like to mention also the abnegation of responsibility by one parent. Often, and I have to say regrettably, in most cases that is the father. It has been documented by sociologists and social workers and other people who study this problem that one of the contributing factors to these kinds of problems experienced by young people is due to the absence of a father figure. It is true to say that for most parts, overall, the greater number of these problems emanate among the males, although it is not uncommon for females to go through these kinds of traumatic adjustments.

In the Caymanian context it is especially disconcerting because it seems that manhood in our society has been devalued, and many fathers abnegate their responsibility in the upbringing of the family, as if that responsibility ends when they have sired the child.

This Bill makes a valiant attempt to enforce an acknowledgement of responsibility and there are many sections of the Bill with which I am in complete agreement, such as the attempt to make parents aware of their responsibility for the upbringing of their children to the point where they are expected to accompany their children to court on the occasions when these children have to go to court. But it goes beyond that. It also should be stressed that this sense of responsibility and identification must not only occur when the charges (or the juveniles in this case) are in trouble, but before they reach that stage. As a matter of fact, it is ideal that this responsibility, this sense of identification, ownership and obligation, should manifest itself before the breakdown point; because it is one of the deterring factors that children, once they realise that they are loved, cared for and considered of worth, will think twice before they commit certain acts of delinquency.

It is good to see that there is an attempt to differentiate and make as a point of departure and distinction the fact that juveniles are to be treated distinctly different from adults in terms of breaking the law. I would also stress—although this is not necessarily a criticism of this legislation, but more of a reminder to those of us who seek creative solutions—that the emphasis must always be, not on the purely punitive aspects of the rehabilitation exercise, but on those aspects that will lead us to salvage as many of these persons as we possibly can.

It is to this extent that I emphasise my concern for the construction and implementation of a centre (be it a remand centre, or whatever we choose to call it) which will help us effectively meet the ideals for which we are searching in terms of rehabilitating these youngsters.

Some time ago I read a book authored by an eminent American jurist, entitled, *The Rage to Punish*. This jurist was making the case that much that is wrong with the justice system in the United States is that too much attention is being placed on punitive sanctions and not enough on rehabilitation, on education, on the inculcation of self-worth and self-esteem. So what frequently happens is that in many instances we have high percentages

of recidivism. It is not so much that the criminal sub-culture is growing in numbers, as it is that those people who have passed through the system once are ill-equipped to re-orient themselves and, as a result of that, have to revert into the institutions from which they graduated or from which they passed out.

There is a lesson in this for us: We should seek to have at the earliest... and perhaps it would have been ideal to have had it in place now, this remand centre. I believe that the very fact that we have a physical structure tailored to meet the expectations and demands of these children with problems is a great part of the solution.

Certainly, if what we recently read about the physical state of the lock-ups in this country is any indication... that is all the more reason to believe that we should not, for any period no matter how brief, allow our charges to be in these conditions. I believe that if we are inhabitants of physical surroundings which are poor, discouraging and debilitating, it makes it that much more difficult for us to elevate our mental plane to the point where we can rise above certain kinds of deprivations.

The strong point in what is before us now must be that the efforts of parents, as well as the community, is drawn directly into this fray. I am by no means a romantic, but I find it necessary to remark how in times past, when we were not so materialistic, or when it was not so important for us to devote all our energies towards surviving, what a different society we had.

I am reminded almost weekly of the problems we face, and of the problems that this legislation is designed to alleviate, by just looking next door at the Juvenile Court. Certainly, it is regrettable to say that I have met parents, with juveniles as young as 14, who have thrown their hands up and given as an excuse that they cannot handle their children and the Government must take them over. While it is true that the Government and the State have a certain obligation and responsibility, I wonder if the Government told all those parents to have children.

That is not good enough in my opinion. I have to think no further than my own experience where I came from a family where my mother was widowed at an early age with five children. She did not need any State to take charge of us. Her 'State' was a couple of tamarind switches, and she never ran short of an inventory of those.

Given that the sense of abuse is the way it is now, I have to sometimes say that her punishment was always meted out judiciously. Certainly, she let me know what I was being punished for. I think that if the rod was used more often we would not have so many spoiled children. It seems we have deviated from the words of the Proverbs, in which the writer said: "Spare the rod and spoil the child," and "Foolishness is bound in the heart of a child, but the rod of correction shall drive it far from him."

I see that this is a worthy attempt to come to grips with the problems which are eating away at our society, because the more we have to spend on juvenile rehabilitation, I think would be the less financial resources we have to spend on scholarships. We must find a way to

redress this problem before it eats any more at the soul of the Caymanian society, before it eats away any further at the social fabric of this country.

Many people argue (and I would say that there is some credence to the argument) that the problem as we know it does not emanate wholly and solely from Caymanian charges, but is brought about by an influx of people from outside jurisdictions who did not necessarily have the same kind of upbringing that we had. I do not know to what extent this is true, I just know that as legislators we have a responsibility to address the problem, and that those persons who live in our society (be they Caymanian or otherwise) have a responsibility to see that those youths in their charge are brought up worthy to be able to fit in and not to tear down.

I can say that this legislation has my support. I only say that I am a little disappointed that we have not reached a further point along the road to constructing a proper remand facility equipped with trained personnel who could offer counselling, educational programmes and, above all, who could inculcate a sense of self-esteem and self-worth in these young people. It is a surprisingly common fact to note that many of the problems encountered by these young people seem to stem from the fact that they have come from backgrounds where they have little or no sense of self-worth, self-importance or self-esteem. As a result of that, they seek attention and are led to believe that they are not important, that there is nothing at stake as far as they are concerned. They get to a point where they tear down society rather than trying to adapt.

Before I close, I want to give an example of the abnegation of parental responsibility that I consider has to be addressed, and to say why I am glad that this legislation is being brought.

For many years I have been involved in football. We have a club that not only caters to the senior level, but also to the younger players. A few months ago at the George Town Annex, I had an experience with a youngster whom I subsequently learned was 11 years old. Upon questioning, I found out that he had not been to school for six months prior to the afternoon of my experience. The group of youngsters from my club were gathered around and this young man came just on the periphery of the group. His presence became a subject of discussion, and some of the persons in the group asked me if I knew that he had not been to school for six months.

Upon questioning, I found out that his father was a Caymanian but the mother was not, and that it was true that he had not been to school for six months. I asked him why not, and he said that he did not have a father and his mother had to go to work. He was not registered in any school because his mother could not afford the uniform and all the various allowances.

I asked him through some other youngsters who knew him if he needed some assistance, and told him that I was prepared to try to get that for him, along with what meagre resources I could muster up personally. So we set a time when some of us could visit with his

mother. Before that time however, the next week I asked why he did not come back. Some of the youngsters said that he was on remand because he had attempted to hold someone up with a starters pistol.

I say that to say that it is timely, because that was but one case. Who knows how many? The abnegation of responsibility—particularly on the part of fathers—is quite serious in this country. I would hope that with the implementation of this Bill into a Law we can begin to address these problems. I ask the Government to leave no stone un-turned in trying to get a proper facility where we can nurture and offer the counselling, guidance and skills necessary for these people.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.37 AM

PROCEEDINGS RESUMED AT 12.03 AM

The Speaker: Please be seated.

Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I rise to offer my contribution to the debate on the Youth Justice Bill, 1995. I am pleased to see this before the House at this time. When I first received this Bill, I thought it was very long and complicated. I have had some discussion with constituents regarding this and all the individuals to whom I spoke had very positive comments regarding what they had seen in this Bill.

I would like to say that I appreciate that the public had a fairly long time to offer input on this Bill. I believe this is very important for all Bills provided it does not hamper the operation of the Government in any way. We are grateful that we had this long opportunity to look at this Bill.

A lot of the emphasis here will be to help young people make a change. There are certainly a lot of charges and assignments that will have to take place, the powers of the court and the protection. There is a lot of confidentiality. I believe this is very important in dealing with our youth.

I think we are all aware that times have changed; that the strap is no longer used by parents, nor is it used in the school system like it was 15 to 20 years ago. The previous speaker mentioned 'sparing the rod and spoiling the child.' This is what we hear many of the people from the old school say is happening, and they wish that the strap was back into the system.

Unfortunately, we often hear of abuse. I think if parents are careful, and if they think that a strap is what will help to discipline their children, then I do not see how abuse can come in. Certainly, if they are hit above the shoulders, or in their faces... I think we would all agree that is abuse. There has to be some type of discipline which parents can use in guiding their children to know

right from wrong.

I, too, would like to see the strap back in the school system. I certainly got a few in my day, and I certainly administered quite a few when I was a school teacher myself.

In section 5 of the Bill, "Assignment of summary charges to courts." I am pleased to see that an individual **"who has attained the age of seventeen years shall be heard by a court of summary jurisdiction other than a youth court."** We often hear that a juvenile is used by an adult—whether it is to steal, sell drugs, or to do something that is not uplifting, but evil—simply because they are juveniles and will be tried in Juvenile Court where they know there is a certain limit to the sentencing. Here, this assignment of summary charges can take place. This is good up until the age of 17. If an individual can drive at 17 and be responsible enough to be on our streets, then, certainly, they can appear in a Summary Court.

This also applies to a joint order of a young person with an adult, that it can be taken to a court other than a Youth Court. I think this is very good. Hopefully, this will act as a deterrent to prevent adults from using our juveniles in that they know that they can go to a Summary Court, other than a Juvenile Court.

Under 'the welfare of the young persons in Criminal Court,' in this Bill, they will be protected. In section 10 their identity will be protected. Also in sections 11 and 12 of this Bill the children's' identity will be protected. In section 11(b) it reads: **"for ensuring that a young person who is a girl shall be under the care of a woman."** I am pleased to see that this is actually spelled out in this Bill.

They have reporting restrictions, and perhaps the most important thing is the duty of the parent to attend court. This is so important—that parents are responsible. Many times, children will act up even when they have good, responsible parents. Some children can be easily corrupted and led astray. It is very fitting that the responsibility is placed on the parent or guardian, or the person with parental responsibility, to appear in court with the young person who is being charged with an offence or who is brought before the court.

The bail or detention of the young person is also spelled out in this Bill. In section 15, remand is laid out as well.

I also would like to have seen a remand centre in place at this time, but the Honourable Minister has shared with us his plans for a remand centre and I am sure that by the end of next year the centre will be up and running with trained personnel. A proper facility (and personnel) can monitor the individual that has been charged, whether he is placed on probation or whether he is sentenced to some type of fine. There will be a follow-up so that the trained personnel can try to ensure that this individual does not get in trouble with the law again.

It is very important that a proper remand centre is in place. Unfortunately, we presently have sub-standard facilities, and it is not wise that our youth should be sent to Northward Prison. I am sure that this will be taken care

of.

Punishment of offences is laid out. There are several choices where an order can be **"absolutely or conditionally discharging the young person; any condition being that he commits no further offences within twelve months of the date of the offence for which he was convicted;"**. Again, a properly trained person working in the remand centre will have that undertaking to follow up with the individual to make sure that he does not get into trouble again.

In section 20(2)(b), **"an order under the Mental Health Law; (c) a community service order; (d) a probation order;"** where the young person is found guilty of an offence an order can be made to confiscate any property the young person used in connection with the commission of the offence. This is very important. That way the individual cannot think that they can keep what they stole or have in their possession in connection with the offence. Hopefully, this will act as a deterrent, knowing that even if they go to court the property will be seized.

The power to order the parent or guardian to pay the fine. In most instances the parent or guardian has to pay the fine, but I am sure that at times the court must get the excuse that the parent is not capable of paying the fine. Here it is properly laid out in this Bill. The onus will be on the parent or guardian to make sure that the fine is paid.

Like any good system of justice, a person has the right of appeal. I am pleased to see that this is also laid out in this Bill. If a person who is sentenced is not happy with that sentence, then the right of appeal is laid out in this Bill as well.

Probation orders are spelled out in section 23. Attendance orders are in section 24, so that an individual can put back some hours into the community. Again, it will be monitored. There is also discharge and variation of attendance orders, and breach of attendance orders in section 26.

There is a large section in 27 dealing with the youth rehabilitation orders and there will be liaison with the Social Services Department as well as with the Department of Education, and a youth rehabilitation order can be given by the court to make sure that all of these systems are put in place.

As I said earlier, this is long overdue. There are fines in here if the orders are not adhered to of \$1,000. I believe there is also a fine of up to \$5,000 if the orders are not carried through. I think that this Bill will be followed and can help our youth, not only as a deterrent, but to help them come back. Hopefully, as individuals, they will only have to appear before the Juvenile (or any other) Court once. But we know that in some cases it is unlikely. Hopefully, their self-esteem can be monitored with follow-ups, and all of this is possible with this Bill. I hope that this Bill will be passed so that all these ideas and orders will be put into motion as quickly as possible so that the youth of our Islands will benefit from this Bill.

I therefore support this 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 give my support to this very comprehensive Bill which has been put forward by the Honourable Minister.

As we can see by the number of pages, much time and consideration of the youth of our country has been put into it. This Bill affirms the principle that the welfare of the child is the paramount consideration of the court when deciding any question in regard to the upbringing of a child. This leaves no doubt as to what avenue to take in the event that a youth is having problems. There is much guidance in here, there is nothing left for anyone to wonder about in case of a problem.

One of the highlights I noted in the Bill is the education supervision orders which may be made by a court where a child is not being properly educated. This is a good area to place emphasis on because we know that where most problems come in is when a child is not being properly guided in the education system. He goes to school, gets frustrated, and from there on, because he is unable to communicate with his peers, is where the problems arise.

It also places great emphasis on enforcing the responsibility of parents, especially fathers. As the First Elected Member for Bodden Town said, too many fathers abnegate their duties to their children. When we see the children today running about after school, it is a shame. There is nowhere for them to go. This Bill will bring about relief and it will bring about more responsibility so that when the children go to court, the parents have a responsibility to be there with them.

It also defines the responsibility of the Department of Social Services. It emphasises that the main duty of the Social Services Department is to promote and safeguard the upbringing of children by their families. This is a new approach where counselling can be put in place for families having problems. We do not have to wait until the child has to go to court. There can be pre-emptive measures taken.

These are some of the highlights of this Bill, and I must pay tribute to the Minister and his assistants who have put this forward. I see this will have a far-reaching effect on the youth of this country. I believe we will see dramatic results in the years to come because of these efforts being put forward.

Thank you.

[pause]

The Speaker: If no other Member wishes to continue the debate, I will ask the Mover if he would like to wind up.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I wish to thank the Honourable Minister who spoke in support of the Bill, as well as those Members on the other side who also spoke in favour of the Bill. I do not think there is too much for me to reply to, except that a Member who spoke raised the matter of the absence of a remand centre.

I know that the First Elected Member for Bodden Town has said in public meetings that he would not support the Bill because we had no remand centre. I do not wish Members to lull themselves into a false sense of hope with this talk of a remand centre because a remand centre is not a treatment or rehabilitation facility. In their reference to the West Bay lock-up (and it must be the West Bay Police Station lock-up, because children are not held in the George Town lock-up), it is just a holding facility until sentencing. Then that young person will go to his parental home or to the Cayman Islands Marine Institute or one of the approved schools in the United States.

Let us not make anyone believe that the remand facility can offer this treatment. What the country needs is a facility. We have to be careful because the best rehabilitation keeps the child as a valuable and active member of society and maintains links with families, school and employer; that is what the Cayman Islands Marine Institute is all about. Thank God, it is working.

I am dubious about building a large secure institution. We must provide a facility on a small scale. Right now the Marine Institute is the system that we are using, and we only have need for the three or four who are getting specialist treatment overseas.

I hope that in the very near future I will be able to have a facility where we will not have to use the West Bay lock-up. I am also hoping for a facility that can take the three or four young people overseas. That means that we would have to have specialist staff. But I support this because I have always been of the opinion that the Cayman Islands must provide its own institution rather than sending them to Minnesota, Florida, Philadelphia or anywhere else. The same money can be spent locally—to say that we might not have one or two who are such severe cases that we might have to submit them to institutions abroad, but we do not believe that this will be on a large scale.

So I thank Members for their input and, again, I ask them not to allow the public to believe that a remand centre is made for prevention. Prevention will come through the Government's efforts—our sports and other measures we have taken—along with the private sector's constant work as they have done over the years. We will continue to work to prevent our children from reaching the stage of needing a remand centre, or where this law will have to apply.

We can no longer get up in this Honourable House and talk about the good old days, and the sooner this country recognises it the better off we are. We would love to see some of those situations obtain today where a switching would suffice. But the community, the environment where our children must grow up and live, is completely different. As all parents know, we cannot (as the old people say) keep our children around the frock-tails at all times. There are times when they will be away from us, and we only hope that the moral fortitude that we have given them in the home will prevail on the outside.

I, as the Minister responsible for Youth Affairs, will continue to work along with the Government on prevention matters and programmes—many of which we have

put in place—to assist our young children. Members of this House can help to encourage this by getting on the public platform, and instead of criticising everything we do talk about the many good institutions that exist in this country for young people to get involved in. There is scouting, the Girls' Brigade, the Pathfinders and many other Church-related organisations for young people. There is also, on a large scale, various sporting activities in operation now. There is the Duke of Edinburgh Award Scheme and there are so many other worthwhile institutions where our young people can become involved.

It behoves us as representatives to, rather than preach the negative, get up on every corner of the country and say to the young people, "You have it good in these Cayman Islands. While you do have your problems, and while you have pressures from your peers, from the environment, and a lot of other things that impact upon you, you have a wide range of opportunities in these Cayman Islands existing to make it good in life." That is what we need to be saying to the youth.

There was a festival song that said, "Nowhere better than yard." That is true. As far as I am concerned, there is no place better to raise my two children than these Cayman Islands. The Cayman Islands, as far as I am concerned, is a wide-open space with many, many opportunities for young people to become involved.

While parents face pressures and the drudgery of life, I believe that a new effort is afoot in the country. I believe that more and more parents are recognising the fact that they are the only 'State', the only power that can make a difference in their child's life—not the Government, or the Church alone. Those of us who have the God-given responsibility, who have brought children into this world, must stand behind (or with) our children. It is we who are responsible.

I encourage our children to continue to excel, those who are doing well.... That is another point: we should not always speak as if all the youth are doing poorly, because we have some very good young people in this country who are excelling in school; who are even playing their own part in the development of the country, taking part in environmental programmes, in the Churches. There are far too many good young people for us to make believe that all we have are problems. That is not so.

Madam Speaker, without prolonging this debate, I thank Members for their contribution and I look for their keen support on the companion Bill, The Children Bill. Thank you very much.

The Speaker: The question is that a Bill entitled, The Youth Justice Bill, 1995, 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 YOUTH JUSTICE BILL GIVEN A SECOND READING.

THE CHILDREN BILL, 1995

Clerk: The Children Bill, 1995.

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

Is the Honourable Minister prepared to do that now, or would you prefer to take the luncheon break?

Hon. W. McKeever Bush: Madam Speaker, I wonder if we could take the break at this time?

The Speaker: I would appreciate that too. Proceedings will be suspended until two o'clock.

PROCEEDINGS SUSPENDED AT 12.40 PM

PROCEEDINGS RESUMED AT 2.10 PM

The Speaker: Please be seated.

The Honourable Minister responsible for Community Development, Sports, Youth and Women's Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker.

The Bill before us is one which relates to, as the Youth Justice Bill did, to provide for services by the Department of Social Services for children and others in need; to make provision for children's homes and voluntary organisations; to make provision with respect to child minding and day care for young children and for its connected purposes.

Madam Speaker and Members, the Children Bill is part of a comprehensive and far-reaching review of the legislation pertaining to children in the Cayman Islands. It is partner to the Youth Justice Bill that seeks to reform the Criminal Law relating to young persons.

The Children Bill proposes to reform and bring together under one statutory framework the public and private law relating to the care and protection of children. It will repeal and replace the Guardianship and Custody of Children Law (Revised) in its entirety, and the provisions of the Juveniles Law, 1990, pertaining to the care and protection of children. Laws which will be amended include the Wills Law (Revised); the Marriage Law (1995 Revision); the Matrimonial Causes Law, 1976, and the Education Law, 1983.

The Bill is divided into eight parts, each one relating to a different aspect of child law. But it must be read as a whole. Although it is lengthy and seemingly complex, it composes a readily understood and easily manageable body of laws which, among other things, creates new interrelationships and defines the role of the Department of Social Services.

It is important to note that the provisions of Part I affirm the interpretation of the Bill generally, by defining

the rights of parents and guardians and stating the principles which the court must apply in considering certain cases such as the welfare principle and non-intervention principle. The court's power to appoint a guardian ad litem in order to safeguard the child's interests in certain proceedings is specified in section 41.

The schedules contain important details of the private law of child support, the duties of the Department of Social Services to children in the community, and to children they are looking after; the powers and obligations pursuant to a supervision order and the duties of other people and organisations caring for children—for example, child minders and registered children's homes.

The aim of the legislation is to provide a clear and consistent code for the whole of child law which is comprehensible to all who deal with this area to avoid problems caused by conflicting powers in public and private law and the confusion engendered by conflicting jurisdictions over children's cases. It is proposed that all issues pertaining to the care and protection, financial support and custody of children will be dealt with in one setting, the Grand Court to be developed as a Family Court.

Private law dealing with parental responsibilities: The Bill uses the phrase "Parental responsibility" to sum-up the collection of duties, rights and authority which a parent has in respect of his child. That choice of words emphasises that the duty to care for the child and to raise him/her to moral, physical and emotional health is the fundamental task of parenthood and the only justification for the authority it confers.

Unmarried fathers may obtain parental responsibility by making an application to the court. The aim, as with other provisions in the Bill, is to encourage both parents to participate in the child's upbringing.

Parental responsibility can be held by a number of people. Parents and guardians do not lose it when others acquire it, except if there is an Adoption Order or when a Care Order is made, but their freedom to exercise it is restricted. The Department of Social Services will acquire parental responsibility whenever a Care Order is made, or when they obtain an Emergency Protection Order.

Court Orders: In private law proceedings between parents or other individuals, the orders available look to practicalities rather than legal rights. Section 8 orders can be made in any family proceedings to regulate arrangements about children and the exercise of parental responsibility. These are Residence Orders which dictate with whom the child will live and replace orders for custody, custodianship, care and control; Contact Orders which allow for access to the child by other persons; Prohibited Steps Orders, a type of injunction which may prohibit anything being done in relation to the child, and Specific Issue Orders, that is where the court decides a particular question about the care and upbringing of the child.

There is also a power under section 16 to make Family Assistance Orders, which provide for help and supervision from a Social Worker or Probation Officer through counselling or otherwise to the child and his family. Unlike Custody Orders, they will not remove parental

powers or authority from one parent and confer sole power and authority on the other. Rather, they will simply settle matters that neither party may then accept. Parents will still be able to act as parents in ways which are not affected by the order.

Family proceedings and the right to apply: The court may exercise its powers to grant section 8 orders in a wide range of family disputes whether or not an application has been made. Parents, stepparents, guardians, long-term caretakers and people with their consent can apply for Residence or Contact Orders without leave of the court. Other people—grandparents, foster parents, and the child—must seek leave to apply.

Public Law dealing with care: The new provisions are based on the concept of partnerships: (1) A partnership between the Department of Social Services and parents which supports children who need help within their families; encourages the maintenance of links with the family when children are looked after by the Department of Social Services and facilitates re-unification of the family; (2) a partnership with the Department of Social Services and the children they look after which seeks to involve children in decisions made about them, to value children's individual identity and to ensure that they are prepared for adulthood; and (3) a partnership between the Department of Social Services and other Government departments, for example, Education, other agencies and the voluntary and independent sectors, so that a seamless service is provided for children (and their families) who need help. Looking after children: It is now the direct responsibility of the Department of Social Services to provide accommodation for children who are in need. The Fit Person Order under the Juveniles Law, 1990, will no longer be relevant. Where the children are accommodated by agreement with the parents the arrangement is voluntary and no notice is required for a person with parental responsibility to remove the child in certain circumstances. Otherwise, a Care Order under section 31 is necessary and the children will be in care of the Department of Social Services while the Order remains in force.

The Department of Social Services will provide accommodation and maintenance for the child by: (1) placing him/her in a family or with a suitable person; (2) maintaining him/her in a children's home; or (3) making other appropriate arrangements which comply with Regulations made by the Governor. When we say by the Governor, the Members of the House understand that we mean by the Governor in Executive Council, it is not the Governor by himself.

Support for children in need: The Department of Social Services also has a duty to safeguard and promote the welfare of all children in need, to provide services to them and to promote their upbringing by their families.

Families cannot be required to accept services unless a Care or Supervision Order is made. The emphasis on creating a partnership with families by agreement on necessary services is intended to avoid the need for Orders.

One particular service in this part of the Bill is given prominence because of its importance to family support;

day care and supervised activities for preschool children and the school aged children outside school hours and on the holidays. Here the Department of Social Services has a duty to provide for children in need and a power to provide more generally with help by way of training and advice to those caring for the children.

Because of the need to co-ordinate what is provided with the nursery school provision and to let the local community know what the situation is, the Bill expects the Department of Social Services, along with the Education Department, to publish a review of this provision within the first year of the commencement of the law and every three years subsequently.

Care and Supervision Orders: The court may make a Care Order placing the child in the care of the Department of Social Services, or a Supervision Order putting the child under the supervision of the Department of Social Services, or a Probation Officer if it is satisfied that the child is suffering or is likely to suffer significant harm which is attributable to either; (1) deficient care given to the child, (2) the child being beyond parental control, or (3) the child being beyond the control of his/her school or the Education Department. There is provision for interim orders to be made under section 38.

Education Supervision Orders: The Education Department may make an application to the court to have a school age child who is not in the care of the Department of Social Services and who is not being properly educated, to be placed under the supervision of the Education Department. Details of the Education Supervision Order are contained in Part III of Schedule 2.

Investigation of the child's circumstances: The court may direct the Department of Social Services to undertake an investigation of any child's circumstances in a wide range of family proceedings. It is not limited to one child of the family, the court's power to direct investigation exists alongside the Department of Social Services' duty to initiate investigation in cases of suspected harm under section 47 and its duty to take reasonable steps to identify children in need under Schedule 2 and paragraph (1).

Emergency protection: There is a new Order which may be granted ex parte or inter partes in cases where children need to be protected. Emergency Protection Orders last for eight days and can be extended for seven days, and are subject to review after 72 hours.

The court must be satisfied that there is reasonable cause to believe that the child is likely to suffer significant harm but an order may be available where access to the child has been unreasonably refused.

There will be some Committee stage amendments and this might be one of the areas that will have a slight amendment.

Registration of children's homes: All children's homes, that is, homes that are providing care and accommodation for more than three children at any one time, unless exempted by the Governor, must be registered and must maintain certain standards and be subject to inspection. The Department of Social Services must be satisfied that the welfare of the children accommodated in

the children's home are properly safeguarded and promoted.

Public Law dealing with day care, duties for the Department of Services: As previously mentioned there is a duty imposed on the Department of Social Services to provide day care for preschool children and to supervise activities for older children who are in need.

Child minding and day care: The Department of Social Services has a duty to keep a register of persons who act as child minders on domestic premises while the Education Department must maintain a register of persons who provide day care for children under the age of eight on premises other than domestic premises. Child minders are defined as persons who look after one or more children under the age of eight for reward or payment.

Nannies must be qualified in accordance with the provisions of the Law. There are various circumstances in which the Department of Social Services or the Education Department may refuse registration including where the person to provide the service is not fit by virtue of a criminal record. Registration may also be cancelled in justifiable circumstances and offences may be specified by Regulations.

Now for the miscellaneous and general parts of the Bill. These provisions cover a number of relevant areas including joint research between the Department of Social Services and the Education Department, the provision of information for statistical purposes from voluntary organisations and other bodies providing accommodation for children. The effect and duration of Orders are specified in section 69.

Court procedures pertaining to the attendance of the child, the taking of evidence, the protection of privacy, are set out in section 70, 71, and 72. In proceedings during which an application for a Care Order, a Supervision Order or a Protection Order is being heard, section 73 prohibits a person from being excused from giving evidence on any matter or answering any questions while giving evidence on the ground that doing so might incriminate him or his spouse of an offence.

Restrictions are imposed on the use of the wardship jurisdiction at the requests of the Department of Social Services. An application may be made under section 75 for a warrant authorising any constable to assist a person in the exercise of powers under section 56 or 64 if entry has been refused, or there is a likelihood of being so prevented.

General provisions: Criminal liability based on negligence or knowledge of the individual may be imposed personally on a company official as well as against the company itself. Draft orders by the Governor amending Part I of Schedule 2, must be approved by a Resolution of this Legislature. Expenses incurred by the Department of Social Services and the Education Department under this law shall be payable out of money provided by the Legislative Assembly.

Service of notices may be effected by personal delivery or by post. Notices to a company or firm are duly served on a secretary or a partner of the company or the

firm. Amendments, transitional provisions, savings and repeals are provided for in section 80 and detailed in Schedule 6.

Existing private law orders will continue to have effect subsequent to modification. Non custodial parents will have parental responsibility. Juvenile rehabilitation Orders made under section 32 (1) (d) or section 55A (2) of the Juveniles Law, 1990, will be deemed to be Care Orders made under section 31.

The transitional provisions and savings will correspond with the power of the Governor under section 2 to bring the new law into force in stages.

Madam Speaker, the introduction of the equivalent legislation in the United Kingdom saw a preparation period of over two years with every member of staff from residential workers to managers released for a specific training in the new law. Our jurisdiction, the Cayman Islands, is small in terms of population, but its population deserves the same quality of attention from trained professional staff when dealing with such sensitive issues.

Preparation time of one year is the minimum required and most of the provisions included in the law can be applied from January 1997. The registration and standard setting aspects of the law need to be started in January 1997, but will only be compulsory after September 1997.

Part I and II of the Children Bill (to give an overview of the Bill), define the terms used in the new law; define parental responsibilities and responsibilities of guardians; introduces family proceedings and the supporting orders including supervision and maintenance which can be implemented on the 1st of January, 1997.

Part III of the law defines the role of the Department of Social Services in relation to child welfare. It mandates the Department of Social Services to provide appropriate day care and accommodation assistance to children in need. It mandates the Department to support young people leaving care until settled into adult life.

All these procedures can be introduced from the 1st of January, but must be complied with totally (for fear of penalty, of course) by September 1997.

In Part IV the Department must provide services under Care and Supervision Orders and must provide for guardians ad litem in care proceedings. This should be complied with by January 1997.

In Part V: The Department must offer emergency protection for children at risk of significant harm and have a duty to investigate and report whereby children may be at risk or harm. These provisions can be implemented by the 1st of January, 1997.

Part VI and VII state that regulations and procedures are to be developed for the registration and maintenance of standards for children's' homes, pre-schools, and child minders where this is now not so. This process is to start in January of 1997, and the back-register to be completed by September 1997.

In Part VIII the Department is to research effectiveness of services offered and is to provide various return of information. Rules regarding evidence by children are defined in this section. These procedures are to be es-

tablished by January 1997 and information is to be completed by September 1997.

Schedule 1 deals with procedures of financial relief for parents and will need to be budgeted for to be able to be launched in January 1997.

Schedule 2 sets standards and ensures that the services offered by the Department are appropriate and available. It asks for services to be publicised. This can start in January 1997 and should be completed by January 1998.

All other schedules are to be carefully studied to be ready for implementation on 1 January 1997. All Regulations are to be considered by the Legal Draftsman and be ready, together with forms and procedures, hopefully by January 1997.

Madam Speaker, this Bill will greatly enhance the way in which those persons who work for officers of the court and who are in the Department of Social Services look after the needs of our children with problems. No doubt we have problems. As I said earlier, Government is doing all it can to address prevention. These Bills, the Children Bill and the Youth Justice Bill, come into play when a child is already in problems, or there is evidence that he will be.

My policy for children is prevention. Of course no one needs to ask about the old adage: "Prevention is better than cure." Government will spend money where necessary, we will try to spend it wisely to effect favourably the problems that our children are faced with. I would hope that if the trend continues, there are more problems in our community, these Bills will assist the system in dealing with our children fairly.

There is no use for anyone to get up in the House and talk about the problems, or berate anyone inside this House or outside, for what may seem to be a lack of any kind of facility. What we need are workers. We do not need talkers.

I want to thank the Department of Social Services, and those in the court system, especially to thank the Justices of the Peace for their input and guidance on these Bills, and those persons in the community who had the interest over these five months to write to either the Legal Draftsman, to myself as the Minister, or to the Department of Social Services pointing out problems that they saw which could have been addressed.

Children raising children today is not an easy thing. As I look back on Kerry's and my experience in raising our children, I am impressed with the deeply gratifying investment we have made in them. As parents it is hard sometimes to grasp how much we learn from each other, how much we help each other, partly by coping jointly with the lassitude of life. As I walk through my community today it hurts me to see what parents are faced with. There are model families in our community in which children fulfill their potential, where there are parents who respect each other and their children enough who are both intelligent and are able to provide the best opportunities for them. There are others who come from perhaps a different strata of life where we see child abuse, child neglect; where fathers are walking away from their re-

sponsibilities. I make no apologies to anyone for any fine in this Bill that deals with those persons in our community who believe that being a father is just begetting a child.

It is time that the community stops talking, and it is time that what we are about to do is done. I have had some calls on this Bill and I know there are some people who are scared about losing votes in the upcoming election next year. I am not so worried about that, Madam Speaker. I am concerned about the state of affairs and what I see from my own perspective where parents (fathers especially) are not doing what they are supposed to do—their God-given responsibility.

Caymanians must awaken from this neglect and their self-centred beliefs and attitudes, and rebound from this great deal of explicit and implicit emphasis on getting all you can, and living for the moment. This attitude is completely inconsistent with the self-giving dedication and nurturing that good parenting demands. It is time to stop talking about building five and six bedroom homes when our children go without seeing their parents for the entire day. To do that in our environment, our economy demands that both parents are working more than one job (sometimes one in the day and one in the night).

Madam Speaker, most parents are deeply concerned about finding ways to raise their children successfully in this pushy modern world in which we live. What does it take now for them to grow up healthy and vigorous, decent and constructive? It must be started in the homes where no one else can do it but those persons who brought these children into the world. No one else can do it but them, at least the responsibility must first be theirs.

I take my hat off to our women. As a young father I learned about the necessity of renegotiating relationships as spouses and parents while our family grew and our children became older. I came to appreciate more the complexity of women's lives as they strive to balance the responsibilities of work and home. Out of that inexperience (I would say) we had to build our competence as parents (my wife and I), and it is now our job to balance their teenage desires with the necessity of protecting them from danger. It is a hard job, too, in the world in which we live.

I ask God to help me, and I pray to Him for continued guidance of young parents, young families in our country as they face the stresses brought on by a greedy society and never-ending, changing world. But we cannot stop progress. And when we talk about the old days—in the old days we did not have to worry about those things because we did not have much. We had all the time in the world to deal (grandparents, aunts or uncles or some good neighbour). We wanted progress—and progress we have. And this is the result.

As I said, I would rather be doing something else than to have to accept that in our Cayman Islands we have to take such measures to deal with the consequences, the rapidity of social changes.

Thank you, Madam Speaker, and I know that Honourable Members will give this Bill a fair passage.

The Speaker: The question is that a Bill entitled, The Children Bill, 1995, 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.

This Bill is a companion Bill to the Youth Justice Bill, 1995, which was debated earlier. It bears a similar reflection: that we in this country have to come to grips with the serious challenges at this time and offer some protection to the younger members of our society who are vulnerable on many fronts. They are vulnerable because of their age and also because of the social and familial circumstances in which they find themselves.

Like the preceding Bill, it makes a valiant effort to come to grips with some of the things that have been plaguing (shall I say, for want of a more appropriate word) the development of young people in our society. The Honourable Minister, the Mover of the Bill, is true in his reflection that long ago (in spite of the fact that many of us are given to romanticising on occasion) it was not necessary to make this kind of consideration because, of course, the society was different. It is high time we realise that while it is nice to engage in the fantasies of long ago (supposedly an easier time, although materially, we were less prosperous) we have to realistically set that aside and roll our sleeves up in an attempt to meet the everyday challenges.

Madam Speaker, the Opposition shares the Government's concern and shares the effort put out by the Government as reflected in this Bill in coming to grips with these problems. We realise that if we do not address these problems and do not allow ourselves to be able to put rhetoric and political differences aside, we will be labouring in vain. It may well be that for too long we have passed the buck, and for too long we have engaged in finger pointing. Now is the time to settle down and be realistic. The longer we delay in trying to solve these problems, the worse it is going to get. It bodes no one well to continue to engage in political rhetoric and not attempt to address the problem from a practical standpoint.

Having said that, Madam Speaker, I would like to draw the attention of the Honourable House to something that I find problematic and maybe somewhat contradictory, and it is a matter that I think bears closer attention. I would like to draw reference to the Youth Justice Bill, 1995, clause 14 which deals with bail or detention of young person and subsection (c). I shall read clause 14 (1): "**Where a young person has been taken into custody (whether or not with a warrant) and cannot be brought without delay before a court, the police officer in charge of the police station to which he is brought—...**"

I will skip and go down to the problematic section which is subsection (c): "**detains the young person in a detention facility for a period not exceeding seven days until he can be brought before a court.**"

I will now go down to subsection (4) (a), (b) and (c) of the same section 14, 'Detention facility, and its definition: "**(4) In subsection (2), section 15 and Schedule 1 "detention facility" means -**

- (a) any place declared by order of the Governor to be a detention facility for the purposes of this Law;**
- (b) any police station lock-up; or**

(c) Northward Prison, Grand Cayman."

For comparative purposes let me now refer the Chair to section 21 of the Children Bill, 1995. It reads: "**21.(2) The Department shall receive and make provision for the accommodation of children -**

(a) who are on remand under section 12 or 13 of the Youth Justice Law, 1995 at a place other than a prison or police station lock-up;

(b) who are the subject of a rehabilitation order imposing a detention requirement under section 27 of the Youth Justice Law."

There seems to be a contradiction between the two Bills.

Madam Speaker, that is the only point at which it strikes me that there needs to be some amplification by virtue of the fact that those sections in the two Bills may be at cross-purposes.

I was interested to hear how the Government plans to deal with the operation of children's homes and the whole business of responsibility and liability. From observation, and from the little knowledge I have, it seems that what the Government is attempting to do is certainly the most effective way of dealing with these children. However, we have to ensure that the facilities—the homes and the people engaged in caring for these children—are of the best calibre and the finest there is.

I say this to make the point that there is going to be an almost continuous need for not only registration and maintenance of standards, but for a continuous need for supervision and policing to ensure that the children in the care and custody of these persons have the best care, love, affection and resources available to them.

I note too the differentiation between "child minders" and "day care facilities". Cognisance is taken of the roles between the Social Services Department and the Education Department. I was pleased to note the degree of cooperativeness and the complementary nature in which these two Departments are functioning. It is my own belief that this is a strength that the problem with which we are faced cannot be amply handled by one department but, indeed, the solution lies in the complimentary nature with which the solution and the problem is being addressed by the two departments.

From what has transpired here, I feel that there are three clear and distinct concepts with which we are dealing: Remand, Detention, and Rehabilitation. For my own purposes I made a note which serves to remind us that we have to always be aware of the distinction between these three key concepts in the care and provision for these children.

I believe that of the three, greater emphasis by far has to be placed on the rehabilitation. This leads me conveniently to make the point to which I think the Honourable Minister made a brief reflection. One of the problems is that we have grown away from what was the old Caymanian tradition of family upbringing. One does not have to wander much further than church to see that there is often an absence of the entire family.

One of the causes of the problem is that in modern Cayman we are never involved in enough activities at the family level. Most often we see that the mother is the focal point of the family—the mothers drop the children off at Sunday School, they pick them up. On a rare occasion we see the family worshipping together as a unit. I think that this is a result of the development of a modern and complex society; but I do not by any means accept that because the father may be otherwise busy they are excused from their responsibilities.

Sociologists and social anthropologists tell us that in most families there is a need for a male figure. Heaven knows that we faithful ones in Caymanian society can do but so much. We need to take into consideration that only so much effort can be

put out by the Government in the establishing of laws. It is the responsibility of the family unit to ensure that they do things together—especially worshipping together.

It seems to me that the implementation of these Bills into law is the beginning of our addressing the problems of children and youth justice. Certainly, much credit has to be given to those elements of our society who, in the absence of this legislation and with almost overwhelming problems, have held the fort to this point. I especially think of those persons involved in after school activities and the justices of the peace who so unselfishly give of their time, not only sitting at court, but offering advice and help. There is no need for me to make a long list because the Minister quite ably did that.

I only wish to say that these Bills are an acknowledgement of the complexities that we face. The position of the Opposition in supporting them is an acknowledgement that something needs to be done as quickly as it can.

I will end on a cautionary note: The passage of the Bills through Parliament is the easiest part. The more challenging parts are setting up the infrastructure and then for those of us involved in the community to make sure that what we have set down works.

Having said that, I can take my seat and assure the Government that this Bill, likewise, has the support of the Opposition.

The Speaker: Fourth Elected Member for George Town.

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

This Bill which is seeking passage through this honourable House is, by nature of its 120 pages, one that involves many areas which need to be dealt with.

In the Memorandum of Objects and Reasons it states: "**This Bill gives effect to the Government's commitment to undertake a fundamental reform of the civil law relating to children.**"

The Mover of the Motion and the First Elected Member for Bodden Town have delved into many areas. It comes to my mind that as painful an understanding that it is which comes to our minds today, it has to be accepted that either through lack of knowledge or basic irresponsibility, there are individuals in this society who bear children without thinking or without knowing about their natural responsibility after childbirth. As all of us knew it many years ago, the thought was 'if I starve, my child must not; if I fall, my child must rise; and should I die, my child must live.' Unfortunately, there are instances in today's world where that is not the thought.

One of the most cumbersome and worrying thoughts, having read this Bill, is the fact that there will be times when a government has to literally take on the entire responsibility of rearing a child, or a set of children. It is unfortunate that the thought even has to come to mind, much less taking action regarding situations of this nature, because the best that can come of that (regardless of every possible effort being put out) will still not equate to the natural family situation of a close-knit unit under which a child should be reared.

It is very hurtful to know that some of our own will have to endure their adolescence under those circumstances even when you do your very best to provide not only the basic necessities, but the right atmosphere for children who find themselves in this situation.

One of the difficulties I have with the Bill is that, because of situations being as they are in certain areas today, I fear that some individuals seeking an out (in the case of children who are basically unwanted) will make attempts to abuse what is being provided for in this Bill. I am just airing a few concerns which do not relate directly to the validity of the Bill, it is just some spill over that I am sure the original proponents of the Bill have thought of.

When it comes to the welfare of a child, it is a very difficult situation deciding how far one is going to go—whether it is with financial responsibilities, educational responsibilities, the moral upbringing of the child, and we could go on and on. It is important to each one of us that each child has the best opportunity to become the best that they can be. It is a difficult situation and I am sure that the department will have to have qualified manpower and financial resources in order to be effective in this area after this becomes law. They will be hard pressed in dealing with those difficulties to bring about the best end result.

I believe (as the Mover and the last speaker said) that the passage of this Bill is the beginning of a never-ending, arduous task. I hope that accompanying this legislation will be a 'beefing up', so to speak, of the education of individuals who have children and find difficulties, for various reasons, raising these children properly.

We know of abuse, we know of neglect; we know of clearly untenable situations—and we can cite 1,000 reasons why a Government department has to intervene to make serious attempts for a child to be reared properly. With the experiences that I have personally had in these areas (on many occasions because of what has gone on in our land and because people have fallen behind in many areas) I know there are many people who do not know how to cope. There are people who find themselves up against a wall—they have no job, they have children whom they cannot provide for. Because of the instability of the home environment they throw their hands up in the air and, out of frustration, they either totally neglect or they turn to abuse. Many times, these things which occur are not premeditated but, occur because of a reaction to what is going on.

In support of the Bill and its passage into law, I would just like to say that the task is certainly a mammoth one. I think that it is very important that the entire picture be looked at. I know that this Bill only allows for the dealing of the Bill, but I wish to take this opportunity to say that I hope each and every one of us in this Legislative Assembly would find the right reasons to support all of the other activities that need to go on in order to make the ills that this Bill is trying to correct less in our society.

The department directly involved in this is one which seems to have to keep broadening its shoulders because the burden increases on a daily basis. I hope that in looking at the problems that the Bill identifies, we are somehow able to widen the scope and address all of the areas from where these problems emanate.

I wish to take this opportunity to say that I fully recognise that these problems we are talking about today will either make us or break us in the future. I hope eve-

ryone else realises that. I will certainly support every move that is taken to address these problems. I support the Bill in its entirety.

Thank you.

The Speaker: If no other Member wishes to speak, would the Mover of the Bill wish to reply?

Hon. W. McKeeva Bush: Madam Speaker, just to thank Members who have spoken on the Bill, and to make a clarification on a remark made by the First Elected Member for Bodden Town.

He said there was a contradiction in the two Bills. I think what is giving him the impression that there is a contradiction is that the Member read section 21(2)(a) from the Bill before the House, that is, the Children Bill, which says: "...who are on remand under section 12 or 13 of the Youth Justice Law..." There is really no contradiction, but a typographical error. That 12 or 13 should say section 14 or 15 of the Youth Justice Bill. When you look at the Youth Justice Bill, that is what sections 13 and 14 are talking about. It is not a contradiction, but a typographical error, and that is all.

I do not wish to prolong the debate on the Bill, but to again thank those persons, including all the justices who made a contribution to the development of these two Bills. We have given five months for public debate; in addition, there is an explanation memorandum on both Bills which was sent to all Members. I believe that this is the first time any such assistance has been extended to Members to help them better understand what the two Bills will be accomplishing.

I am pleased, to an extent, that as the Minister responsible for Youth Affairs we have come to the conclusion of a very long spell of hard work.

Thank you.

The Speaker: The question is that a Bill entitled, The Children Bill, 1995, 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 read a second time.

AGREED: THE CHILDREN BILL, 1995, GIVEN A SECOND READING.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.38 PM

PROCEEDINGS RESUMED AT 4.04 PM

The Speaker: Please be seated.

At this time we would normally be going into the Committee stage of this Bill... The Honourable Minister

for Education and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, I would like to move the adjournment of this Honourable House until Wednesday morning at 10 o'clock.

The Speaker: The motion before the House is that this honourable House do now adjourn until 10 o'clock Wednesday morning.

I shall put the question if no one wishes to debate it. 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 4.04 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY, 13 SEPTEMBER 1995.**

WEDNESDAY
13 SEPTEMBER, 1995
10.06 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, forever 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.

Election of an Elected Member to be Deputy Speaker: This is in accordance with provisions of section 31A of the amended Constitution. The election will be by the Elected Members of the House, and I will now call for nominations.

The Second Elected Member for Cayman Brac and Little Cayman.

ELECTION OF DEPUTY SPEAKER

Nomination of Capt. Mabry Kirkconnell, MBE, JP

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

I beg to nominate the First Elected Member for Cayman Brac and Little Cayman for the post of Deputy Speaker of the Legislative Assembly.

The Speaker: That Motion will have to be seconded.
Fourth Elected Member for George Town.

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

I humbly beg to second that Motion.

The Speaker: There is a Motion that the First Elected Member for Cayman Brac and Little Cayman be appointed as Deputy Speaker.

The Second Elected Member for Cayman Brac and Little Cayman, would you wish to speak to that?

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

In moving this nomination, I take into account the fact that the person chosen as Deputy Speaker must be someone other than a Member of Executive Council and the nominee is not.

Considerations, such as the length of service of persons normally nominated for this post is taken into account. The nominee, on completion of this term of office, will have served 16 years of unbroken service in the Legislative Assembly. There are only two other people in this legislature who have such seniority status, and those two are Members of Executive Council which prohibits them from being nominated.

Consideration is also given to the person who is versed in the matters of the Standing Orders. I do believe that the nominee is a person familiar with the Standing Orders, indeed, knowing the Standing Orders to an extent where he would be capable of functioning in that particular post with relative ease.

Not least of the considerations is the fact that the post of Speaker involves a particular style of dealing with matters; that is, objectively, impartially, and neutrally. The nominee can truthfully be said to maintain a mostly objective and often neutral position in many matters, which in this particular case would indeed enhance his consideration as Deputy Speaker of the House.

He is not specifically a member of the present Government, thus giving him the opportunity to function (if chosen to be Deputy Speaker) in a way similar to the way a person who is chosen for Speaker outside of the elected membership would function.

I think the individual is well regarded in maintaining his cool under fire. Thus I believe the nominee is a person who could rightfully be considered for this post. I do trust that other Honourable Members would be so inclined to agree.

The Speaker: The Honourable Minister for Education and Planning.

Nomination of Mrs. Edna Moyle, JP

Hon. Truman M. Boddan: Thank you, Madam Speaker.

I wish to nominate the Elected Member for North Side, Mrs. Edna Moyle, for the post of Deputy Speaker.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, I wish to second that.

The Speaker: There is a second nomination moved by the Honourable Minister for the Elected Member for North Side, seconded by the Fourth Elected Member for West Bay. Are there any other nominations?

The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, since you opened the first nomination to a short speech, I am wondering if I may be given that privilege?

The Speaker: You certainly may.

Hon. Truman M. Bodden: In moving this nomination, I feel very certain that the lady Member for North Side has the experience and capability to fill this position very ably. She is a former Deputy Clerk. She has been well trained, as you know, and has spent many years dealing with the practice and procedure within the Legislative Assembly. I believe that she has the ability to keep order and promote the practice and procedures of this honourable House.

I am also aware that the First Elected Member for Cayman Brac and Little Cayman does possess many of these attributes. Much of what was said by the Second Elected Member for Cayman Brac and Little Cayman I realise does put him in a very strong qualifying position for the post of Deputy Speaker.

My nomination of the Elected Member for North Side is one that we have considered in depth, and at this time we feel that she is the best person to fill that position.

The Speaker: Fourth Elected Member for George Town.

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

In seconding the nomination of the First Elected Member for Cayman Brac and Little Cayman to be the Deputy Speaker of this honourable House, let me first of all say that there may well be more than one person who is qualified to fill the post. But as others will have already made their choices, so have I.

The mover of the nomination, which I seconded, just about covered all the bases for the reason behind the nomination, but I would just like to read two small sections from a book entitled, *Parliament, Functions, Practice and Procedures*. One of the excerpts reads:

"On many occasions in the past a back-bencher, with no ministerial experience, has been chosen. He might possess the advantage of being well-known among other back-benchers on both sides of the House, over whom he would have to exercise authority, and he would know them. He would have the disadvantage, perhaps, of carrying less authority with the senior Ministers and ex-Ministers on the front-benches." [page 142].

The other excerpt reads: **"The Chairman and his deputies have for many years been appointed from either side of the House. They never vote in the House or Committees—except to give a casting vote—and therefore, to ensure that the balance of strength between the Government and the Opposition is not affected by appointments to the Chair, it is now the practice to ensure that the four occupants of the Chair, namely the Speaker and the three deputy Speakers, are drawn equally from the two sides."** [page 149].

While we do not have the option of three Deputy Speakers, and while our Constitution has variances whereby the Speaker need not be an Elected Member of the Legislative Assembly, I still hold true to the argument, notwithstanding the vast majority which the Government of the day has in this honourable House, that in all fairness to the balance of the operations of this House, even if the Deputy Speaker does not end up having much work to do during the remaining life of this House, I believe it is only fair if someone such as the First Elected Member for Cayman Brac and Little Cayman, who is very capable and held in high regard by all of us, be elected to this position so that the balance of this honourable House would most certainly appear to be in a better position and more palatable for all.

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

Hon. W. McKeeva Bush: Just to be very brief. I have no problem with the First Elected Member for Cayman Brac and Little Cayman being Deputy Speaker, however we did not agree on this. The majority of Members agreed on the Elected Member for North Side, who is a very capable person.

I do not know what balance is needed, no more than to be impartial. I believe that the lady Member for North Side is definitely that to both sides of the House.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Certainly, the years of experience and the respect accorded by Members of the honourable House to the First Elected Member for Cayman Brac and Little Cayman, places him in the position where he has to be considered as a serious candidate for the post of Deputy Speaker. His position is what I would term a non-aligned Member of the two factions, namely, the National Team faction and those of us who are the Opposition, is worthy of serious consideration.

I think that his performance in the House (certainly over the seven years that I have worked with him) demonstrates that he has the ability and capability to handle positions of responsibility fairly and impartially with the confidence of Honourable Members.

I would think that these considerations should war-

rant the serious attention of all Honourable Members in supporting his nomination, and I would ask that in the interest of being impartial and for true Parliamentary Democracy, that we give serious consideration to the nomination of the First Elected Member for Cayman Brac and Little Cayman for the post of Deputy Speaker.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

About a year and a half ago the late Mr. Haig Bodden was elected as the Deputy Speaker of this honourable House. The last speaker mentioned 'non-aligned' Members. When Mr. Haig was nominated this did not come into play. I wonder why this is coming into play at this stage?

The lady Member for North Side can be quite objective. She is the Chairman of the House Committee, she has also served as Chairman of some Select Committees since 1992, and I find her to be very fair and objective. I also agree that the First Elected Member for Cayman Brac and Little Cayman is fair and objective. However, with her experience, the lady Member for North Side, having worked under the Speaker and knowing all of the procedures of Parliament, I feel that she is our best candidate at this time, and I will be supporting her.

The Speaker: Is there any further debate, or any further nominations?

The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

I support the nomination of the lady Member for North Side because I feel that she can do a good job with it. She is very experienced. She has been Deputy Clerk, Chairman of Committees, and is well versed in the Standing Orders. I feel sure that she will be able to do a good job and be fair. I support her.

The Speaker: If there is no further debate, and no further nominations, I would like to ask the First Elected Member for Cayman Brac and Little Cayman if he accepts this nomination.

Capt. Mabry S. Kirkconnell: Yes, Madam Speaker, I will accept the nomination.

The Speaker: I would like to ask the lady Member for North Side if she will accept the nomination.

Mrs. Edna M. Moyle: Yes, Madam Speaker.

The Speaker: Both candidates have accepted nomination. We will require balloting. At this time the Clerk will have to prepare the ballots for Members to make their selection.

I would also like to ask the Honourable First Official Member and the Honourable Third Official Member to act as scrutineers for the election of the Deputy

Speaker.

BALLOT PAPERS PREPARED

The Speaker: May I ask the two scrutineers to check and see if the Ballot Box is empty?

The Serjeant will now give out the ballots—one to each Member.

I think there is just one thing wrong with this ballot. According to the election process Captain Kirkconnell should have been before Mrs. Moyle, but I do not know if they thought a woman should come first.... It really makes no difference, if Members have no objection.

When Members have completed their ballots, will they please fold them?

[addressing the Serjeant] Just the Elected Members, please, Serjeant.

Please collect the ballots.

BALLOT PAPERS PLACED IN BALLOT BOX

The Speaker: Will the scrutineers please come forward now? As you get a ballot please read aloud the votes cast for each person. Thank you.

BALLOT PAPERS OPENED AND COUNTED

MRS. EDNA M. MOYLE, JP DECLARED DEPUTY SPEAKER

The Speaker: The result of the vote is nine ballots for Mrs. Edna Moyle and four ballots for Capt. Mabry Kirkconnell. Mrs. Moyle is therefore declared the Deputy Speaker of the Legislative Assembly.

Thank you Scrutineers.

On behalf of Members I wish to offer Mrs. Moyle congratulations, and also to say that she will not always be sitting in the seat in which she is sitting now because I have a programme of activities for her in the future.

We will now proceed to Questions.

Question No. 148 standing in the name of Third Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 148

No. 148: Mrs. Berna L. Thompson Murphy asked the Honourable Third Official Member responsible for Finance and Development if Government is presently contributing to any pension scheme outside the Cayman Islands for medical personnel.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the answer: The Government, as a matter of policy, does not

contribute to pension schemes outside the Cayman Islands for medical personnel. However, there is one exception which was put in place by the former Chief Medical Officer under the old Health Services Authority and which continues to be in effect under contract.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. Could the Honourable Member say how long this contract is in existence for?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I do not have the specific period of the contract with me.

The Speaker: Fourth Elected Member for George Town.

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

Could the Honourable Member state whether this exception applies to an individual or a group of individuals?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, it applies to one individual under the existing arrangement. I understand that there was a previous employee but the contract for that employee has since expired.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Member explain to the honourable House why the Chief Medical Officer contributed to a pension scheme outside of the Islands on behalf of the Health Services if it is not the Government's policy? How did he get the authority to do it?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, with the indulgence of the House, although I have the name of the employee in question, I would ask not to divulge such information. I will let the lady Member have this during the break.

Secondly, it is very difficult at this stage to make a determination as to why the policy of Government was violated, or why there was a deviation from the set policy. But it should be borne in mind that the Health Services Authority, when it was in existence, functioned as an autonomous body. The Public Service Commission would not have been consulted in the matter of appoint-

ment of employees.

The Speaker: Third Elected Member for George Town.
Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Member state if this is the policy of all the other Authorities, or are there directives in place so that this event does not take place in the future?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I cannot say absolutely yes, that this policy would not apply to other Authorities. Up to this time I am not aware and, as I said earlier, the research that was done established that this was the only employee throughout any Governmental agencies with this arrangement in place.

The other Authorities, while they are autonomous bodies, are required to overall observe the conditions as set out under the General Orders and other Regulations of the Government.

The Speaker: Fourth Elected Member for George Town.

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

For purposes of clarity, the last line in his answer reads: "which continues to be in effect under contract." Does this mean that the individual is under contract, or is the individual part and parcel of the permanent, pensionable establishment?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: The individual is under contract, Madam Speaker.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I take it, then, that this means that this contribution to the pension scheme falls away when the contract for that individual expires.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: It should, because this is where the Government's obligation would cease.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Third Official Member give an undertaking that if the contract is renewed, that this does not happen with the pension?

The Speaker: The Honourable Third Official Member

responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, it would be very difficult for me to give that undertaking. In the first instance, the Health Authority has reverted to a regular department of Government. Finance and Development does not have responsibility for determining terms and conditions of services for employees.

What I can undertake to do is to pass on the request that has been made by the Honourable Member to the Ministry and the Personnel Department.

The Speaker: Fourth Elected Member for George Town.

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

Would the Honourable Third Official Member explain to us the difference in pensions with regard to members of the permanent and pensionable establishment, and the contracted officers of Government—meaning, is there any type of pension available to the contracted officers, or is there any other sum in lieu of such a pension?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, in terms of providing a full explanation on this, I think it would be necessary to defer to the Honourable Chief Secretary. Secondly, there is an allowance that is paid to contracted officers as a compensation for the absence of pensions. This is calculated as a percentage of their salaries.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the individual involved in this particular question be having the pension along with that allowance?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Yes, Madam Speaker, if the services of that individual continue to be contracted on an overseas contractual arrangement.

The Speaker: The next question is No. 149, standing in the name of Third Elected Member for George Town.

QUESTION NO. 149

No. 149: Mrs. Berna L. Thompson Murphy asked the Honourable Third Official Member responsible for Finance and Development if there have been any funds missing from any Government department since January 1995.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the answer: The sum of \$4,150 in cash was missing from the deposit to the bank made by the Courts Office on 18th May, 1995. The police are still conducting their investigation.

In accordance with Standing Order 23(5), I crave the indulgence of this honourable House to defer answering any supplementary questions that could compromise the ongoing investigations of this case.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

In an attempt to not compromise the ongoing investigation, would the Honourable Member state whether this is the only case that is known to the Government during the year 1995?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Yes, Madam Speaker.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Member could say if further steps are being taken to prevent this from happening again?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Steps are currently in place to avoid situations like this. But it is very difficult, and I do not think we can ever put any remedy in place to avoid fraudulent activities from occurring. At this time it is known that the funds were deposited with the bank, it is a question of making a determination to satisfy the police if the funds got to the bank.

The Speaker: The next question is No. 150, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 150

No. 150: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation which contractors are eligible to bid on the new George Town Hospital and will materials imported by the contractors for use on the site be free of customs duty.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The answer to the first part of the question is that our consultants carried out a pre-qualification exercise to determine what contractors were qualified to construct a project of this size. This began with three printings of an advertisement in the *Caymanian Compass* asking for expressions of interest and spelling out information which interested contractors would be required to provide.

Three contractors expressed interest. These were: Arch and Godfrey (Cayman) Ltd.; Hadsphaltic International Ltd.; and McAlpine (Cayman) Ltd.

After review by our Consultants and our project team, it was determined that all required information had been submitted and that all three were pre-qualified. All three have successfully completed major projects in this Island.

The answer to the second part of the question is: Yes, as was the case with the previous Hortor project, materials imported by the contractors for use on the site will be free of customs duty.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: In the last part of the answer the Honourable Minister said that the contractors will be permitted to import materials free of customs duty. Was this material not imported by the Health Services Authority, and did not they have to pay customs duty?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. I am told that no duty was paid on that project.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I would like to ask the Honourable Minister if a list will be provided for the goods that will be imported free of customs duty and how it will be monitored.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, the successful contractors will be required to sign an affidavit that the goods to be imported duty free are to be used on the hospital project only.

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 Government has ascertained that these are materials

which cannot be procured on the Island, and to state what attempts have been made to ensure that this is so.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This figure will be supplied by the contractors and it will be up to them where they purchase the supplies. The contract will state that what comes in will be duty free and used only on the hospital.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if we are to understand that before attempts are made to import materials from outside that some efforts will be made to ensure that materials required are not available locally?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, I think the First Elected Member for Bodden Town is right. This is one of the priorities given, that whatever is available locally should be used.

The Speaker: Fourth Elected Member for George Town.

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

In a previous answer to a supplementary question regarding the checks and balances of the materials, would the Honourable Minister say if overriding the affidavits there will be any system in place equating the importation of the material to a bill of quantities as a matter of course?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, the quantity surveyors will have these figures for us.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

The Honourable Minister stated earlier that it would be possible that these materials would be purchased locally. Is this going to be written into the contract to ensure that a bid is at least taken from the local suppliers at all possible times, or how is this going to be enforced and monitored?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I will encourage that, Madam Speaker.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if, in the overall costing of the hospital project, they have taken into account the discount in terms of cost, that should be available by the contractors not having to pay customs duty?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, it will not include the duty. It was done in comparison to the way the Dr. Hortor Memorial Hospital was done.

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: As a matter of clarification, is the Honourable Minister saying that the costing of the Dr. Hortor Memorial Hospital was done without due consideration to whatever amounts would be discounted on materials?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, cost estimates were done similarly, using the same comparison.

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 for Health, Drug Abuse Prevention and Rehabilitation whether final planning approval has been given for the construction of the George Town Hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Our consultants have applied for approval by the Central Planning Authority. It is our understanding that the matter was on the agenda for their 20th September meeting, which is next week.

The Speaker: It is now 11.00, if the Member wishes to ask supplementaries, will he ask for the suspension of Standing Order 23(7)?

¹SUSPENSION OF STANDING ORDER 23 (7) AND (8)

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

I beg to move the suspension of Standing Order 23 (7) and 8 to allow any supplementaries and questions remaining on the Order Paper to be taken.

The Speaker: The question is that Standing Order 23 (7) and (8) be suspended in order to complete Question Time 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.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Minister would be able to say whether the plans approved in principle were altered by the time final Planning approval was sought.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, as the project evolves there are some minor changes, but overall, nothing major.

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 for Health, Drug Abuse Prevention and Rehabilitation if the property on which the George Town Seventh Day Adventist Church is located will have to be acquired to provide space for the new George Town Hospital, or any part thereof.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The answer is no, it is not at all necessary for this property to be acquired for this purpose. This rumour probably began as a result of Government's approach to the Seventh Day Adventist Church to see if they would provide a strip at the west end of their parking lot for an

¹ Please see procedural [correction](#) at page 658

ambulance exit. This was only one option being explored. As it happened, the Church decided it did not wish to lose the strip of parking space and, since Government respected their wishes, the matter ended there.

The former Member responsible for Health during the last administration alleged a few days ago that Government was going to compulsorily acquire the Seventh Day Adventist Church property. That is the sort of thing that he would do, but it is certainly not the way my colleagues and I operate.

Hon. W. McKeeva Bush: Hear, hear!

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 if on any drawings associated with the plans for the hospital that any entrance, or such, is shown as coming over the property owned by the Seventh Day Adventist Church in George Town?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, as I said these were some of the minor changes that we looked at. The Consultants discussed a dedicated exit for ambulances going out. The Honourable Minister for Agriculture, Environment, Communications and Works and I sat down with the personnel of the Church... and it really bothers me, knowing the affiliation and rapport that this Government has had for many years with the Adventist Church, that people would allude that we would compulsorily acquire this site. This is the furthestmost thing from our minds, we would not do that.

The only thing I asked was that if they decided to sell, would they give Government the first priority.

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

Mr. Gilbert A. McLean: As it seemed that it was necessary to consider an entrance and exit for the ambulance service from the hospital, has there been any alternative to having such an entrance and exit on any other property for the hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

It is currently proposed that the ambulances will enter the new hospital through the existing entrance on the road that leads to the Pines. They will exit through the existing hospital road entrance, which it is intended to have controlled by a light.

The Speaker: Fourth Elected Member for George Town.

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

For clarity, would the Honourable Minister state if the drawings which were submitted to the Planning Department for final Planning approval included an exit/entrance for ambulances through the existing Seventh Day Adventist Church parking lot?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I would have to clarify this, but I do not think so since the Church said that we could not use it. This would have to be one of the amendments which I referred to earlier.

The Speaker: Fourth Elected Member for George Town.

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

With the Honourable Minister having answered the way he has regarding the parking lot, can he say then that if the plans were approved with this parking lot included in those plans, that this would certainly not follow through, although it would be part of an approved plan?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I did not get the last part of the question. Could you please repeat it?

Mr. D. Kurt Tibbetts: What I am asking the Honourable Minister (because of not being sure of a previous answer) is if there is a possibility that final plans, having been approved, included a drive through entrance for ambulances through the parking lot of the Seventh Day Adventist church. I am simply asking the Honourable Minister if this were the case—and I am not suggesting that it is, because I do not know—but if it were the case, and the plans have been approved... let me ask the question: What would be done regarding the approved plans?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker, there has not yet been approval on this. The Consultants would have discussed with Planning the final submission, which will go in next week.

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

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

Taking into account the fact that the road to the Pines branches off of Smith Road, which is highly congested, and there is a four way entrance at the hospital

that is highly congested, have the Consultants, or has anyone associated with the hospital drawing, taken into account how using this entrance will impact on the suitability of the hospital or the traffic flow?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, I am pretty sure they have looked at this and, as I said, we will be using a light at these entrances.

The Speaker: The next question is No. 153, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 153

No. 153: Mr. Roy Bodden asked The Honourable Minister for Education and Planning what was the cost of removing the overhead bins and the extra fuel tank from the recently purchased Boeing 737-200 by Cayman Airways Limited.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Cost of removing the overhead bins and the extra fuel tank from the recently purchased Boeing 737-200 was US \$68,410.80.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say what the value of these items is and what are the plans for Cayman Airways with regard to these items?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: That was not a part of the question and I am afraid that I do not really have that at present.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if the plane that had these tanks removed is the same plane that Cayman Airways has purchased?

The Speaker: The Honourable Minister for Education and Planning.

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

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether it is likely that these items will go into the inventory held by Cayman Airways?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: They will.

The Speaker: Fourth Elected Member for George Town.

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

In a previous sitting I remember hearing the Honourable Minister suggest that Cayman Airways might have sought purchasers for this equipment. Bearing that in mind, I wonder if the Honourable Minister would state if Cayman Airways might actively seek to sell this equipment, as in the immediate future there does not seem to be any need for them?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, this will go into the inventory and be listed for sale along with it.

The Speaker: The next question is No. 154, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 154

No. 154: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs to state what the Government plans to do about the deplorable conditions existing at the George Town lock-up.

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

Hon. James M. Ryan: The matter of the condition of the lock-up at the Central Police Station is being seriously considered by the Government and will receive urgent attention. To this end, plans and costings for the replacement of the facility are to be completed by the Public Works Department by the 5th of October.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Member state the reason why this has not been done before by the former Government? This has been in a deplorable condition for many, many years.

The Speaker: I do not know if the Honourable First Official Member can reply to that. I do not think that is a fair question to ask him.

Fourth Elected Member for George Town.

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

Although costings have not been completed, I wonder if the Honourable Member would be able to state from where funds are going to be available if any action is to be taken in the immediate future?

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

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

It is proposed that funds from the asset-sharing scheme, with which the Cayman Islands shares funds from the United States primarily, will be used for this purpose.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Pardon the ignorance, Madam Speaker, but I wonder if the Honourable First Official Member would explain a little bit more in detail what this fund is all about and what access we have to these funds and how much is available.

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

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

Under the MLAT (Mutual Legal Assistance Treaty) Agreement, the Cayman Islands Government does have an asset sharing agreement with the United States for confiscated funds and it is proposed to use some funds from this source for the project.

The Speaker: 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 Government is well assured that whatever funds are needed to complete the replacement facility will be available from this source?

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

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

Whatever funds are available from this source will be made available for the replacement of the lock-up. If funds are insufficient, I am sure that I have the Honourable Members' support in Finance Committee to appropriate the necessary funding.

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

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

Could the Honourable Member say if the George Town lock-up is still being used to hold persons?

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

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

I cannot say categorically that it is not being used, but I know that it had been announced by the magistrate that it would not be used to remand persons. I am really not in a position to categorically say that it is not being used.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Member could tell us if the destruction to the facility was done by the individuals being held, or if he is in a position to tell us who destroyed the facility.

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

Hon. James M. Ryan: I believe that time—the great destroyer of all things, and all men—is really responsible. Perhaps there has been some vandalism and destruction by individuals, but I rather suspect that time has been the main factor.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable First Official Member could say whether the replacement facility would be located at the same site?

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

Hon. James M. Ryan: In my substantive answer I mentioned the date of 5th October, and hopefully by that time (or before that time) I will know for sure. I am not in a position to say exactly where it is going to be situated at the moment.

The Speaker: The next question is No. 155, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 155

No. 155: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs to state the reasons for Government's decision to terminate the appointment of the former Chairman of the Immigration Board.

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

Hon. James M. Ryan: The appointment and termination of the Chairman of the Immigration Board is at the discretion of the Governor. The recent termination of the appointment of the former Chairman was done in accordance with this discretion. It is neither customary nor considered appropriate, to state the basis of either appointments or terminations.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

Notwithstanding the method used for appointments or terminations (being at the discretion of His Excellency the Governor), would the Honourable Member be able to say if the decision to terminate his services was one done solely by His Excellency, or in consultation?

The Speaker: I do not think that is a fair question to ask, because that could not be allowed. The Governor has discretion and whether or not he consults Executive Council does not come into the matter at all.

The Second Elected Member for Cayman Brac and Little Cayman.

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

Noting in the reply that it is neither customary nor considered appropriate to state the basis of either appointments or terminations in these cases, does this apply in the appointments to the chairmanship of boards, even where misconduct may have been the case, that there is no statement as to the termination?

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

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

I do not know if I have had a case where because of serious misconduct someone was removed, so it is difficult for me to answer that. The fact is that the Government is not obliged to state the reason, and I think I will leave it at that.

The Speaker: The Fourth Elected Member for George Town, and this is the last supplementary.

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

I do recognise the discomfort the question might raise, but I am wondering if the Honourable Member would be able to make any comments regarding the fact that it is a rarity (if not the first) where the termination took place during the middle part of the year rather than normally when replacements are done at the beginning of the following year?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs, if you wish to reply... but I am not pressing you to.

Hon. James M. Ryan: I think this, again, is within the

discretion of the Governor. If a chairman or the entire membership of a board is changed during the year there is, in my estimation, nothing extraordinary about this. The decision can be taken to make changes at any given time.

The Speaker: That concludes Question Time for this morning.

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.24 AM

PROCEEDINGS RESUMED AT 12 NOON

The Speaker: Please be seated.

The House will now go into Committee to consider two Bills; The Children Bill, 1995, and The Youth Justice Bill, 1995.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is now in Committee.

We will first consider the Youth Justice, 1995, Bill. The Clerk will read the clauses.

THE YOUTH JUSTICE BILL, 1995

Clerk: Clause 1. Short title and commencement.

Clause 2. Interpretation.

Clause 3. Constitution of youth courts.

Clause 4. General jurisdiction of youth courts.

Clause 5. Assignment of summary charges to courts.

Clause 6. Trial of indictable offences and offences triable either way.

Clause 7. Power to order joint trial of young person with an adult.

Clause 8. Determination of age of young persons.

Clause 9. Power to hear case in absence of young person.

Clause 10. Sitting of youth courts etc.

Clause 11. Separation of young persons from adults in police stations etc.

Clause 12. Reporting restrictions.

The Chairman: The question is that Clauses 1 through 12 stand part of the Bill. There is an amendment to clause 12 (2).

Hon. W. McKeever Bush: Madam Chairman, we propose to amend clause 12 (2) by inserting the words, "or to imprisonment for a term of six months" at the end of the clause.

The amended clause will read: "**12 (2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding \$5,000 or to im-**

prisonment of a term of six months."

The Chairman: The proposed amendment is that at the end of clause 12 (2) the words, "or to imprisonment for a term of six months", after the full stop (.) be inserted.

Mr. Gilbert McLean.

Mr. Gilbert A. McLean: Madam Chairman, I did not quite understand what the Honourable Minister said.

The Chairman: I think what is said there is that the full stop (.) at the end of the number "\$5,000" be removed and the words, "or to imprisonment for a term of six months", be inserted.

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

Hon. W. McKeeva Bush: That is what the amendment says.

The Chairman: Is there any debate?
The Elected Member for North Side.

Mrs. Edna M. Moyle: Madam Chairman, just for clarity. It says, "or to imprisonment...", does that mean that they can be fined up to \$5,000 or be imprisoned for six months or both?

The Chairman: Honourable Mr. Bush.

Hon. W. McKeeva Bush: No. They can be fined \$5,000, or go to prison for up to six months.

The Chairman: If there is no debate, I shall put the question that the amendment to clause 12 (2) be made. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it. Accordingly, clause 12 (2) is amended.

AGREED. AMENDMENT TO CLAUSE 12 (2) PASSED.

The Chairman: The question now is that clauses 1 through 12 with the amendment to clause 12 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. Accordingly clauses 1 through 12 with the amendment to clause 12 (2) stand part of the bill.

AGREED: CLAUSES 1 THROUGH 12(2), AS AMENDED, PASSED.

Clerk: Clause 13. Duty of parent etc. to attend court.

Clause 14. Bail or detention of young person.

The Chairman: The question is that clauses 13 and 14 stand part of the Bill. There is an amendment to clause 14.

Mr. Bush.

Hon. W. McKeeva Bush: Madam Chairman, we propose that in clause 14 (2) the words, "as soon as is practicable and no later than 24 hours", be replaced by the words, "*immediately and no later than three hours*".

Also clause 14 (2) (c) the words "seven days" be replaced with the words "*48 hours*".

The Chairman: The question is that clause 14 (2) be amended to read: "*(2) Where the young person is not released on bail, the police officer in charge of the police station shall immediately and no later than three hours after the decision not to release the young person on bail"; and that subclause (2) (c) be amended to read: "(c) detain the young person in detention facility for a period not exceeding 48 hours until he can be brought before a court.*"

The question is that these amendments be made to 14 (2).

Mr. McLean.

Mr. Gilbert A. McLean: Madam Chairman, I have no problem with the amendments that have just been made. I would like to speak, however, on subclause (4) of clause 14 when the time comes.

Would it be appropriate to do so, Ma'am?

The Chairman: I think so, yes.

Mr. Gilbert A. McLean: Madam Chairman, I am wondering about clause 14 (4) (a), (b), and (c) where it says: "In subsection (2), section 15 and Schedule 1 'detention facility' means -

(a) any place declared by order of the Governor to be a detention facility for the purposes of this Law;

(b) any police station lock-up; or

(c) Northward Prison, Grand Cayman."

I am wondering if it was intended to be there as it is? I have heard much said about the lock-up facilities and alternatives to the lock-up. I am wondering if at this stage there is a wish to keep these two subclauses in the bill to define remand or detention facilities?

The Chairman: Mr. Bush.

Hon. W. McKeeva Bush: Madam Chairman, we propose to keep these in the law, that is why they are there. As has been said, the West Bay Police Station lock-up is the place where we presently keep those young people waiting for court on remand. We have to have some flexibility in the Law. So we propose to keep subclauses (b) and (c) as is.

The Chairman: If there is no further debate, I will now

put the question that the amendments made to clause 14 (2) and 14 (2) (c) stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

AGREED: CLAUSE 14 (2) AND SUBCLAUSE (2) (C) AMENDED.

The Chairman: I shall put the question that clause 14 (2) and subclause 14 (2) (c) as amended stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it. Accordingly clause 14 (2) (c) as amended has been passed.

AGREED: CLAUSE 14 (2)(c) AS AMENDED PASSED.

Clerk: Clause 15. Remand.

Clause 16. Notice to Social Services and information to court.

Clause 17. Evidence of young persons.

Clause 18. Duties of court.

Clause 19. Pre-sentencing reports.

The Chairman: The question is that clauses 15 through 19 do stand part of the Bill. The motion 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 Chairman: The Ayes have it. Accordingly, clauses 15 through 19 stand part of the Bill.

AGREED: CLAUSES 15 THROUGH 19 PASSED.

Clerk: Clause 20. Punishment of offences.

Clause 21. Power to order parent or guardian to pay fine, etc.

Clause 22. Binding over of parent or guardian, etc.

Clause 23. Probation orders.

Clause 24. Attendance orders.

Clause 25. Discharge and variation of attendance orders.

Clause 26. Breach of attendance orders.

Clause 27. Youth rehabilitation orders.

Clause 28. Cautions.

Clause 29. Breach of conditional discharge.

The Chairman: The question is that clauses 20 through 29 do stand part of the Bill. The motion 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 Chairman: The Ayes have it. Accordingly clauses 20 through 29 that part of the Bill.

AGREED: CLAUSES 20 THROUGH 29 PASSED.

Clerk: Clause 30. Contribution orders.

Clause 31. Affiliation orders.

Clause 32. Appeals.

Clause 33. Procedure, forms and regulations.

Clause 34. Amendments, repeals, transitional provisions and savings.

The Chairman: The question is that clauses 30 through 34 do stand part of the Bill. The motion 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 Chairman: The Ayes have it. Accordingly, clauses 30 through 34 stand part of the Bill.

AGREED: CLAUSES 30 THROUGH 34 PASSED.

The Chairman: The question is that the Schedules do stand part of the Bill. There is an amendment to Schedule 3.

Mr. Bush.

Hon. W. McKeever Bush: Madam Chairman, we propose that in Schedule 3 [Part VI A] paragraph 210B (2) (a), the words "two years" be replaced by the words "five years"; and in paragraph 210C (5) (a) the words "five years" be replaced by the words "twenty years" and in paragraph 210C (5) (b) (ii) the words "six months" be replaced by the words "two years".

The Chairman: The question is that the following amendments be made, in Schedule 3: paragraph 210B (2) (a) the words "two years" be replaced by the words "five years"; paragraph 210C (5) (a) the words "five years" be replaced by the words "twenty years"; and in paragraph 210C (5) (b) (ii) the words "six months" be replaced by the words "two years".

The motion 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 Chairman: The Ayes have it. Accordingly, the amendments to paragraph 210B (2) (a) and paragraph 210C (5) (b) (ii) has been passed.

AGREED. PARAGRAPHS 210B (2) (A) AND 210C (5)

(B) (II) AMENDED AND PASSED.

Clerk: A Bill for a Law to replace the Juveniles Law, 1990; to make further provision with respect to the treatment of young offenders; and for connected purposes.

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. Accordingly, the Title do stand part of the Bill.

AGREED: TITLE PASSED.

The Chairman: The next Bill is the Children Bill, 1995.

THE CHILDREN BILL, 1995

Clerk: Clause 1. Short title and commencement.
 Clause 2. Interpretation.
 Clause 3. Welfare of the child.
 Clause 4. Parental responsibility for children.
 Clause 5. Meaning of parental responsibility.
 Clause 6. Guardians.
 Clause 7. Welfare reports.
 Clause 8. Residence, contact and other orders with respect to children.
 Clause 9. Restrictions on making section 8 orders.
 Clause 10. Power of court to make section 8 orders.
 Clause 11. General principles and supplementary provisions.
 Clause 12. Residence orders and parental responsibility.
 Clause 13. Change of child's name or removal from jurisdiction.
 Clause 14. Enforcement of residence orders.
 Clause 15. Orders for financial relief with respect to children.
 Clause 16. Family assistance orders.

The Chairman: The question is that clauses 1 through 16 do stand part of the Bill. The motion 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 Chairman: The Ayes have it. Accordingly, clauses 1 through 16 have been passed.

AGREED: CLAUSES 1 THROUGH 16 PASSED.

Clerk: Clause 17. Provision of services for children in need, their families and others.

Clause 18. Day care for pre-school and other chil-

dren.

Clause 19. Review of provision for day care.

Clause 20. Provision of accommodation for children: general.

Clause 21. Provision of accommodation for children on remand etc.

The Chairman: The question is that clauses 17 through 21 do stand part of the Bill.

There is an amendment to clause 21. Mr. Bush.

Hon. W. McKeever Bush: Madam Chairman, there was a typographical error in clause 21 (2) (a). We propose that the words, "section 12 or 13" be replaced with the words "sections 14 or 15".

The Chairman: The question is that the amendment, as was read out, stands part of the Bill. The motion is open for debate.

Mr. Gilbert McLean.

Mr. Gilbert A. McLean: Madam Chairman, perhaps I am missing the point, but in looking at clause 21 (2) (a), I see the amendment to the clauses it referred to read: "(a) who are on remand under sections 14 or 15 of the Youth Justice Law, 1995, at a place other than a prison or police station lock-up;"

I am wondering what it is supposed to be. Are they going to be in the police lock-up or will there be other places at which the children are to be accommodated?

The Chairman: Mr. Bush.

I think the other Bill says that there are three other places the Governor may declare a place of safety...

Hon. W. McKeever Bush: Thank you, Madam Chairman, for that explanation. You are correct. The Youth Bill, 1995, contains sections where the Governor may name places for a detention centre. So when the Remand Centre is completed that will be the place of detention.

The Chairman: Does that answer your question, Mr. McLean?

Mr. Gilbert A. McLean: Madam Chairman, I simply read the clause. Am I to understand that the clause is supposed to mean when the Governor makes provision for it to be somewhere else other than those two places mentioned?

The Chairman: Yes, that is what clause 14 (4) of the Youth Justice Bill, 1995, says; "In subsection (2), section 15 and Schedule 1 "detention facility" means -

"(a) any place declared by order of the Governor to be a detention facility for the purposes of this Law;

(b) any police station lock-up; or

(c) Northward Prison, Grand Cayman."

So there can be three places the Governor can order.

Mr. Gilbert A. McLean: I leave the point, Madam Chair-

man.

The Chairman: The question is that the amendment to clause 21 be made. 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 21 PASSED.

The Chairman: The question now is that clauses 17 through 21, and 21 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. Accordingly, clauses 17 through 21 as amended have been passed.

AGREED: CLAUSES 17 THROUGH 21 AND CLAUSE 21 AS AMENDED PASSED.

Clerk: Clause 22. General duty of Social Services in relation to children they look after.

Clause 23. Provision of accommodation and maintenance by Social Services for children whom they are looking after.

Clause 24. Advice and assistance for certain children.

Clause 25. Use of accommodation for restricting liberty.

Clause 26. Review of cases.

Clause 27. Inquiries into representations.

Clause 28. Co-operation and consultation.

Clause 29. Recoupment of cost of providing services etc.

Clause 30. Miscellaneous.

The Chairman: The question is that clauses 22 through 30 do stand part of the Bill. The motion 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 Chairman: The Ayes have it. Accordingly clauses 22 through 30 have been passed.

AGREED: CLAUSES 22 THROUGH 30 PASSED.

Clerk: Clause 31. Care and supervision orders.

Clause 32. Period within which application for order under this Part must be disposed of.

Clause 33. Effect of care order.

Clause 34. Parental contact etc. with children in care.

Clause 35. Supervision orders.

Clause 36. Education supervision orders.

Clause 37. Powers of court in certain family proceedings.

Clause 38. Interim orders.

Clause 39. Discharge and variation etc. of care orders and supervision orders.

Clause 40. Orders pending appeals in cases about care or supervision orders.

Clause 41. Representation of child and of his interests in certain proceedings.

Clause 42. Right of guardian ad litem to have access to Social Services records.

The Chairman: The question is that clauses 31 through 42 do stand part of the Bill. The motion 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 Chairman: The Ayes have it. Clauses 31 through 42 passed.

AGREED: CLAUSES 31 THROUGH 42 PASSED.

Clerk: Clause 43. Orders for emergency protection of children.

Clause 44. Directions of the court in relation to emergency protection orders.

Clause 45. Duration of emergency protection orders.

Clause 46. Provisions supplemental to emergency protection orders.

Clause 47. Duty of Social Services to investigate.

Clause 48. Powers to assist in discovery of children who may be in need of emergency protection.

Clause 49. Abduction of children in care etc.

Clause 50. Recovery of abducted children.

The Chairman: The question is that 43 through 50 do stand part of the Bill.

There is an amendment to clause 50. Mr. Bush.

Hon. W. McKeeva Bush: Madam Chairman, in clause 50 (3) (c) there is a typographical error where it says, "as the child's", the word "to" should be inserted between the words "as" and "the" where it first occurs. So it would read: "(c) requires any person who has information as to the child's whereabouts..."

The Chairman: The amendment is as proposed by the Honourable Minister, and the question is that the amendment be made. The motion 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 Chairman: The Ayes have it. Accordingly, the

amendment has been passed.

AGREED: AMENDMENT TO CLAUSE 50 (3) (C) PASSED.

The Chairman: The question now is that clauses 43 through 50 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. Clauses 43 through 50 as amended passed.

AGREED: CLAUSES 43 THROUGH 50 AS AMENDED PASSED.

Clerk: Clause 51. Refuges for children at risk.

Clause 52. Children not to be cared for and accommodated in unregistered children's homes.

The Chairman: The question is that clauses 51 and 52 do stand part of the Bill.

There is an amendment to clause 52 (7). Mr. Bush.

Hon. W. McKeeva Bush: Madam Chairman, I think this again is another typographical error. We propose that in clause 52 (7) inverted commas (") be inserted immediately after the word "home" where it first occurs.

The Chairman: The question is that the amendment to clause 52 (7) 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. The amendment has been passed.

AGREED: AMENDMENT TO CLAUSE 52 (7) PASSED.

The Chairman: The question now is that clauses 51 and 52 as amended 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 51 AND 52 AS AMENDED PASSED.

Clerk: Clause 53. Provision of children's homes.

Clause 54. Provision of accommodation by voluntary organisations.

Clause 55. Welfare of children in children's homes.

Clause 56. Duties of Social Services.

Clause 57. Persons disqualified from carrying on, or being employed in, children's homes.

Clause 58. Regulations.

The Chairman: The question is that clauses 53 through 58 do stand part of the Bill. The motion 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 Chairman: The Ayes have it.

AGREED: CLAUSES 53 THROUGH 58 PASSED.

Clerk: Clause 59. Registration.

Clause 60. Requirements to be complied with by child minders.

Clause 61. Requirements to be complied with by persons providing day care for young children.

Clause 62. Cancellation of registration.

Clause 63. Protection of children in an emergency.

Clause 64. Inspection.

Clause 65. Appeals.

Clause 66. Offences.

The Chairman: The question is that clauses 59 through 66 do stand part of the Bill. The motion 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 Chairman: The Ayes have it.

AGREED: CLAUSES 59 THROUGH 66 PASSED.

Clerk: Clause 67. Research.

Clause 68. Returns of information.

Clause 69. Effect and duration of orders etc.

Clause 70. Attendance of child at hearing under Part IV or V.

Clause 71. Evidence given by, or with respect to, children.

Clause 72. Privacy for children involved in certain proceedings.

Clause 73. Self-incrimination.

Clause 74. Restrictions on use of wardship jurisdiction.

Clause 75. Power of constable to assist in exercise of certain powers to search for children or inspect premises.

Clause 76. Offences by bodies corporate.

Clause 77. Regulations and orders.

Clause 78. Financial provisions.

Clause 79. Notices.

Clause 80. Amendments, transitional provisions, savings and repeals.

The Chairman: The question is that clauses 67 through 80 do stand part of the Bill. The motion 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 Chairman: The Ayes have it.

AGREED: CLAUSES 67 THROUGH 80 PASSED.

The Chairman: The question is that the Schedules 1 through 6 do stand part of the Bill. The motion 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 Chairman: The Ayes have it.

AGREED: SCHEDULES 1 THROUGH 6 PASSED.

Clerk: A Bill for a Law to reform the Law relating to children; to provide for services by the Department of Social Services for children in need and others; to make provision for children's homes and voluntary organisations; to make provision with respect to child minding and day care for young children; and for connected purposes.

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 the Youth Justice Bill, 1995, and the Children Bill, 1995.

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: THAT THE BILLS BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 12.36 PM

The Speaker: Please be seated. Proceedings are resumed.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and

Culture.

REPORTS ON BILLS

THE YOUTH JUSTICE BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I have to report that a bill entitled, a Bill for a Law to Repeal and Replace the Juveniles Law, 1990; to make further provision with respect to the treatment of young offenders; and for connected purposes was examined by a Committee of the whole House and passed with three amendments.

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

THE CHILDREN BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I have to report that a Bill entitled, a Bill for a Law to reform the Law relating to children; to provide for services by the Department of Social Services for children in need and others; to make provision for children's homes and voluntary organisations; to make provision with respect to child minding and day care for young children; and for connected purposes, was examined by a Committee of the whole House and passed with six amendments.

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

THIRD READINGS

THE YOUTH JUSTICE BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I move that a Bill entitled, The Youth Justice Bill, 1995, be given a Third Reading and passed.

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

AYES.

The Speaker: The Ayes have it.

AGREED: THE YOUTH JUSTICE BILL, 1995, GIVEN A THIRD READING AND PASSED.

THE CHILDREN BILL, 1995.

Hon. W. McKeeva Bush: Madam Speaker, I move that a bill entitled, The Children Bill, 1995, be given a Third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

AGREED: THE CHILDREN BILL, 1995 GIVEN A THIRD READING AND PASSED.

The Speaker: At this time I will suspend proceedings until 2 o'clock.

PROCEEDINGS SUSPENDED AT 12.36 PM

PROCEEDINGS RESUMED AT 2.11 PM

The Speaker: Please be seated. Proceedings are resumed.

Before we begin proceedings, there are two matters which I would like to deal with. Firstly, at the morning Sitting the motion was moved for Standing Orders to complete the questions on the Order Paper, and it was not seconded.

The First Elected Member for Bodden Town.

***CORRECTION TO PROCEDURE
Re: Suspension of Standing Orders**

Mr. Roy Bodden: Madam Speaker, I beg to second that motion.

The Speaker: Thank you and I direct that the records accordingly be adjusted.

NOTICE OF MEETING

The Speaker: The other matter is that His Excellency the Governor departs on Wednesday and it has been agreed that the Executive Council should meet on Monday. In those circumstances the Assembly will not sit on Monday but on Tuesday instead.

I thought to give Members advance notice in order that they can rearrange their schedules.

Proceeding with the business on the Order Paper. Suspension of Standing Order 46(1), in order for the First Reading of the Labour (Amendment) Bill, 1995, to be taken.

**SUSPENSION OF STANDING ORDER 46(1)
*Reading of Bills***

Hon. W. McKeeva Bush: Madam Speaker, under standing Order 83, I beg to suspend Standing Order 46(1) to deal with The Labour (Amendment) Bill, 1995.

The Speaker: The question is that Standing Order 46(1) be suspended in order for the First Reading of the bill to be taken.

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

AYES.

The Chairman: The Ayes have it. Standing Orders are accordingly suspended.

AGREED: STANDING ORDER 46(1) SUSPENDED.

The Speaker: Honourable Minister, we did do the Third Reading of the Children Bill and the Youth Justice Bill this morning. We did.

Hon. W. McKeeva Bush: I do not recall, Madam Speaker.

The Speaker: Yes, you moved it and I put the question on the Bills.

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

FIRST READING

THE LABOUR (AMENDMENT) BILL, 1995

Clerk: The Labour (Amendment) Bill, 1995.

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

SECOND READING

THE LABOUR (AMENDMENT) BILL, 1995

Clerk: The Labour (Amendment) Bill, 1995.

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

Hon. W. McKeeva Bush: Madam Speaker, since the enactment of the Labour Law, 1987, there has not been a comprehensive review with amendments to this important piece of legislation. To be effective it is necessary that changes in our society—and in this case our work force—be closely monitored, and Government's policies updated in order to anticipate or respond to these changes.

With this in mind, Government requested a small internal committee to conduct a comprehensive review of the Labour Law, 1987. This committee began its work in July 1994, and its report of recommendations in the form of drafting instructions was sent to the Legal Draftsman in October 1994.

The Review Committee conducted its work largely on the basis of evidence based on well documented written and verbal representations or complaints to the Ministry and the Labour Department, by both employees and employers; information gleaned from work place inspections by the Labour Department, loop-holes and ambiguities discovered as a result of labour hearings; the need to clarify the law for a better understanding and utilisation by both parties; and the resolve by Govern-

ment to strengthen sanctions in the law to serve as a deterrent to those who choose to ignore the Labour Law.

Each section of the law was closely examined and those areas causing operational difficulties were identified for reform.

On March 24th of this year, I tabled the Draft Law as a White Paper in this honourable House. This received wide media coverage. Also, on the 24th of March I sent a copy of the Draft Bill to 19 of Cayman's professional and trade associations with a letter asking each association to review the proposal conveying their comments or suggestions to the Ministry.

Unfortunately, due to some misunderstanding the proposals were viewed in a very negative light, multiplied by a lack of will by certain private sector organisations to cooperate and engage in constructive dialogue.

Since the release in March of the initial white paper (which was a discussion draft to act as a guide for dialogue and to generate ideas for the solution to the identified problems) there has been much debate on the pros and cons of the proposals put forward by Government. Also, there was the unfortunate promulgation of some misinformation which resulted in sectors of the public becoming alarmed, as well as ill-will being created in the work place.

All of this could have been avoided if Government was given the opportunity, as requested, to explain or clarify any points of the initial proposal in a professional and constructive manner. Due to the complexities with some of the proposals in the white paper and requests for more time in excess of the three months originally given, and in order to explore ways in which the proposals could be refined, Government agreed (and announced on the 21st of April) that it would take a bill to amend the Labour Law to the Legislative Assembly in September instead of June.

This extension of time allowed the Ministry and the Government ample time to hear the views of all interested employer groups, as well as the employees in these Islands. Once public fears subsided, several groups began to come to the table to hold discussions, while others submitted written comments. Some meetings were held with the Financial Secretary's Consultative Committee, Cayman Contractors Association, Life Underwriters Association, the Agriculture Society, the Board of the Cayman Islands Hotel and Condominium Association, by a speech at the Chamber of Commerce luncheon; and some meetings with the Cayman Merchants Associations. There were also letters received by several Associations and other persons.

On the 8th of May, I participated as a member of a discussion panel on Radio Cayman's Open-Line Programme. This was a very useful public consultation exercise with many calling in expressing their frustration with conditions in the workplace, stressing the inadequacies of the existing Labour Law, and giving support to the reform of this piece of legislation. Others, of course, were not in support. All representation which we received as a result of this extensive public consultation process was carefully considered, with most of it found

useful and therefore accepted.

In fact, when I outlined specific refinements to the Chamber of Commerce at a luncheon on the 31st of May, they were well received and endorsed by the vast majority of people in the audience based on their public comments, and comments made to me afterward. Even in his vote of thanks, the past President of the Chamber of Commerce admitted that the refinements were more in line with the findings of the Chamber's survey which was given to me that same day.

The Bill which Government is presenting in this House today has gone through enormous public scrutiny, and rightly so. There were (and still are) various individuals and groups in this country who have criticised Government about its intention and method in bringing this important matter to the forefront for discussion. I believe that the vast majority of the public remains very appreciative for the debate this matter has generated; the positive outcome to the democratic process, as well as to the rights of the worker and the employer; and the positive contribution to labour relations in general.

I am happy, Madam Speaker, to be a part of this democratic system in which a proposal can be issued as a White Paper, or a discussion draft for public review, which in the case of this Bill was from March to September this year.

Now, Madam Speaker, we heard a lot about dictatorship, socialism and communism, but if that exists anywhere in the world today it certainly does not exist in this country, and no one who is honest—and I stress that word HONEST—can say that this proposal by Government was not done in a democratic fashion giving people the right to agree or disagree.

Madam Speaker, I would like to now focus the attention of Honourable Members on the specific provisions of this amending legislation, particularly on some of the reasons for the proposed amendments.

The definition of "mental disability" is necessary for amendment relating to discrimination in section 72.

The amendment to the definitions of "predecessor employer" and "successor employer" is to close a loophole where a break was not defined and resulted in a number of cases in which the liability for severance pay was circumvented.

Section 64 is proposed to be amended to clarify the employee's entitlement to benefits in the event of a change in ownership of the employer's business. If the employee continues to be employed by the new employer, and is not paid the severance pay due by the past employer as negotiated between all parties, then the new owner or the successor employer is responsible for the payment of the severance to the employee if and when it becomes due.

The proposed amendment to section 7 (1) requires that the probation period be agreed upon in writing. This amendment ensures that both parties are aware of the probation period. It should be noted that under section 7 (4) of the Law, an employee on probation "may be terminated [with 24 hours notice] but reasons for such termination shall be given to the employee."

Sections 9 (1) (b) and 10 (1) are amended to allow the employer and employee to give notice of termination or resignation for a period at least equal to the interval of time between his paydays. This would allow for more notice rather than less, if mutually agreed between all parties. Notice does not have to exceed 30 days in either case.

Under the existing law, if an employee fails to give the required notice of his intention to quit to his employer he could forfeit all of his accrued vacation leave including that for previous years which may not have been taken as yet.

The proposed amendment to section 10 (2) (b), clarifies that the employee would only forfeit the leave accrued for the current employment year.

Section 13 (1) is proposed to have provisions inserted which allow for the granting by the employer of accrued vacation leave as a proportion of annual leave entitlement. Although this is now done by most employers, it is now allowed for in the law.

A new "vacation entitlement schedule" is also included in section 13 of the law. This proposed new entitlement schedule recognises long-serving employees and may also serve to motivate other employees to be or to become long serving.

Provision is made for regulations relating to vacation leave for specified industries or businesses.

A proposed new subsection (9) to section 13 entitles the employee to up to five days' compassionate leave per year under specific circumstances. While many employers presently offer this benefit there are some employers who insist that the employee must use his vacation leave or take unpaid leave in the absence of a compassionate leave benefit in the law.

"Serious illness" is defined in a new subsection (10).

The proposed section 16 (2) (a), makes a doctor's certificate satisfactory evidence of an employee's illness, however it allows an employer to reject or challenge a doctor's certificate as evidence of illness where there is reasonable evidence that the certificate was obtained in furtherance of a trend of absenteeism.

The proposed new section 18 (2) allows for additional maternity benefit of 20 days and half pay. The maternity entitlement remains at 12 calendar weeks, but the payment is proposed to be four weeks at full pay and an additional four weeks at half pay.

There have been cases where mothers have had to terminate their maternity leave and return to work due to financial pressures.

I know that some people were also against this, but they cannot call for better parenting and well being in our community if we do not have these benefits. The entire community talks about better parenting, they talk about the problems of children. But when it comes down to putting their money where their mouths are they do not want to do it. They get up and say that "Government did not want to do this, that or the next thing." But they have yet to agree to some of these social reforms.

They say it is communism. They say it is socialism.

Well, if I can rectify some of the cases that I know have existed in our country, then let them call me a socialist, let them call me whatever they may. But as a person who has the kind of Ministry that I have, and when we look around us and see the inequities that exist with our working women in some instances, then, as a Government, we must take a position and rectify some of these inequities in the society. Madam Speaker, greed for money means everything to some people in this town.

A proposed amendment to section 18 (4) allows for a further maternity benefit which gives leave in the case of adoption of a child under the age of three years old. There is no such provision in the existing law and this may benefit those parents who may wish to adopt young children from disadvantaged homes. The leave benefit varies in respect to specified age groups.

I will be making an amendment at the Committee stage to this section which makes the female employee eligible for this benefit every three years or every 36 months.

Section 22 allows for reasonable rest periods as well as a reasonable but unpaid lunch break. The application of these breaks will vary with each industry as specified in the bill. A Committee stage amendment will also be made to clarify these periods.

Sections 24 (a) and 25 of the principal Law allow non-managerial employees to opt out of overtime pay under specific circumstances.

Section 24 (a) is amended to replace reference to the Director of Labour with a new Labour Tribunal.

The proposed amendment to section 27 (3) of the law, will allow employers to suspend a worker without pay instead of termination, provided that a written warning was given and the employee continued with further misconduct or unsatisfactory performance. This provision fosters a better labour partnership as it allows an employee an opportunity to improve through remedial action or suspension rather than termination forthwith.

The proposed amendment to section 31 (1) requires that employers must provide a breakdown of wages, including gratuities, for every salary period. The existing law does not mention gratuity and a statement of wages can only be provided if requested by the employee. This amendment is particularly applicable to the hospitality sector.

Madam Speaker, Honourable Members of this House, as well as the public, are aware of the level of debate and anxiety which the initially proposed amendment to sections 35 and 36 of the Labour Law generated. The amendments relating to severance pay benefits as initially proposed, were never intended to be as broad and all-encompassing as was reflected in the first discussion draft of the amendments.

As I mentioned earlier, before Government was given an opportunity to explain its intention, there was a barrage of opposition from an array of associations which argued that the entire discussion draft should be withdrawn instead of adopting the workable sections and modifying the others.

The purpose of the proposed amendments to the

severance provision was to assist loyal and hard working members of the workplace who are nearing retirement age, and who may have to terminate their employment due to confirmed health reasons. In the absence of pensions or other retirement benefits for these elder citizens, they would have to have some form of small retirement benefit in the form of a weekly or monthly payment so as to live in dignity in their old age.

However, Members are aware that Government subsequently conceded that this old age severance benefit could be better provided for in the upcoming pension legislation together with increased levels of financial assistance to the elderly in the Social Services Department, to be put in place in January 1996, God's willing. Therefore this proposal was withdrawn from the bill pending these other two alternative actions which I have just mentioned.

Madam Speaker, I think it is fair to say that the members of some of the associations agreed that they would be willing to pay an increase pension benefit for their long-serving employees who are over the age of 50, or who would not get any benefit so readily from a pension because the Pension Law would come at a time when they would be well up in age.

Madam Speaker, section 42 (1) (b) proposes to enable an employee to file a complaint for unfair dismissal after the normal probation period of three months, instead of after the fixed six months under the existing law.

Section 44 is proposed to be amended by adding subsections which clarify the sequence of events leading up to the redundancy of employees. This seeks to protect Caymanians and permanent residents to be the last to be made redundant by the employer under normal circumstances.

Sections 44 to 46 of the Labour Law allow termination for various reasons including misconduct. However, section 45 (3) is proposed to be amended to require that at least two written warnings must be given to the employee within six months in order for a dismissal to be fair.

The existing law provides for two written warnings within 12 months. In some of these cases, these warnings are for unrelated and minor infractions and are subject to abuse. The genuine employer should not try to simply write more warnings as a result of this proposed amendment, but operate under the spirit of the law and appreciate that an employee who may commit similar infractions within six months is in more need of correction than one who commits related or unrelated infractions within a 12 month span.

Proposed amendments to PART VI and VII of the Labour Law, sections 59 (2), 61, 64, and 66 deal mainly with administrative and procedural aspects in relation to the department—Labour Hearings, Appeals Tribunals and the increase in fines for contravention or ignorance of the law. In relation to the increase in the fines, it is hoped that this will serve as positive reinforcement for employers to obtain a copy of the Labour Law and Regulations, and make themselves knowledgeable of the contents so as to avoid committing breaches due to ignorance or disregard for the law. If employers follow the law, they should have no concerns about the increase in the fines.

A new section 66 (a) proposes to establish a Labour Relations Board. This Board can give or can serve as a significant resource to the department and the Director of Labour; assist in the resolution of complaints and, if so di-

rected by regulations, assist in labour hearings. This Board will hopefully help to build a better spirit of cooperation between the employer and employee, as well as ensuring that the Department continues to cooperate in an impartial and independent fashion.

A new section 66 (b) establishes Labour Tribunals for the purpose of hearing complaints from employers and employees. It is envisaged that the new Tribunal will conduct labour hearings as and when they are needed, instead of these hearing being conducted as they are today.

Section 67 (1A), (1B), (1C), and 67 (b), and (d); sections 68 and 69 clarify the procedures relating to the receipt of complaints; the processing of the same; labour hearings; membership of the Appeals Tribunal; and the amount of an award by the Director upon which an appeal can be made against a decision of the Director.

Section 70 is amended to recognise the role of the new Labour Tribunal. The proposed amendment to section 72 (1) expands the provision to prohibit discrimination against the employee with regard to the employees exercise of their rights under the Labour Law. This includes pregnancy, physical or mental disabilities, and political beliefs. The existing law does not afford this protection and there have been cases of subtle and blatant abuse in these areas. It should be noted that section 72 (2) of the existing Labour Law does establish limitations for the employer in abiding with section 72 (1), in that the employer is not prohibited from taking of any personnel action genuinely related to an employee's ability to discharge their duties of the employment in question.

The three amendments in section 73 (1) and (2) include the fines for first offence, second and subsequent offences and continuing offences. The amendments proposed in section 74 (1) and (2) increases the fines for falsifying reports or records and for obstructing inspectors in the exercise of their duties under the law.

Madam Speaker, in conclusion, these amendments to the Labour Law are part of Government's manpower development strategy. If the country is going to ensure that able and willing Caymanians are given every opportunity to move forward, we must also ensure that their working conditions and the employers' labour practices are conducive to an environment of partnership between the employee and the employer.

Employees, too, must be committed to a good work ethic, to more productivity; they must be prepared for competitiveness and fairness to their employer. Employers also need to pay more attention to personnel and human resource matters. This is very important to the bottom line, and employers should therefore regard human resources as crucial to their success.

Both employers and employees are urged to read the Labour Law and become familiar with its provisions and protection rather than have to depend on people who do not understand or who wish to mix-up or mislead the public on what the Labour Law is all about.

After many months of debate and dialogue in searching for solutions, I am satisfied that this bill will achieve its objectives of clarifying, updating, and strengthening the Labour Law for the benefit of the employees and the employers, and for the sustainable development of the country in general.

I commend this bill to Honourable Members of this House, and trust that we will be able to enact the amending

legislation which is mutually beneficial to all parties in our progressive, democratic society.

Thank you, Madam Speaker.

The Speaker: The question is that a Bill entitled the Labour (Amendment) Bill, 1995, be given a Second Reading. The motion is open for debate. [pause]

Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Since all Honourable Members seem to be taking a little siesta, I will offer my contribution to a Bill for a Law to Amend the Labour Law, 1987.

In March when the proposed amendments were circulated, I too, strongly opposed most of the amendments. I said publicly that I disagreed with those proposed amendments.

Madam Speaker, I would like to thank the Honourable Minister responsible for presenting the Bill, for taking the time to listen to the public, getting their input, and actually giving over six month's time to study the draft Bill and get feedback.

I think he explained all the different meetings and consultations that he had with various organisations. I for one followed this Bill closely, listening to what the public was telling him in order to know what they wanted in the new amendments to the Labour Law.

I believe the employers and employees will be happy with most of the amendments before us today.

Under section 24 (a) where the Director of Labour acted as the judge of the Tribunal, where the complaints were filed with him then he would sit and hear the cases, this is being amended. I think this is very wise.

The Bill has taken a lot of time but I believe this is good, responsive and responsible Government in that the Minister has listened to what the employers and employees would like to have in the law.

Therefore, I will support this Bill at this time with these amendments as presented here today.

Thank you, Madam Speaker.

[pause]

The Speaker: If there is no other debate, would the Honourable Minister wish to reply.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Wonders never cease. After all the brouhaha and the talk on public platforms by the Opposition, neither of the three got up today to say anything about the Bill. I am amazed! Not really, because I well understand their position. They should have supported the Labour Law and had to concede to try to get a few votes with the merchant class. Those who always object and who always fought the merchant class in this country never got up to say anything for the working man.

They will go out on a public platform where they have the say and where they can shoot off and blow up, and blow out of proportion, rather than stand up in the

House and talk about the Bill (the substance) when it is actually presented to the House.

Madam Speaker, we do not propose to take the Committee stage today. With your consent, we will hopefully take it tomorrow because there are amendments that are not yet ready.

I appreciate the support from my colleague, the Third Elected Member for George Town, and each one of us must do as our conscience leads us to. She proposed to object to certain areas in the Labour Law and other Members of Government along with her. But if we have not done anything else, one thing we have done is to get broad-based consent in this country (which we did not have before) for pensions.

There are a lot of people today jumping on the bandwagon saying that we are doing the right thing, that pension is the right thing and severance should not take the place of it. I wonder if they have ever stopped and thought about the many old people out there who are over the age of 50, 60 and 65, who do not have anything coming to them.

Madam Speaker, this Minister took a lot of criticism and, as far as I am concerned, if I could be criticised for one thing, it was that I tried to get something for the working people in this country. But some of those persons today who are jumping on the bandwagon and now saying that they support pensions, did not before, they found all the excuses not to.

Where certain organisations (which would like to run Government from the outside) say they support pensions and not severance pay... certainly when you read letters like the one in the *Caymanian Compass* of July 19th, 1995, it does not give you any feeling of encouragement that they proposed to support pensions.

I thought I should read some of the letters, Madam Speaker, but I would not...

The Speaker: Honourable Minister, may I remind you that, as far as I know, we are discussing the Labour Law.

Hon. W. McKeeva Bush: That is what I am discussing too, Madam Speaker. What I am doing is tying the two together—the severance and the pension arguments and arguments put forward against the labour legislation.

As I have said, I do not propose to read these letters because I did not pay much attention when they were published in the press.

I will say that I have done what I felt was right with the labour legislation and I do feel that there is a lot of inequities in the work place and that those people who do not support the Labour Law are the ones who breach the law. Not to say that employees are right, because I can tell you that as an employer I have had to put up with quite a bit of some of the things I hear other people complaining about. However, when you consider that in this country there are people reaching the age of 60 who can be pushed out of their work without any benefits, then we ought to take notice of it.

I believe, as I have said, when all is said and done, I now have widespread commitment for pensions. I would hope that when it is put out for public comments later in this Session, I will get full support.

Madam Speaker, I can say no more on this. I thank Honourable Members of the House for their support, and I have done my best as the Minister responsible for labour. I hope that the amendments will be for the betterment of both the employees and employers.

Thank you.

The Speaker: The question is that a Bill entitled, The Labour (Amendment) Bill, 1995, 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.

Hon. W. McKeeva Bush: May we have a division, Madam Speaker?

The Speaker: I do not think a division is necessary, I did not hear any Noes at all. I only heard Ayes.

Hon. W. McKeeva Bush: Sorry, I thought I heard someone say no, but maybe not.

The Speaker: I did not hear any noes.

AGREED. THE LABOUR (AMENDMENT) BILL GIVEN A SECOND READING.

The Speaker: Proceeding to other business, Private Member's Motion No. 10/95—Fiscal responsibility Act. The First Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 10/95

FISCAL RESPONSIBILITY ACT

Mr. Gilbert A. McLean: Madam Speaker, on a Point of Procedure.

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

POINT OF PROCEDURE

Mr. Gilbert A. McLean: Madam Speaker, today is not Thursday, and Private Members' Motions are set down to be dealt with on Thursdays. I suggest that the Standing Orders would need to be suspended to allow this.

I notice that one Government Motion on Monday was taken off the Order Paper, and I wonder why Govern-

ment Business is not being dealt with at this time?

The Speaker: The Honourable Minister for Education and Aviation, Leader of Government Business.

Hon. Truman M. Bodden: Madam Speaker, I am not certain whether the Honourable Member is asking me to go on with the Government Motion on the Building Code. If that is more convenient to the House I can, if they are not prepared to deal with Private Members' Motions.

The Speaker: I thought he was asking for an explanation as you are the Chairman of the Business Committee; if it was the Business Committee's wish that these Private Members' Motion be set down.

Hon. Truman M. Bodden: An explanation on why... Well, what I have said is that I am prepared to go on with the Motion if he so wishes.

The Speaker: I think he was asking for an explanation, since today is not Private Members' day, and that a Government Motion which had been down yesterday is not on the Order Paper for today.

Hon. Truman M. Bodden: Madam Speaker, when I discussed this with the Clerk, it was on the understanding (and I am sure that this is what happened) that they did get the consent of the Mover to put the Motion on the Order Paper today. But I am saying that to save time, if the House so wishes, I will move on with the Government Motion to allow the Honourable Member to begin in the morning.

The Speaker: With the exception that the Government Motion is not listed on the Orders for today.

Hon. Truman M. Bodden: Madam Speaker, if the House will let me know what the wish is. . . What I can say is that if we are going to suspend Standing Orders to allow Private Members' Motions, obviously you would have to suspend it for different reasons for the present motion.

Whatever is convenient, to you Madam Speaker.

The Speaker: I do what the House wishes.

Is the First Elected Member for Bodden Town, in whose name the Private Member's Motion stands, ready to proceed?

Mr. Roy Bodden: Unfortunately not, Madam Speaker, because I was expecting that tomorrow, being Private Members' Motion day. I would be fully prepared to deal with the Motion then. I did not anticipate it coming to the floor today, although earlier I did tell the Clerk that if push came to shove I would in some way have to barge ahead. I am not prepared at all, Madam Speaker.

The Speaker: Honourable Minister, Leader of Government Business.

Hon. Truman M. Bodden: Madam Speaker, it appears that it may be the wish of the House that I suspend the Standing Orders merely to put the Government Motion on the agenda and proceed, which would allow the First Elected Member for Bodden Town to proceed tomorrow morning. I am happy to do that, and I so move.

The Speaker: Yes, if you would please move the Motion.

SUSPENSION OF STANDING ORDER 14 (2)

Hon. Truman M. Bodden: I move the suspension of the relevant Standing Order to allow Government Motion No. 4/95, Building Code, to be placed on the agenda. I am looking for. . . .

The Speaker: I think it would be Standing Order 14 (2), which is Arrangement of Business.

The Motion has accordingly been made by the Leader of Government Business, that Government Motion 4/95 be placed on the Orders for today. This would require the suspension of Standing Order 14.

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

AYES.

The Speaker: The Ayes have it. Government Motion No. 4/95 will now be dealt with and Private Members' Motions put down for tomorrow, Thursday, which is Private Members' Motion day.

Honourable Minister, you can now proceed with Government Motion No. 4/95.

AGREED: STANDING ORDER 14(2) SUSPENDED TO ENABLE GOVERNMENT MOTION NO. 4/95 TO BE PLACED ON THE ORDERS OF THE DAY.

GOVERNMENT MOTION NO. 4/95

BUILDING CODE

(For Buildings Excluding Single Family Detached Houses Under 2,500 Square Feet)

Hon. Truman M. Bodden: I would just like to read this Motion. It is titled, Building Code (for Buildings Excluding Single Family Detached Houses under 2,500 square feet).

"WHEREAS:

"(1) A Building Code has been under review and discussion since the early 1980's.

"(2) On the 20th day of November, 1991 a Building Code being the Standard Building Code was laid on the Table of the Legislative Assembly and made public for comments and to be used as a guideline prior to being made into regulations. The Building Code Committee at its meeting on 8th August, 1995 approved this Code and it was also approved by Executive Council on 15th August, 1995.

"(3) At meetings on the 10th May, 1995, with the Society of Caymanian Builders and Contractors, the Cayman Contractors Association and the Cayman Society of Architects, Surveyors and Engineers, repeated their strong request for this Code to be adopted by regulations.

"(4) Single family detached houses under 2,500 square feet are not affected by this Code and are exempted from it. They will follow the present practice.

"(5) The Planning Department has been operating this Code for nearly four years and will continue to give courses on its practice.

"(6) Section 38(3) of the Development and Planning Law (1995 Revision) requires the consent of this Honourable House to make these regulations.

"NOW THEREFORE BE IT RESOLVED that the attached Building Code Regulations 1995 be hereby approved in accordance with the said Law."

This Code, especially at a time when we have seen the threat of Hurricane Luis, bears out clearly the importance of putting the Code in place and bringing it into law for the purposes of building in the three islands.

It is a code that has been in use for four or five years, and it has had three or four years of public exposure. It was laid on the Table of this Honourable House earlier, and is one that has been under discussion from the early 1980s.

This code goes to this Honourable House with the blessing of the Building Code Committee which did a tremendous amount of work during the time of my predecessor with finishing touches recently put on at their meeting. That Building Code Committee consists of representatives from the different contractor's associations, architects, engineers, Government Departments and individuals who have expertise in this area.

The Code itself is one which was requested by the associations because it will give certainty and the level of safety that we feel is necessary for buildings in the Cayman Islands.

Specifically, there is an exclusion of houses under 2500 square feet, and that will then follow, as far as possible, the present practice which is substantially to take areas, depending on the size of the house, from the Code (which are not onerous, but applicable) which keeps the safety of the smaller houses up to the necessary standard for hurricanes.

A lot of work has been done on this and I would like to publicly thank Mr. Kirkland Nixon and the Building Code Committee, as well as my colleague, the Honourable Minister for Tourism who actually dealt with a lot of this over a period of two years.

I would also like to thank Mr. McLeary Frederick, who put in very long hours as the Chief Building Control Officer, and who has really been the backbone behind a lot of the work that has gone into making this possible.

Also, the Director of Planning, Mr. Carson Ebanks, and Mr. Sammy Jackson, Legal Counsel from the Legal Department, as well as Mr. David Barwick, QC, who was really involved in quite a few years of work and pulled together the views of the Committees, the Departments and Associations to see this through.

I believe that this is a very positive step forward and

I would like to thank the *Caymanian Compass* for their Editorial in which they stated that they felt this was very necessary. It was a very onerous task because the Code itself is a very substantial document, but it is one which is necessary in this day and age.

The Planning Department had in the past given courses on the practice of the Code and this we will continue to do because we have to assist practitioners in having the knowledge that they need to work under the Code.

At this time (and going hand in hand with this) we hope to publish within the next few months the guidelines that are used by the Central Planning Authority which will also assist the public. We are also hoping to get this into a nice pamphlet form so that a lot of the enquiries that now go to the Department, the public will have a booklet which will set out what the Department and this Code will expect on smaller projects, such as smaller houses. I think this will help the public tremendously.

Lastly, I always tell my Departments that the public pays my salary, and it pays the civil servants' salaries. We have a duty to assist them in any way we can, staying within the ambit of the law, to ensure that necessary obstacles are cleared out of their way and to promote good communications and good relations with the public. I am sure that with the improvements over the last three years in the Department, especially in the physical premises and with the staff, we will be seeing the fruit of that and I believe that the public will be much happier and things will move through the Department quicker than it did some years ago.

I have had no adverse feedback on this, and I would ask Members of the House to please support it.

Thank you.

The Speaker: The question before the House is Government Motion No. 4/95, "BE IT RESOLVED that the attached Building Code Regulations 1995 be hereby approved in accordance with the said Law." The Motion is open for debate.

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 No. 4/95, Building Code. I would like to congratulate the Honourable Minister and the Director of Planning for bringing this forward.

Having served on the Central Planning Authority and the Development Control Board during the early stages when we thought of introducing the Building Code, I know of the benefits. I feel that if we are to keep our building standards up, we need to establish and recognise this building code.

The high standard of building we received from our forefathers who were shipwrights, is one of the things that attest that we have had so little structural damage to our buildings over the years from hurricanes that we have. As their expertise is being lost, we definitely need to resort to a

written Code in order for that standard to be maintained.

I give this my full support. I do have a few concerns which I would like to call to the Honourable Minister's attention. This will exclude single family detached homes under 2500 square feet. Unfortunately, with building costs being what they are in the Cayman Islands today, a 2500 square foot home could be a substantial investment and I think that maybe a monetary value, whereas you can build a rather inexpensive home (which is probably not what you would want) you can build an extremely expensive home with 2500 square feet. I think there should be some monetary provision put in to this restriction.

Not trying to be petty, but I noticed where the Director of Planning shall keep a register (hereinafter this Code is referred to as a register) in the principal office of the Planning Department. I am fully aware that the principal office of the Planning Department is in the Tower Building. This register will have very important information that will be needed by builders in Cayman Brac and Little Cayman as well. I do not know how extensive the register will be, how costly it would be to have a duplicate copy in the Development Control Board Office in Cayman Brac, but where practical I think it would be beneficial to ensure that the standards are maintained in the Sister Islands as well. I would like some consideration given to this.

I give it my full support. I know the benefit of proper construction. I think we have had a high standard of construction in the Cayman Islands, but it must be maintained.

Thank you, Madam Speaker.

The Speaker: Fourth Elected Member for George Town.

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

Being a member of the Central Planning Authority during the time the Building Code was going through the review process, I too recognise the importance of such a document. I daresay that from time to time I have seen where others have experienced the wrath of substandard structures in various ways and there was no recourse because of such a document not being in place.

The previous speaker mentioned that he had a problem with section 4 of the Whereas section of the Government Motion where; "Single family detached houses under 2,500 square feet are not affected by this Code and are exempted from it." The point he raised is quite valid but, nevertheless, I think that for the normal homeowner, some of the regulatory practices which the Code calls for might also bring encumbrances.

I think a lot of the best results will occur when the Building Code is completely familiar to all builders. I see where the Planning Department has been operating this Code and will continue to give courses on its practice.

If there is a way to bring about a size and the monetary value, I do not have any problems. But I would not necessarily like to see the 2,500 square feet mentioned here deleted for a monetary value. As the previous speaker mentioned, a house less than 2500 square feet could be costly. But I think there are many individuals who still build their own homes as they are financially able to do so. I think that the situation behoves that the 2,500 square feet remain.

One of the very important factors which I believe needs to be understood is that many prospective homeowners and many prospective owners of commercial struc-

tures are not very well versed in the proper methodology of construction and without such a building code these developers can be left holding the bag, having to repair or do things to the structures when they are supposed to have been completed. This Code allows for contractors to be held responsible if such instances occur.

One of the other factors is the insurance factor. While there are external forces that may well help to decide on the rates of insurance, the truth is that when insurance prices are being assessed, adherence to a recognised Code is always one of the factors that mitigates when these prices are being fixed.

So, I raise those few points while giving full support to this Government Motion. I am sure the Planning department has every capability of ensuring that the Code is properly adhered to and also, I am sure that they will continue to spread the word so that people are well versed in the Code.

I therefore lend my support to the Motion.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

I, too, want to give my support to this Motion. A Building Code is a very important thing, which we should all look to and carry out in a right manner.

We have always built good homes here in the Cayman Islands. But, as time goes on, it needs rectifying. This Code is the method and means to ensure that good homes are always built.

We cannot take a chance with hurricanes. We cannot build frail homes. With that, I give the Motion my full support.

The Speaker: If there is no further debate, would the Honourable Minister like to reply?

Hon. Truman M. Boddan: Thank you, Madam Speaker.

I would like to thank the Members who supported this, those who spoke on it, and those who supported it silently. There is merit in a lot of what the First Elected Member for Cayman Brac and Little Cayman, and the Fourth Elected Member for George Town said.

I agree that the Planning Department in Cayman Brac should have these Codes. However, the procedure on making these regulations—and I am prefacing what I say here—is that the regulations are made in Council and come here for an approval. It may not be possible to add it in to 6(1). What the Executive Council does, the Legislative Assembly has the power to alter. But it would not follow the proper procedure under the law. So I am giving an undertaking that if what I have added in to 6(1) hits a procedural problem, I will see that it is done from an administrative point of view.

I would like to merely add into 6(1) where it states that "the Director of Planning shall keep a register in the principal office of the Planning Department", and add in the Planning Department in Cayman Brac. I will achieve it one way or the other, either through this or administratively.

A lot of time went into how we should define the exemption of the 2500 square feet, or any other way, for

purposes of this Code. A lot of different ways of doing this were looked at, including putting a value on the house. While I think there is merit in what the two Members have stated on this, the conclusion was that we should look at the gross floor area and restrict it to 2500 square feet.

We felt that if we put in a dollar amount, sometimes a very small house (as was quite rightly stated by the First Elected Member for Cayman Brac and Little Cayman) could be valued at a very high amount, or visa versa—a house of 2500 square feet could have two considerably different valuations. The question of whether it should be gross floor area, gross living area and a lot of different things were looked at. The question was given a lot of consideration by the Building Code Committee, which is comprised of architects, engineers, builders, the associations, the Department, etc.

If we find that this needs further amendment, then I say to the First Elected Member for Cayman Brac and Little Cayman, that I will be the first one to bring it back to do the amendments. I know that this was the consensus of the Committee, having considered a lot of alternatives.

Other than that, I am just reiterating my thanks to the House for supporting this.

The Speaker: The question is Government Motion No. 4/95. 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. 4/95 PASSED.

The Speaker: That concludes matters for today. Will the Honourable Minister move the adjournment?

ADJOURNMENT

Hon. Truman M. Boddan: Yes, Madam Speaker. I move the adjournment of this Honourable House until 10.00 AM tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning.

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

AYES.

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

AT 3.43 PM THE HOUSE STTOD ADJOURNED UNTIL 10.00 AM THURSDAY, 14 SEPTEMBER 1995.

**THURSDAY
14 SEPTEMBER, 1995
10.05 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, forever 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. Recommendations of the Manpower Development Advisory Committee. The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

**PRESENTATION OF
PAPERS AND REPORTS**

RECOMMENDATIONS OF THE MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Hon. W. McKeeva Bush: Madam Speaker, I beg to lay on the Table of this Honourable House the Recommendations made to Executive Council by the Manpower Development Advisory Committee.

The Speaker: So ordered.

Hon. W. McKeeva Bush: The Committee is aware of Government's concern for training and long-range career development of able and willing Caymanians as a means of fostering economic development and labour tranquillity. The articulation of well-defined and workable manpower development policies and strategies are essential tools for achieving these important objectives.

Government's policy on manpower development and training, supports the Caymanianisation of positions within the public and private sectors whenever there are competent Caymanians to fill these positions. The policy fully requires that adequate training programmes become commonplace in order to ensure that Caymanians are able to fill responsible positions consistent with career paths and succession planning, and the development and monitoring of workable and specific labour budgets.

Ours is a country that has significant over-employment, together with a large number of foreign workers because of a lack of skilled persons to fill all of the demands in our economy. We are a service oriented economy which suggests that development of skills, a sound work ethic and good attitude is of strategic importance if these islands are to remain competitive in the global marketplace. At the same time, there are undeniable and well-documented cases of unfair treatment and insensitivity to the upward mobility of some of our qualified and/or experienced and willing Caymanians.

Government's establishment of this Advisory Committee demonstrates that it is confident that this initiative is a bold step toward meeting Cayman's need for long-range manpower development while working within a free enterprise philosophy.

The mandate of Government calls upon it to actively pursue this important policy through effective leadership. Time is of the essence in dealing with this challenge in a comprehensive, equitable and responsible manner. As an interim measure the Labour Department is being strengthened in order to play a greater role in the early implementation of Cayman's manpower development and training policies and strategies. However, if we intend to address the long overdue matter in a sensible and comprehensive manner, Government should face the fact that there will have to be sufficient new resources and an increased coordination of existing resources.

For years there has been much concern expressed about the absence of consistent training policies, programmes and career development paths for willing and able Caymanian manpower resources. In some institutions Government's policy underscores that Cayman must be forward thinking in regard to labour relations and manpower development. This Committee believes that any country with as many work permits as we have,

representing a significant percentage of our working population as well as an increase in qualified and experienced Caymanians in the work force, must view the issue of training and succession planning as an area of strategic importance. If we are to ensure that the Cayman Islands' economy develops in a sustainable fashion, that is, where people feel that they and future generations will benefit from Cayman's economic development, our people must be developed to their full potential so that they can be equipped to play a greater role in our economic development.

Being a beneficiary of economic development will allow these people to have a greater sense of belonging and commitment to the development of our islands. Similarly, if our people feel that they are appreciated by their employers (not only through the pay cheque), and are given the opportunity to prove that they are capable of upward mobility, then they will be more productive employees and citizens, making a positive contribution to continued labour tranquillity as well.

The Committee finds that there are not enough Caymanians to fill all of the posts in our economy. There are also qualitative gaps, that is, a short fall in what is needed as compared to what skills are available among Caymanians. We also know that there are a few Caymanians who have less than desirable work ethics and attitudes toward work. These are all important challenges which we will need to address for the future. The quantitative gaps may never be totally closed, assuming the existing demand. It is, however, possible to establish policies and resources which can effectively accomplish specific goals.

No significant dent can be made in the skills gap in these islands without the full cooperation and support of the private sector. Government's role is to establish and maintain a supportive environment and to provide policies and direct assistance. Any comprehensive policy to deal with skills deficiencies may appear costly in the short term. The Committee feels that if these programmes are properly designed and supported they will pay for themselves in the longer term with a more qualified, skilled and productive work force.

The end product is to achieve a greater balanced overall demand and supply of Caymanian skills. The speed with which development has taken place has not provided the breathing space necessary or the formulation of a comprehensive human resource development strategy. The Committee therefore endorses this effort by Government to assess what policy and programme interventions are necessary to address this problem. The Committee agrees with the 1990 Manpower Demand Survey Report which states that the Government needs to articulate a well defined and comprehensive human resource development programme which, when implemented with complementary labour market measures, will systematically increase the supply of fully qualified Caymanians in line with the anticipated demand for such skills.

The Committee is fully satisfied that Government's intention is not to Caymanianise posts in the private and

public sectors in an ill-informed fashion or within an unreasonable time frame. It is abundantly clear in Government's policy that the Caymanianisation of positions in either sector is for competent Caymanians. People will not be promoted simply because they are Caymanian, but because they are competent and willing to work hard so as to develop themselves and their careers in order to make a positive contribution to their employer and the community in general.

Our economy is based on the delivery of services. We have very few products to export at this time. It is therefore imperative that our employees are developed and motivated to provide the best services in order for these islands to remain competitive in the global marketplace.

There are, however, undeniable and well documented cases of unfair treatment and insensitivity to the upward mobility of some of our qualified and/or experienced and willing Caymanians. This type of approach is not in the best interest of our Islands. Managers and supervisors in this country have a responsibility to ensure that Caymanians are trained and developed, in order to assume a level of responsibility which they are capable of in accordance with clear, consistent and properly monitored career paths and succession planning.

The degree to which an employer trains and develops his Caymanian employees should not depend on whether or not a particular manager supports this type of approach because when that manager is no longer there these initiatives may fall away. What we need to encourage in all businesses above a certain size is the development of clear and consistent written policies on training, promotions and career paths. In this way everyone will know what the policies and expectations are and these would be consistent instead of contingent on the conviction of any one manager.

In order to fully examine this policy for implementation, the Executive Council appointed an Advisory Committee in July 1994. The Ministry for Community Development, Sports, Women's and Youth Affairs and Culture developed broad terms of reference to guide the Committee in its deliberations.

The Manpower Development Advisory Committee is comprised of 20 members representing a broad cross section of knowledge and expertise in the private and public sectors, all of whom have worked diligently in accordance with the Committee's terms of reference.

During the course of its work, the Committee decided to divide into smaller action teams. This was done in order to involve more members in a more effective fashion in dispensing the Committee's objectives.

The Committee also undertook a survey of private sector employers to gather information on existing policies and practices regarding the training and career development of their Caymanian employees. The information from this survey is used by the Committee in making these recommendations to Government on the policy framework and institutional strengthening which may be needed to prepare Government's manpower development and training strategy.

As mentioned earlier, the areas of training and manpower development are of strategic importance to continued stable economic development and good labour relations in this country. Time is of the essence in dealing with this challenge in a comprehensive, equitable and responsible manner.

It is therefore in the interest of everyone—employers, employees and Government—that we view training and manpower development not as a burden or an unnecessary cost, but as an investment in something which is crucial if we are to continue to enjoy the Cayman Islands as the best place in which to live or to conduct business.

As a small progressive country, we need to foster an environment which engages the commitment of employers, employees, associations and agencies where all parties accept training and make it a reality. If we all work together we will succeed.

The next stage is that Government will review the recommendations in detail. The decision as to which parts of the Report are workable for the country will be decided by Government in consultation with the private sector. The implementation process will then be put in place. The overriding principle which will guide Government's deliberations in this matter is that partnership between Government and the private sector is absolutely essential.

Thank you, Madam Speaker.

The Speaker: The next item, Questions to Honourable Members/Ministers. Question No. 156 is standing in the name of the Third Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 156

No. 156: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what is the total amount of funds spent on road works in the district of George Town since the completion of the new airport junction.

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

Hon. John B. McLean: Madam Speaker, since 1st January, 1995, seven jobs have been done in the George Town district totalling \$131,184.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister state what other road works are slated for George Town before this financial year ends?

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

Hon. John B. McLean: Madam Speaker, on August 3, 1995, 12 jobs totalling about \$302,000 were selected for completion in 1995 for the George Town District Representatives. Weather permitting, these jobs will be done.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister say if the manpower is in place to have the jobs completed, as we know each district is screaming to have works done?

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

Hon. John B. McLean: Madam Speaker, I was told by the Members of the Legislative Assembly some time ago that if it was necessary to contract jobs to have them done, to do that. So, in the event of a shortage of manpower within the Public Works Department, we will continue to contract out jobs.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

On the list that was decided on 3 August, we asked that three roads be gazetted. Could you please state the status of the gazetting of those three roads?

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

Hon. John B. McLean: Madam Speaker, the matter is being dealt with and is presently with the Chief Surveyor.

The Speaker: The next question is No. 157, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 157

No. 157: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works to provide a list of street lights, by district, for 1995.

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

Hon. John B. McLean: Madam Speaker, since the beginning of 1995 a total of 320 streetlights have been installed in the five electoral districts of Grand Cayman. The following is a list by district: West Bay—13; George Town—24; Bodden Town—45; North Side—112; East End—126

It should be noted that a street-lighting programme has been in place since July 1994, and while the number of street-lights in some districts may seem to be disproportionate compared to, say, George Town and West Bay, this is not necessarily the case. The street-lighting programme actually began in George Town where 303 lights have been installed to date, with further installations scheduled for December, January and February.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Minister would be able to state when this street-lighting programme actually began in George Town?

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

Hon. John B. McLean: Madam Speaker, I just gave the answer to that. I said it was in place since July 1994 and it began in George Town.

The Speaker: The Fourth Elected Member for George Town.

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

My apologies for not hearing. I wonder if the Honourable Minister would be able to advise us if it makes sense at this point in time to be making individual requests from constituents for street lights, or whether the districts should simply wait and the programme will eventually encompass all of the areas including the subdivisions?

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

Hon. John B. McLean: Madam Speaker, the Member is right to a certain degree, but should there be a case during the time that the programme is ongoing that any Member has an urgent need for a street light in any part of their district, and if we can help with the situation, I will be most happy to do my best on it.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Madam Speaker, I wonder if the Honourable Minister can say when the

street light will be installed at the junction of Crewe Road and old Crewe Road.

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

Hon. John B. McLean: Madam Speaker, I listen to Members, take their requests, follow the programme and send them on to Public Works, who in turn, sends it on to CUC. As far as the date of installation, I really cannot answer that question.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Madam Speaker, I have asked several times for this light to be installed at this junction. Could the Honourable Minister kindly ensure that this is carried out?

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

Hon. John B. McLean: Madam Speaker, as a matter of fact, I think there are going to be about five lights in that area. The request has been sent on and we will do a follow up.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I wonder if the Honourable Minister can tell us when the programme will continue in the George Town district.

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

Hon. John B. McLean: I also answered that a while ago. I said we would be back here in December, January and February.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: My apologies again, Madam Speaker. Tunnel vision has set in it seems!

Having said that, I wonder if during the three months that the Honourable Minister mentioned, whether that means that the private subdivisions where most of the requests are coming from will be dealt with.

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

Hon. John B. McLean: All areas of George Town which have been requested and which fall within the programme will definitely be lit.

The Speaker: The next question is No. 158, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 158

No. 158: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works to state whether any rodent control programme is in place for the district of George Town.

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

Hon. John B. McLean: The rodent control programme covers all districts in Grand Cayman, including the George Town area. During the months of June through August, over 425 homes and 125 commercial establishments in George Town were inspected and treated for rodents.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Madam Speaker, could the Honourable Minister state how often the Prospect and Tropical Gardens areas are inspected for rodents?

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

Hon. John B. McLean: Madam Speaker, I do not have a schedule of events as such. I would undertake to find out from the Department and let the Member know.

The Speaker: The Fourth Elected Member for George Town.

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

Well understanding the fact that the relevant department might not physically be able to inspect every premise, I wonder if the Honourable Minister would take this opportunity to advise us and the public, as to exactly what method should be used if individual homeowners and/or businesses have a problem?

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

Hon. John B. McLean: Madam Speaker, I would strongly suggest that if any establishment has a problem with rodents, that the first thing they should do is contact the department and ask for assistance.

The Speaker: The next question is No. 159, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 159

No. 159: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works if any thought is being given to sand-seal or asphalt the surface of the road leading to the Queen Elizabeth II Botanical Gardens.

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

Hon. John B. McLean: Some minor work has been approved for 1995 to chip-seal the junction of the Botanical Park Road where it intersects with the Frank Sound Road. The cost to spray-chip this three-quarter mile stretch of road would be approximately \$65,000 and no budgetary provision was made in 1995.

I would like to add that the Member for North Side has also spoken to my Ministry, and we have received another letter from somebody else with the same concern.

SUPPLEMENTARIES

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 deterioration on that road to the extent that Government might consider a virement of funds for this exercise, if it is considered a priority?

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

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

From time to time, the PWD has done minor works in filling minor holes in the road. However, there are many other roads in the country which take priority over that road which is not used as much as other public roads that are in much worse state than that one.

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 A. McLean asked the Honourable Minister responsible for Internal and External Affairs what is the position of the construction of a landing jetty at Point-of-Sand, Little Cayman.

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

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

The construction of the landing-jetty at, or near Point-of-Sand, Little Cayman, was completed on 8th September, 1995.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Minister give some idea as to the extent of these particular works and how much it is expected to serve the local needs for the Island?

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

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

Yes, for the benefit of Honourable Members and the public who may not be familiar with the Point-of-Sand area, it is at the eastern end of Little Cayman, an area that has become very much used by residents and visitors alike, an area where a number of boats from Cayman Brac visit on an almost daily basis. But there has never been a place for passengers to embark to and from the boats. They had to wade ashore. Over the years there has always been a great deal of difficulty with this.

It was decided to put a pier, or landing jetty in so that boats could dock and passengers could alight. The project actually got started on 31st August and was completed in 10 days. I have not seen the completed project, but it is my understanding that His Excellency, on his final visit to Little Cayman, was very pleased with it and took the opportunity to declare it officially open.

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 A. McLean asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation if the \$840,614 for improvements at the George Town Hospital is a part of the proposed \$22 million expansion package.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The answer is yes, the sum of \$840,614 contained in the 1995 Budget under Vote 28-500-1-52-114 #4A, is part of the \$22 million project for the new George Town Hospital.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Is the Honourable Minister in a position to give any indication as to what some of the items are that this money is supposed to provide?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

These funds are being expended on consultants' fees, project management, the construction of the materials management building which commenced on 2 August, and on the main hospital construction project which will commence in the latter part of the year.

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if this amount of \$840,000+ will actually be deducted from that overall amount of \$22 million envisaged for the cost? Is this additional to that?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This would be included as part of the \$22 million.

The Speaker: The next question is No 162, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 162

No. 162: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to state the number of scholarships awarded for the current academic year.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, thirty new scholarships were granted for the 1995/96 Academic Year.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister state the total number of applicants?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I do not have that, but I can assure the Honourable Member that everyone who applied and qualified did get a scholarship.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: I wonder if the Honourable Minister would say that the low number of persons applying for scholarships this year was due to no graduating class from the John Gray High School?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Yes, Madam Speaker, that was definitely one of the reasons.

I would like to add that there are actually 136 students on scholarships through the Government. One of the other factors as well is that the private sector has been granting more and more scholarships each year and students who may have applied in the past are now getting scholarships in the private sector. I thank the private sector very much for this.

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 say if in granting scholarships to applicants the Government pays credence to their ability to fit in with their qualifications upon return?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: The Council has a list of priority areas and we always try to employ the students—and also during the summer, we have many students within Government and placed in the private sector for work experience where they do get familiar with the different departments in Government that they may be coming onto at the end of their scholarship.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister state if there is any coordination between the Department of Education and the Government's Personnel Department?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: We do everything we can to assist, and try to get the Personnel Department to accept as many students as possible. I think it is fair to say that there have been times when we have been disappointed (a very few times) when Personnel was not able to place students. They did go into the private sector. I think we may have lost one or two good students in that way.

However, since this is not my area of Ministry, it is really the Chief Secretary's, I would assume that there

were good and compelling reasons why they could not be placed. Better liaison between the departments is something that we must always strive to do.

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 give us an idea regarding the policy of the Education Council when it grants a scholarship to an individual? My understanding is that there is a bond that accompanies the scholarship or a payback, if the individual who is granted the scholarship does not become employed in the Civil Service.

In the instances where scholarships have been granted and on completion of the tertiary education the individual has not been able to be placed in the Civil Service, is that individual still responsible for paying back those funds?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, if the bond causes frustration through Government's act in this case, then the students are released to go into the private sector. When I say 'frustration', it is a legal phrase meaning we are the cause why the bond is not being enforced.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Minister would be specific and say whether or not the person is released from the bond?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, they are looked at on an individual basis, but from memory, I think that all of those who could not be placed were released from the bond and allowed to go to the private sector.

The Speaker: The next question is No. 163, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 163

No. 163: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning What progress has been made to date with regards to the degree programmes to be offered at the Community College.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Progress to date on the introduction of the two year associate degree programme at the Community College of the Cayman Islands can be listed in six areas.

1. Physical Development:

(a) General Studies Building: Construction of this building was completed in March 1995. The building has three offices, four classrooms, and four laboratories (Language, Computing, Biology and Chemistry). These, in addition, to Phase I resources, are sufficient to meet the needs of the Associate Degree programme.

(b) Library Building: The space currently allocated for the library is insufficient to meet the needs of the Associate Degree programme. Construction of a dedicated library building is scheduled to start in November 1995 for completion in June 1996. Contracts have been signed with private firms for architectural and quantity surveying services. The advertisements for pre-qualification of contractors have been placed in the *Caymanian Compass*.

(c) Canteen/Multi-purpose Hall: Other than the Hospitality Kitchen and dining room, which are for training purposes, the College has no public dining area. A canteen/multi-purpose hall has been identified as the third and final building in the Phase II expansion of the campus. Construction of this building is scheduled to start in 1996.

2. Policies and Procedures and Associate Degrees: All policies and procedures that are needed for Associate Degree programmes are in place. Included here are: credit requirements; duration of programme; the adoption of semesters and credit hours; compulsory core subjects; credit distribution; senior level credit; fees/refund policy; scholarships; entry requirements; cheating; appeals procedure; student classification; advanced standing; period of candidacy; maximum load; probation; grading; graduation procedure.

3. Programmes/Specialisation to be offered: The decision was taken to continue to offer six subjects at "A" levels (History, Geography, Economics, Mathematics, Physics and Chemistry). This is aimed at satisfying the needs of Caymanian medical students (who have difficulty gaining admission to medical schools in North America) and the needs of children of non-Caymanians who are locally employed and who will need "A" levels for university matriculation.

Associate degrees will be offered in September 1996 in the following areas of specialisation: Computer Information Systems; Hospitality Management; Accounting; Business Administration; Literary Studies; History; Social Science; Language; Mathematics; Computing; Physical Science.

The College has been liaising with the Social Services Department, Education Department and Hospital and Health Services Department regarding the introduc-

tion of Associate Degrees in Social Work, Teaching and Nursing.

Other options currently under review include Associate Degrees in Banking, Electronics and Architecture.

4. Syllabi: As of 4th September, 1995, the syllabi for 63 of the 66 subjects required for Associate Degree programmes have been written.

5. Articulation: The College has decided to enter into articulation agreements with universities in the United Kingdom, the United States of America and the University of the West Indies.

All local associations which are members of the Chamber of Commerce, have been written to requesting that they identify United States of America universities which they consider acceptable in their field, and which are rated as highly competitive or above according to the Barron's Guide. This information will be used to identify appropriate American institutions with which to articulate. The final process of approaching institutions is scheduled to begin this term.

6. College Handbook:

A Handbook of the College will be required for articulation purposes. The initial draft of the Handbook has been completed and it is anticipated that, following the Board of Governors' approval, it will go to press by the end of November 1995.

I would like to thank the Chairman of the Board of Governors, the Third Elected Member for George Town, and the Principal and the Governors for the very heavy work they have put in to get us this far.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Just on a point of semantics, I would require some clarification on point 5, Articulation. Should this not read 'matriculation'?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: I believe, and I am so advised that this is the right word.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: May I request of the Honourable Minister with regards to association with United States institutions, what is the position regarding which of the accrediting commissions the Community College will be associated with?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: As mentioned earlier, we will be dealing with institutions under Barron's which are highly competitive or above. They will be subject to whichever of the United States qualifying institutions deals with those bodies.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I will phrase the question in another way. It is my understanding that colleges seeking association have to choose an accrediting commission. For example, there is the Association of Independent Colleges and Schools, there is the Mid-Atlantic Accrediting Commission, there is the North East Atlantic Accrediting Commission. Each commission has specific criteria and requirements which have to be met. That is what I mean.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: This is not required for the Associate Degree being dealt with at the College. The college will be entering into the agreements with universities elsewhere, not just in the United States, and based on their assessment of the college, would then be accepting the credits from the Community College here in relation to programmes in their schools.

To keep the standard high is the reason why we will only be in the United States, articulating in relation to those rated highly competitive or above under the Barron's guide.

The Member is quite right, there are several bodies in the United States that do certify colleges and universities in the States, but we would not be setting up a campus in the States, if that is what he is referring to.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: No, it has nothing to do with setting up any campuses in the United States. It merely means that these people are like the auditors. I know from my training in educational administration that one of the requirements for accreditation is that a certain percentage of the staff must hold PhDs. This is the kind of criteria I am talking about. Will the Community College have to meet these kind of criteria?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: The Community College will meet the criteria necessary for articulation and acceptance of its qualifications by the universities and colleges that it reaches agreement with. It will be up to them to

satisfy themselves if the associate degree is one that is acceptable to them.

In the United States there are these bodies, not in the West Indies or United Kingdom. The Community College will be entering into agreements with colleges and universities in different parts of the world, preferably where our students will be going on for further education.

I should say that we are following along the lines of what has been done in other English jurisdictions.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister state if it is correct that the college will only be seeking an association with other colleges and universities to accept the credits earned here?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: That is correct, Madam Speaker.

The Speaker: It is now 11 o'clock. Before we proceed, we need a motion from a Member and a seconder for the continuation of questions.

The Fourth Elected Member for George Town.

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

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

Under the relevant Standing Order, I beg to suspend Standing Orders 23(7) and (8) in order to continue with the remaining questions for this morning.

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

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: The Motion has been moved and seconded. 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.

SUPPLEMENTARIES *(continuing)*

The Speaker: The Fourth Elected Member for George Town.

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

Under Part 3 of the Honourable Minister's answer, the specialisation to be offered, that is, the subjects listed at 'A' levels are History, Geography, Economics, Mathematics, Physics and Chemistry. It was said that "this is aimed at satisfying the needs of Caymanian medical students." I may be outdated, but I wonder if there is not a need for a biology course for these medical students?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, apparently not, even though it would appear that it is required.

I would just like to elaborate a bit on this. What we are talking about is while it is aimed only at satisfying, because in some areas this may not necessarily relate to medical students—any student who wishes to take the 'A' level examinations in these subjects could do so. Because medical students find it nearly impossible to get into a medical school, especially in the United States (unless they are citizens of the United States), we have to aim to qualify them for other institutions in the West Indies, the United Kingdom or even in Canada where it is also very difficult to get in.

The Speaker: The Fourth Elected Member for George Town.

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

Is 'A' level Biology examination a necessity in order for medical students to gain entrance for tertiary education?

The Speaker: I thought the Honourable Minister had answered that. The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: I understand that maths, physics and chemistry is what is necessary for entry.

For example, even though there is an 'A' level exam in Law, it is not a requirement to have an 'A' level exam in Law to enter the University or the Law School in England to study.

The Speaker: The next question is 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 Minister responsible for Education and Planning what is the total amount of spare parts inventory carried by Cayman Airways Limited at this time.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: The net value of the spare parts inventory carried by Cayman Airways Limited at present is US\$4,805,873.80.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether these spare parts are strictly for equipment currently carried or are there spare parts in the inventory which is not for equipment currently run by Cayman Airways?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Approximately half relate to the 737-200s that we now have. The other half relates to 737-400s and we are definitely endeavouring to sell those spare parts as a package.

The Speaker: The next question is No. 165, standing in the name of The Fourth Elected Member for George Town.

QUESTION NO. 165

No. 165: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation whether Government is negotiating the purchase of surrounding lands for the new hospital facility. I might add, before the question is answered, that this question was tabled before I heard any rumours about the Seventh Day Adventist Church.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the point is taken. No, Government is not presently negotiating the purchase of surrounding lands for the new Hospital facility as there is no need for such land for this project, or for expansion in the foreseeable future. However, a sensible Government such as this one, plans as far ahead as possible and so we are looking at the possibility of buying adjacent property if it comes on the market and the terms are favourable.

Along with existing Government-owned property adjacent to the site, this would even further enhance expansion possibilities for many, many years.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

In the answer, it says "along with existing Government owned property adjacent to this site.." Is the Honourable Minister referring to the Lighthouse School?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, if this becomes available. As we know, the Lighthouse School is growing and there is not too much space there for them to expand.

The Speaker: The Fourth Elected Member for George Town.

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

I am wondering if the Honourable Minister could clear the matter up by simply advising that if the property became too small and the need to expand occurred, would other property be secured to relocate the school before Government took that property over?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This would be considered in discussions with my other colleagues.

The Speaker: The last question is No. 166, standing in the name of The Fourth Elected Member for George Town.

QUESTION NO. 166

No. 166: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation whether the National Health Insurance legislation will still be presented at the November sitting of the Legislative Assembly.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

DEFERMENT OF QUESTION NO. 166 Standing Order 23(5)

Hon. Anthony S. Eden: Madam Speaker, under Standing Order 23(5), I ask that this question be deferred until tomorrow.

The Speaker: The question is that Question No. 166 be deferred until a later Sitting 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 answer to Question No. 166 is deferred.

AGREED. QUESTION NO. 166 DEFERRED.

The Speaker: Other Business, Private Member's Motion No. 10/95 Fiscal Responsibility Act.

The First Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 10/95

FISCAL RESPONSIBILITY ACT

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to Move Private Member's Motion No. 10/95, entitled, Fiscal Responsibility Act, which reads as follows:

"BE IT RESOLVED THAT the Government consider adapting a Fiscal Responsibility Law similar to the Fiscal Responsibility Act 1994 of New Zealand."

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

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: Private Member's Motion, 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.

Realising that this Act may have been unfamiliar to some Honourable Members, my colleague and I endeavoured to make copies available to the Clerk's Office. I have a copy that I would also like to lay on the Table for perusal of interested parties.

The problem of fiscal responsibility is a universal concern among governments. In the recent past we have had several crises, but the problems have roots not only in the recent past, because in his tenure in the White House Herbert Hoover was recorded to have quipped, "Blessed are the young for they shall inherit the national debt." The problem concerned with responsible management of the national debt is not only a phenomenon commonplace to us now.

Perhaps this is a good time to also make the point that the bringing of this Motion has nothing to do with the way our Department of Finance is being operated. It is not intended to cast any aspersions on it. What the motion seeks for is more openness, particularly in reporting. It places the onus on politicians because I believe it is safe to say that we have reason to be proud of the way we have been operating. I find it important to make that point lest anyone misconstrue the intent.

The Economist of 1 April, 1995, on page 14, records: **"On current trends, tomorrow's young will inherit a heavy burden. The gross public debt of the OECD countries (Organisation of Economic Corporation and Development Economies) has become gross indeed—swelling from an average of 35% of the GDP in 1974, to 71% last year."**

This article goes on to record that New Zealand, the birthplace of many economic reforms, has thought harder than most about the best way forward. The result is the Fiscal Responsibility Act of New Zealand, which we are asking to be used as a model. This Act aims to shift the bias in budget planning away from such short-term temptations as pre-election tax cuts, towards long-term thinking about the consequences of current policies. What makes New Zealand unique is that it is the first country to prepare proper public sector accounts with a full balance sheet and operating statement similar to those of a private company.

The Economist goes on to say, **"This limits the scope for fiscal deception. It also shifts attention to changes in assets and liabilities such as pensions commitment, which affect the sustainability of a country's fiscal position. It calls for greater openness and encourages greater parliamentary and public scrutiny. For example, the government must open its books before an election and it is also expected to set long term fiscal choice objectives."** So, what characterises this system is greater transparency and predictability.

From time to time we often hear of charges of one political directorate leaving the country broke. This Act would not necessarily eliminate that charge, but it would certainly make available the facts as they exist. As I will show later, if we follow as a guide what is set out in the New Zealand Fiscal Responsibility Act, information would be made public by virtue of the fact that it will be laid on the Table of the Legislative Assembly, and by virtue of the fact that there will be monthly projections and accounts so that people can accurately follow what is going on.

Many of these things are done now, the difference being that our law does not require them to be laid on the Table of the Legislative Assembly, or to be discussed by Parliament except on the rarest occasions when special motions and provisions are brought. This Act would make it routine for these things to be done.

While I am at this point, let me hasten to say that why I suggest using this as a model is because from the information that my colleague and I have gained, this Act is being considered as a model by many countries that are serious at arriving at a sustainable level of economic development and a position where they can effectively manage national debt and economic growth.

Of course, there are some marked distinctions. In the New Zealand Act they talk about the Minister of Finance. Well, we do not have a Minister of Finance, we have a Financial Secretary. That is why I say it is to be used as a model, rather than to copy it as is. It does not necessarily have any bearing on our current political position, because I know that some people may try to seize the opportunity to say that what is advocated is something which is designed for independent countries. Let me put that to rest before it rears its head.

The model is characterised by three important planks: Proper financial accounts, which means that the government accounts, similar to private sector firms with

a balance sheet of assets and liabilities, income and expenditure, are published regularly. Explicit targets: The Fiscal Responsibility Act sets out general principles for prudent fiscal policy. The last of these three has to do with openness. The Act requires a much fuller disclosure of information to allow closer scrutiny of budget policy by Parliament, the press, and the public.

Notable too is its flexibility. The Act does not bind the government to stick to a certain course. Rather, it says that where the government departs from a certain course, it must explain why it has departed from that course and state when it will likely revert to that course.

I think that the Act lends itself to a logical continuity from one political directorate to the next, or from the tenure of one government to the extension of that tenure if such is the case.

It has as its basis what is defined in the New Zealand Act as prudent fiscal policy, maintaining prudent levels. Prudent level has been defined as a ratio of the net debt of the gross domestic product below 30% in the short term and 20% in the long term.

Important too, the Act does not impose statutory targets that would be neither economically desirable, nor politically feasible. Instead, it operates by creating a series of incentives. A new government can set its own financial targets, but it must make its intentions fully transparent and consistent with the guidelines set out in the Act.

I do not intend to be very lengthy in my introductory presentation, but I request the indulgence of the House to read from the Fiscal Responsibility Act of New Zealand, five points which I think are fundamental to our understanding and eventual disposition to where this Private Member's Motion may fall. The points read as follows:

1. **"By requiring the Finance Minister to report regularly to the House of Representatives on the extent to which the Government's fiscal policy is consistent with the specified principles of responsible fiscal management and to justify in his or her report any departures made by the Government from those principles;"**
2. **"By requiring all the Crown's financial reporting to be in accordance with Generally Accepted Accounting Practices (GAAP);"**
3. **"By requiring the Finance Minister to publish at least three months before the start of each financial year a budget policy statement containing the Government's long term objectives for fiscal policy, its broad strategic priorities for the budget for that financial year and its fiscal intentions for the next two financial years; to lay before the House of Representatives on the day on which the first Appropriations Bill relating to the financial year is introduced, a fiscal strategy report assessing the consistency of the budget with the budget policy statement and providing progress outlooks for the next 10 years, and an economic and fiscal update prepared by the**

Treasury for the next three years; and to publish in December of each financial year economic and fiscal update prepared by the Treasury for the next three years;"

4. **"To publish before each general election an economic and fiscal update prepared by the Treasury for the next three years;"** and finally,
5. **"To lay before the House of Representatives, towards the end of each financial year, a fiscal update prepared by the Treasury for that year, including forecast estimated actual financial statements."**

So, what we have is a system not unlike what is done in the private sector, but a system which calls for the setting up of a logical and open system of financial management, a system which eliminates the possibility of one set of politicians charging that they have inherited a bankrupt country, but above all, a system which enables the public, through the availability of public reports to be able to ascertain the effectiveness of success rate with which the government in power is managing the economic resources and assets of the country. It will help the government to keep track of certain things which impact upon the long term operation and position of the government by virtue of the fact that there will be a ready compendium of such things as guarantees, contingency liabilities and other kinds of fiscal obligation.

We are cognisant, and we speak about this often, of this need for effective fiscal management. All around us in the Caribbean and in the wider world, we read about countries which have been plagued by improper fiscal management probably brought on by politicians being taken up and deviating from what is a prudent financial management track.

I was up early this morning listening to the financial report on CNN. They were talking about Mexico. I am somewhat familiar with the Mexican system because in the other facet of my existence I have close dealings with a company which is operated jointly by the Mexican Government and a big corporation out of Japan. It is interesting to note that economic pundits suggest what happened in Mexico was the direct result of a government very intent on rapid economic development which made several gross miscalculations. Fortunately, they found the favour of the International Monetary Fund.

This morning the economic pundits were suggesting that the Mexican experience should serve as an example to countries at all levels of economic development, of things which they should avoid, implicitly suggesting that the model and the way to go is the way which New Zealand has embarked upon. It was suggested that more and more governments probably will be following the New Zealand model and it is expected that this Act, although implemented only in 1994, will gain, and is gaining, the attention of many countries.

We are familiar with the battle between the President of the United States and the Congress and the Senate in terms of their budget in trying to arrive at what is termed as a sustainable level of development. I think

there are many elements in this Act that we could employ in the Cayman Islands which would help us arrive at a more effective system of fiscal responsibility. I will just focus on the presentation of making certain reports available on a regular basis through tabling them in the House and making them available to the press and the public.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.30 AM

PROCEEDINGS RESUMED AT 11.57 AM

The Speaker: Please be seated. Debate on Private Member's Motion No. 10/95. The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I rise to offer my contribution to Private Member's Motion 10/95 which reads: **"BE IT RESOLVED THAT the Government consider adapting a Fiscal Responsibility Law similar to the Fiscal Responsibility Act 1994 of New Zealand."**

The Government is unable to support this Motion at this time. However, once given an opportunity to more thoroughly research and compare the provisions of this Act with our own legislation and accompanying regulations it is quite likely that certain aspects of our legislative framework could be modified by incorporating any useful provision that could be deemed an enhancement from this Act, especially in those areas dealing specifically with economic and fiscal reporting to this Honourable House, the principle of which already has the full support of the Portfolio of Finance and Development.

In this regard, what is being said supports the emphasis for increasing the frequency of reporting as mentioned by the First Elected Member for Bodden Town. But, because of the fact that we cannot single out that item as a segment only, without considering the other aspects of the Act itself, that is why the Government is taking this position.

In summary the New Zealand Fiscal Responsibility Act 1994, as framed into law the process by which that country's economic and fiscal policy and medium to long term fiscal plans are developed, implemented and reported on.

Having agreed that this is the main purpose of this Act, it is important that we examine the background against which this legislation operates.

The Mover and Seconder of this Motion, being fully aware of the differences in economic environments between New Zealand and the Cayman Islands, have taken this into consideration and have accordingly drafted the Motion to suggest that the Government considers adopting legislation similar to, but not necessarily the same as, the Fiscal Responsibility Act. Notwithstanding this point, I wish to offer some thoughts on this Motion which will hopefully assist the debate.

Madam Speaker, the New Zealand Fiscal Responsibility Act is broken down into 19 main sections which, in the aggregate, focus on the need for improvement in the conduct of fiscal policy by specifying principles of responsible fiscal management and by strengthening the reporting requirements of the Crown.

The Act seeks to achieve this by requiring the following as detailed in its preamble. I have changed some of the words so that they are not exactly those as quoted by the First Elected Member for Bodden Town.

"Section (a): The Finance Minister to report regularly to the Legislative Assembly on the extent to which the Government's fiscal policy is consistent with the specified principles of responsible fiscal management and to justify in his or her report any departures made by the Government from those principles;"

"Section (b): All financial reporting to be in accordance with GAAP;"

"Section (C): The Finance Minister to (i) [and I would like your indulgence to quote exactly from the Act at this point]

"(i) To publish at least three months before the start of each financial year a budget policy statement containing the Government's long term objectives for fiscal policy, its broad strategic priorities for the budget for that financial year and its fiscal intentions for that and the next two financial years;

"(ii) to lay before the House of Representatives on the day on which the first Appropriations Bill relating to the financial year is introduced, a fiscal strategy report assessing the consistency of the budget with the budget policy statement and providing progress outlooks for the next 10 years and an economic and fiscal update prepared by the Treasury for the next three years;

"(iii) to publish in December of each financial year a half-yearly economic and fiscal update prepared by the Treasury for the next three years;

"(iv) to publish before each general election an economic and fiscal update prepared by the Treasury for the next three years;

"(v) To lay before the House of Representatives, towards the end of each financial year, a fiscal update prepared by the Treasury for that year, including forecast estimated actual financial statements for the Crown."

In response to Section (a) of the preamble of the New Zealand Fiscal Responsibility Act, the Government recognises that there are benefits to be gained by increasing the frequency of reporting to this Legislative Assembly, and will be looking at this as requirement in its review of our Public Finance and Audit Law. This will be expanded on further in my comments.

In response to Section (b) of this Act, the Government of the Cayman Islands now utilises the internationally accepted fund accounting method to compile its Accounts. The Auditor General's examination of our accounts is also based on internationally accepted accounting principles. New Zealand, however, utilises an

accrual accounting method consistent with generally accepted accounting principles and this is indicative of that country's own situation whereby the Government is either directly, or indirectly involved in a wide range of trading activities. In fact, a recent article has highlighted that the New Zealand stands alone in many respects as a Government in this area.

The New Zealand Fiscal Responsibility Act [1994] has as its companion legislation, the Public Finance Act [1989]. Given the relatively short time in the introduction of this Motion, the Portfolio was not able to obtain a copy of the companion legislation. Although, the Financial Responsibility Act would seem to be quite definitive in its stated objectives, to consider the requirements of this legislation in the absence of the Public Finance Act, has not allowed my contribution to this debate to be more complete.

Given this situation, the best that can be done is that some assumptions will have to be made. It therefore follows that any conclusions, in my judgement, which may now appear reasonable could be improved given the opportunity to have researched and better understand the circumstances in New Zealand which led to the introduction of Fiscal Responsibility Act in 1994 following the introduction of the Public Finance Act in 1989. A full understanding of the events occurring in this transition period is necessary in order to understand what led to the recognition of a need for an expansion in reporting requirements, and further, to relate the interpretation of those circumstances to events occurring currently in the Cayman Islands.

A very poignant question which would seem to underlie the Public Finance Act and the Fiscal Responsibility Act is why the New Zealand Government has moved away from the traditional conservative and simplified Fund Accounting or Cash Accounting system employed by most governments [including our own] to an Accrual Accounting System normally employed by private sector and parastatal organisations.

As I said earlier, in the absence of having had the opportunity to thoroughly research this subject it is likely that the following are factors of significance in the New Zealand economy:

- (i) New Zealand continues to operate, despite significant privatisation in the recent past, a very closed economy which is heavily influenced or affected by its Government's intervention at all levels of the composite economic pie;
- (ii) To ensure that its revenue base can be assessed with a reasonable degree of predictability would normally involve the stringent application of macroeconomic management principles through fiscal interventions such as:
 - (a) sale and redemption of debt instruments on a revolving basis;
 - (b) active participation in the local economy through direct tax measures and price controls;
 - (c) adherence to production quotas by parastatal organisations; and

- (d) utilising its central banking system to monitor the country's import and export activities in order to carefully police its balance of payments.

Given the preceding assumptions, firstly it would be imprudent for the New Zealand Government to measure its revenue flow strictly on the basis of its likely cash receipts as its heavy involvement in various trading activities (through various parastatal organisations) would best be measured through the use of an accrual accounting system as found in commercial operations.

Secondly, its parastatal organisations trading activities would normally involve the ongoing replacement, upgrading, and introduction of new plant facilities. Prudent economic rationalisation would suggest that these investments should only be undertaken once it can be demonstrated that they are likely to yield positive net returns. We are all aware that plant and equipment are normally regarded as long term assets, and any attempt to recoup such investments over a period less than 10 years would have less than desirable consequences, especially in a heavily regulated economy where the Government and private sector are almost equal owners of the factors of production.

What is also quite interesting, Madam Speaker, is the emphasis placed on the preparation of financial projections with their underlying assumptions clearly stated, with particular attention being paid to the provision of a statement of cash flows for the year under review plus the next two fiscal years.

Madam Speaker, for any country whose economy is linked to trading in commodities, it is well known that the prices fluctuate significantly, and are quite volatile, not to mention having to comply with regional and international trade agreements. When a Government's revenue stream is inextricably linked to a wide range of trading activities, what is interpreted at a given time as being a favourable financial position, could, in a relatively short period become adverse.

A further consideration is that when a government is dependent on export earnings to finance its local operational requirements, variations in commodity prices will also adversely affect its revenue position.

Given the preceding economic variables, any accounting system which would allow for a government (such as the New Zealand Government) to fall into a trap of not having an immediate knowledge of its financial position would be courting the risk of finding itself in a bankrupt position, notwithstanding the fact that it could be very well endowed with assets and other natural resources. Furthermore, an assessment of the Government's fiscal position, as a pre-election requirement as set out in Section 14 of the Act would also be quite prudent. This assessment would serve as an inventory to ensure that what is passed by way of an operating entity from one political board of directors to another is evaluated as to its financial soundness, with a determination made as to the ability of such an entity to function as a going concern and, if not, to recommend what reforms or corrective measures, if any, should be implemented. This was also emphasised by the First Elected Member

for Bodden Town, and the Government is in agreement with this principle.

We are aware of the key differences between the economies of New Zealand and the Cayman Islands and this is important in order to avoid the pitfalls of importing systems which are not appropriate to our environment. I think that the Government, in making this point, recognises that there are other areas as mentioned and alluded to by the First Elected Member for Bodden Town may not be specifically relevant to the Cayman Islands. So this is why the position, as I mentioned earlier, is being taken by the Government of looking at this Act to take from it those functions which are relevant and which can be incorporated of which I will be commenting on later.

In summary, New Zealand, on the one hand, is an industrialised and highly diversified economy with a relatively wide tax base, encompassing both direct and indirect taxation measures. It is a relatively closed economy with high levels of governmental participation in, and regulation of, the productive sectors, which are mainly commodity based.

Madam Speaker, the Cayman Islands, on the other hand, have a small open economy heavily dependent on foreign trade and investment in services, with limited governmental participation in economic activities and regulatory frameworks which rely heavily on self-regulation by private firms and associations. By comparison, therefore, the Cayman Islands have a relatively simple economic structure and it is within this context that economic and fiscal reporting should be viewed.

Madam Speaker, in response to previously referenced section (c)(i) through (c)(v) of the preamble of the Act, the Government recognises the potential benefits to be gained by increasing the planning time-frame beyond one year. However, it does not support the publication of an economic and fiscal plan based on a horizon of 10 years. Such information maybe used for internal purposes, but given the small open dependant nature of our economy, publication of projections for periods in excess of three to five years is not considered feasible.

In understanding the Government's position on the ideas set out in section (c) of the preamble of the Act, it is therefore important that we are all aware of the state of development of the economic and fiscal planning, implementation, and reporting systems of the Cayman Islands. This of which I will now give a brief summary.

Madam Speaker, since 1992, the annual budget has provided for the preparation of Departmental Plans (D-PLANS), 3-year projections of capital expenditure and, in some cases, 3-year projections of recurrent and statutory expenditure tied to these Plans. In addition, the draft Medium Term Financial Strategy and Public Sector Investment Programme document is currently undergoing its third revision to encompass the period, 1996-1998. It is expected that with the finalisation of this third revision, combined with the rationalisation of, and enhancements to the budget preparation and implementation process; the ongoing activities of the Public Sector Investment Committee; and the update of the computer-

ised debt recording and management system; that the key elements of a medium to long term fiscal planning process would have been put in place.

Madam Speaker, it is for these main reasons that the Government recommends that this Honourable House considers our own existing fiscal legislation and processes and seek to build on these rather than introducing new ones. This recommendation is consistent with the Government's stated objectives to review the Public Finance and Audit Law and Financial and Stores Regulations, the latter of which have already undergone substantial revision but await the completion of the revision of the Civil Service General Orders before finalisation. A Committee chaired by the Deputy Financial Secretary which steered the revision of Financial and Stores Regulations (1986) has been asked to steer the revision of the Public Finance and Audit Law (1985) once the ongoing revision of the General Orders is substantially complete.

Madam Speaker, this is not to say that the Public Finance and Audit Law and its associated regulations and financial control systems has not served us well. In fact, a review of the financial systems of the British Dependent Territories in the Caribbean, conducted during the early-1990s by Mr. John Codrington, on behalf of the Foreign and Commonwealth Office, highlighted that Cayman had a model financial control framework which could be emulated by the other Dependent Territories and were subsequently recommended to these countries for implementation. The decision to commence a full revision therefore recognises that this law, like many others, will require amendment from time to time.

Madam Speaker, it is therefore proposed that the New Zealand Fiscal Responsibility Act be one of the various documents which would be referenced during the review to be undertaken by the Deputy Financial Secretary and his team.

Incidentally, the New Zealand financial control system was among several studied during the revision of our annual budget, project preparation and debt recording and management systems which commenced in 1991 and which is expected to culminate with the laying of the Medium Term Financial Strategy and Public Sector Investment Programme document during the first Meeting of the 1996 Session of the Legislative Assembly.

Madam Speaker, as pointed out, hopefully during this review process we will make every effort to obtain a copy of the Public Finance Audit Act because it is very important to see what that document is and also to make comparison between that and our Public Finance and Audit Law. As mentioned, the Government is in full agreement that there is a need for fuller and more open reporting to take place. In the review process, provision will be made in the update to the law that this be done biannually. The Government recognises that public debt is an issue not to be taken lightly. In this regard we have been exploring this. In fact, we have looked as far afield as Bermuda which has put specific legislation in place to ensure that the public debt at any one time does not ex-

ceed 10% of GDP. We are within that operational frame work.

At this time, the Government also recognises that it would be imprudent for any more than 10% of our recurrent revenue to be consumed within the repayment of indebtedness. These are factors to consider.

We are in full agreement with this, but the process that is being proposed for consideration by Honourable Members of this House is that there should be a certain level of tolerance for us to go through our Public Finance and Audit Law which has served us quite well. We do recognise that we cannot become complacent in this process. Reporting is very important and, while it may not necessarily be done on a monthly basis, at least half-yearly to this Honourable House is very important and I should point out that the Treasury gets out its financial position on a monthly basis. This deals with just the revenue and expenditure position.

The net balance is that at any one time the Government's indebtedness encompassing self-financing loan, public debt and contingent liabilities can always be made available.

In principle, the Government supports the idea that reporting is useful to this Honourable House and the people of these Islands, but because of the fact that the Public Finance Act, and the Fiscal Responsibility Act is quite wide and incorporates quite a number of principles, or principles not consistent with our accounting requirements, for this reason the Government cannot support this resolution as put forward.

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

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

Private Member's Motion No. 10/95, says; "**BE IT RESOLVED THAT the Government consider adapting a fiscal responsibility law similar to the Fiscal Responsibility Act, 1994, of New Zealand.**"

Undoubtedly, anyone listening to the statement made on behalf of Government by the Honourable Financial Secretary, must accept that he is a person who understands the details and intricacies of financial management and the various forms thereof, including formats in accounting. I think that he has made the point that there is nothing wrong—that the Government can find nothing wrong—with the Fiscal Responsibility Act of New Zealand Act which the Motion refers to.

In fact, it did seem to me that he agreed with most parts of it, except for making relevant comments on certain points relating to the Cayman Islands that would follow in proper analysis. What puzzled me was why the Government then found it not possible to consider adapting a fiscal responsibility law using the New Zealand Act as a model.

There are certain things that are relevant in all societies. For example, the principle advocated by our Lord in the Ten Commandments, "Thou shalt not kill", this applies to most countries around the world. So, principles can be adapted also in financial matters. As has

been read by the Honourable Financial Secretary and the First Elected Member for Bodden Town, the Mover of this Motion, this New Zealand Act deals with certain principles. I quote what it says in the very first paragraph: **"It is an Act to improve the conduct of fiscal policy by specifying principles of responsible fiscal management and by strengthening the reporting requirements of the Crown, in particular"**, the Crown being in our case the Government of the day.

I would like to refer to what the people of New Zealand consider principles of responsible fiscal management. I quote: **"The principles of responsible fiscal management are: (a) Reducing total Crown debt to prudent levels so as to provide a buffer against factors that may impact adversely on the total Crown debt in the future, by ensuring that until such levels have been achieved the total operating expenses of the Crown in each financial year are less than its total operating revenues in the same financial year."** That is a principle that I submit every country in the world could adopt and submit to.

"(b) Once prudent levels of total Crown Debt has been achieved, maintaining these levels by ensuring that, on average, over a reasonable period of time the total operating expenses of the Crown do not exceed its total operating revenues."

I also submit that, undoubtedly, that is a principle that all countries of the world could submit to. However, few countries of the world—it seems that New Zealand may be the only one who is brave enough and bold enough to set these down as principles in law.

"(c) Achieving and maintaining levels of Crown net worth that provide a buffer against factors that may impact adversely on the Crown's net worth in the future." Again, a principle any country could adhere to.

"(d) Managing prudently the fiscal risks facing the Crown; and

(e) Pursuing policies that are consistent with a reasonable degree of predictability about the level and stability of tax rates for future years."

I believe that those five principles as set down in the New Zealand Act, 1994 are as adaptable to any country as one of the Ten Commandments "Thou shall not kill".

Having looked at the principles as set down in this particular Act, we do know that no such thing exists in the Laws of the Cayman Islands including our Public Finance and Audit Law, 1985 specifically stated as it is in the Law of New Zealand. In fact the Public Finance and Audit Law, 1985, which I agree with the Financial Secretary, has served us well and I believe will serve us in the future, is set out in seven parts:

Part II deals with the Estimates of Revenue and Expenditure and Appropriation which sets out basically how it is arrived at by the heads, subheads and so on.

Part III deals with Control and Management, which sets out the general powers of the Financial Secretary, powers to make regulations and give directions. It deals

with the controlling officers, controlling offers to obey regulations and directions.

Part IV deals with the Receipt, Payment and Custody of Public Moneys and sets out the duties of the Accountant General, payments of moneys, banking and how guarantees and so on should be done.

Part V deals with Audit and speaks of the Auditor General, his appointment, his tenure of office, his salary and the like; the powers of the Auditor General.

Part VI deals with surcharge, power to surcharge, notification, right of appeal and the like.

There is then Part VII the Miscellaneous section.

While this is a Law that has and is serving us, it certainly does not set down specifics, details and principles of responsible fiscal management as firmly and explicitly as the New Zealand Act, 1994.

The Financial Secretary noted in speaking about the New Zealand Act, 1994, that because of New Zealand's system of Government and its way of trade, revenue and expenditures, it could prove disastrous should it fall into a trap in not knowing its fiscal position at any particular time.

I think that is true of any country and certainly of the Cayman Islands. I have certain concerns about how much is known about our fiscal position at any given time. When I say that, I do not mean that the Financial Secretary and Treasury Department may not know that, but the public is surely not aware of it. Certainly there is not the reporting system in place as is advocated in the New Zealand Act. That becomes of extreme significance when the whole country would be aware at any given time what is its financial position.

The public hears something about the financial position of the country once a year at Budget time. Then there is a general report and what is set down in the Budget. The amounts that have been paid in a particular year are being carried over to the next. And in budgeting as at the present time, the process is that it is possible to hide the true costs of projects and expenditures by putting small amounts in the Budget so that it can balance.

A law such as the New Zealand Fiscal Responsibility Act, 1994, hinders that particular thing from occurring. In fact, my colleague, the Second Elected Member for Bodden Town, mentioned that in *The Economist Magazine* of April 1st, one of the things noted there is that as a first step, New Zealand has become the first country to prepare proper public sector accounts with a full balance sheet and operating statements similar to those of a private company. It notes: **"This limits the scope for fiscal deception."** I contend that we need such provisions in our Law dealing with our finances where percentage amounts of large totals can be placed and hidden.

If we were to adopt accounting systems such as is proposed here, everyone would know if a hospital is going to cost a certain amount. The projections would have to be there in the reporting system. The Financial Secretary on behalf of the Government would have to make clear that this is what is coming on board; this is how we propose to deal with it, and it would be truthfully and factually what were the extent of our financial commitments.

I can understand and accept the point made by the Honourable Third Official, the Financial Secretary that because of our dearth in areas of revenue we would not necessarily be in the best position to sit and try to project ten years ahead and say *'this is the amount of revenue we expect because of such and such ongoing revenue areas'* for some of the big revenue areas are in imports which relate directly to tourism and it being a fickle thing, it would be difficult. However we could make some projection perhaps for a lesser period of time. But the principle is surely there.

The Financial Secretary mentioned the fact that the time of this Motion and the time that it would take him as the Government's financial advisor and manager, and indeed the Legal Department to study this legislation in detail, they would need time and I do agree with him. But that does not limit the fact that the Government could accept to consider such legislation.

I would let the Honourable Financial Secretary know that in the possession of the Mover and I, a complete copy of the Public Finance Act of New Zealand is available and will be made available if he should wish to have a copy. The Government need not have fear that there may be things contained in it that would make it difficult to consider adapting such a law in this country.

I am not an accountant but I am aware that there are different ways of dealing with accounts. I think it was mentioned by the Honourable Financial Secretary that we have adopted a particular form of showing our accounts which are those given to hiding certain financial positions. But should we do as contained in the New Zealand Act, 1994 which states; **"Generally accepted accounting practice--All financial statements included in reports required under this Act shall be prepared in accordance with generally accepted accounting practice."** I think the Honourable Financial Secretary made reference to the fact that perhaps it is the only country that does so as far as Government accounting is concerned.

Other requirements of this law states that there must be a budget policy statement which would require the Financial Secretary on behalf of the Government (if adopted in a law here) **"there would have to be a policy statement specifying Government's long-term objectives or fiscal policies and, in particular, certain variables: (a) the Crown's total operating expenses; (b) the Crown's total operating revenues; (c) The balance between the Crown's total operating expenses and the Crown's total operating revenues; (d) The level of the Crown's total debt; and (e) The level of the Crown's net worth,"**

All of these are areas (and there are many more) which would inform this House and the people of this country and indeed, the people of the world who may be doing business here as to the Government's policies and financial standings.

The present Government is greatly given to strategies as is well-known. There have been various strategic plans in Education and Health, Drug Abuse and Rehabilitation and so on. The New Zealand Act provides for

fiscal strategy report which gives (the Ministers in their case) the Honourable Financial Secretary (in our case) the **"assessment of the extent to which the report containing an economic and fiscal update being laid before the House ..."** would be consistent or inconsistent with the intentions originally stated, citing but one.

It provides that there would be economic and fiscal update where our Financial Secretary would be required to give after the introduction of the Appropriation Bill, an update on economical and fiscal forecast relating to the financial year to which the Appropriation Bill relates and to each of the following two financial years.

It has been noted by the Financial Secretary, that since 1992 the Budget has a certain format which shows certain projected costs up to three years. So this would fall in line to some extent with what is happening now.

The New Zealand Act provides for the **"economic forecasts of the country which includes the Gross Domestic Product, including the major components of gross domestic product: consumer prices, unemployment and employment, current account position of the balance of payments."** Some of these if not all, sure are relevant to our own position. It would, I submit, accord to principles of responsible fiscal management.

It provides for fiscal forecasts and very importantly in section 11, it speaks of **"disclosure of policy decisions and other matters that may influence future fiscal situation."** Under this section, subsection (4) says: **"...of this section all Government decisions and all other circumstances that may have a material effect on the fiscal and economic outlook"** would have to be disclosed.

If the Government was proposing a particular project or were thinking of it, or had made it a policy decision that that would be done, it would have to be disclosed and the Government would be required to say how it intended to do it or how it would handle the particular project. Surely, policy decisions of Government influence future fiscal situations.

Of course it also provides for a statement of responsibility which would require the Government, through the Financial Secretary, to undertake certain responsibility for any particular stand that was taken, there would be accountability for any particular policy decision which would be clearly set down in law.

The Honourable Financial Secretary, also referred to the reporting system that is advocated in the New Zealand Fiscal Responsibility Act, 1994. The Act refers to the half-year economic and fiscal update. Surely one of the things that could make a lot of difference in this legislature and the country would be to know what the true position of Government's accounts at least on a six months basis.

Personally, I have heard all sort of speculations that the Government presently is in the red, it may be so. If it is so, there is not too much that can be done about it because it would be a fact. But certainly it could be a fact known to the people of the country and we could hear how the Government proposes to change that position. The people of the country have a right to know about

these things. It is not the sole purpose to have only the Government aware of what might be the economical and fiscal position of the country.

If supplementaries are necessary, we would know about it. It would be handled in a timely manner under such a law. There would not be hidden instances as has occurred in our situation. One thing in particular that I find very interesting in the Fiscal Responsibility Act, 1994 is, as stated in section 14, where it says; **'Pre-election economic and fiscal update--"The Minister shall, except as provided in subsection (4) of this section, cause to be published, not earlier than 42 days, nor later than 28 days, before the day appointed as polling day in relation to any general election of members of Parliament, a report containing an economic and fiscal update prepared by the Treasury."**

If that was done in the Cayman Islands, certainly no Government henceforth and forever would be in a position to legally say that the position of the Government is "X", "Y" or "Z" in the days leading up to an election and it was "A" "B", and "C" when the last Government was in power. There would be full disclosure of the Government's position. It would not be as was stated for example, in the election campaign of 1992 "that the country was broke". that was sold to the public at large and I think they believed it.

The Auditor General's Report in 1993 found that there were approximately \$10 million in reserve. So if you have \$10 million in reserve, the country cannot be broke.

This is the type of situation that adapting such an Act, would change in this country. I believe that the Cayman Islands, of which I am a representative in this Legislature, this honourable House and all persons associated with us in this country could be better served, and it would make for a more open factual financial management if the Government (rather than saying it agrees with certain principles) gives an undertaking to consider (as the motion asks) adapting Fiscal Responsibility Act which would specify principles of responsible fiscal management among other things by strengthening the reporting requirements of Government. Naturally, I give this motion my full support.

The Speaker: Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.51 PM

PROCEEDINGS RESUMED AT 2.35 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 10/95. The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Thank you, Madam Speaker. I rise to make my contribution to Private Member's Motion No. 10/95 entitled Fiscal Responsibility Act.

I noticed that this motion was circulated on the 5th of September, 1995. However, I did not receive copies of the Law until this morning. I make that point because so often the Opposition and others accuse the Government of not giving adequate time to consider legislation and motions. I think today we find the Opposition being in that position.

The Motion, which does not tell you very much, reads: **"BE IT RESOLVED THAT the Government consider adapting a Fiscal Responsibility Law similar to the Fiscal Responsibility Act 1994 of New Zealand."**

It is my responsibility to know what, as far as statutes, is on the book of the Cayman Islands, but it is not my responsibility to know what any legislation is about in New Zealand. I think it would have been more useful if, at the time of circulating the Private Member's Motion on the 5th of September, a copy of that law was attached thereto.

I believe it was yesterday, or perhaps the day before, I saw a copy of *The Economist* April 1 issue, dealing to some extent with this matter. The article, which was entitled "The Great Escape?" mentioned that the country of New Zealand utilises a different system of accounting for its government than we do in the Cayman Islands. Our system is based on a cash accounting system whereas the country of New Zealand uses an accrual system.

I think the Financial Secretary pointed out in his contribution why that is so; for a country that is industrial by nature and its earnings come from many different sources, it is probably easier to do it that way. Not to say that the Government here could not move to that position as well, but at the end of the day, it depends on what the benefits are in changing the system.

If you have an accounting system that is reporting accurately the position of the Government, I think that should be the important factor.

In the article too, it goes on to say: **"The Government [meaning the New Zealand Government] has defined 'prudent' as a ratio of net debt to GDP below 30% in the short term and 20% in the long term."** I have heard numbers quoted to me about the Gross Domestic Product of the Cayman Islands being somewhat in the range of \$600 million. If you have 30% of it being a prudent amount that you should borrow or have a public debt, you are talking about \$180 million. No wonder they have to do a Fiscal Responsibility Act.

I sat quietly by and listened to the Second Elected Member for Cayman Brac and Little Cayman, quoting from the Law the principles of responsible fiscal management and what they are. Madam Speaker, I beg a bit of tolerance, please. He talked about **"(a) reducing total Crown debt."** That is something the Cayman Islands' Government is doing. We do not need a law to tell us how to do that. You can write anything on a piece of paper; it is actually the persons who have the privilege of being in power to carry out fiscal management in a responsible way.

It goes on to talk about **"(b) once a prudent level of total Crown debt has been achieved, maintaining those levels"**. When we came to this honourable House in November 1992, as the Second Elected Member for Cayman Brac and Little Cayman said, there were \$10 million in the General Reserve. But what he failed to mention is that there was also a \$7 million deficit. So the factual position is that at the end of 1992 there was only \$3 million left.

We tried to do something about that, but in 1993 (when we dealt with the Budget) we took the decision not to have any new capital projects. The reason why we took that decision was to ensure that ongoing projects (where monies had already been spent) would take priority and be completed.

Having taken that decision, we moved from 1992 with a deficit of \$7 million to a position in 1993, with a surplus of (I do not have the accurate figure) in excess of \$2 million. That is responsible fiscal management. It is not written in words, it is written in action. I believe that is the proof of what the National Team offers to this country.

It goes on to mention, **"achieving and maintaining levels of crown net worth; managing prudently the fiscal risks facing the country."** All we need to do sometimes is to look closely at the Budget. The capital section of the Budget shows original cost of the total project (in all cases), and it tells you about 1995, 1996 and 1997. So while it is not a comprehensive document, it is moving in that specific direction which this law tends to talk about.

Madam Speaker, after quoting all these laudable effects of the responsible fiscal management, the law goes on to another section which reads: **"The Government may depart from the principles of responsible fiscal management specified in subsection (2) of this section..."**, which is the part the Second Elected Member for Cayman Brac and Little Cayman read, **"...but when the Government does so any such period shall be temporary."** Yet the law does not define what temporary is— is it a week, six months, 18 months, four years? it goes on to say; **"The Minister of Finance shall, in accordance with this Act, specify the reason for the Government's departure from these principles;"**. A Government in power can always specify reasons, and generally give good reasons, but when they do, they depart from the reasons which were laudably quoted by the Second Elected Member for Cayman Brac and Little Cayman.

You can have a law saying "you must do so", then the other part of the law says, "but you do not have to do it, you can go a different route". That is what the New Zealand Act is saying; first you must be a man and face the tune, but if you are not man enough to face the tune, then go through the back door—just tell them you are taking the back door route.

It goes on to talk about **"The Minister shall specify the approach the Government intends to take to return to those principles."** While he can make that

quotation, if the approach is not 100% effective are you going to get back to it in a short period of time?

Madam Speaker, there are other things that can be written on paper too, and we search for the proof afterwards. In the National Team's 1992 Manifesto it reads: **"Economy and Objective", 'Reduce spending without causing excessive damage to projects and exercise fiscal constraints'**. I believe we have done that very effectively and that Government is now in a sound financial position. I continue to believe that we must act responsibly about fiscal management.

Responsible fiscal management in this same Manifesto was reversing Motion 3/90, putting it back in the hands of the people who have to report to their respective constituencies in this country. If they fail to exercise good responsible fiscal management, when they come to the day of the vote, I must say that I believe sincerely that the public will judge us on our actions and it will prove positively as regards to responsible fiscal management.

There were a number of comments made as well, such as, "I hear the Government is in the red". The only way the Government could be in the red is if the curtains are red. Certainly it is not in the cash books. When we look at the accomplishments in the three years in particular (including 1995), and the responsible fiscal management, laudable words quoted by the Second Elected Member for Cayman Brac and Little Cayman also talk about this. In 1992 (as a comparison) the recurrent revenue for this country was \$121 million; the recurrent and statutory expenditures for this country was \$124.6 million (\$3.6 million in deficit), that is the previous Government—that is their record.

In 1993, the recurrent revenue for this country was \$135.3 million and some people say that what we did with the Civil Service was ineffective. I would ask them to look at this again. There was \$135.3 million in recurrent revenue; \$124.1 million (\$.5 million less than 1992) and we contributed to capital expenditure, \$11.2 million. That had never been done. The last time it was done was in 1988, it was never done in 1991 and 1992.

Not to belabour the point, Madam Speaker, but to make it, in 1994 the revenue excess over the recurrent and statutory expenditure caused us to contribute to capital expenditure \$13.9 million. The only time it was greater than that was in 1989.

In 1995, it is estimated that the revenue excess over recurrent and statutory expenditure will be \$17.2 million. The highest figure that we have ever reached in this country in terms of excess revenue over expenditure. That comes from responsible financial management and prudent control of expenditure.

You can write anything in a law, but I would venture to say to any country who has a better record of controlling expenditure than the Cayman Islands, please stand up. The Financial Secretary controls recurrent expenditure by issuing quarterly releases and you must justify why you are asking for a particular sum of money, given that you have not spent all that you had in the first quarter. I think that is the key to it.

There were some comments about hiding things in this Budget and hiding things in the other Budget. I have not seen any hiding, Madam Speaker. I have seen projects which had not been properly costed but the Government felt it was in the best interest of the people of this country to approve the projects subject to the total costs (in which case we found in some years a \$10 vote) to come back to Finance Committee and seek the proper approval in order to place before that Committee the estimated costs of the projects and seek the approval of that body for the projects. There is nothing wrong with that; it is the proper procedure.

I have not seen too many governments which have been able to forecast an entire year (and probably forecasting before the year begins) that did not come up with a shortfall in some areas. If there is any, I hope they will stand up now.

The Cayman Islands is known not just for its financial industry, not just for its facilities as a tourist destination, it is also known for its fiscal management of its affairs and held up as a model in the Caribbean. So why would we want to go to New Zealand? New Zealand is far advanced in many respects, even in constitutional efforts. So I do not know what the lure is to adopt anything from New Zealand.

I believe there are amendments that can be made to the Public Finance and Audit Law, 1985, because several things that have been done in an administrative way should be couched in law. It does not make it any better, provided you are doing the exercises, but I see no reason why the Government (especially, not even being given adequate time to consider it fully) should adopt any other Government's legislation on financial matters. We are the country of record for fiscal management. We are the country of record as a financial industry. All people who come to us from different countries, including the United Kingdom, when they examine any particular detail usually they say, it is a model situation, whether it is legislation or otherwise. I am not saying that we are perfect because all of us can improve and we have items that can be worked on.

No matter what the comment may be on this particular piece of legislation, I personally have no reason to consider any other country's legislation. This Government has always moved for a balanced budget. It is an ideal that we live by and have lived by for many decades. It is an ideal that my predecessors (as Financial Secretary) preached, it is an ideal that I preached and it is certainly an ideal that the present Financial Secretary is preaching as well. We believe it is the right thing to preach. For if you have financial independence you can do whatever you want as far as providing services to your country is concerned. When you have to go cap-in-hand to someone else, you are in a different position that I wish never to see the Cayman Islands in.

The Member made reference on many different occasions to the idea of hiding things, Madam Speaker. We have heard many questions come to the House asking: "What is the revenue position of Government?" It has been given. There is no policy that says you should

publish it every three months or every month, but the Government has it. I think the Financial Secretary (I hope I am not misquoting him) made similar remarks.

I think our system is as open as the questions that arise. You ask for information, you get it. As a matter of fact, Madam Speaker, there are (I would venture to say) no secrets in the Glass House because the Opposition gets it most of the time before we do. So how can there be secrets? I do not make that comment maliciously, Madam Speaker, it is a fact. I cannot offer any support to this Private Member's Motion.

Thank you.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Boddén: Madam Speaker, this Motion is one which is extremely short and one which the merit is about as large as the length of the Motion.

What is being sought here is to have the adaptation of an independent country's Fiscal Responsibility Act (that of New Zealand) adopted. This Motion is meaningless to this House and it is meaningless to the public because the public has not had the benefit of even one hour's notice as to what is the Fiscal Responsibility Act [of New Zealand]. Time and again we hear that notice must be given on this, notice must be given on that, but when it comes to motions such as this, the public has no clue whatsoever (nor did we) of what the Fiscal Responsibility Act of 1994 until it was laid on the Table of the House today.

This is a lack of responsibility of the two Members to the public and lack of responsibility in other areas, in giving absolutely no notice at all. So this Motion is really meaningless in my view. To go even further than that (even though I only had a couple hours to flip through the law) what was laid on the Table of the House today was in the Legislative Assembly since June 27th of this year. Why was it not put out to the public and the public given notice?

This is once again an irresponsible Motion that is trying to weave a web to suit the irresponsible acts of other people. In any event, the Law that is being referred to does not even stand alone. Throughout the Law it refers to what I understand is a very large Act—The Public Finance Act, 1989. In fact, the very definition is set out in section 2 of the New Zealand Act (which the Motion refers to) and has as its definition in the Public Finance Act, 1989 on page 3 subsection (2): "**In this act unless the context otherwise requires, the terms have the meanings given to them by section 2 under the Public Finance Act, 1989.**" Now, where is that?

Madam Speaker, what I am saying is that this, in my view, is an irresponsible way to bring a Motion to this House to accept something that apparently the Opposition who has brought it does not even have for themselves. How can we sit down here and be expected to consider adopting something that we do not have?

POINT OF ORDER

Mr. Roy Bodden: On a point of order, Madam Speaker.

The Speaker: May I hear the point of order, First Elected Member for Bodden Town?

Mr. Roy Bodden: Yes, Madam Speaker, the Honourable Minister is misleading the House when he says that the Opposition does not have the Public Finance Act, 1989. If he was in the Chamber this morning he would know that we do have that Act and that we made it available to the Honourable Financial Secretary.

The Speaker: That is quite correct, Honourable Minister. You may not have been here but the document is available.

Hon. Truman M. Bodden: Madam Speaker, but why was it not laid on the Table of the honourable House would be my question to the Honourable Member.

Mr. Roy Bodden: *[from across the floor]* That is not our responsibility!

Hon. Truman M. Bodden: No, it is not the responsibility of that Member because it is irresponsibility to bring this Motion here and only lay on the Table of the House...I do not have access to what is handed out to other Members. If something comes to me formally, then it is the duty of a responsible Member of this House to lay it on the Table. In any event, when was that passed on to the Honourable Financial Secretary? It could have only been a few hours ago.

So throughout the Law that is being referred to, we have obviously another Law that has to be read in conjunction with the Fiscal Responsibility Act to understand what the contents of the Law are. Throughout the Fiscal Responsibility Act of New Zealand (which I will come to at a later stage) there are constant referrals to the Public Finance Act, 1989. Referrals in section 10 (4) through to (27) of the Public Finance Act.

In fact every material aspect of the Fiscal Responsibility Act comes under another law. This to me appears to be a law brought in by an independent country where you could have fiscal irresponsibility with Prime Ministers and Chief Ministers who most of the time are the Ministers of Finance, where they are elected members. I submit that in my view this Act is attempting to pave the way for this country to become as independent as New Zealand. When you go independent and begin to get Acts as this points out, and you have a sole Minister of Finance (as this law has) is when you need laws of this sort.

This Motion and many other motions that have been brought to this House are being picked up to pave the way (in my view) for the independence of this country. That will never happen, because the public neither wants the laws of independent countries, nor the constitutions, nor the powerful ministerial rights that are set out in the laws of independent countries.

When you look briefly at this Act, you will find firstly that it is an Act, not a law, which is what New Zealand's Parliament passes because it is an independent country. You will find that responsibility rests in an elected minister and we know how hard efforts were to put an elected Minister in this honourable House (that good gentleman is now in the Opposition's camp probably waiting to try to get in as an elected Minister of Finance). But our constitution does not provide for an elected Minister of Finance. While this may frustrate some people, these are the reasons why this country has not had the problems with finance that we find in independent countries.

This seems to me really as paving the way, as has been done so many times in the past, to squeeze in one other law that could begin pushing us on the road to independence.

Madam Speaker, fiscal responsibility at the end of the day depends on the quality and the ability of the people who manage the finances of the country. We can pass laws here until we are blue in the face, but until there is a continuity of responsible persons in this honourable House who take responsibly the position of the country's finances, and who are watchdogs for the public's money, then that is the way the country will remain in the stable financial position we are now in.

The Constitution of the Cayman Islands provides that where bills are introduced "**...which makes provision for the imposing or increasing of any tax, for imposing or increasing any charge on the revenues or other funds of the islands or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the islands;...**" [section 37 (2) (a)] they cannot be introduced except upon the recommendation of the Governor.

Madam Speaker, you will not find that in an independent country's laws because they do not have a Governor. There is at the most, in the phasing out periods a governor-general and it is always a move to bring in people who can circumvent the powers under this Constitution.

The Act that we are being asked to adopt gives the Minister who is an elected Minister of Government (who is normally the Chief Minister in most countries, because they always take the best portfolios as we know) and who has within his hands the absolute power to go ahead and impose taxes and spend money subject to his committee.

Further than that, our Finance Committee does not have the direct responsibility for spending money. It has to be referred back to this honourable House and subsequently an Appropriation Bill brought to the House.

We, as a Legislative Assembly, have restricted powers compared to a Parliament (as it is called in New Zealand) of that independent country. Section 29 of the Constitution says: "**Subject to the provisions of this Constitution, the Governor, with the advice and consent of the Assembly, may make laws for the peace, order and good government of the Islands.**" So what we have here are the checks and balances along with

our legislation that is now in place, to give the fiscal responsibility that is needed.

The Second Elected Member for Cayman Brac and Little Cayman went backwards (as occasionally the Opposition do) into certain areas of accounts. He attempted to show that when there was a general reserve of the Government (when we took over office) that by itself showed that the country was fiscally responsible.

Madam Speaker, at the end of 1992 when there was a reserve of \$10 million, there was a deficit on the current account of \$7 million. But in that year—the only year in the past ten years—the Government's recurrent revenue was \$3.6 million less than its recurrent expenditure: in other words the country was broke. The Government was spending \$3.6 million more than there was, and that year it borrowed the full amount to cover the capital expenditure of \$18 million. So when you add these figures up, the country was borrowing \$18 million; it had to borrow \$3.6 million from somewhere to pay off its recurrent deficit; and its annual deficit at the end of the last Government in 1992 was \$21.7 million. These are the audited accounts of the last government.

If that is fiscal responsibility, then we are heading to where the other independent countries in the Caribbean have gone: bankruptcy, the total rejection of our people, the suffering that goes along with the hunger and lack of jobs that exist in those territories all around us.

To make things worse, 1990, 1991, and 1992, were the only three years in which (when you add up the annual deficit 1990 was \$14.9 million; 1991 was \$15.4 million; and 1992 was \$21.7 million), the total deficit in that period exceeded all previous deficits of this country and would have equalled over \$50 million. They are the advisors to certain politicians who are now putting up and talking about fiscal responsibility.

This Government took over a treasury—regardless of what has been said—in a year when the country had lost \$21.7 million. To make things worse, Madam Speaker, it was at a time when one of the subsidiaries of Government (Cayman Airways), was losing up to \$14 million per year.

Mr. Gilbert A. McLean: Madam Speaker, on a point of order.

The Speaker: May I hear the point of order, the Second Elected Member for Cayman Brac and Little Cayman?

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, the question of relevance. The Honourable Minister is babbling on into years past and what we are talking about is the possible adoption of a Fiscal Responsibility Act that would go from now into the future: not into the past.

The Speaker: I am afraid the matter of what happened in 1992 has already been spoken of and was allowed. But I will ask the Honourable Minister not to belabour the

point because the Honourable Minister for Tourism covered these points in his debate. You would be repeating yourself.

Hon. Truman M. Boddén: Madam Speaker, what I was dealing with was a statement made by the Second Elected Member for Cayman Brac and Little Cayman. That Member was the one who went back into past history and tried to say (as I have written down here) ... he dealt with the finances of the country in 1992...

The Speaker: I am saying that the Honourable Minister for Tourism, Aviation and Commerce dealt with that too. So that would be repeating what had already been said.

Hon. Truman M. Boddén: Very well, Madam Speaker. I rest my case on the \$52 million in losses.

Madam Speaker, since that time (assuming that I can deal with the fiscal responsibility during the time I have been in Government) when we look at the annual surplus in 1993 there was a surplus of \$1.6 million as against \$21.7 million the year before.

We have come to a stage now where each year, 1993, 1994, and 1995, we have contributed money to capital expenditure. This is very important because in 1993, we put \$11.2 million into capital and still had a surplus; in 1994, \$13.9 million and the estimates for this year I think are somewhere in the area of \$21 million. That money is coming out of our recurrent revenue. In other words it is like building a house from money that is taken from your salary.

We have not been borrowing for most of the work that we are doing; there have been very few borrowings and the beclouding of the finances in relation to the \$20 million borrowed on Cayman Airways that I heard referred to, was not ours; it was to pay past debts. This Government borrowed it but it was to pay for debts of the past Government's spending. This is what responsible fiscal policy is all about.

Madam Speaker, I can speak with a considerable amount of authority because I am one who continues to be active in my profession. I am a qualified banker for nearly 30 years, I hold a degree in banking. I am actively a banker; I hold a degree in Credit Management, one in Administrative Accounting; (all current, I am not defunct in these) and therefore I can speak with a considerable amount of authority that I would never sit by and see fiscal irresponsibility in this country—

[Inaudible comment across the floor]

Hon. Truman M. Boddén: I am not frustrated over the politics of the country. I will never do anything that is in any way irresponsible from a fiscal point of view because I have found. . . and as I will lay the accounts of Cayman Airways tomorrow, they will see what fiscal responsibility is all about as well. So what is being brought now is bit of a miserable attempt to introduce something that I submit, practically no one in this House really knows anything about, not if they had to read it since 11 o'clock

this morning and have to stand up and speak on an independent country's law as is expected at this time.

There are no secrets in this country, Madam Speaker. There are a number of questions asked in this House by two Honourable Members exceeds probably every question asked for every other Member in the past 30 years. Anything that is asked of the Government, within our ability to give, we give it. If there is any doubt in any area, then questions are always asked and we give it.

So, Madam Speaker, in real life what we come back to is really the integrity of the people who run the finances of the country. This Government has responsible Members and Ministers in Executive Council and it has men of fiscal integrity. The biggest check and balance that we have in this country is the fact that decisions relating to Executive Council matters (would be Cabinet matters in New Zealand because they are independent) are dealt with by seven Ministers/Members and the Governor. Over and above that, they are the powers of the Governor that I referred to earlier, and while not everyone can have a speciality in all areas (that is impossible) within the team of the Executive Council (now existing), there is more ability to deal with the finances of the country than I submit, has ever existed. Which I also submit, is non-existent under the Oppositions and their colleagues perhaps, with the exception of one who seems to have drifted away from the camp. He does have a degree in accountancy. *(laughter)*

But I understand that some of the problems there may have come from who should be the Minister for Finance and the Chief Minister, so perhaps the Honourable Member may wish to laugh so I can see whether that is correct or not.

[Members' laughter and inaudible comments].

Hon. Truman M. Boddin: In any event Madam Speaker, they may have many ministers of education in the Opposition, but they do not have any in finance at the present moment.

So I would say that maybe they should resort to their speciality of education and move away from the complex responsibilities of the country's finances.

Madam Speaker, I therefore cannot support this Motion. Firstly, the public has no notice of what is going on. One of the laws that we are expected to refer to has not been laid on the Table of this House and the one that has been laid, seems like it has been in this country since June 27th, with no effort to pass it on to us.

I would really end by saying that at the end of the day fiscal responsibility is very clearly set out in our Law and Constitution. We have an extremely responsible Financial Secretary who is an Official Member of Executive Council (not an elected one) and long may he remain that way because once the continuity and the freedom from political influence remains in the seats of those three Official Members despite the fact of who may not like it; and as long as we remain a dependent country of the United Kingdom there will be fiscal responsibility in

this country. The danger lies in the day that an Act such as this is brought in and elected Minister of finance is the signatory to the checks of this country, at that stage the public then will have to worry.

So I would say leave New Zealand and its laws and try to live on our Constitution and accept that we are a colony and not an independent country.

Thank you.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, Private Member's Motion No. 10/95, entitled Fiscal Responsibility Act reads as follows: "**BE IT RESOLVED THAT the Government consider [I repeat, consider] adapting a Fiscal Responsibility Law similar to the Fiscal Responsibility Act, 1994 of New Zealand.**"

Not having any greater command of the Queen's English than I would consider average, my understanding of the Motion is simply as it reads, "**that the Government consider...**" I too, did not have copies of any relevant documents until Monday of this week (September 11th). When I saw the Motion, I asked the Mover if he would afford me copies of the relevant documentation so that I could consider it. At the same time I suggested that in order for the Government bench to be able to make a sensible response, they too, may need to see documentation.

In the Honourable Financial Secretary's response, it is obvious to me by his dealings with the Fiscal Responsibility Act, 1994, and its framework, that he has considered the various aspects of the Act. Regarding the timing of everyone being able to acquire a copy of the Act, I really do not know, but I take the point to say that while not having forever to look at it, I took the time out to do so since I got my copy Monday afternoon.

From my point of view (which even if it is insular in its own right, I consider it to be a fresh one) I consider it a bit unfortunate that the line drawn on the sides is not dealing with the issue at hand, but with the election bells ringing. I guess that is what is going to be the norm from now on—whether that is good or bad for us is really not for me to decide.

After listening to various speakers, the first point that I wish to make is that the Honourable Minister for Education and Aviation, in making his contribution, chose to deal with the matter of independence. I am forced to address this issue because of the position I am taking on the Motion. My only comment with regards to his assessment of our ability to consider the adaptation of any laws from other foreign countries, is that probably 90% of the laws which prevail in this country today emanate from the Mother country, Great Britain. We have just passed a bill along with its companion legislation (the Children Bill, 1995, and the Youth Justice Bill, 1995) and it is only a matter of time before they become laws.

I remember from watching on the television a few mornings ago that it was specifically stated that these Bills were taken, by and large, from laws which are now

in force in the United Kingdom. I would like to believe that the United Kingdom is an independent territory. So I wonder where independence holds its water in the line of argument that was brought regarding this Motion?

With the two pieces of documentation that I had the privilege to look at, I wish to quickly read a few excerpts from *The Economist*, April 1 1995, issue. The article has been mentioned before, but I do not think that the excerpts that I wish to quote have not been mentioned. The article entitled "The Great Escape?" states: **"Its [New Zealand] Fiscal Responsibility Act passed last year, seeks to provide a fiscal framework that gives politicians an incentive to pursue policies in the country's long term interest rather than to suit short term political ones."**

The very important point from that excerpt is incentive to pursue policies in the country's long term interest. I dare say it is known that that is one of my pet-peeves regarding the state of our country today—which has nothing to do with the Government of the day; it has all to do with a mind-set for the country. I personally believe that more long term planning needs to be the order of the day.

The other excerpt is, **"New Zealand now publishes government accounts similar to those of private sector firms with a balance sheet of assets and liabilities and an accrual-based operating statement of income and expenditure."** Before I go any further, my understanding of this Motion – because the word "similar" has been used, simply means that no one expects the Government to be able to take what is in the Act for New Zealand and say, 'Yes, *this is what we think is right for us.*

I think the intent of the exercise is to simply go thoroughly through the document mentioned, along with its companion legislation, and extract from them to put into use what may be relevant and welcomed for the well-being of this country in the future. That is my interpretation of what the exercise would be.

The other excerpt is headed "Openness" and it states: **"The Act requires much fuller disclosure of information to allow closer scrutiny of budget policy by Parliament, press and the public."** In their discourse I detect that some people may be taking exception and thinking that one may be saying that this is not the case today. I do not know about anyone else, but I am not saying that.

The statement I just read on 'openness' is simply one which, when put in practice, if there were stringent measures documented by legislation, takes away the doubt that one may have in one's mind with regard to that same openness. So to say that this legislation, if considered, would cast any aspersions on the method of activity with the Government in the Cayman Islands, is really something that does not need to be entertained in my view.

Again, my interpretation of the whole issue is simply a method by which one may be able to have legislation in place which allows for no doubt as regards to the

methods by which fiscal responsibility is enhanced on a day-to-day basis in a country.

The next excerpt reads: **"The Act does not impose statutory targets which would be neither economically desirable nor politically feasible, instead it creates incentives for policy-makers to act responsibly."** Madam Speaker, while that may almost appear to have been originated by a chef of flowery language, as far as I am concerned, my being a part of any government would certainly welcome the opportunity to move forward in a fashion as described by what I just read.

In the Honourable Third Official Member's response, at various points he eloquently and very sensibly pointed out where there are some basic differences because of the type of systems that we are comparing. I accept those differences. But he also took the time to point out various areas where (my understanding is) he welcomed those thoughts as a matter of possible policy for Government.

He has said: **"However, once given an opportunity to more thoroughly research and compare the provisions of this Act with our own legislation and accompanying regulations it is quite likely that certain aspects of our legislative framework could be modified by incorporating any useful provision that could be deemed an enhancement from this Act, especially in those areas dealing specifically with economic and fiscal reporting to this honourable House, the principle of which already has the full support of the Portfolio of Finance and Development."**

Madam Speaker, my understanding from the second reading on this is that there is merit to what is being asked for. Now, I do believe that if it were not a question of pride and the line being drawn as I mentioned, the so-called Opposition (in retrospect) might well have passed out the document earlier. But that has already happened, and I cannot stand here and do anything about that. So to say that others may not have had ample opportunity to thoroughly examine the document, I take that point and I will not argue with it. But the truth is that in matters such as these regarding fiscal responsibility, the norm is for the Honourable Third Official Member, namely the Honourable Financial Secretary, to answer the motion giving the Government's position. That I think he did.

So on the one hand as I have just read, he has said that there is merit to what is being sought. He has also said: **"Furthermore, an assessment of the Government's fiscal position, as a pre-election requirement as set out in Section 14 of the Act would also be quite prudent. This assessment would serve as an inventory to ensure that what is passed by way of an operating entity from one political board of directors to another is evaluated as to its financial soundness, with a determination made as to the ability of such an entity to function as a going concern and, if not, to recommend what reforms or corrective measures, if any, should be implemented."** To me this is clarity at its optimum.

In his response the Honourable Third Official Member has, in his own way, literally stated that this is what he would like to see. At the end of the day the Government has already given its position that while it understands the validity of certain parts, when the details are examined its position is that it cannot accept the motion as it has been brought.

Having said that, I feel that it was worth it, if at least the measures that the Honourable Third Official Member has chosen to discuss in his contribution are employed as part of the policy.

Madam Speaker, one of the, for want of a better word, 'mistakes' that I see happening here . . . everyone can choose his own words and his own interpretation, but I do not see this as casting aspersions on the government of the day. I see it as simply an opportunity for our community to decide on a method of operation which will serve the nation much better today, tomorrow and from there on into the future. It does not matter who is here in the Legislative Assembly because Members will come and go.

The truth is, not one of us here knows for a fact that come November 1996 we will be here again. But during the time that we are here, it is our responsibility, regardless of whose side we are on, to ensure that what we deal with is with knowledge (that is ours) in the best interest of the country.

The Honourable Third Official Member went on to say; "**It is for these main reasons** [which I will not repeat because we heard them] **that the Government recommends that this Honourable House considers our own existing fiscal legislation and processes and seeks to build on these rather than introducing new ones.**" So let us dissect.

This motion says, "**BE IT RESOLVED THAT the Government consider adapting a Fiscal Responsibility Act similar to the Fiscal Responsibility Act, 1994 of New Zealand.**" At present we have the Public Finance and Audit Law, 1985. The Honourable Third Official Member has said that Government recognises that it has served well but that it is now undergoing a full review.

The truth of the matter is that if in their consideration they were able to take the salient points from the New Zealand document along with the [recommendations] of the review of the existing Public Finance and Audit Law and call it whatever they wish, in essence they are accepting what the motion wishes to accomplish.

So to have to say it the way it suits the Government, is really not something that I am going to argue about. But while others may think that this is a waste of time, I sincerely hope that the relevant issues that have been raised will be drawn from while going through due process with any new examination of the Public Finance and Audit Law with a view to encompassing all of these and addressing areas that were not addressed before.

Where others have chosen to speak about, the Government of the day and what the Government found, and what it has done, as far as I am concerned, whether what is said is true or not, to me at this point in time what

we are discussing has nothing to do with that. The Government has done the best job in the world or the worst job has nothing to do with what this motion is about.

The Motion does not wish to address what has transpired in previous governments or the existing one, it simply seeks to identify areas that are relevant to be considered in order to set the course for this country in the long term. That is my position and my understanding of it.

The whole idea as I look at [the motion] is simply for a method to be employed which is sensible, worthwhile, and relevant to the [financial] operations of this country. As we grow we need to employ proper systems and try to find the bodies to suit it because proper systems will prevail as we bodies, [Members] come and go.

As I understand the position that the Government has taken and while I am supporting this motion, it seems as if it is a done deal in regards to the end result. I can only say that just as the Third Official Member, who replied on behalf of the Government, pointed out the many relevant sections of the Act being compared now, so too will I hope to see due consideration being given to extracting from those relevant areas in order for us to put it to good use in this territory.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 4.05 PM

PROCEEDINGS RESUMED AT 4.25 PM

The Speaker: We have five minutes left before the hour of interruption. Would any other Member like to begin his contribution within the five-minute limit please?

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture, this is going to be your shortest speech.

Hon. W. McKeeva Bush: Madam Speaker, I do not know whether I should begin. I wonder if the Leader of Government Business would move the adjournment?

The Speaker: Someone needs to make the proposition. If that is what Members wish I have no objection with it.

ADJOURNMENT

Hon. W. McKeeva Bush: My proposal is that the House do now adjourn until 10 o'clock tomorrow morning.

The Speaker: Is there any debate on that? If not, 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 4.35 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM FRIDAY, 15 SEPTEMBER 1995.**

**FRIDAY
15 SEPTEMBER, 1995
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, forever 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.

ANNOUNCEMENTS BY THE SPEAKER

APOLOGIES

The Speaker: The Second Elected Member for George Town has sent apologies for absence yesterday and for today.

Presentation of Papers and Reports. The 1994/1995 Report of the Advisory Council on the Misuse of Drugs. The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

**PRESENTATION OF
PAPERS AND REPORTS**

**1994/1995 REPORT OF THE ADVISORY
COUNCIL ON THE MISUSE OF DRUGS**

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House the 1994/1995 Report of the Advisory Council on the Misuse of Drugs.

The Speaker: So ordered.

Hon. Anthony S. Eden: I have great pleasure in laying on the Table of this Honourable House the 1994/1995 Report of the Advisory Council on the Misuse of Drugs.

The following areas were addressed in the report: Treatment and Rehabilitation; Prevention and Education; Drug Interdiction; Justice and Sentencing; the Impact of Drugs in the Districts.

A total of 41 recommendations were made in this report, with the majority being made in the areas of treatment and rehabilitation. At this time I will highlight a few of the recommendations from each of the areas.

In the Treatment and Rehabilitation section, it was recommended that forensic laboratory capabilities be expanded following consultation with appropriate staff within the hospital laboratory service and the Royal Cayman Islands Police. A centralised inpatient substance abuse treatment programme was also treated as a high priority recommendation.

The Advisory Council has considered the changing society in which our children are growing up in and has recommended that young people be made aware of the increasing incidence of HIV positive persons amongst crack-users.

The Prison Services received attention in this area as the report states that appropriate measures be taken for the Prison to become a drug free environment in which the opportunity is taken to educate, treat and rehabilitate the prisoners to become useful drug-free members within society.

It was also proposed that adequate after-care be established for prisoners. A more gradual controlled release programme should be investigated. Parole could be made dependent on keeping full-time employment and remaining drug-free, as ascertained by urine sampling and attendance at drug counselling sessions.

In the areas of Prevention and Education it was recommended that formally adopted Drugs Discipline Policies be in place in all schools, with orientation and training of church youth workers and community workers taking place jointly in order to create a harmonious and congenial working relationship amongst them, and to ensure common purpose and focus.

Sports was another area targeted with recommendation emerging whereby all athletes representing the country should be tested for drugs prior to participating in sporting events. Effective parenting programmes should be made available to all parents in the districts to enable a more effective response in preventing substance abuse problems among young people.

Two recommendation highlights of the Drug Interdiction section of the report are: that the number of staff of the Customs Task Force be increased and that an analysis of all drugs be undertaken in the Cayman Islands.

In the Justice and Sentencing section, three recommendations that can be considered as very timely have been formulated. These are as follows: (1) Bail not be granted to persons sentenced to imprisonment for drug offences who opt to appeal their convictions while such appeals are pending; (2) Police increase their vigilance of juveniles involved in the drug trade and arrests whenever necessary; (3) that a campaign to publicise the often serious and sometimes fatal consequences of drinking and driving should be undertaken at least once a year with a view to making the practise socially unacceptable.

The final section identified was the Impact of Drugs in the Districts. Pertinent recommendations emerging from this section were: that the police allocate more resources to prosecuting the organisers of late night parties (sessions) held at private premises; that Alcoholics Anonymous strengthens its presence in the Sister Islands; and that parents more closely monitor their children's exposure to music, television programmes and concerts which glamourise sex, drugs and violence.

I am grateful to the Chairman and each member of the Advisory Council on the Misuse of Drugs who worked so diligently to prepare such a comprehensive report on one of the most serious issues which impacts on our entire society.

I am happy to be able to bring to your attention that the proposed Cayman Islands Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995 to 1999, once approved, would enable a number of issues identified in this document to be addressed. Another positive point that I would like to make concerns the recommendation on the Forensic Laboratory.

It is envisioned that the Forensic Laboratory of the George Town Hospital should be operational by July 1996. I am hopeful that these 41 recommendations will be given serious attention by the departments, agencies, individuals responsible for making the recommended improvements. I also hope that the recommendations contained in this document will play an important role in the fight against drug abuse, prevention and rehabilitation.

The Speaker: Financial Statements of the Community College of the Cayman Islands for the period ended 31st December 1994 and 1993.

The Honourable Minister for Education and Planning.

FINANCIAL STATEMENTS OF THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS FOR THE PERIOD ENDED 31 DECEMBER, 1994 AND 1993

Hon. Truman M. Boddin: Madam Speaker, I beg to lay on the Table of this Honourable House the Financial Statements of the Community College of the Cayman Islands for the period ended 31st December 1994, with the comparative of 1993.

The Speaker: So ordered.

Hon. Truman M. Boddin: The Community College of the Cayman Islands continues to be one of the best investments Government has made in the people of the Cayman Islands. In 1994 the Government Grant to the College was \$1,300,000. From this amount the College pays its operating costs as well as repayments on three loans for Capital Investment, and repayment of the interest on the European Development Fund Loan, as repayment of the EDF loan does not commence until 1999.

In 1994, the College recorded other income of \$295,777, mainly from school fees, including fees for contract courses provided for businesses. Additionally, through prudent management, the college was able to contribute \$500,000 from its grant to the cost of construction of the new general studies building, thus reducing the amount of direct Cayman capital investment provided by government in the form of a grant.

The College also has a dedicated UWIDITE programme provided by the University of the West Indies utilised by a cross section of individuals in a variety of fields, both to upgrade their qualifications and to keep abreast of developments in their field.

The building programme is on schedule with a dedicated library building slated to be finished in 1996 and this will also house a library for the Cayman Islands Law School and followed by the construction of a Multi-purpose Hall in 1997.

The College continues to provide a variety of programmes including auto mechanics, construction, electricity, electronics, hotel certificate and hotel diploma, business, secretarial and commercial studies, including the advanced certificate in secretarial and administrative procedures being offered for the first time in the 1995/1996 academic year.

The college also offers professional courses such as the certificate of efficiency in insurance, and the certificate in insurance practise, the associate of accounting technicians, and the certificate in banking.

Starting in September 1996, the College will offer a variety of associate degrees, which I referred to yesterday in detail in a question that I answered. This will enable our students to complete the first two years of a four-year degree course locally before transferring overseas to complete their undergraduate studies.

In the academic year 1994/1995, 134 students were enrolled in the full-time programmes offered at the College. This included 43 students in the 'A' Level programme, 39 in business studies, 34 in technical studies and 18 in hospitality studies.

Seventy-nine students, most on day release from their full time jobs, were enrolled part-time in the programmes offered in Banking and Insurance. Individual registration in the extension or evening school department totalled 621. These students took a total of 706 courses.

In addition to this, in 1994 the customised contract courses offered at the College increased. In Grand Cayman courses were offered in collaboration with the Restaurant Association, the Bankers Association, Cayman

Caribbean Utilities Company, Cable and Wireless, Truth for Youth School, the Canadian Imperial Bank of Commerce, the Pines Nursing Home and the Education Council. Registration for these contract courses exceeded 250.

Special customised courses were also offered in Cayman Brac in collaboration with the Department of Tourism. The courses included housekeeping, front office, wine management, quality service, guest relations, communications and financial management.

The Cayman Brac courses were very successful with about 55 participants.

In summary, more than 1,000 individuals registered for courses and programmes that were offered at the College during the 1994/1995 academic year.

Student achievement over this period has also been gratifying. Four students achieved combined scores over 1200 in the SAT Examination. One student received a Certificate in Banking from the Institute of Bankers, three students received the Certificate of Proficiency in Insurance and three passed all 12 examinations required for the Associate of Accounting Technicians.

Despite the fact that the College as it now stands represents over \$5 million in buildings and equipment, its value to this country cannot be valued in dollars, as its contribution to the human resource development of this country has increased every year since it was created 10 years ago by legislation.

I look forward to its continued development as it builds on its reputation as an outstanding further education institution. I would like to take this opportunity to extend Government's congratulations, as well as my thanks, to the Chairman of the Board, the Third Elected Member for George Town, who very ably chairs the Board of Governors. To the Board itself, also very much to the principal whose efforts have been the reason why this progress has been so successful, and to our staff and our students on another successful year of operation.

As required under section 11(6) of the Community College of the Cayman Islands Law, 1987, I am pleased to table the Audited Accounts of the Community College of the Cayman Islands for the year ending December 31, 1994.

The Speaker: So ordered.

The Cayman Islands Health Services Authority Financial Statements for the years ended 31st December, 1993 and 1992.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

THE CAYMAN ISLANDS HEALTH SERVICES AUTHORITY FINANCIAL STATEMENTS FOR THE YEARS ENDED 31 DECEMBER 1993 AND 1992.

Hon. Anthony S. Eden: Madam Speaker, I beg to lay on the Table of this Honourable House the Cayman Islands Health Services Authority Financial Statements for the years ended 31st December, 1993 and 1992.

The Speaker: So ordered.

Hon. Anthony S. Eden: The Health Services Authority was established under Law 14 of 1991 with effect from January 1992 as an autonomous statutory authority with responsibility for the management of various health care facilities in the Cayman Islands.

Although annual accounts were required under the law to be submitted by 30th June each year, the 1992 Accounts were not submitted until early 1994. Apparently the new Authority experienced a number of accounting problems which delayed preparation of the 1992 and 1993 Accounts.

An audit was carried out by Coopers & Lybrand Chartered Accountants, on behalf of the Auditor General assisted by the Government Audit Office and Internal Audit Section. Some of the 1992 audit-filed work, according to the Auditor General, was completed by May 1993 but the remainder was not completed until May 1995, due to staff losses of key personnel from time to time. I have been made to understand that separate accounts have not been provided for individual health care facilities and programmes because this would have been far too time consuming.

While the Auditor General and all those who assisted him in producing the audited financial statements for 1992 and 1993 made a commendable effort indeed, those statements are presented with a number of qualifications amongst those being the incomplete record of revenue under the former Health Services Authority.

It is evident from these financial statements that management of the Health Services Authority was not given sufficient time to prepare for financial autonomy as a statutory authority. Orders for computer equipment and software were not placed until October 1991 and the financial system was not operational until October 1992.

In addition, the Finance Department of the Health Services Authority was seriously under-manned in 1992 which resulted in an absence of internal controls in many important areas, particularly in revenue accounting, receivables and cash.

The main points arising from the Financial Statements are that it is not appropriate to compare these statements with pre-1992, or post-1993 cash accounts of the Health Services Department. The Health Services Authority accounts have been prepared on the accrual basis, as opposed to the cash basis for the Health Services Department.

The Health Services Authority made charges for services provided to civil servants and Health Services Authority personnel and their families. Under the cost basis system of accounting no charges are made to this category of patients. The Health Services Authority bore the full cost of some services and expenses that were accounted for under the votes of other Government departments under the cash system of accounting, for example, utilities, medical benefits and interest. The Health Services Authority accounts also include depreciation and bad debt expenses.

The next point is that Government revenues were paid to the Health Services Authority as grant revenue and to civil servants' medical totalling, in 1992, \$11,994,300.16, and in 1993, \$13,633,074.00.

The operating results were as follows: Revenue for 1992 was \$15,325,407 and expenses were \$16,481,593, with income loss from operations of \$1,156,186. The net loss for 1992 was \$4,364,233.

For 1993, the net income was \$651,532. The final point that I wish to make on matters arising out of the financial statements of the Health Services Authority for 1992 and 1993, is that of an \$18 million loan facility, the Health Services Authority drew down \$6 million which was spent as follows: The Dr. Hortor Hospital, \$3,296,996; Faith Hospital \$1,998,130; Interest paid, \$224,119; Miscellaneous, \$1,494.

This totalled \$5,520,739. Added to this was \$107,321 due from general fund and \$371,940 transferred to Government in 1994. As of 1 January, 1994, the Health Services Authority reverted to a Government Department for which I, as the Minister for Health, Drug Abuse Prevention and Rehabilitation, am accountable to this Honourable House. While this Government has inherited many problems resulting from the hastily set up Health Services Authority, that is now history. There are many lessons to be learned from this experience and, while there are still many inadequacies associated with the provision of health care in these islands, I pledge my complete dedication to addressing the issues in a timely manner.

Due credit must be given to all the health care personnel who carried on during this period of dramatic upheaval in the Health Services who continued to provide quality caring service to the people of these islands and our visitors.

In closing, I thank you for your attention during the delivery of this statement and do herewith recommend to the Honourable House the Financial Statement of the Health Services Authority for the years 1992 and 1993.

The Speaker: Audited Accounts of the Port Authority of the Cayman Islands for the years ended 31st December, 1994 and 1993.

The Honourable Minister for Tourism, Aviation and Commerce.

AUDITED ACCOUNTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS FOR THE YEARS ENDED 31 DECEMBER, 1994 AND 1993

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House, the Financial Statement of the Port Authority of the Cayman Islands for December 31, 1994, with comparison for 1993.

The Speaker: So ordered.

Hon. Thomas C. Jefferson: It is appropriate that I begin my comments by voicing my appreciation to the Members

of the Board of the Port Authority and the Director of the Port Authority for what I believe to be quality service to the public of these Islands.

It was a little more than a year ago when we added a small office at the airport so that all members of the public, rather than racing around George Town, could go to one location, clear their goods, pay their port authority charges and utilise their time in an effective way.

I believe it is important to point out that prior to 1993, to the best of my recollection, there had not been any contribution to the revenue of the Cayman Islands Government. Back in 1993 almost 90% of the profit made by the Port Authority was given as a contribution to the general revenue of the country, a sum of \$737,000 of a net profit earned during 1993 of \$823,254—almost 90%.

I believe we have started to move in the direction where Statutory Authorities remember who made the contribution to start this operation—the Government of the Cayman Islands.

We note too that in 1994 the bank balances at the end of that year drew a total in excess of \$1 million. Almost \$700,000 of that sum has been placed in a reserve to deal with the costs that are likely to be incurred, or damages to the dock by nor'westers and other acts of God.

We know that the deductible in an insurance claim is \$500,000, so if we establish a reserve to deal with this, then the future profits of the Port Authority should move along with some degree of stability rather than getting wiped out by a huge cash loss, and not be in a position to make any contribution to Government's general revenue.

The profit for 1994 was in the region of \$1.4 million. But we have also to establish in late 1993 costs of \$0.5 million for the rehabilitation of the Cargo Distribution Centre. Therefore, in 1994, we were unable to contribute to the Government a similar sum as in 1993. In essence, the contribution was still much over \$400,000.

We continue to remind ourselves of the services offered by the Port Authority. The Port has been looking at the needs of Little Cayman for a proper alignment control on the dock there. They have also been looking at the need in Grand Cayman for additional facilities for the public as well as persons involved in watersports activities—not for free, but for a cost.

I believe it is in the interest of the Cayman Islands that we move forward to provide additional facilities properly catered for the public waters and tourists in making sure that the quality of our marine environment remains healthy.

The Speaker: The Proposed Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999; and The Proposed Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999 Executive Summary.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

THE PROPOSED CAYMAN ISLANDS NATIONAL STRATEGIC PLAN FOR DRUG ABUSE PREVENTION AND REHABILITATION 1995—1999;

~AND~

THE PROPOSED CAYMAN ISLANDS NATIONAL STRATEGIC PLAN FOR DRUG ABUSE PREVENTION AND REHABILITATION 1995—1999 EXECUTIVE SUMMARY

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House The Proposed Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999; and The Proposed Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999 Executive Summary.

The Speaker: So ordered.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I crave the indulgence of this House to expound for a few minutes on this very important document. I am extremely pleased to be able to lay on the Table of this Honourable House, The Proposed Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999. This document has been produced through many long hours of work by over one hundred members of the different communities comprising the Cayman Islands.

Honourable Members of this House will recall that in April 1994 the newly-created Ministry of Health, Drug Abuse Prevention and Rehabilitation decided to embark upon a strategic planning exercise for its drug abuse prevention and rehabilitation programme. The primary objectives were to set clear directions for the programme, detail the cost of implementation over five years and to get support for the Plan through involvement of every sector of the resident population in the Cayman Islands. One other benefit that was anticipated was support (technical and financial) from the United Kingdom's Foreign and Commonwealth Office through the British Dependent Territories Regional Secretariat and the United Nations' International Drug Control Programme (UNDCP). I am pleased to say today that both organizations have reviewed the draft Strategic Plan this year and have commended the Government of the Cayman Islands for its initiative in this regard and the particular approach which was taken.

The version of Strategic Planning adopted by my Ministry is one formulated by Dr. William Cook of the Cambridge Management Group Inc. The "single goal" of the strategic planning exercise can be expressed through the Objective drawn up by the Drug Abuse Prevention and Rehabilitation Strategic Planning Team: "To have 100 percent of the resident population of the Cayman Islands free from all drug and alcohol abuse, and its ill effects within 10 years of the implementation date of the Drug

Abuse Prevention and Rehabilitation Alliance Strategic Plan."

The strategic planning exercise was organised utilising an eleven step process as follows:

1. Communication about Planning.
2. Collection of data prior to Planning.
3. Selection of the Planning Team.
4. The First Planning Session.
5. Communication of the Draft Plan.
6. Selection of Action Teams.
7. The Second and Third Planning Sessions.
8. Preparation of the Executive (Summary) Plan.
9. Approval of the Plan.
10. Implementation of the Plan.
11. Annual Update.

Four Internal Facilitators were trained overseas by the Cambridge Management Group and bore the responsibility of steering the planning process through to fruition. Subsequent to this, numerous District Awareness Sessions were held throughout Grand Cayman, and one on Cayman Brac, so that the general public would both be informed about strategic planning and encouraged to participate. After this phase was completed, relevant data was collected for deliberation by 29 persons selected from Grand Cayman, Cayman Brac and Little Cayman to be members of the Planning Team.

The First Planning Session took place 7th—9th July, 1994, at the Clarion Hotel. During this session fifteen beliefs, a mission statement, four strategic parameters, one objective and nine strategies were agreed upon by consensus.

I have previously stated the Objective which was produced by the Planning Team. In addition, the following Statement of Beliefs was compiled.

"We believe that there is a Supreme Being who loves us and is actively involved in our world.

"We believe that the spiritual nature of human beings must find expression in order for life to have meaning and purpose.

"We believe that each individual is ultimately responsible for his/her actions.

"We believe that education is vital to the survival and progress of a society.

"We believe that knowledge liberates and empowers.

"We believe that each person has the right to his/her opinions.

"We believe that all people have equal intrinsic worth.

"We believe that each person is entitled to unprejudiced opportunity to realise his/her full potential.

"We believe that people need each other.

"We believe that the family is the greatest influence on the value system of an individual.

"We believe that everyone has the capacity to make a valuable contribution to society.

"We believe that each person has a right to be safe and healthy.

"We believe that the individual's inner motivation is essential to positive change.

"We believe that a community prospers to the degree that its members nurture one another.

"We believe that each person has unlimited potential."

Every Strategic Plan has a Mission which is a bold statement of what the organisation will do for the people it serves.

"The Mission of the Cayman Islands Drug Abuse Prevention and Rehabilitation Alliance, a national network of governmental agencies and voluntary organisations, is to ensure that our society is free from drug and alcohol abuse, through unified action characterised by effective coordination by the Ministry of Health, Drug Abuse Prevention and Rehabilitation, and the informed commitment of every member of our community."

The following Strategic Parameters, identified as "things the organisation will never do or always do" were identified by the Planning Team members. They are:

"We will not prejudicially discriminate against anyone.

"We will always honour the dignity of everyone.

"We will always work cooperatively to achieve our common mission and objective.

"We will accept nothing less than the highest standards of ethics and service."

As a result of many hours of deliberation by the Planning Team, nine Strategies emerged. Each Strategy was subsequently given to Action Teams who in turn developed Specific Results and detailed Action Plans for the Strategy.

"STRATEGY 1: We will establish coordination of all the efforts of Governmental Agencies, Voluntary Organisations and concerned citizens."

The Specific Results for Strategy 1 deal mainly with the gathering of and dissemination of information and the coordinating of programmes and services of all the entities concerned with Drug Abuse Prevention and Rehabilitation. The Specific Result of Strategy 1 Plan 4 recognises that the family unit is the most valuable component in Society and will need to be strengthened in order for the Plan to be successful.

"STRATEGY 2: We will conduct a comprehensive Education Programme on the dangers of drug abuse and its related problems with special emphasis on the family's pivotal role in the development of character and self esteem of each individual."

Strategy 2, Specific Results, deals with the Educational component of the Plan. It seeks to promote a positive life-style for individuals and to ensure that the education against drug misuse is relevant and accessible to all people in the Cayman Islands especially the teenagers.

"STRATEGY 3: We will ensure that a social and recreational network is established to provide and maintain facilities and services in each district."

The Specific Results of this Strategy address the importance of coordination and proper communication between organisations which provide social and recreational activities for the population. It proposes that District Councils oversee these activities.

"STRATEGY 4: We will ensure that legislation is in place to support and enable the accomplishment of our mission."

The Specific Results of Strategy 4 deal with ensuring that legislation is in place to achieve a marked reduction in drug misuse. The subject of routine drug and alcohol testing is also addressed.

"STRATEGY 5: We will guarantee treatment and rehabilitation services and facilities to meet the diverse needs of individuals."

Strategy 5 contains the greatest number of Specific Results and proposes the provision of a network of treatment and rehabilitation facilities. It proposes that there is a centralised outpatient substance abuse treatment centre supported by satellite services in each district. The provision of residential treatment and rehabilitation facilities are advocated including the provision of these for adolescent substance abusers.

Madam Speaker, let me at this juncture acquaint this Honourable House with the progress made on the Drug Rehabilitation Facility at Breakers. Since the Strategic Planning exercise made this recommendation, the decision was taken to commence the facility. The project has subsequently been given approval by the Public Sector Investment Committee for the Project Identification Phase. This means that now my Ministry can request that preliminary drawings be made and thereafter request planning approval. It is anticipated that some physical work can be commenced on the project before the end of this year.

Job opportunities for recovering abusers is an important link in the total recovery chain and this is one of the specific results which have been proposed in Strategy 5. Another new concept is that of sobriety homes where assigned individuals in each district would make available their homes for recovering substance abusers to drop in for fellowship and counselling.

This Strategy looks at the appropriate training of all health professionals and personnel officers in the identification of substance abusers and providing them with knowledge of proper referral procedures and finally, it recommends that the number of Caymanian Substance Abuse Counsellors is increased.

"STRATEGY 6: We will generate in each local community the motivation and capacity of residents to develop their own creative solutions."

If Specific Results are carried out for this Strategy as suggested in this Plan, local communities will become more aware of the substance abuse problem and thereby be led to own their problem. Creating an atmosphere of understanding, trust and cooperation between local communities and "officialdom", and providing basic self-help resources to assist them are other areas that are identified as helping in curbing substance abuse.

"STRATEGY 7: We will explore and develop all means whereby we can continuously monitor and record the onset, nature and extent of all aspects of the drug and alcohol abuse problem in our population."

Specific Results developed to address this Strategy include the selection and implementation of a confidential computerised system to provide statistical analysis in order to monitor and measure the substance abuse problem. A study should be initiated to determine the nature

and extent of the problem and constant monitoring of the problem by data collection on an on-going basis should follow up on this initial study. As most people are aware, the problem of substance abuse is affecting children at an earlier age now and it is suggested that a survey of primary school children be carried out to glean information on the onset of the problem here in Cayman. Random drug testing for middle and high school age children would provide a means of monitoring the nature and extent of the substance abuse problem in older students. The Strategy also recommends mandatory drug testing by all employers to also estimate the extent of the problem.

"STRATEGY 8: We will develop, to the highest possible degree, our law enforcement agencies' effectiveness, including interdiction."

Strategy 8, then, deals with the tightening up of measures pertaining to law enforcement.

It is recommended that an independent Drug Task Force deal with the investigation and interdiction of drugs within all three islands. This Task Force would be directly responsible to the Governor. In addition to this, it is recommended that a committee be created to ensure that inter-departmental strategies are developed, communication is kept at a maximum and all the concerned Departments work in a concerted manner.

The establishment of a fund to be used by Law Enforcement Agencies in drug interdiction and the improvement of interdiction systems in all three islands were two other recommendations. It addresses the issue of dealing with allegations of official corruption and recommends that overall improvement of the communications systems be made to ensure confidentiality.

"STRATEGY 9: We will ensure that adequate funding is in place to support the initiatives of the Drug Abuse Prevention and Rehabilitation Alliance."

This final Strategy deals with funding to support the initiatives, and recommends the establishment of a Central Committee to oversee the implementation and coordination of fund-raising efforts. Commitment from community organisations would need to be obtained for this to become a reality. It recommends that financial penalties be increased on drug related crimes and these receipts be allocated to fund the Drug Abuse Prevention and Rehabilitation programmes.

Another recommendation is that grants are secured from the private sector to match contributions made by Government.

The final Specific Result of Strategy 9 requests that our existing approaches to foreign governments and major institutions be expanded to provide financial assistance to this Government to assist in its programme for drug abuse prevention and rehabilitation.

To summarise then, the main thrust for the Plan, recognising that many Government agencies and Non-Governmental Organizations (NGOs) are involved in one way or another in the battle against drug abuse, is to coordinate their efforts through information gathering and sharing, and to encourage their cooperation with each other in making the best use of available resources. It is

proposed that this coordination will be achieved by the setting up of a statutory body to be known as the Cayman Islands Drug Secretariat and that the role of the present Advisory Council on the Misuse of Drugs (as the Secretariat's Board of Directors) will be strengthened to the extent that they will not only continue to advise Government, but they will also coordinate and monitor implementation of the Strategic Plan for Drug Abuse Prevention and Rehabilitation on an ongoing basis. Input from Government agencies, NGOs and "concerned citizens" will be through their membership on various coordinating committees of the Secretariat.

Abuse of alcohol has been identified as a problem with far-reaching effects within the resident population of the Cayman Islands and the Plan identifies ways in which this can be addressed and reduced.

The Ministry of Health, Drug Abuse Prevention and Rehabilitation has briefed all of the Government agencies and Non-Governmental Organisations (including the Advisory Council on the Misuse of Drugs) that will be asked to implement various aspects of the Plan. Response has been very positive and at least one NGO, Cayman Against Substance Abuse, has already started work on the plans assigned to them.

The Ministry of Health, Drug Abuse Prevention and Rehabilitation recognizes the dynamic nature of the efforts of those concerned with drug abuse prevention and rehabilitation and notes that some aspects of the Plan may have already been completed, or are already in progress within various agencies.

Two examples are: (1) The consolidation of drug legislation by the Honourable Attorney General; and (2) within this Ministry, the setting up of a counselling centre on Cayman Brac.

A financial plan for implementation has been proposed. This is to be spread over four to five years and the Ministry of Health, Drug Abuse Prevention and Rehabilitation anticipates that the implementation of the Plan will be funded by each participating Government Ministry/Agency and NGO through their annual budget.

The main expenditures would be borne by the Ministries of Health, Drug Abuse Prevention and Rehabilitation (\$2,196,926.00); Community Development, Sports, Women and Youth Affairs and Culture (\$3,003,200.00) and also the Royal Cayman Islands Police (\$1,027,882.00).

- ◆ Cost to Government \$6,406,508.00
- ◆ Cost to NGOs 86,600.00
- ◆ Total Cost Over 4-5 Years = \$6,493,108.00

Special mention must be made of the ongoing programme of the Ministry of Community Development, Sports, Women and Youth Affairs and Culture to promote and develop community/district based sports and recreational facilities and the fact that this is supported by the Plan.

Honourable Members will be aware that a number of projects, especially in the area of sports, are already well underway. For the sake of clarity, it should be empha-

sised that the anticipated expenditure by that Ministry in the area of sports and recreational facilities is projected as Cayman capital expenditure necessary to support its own programme. This expenditure is counted as part of the cost of the Strategic Plan for Drug Abuse Prevention and Rehabilitation simply because it is expected that a number of the implementation objectives of the Plan would be realised in this manner.

The detailed Plan is accompanied by an Executive Summary giving the detailed Action Plans and Cost-Benefit Analyses as accepted by the 29 members of the Strategic Planning Team at their third planning meeting in February 1995.

The financial plan has been reviewed by the Portfolio of Finance and Development which supports the Plan, subject to the regular budgetary procedures, and the Plan has been accepted by Executive Council.

As I have already mentioned, there were in excess of 100 people who were involved with the development of this Plan and I would like to express my sincere appreciation to each one of them here in this forum for the many hours of work spent on making the Plan one that this Government can be proud of. I would also like to thank the staff of my Ministry who, over the past fourteen months, have gone beyond the call of duty, completing the various tasks which have been involved in the entire process.

I herewith present the Proposed Cayman Islands National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999 and ask each and every Member of this Honourable House to consider that the people of these three Cayman Islands have made clear to us, in these Plans before you, their desire and strong commitment to the objective of the Plan.

I now repeat the objective as follows: "To have 100 percent of the resident population of the Cayman Islands free from ALL drug and alcohol abuse and its ill effects within 10 years of the implementation date of the Drug Abuse Prevention and Rehabilitation Alliance Strategic Plan."

Madam Speaker, I daresay that if the people of these islands are prepared to set such a challenging and visionary objective for the drug abuse prevention and rehabilitation programme of this Ministry, it is incumbent on us all to do our very best to help and enable them to realise their vision for the future.

Thank you.

The Speaker: The Financial Statement of Cayman Airways Ltd., for the period ended 31st December, 1994. The Honourable Minister responsible for Education and Planning.

FINANCIAL STATEMENT OF CAYMAN AIRWAYS LIMITED FOR THE PERIOD ENDED 31 DECEMBER, 1994

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House, The Financial Statement of Cayman Airways Ltd., for the period ended 31st December, 1994.

The Speaker: So ordered.

Hon. Truman M. Bodden: Madam Speaker, the accounts of Cayman Airways are laid on the Table annually, normally in this meeting of the Legislative Assembly.

I am happy to report that Cayman Airways in December of 1994 made a net profit of \$1,568,473. While the First Elected Member for Bodden Town is out of the Chamber, I hope that this will be passed on to him by his colleague. Cayman Airways has made a profit of \$1,568,473, despite the bad reports and statements made to the contrary.

Cayman Airways has seen a very speckled history over the two decades it has existed. Cayman Airways has, as shown from the Accounts, been released through the efforts of the Board and the Ministry from the \$110 million worth of liabilities and \$40 million worth of liabilities, respectively, to Guinness Peat Aviation, and ILFC for the ill-fated 737-400 jets in 1989.

The comparative accounts of 1993 which are in these accounts before the House, had been projected by management in 1992 (under the last Government) to show a loss of \$12.9 million. That loss was considerably reduced as shown by the accounts to where the net loss in 1993 was reduced to \$3,988,487.

The decisions taken by management, the Board and the Government have now shown an increased stabilisation of Cayman Airways and, for the first time, there is a hope and a feeling of Cayman Airways being back on track—after being so badly derailed over the previous four or five years.

Despite the fact that a subsidy of \$4 million is given to Cayman Airways each year, and this has been given under this and previous Governments, for the first time in a very long time, Cayman Airways is now (as will be seen from the accounts) paying to Government well in excess of \$1 million in the form of Civil Aviation fees and Immigration and Customs overtime.

The actual amount paid in 1994 was \$1,871,000. I say this because in past years fees were not paid to the Government and, therefore, Cayman Airways' accounts were always shown much better. Subsequently, the Government (within the period of these accounts) had to write off well in excess of \$2 million for fees that were not paid.

That therefore means that nearly one half of the subsidy that Government gives to Cayman Airways is repaid to Government. That had not happened in some years, and definitely not in the tragic years when in excess of a \$14 million loss was shown on the Accounts.

All accounts payable by Cayman Airways are current and within one month. Its overdraft limit of \$2.4 million at the bank is rarely used to any extent, therefore, we are no longer a bad debt with the bank.

Having said that, the change over of two jets in 1995 was extremely expensive and if there had been proper planning this would not have occurred all at the same time which caused considerable disruption to the airline's business and trauma to the staff.

However, I had no control over that, nor did the Board because the leases were signed some years ago during the last Government's time and fell, unfortunately, to be renewed or terminated within a matter of a few months of each other. Planning in that respect is now in place and we have purchased the first jet which, I may say, I had no problem in getting the \$5.2 million from the bank to do so. The lease on the other jet had been staggered one and one half years from the termination of the first.

I would like to pay tribute to Mr. Haig Bodden, one of the founding directors of Cayman Airways who fully supported Cayman Airways, not only as a director in the difficult years, but also with the appropriation of millions and millions of dollars to keep Cayman Airways flying. I have great regret that this great gentleman has passed on, and Cayman Airways has lost a staunch and good supporter. But we will keep up the good works which men like him have made over the past two decades in relation to Cayman Airways.

I also would like to thank the Chairman of the Board of Cayman Airways for his efforts; also my Permanent Secretary and Assistant Permanent Secretary who both deal with Cayman Airways matters; also our General Manager, Mr. Mike Adams, who Government, myself, and the Board have placed our full support in; the retired Managing Director Mr. Ray Wilson, who remains partly with Cayman Airways; our Attorney General and our Financial Secretary who sit in and assist, although not directly on the Board, and in the same capacity as myself, for the support they have given, especially in the purchase of the present 737-200. Also to Mr. Michael Marsden, who dealt with the legal aspects and assisted me greatly during the difficult stage of the purchase of the jet.

I think the greatest thanks has to go to the Royal Bank of Canada which financed this, especially to Mr. Chisholm and Mr. Dubrowsky who assisted and had the faith in Cayman Airways in this matter.

Thanks also goes to our auditors, especially Mr. Paul Anderton and, most importantly, to our dedicated staff at Cayman Airways who have made me feel that with the improved communications between us (the Board and Management itself) they now feel like they are part of a winning team that will keep and promote Cayman Airways in the future.

I was happy to know that staff pay increases were brought into effect again (which is the third time for some and the second for others in the past two years) as compared to nearly four years when staff got no salary increases whatsoever. We had the loyalty of those staff members.

I want to assure this Honourable House and all of the staff and management of Cayman Airways that despite my conservative approach to Cayman Airways, I honestly believe that the continuity and progress has to be in continuing to do what we do now in a much better way, leaving some flexibility to divert when lucrative charters are available. The trauma of constant changes (when some seven jets were changed in one year—unfortunately the year when the 737 had its unfortunate landing) is a very considerable cost. The change over on the jets from the

old leased jets going out and new leased jets coming in, only two of them cost about \$2 million. For that reason, with the bulk of that impacting on the accounts in 1995, we cannot expect the performance of the accounts as in 1994.

I can assure the public that my duty is to watch more prudently over their dollars than anyone else in relation to Cayman Airways and that prudence will be continued by the Board and the Government in relation to Cayman Airways.

I am very proud of Cayman Airways, I am very proud of its management and staff. It must give pride to Caymanians to also support and fly Cayman Airways, and I would ask that at every opportunity they so do.

The accounts will speak for themselves as to the details, but I would like to reiterate again that from the dismal loss of \$14,310,056 in 1991, these accounts now show that Cayman Airways, for only the second time in possibly the past 12 or 15 years (with the exception of when the \$12.5 million for the sale of the 727-200s which was put into the profit and loss accounts and, unfortunately, that amount could have bought the present 737-200s and we could have flown free of charge since 1989) this is the first time that Cayman Airways has shown a genuine profit of this amount, other than the one year it showed an amount of \$900-odd thousand in 1989, immediately after which the two 727-200s were sold.

That profit (after subsidy) is one that I am very proud of. When you add on to the profit the nearly \$2 million which was repaid to government you will find that Cayman Airways nearly broke even without the subsidy.

I commend these accounts to this Honourable House and ask all Members to continue to support Cayman Airways in the years to come.

The Speaker: Report of the Standing Orders Committee.

The Honourable First Official Member responsible for Internal and External Affairs.

REPORT OF THE STANDING ORDERS COMMITTEE *(Meetings held 6 and 14 September 1995)*

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

I beg to lay on the Table of this Honourable House the Report of the Standing Orders Committee.

The Speaker: So ordered.

Hon. James M. Ryan: The Standing Orders Committee met to consider Private Member's Motion No. 7/95, referred to the Committee, in accordance with the provisions of Standing Order 84(3), by the Legislative Assembly on the 5th June, 1995.

The Motion read: "**WHEREAS in many instances the provisions of Standing Order 46(1) (i.e. that copies of Bills reach every Member not less than 21 days before they are proposed to be read a first time) have not been observed;**

“AND WHEREAS the public have made known their desire to have a reasonably long time to con-

sider the implications of Bills coming before the Legislature;

"AND WHEREAS, in accordance with the provisions of Standing Order 84, Notice of Motion is hereby given to amend the Legislative Assembly Standing Orders (Revised);

"BE IT RESOLVED THAT Standing Order 46(1) be amended as follows:

"(a) by replacing the word "twenty-one" with the word "sixty" where it appears in the fifth line; and

"(b) by inserting immediately after the said Order the following Proviso—

"Provided that the Legislative Assembly shall, by majority vote, waive the prescribed sixty days notice of a Bill, only in circumstances where the proposed Bill is deemed to be expedient and in the best interest of good government."

The Motion was moved by the First Elected Member for Bodden Town and seconded by the Second Elected Member for Cayman Brac and Little Cayman.

The Committee held two meetings: (i) Wednesday, 6th September, 1995; and (ii) Thursday, 14th September, 1995, when the Committee considered the Chairman's Draft Report.

The minutes of proceedings form part of this Report and are appended.

Attendance was as recorded in the Minutes: Hon James M Ryan, MBE, JP, First Official Member (Chairman); Hon W McKeever Bush, JP; Hon Truman M Bodden, OBE, JP, Leader of Government Business; Hon Anthony S Eden, JP; Mrs. Berna L Thompson Murphy, MBE; Capt. Mabry S Kirkconnell, MBE, JP; Mr. Gilbert A McLean; Mr. Roy Bodden; Mrs. Edna M Moyle, JP.

Those not present were: Hon George A McCarthy, OBE, JP, Financial Secretary; Hon Thomas C Jefferson, OBE, JP; Hon John B McLean, OBE, JP; Mr. John D Jefferson, Jr; Mr. D Dalmain Ebanks; Dr. Stephenson A Tomlinson; Mr. Kurt Tibbetts.

The Committee rejected, by a majority vote, the proposed amendment to Standing Orders as set out in the Motion which read: **"BE IT RESOLVED THAT Standing Order 46(1) be amended as follows:**

(a) by replacing the word "twenty-one" with the word "sixty" where it appears in the fifth line; and

(b) by inserting immediately after the said Order the following Proviso—'Provided that the Legislative Assembly shall, by majority vote, waive the prescribed sixty days notice of a Bill, only in circumstances where the proposed Bill is deemed to be expedient and in the best interest of good government.'"

A Division upon the vote was called with the results being: two Ayes and six Noes.

The Committee agrees that this Report be the Report of the Standing Orders Committee in respect of its meetings held 6 and 14 September 1995.

The Speaker: In order for Questions to continue after 11.00, the suspension of Standing Orders is required, if a Member would so move.

The Fourth Elected Member for George Town.

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

Mr. D. Kurt Tibbetts: I move the suspension of Standing Order 23(7) and (8), since no questions had been asked before 11.00, in order to allow questions to be taken.

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

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: The Motion has been duly moved and seconded. 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: Deferred question No. 167, the Fourth Elected Member for George Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

DEFERRED QUESTION NO. 167

No. 167: Mr. D. Kurt Tibbetts asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation whether the National Health Insurance legislation will still be presented at the November sitting of the Legislative Assembly.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: The Ministry of Health, Drug Abuse Prevention and Rehabilitation is still working towards presenting a revised National Health Insurance scheme to the Legislative Assembly in November 1995.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Honourable Minister in a position to say whether this proposed legislation will allow for Government's participation in a national health insurance, or if it will simply call for legislation to be in place with Government acting as a regulatory body?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Out of courtesy to the Committee, I would prefer to not answer this until we come to a final decision.

The Speaker: The next question is No. 168, standing in the name of the Third Elected Member for George Town.

QUESTION NO. 168

No. 168: Mrs. Berna L. Thompson Murphy asked the Honourable Minister for Agriculture, Environment, Communications and Works who is responsible for maintaining the grounds of the George Town Sports Complex.

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

Hon. W. McKeever Bush: The Ministry of Community Development, Sports, Women's and Youth Affairs and Culture, through the Sports Office, is responsible for maintaining the grounds of the Truman Bodden Sports Complex.

This responsibility was assumed on 1st August 1995. Prior to this, Public Works Department had responsibility.

SUPPLEMENTARIES

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Could the Honourable Minister kindly state if there is any equipment needed for the maintaining of the complex?

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

Hon. W. McKeever Bush: Maintenance of the playing field (which has been developed to a high standard) requires equipment on the level of expertise which we currently do not have among our resources. A decision was therefore taken to contract the job out to the end of the year and seek appropriate resources in the 1996 Budget to enable us to handle it in-house. Only two companies locally were known to have the necessary capability. Therefore, the 1996 Budget will include a request for new equipment.

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

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

Could the Honourable Minister say if the persons responsible for the maintenance of the grounds also look after the general maintenance and care of the equipment on the site?

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

Hon. W. McKeever Bush: I am not saying that a person who is to look after the grounds would not be able to do light maintenance, but certainly heavy maintenance will continue to depend on the Public Works Department.

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

Withdrawn

Mr. Gilbert A. McLean: Madam Speaker, with your permission and the permission of the House, after having spoken with the Honourable First Official Member responsible for Internal and External Affairs on this, I would request that this question be withdrawn.

The Speaker: The question before the House is that question No. 169 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 accordingly withdrawn.

AGREED. QUESTION NO. 169 WITHDRAWN.

The Speaker: The next question is No. 170, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 170

No. 170: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Planning what is the total cost of purchasing the 737-200 aircraft for Cayman Airways Limited inclusive of interest on the loan and other charges.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: The purchase price of the 737-200 aircraft recently purchased by Cayman Aviation Leasing Ltd. and leased to Cayman Airways Limited was US\$5.2 million. Interest on the loan, to be repaid over a five year period is approximately US\$1,033,000. The five year finance fee is US\$10,000. Attorney and other miscellaneous fees amount to US\$18,000.

Cayman Airways Limited had paid reserves into Citicorp toward future "C" checks on the aircraft and this sum, amounting to US\$272,000, plus the additional monthly reserves being set aside, will be placed on de-

posit and therefore partly offset the interest to be paid on the loan over five years.

SUPPLEMENTARY

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

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

Could the Honourable Minister say whether the company leasing the 737-200 to Cayman Airways is owned by the Cayman Islands Government?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: The answer is yes, it is a wholly owned company by the Cayman Islands Government.

The Speaker: The next question is No. 172, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 171

No. 171: Mr. Gilbert A. McLean asked the Honourable Minister for Education and Planning when is the construction of a new Teacher's Centre at the Creek Primary School due to commence.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: The land has been cleared and the construction of the New Teachers Centre at the Creek is due to commence on 18 September 1995.

SUPPLEMENTARY

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

Mr. Gilbert A. McLean: Could the Honourable Minister say if there are sufficient funds in the Budget for the construction of this particular Teacher's Centre, or is it partly estimated for in the Budget for this year?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: I am advised that there are sufficient funds. I think there is approximately \$80,000 in the Budget.

The Speaker: The next question is No. 172, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 172

No. 172: Mr. Roy Bodden asked if the Honourable First Official Member responsible for Internal and External Affairs would make a statement on the undertaking that was given on 22nd March, 1993 to place copies of the Colonial Regulations in the Library of the Legislative Assembly.

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

Hon. James M. Ryan: A copy of the Colonial Regulations was placed in the Library of the Legislative Assembly in early 1993 following the undertaking given by my predecessor. Unfortunately that copy appears to have been removed from the Library.

The Clerk has obtained another copy and this is now available from the Library.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: The copy now available seems rather outdated. Can the Honourable Minister say if this is the most recent version of the Regulations?

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

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, that is the most current version now in print.

The Speaker: The next question is No. 173, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 173

No. 173: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to provide the last statement of the Priscraft account detailing major transactions since June 1992.

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

DEFERMENT OF QUESTION NO. 173

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

In accordance with Standing Order 23(5), I seek the leave of this Honourable House to have the answer to this question deferred, as it was not available this morning.

The Speaker: The question is that the answer to question No. 173 be deferred to another 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 is accordingly deferred.

AGREED. QUESTION NO. 173 DEFERRED UNTIL ANOTHER SITTING.

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 First Official Member responsible for Internal and External Affairs if there are any exceptions to the requirements regarding Local Companies Control Licences beyond those listed in the Local Companies (Control) Law.

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

Hon. James M. Ryan: There are no exceptions to the requirements of the Local Companies (Control) Law of which I am aware.

The Speaker: That concludes Question Time. Proceedings will now be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.47 AM

PROCEEDINGS RESUMED AT 12.14 AM

The Speaker: Please be seated.

The next item is Government Business, the nomination of an Elected Member to the Standing Public Accounts Committee.

The Honourable Minister for Education and Planning.

GOVERNMENT BUSINESS

NOMINATION OF AN ELECTED MEMBER TO THE STANDING PUBLIC ACCOUNTS COMMITTEE

Hon. Truman M. Bodden: Madam Speaker, I would ask that this matter be deferred and, if necessary, to waive Standing Order 14 so that this could be deferred with the consent of the House.

The Speaker: Do I understand the Honourable Minister to say deferred to the next Session, or the next Meeting?

Hon. Truman M. Bodden: The next Meeting in November.

The Speaker: This vacancy has been occurring for over a year now and it has not been filled.

The question is that the election of an Elected Member to the Standing Public Accounts Committee be deferred and this requires the suspension of Standing Order 14 (Arrangement of Business).

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

AYES.

The Speaker: The Ayes have it. The item is accordingly deferred until the next Meeting.

AGREED. STANDING ORDER 14 SUSPENDED TO ENABLE THE NOMINATION OF AN ELECTED MEMBER TO THE STANDING PUBLIC ACCOUNTS COMMITTEE TO BE DEFERRED UNTIL THE NEXT MEETING OF THE HOUSE.

The Speaker: The House will now go into Committee on the Labour (Amendment) Bill, 1995.

BILLS

COMMITTEE ON BILL

The Chairman: Please be seated.

The House is in Committee to consider the Labour (Amendment) Bill, 1995.

The Clerk will read the Clauses.

THE LABOUR (AMENDMENT) BILL, 1995

Clerk: Clause 1. Short Title.
Clause 2. Amendments to the Labour Law.

The Chairman: The question is the Clauses 1 and 2 stand part of the Bill. Members have all been circulated with proposed amendments to the schedule. I would ask the Honourable Minister to...

Hon. W. McKeeva Bush: Thank you, Madam Chairman, with your permission we propose that in paragraph 2(6), the following be inserted after sub-paragraph (5): **"(6) Adoption leave may be granted to any female employee once in any 36 calendar month period."**

The Chairman: Shall we deal with that one first?

Hon. W. McKeeva Bush: Yes, Ma'am, we can take each one.

The Chairman: The question is that in the Schedule to the Bill, paragraph 2(6) that the following be inserted after subclause (5): **"(6) Adoption leave may be granted to any female employee once in any 36 calendar month period."**

The proposed amendment is open for debate.

If there is no debate, will you go on to the next one then, we can put all the questions in one?

Hon. W. McKeeva Bush: We propose that in paragraph 3(1), subsection (2) (a) be deleted and replaced by the following: **"(2)(a) of 3 to 5 hours, a minimum of 15 minutes break."**

We are changing the "1" to "3". That is the change, Madam Chairman.

The Chairman: The amendment proposed is as stated by the Honourable Minister. Members have a copy of it and this is open for debate.

If there is no debate, please proceed to the next one, Honourable Minister.

Hon. W. McKeeva Bush: It is proposed that paragraph 3, sub-paragraphs (3) and (4) be re-numbered (4) and (5) respectively and the following inserted as sub-paragraph (3): **"(3) Section 27(2) shall be amended by deleting paragraph (d) and substituting the following:**

"(d) bad or negligent work, other than a shortfall in cash collected by an employee on behalf of an employer or in a cash float provided to the employee by the employer."

The Chairman: The question is that the amendment, as proposed, be made. This is open for debate.

If there is no debate, Honourable Minister would you propose the next amendment, please?

Hon. W. McKeeva Bush: That in paragraph 8 the following be inserted after sub-paragraph (5): **"(6) The Labour Law is amended by inserting immediately after section 77 the following new section: 'Directions. 77A. The Governor may give to any officer or statutory authority carrying out a function under this Law directions as to the execution of such function; and where any such directions are given that officer or authority shall comply with the directions.' "**

The Chairman: The question is that the amendment, as proposed, be agreed to. The matter is open for debate.

If there is no debate, I shall put the question that the amendments, as proposed, 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. AMENDMENTS PASSED.

The Chairman: The question now 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 Labour 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 a Bill entitled, The Labour (Amendment) Bill, 1995.

The question is that the Committee do report the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it. The House will resume.

AGREED. COMMITTEE TO REPORT TO THE HOUSE.

HOUSE RESUMED AT 12.28 PM

The Speaker: Please be seated.

Report, the Honourable Minister.

REPORT ON BILL

THE LABOUR (AMENDMENT) BILL, 1995

Hon. W. McKeeva Bush: Madam Speaker, I have to report that a Bill entitled, A Bill for a Law to Amend the Labour Law was considered and passed in Committee with several amendments.

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

Third Readings.

THIRD READING

THE LABOUR (AMENDMENT) BILL, 1995

Clerk: The Labour (Amendment) Bill, 1995.

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

Hon. W. McKeeva Bush: Madam Speaker, I move that The Labour (Amendment) Bill, 1995, be given a Third Reading and passed.

The Speaker: The question is that The Labour (Amendment) Bill, 1995, 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 LABOUR (AMENDMENT) BILL, 1995, PASSED.

The Speaker: The next item is the First Reading of the Church on Hospital Road (Incorporation) (Amendment) Bill, 1995. Suspension of Standing Order 46(1). The Honourable Minister for Education and Planning.

SUSPENSION OF STANDING ORDER 46(1)

Hon. Truman M. Bodden: I move the suspension of Standing Order 46(1) to take the Church on Hospital Road (Incorporation) (Amendment) Bill, 1995.

The Speaker: The question is the suspension of Standing Order 46(1) so that the House can proceed with consideration of the Church on Hospital Road (Incorporation) (Amendment) Bill, 1995. 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 46 SUSPENDED.

FIRST READING

THE CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995

Clerk: The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995.

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

SECOND READING

THE CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995

Clerk: The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. This very short Bill basically only changes the name of the Church on Hospital Road to "Agape Family Worship Centre", and does nothing more than that.

The church, which is an established church in Cayman, has decided that they wish to change their name and this is a tidying up exercise on behalf of that church.

The Speaker: The question is that a Bill entitled, The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995, be given a Second Reading. The Motion is open for debate.

If there is no debate, does the Honourable Minister have anything further to say?

The House will go into Committee to consider this Bill.

HOUSE IN COMMITTEE 12.33 PM

COMMITTEE ON BILL

The Chairman: The House is in Committee to amend the Church on Hospital Road (Incorporation) Bill, 1988.

THE CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995

Clerk: Clause 1. Short title.

Clause 2. Amendment to section 2 of the principal Law.

Clause 2. Amendment to section 3 of the principal Law.

Clause 4. Amendment to the recitals to the principal Law.

The Chairman: The question is that Clauses 1 through 4 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 THROUGH 4 PASSED.

Clerk: A Bill for a Law to Amend the Church on Hospital Road (Incorporation) Law, 1988.

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: The question is that the Committee do Report. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

AGREED. COMMITTEE TO REPORT TO THE HOUSE.**HOUSE RESUMED AT 12.34 PM****SECOND READING****The Speaker:** Please be seated.

I think in running back and forth, I did not put the question on the second reading. I will put that now to get the record straight.

The question is that a Bill entitled, The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995, 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 CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995 GIVEN A SECOND READING.****The Speaker:** Report on Bill.

The Honourable Minister for Education and Planning.

REPORT ON BILL**THE CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995.**

Hon. Truman M. Bodden: Madam Speaker, I have to report that a Bill entitled The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995, was considered by a Committee of the whole House and passed without amendments.

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

Third Reading. Suspension of Standing Order 47.

SUSPENSION OF STANDING ORDER 47

Hon. Truman M. Bodden: I beg to move the suspension of Standing Order 47 to take the Third Reading of this Bill.

The Speaker: The question is the suspension of Standing Order 47 to take the Third Reading of this Bill.

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 47 SUSPENDED.**The Speaker:** Third Reading.**THIRD READING****THE CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995**

Clerk: The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: I beg to move the Third Reading of a Bill entitled The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995.

The Speaker: The question is that a Bill entitled The Church on Hospital Road (Incorporation) (Amendment) Bill, 1995, 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 CHURCH ON HOSPITAL ROAD (INCORPORATION) (AMENDMENT) BILL, 1995, GIVEN A THIRD READING AND PASSED.**The Speaker:** Government Motion No. 5/95.

The Honourable Minister for Education and Planning.

GOVERNMENT MOTION NO. 5/95**APPOINTMENT OF MEMBER TO THE STANDING BUSINESS COMMITTEE**

Hon. Truman M. Bodden: Madam Speaker, I beg to move the following Motion: "WHEREAS Government Motion No. 1, entitled 'Appointment of the Standing Business Committee' was passed by the Legislative Assembly, in accordance with the provisions of Standing Order 76, on 25th November, 1992;

AND WHEREAS the Motion resolved that the Committee comprise the Leader of Government Business and four other Members;

AND WHEREAS the Committee currently comprises the Leader of Government Business and three Members;

BE IT RESOLVED THAT this Honourable House appoints Mr. D. Dalmain Ebanks to fill the membership of the Committee."

I so move.

The Speaker: The question is Government Motion No. 5/95: "BE IT RESOLVED THAT this Honourable House appoints Mr. D. Dalmain Ebanks to fill the membership of the Committee."

The Motion is open for debate.

If there is no debate, I shall put the question. 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. 5/95 PASSED.

The Speaker: Private Member's Motion No. 10/95, Fiscal Responsibility. The debate continues.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

I beg your pardon, Honourable Minister. Are you prepared now? I believe you said you had an appointment.

Hon. W. McKeeva Bush: Yes, I still do have that appointment, but since I had risen yesterday afternoon, I would be pleased if you could take the break.

The Speaker: I think that is fair since you did tell me you had an appointment. Proceedings will be suspended until 2.00.

PROCEEDINGS SUSPENDED AT 12.39 PM

PROCEEDINGS RESUMED AT 2.05 PM

The Speaker: Please be seated.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 10/95

FISCAL RESPONSIBILITY ACT

(Continuation of Debate thereon)

Hon. W. McKeeva Bush: Thank you, Madam Speaker. I certainly thank you for your consideration at the break.

Normally this Motion should have been completed, but you have to take what is said in this House and what is said on the outside by the Opposition into consideration. We have to understand exactly what they are trying to get at.

To begin with, on the front page of today's *Caymanian Compass*, the Mover of this Motion is reported as saying that the proposal had nothing to do with the way the Department of Finance was being managed, what it sought was more openness.

Let us look at the whole procedure. During the Honourable Financial Secretary's contribution, a Law was given to him after he had made his contribution. I just want to say if they had the interests of the House at

heart, they would have either given the companion legislation (which they obviously had) to Members, or made it available to the Department of Finance.

The Motion itself is not complete. Even if Government saw fit, or saw the need for the Fiscal Responsibility Act, which we do not, it would be at a loss to institute it without full knowledge, or measures such as the companion legislation, The New Zealand Public Finance Act, 1989. Here is why.

I would like to mention a few references in the Fiscal Responsibility Act. You will find these on pages 3, 8, 9, 12, 13 and 14 out of 15 places referring to the Public Finance Act. The Fiscal Responsibility Act relies on the definitions contained in the Public Finance Act to explain the terms used in the Fiscal Responsibility Act. To give an example, on page 3 in section 2, it reads: "In this Act, unless the context otherwise requires, the terms 'commitment', 'contingent liability', 'Crown', 'department', 'expenses', 'financial year', 'generally accepted accounting practise', 'Government', 'Minister, Secretary and Treasury', have the meanings given to them by section 2(1) of the Public Finance Act, 1989.

In other words, the Government could not put in place the Fiscal Responsibility Act without putting in place the other law of New Zealand, the companion law. I suggest that to bring a Motion calling for the adoption of one without the other does not make any sense and is an irresponsible act, with an Cayman capital A.

The Second Elected Member for Cayman Brac and Little Cayman said that all the countries of the world should adopt this legislation. Both of the laws which are contingent upon each other, require a central banking operation, a Ministry of Finance—the whole system is predicated on a different structure, an independent structure of government.

The overriding objective of the Motion is to say that Government is not in favour of opening its financial operations to a greater level of scrutiny by this House and the public in general. This is as far from the truth as east is from west. We are all aware that there are several reporting activities already in place within Government—the annual account of Government, which is followed by the Public Accounts Committee's deliberations (which are public); the Public Accounts Committee Report (which is public); the Government's Minute, or response to these; the Annual Budget Address, which is normally delivered some three months after the accounts of Government are published.

The Budget statement carries objectives and priorities of the Portfolios and Ministries of Government. If we look at the Budget document, which is public, we will find that in the Portfolio of Finance and Development the ambit of the vote appears: "**Expenditure relating to implementing and monitoring macroeconomic and fiscal policies and measures to promote sustainable economic growth and development.**"

Then it carries the Mission Statement: "**To develop, implement and maintain macroeconomic and budgetary policies and measures to promote the sustained economic growth and development of the**

Cayman Islands, to manage the finances of the Government and exercise supervision and control in all matters relating to the financial affairs of the Cayman Islands."

Then it carries a review. Then it carries non-achievements and then the objectives. Also, for each department, for instance the Currency Board, the ambit of the vote says: **"Expenditure relating to monetary supply within the Cayman Islands and other operations in accordance with the Currency Law (Revised) and its Regulations."** It also has as its Mission Statement: **"To provide the general public with secure and aesthetically acceptable Cayman Islands currency; to maximise return on investments and ensure the efficient administration of the Law."** It then carries the review, the objectives and the outlying programmes, performance, target and indicators.

For each department, each unit, each Ministry and Portfolio, there are objectives and a wide understanding of what is permitted, what the Budget does for each year.

Not sooner than three or four months after the Budget's presentation, the Throne Speech is delivered which gives policies, priorities and reports on progress in achieving the prior year's objectives.

The Second Elected Member for Cayman Brac and Little Cayman said that through their proposed law, if supplementaries were necessary they would know more about it. Throughout the year, and for every year since I have been in this Honourable House, the House meets four times. There are numerous Parliamentary Questions asked about Government's liabilities, such as borrowings and guarantees; questions asked about Government's revenues, expenditures and reserves; questions asked about projects and programmes, and questions even asked about rumours.

Further, every quarter the Economic and Statistics Unit publishes a report on the state of the economy and the finances, revenues, expenditure, surplus and deficit accounts, inflation rates and unemployment levels. If this is not openness, if this is not good accountability, then I would like to know what is.

The Honourable Third Official Member in his contribution, explained a further step that is now being taken by Government, by developing the medium term financial strategy and public sector investment programme process. This is being done to further develop and enhance our already numerous and varied reporting mechanisms. The medium term financial strategy proposes mid term reports to the Legislative Assembly.

Through the CPA, I try to stay abreast of what happens in Commonwealth countries. In New Zealand, they have income tax on personal and corporate income, property tax, excise tax, which gives cause for a completely different accounting structure.

In New Zealand, the Government had owned through the Parastatals (Authorities, as we know them), a significant portion of production in the country such as, agro-processing factories, livestock, agricultural lands and mining. We have none of this. The Government here is more a facilitator of development, rather than being di-

rectly involved in private sector activities that gave rise to the state of affairs, which New Zealand found itself in, in 1989.

New Zealand had to put these measures in place because not only was the Government some \$4 billion in debt, but their authorities were also going broke and could not sell their products on the world market, which left their economy in a destabilised condition.

To support what I am saying, I will read part of the speech by the Minister of Finance on the Fiscal Responsibility Act. I quote:

"The last 20 years have been difficult ones for New Zealand. We have seen things we take for granted disappear. The world certainly no longer owes us a living, if indeed it ever did."

"Over that time, our initial unwillingness to adjust and live within our incomes has seen our net public debt levels rise from around 6% of the Gross Domestic Product in 1972, to almost 50% today. Unemployment has leaped from a few hundred in the early 1970s to a peak of just over 11% of the labour force a year or two ago. Our poor performance has meant that we have built up substantial debt, joblessness and other forms of human unhappiness."

"When you are in a hole, the first thing to do is to stop digging. Lapses of concentration by previous governments, for example, in 1989-1990, saw us start digging faster again."

To further quote him: **"Having gone through 20 years or so of very unfavourable fiscal dynamics, New Zealand now has the opportunity of climbing into a reverse and favourable spiral. We currently spend almost \$4 billion a year in debt servicing."**

That state of affairs is completely the opposite from these Islands. We have had at least 20 years of growth, and the percentage of debt servicing is very low indeed. So, as much as the Opposition would like the public to believe that things are so bad that we need these kinds of mechanisms, that management of the finances has gone awry. The fact is that this is not so.

To further enhance my argument that New Zealand needs this Act and we do not, I would like to read a portion from the Asian Journal of Government Audit. It says:

"Up to the mid 1980s, Government administration in New Zealand remained heavily centralised. Criticism of central government administration included multiple and conflicting objectives or objectives which were insufficiently specified; too much emphasis and control of production input; too many restrictions on managers preventing them from making efficient resource allocation decisions; inadequate information for performance measurement purposes; lack of effective review mechanisms for dealing with poor performance in senior management."

"In the late 1970s and early 1980s, a series of changes were made in the existing system in an effort to improve the way the public sector was operating, but they met with limited success. From the mid 1980s a programme of more radical reforms com-

menced as it became apparent that more comprehensive initiatives were required.

"Following the election of a new government in 1984, the administration embarked on an economic programme which included removal of wage and price controls, lowering of the protection provided to local industry, reform of the taxation system and deregulation of the finance and other sectors of the economy..." None of which are applicable to the Cayman Islands.

I continue to read: **"The public sector formed an important part of the reform process. The first area to be addressed was the trading operations of central government which were corporatised under the State Owned Enterprises Act, 1986. There were three broad objectives for creating State Owned Enterprises [or Parastatals, or authorities as we know them]; to separate commercial and non-commercial activities with government funding for non-commercial activities and commercial objectives for the State Owned Enterprises Board; to implement competitive neutrality, that is to remove all competitive advantages and disadvantages arising from State Ownership; to provide incentives for management to perform well."**

None of this applies to the Cayman Islands, but demonstrates very ably why New Zealand had to introduce the Public Finance Act and the Fiscal Responsibility Act.

The Mover of the Motion said that we need to target our debt levels. The Honourable Financial Secretary, in his contribution, suggested that a target should be established for the amount of money the country pays in servicing its debt. He suggests 10%. I am happy to report that the direct public debt is currently less than 4% of local revenue, that is self-financing loans take 2% of local revenue, but that is reimbursed by Statutory bodies.

This is very prudent and within internationally accepted ratios and certainly manageable within these islands. To say that we need to target our debt levels is asking for something that this country has already done.

The mention of speculation that Government is in the red, comes from their political meetings and no person will be able to stop them from talking. That kind of mentality will say that because they do not have anything else to say. But the proof of the pudding is the tasting thereof.

I believe it was Shakespeare who said something like, "Gentlemen, the news of my passing was greatly exaggerated." That is the case with the statement about the government being broke.

The Fourth Elected Member for George Town tried in his own way to impute that the Honourable Financial Secretary was in complete agreement with what they were trying to do. That is very misleading. All the Honourable Financial Secretary said, and I would like to quote from his speech, he said: **"Minister to report regularly to the Legislative Assembly on the extent to which the Government's fiscal policy is consistent with the specified principles of responsible fiscal management and to justify in his or her report any departures made by the Government from those principles."** What he went on to say is that through the Medium Term

Financial Strategy they will be able to bring reports to the Legislature at mid year. That is all he said that could be taken from the Fiscal Responsibility Act. He said that we already had that in motion.

They like to jump up and say; *'But you say those things when we ask you something—you say you are already doing it.'* That is what the Honourable Financial Secretary has told them. We do not need another law to allow us to do this. He is doing his work and that is what they need to accept.

To repeat, the Honourable Financial Secretary said; **"In response to Section (a) of the preamble of the New Zealand Fiscal Responsibility Act, the Government recognises that there are benefits to be gained by increasing the frequency of reporting to this Legislative Assembly,..."** But he already has this in hand, this is what he is doing.

Now to boost up his jumbling together of what the Honourable Financial Secretary said, the Fourth Elected Member for George Town said, **"This is clarity at its optimum."** Meaning that the Honourable Financial Secretary was backing them. I doubt that. Only those people who are so minded would believe that.

The Honourable Financial Secretary gave a list of significant factors on New Zealand's economic makeup. He said, and I quote: **"...firstly, it would be imprudent for the New Zealand Government to measure its revenue flow strictly on the basis of its likely cash receipts as its heavy involvement in various trading activities (through various parastatal organisations) would best be measured through the use of an accrual accounting system as found in commercial operations."** This is what they are pushing, but the financial statement of New Zealand takes into account the value of assets such as buildings, roads, and general Cayman capital works. When you add those together it would make any Government look good. But it does not mean that they can pay all their bills.

Our accounting system shows the cash that we receive and what payments we have to make in any given year, and we know what we have left. Does the world not know that the Government owns the Glass House (the Government Administrative Building); do they not know that the main roads belongs to the Government? Surely it would make the New Zealand Government's financial statement look good to have all those items included. If you were going to sell them... but we have never proposed that, and I have never heard that proposed.

I do not think that what the Fourth Elected Member for George Town had to say on this matter makes any difference. Of course, he did a good job in reading one part of the speech without relating it to the other part. But that is the job of the Opposition.

The Fourth Elected Member for George Town also compared the Children Bill, 1995, and the Youth Justice Bill, 1995, to what they are now trying to do. But we do not need to be an independent country to operate these kinds of laws.

For instance, they have nothing to do with a Minister of Finance, a Prime Minister or a Central Bank, which are

components of an independent structure and which are strong, integral parts of the two laws which we would need to introduce if we do such a law. The Children Bill and the Youth Justice Bill have more to do with the care and protection of young children. Certainly, we do not need to be an independent country to do so.

I will say to the Fourth Elected Member for George Town, that it only makes sense to copy from other countries that which is workable for us and will not cause any damage to the system which we now operate. For instance, we operate on the same Jurisprudence as the United Kingdom. However, New Zealand's financial structure is completely different from the Cayman Islands, partly because they are an independent country and we are not. I do not think that his comparison of the Children Bill or the Youth Justice Bill to what they are trying to do makes any sense.

I think Honourable Members on the Government side who have spoken have clarified well what we are doing and what has already been done. I agree with them that we do not need to incorporate what they are asking us to do. The Honourable Financial Secretary has said that a new reporting system is to come mid-year but that it is already in the works.

Why should we pick up on a law that is more complex, which is predicated on a different economic and political structure, where you have a Minister of Finance rather than a Financial Secretary who is a civil servant, and seek to implement it here in the Cayman Islands? I say we already have mechanisms in place, and continuing to develop these to suit our own environment is what is most needed.

So to sum up, I cannot agree with this Motion. It is just another way for the Opposition to try to give themselves credit saying that the country's finances are awry and thus we need these sorts of systems in place to keep politicians in check. They have amended that by saying that you do not know what you are going to get in the future. That is true, but I do not believe that we can incorporate what they are asking for, and it would not do us any good in our present system.

The National Team's record in financial matters (and that is what we are dealing with) has stood the test—when we consider what we found at the end of 1992 and how we turned it around at the end of 1993. These predictions of the Government being broke do not mean anything because you are going to find that up through the election. I say to Members of the House and the general public, do not pay any attention to the Opposition, what they are looking for is votes—and they are prepared to get them anywhere they can get them either by misleading the public on finances or something else.

The Motion itself does not make any sense because it asks us to introduce something similar to the Fiscal Responsibility Act of New Zealand, and it says nothing about the companion bill that would need to be put in place if we were to accede to what they want us to do.

Thank you very much, Madam Speaker. I thank the House for their time. I do not believe the Motion makes any sense other than what the Honourable Third Official

Member said we needed to do, and he already has that in hand.

It is good to say here that the Honourable Financial Secretary, the Deputy Financial Secretary, and their staff, are doing a fantastic job. I believe he has support from the Government. They could not do this without the support of the Elected Members. So do not let anyone try to say different.

At the end of this year we will find out whether the Government is broke. I will end by saying this in regard to the Government finances and being broke, Shakespeare said; "News of my death is greatly exaggerated."

The Speaker: If no other Member wishes to continue the debate, I will ask the Mover to exercise his right of reply.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Perhaps I might begin an attempt to bring this Motion to the Chamber by placing the events in a chronological perspective.

The Motion had its birth from the discovery of an article in *The Economist* magazine dated April 1st, 1995, by my colleague, the Second Elected Member for Cayman Brac and Little Cayman and I. When we read the article and decided that it would be prudent to investigate the Fiscal Responsibility Act of New Zealand, we came to the Assembly. Through the courtesies and good offices of the Clerk we requested of the Deputy Clerk to procure us a copy of the Fiscal Responsibility Act of New Zealand. The Deputy Clerk, in her usual courteous and efficient way, did the same for us. The Act is stamped June 27th, 1995.

Now, the Motion came to the Clerk's office on September 5th, 1995, but before that we further requested the Deputy Clerk to procure a copy of the Public Finance Act, 1989, of New Zealand. Again, with equal courtesy and efficiency she complied.

However, in this case we did not meet with the success we met with in the procurement of the Fiscal Responsibility Act. The Deputy Clerk was referred to another organisation, and it was tedious, difficult and time-consuming. She consulted us and we decided to abandon the attempt to get the Public Finance Act, 1989, through the Clerk's Office.

My colleague and I then contacted a mutual acquaintance that has access to the Internet and requested that he procure the document for us. In his usual gracious way, he complied. So it was on August the 20th, 1995, beginning at 13.27 hours (if my information is correct, and I know it is, that was a Sunday)... it took from then to 6.12 hours because he copied the New Zealand Public Finance and Audit Act from the Internet to his computer to the photocopier. He told us that had he thought of it he would have copied it to a diskette and it would have been inexpensive and less time-consuming.

I say that to make the point, that it is not the responsibility of the Second Elected Member for Cayman Brac and Little Cayman, or the First Elected Member for Bodden Town. We are not the Government. When we get bills that we are unfamiliar with we use resources avail-

able to us, including people in the legal profession in Cayman, to inform us. I am saying that the Government's excuse is flimsy and does not hold water.

It is not my responsibility, for if their Finance Department was as efficient as they say it is, first of all they would be getting copies of *The Economist* magazine and someone would have seen the article at about the same time the Second Elected Member for Cayman Brac and Little Cayman and I did. They should have been so minded and interested to follow it up.

Hon. W. McKeeva Bush: Why?

Mr. Roy Bodden: So that denounces that theory. It is a good thing that they were given the Motion on short notice because had it been any longer, we would have had to spend the rest of our lives listening to the justifications as to why we should not consider this Motion.

The Motion asks that the Government consider adapting a fiscal responsibility law similar to the Fiscal Responsibility Act, 1994, of New Zealand. No more, no less—a consideration.

Hon. W. McKeeva Bush: [inaudible interjection]

Mr. Roy Bodden: I am going to tell you that, and I am going to tell you a lot of other things. I just hope you listen.

I pose a question: Are we running from fiscal responsibility? That is the impression I get. In the article of *The Economist* on page 98 it talks about the principles of fiscal responsibility which reads: "**The Government must justify any departure from its fiscal targets and say how it intends to get back on track.**" I intend to come back to the article in *The Economist* magazine and the Act itself.

I would like to spend some time now dealing with the comments made by Honourable Ministers. I would like to take that of the Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture first.

One of the comments that the Honourable Minister made had to do with the Public Accounts Committee's deliberations and the Public Accounts Committee's Report. He suggests that there is no need here for us to adapt any of the principles of fiscal responsibility using the New Zealand Act, 1994, as a model because we have the Public Account's deliberations and the Report. This is September, and I have scanned the Order Paper for today and I do not see anything about the Public Accounts Committee's Report being tabled. If our system is so efficient, tell me what is the explanation for its absence?

Under my chairmanship the Public Accounts Committee's Report was tabled on time, every time, for four years. Why is there a departure at this time if we are so fiscally responsible?

I do not know what kind of attempt was made to twist what was said by the Fourth Elected Member for George Town and the comparison he made. The comparison was

straightforward, and that is that the reference to independence is completely irrelevant and inappropriate because we have used as models and examples in the past many laws from so-called independent countries. Indeed, our system of Government is predicated upon the Westminster system and Great Britain (the country from which that system emanates) is an independent country. But that does not mean because we have such a system that we are independent or that we want to go independent. So that negates that comment and reduces it to the category of "rubbish" where it rightly belongs.

The Honourable Minister also said that "**we [the Government] have to take into account what the Opposition says inside the House and outside the House.**" That is true, and that is one of the reasons why we saw fit to suggest that we use the Act as a model for the fiscal responsibility law.

I must take time out now to make one point: This whole business of praising ourselves, of setting ourselves up as a paragon of virtue and enlightenment, of setting ourselves up as the best, I would like to know if that means we are saying we are so good that there is no room for improvement?

Hon. W. McKeeva Bush: No!

Mr. Roy Bodden: I want to make one observation. I look across there and I do not see any angels sitting on the National Team's Government bench. I do not see any haloes over their heads. I do not even see haloes, as one Member remarked at one stage, Madam Speaker.

Hon. W. McKeeva Bush: [interjecting] You do not have any either. That is why we have to pay attention to you...

Mr. Roy Bodden: It is good for us to realise that even the most informed can at times learn from the less informed. I will only say to those elected Ministers of the National Team's Government that we all tread on terra firma, and that we all are expected to give account. So let us not lull ourselves into any false sense of security that because the Cayman Islands... and, heaven knows, I admire and love my country and hope and pray that our standard of living will continue and that it could improve. But I would be stupid to think that we are so far advanced that we cannot improve.

I read from the legends and myths that that is what happened to the people of Atlantis. Everybody knows that Atlantis eventually disappeared. Even the best historians are agog to explain its demise beyond the point that its populace grew arrogant and cocky.

Believe you me, for as much as the Government claims to have achieved and done, they could be well served by an instrument such as this Fiscal Responsibility Act. And I remind my good friend, the Minister for Community Development, Sports, Youth Affairs and Culture, that there is much to be done. It behooves us to not believe that we have arrived because, indeed, we are far from the arrival point.

The Honourable Financial Secretary, by his own admission said, and I quote: **"Incidentally, the New Zealand financial control system was among several studied during the revision of our annual budget, project preparation and debt recording and management systems which commenced in 1991 and which is expected to culminate with the laying of the Medium Term Financial Strategy and Public Sector Investment Programme document during the First Meeting of the 1996 Session of the Legislative Assembly."**

Now, I pose the question: If the New Zealand system was good enough to be considered for such an important undertaking, then what has happened to sour the system now so that an addition to the system (which the New Zealanders themselves found applicable and appropriate) should be thrown out of the window without even so much as giving it second thought?

The article in *The Economist* magazine says... by the way, let me say that *The Economist* magazine is one of the most widely read and respected magazines in the international financial world. It is a magazine coveted by both laymen and professionals. You know what it says about New Zealand and its system of fiscal responsibility? It says: **"New Zealand now boasts the best framework for monetary and fiscal policies anywhere in the world."** That is not the First Elected Member for Bodden Town or the Second Elected Member for Cayman Brac and Little Cayman, Madam Speaker, that is *The Economist* magazine.

I want to make some comments on the contribution by the Honourable Minister for Tourism, Aviation and Commerce. I was trying to understand the Minister's line of argument as I listened to some of the things he said. It is a pity that he did not take the time to think out the things he said because some of the statements he made are indicative of the arrogance and cockiness I mentioned earlier being responsible for the demise of the city of Atlantis. Earlier in his contribution he said; **"Not knowing what the New Zealand Law is about, I do not believe it is my responsibility to know what it is. It is my responsibility to know what is, as far as statutes, on the book of the Cayman Islands, but it is not my responsibility to know what any legislation is about in New Zealand."**

He goes on to say; **"The Cayman Islands is known, not just for its financial industry, not just for its facilities as a tourist destination, it is also known for its fiscal management of its affairs and held up as a model in the Cayman Caribbean. So why would we want to go to New Zealand?"**

He goes on further to say that in the Cayman Islands, **"it is a model situation, whether it is legislation or otherwise.... No matter what the comment may be on this particular piece of legislation, I personally have no reason to consider any other country's legislation."**

After that I realised that his defensive position was but an attempt to cover-up his own mediocrity when he was the Financial Secretary; his defensive position was but an attempt to cover-up his own glaring failures and inconsis-

tencies when he held that post. His defensive position was but an attempt to cover-up his own irresponsible fiscal management because he spoke about Motion No. 3/90. I am here to tell him, through the Chair, that he was the author of that document, so he had to reverse it. The onus was upon him.

In *The New Caymanian* of the week of 28 August through 3 September, 1992, Mr. Alan Scott, in an interview entitled "Alan Scott: 'I served without fear or favour,'" had this to say when asked: **"Is it correct that you were on leave when Government Motion No. 3/90 (change in the composition of Finance Committee) was approved by Executive Council?"**

Mr. Scott replied: **"I was indeed on leave when that was approved to go before the Legislative Assembly."**

The New Caymanian further asked: **"Would it have been possible for the Acting Governor to defer that motion or to seek the Secretary of State's advice?"**

Mr. Scott replied: **"Yes, the Acting Governor Mr. Thomas Jefferson has the full powers to the Governor under the Constitution while he is acting."**

I know the Honourable Minister likes to stand up. Can he say that that is not so? Can he say that he is not someone who practised fiscal irresponsibility? Because that is what the Motion was, the epitome of fiscal irresponsibility.

Hon. Thomas C. Jefferson: Madam Speaker.

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, I am happy to stand up if he asks me to.

Mr. Roy Bodden: Madam Speaker, what is he going to say?

The Speaker: Are you rising on a point of order, Honourable Minister?

POINT OF ORDER

Hon. Thomas C. Jefferson: I am rising on a point of order, Madam Speaker.

The Speaker: **The Speaker:** May I hear the point of order, Honourable Minister?

Hon. Thomas C. Jefferson: The point of order is that I have never been the author of Motion No. 3/90. The Member for Bodden Town is seriously misleading the House.

The Speaker: First Elected Member for Bodden Town, can you clarify the point that you made?

Mr. Roy Bodden: Certainly, Madam Speaker. I read from a document which I made reference to. I have read from

a statement made by the former Governor, Mr. Alan Scott, who said he was indeed on leave outside the country.

The Speaker: That is not the point. The point is whether the Honourable Minister at that time was the author of the Motion. That means did he compose Motion 3/90? Did it come in his name to the House?

Mr. Roy Bodden: Madam Speaker, I said that according to the article he had the option of seeking the advice of the Secretary of State.

The Speaker: That is a different thing altogether from what was said—that he was the author of the motion.

Mr. Roy Bodden: Well, Madam Speaker, you know... I believe Ma'am, that I just read...

The Speaker: No, no! That is not the point. I know what you just read. I heard that, but you did say that the Honourable Minister at the time was the author of Motion No. 3/90.

Mr. Roy Bodden: Madam Speaker, he was the author in the sense that he was present at the meeting and the gathering when this motion had its genesis. Whether he wrote it or not, I cannot say, Ma'am. But he was in the hall, building, room or whatever from where this document emanated.

The Speaker: Honourable Member, I do not think that I can accept that because the fact is that the Motion had to be moved by someone. Can you say whether it was moved by the Honourable Minister for Tourism, Aviation and Commerce during his time?

Mr. Roy Bodden: Madam Speaker, it is impossible for me to say that, I can only say that he was on the Executive Council.

The Speaker: That does not mean that he was the author. I think you will have to retract those words, because if he was not the author... that is what you said and that is what he is objecting to.

Mr. Roy Bodden: Well, I will bow to your ruling, Madam Speaker. But I say that he was present in the company...

The Speaker: That is not the point, Honourable Member, you did say that he was the author.

Mr. Roy Bodden: Madam Speaker, you have asked me to retract and I will bow to your ruling.

The Speaker: If you retracted what you said, I think you should really apologise if you made an error in that respect.

Mr. Roy Bodden: If I said that he was the author?

The Speaker: All right, please continue—and I think it is time we got back to the substance of Motion No. 10/95.

Mr. Roy Bodden: Thank you, Madam Speaker.

The substance of the Motion is that as a principle of responsible fiscal management, Motion No. 3/90 could certainly not be entertained as responsible fiscal management.

The Minister further made the point that, "**You can write anything on a piece of paper, it is actually the persons who have the privilege of being in power to carry out fiscal management in a responsible way.**" I agree, but I also make the point that it is also the persons in power who have the privilege of carrying out fiscal management in an irresponsible way.

I would like to quote, in substantiation of that observation, from a column by Morris Cargill who is the senior columnist of *The Gleaner*, and who has been writing for more than 40 years. He made the reference that, "**Alexander Tytler made the following statement about democracy when he wrote *The Cycle of Democracy in 1770, six years before the birth of this nation*: [that is the United States] 'A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on the majority always votes for the candidates promising them the most benefits from the public treasury, with the result that a democracy always collapses over loose fiscal policy, always followed by dictatorship.'**"

I say that to make the point that while it is true that anything can be written on a piece of paper, it is the persons who have the power and privilege to carry it out; it is equally true that those persons have the power to manage the State's resources in an irresponsible way also.

Reference was made to a comment about the Government being in the red, and the Honourable Minister made the point that there has been nothing but good prudent fiscal management since the National Team's Government. Then I wonder, what is the explanation for the falling of the national reserve from \$10 plus million as of the 31st of December, 1992, to \$3 plus million a year later on the 31st of December, 1993? I wonder also, what is the explanation for the public debt which stood at \$15 plus million as at the 31st of December, 1992 to \$27 plus million as at the 31st of December, 1993 (an increase of 75%)? Is this good fiscal management? Is this fiscal responsibility?

Hon. Thomas C. Jefferson: Madam Speaker.

The Speaker: Honourable Minister, are you rising on a point of order?

POINT OF ORDER

Hon. Thomas C. Jefferson: On a point of order, Madam Speaker. I believe the information that the First Elected

Member for Bodden Town is giving in respect to the public debt as at the end of December 1992 is not correct.

The Speaker: First Elected Member for Bodden Town, may I hear an explanation?

Mr. Roy Bodden: Madam Speaker, I copied it from the last Auditor General's Report which was tabled in this House. Unfortunately, I do not have the copy of the report with me but it is open to checking.

The Speaker: Honourable Minister, are you disputing the amount?

Hon. Thomas C. Jefferson: I do not have the exact figures here for 1992, but I do know from my memory that \$15 million as a public debt could never be for 1992, which he is talking about. It may be 1972, but certainly not 1992.

The Speaker: Well, I think we need to get this cleared up. Is there any way that this could be done? I am sure that there must be a copy of the Auditor General's Report readily available.

Mr. Roy Bodden: Madam Speaker, may I be allowed to continue my debate in the interim?

The Speaker: Honourable Minister, you are challenging this point, is there any way you can find the document to substantiate the quoted figure?

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I will take it as my obligation to provide that information to this House, because I am sure the Member is misleading the House.

The Speaker: Well, until such time the Member will continue his debate.

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker...

[Hon. Third Official Member rose]

The Speaker: Honourable Third Official Member, are you rising on a point of order?

POINT OF ORDER

Hon. George A. McCarthy: Yes, Madam Speaker. Just to clarify a point made earlier.

I do not have the exact figure of the public debt, but increase that is reflected on the statement for 1993 shows a loan that was raised by the Government on behalf of Cayman Airways Limited. This, as reported by the Auditor General, would have been a flow-through of funds, and because of the fact that it was guaranteed by the Government, it would have been factored in as part of

the public debt. That would be the reason for the increase.

Mr. Roy Bodden: May I be allowed to continue now, Madam Speaker?

The Speaker: Yes, please, First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, I would hope that the answer given by the Honourable Financial Secretary is to the satisfaction of the House and is a resolution of the matter.

There were a number of other comments and queries raised by the Honourable Minister for Tourism, Aviation and Commerce, and I will deal with those in my usual timely fashion.

The Honourable Minister raised a point concerning what he claimed was a glaring omission in the New Zealand Fiscal Responsibility Act, in that he said while there was provision for departure from a certain fiscal path, there was no indication of any return to that fiscal path. I believe he was referring to what was mentioned in *The Economist* article when it said that the Government had to justify any departure and state how it intended to return.

I will now read from the Fiscal Responsibility Act, 1994, showing that his observation is without foundation.

On page 3 of the Act it states: "**The Government may depart from the principles of responsible fiscal management specified in subsection (2) of this section, but when the Government does so --**

"(a) Any such departure shall be temporary; and

"(b) The Minister of Finance shall, in accordance with this Act, specify --

"(i) The reasons for the Government's departure from those principles;

"(ii) The approach the Government intends to take to return to those principles; and

"(iii) The period of time that the Government expects to take to return to those principles."

So his comment is without foundation and without justification. I can only say that the reason for such a misunderstanding is that he did not take the time to peruse the Act as thoroughly as he could have.

I have been brought up to understand that the essence of learning is to be able to apply knowledge, so much so that we talk about 'applied' knowledge, pure mathematics and 'applied' mathematics. Applied knowledge in this case has to have its foundation and its tenets in this: If the wheel has already been invented, why should we waste time to re-invent it? If New Zealand (or any other country) has a law or an Act or any form of legislation which we could benefit from, why should we not try to incorporate those sections once it is relevant and appropriate? This Motion simply requests that we consider this to see if there is anything relevant, appropriate and applicable, and do likewise.

But that point escapes the National Team's Government. I will, at a later stage in my debate show why.

It did not surprise me when they got up and indicated that they were not prepared to support the Motion. They have never supported anything the First Elected Member for Cayman Brac and Little Cayman or I have brought here. I would have been perhaps the most surprised person in the Cayman Islands if they had said that they were going to accept this even to consider it.

You know, Madam Speaker, the architect of their strategy is the Honourable Minister for Education and Planning. How he was able to read into this request any call for independence escapes my logic. It is a pity that out of the nine degrees he claims to have, and the 30 years' experience in finance, he never took a course in psychology, or abnormal psychology, because he needs to become familiar with the theory of self-denial. That theory has its tenets and foundation in the fact that when you hear someone get up and say repeatedly, 'I am not so-and-so', 'I am not such-and-such', 'I am not standing for this, I have never stood for that', in every audience and every gathering, they are on this trip of denying something—that is the person's foremost wish and desire.

I am led to believe that when he prays (as I know that he does) his prayer must be: *'Lord, would that the Cayman Islands were independent and I was the only educated person, and people like little black Roy Bodden were my slave...'*

Mr. Gilbert A. McLean: Hear, hear! *[applauding]* I agree with you.

Mr. Roy Bodden: It seems to me, Madam Speaker, that he has a compulsion to talk about not wanting independence—every argument and every motion he weaves that into the debate. This Motion made no mention of that.

I want to quote what he said: **"I submit that in my view this Act is attempting to pave the way for this country to become as independent as New Zealand. When you go independent and begin to get Acts as this points out, and you have a sole Minister of Finance (as this law has) is when you need laws of this sort.**

"This Motion, and many other motions that have been brought to this House, are being picked up to pave the way (in my view) for the independence of this country. That will never happen because the public neither wants the laws of independent countries, nor the constitutions, nor the powerful ministerial rights that are set out in the laws of independent countries."

That is true! The country does not want that. All the country wants is a Bill of Rights, which he is holding up; all the country wants is people who are prepared to give it fiscal responsibility and fiscal integrity, which I will come to in a moment.

I want to say something else, I have never laid any claims to having nine degrees. I have never laid any claims to having 30 years' experience in high finance. But I have laid claims to having common sense, which that Honourable Minister clearly does not have.

The Speaker: May we have a break for 15 minutes? Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.36 PM

PROCEEDINGS RESUMED AT 3.56 PM

The Speaker: Please be seated.

The First Elected Member for Bodden Town, continuing.

Hon. Thomas C. Jefferson: Madam Speaker.

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

POINT OF ORDER

Hon. Thomas C. Jefferson: I did rise on a point of order, and I did undertake to determine what the true figure is for 1992 as regards public debt. What I hold in my hand is a copy of the Cayman Islands Government Report of Accounts for 1992. For the learned Member for Bodden Town, the Government's obligation is borrowings done directly for Government purposes and borrowings by Statutory Authorities for which Government also issues a guarantee.

The total self-financing loans for 1992 are \$27.1 million. The total for public debt (which is borrowed directly by Government) is \$15.8 million. So, the total public debt is \$43 million.

When we get to 1993, because the previous Government caused us to borrow US\$20 million, the public debt then climbs to \$54 million. At the end of 1994 the total public debt was \$61 million.

I could go on to say that to service that \$61 million it only requires less than 6% of our revenue, unlike the position in New Zealand. While the Government had a general reserve of \$10 million, what the Member winding up this Bill fails to say is that there was a \$7 million deficit in the current account. There is no need for single entry bookkeeping. The need is to account properly.

At the end of 1992, only \$3 million was available in the General Reserve. At the present time that General Reserve is over \$4 million.

As regards irresponsibility of this Government, I think his facts are totally wrong.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I am so happy that the Minister for Tourism—and former Honourable Financial Secretary—so vividly and clearly confirmed what I said in regard to the position of the public debt.

May I now continue with my debate?

This afternoon, I am naming the Honourable Minister for Education and Planning the 'Honourable Minister of Independence'. I had named him 'Brutus' before, but I am changing that name now to 'Minister of Independence'

because every time he gets up it is clear that he has an obsession with independence. He said, "I am not frustrated over the politics of the country. I would never do anything that is in any way irresponsible from a fiscal point of view. I have found (and as I lay the accounts of Cayman Airways tomorrow, they will see what fiscal responsibility is all about). So what is being brought now is but of a miserable attempt to introduce something that I submit, practically no one in this House really knows anything about..." [*Official Hansard Report* 14 June, 1995].

I want to ask the Minister of Independence: who was responsible for purchasing the Hawley Estate? Is that fiscal responsibility? Who was responsible for paying \$880,000 out of public funds for a parcel of land transferred the same day it was bought for \$140,000? Is that fiscal responsibility?

Who was responsible for using public funds to have 41 private driveways paved? Is that fiscal responsibility?

The Speaker: Honourable Member, could we just leave all of that behind and just deal with the subject of the Private Member's Motion?

Mr. Roy Boddén: Madam Speaker, I am merely commenting on points raised, and I have but one point to make with the permission of the Chair because mention of it was made.

"So, Madam Speaker, I quote, 'in real life what we come back to is really the integrity of the people who run the finances of the country.'" [Hon. Truman Boddén *Official Hansard Report* 14 September 1995]

I wish to make the point that I have no facilities for people to hide ill-gotten gains; I have no facilities for registering companies. Can some other people say the same? Let us not talk about integrity, because it may be that too many people around here live in glass houses and should not throw stones.

Fiscal responsibility, as called for in the Motion, is about living up to our obligations as the trustees of the people. It is about making the system open and accessible. There should be no private nooks or crannies, there should be no need to get overly defensive.

It is common in literature now to talk about political correctness. Fiscal Responsibility is about political correctness. I would just like to make the point that it is what the people of this country expect, it is what they demand and it is what they should get.

The Honourable Minister for Education and Planning (whom I now call the Minister of Independence) also made the point that when he laid the accounts of Cayman Airways, we would see what fiscal responsibility is all about. I took note that he boasted of making a \$1.5 million profit. If we are talking about fiscal responsibility, and if we are talking about integrity... I draw the attention of the Honourable House to page 5 of that Report. I would like to read:

"However, as at 31 December 1994, the Company's current liabilities exceeded its current assets by \$2,245,379 and the Company remains dependent

on an annual subsidy from Government (currently \$4,761,905) to allow it to continue as a going concern. Government has indicated that its current policy is to continue to support the Company in the foreseeable future by the provision of an annual subsidy of approximately \$4.8 million.

"In addition, Government resolved in August 1994 to assume \$2,374,111 of trade payables owing by the Company to the Cayman Islands Civil Aviation Authority and Customs. Amounts assumed by Government have been reflected in the accompanying balance sheet as "Share subscriptions" pending the issue of further shares to Government.

"Government has also issued guarantees to the Company's principal bankers to secure borrowings aggregating \$6.5 million, which at the 31 December 1994, comprised a term loan repayable over a period of five years (see note 7) and an overdraft facility."

Further, if we are talking about fiscal responsibility and integrity, I would draw the attention of the Honourable House to page 10, 'Contingent Liabilities':

"The Company is involved in a number of claims and investigations arising from operations in the United States, passenger injury and breach of contract. Management is actively contesting all such claims. The outcome and potential liability to the Company, if any, in respect of these matters cannot presently be determined but, in the opinion of management, it is unlikely that any such liability will be material to the Company's financial position."

In conclusion (if we are still talking about fiscal responsibility and integrity):

"Several Government departments and entities controlled by Government provide Cayman Airways Limited with certain services at nominal or no cost to the Company. The Company provides officers and employees of certain of these departments and entities with subsidised air travel.

"Due to the nature of the services provided, it is not possible to quantify the effect of these transactions on the financial statements of the Company for the year ended 31 December 1994." [page 11]

I contend that this Motion calling for an adoption similar to the New Zealand Fiscal Responsibility Act would eliminate that sort of double talk. How, on the one hand, can we talk about profit of \$1.5 million, and then read about liabilities, subsidies and law suits?

I might only be a single entry bookkeeper, but if talk of that is not *Alice in Wonderland* economics, then tell me what it is—and they talk about fiscal responsibility and integrity. It comes back to a point I made: it is not accurate, nor is it politically correct. One of these days (sooner rather than later) we will get to the truth of things.

While on this point of fiscal integrity and fiscal responsibility, let me ask: Why did the bank recently depart from their usual practise and request the Government to give a guarantee which impacts directly on the Treasury, when this has not been the case in the past? As far as I am concerned, there are many loopholes.

It leads me to the observation that when this Parliament was populated by extension cords or, as my colleague the Second Elected Member for Cayman Brac and Little Cayman now terms them, 'rockers', this Honourable House could look rather smug and even succeed fooling itself. It has become obvious recently (sometimes painfully so) that for the first time this Honourable House and our country has entered the Rubicon, a dividing line which separates those of us who believe that fiscal responsibility and integrity are politically correct from those of us who believe that there should be limits on certain things.

I contend that the realists today are those people who hold those beliefs. The realists today are those people who are prepared to subject themselves to that kind of scrutiny, whether they use the New Zealand Fiscal Responsibility Act, 1994, as a model, or whether they use some other law as a model. The essence of representation comes down to the point that the people's representatives should be accountable. Let the records show that that is the position upon which I stand.

I did not come here to try to persuade anyone on the National Team, because even if I was correct—and they knew I was correct—they have their own motives for not listening. I will not try to persuade them.

I will only say this: let the records show that those of us who stand for this kind of transparency in Government are the true representatives of the people. I rest my case.

The Speaker: The question is Private Member's Motion No. 10/95. I shall put the question. Those in favour please say Aye...Those against No.

AYES AND ONE AUDIBLE NO.

The Speaker: I think someone went astray somewhere along the line. May I put the question once more, please, Members?

Private Member's Motion 10/95. 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 please, Madam Speaker?

The Speaker: You certainly may.
Madam Clerk.

Clerk:

DIVISION NO. 10/95

Private Member's Motion 10/95

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 12

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson

Hon. John B. McLean
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mrs. B. Thompson Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSENT: 2

Hon. Truman M. Bodden
Dr. Stephenson A. Tomlinson

The Speaker: The result of the division is three Ayes, 12 Noes. The Motion therefore fails.

PRIVATE MEMBER'S MOTION NO. 10/95 NEGATIVED BY MAJORITY.

The Speaker: Private Member's Motion No. 11/95.
The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 11/95

PUBLIC UTILITIES COMMISSION

Mr. Roy Bodden: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 11/95 entitled, Public Utilities Commission, standing in my name, which reads as follows:

"BE IT RESOLVED THAT Government consider establishing, by law, a Public Utilities Commission to supervise, review and regulate water, electricity and telephone services in the Cayman Islands.

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

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: Private Member's Motion 11/95, 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 marks the third attempt to have the Government accept this Motion, to have a Public Utilities Commission established in the Cayman Islands. I think if recent events stand as any indication, the public can certainly be well served by the establishment of a Public Utilities Commission.

As I understand it, a Public Utilities Commission is a common institution in many developed and Third World countries. In the instances where the commissions have been effective, the purposes served are as follows: The commission serves to be a buffer between those providing the utilities and the consumers; it serves often as disseminating point for information regarding the best way to utilise and take advantage of the services offered by the company. Importantly, too, such commissions serve as sounding boards for the policies of the companies by virtue of the fact that certain undertakings, such as signifi-

cant raises in utility rates (while not being totally dependent upon the Commission) have, in most cases, to meet the approval of the Commission.

In the fourth instance, the commissions serve as panels for settling differences between consumers and the company. In each case where there is a Utilities Commission, the Commission has to respect the legal and binding agreement between the provider of the utilities and the Government (if they are different entities) and when there is variance between the provider and the consumer.

I do not understand why the case for a public utilities commission has to take three attempts and perhaps more in this jurisdiction. Even in the United States, which is the model most countries of the world seek to emulate, there are utility commissions and regulatory bodies.

Some time ago, we experienced what was unusual and uncommon in the service of Cayman Caribbean Utilities Company. It is my understanding that apart from the inconvenience, there was a destruction of items caused by the surges. It is also my understanding that there is no regular mechanism for the replacement of destroyed items in instances where this destruction occurs. So, many times a consumer is left to fend for themselves with no recourse but to complain to the company for replacement or reimbursement. It stands to reason that in such a cases the complainer is not likely to meet with success because they are complaining to Caesar about Caesar.

One morning, during the period of service interruption, I had the unfortunate luck of having some damage done to something in my home. On my way down into George Town I was speaking with some people, and I learned that one gentleman had his water pump burned, another told me that an overhead fan in his bedroom had been damaged; another one made mention of some other item in his house that was damaged. When I got to my office I made a call and reported the damage to one of the officers. I asked whether there was any prescribed way to make a claim. I was told that claims could be made and in many instances they were accepted, but that did not mean that there was going to be a reimbursement or replacement. What disturbed me was that I got the distinct impression that if I pressed the case the damaged equipment in my house would be repaired or replaced, but there would not likely be any toleration of the claims made by the other persons. I enquired whether it was being done because of the office I hold. I was surprised because I took great care to explain that it was a refrigerator that was damaged in my case which is bound to be more expensive than a water pump or an overhead fan (the other piece of equipment might have been a clock/radio, an alarm clock or some other electrical appliance).

Two things are important in this instance: Firstly, there is no independent body which is satisfactory to the claimant which would also be satisfactory to the entity that the claim is being made against. It seemed that if I were not Roy Bodden, perhaps my claim would not have been entertained either. I did not press my claim because I really did not need to, and would not have, out of principle,

knowing that mine would have been entertained and I would have to face the constituents who were perhaps in a less able position than myself to have their cases examined. I demurred the offer to have my things examined with a possible reimbursement or replacement.

I wonder how many people are out-of-pocket because they have to replace items which are damaged through no fault of their own? I wonder how many people are out-of-pocket because of the nonexistence of a commission which could advise them as to the futility of making certain claims?

MOMENT OF INTERRUPTION—4.30

The Speaker: Honourable Member, is it now 4.30, I understood it was the wish that we may conclude this evening. If so, would someone please move the suspension of Standing Order 10(2) in order that we may continue towards conclusion?

Mr. Gilbert A. McLean: Madam Speaker...

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

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker, on a point of order. This is the first that I am hearing that the House is to go on past the usual closing hour. Personally, I cannot see the need for it. We have been here in the House but a few days on this occasion. I do not think it would harm anyone drastically to come back on Monday to finish the work.

The decision has been taken (the usual one), I dare say, by the Government to do things this way. The two Members of the Opposition are not Members where the Government is concerned it seems, and I certainly object to it.

I had an appointment at 4.30 with the Governor. I do object to this whole process, Madam Speaker, because the process of the House seems to operate on the whims and fancies of the Government and this is just another instance of it.

The Speaker: I should say that I did tell Members that the House would not be sitting on Monday. If we adjourn now it would have to be until Tuesday.

It is now 4.30, what is the wish of Members? Would anyone like to move a motion? The First Elected Member for Bodden Town.

ADJOURNMENT

Mr. Roy Bodden: Madam Speaker, I would move a motion that we take the adjournment now and resume on Tuesday. I, too, had an appointment with His Excellency the Governor this afternoon. It is an appointment which my colleague, the Second Elected Member for Cayman Brac and Little Cayman, and I would like to keep because

it affords us an opportunity to meet with His Excellency before he departs for retirement.

The Speaker: Are you moving the Motion that the House do now adjourn?

Mr. Roy Bodden: Yes, Madam Speaker.

The Speaker: Is there a seconder to the Motion?

Mr. Gilbert A. McLean: I beg to second it, Madam Speaker.

The Speaker: The Motion before the House is duly moved and seconded that the House do now adjourn and resume on Tuesday morning at 10 o'clock.

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

AYES AND NOES.

The Speaker: The Ayes have it.

[Off the microphone] Does anybody want a division?

The House is accordingly adjourned until Tuesday morning at 10 o'clock... the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeewa Bush: Madam Speaker, I thought you asked whether the Ayes supported the motion.

The Speaker: I said the "Noes have it."

Hon. W. McKeewa Bush: But, Madam Speaker, we...

Hon. John B. McLean: But if the Noes have it...

The Speaker: Yes, I did say the "Ayes have it", that is what I said. And I said the "House is accordingly now adjourned."

Hon. John B. McLean: Madam Speaker, if I may say this whole side said "No", and I heard three people over the other side say "Aye". So, could we have a division?

The Speaker: You certainly may. Madam Clerk.

Clerk:

DIVISION NO. 11/95

NOES: 7

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeewa Bush
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr.

AYES: 6

Mr. D. Dalmain Ebanks
Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mrs. Edna M. Moyle

ABSENT: 4

Hon. Thomas C. Jefferson

Hon. Truman M. Bodden
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Murphy

The Speaker: The result of the Division is six Ayes, seven Noes. Accordingly, the House will not adjourn until Tuesday.

Before I do make that declaration, the matter of Private Members' Motions is here, the Members have not finished, they have an appointment with the Governor. Irrespective of what the vote was, I think that some cognisance should have been taken of the fact that there were two Private Members' Motion; one to be moved by the Member for North Side, and this one is not finished.

Are we now saying that we are not coming back on Tuesday to finish the business of the House?

Hon. W. McKeewa Bush: Madam Speaker, as you were made aware, the Government felt that with a small amount of business left on the Order Paper, we could have completed business this afternoon.

We talked to Members and, as I understood it, most Members agreed and we went with the majority. That is the way it stands.

The Speaker: I do appreciate that, but the fact is that you knew that these Members had their business. Did you speak to either of those Members who were in the midst of their business?

Hon. W. McKeewa Bush: No, Madam Speaker, they were... normally as it is we said... so at the minute here. But I did not know that they had an appointment and we set our business accordingly, and the majority must carry.

The Speaker: Of course, I am not saying that, but I must make the point clear that I think that it was not a fair deal to the other Members.

The House is accordingly adjourned sine die.

AT 4.38 PM THE HOUSE ADJOURNED SINE DIE

NOTE: On 18th September a notice was sent to Honourable Members by the Clerk of the Legislative Assembly stating that, under Standing Order 9, the Honourable Speaker was summoning a Meeting of the Legislative Assembly on 21st September, 1995, to deal with the unfinished business.

**SPECIAL MEETING
THURSDAY
21 SEPTEMBER, 1995
10.10 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, forever 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.

ANNOUNCEMENTS BY THE SPEAKER

APOLOGY

The Speaker: First of all, I have an apology for absence from the Leader of Government Business.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: Administration of Oaths of Affirmation to Mr. Donovan Ebanks to be the Temporary First Official Member.

Mr. Ebanks, would you come forward please?

OATH OF AFFIRMATION

Mr. Donovan Ebanks, MBE, JP

Hon. Donovan Ebanks: I, Donovan Ebanks, 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: Would you take your seat? I welcome you to this meeting of the Legislative Assembly.

Questions to Honourable Members and Ministers. Questions No. 175, standing in the name of the Second Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 175

No. 175: Dr. Stephenson A. Tomlinson asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation what were Government's reasons for granting Ellerbe Becket the contract to design the new hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

The answer: For many years the need for additional and improved health care facilities has been recognised in these islands. The previous Government's proposal to develop split-site facilities did not meet the approval of a majority of the Elected Members of this honourable House or the majority of the people of these islands. Following their victory in the 1992 General Elections, the National Team Government exercised its mandate and stopped the construction of the Dr. Hortor, so-called, Hospital. To fulfill our election manifesto promise to "ensure the best medical care possible and feasible in the Cayman Islands", Government, early in 1994, authorised a planning study resulting in a report entitled "Master Planning Study for George Town Hospital—September, 1994". After review by Executive Council, Government instructed that Phases 1, 2 and, later 3, be implemented.

The first major step in implementation is the appointment of a consultant to carry out design functions and prepare drawings, specifications and tender documents leading to award of a contract for construction. It was early recognised that the scope of this work was beyond the capability of the local Architectural/Engineering firms and thus an offshore consultant would be required.

A few years ago, a pre-qualification exercise was conducted for a similar project and eight firms were chosen to submit proposals. When the need for a Consultant

for the current project was recognised, approval was sought from the Central Tenders Committee to accept the results of the previous pre-qualifications and to issue requests for proposals to the same eight firms. The rationale was that if we were to conduct another pre-qualification exercise, we might come up with firms just as good, but it was highly unlikely that we would find any that were better. The Central Tenders Committee concurred. As we checked the firms to determine if they were interested in making submissions, it was discovered that one of the firms had bought out another. Consequently, the firm that had scored ninth on the previous exercise was moved up one notch to maintain eight and, subsequently, on 7th February, 1995, request for proposal documents stipulating submissions prior to 4 PM 17th March, 1995, were sent to eight firms, including Ellerbe Becket. All eight submitted proposals prior to the stipulated time.

At 4.30 PM, 17th March, the Central Tenders Committee opened the packages and delivered the copies of the Technical Proposals to a sub-committee appointed by the Health Services Complex Steering Committee to perform the evaluation. The sub-committee was made up of representatives from: the Ministry of Health, Drug Abuse Prevention and Rehabilitation; the Health Services Department; the Finance and Development Department; the Public Works Department; and the Project Manager.

It should be emphasised that the evaluators worked independently. There was no consultation until evaluations were complete and no scores were changed as a result of discussions.

Ellerbe Becket was placed first by all five evaluators and there was a considerable scoring gap between them and the second place firm. Because of the unanimity of the evaluators, the Steering Committee recommended that the proposal of Ellerbe Becket Incorporated, working in conjunction with their local affiliate, Chalmers Gibbs Martin Joseph, be accepted.

After reviewing in detail a Report and Recommendations document to ensure that Government's proper procedures were followed, the Central Tenders Committee accepted this recommendation.

I have answered this question at length to demonstrate that this decision was made in the proper way and for the proper reasons without any political interference whatsoever.

I would like to take this opportunity to thank everyone who is contributing to the development of our new hospital. In particular, I record my gratitude to Mr. Dennis La Gatta, of Ellerbe Becket, who has been responsible for coordinating the many groups involved and who has very ably steered the project to its present advanced stage where the day-to-day management is carried now out by the local affiliates, Chalmers Gibbs Martin Joseph. I understand Mr. La Gatta, is moving on to new pastures, and I know that he will be able to look back with pride on his part in providing the Cayman Islands with a fine new hospital.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, would the Honourable Minister tell the House if the stipulations to bid were advertised overseas, and where?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, Madam Speaker. As I said in the first part of the answer, with the concurrence of the Central Tenders Committee, they agreed to eight firms which were short-listed.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Would the Honourable Minister tell the House what the legal commitments of the architects are to ensure that this job is completed on time and within budget?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I do not have that document with me, but I am sure it would have been part of the process and included in the documentation. I could check to see, after verifying with the Legal Department if this can be made public.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister state if this is a normal procedure for the Central Tenders Committee, in that the tenders were short-listed?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: No, not necessarily. But as I said, considering that earlier advertisements were placed in wide circulation and the eight firms had been chosen by the Committee; after conferring with them, to go back through the process would have probably set us back another two or three months in getting a much needed facility underway.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Can the Honourable Minister inform us whether the contract to construct the hospital will be advertised abroad?

The Speaker: The Honourable Minister for Health, Drug

Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, No. I think earlier in this sitting I mentioned that three companies have submitted their interest and are now on record.

The Speaker: The next question is No. 176, standing in the name of the Second Elected Member for George Town.

QUESTION NO. 176

No. 176: Dr. Stephenson A. Tomlinson asked the Honourable Minister responsible for Health, Drug Abuse Prevention and Rehabilitation what Government's reasons were for selecting Chalmers Gibbs Martin Joseph as the local consultants to design the new hospital.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: When the eight overseas consultants were requested to submit their proposals for the design and construction of the new hospital, they were advised that they should include a local affiliate. Of the eight overseas consultants who responded, four named Chalmers Gibbs Martin Joseph.

The independent evaluating team unanimously selected Ellerbe Becket's proposal as being the best by a significant margin. Ellerbe Becket in their proposal identified Chalmers Gibbs Martin Joseph as their local affiliate. Therefore, when the contract was awarded to Ellerbe Becket, the firm of Chalmers Gibbs Martin Joseph was selected as local consultant.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, can the Honourable Minister inform us if by any chance there was any reverse psychology used in this selection process? This is very important to me from a political perspective.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, as I said, because of the notification that Ellerbe Becket would need to be affiliated with a local company, we were compelled as to whom we could select. However as we got into the process the firm selected to do the master planning study was Chalmers Gibbs Martin and Joseph who had extensive understanding and comprehension of what was presently on the hospital site. This, I feel, was one of the reasons why Ellerbe Becket may have chosen that firm knowing that going to another firm would have set them back considerably, perhaps into next year.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister say what role the Public Works Department has played in the design, etcetera, of the new Hospital?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, at the moment they are members of the Steering Committee and the Project Manager, who I must say is an extremely capable person, works out of the Department's facility.

The Speaker: The next question is No. 177, standing in the name of the Second Elected Member for George Town.

QUESTION NO. 177

No. 177: Dr. Stephenson A. Tomlinson asked the Honourable Temporary First Official Member responsible for Internal and External Affairs what action has been taken by Government regarding Private Member's Motion No. 8/94 entitled, "Compulsory Photo Identification Cards in the Cayman Islands" which was passed unanimously by the Legislative Assembly on 1st June, 1994.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the matter of photo identification cards is being considered in conjunction with other matters related to voter identification and the introduction of a 9-1-1 emergency system in order to avoid duplication and to achieve maximum effectiveness.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Member is in a position to give an exact time-frame for the identification system?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, I can only give the response that it will be done sometime in 1996. I cannot be more precise than that at this time.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Member say if this will be done in conjunction with the election photo registration cards?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, it is being considered in conjunction with the election photo registration cards, and whether it will be done as part of the process is yet to be decided.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Madam Speaker, can the Honourable Minister inform us whether there is a system in place to prioritise work done in the Legal Department?

The Speaker: I am afraid that that is not part of the question. You would have to address that to the Honourable Second Official Member in another sitting.

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 Temporary First Official Member responsible for Internal and External Affairs to state the present status of the construction of the launching ramp at The Village, Little Cayman.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Construction of the launching ramp at The Village, Little Cayman, is scheduled to commence in mid-October and is to be completed by mid-November.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Member say if there are funds provided and sufficient workers to start the work as envisaged at this time?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, there is \$16,000 provided and it is proposed to do the work with labour from the Public Works Department in Cayman Brac.

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

QUESTION NO. 179

No. 179 Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member responsible for Internal and External Affairs if emergency supplies and equipment for hurricane preparedness in Little Cayman have been acquired.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, equipment and supplies which have been acquired include: stand-by generator, five days supply of fuel; cots and blankets for 25 persons; 4,000 gallons of water; and food and basic medical supplies.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say where such supplies are stored in Little Cayman?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, it is my understanding that all the supplies are at the shelter.

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

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

Could the Honourable Member say if the shelter at this time is indeed completed, and where in the shelter would the supplies be at this time?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, my understanding is that the shelter is completed, but I am unable to say precisely where in the building the supplies would be located.

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 he could give an undertaking to positively identify the accuracy of the information which he has no doubt been provided with. During the most recent visit by the Chief Secretary, the First Elected Member for Cayman Brac and Little Cayman and I (which was just a few weeks ago), there did not appear to be those supplies in the shelter at that time.

The Speaker: I am sure the Honourable Temporary First Official Member will give that undertaking.

Hon. Donovan Ebanks: Most certainly, Ma'am.

The Speaker: The next question is No. 180, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 180

No. 180: Mr. Gilbert A. McLean asked the Honourable Temporary First Official Member responsible for Internal and External Affairs what is the position of the improvements to the West End channel dock in Cayman Brac.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: In the 1995 approved Budget there are no funds allocated for improvements to the West End channel dock in Cayman Brac. There are funds allocated for improvements to the West End channel under subhead 51-113—Harbours and Docks Development, 09-02-002. These funds will be used to widen the inner reef access to the channel located west of the Tiara Beach Hotel. The work is to begin the first week of November and will be completed by the end of November.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Could the Honourable Member say if this work is being contracted out, or will it be undertaken by the Public Works Department?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, bids will be obtained from the two locally operating companies with capability to do this type of work.

The Speaker: The next question is No. 181, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 181

No. 181: Mr. Roy Bodden asked the Honourable Temporary First Official Member responsible for Internal and External Affairs what is the current complement of the Cayman Islands Civil Service.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: The complement of the Civil Service as of the 8th of September 1995, was 2,120 Officers.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say what the complement was at the inception of the adjusting exercise undertaken earlier?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: I can give an indication that the complement at the end of December 1992 (which was prior to the exercise the Member is referring to which took place in 1993), was 1,701 posts.

But I should explain that that figure, at the 31st December, 1992, would have reflected the existing posts of the Health Services Authority.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Temporary First Official Member will be able to say whether the complement today is the largest complement that has ever existed in the Service?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker. I think most statistics only go in one direction. (Members' laughter)

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Temporary First Official Member state what numbers in this complement are due to the addition of the fifth Ministry?

The Speaker: I do not know if the Honourable Temporary First Official Member could do that at this time, as this was not part of the original question. But if he would like to, he can give an undertaking to supply it at a future date...

Hon. Donovan Ebanks: Certainly, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if this complement includes both those people on temporary employment as

well as the permanent and pensionable establishment?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker.

The Speaker: The next question is No. 182, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 182

Withdrawn

Mr. Roy Bodden: Madam Speaker, I would crave the leave of the House to withdraw this question since I had the opportunity of raising it at the most recent Finance Committee Meeting.

The Speaker: The question is that question No. 182 be withdrawn. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it.

AGREED: QUESTION NO. 182 WITHDRAWN.

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 Third Official Member responsible for Finance and Development to state what progress the Government has made in its effort to alleviate the financial burden of the high cost of property insurance.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: The high cost of local property insurance first began to become a financial burden in 1993. In October of that year Government appointed a Task Force to investigate the problem. The Task Force concluded that the high cost was driven by factors largely outside the influence of either local insurers or Government, a principal factor being the reinsurance market upon which local insurers are heavily dependent.

The Task Force also recommended that Government commission a Probable Maximum Loss study of the Islands which, if satisfactory in its conclusions, might assist local insurers in securing more favourable reinsurance terms and assist Government in the placement of its own insurance programme. That study has been completed and is now available to the industry. Its conclusions are largely favourable.

During 1995 the local insurance market has gone through a major downward pricing movement due partly to lower reinsurance costs and partly to competition. Cur-

rent rates appear to be running at between 50 percent and 60 percent of those for the last year. It is safe to say that high cost is not today the problem it was a year ago.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if this investigation is a conclusion or whether there are mechanisms in place for onward monitoring of the system?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, it is hoped that in the first instance the report that will be made available to local insurers (some of them have already received copies) will generate a dialogue, point out the scientific findings of the study, and also put the department in a position to carry out ongoing monitoring of the arrangements.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: May I ask the Honourable Member if that report is going to be made available to Members of this House, or is it a report which will be privy to the insurance industry only?

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, it can be, and will be, made available to Members of the House, but it would be useful for the industry to review the findings of the report and, in turn, to submit their views to Government. When it is tabled in this Legislature, hopefully during the Budget Session, the Government will then be in a position to put forward the views and findings of the industry about the report.

The Speaker: Fourth Elected Member for George Town.

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

I wonder if the Honourable Member will be able to explain the method used to come to the conclusion that the current rates appear to be 50 to 60 percent of those for last year.

The Speaker: The Honourable Third Official Member for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, that conclusion has been arrived at based on the findings of the Financial Services Provision Department.

The Speaker: The next question is No. 184, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 184

No. 184: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture whether the Housing Development Corporation's mortgage portfolio has been sold.

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

Hon. W. McKeeva Bush: No, the Housing Development Corporation's mortgage portfolio has not been sold.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
Will the Honourable Minister be able to say whether it is still up for sale?

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

Hon. W. McKeeva Bush: Madam Speaker, we said it was many times.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
Will the Honourable Minister be able to say if Government is actively seeking a buyer?

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

Hon. W. McKeeva Bush: Madam Speaker, I thought I just said that.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
Will the Honourable Minister be able to say if there have been any offers to buy the portfolios by any outside organisations?

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

Hon. W. McKeeva Bush: Madam Speaker, I think that answer is already public, but if he means people from within the islands, yes.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
In the series of answers that have been given, I get the distinct impression that I am going to have to pull teeth in order to get any answers.... Nevertheless, how has the Government arrived at a price they think would be an acceptable one?

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

Hon. W. McKeeva Bush: Madam Speaker, the Member has no need to pull his own teeth. All these answers are already public knowledge as I have answered them in the House. But the Government has not yet arrived at any figure.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.
Can the Honourable Minister state if there have been any offers, locally or overseas?

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

Hon. W. McKeeva Bush: No, Madam Speaker, there have been no formal offers, however interest has been expressed.

The Speaker: The next question is No. 185, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 185

No. 185: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works to explain why the \$400,000 approved in the 1994 Budget for the specific purpose of land acquisition for the Harquail By-pass Road was not used for this purpose.

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

Hon. John B. McLean: There was no sum of \$400,000 approved in the 1994 Budget for the specific purpose of land acquisition for the Harquail By-pass Road and, as such, my Ministry cannot explain why it was not used for this purpose.

The Speaker: The next question is No. 186, standing in the name of Fourth Elected Member for George Town.

QUESTION NO. 186

No. 186: Mr. D. Kurt Tibbetts asked the Honourable

Minister responsible for Agriculture, Environment, Communications and Works whether Government has identified a new location for the Mosquito Research and Control Unit.

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

Hon. John B. McLean: The newly re-instituted Mosquito Research and Control Unit is to be accommodated within the new Department of Environment building presently under construction. The construction calls for the building to be completed by the end of January 1996.

SUPPLEMENTARIES

The Speaker: Fourth Elected Member for George Town.

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

As a matter of interest, will the Honourable Minister be able to say if in this inclusion there are any special requirements for the state of being for the building on completion for the Department?

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

Hon. John B. McLean: Madam Speaker, I wonder if the Member will repeat that question.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Madam Speaker, I cannot remember it myself!

(Members' laughter)

The Speaker: The next question is No. 187, standing in the name of Third Elected Member for George Town.

QUESTION NO. 187

No. 187: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Tourism, Aviation and Commerce what amount has been spent by the Department of Tourism on advertising this year.

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: The amount spent by the Department of Tourism on advertising in North America up to the end of August, 1995, was CI\$4,321,048.94.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Can the Honourable Minister state what percentage of the figure was al-

located for Cayman Airways?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, the calculation that has been done indicates 79 percent.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Can the Honourable Minister state if this is more than the previous year?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, may I mention that all of the advertising (as I know it) on behalf of Cayman Airways is done by the Department of Tourism. I do not believe that Cayman Airways has a marketing programme or advertising programme as they did in previous years. But the answer to the Lady Member's question is, yes, it has increased in 1995.

The Speaker: The next question is No. 188, standing in the name of Third Elected Member for George Town.

QUESTION NO. 188

No. 188: Mrs. Berna L. Thompson Murphy asked the Honourable Minister responsible for Tourism, Aviation and Commerce what was the cost of the extra section of Cayman Airways Limited for the recent "Cayman Night" in Houston by the Department of or Ministry for Tourism.

The Speaker: The Honourable Minister responsible for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: The Department of Tourism did not charter Cayman Airways Limited to do an extra section for the Cayman Night in Houston.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister state then if this is the normal scheduled flight of Cayman Airways to Houston?

The Speaker: The Honourable Minister for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, my recollection is that Cayman Airways decided on its own to put on an extra section.

The Speaker: The last question is No. 189, standing in the name of Third Elected Member for George Town.

QUESTION NO. 189

No. 189: Mrs. Berna L. Thompson Murphy asked the Honourable Temporary First Official Member responsible for Internal and External Affairs if any Civil Servant was involved in an accident in July while driving a Government motor vehicle.

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Ten Civil Servants were involved in motor vehicle accidents in July 1995. Seven of the accidents resulted in no repairs being required; two resulted in damages requiring repairs; and one resulted in damage to the vehicle which was deemed uneconomic to repair.

SUPPLEMENTARIES

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Member state in general terms, Government's policy regarding civil servants being involved in accidents and damage vehicles?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the general policy is that if an officer is responsible for the damage then he is held financially accountable for it.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, will the Honourable Member tell this House if in any of the seven accidents the driver was arrested on suspicion for driving whilst intoxicated?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, in one accident the driver was arrested on suspicion of driving under the influence of alcohol.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Member state what will be the outcome of the situation where the damage was uneconomical to repair?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, in the case of

that accident two charges have been made against the driver and internal action will follow the adjudication of those criminal charges.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Member will state what action is required under the General Orders governing the Civil Service when incidents of this nature happen?

The Speaker: The Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Madam Speaker, the basic action that is required is for the Head of Department to report the matter and his recommendations to the Financial Secretary as to how the case should be resolved. At the same time, in instances where criminal charges result, internal action is always delayed pending the outcome of those charges.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

The report that comes from the Head of Department, does that go to Personnel Department as well?

The Speaker: Honourable Temporary First Official Member.

Hon. Donovan Ebanks: Yes, Madam Speaker, it would be communicated to the Personnel Department.

The Speaker: That concludes Question Time for this morning. The next item, Statement by Minister of the Government.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

STATEMENT BY MEMBER OF THE GOVERNMENT

ANNOUNCEMENT OF CAYFEST A CULTURAL EXPOSITION WITH AN EMPHASIS ON CAYMAN'S YOUTH

Hon. W. McKeever Bush: Earlier this year I announced my Ministry's intention to mount a major festival with an emphasis on youth. It is my strong belief, one that I know to be shared by many, that we must continually seek to provide our young people with opportunities to develop and exhibit their abilities in as many different spheres as possible, and to funnel their considerable energies into activities which promote healthy bodies, minds and spirits.

This past summer, at both the CARIFTA Games and the Shell Cup and other sports events, our young people

made us proud with their dedication, discipline and commitment to team and country. Their efforts should continue to be encouraged and nurtured in every way possible.

Creative pursuits and cultural activities have always been a vital part of the Caymanian life-style. In the not-so-distant past, events such as kitchen dances, garden parties, dramatic presentations, concerts and other celebrations at various times during the year were customary in every district and much anticipated by all Caymanians, young and old.

My Ministry, in partnership with the Cayman National Cultural Foundation, which falls under my Ministry, believe the time is now ripe for an annual cultural exposition with an emphasis on youth, which will provide an environment where Caymanians, and in particular the youth of Cayman, will be given the opportunity to be involved in the fullest range of cultural expression. Among other things, there will be choir performances and presentations and competitions in dance, music, story telling, drama, painting, sculpture, ceramics and jewellery design, and in traditional activities such as rope making, thatching, basket weaving and cooking. This cultural exposition is to be called CAYFEST.

The purpose of CAYFEST will be multifold:

1. As a natural progression from the National Children's Festival of the Arts (NCFA), it will provide creative outlets and incentives for youth and other artists of varying ages, to express themselves and to gain wider exposure for their talents.

2. Though CAYFEST we will be able to present to the Caymanian and visiting population, entertainment in the form of diverse activities in the arts, and a celebration of youth and of the wealth of talent in the Cayman Islands.

3. It will also stimulate further activity in the arts, by the widest possible cross section of Caymanians striving for artistic excellence.

4. To encourage the fullest participation of the public, CAYFEST events will take place in a variety of venues across the country, including district halls, performance centres and outdoor venues.

CAYFEST Showcase, slated for Friday, December 15th, and Saturday, December 16th of this year, will give Caymanians a preview of what the full-fledged event will be like, with performances of drama and story telling at the Harquail Theatre on the Friday evening and a cultural panorama at the Lions Centre on Saturday. These components staged in December will serve to introduce the idea of a month-long cultural exposition in April 1996.

I encourage all Caymanians and others who reside here to give their support to this endeavour and to become involved to whatever extent possible to ensure the success of CAYFEST.

The Speaker: Continuing to Other Business, Private

Members' Motion. Private Member's Motion No. 11/95, Public Utilities Commission. Continuation of Debate, the First Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 11/95

PUBLIC UTILITIES COMMISSION

(Continuation of debate thereon)

Mr. Roy Bodden: Thank you, Madam Speaker.

Prior to events of Friday last, I was outlining some of the merits I consider a Public Utilities Commission would have, and some of the positive ways in which it could benefit the community. Let me say that the merits of this Commission would not only lie in improvement of services to the consumer, or affording the consuming public an avenue by which to address shortcomings, queries, or concerns; but would also serve to enable the company to provide the most effective service while becoming aware of the concerns of the consuming public, as and when these concerns arise. It would therefore enable them to be in the best position to provide service while redressing any grievances.

The call for a Public Utilities Commission, while at this time coming from the Opposition Backbench Members (the Second Elected Member for Cayman Brac and I) did not have its origin in our efforts. The records of this honourable House will show that the origin came in 1989 from the Member who is now the Minister for Sports, Women's and Youth Affairs and Culture, who now sits as a member of the Board of Directors of the Caribbean Utilities Company.

The call for this has, from time to time, received widespread support from Members of this House other than the Second Elected Member for Cayman Brac and Little Cayman and I, as the *Hansards* will show. I am anxious to hear how the Government is going to deal with the request this Motion brings. I would like to quote from the *Hansard* of 12th March, 1992, in which the Honourable Minister for Education and Planning had this to say regarding this request. I quote:

"I regard electricity, and I think the people here regard it as an absolute necessity in this day and age. It is something that has to be paid for promptly, I should say, by people who use it. Government has a very heavy duty upon it when they grant a franchise to ensure, firstly, that there are reasonable review periods, and I use the word reasonable in relation to certain major areas of the franchise if it is going to be over a long period of time. Secondly, notwithstanding its right to review aspects of it periodically, it does everything possible to protect the consumer."

Continuing, Madam Speaker, the Honourable Minister said further: **"I feel, and I have supported a motion,**

and I know I have done so in the Public Accounts Committee by recommending that some type of a commission be set up to deal with the problems that consumers may have with monopoly companies."

It can readily be seen that from time to time other Members—including present Ministers of Government—saw the necessity and the efficacy of institutions, such as this commission which the Motion now seeks to have in force.

I would like to say that I vividly recall the incident that the Honourable Minister is talking about, because it was under my chairmanship of the Public Accounts Committee that we had in-depth discussions about the need for a Utilities Commission based on the Auditor General's Report at that time.

The author (and this time when I use the word "author" I can substantiate) of this move is now the Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture. He brought this motion to the floor of the House on September 12, 1989. He spoke at length (as he is known to do) not only about his position, but also about the reason why he thought it necessary that we have the Commission. I have selected some of the most important points from his debate which I would like to share, if the Chair so permits.

I shall begin quoting again from the *Hansard*. I quote: **"I believe in having some control of these essential services in a monopoly position."** [He had just made mention of the Caribbean Utilities Company and Cable and Wireless.] **"I believe that a proper Utilities Commission can help this country."** [He went on] **"The Commission I envisaged would be charged with the responsibility of keeping a constant watch to ensure the highest overall efficiency possible so as to prevent unnecessary or over inflated costs. And the final responsibility would rest to fix rates of returns in line with the rate warranted in such operations. Bearing in mind the fundamental fact that these utilities are sole franchises, that is an advantage that no other company in these islands have."**

Madam Speaker, let me take a moment to outline the position from which I make this request. I recognise that it is true that this is a monopoly, it is true that this franchise offers certain advantages to the holders. But I am not coming down extremely hard against that because I am familiar with the history of the operations of the Utilities Company in this country. I appreciate the fact that it only operated successfully when it reverted to private hands, because while it was owned by the Government there were certain problems in its operation which I understand had their genesis in the Government being unable to collect the fees which were charged. So let me state that I appreciate it.

I am not speaking from the point of view that the franchise is, in any way, to be withdrawn or curtailed from those who have it now, but, rather, that while they hold the monopoly position they bear the responsibility not only of providing services (which they have until recently provided an exceptional service), but also to deal with legitimate complaints from consumers regarding the

damage or destruction of their electrical items. So, over and beyond the provision of uninterrupted service, the provider has an obligation to afford the consumer some kind of recourse for their concerns and complaints.

Let me now continue in my quotation of the Minister for Youth. He said, and I quote: **"A Commission would have the power to hold public enquiries. In exercising its powers they should be operating in a semi-judicial manner. Any person would have the right to appeal on a point of law or where any findings appear contrary to any evidence which might be brought out in an enquiry. It should be seen that every consideration is given to ensure the rights of the public are preserved."**

"I would hope any commission set up would have power to ensure the services rendered by a utility as satisfactory and rates are reasonable. Also to assist the Commission in fulfilling its tasks it should be given the power to enquire into the nature and extent of utility services and to determine the standards which must be maintained in relation to such services."

"It should also have the power to negotiate with the utilities companies any rates to be charged. This should be one of the very pertinent duties of the Commission."

I agree that the foregoing should be within the parameters of the Commission. I agree that the Commission should have as one of its primary functions a responsibility other than investigation into rates, that responsibility being a primary consideration for the welfare of the consuming public. Let me say that in moving the Motion I am not necessarily preoccupied with the Commission being in a position to review rates set. I do not see the Commission which I advocate as a rate haggler primarily. I see their role as a kind of watchdog body that only comes into play at certain critical periods. I would not expect that the Commission would have any responsibility to go in and tell the utilities company (which is a private company) how to run the day-to-day affairs of the company.

I would rather expect that the Utilities Commission would be there to receive complaints, review these complaints most effectively on a periodical basis, whether it is every three months, depending on the number and the nature of the complaints, or every six months. The Commission would certainly not have anything to do with the internal and day-to-day affairs of the company.

I think that what the Minister was calling for at that time—and what I am calling for now—are basically on the same wave length. I shall continue to quote because I wish to point out how closely coordinated what the Member at that time (1989) was thinking, and what I am seeking today. I want to find out how much the Minister has changed his position and if that change is in any way influenced by his being a member of the Board of Directors of Caribbean Utilities Company.

"Commissions have contained the right of the Commission to prescribe the methods of submissions of accounts. That is important because it

would facilitate any commission by ensuring the methods by which the accounts are submitted, stick to one form."

He continues, and I quote: **"Commissions should have the power to require the utility to furnish such information as the Commission may require. All the Utility Statutes of the United States give the respective Utility Commissions similar power in order to regulate, for instance, the rates effectively. One of the basic requirements would be the knowledge of the cost of doing business and the information obtained by the filing of adequate reports. This would furnish the Commission with the relevant data."**

I would like to pause here to interject something which I deem important. Recently there was a Government audit or review into the operation of Caribbean Utilities Company. As a result of that, the announcement was made that there would be a reduction in the rates of the individual consumer and a modest increase to the rates of the commercial consumer. This change was justified by virtue of the fact that the drop to the individual consumer would benefit that individual consumer because any decrease in the rate was bound to be noticeable and would help us, even in some minute way. I contend that that is a fallacy. I contend that there is a basic fault in that because you cannot on the one hand say that you are reducing it to the individual consumer while increasing it to the commercial consumer, because we still have to deal with the commercial consumers. The law of business says that they have to pass on those increases to their customers. What is happening is that you are taking away something from the one hand but giving it back to the other. It is my contention that there is a basic fallacy in that the benefit to the individual consumer in such an instance is not as great as it would seem. Indeed, the benefit may be more perceived than real.

Let me now continue with my quotations from the Honourable Minister's debate. **"Suppose something is found to be affecting our people. Must we wait those 20 years to rectify it? That is absurd and is certainly expressing a mentality of a system which is perhaps not as popular as it used to be. Are those companies we, as legislators, should trust? But they have no confidence in our good common sense."** Which I interpret to mean: Should we trust them to operate if they cannot trust us to set up some type of Commission?

I continue: **"Now probably some bright fellow might say that Government provides protection by placing Government Members on the Board of Caribbean Utilities Company, for instance."** [And this is so important I want to repeat this:] **"Now probably some bright fellow might say that Government provides protection by placing Government Members on the Board of Caribbean Utilities Company, for instance. However, that has not always worked well for our people."**

This, coming from someone who is currently Government's appointee to the Board of Directors, I want to see if his position has changed. I continue to quote him.

"In all instances, some of the very things we complain about continue year in and year out. [How true, Madam Speaker.] I feel and I know that a wide cross-section of the public share the same feeling."

May I ask: Was the Honourable Minister saying that the fact that Government had a Member on the Board of Directors of CUC was not in itself a guarantee that the public's interest was best being served? Let me continue to quote: **"As far as a Public Utility Commission is concerned, I can associate myself with it, because I feel it is fundamentally good for our people and I feel the principles which would be enshrined in a Bill or any other measure will help to alleviate a state of affairs which I think are altogether wrong and not good for these Islands.... I think it is good to have such a Commission. Something backed by Law."**

Madam Speaker, Roy Bodden, the First Elected Member for Bodden Town, was not the author of this speech; and was not the author of this call for a Public Utilities Commission.

Turning now to page 13, and I quote: **"I believe the services offered could be more technically efficient. It certainly should be more uniform. That is why we have the power surges in the lights. That is another reason for the commission. The question of technical efficiency is a technical matter, of course, and the test to be applied, if any. The measurement of efficiency are matters of engineering techniques and expertise. Certainly, I do not know of any one now on Government who sits on that Board to have that kind of technical knowledge, even though they would have managerial ability."**

Permit me to read this and also pose the question: Has this situation now changed from the way it was in 1989? **"The question of technical efficiency is a technical matter."** The Honourable Minister went on to say: **"Certainly, I do not know of anyone now on Government who sits on that Board to have that kind of technical knowledge, even though they would have managerial ability."**

In strict debating terms, one could use this to beg the question then: What is Government's appointee doing on such a Board if they are, by admission (of an Honourable Member), promoting this Commission, if they are just there providing managerial ability which there seems to be a dearth of? Should the Government not consider appointing someone with more technical knowledge? Let me continue.

"Certainly, any Commission would be provided with an establishment according to its requirements and demands of its functions, so a report of power surges and such technical defects or faults or deficiencies or malfunction, if you may, would be subject to examinations and tests by the proficiency and technical staff of a good Commission and it would be established there, since any Public Utility Commission would be bound to abide by established international procedures and standards. As I said, that alone should make the Government change its position and

accept the resolution."

This statement is as true in 1995, as it was in 1989. I am going to see what the Government, under the leadership of this Minister, is going to do regarding this resolution.

I have concluded my quotations. I just want to say that it is my understanding that this problem of the role of the utilities in this country came to light years ago, perhaps as early as the 1976 to 1980 political directorate under the Unity Team. I further understand that the services of an expert, Mr. J. J. Bradbury, were procured at that time. It is also my understanding that this gentleman had some interesting recommendations, including that some kind of commission be set up to do exactly what this Motion is calling for and to do exactly what the Honourable Member called for in 1989. Yet, to date, nothing has been done because political directorates lacked the will.

There is a point of which we have to be cognisant. I think the fault lies in the fact that political directorates and Governments allow themselves to be co-opted (as they say in sociology) by some of the very forces and elements that they should be seeking to regulate. Hence there is a conflict in that the interests of the people are not regulated and promoted as they should be. Therefore, tell me how in the world, if I am co-opted to sit on the Board of Directors of a company, can I represent purely the interests of the people? For on that Board, any dissension on my part will involve my being promptly ousted. The history of corporations shows that you can only sit on a board when you are prepared to abide by the majority decision. If you have serious moral scruples, the road is open—you tender your resignation or, if they think you are a dangerous or rebellious enough factor, they will promptly oust you.

I am saying that there is a certain conflict, particularly when that position is occupied by a Member of Government, or by the representative of the people, because it is equally applicable to someone who sits on the Backbench as it is to someone who sits on the Front bench.

There is also the question of confidentiality. Certainly, anyone privy to the entrails of an organisation by virtue of the fact that they are a member of its Board of Directors, cannot, without risk of incurring some serious sanction, betray minutes, happenings, decisions of that corporation—not even to one's closest ally. Again, there is the question of just how effective a politician is on some of these Boards.

The world is constantly changing. Values are changing and there is constant flux in all areas. As time goes by and these changes occur, it becomes increasingly important for us to realise who we are. I am sure that my upbringing is not unique to that of the Cayman Islands; it is not in any way peculiar to the norm.

One of the things that was instilled in me very early was that you have to know yourself. So Roy Bodden cannot say one thing and do another. The point I wish to make is that my principles have never changed, and will never (God forbid) change. Long before I could read Shakespeare, my mother quoted to me: "This, my son,

above all: To thine own self be true; and it shall follow as the night the day, thou cannot then be false to any man." How can I set myself up as a protector of the people, and then allow myself to be co-opted so that I have disparate interests? "You cannot serve God and mammon."

I do not expect that the Motion will be accepted. I have made the best case I know how. I have stated the facts clearly, I have spoken with a sincere conviction. The rest is up to the Government.

Thank you.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.35 AM**PROCEEDINGS RESUMED AT 12.01 PM**

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 11/95. The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

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

The Motion before us, Private Member's Motion No. 11/95—Public Utilities Commission, is a Motion which I would say that every Member in this honourable House is sympathetic to. As a representative of the people, I constantly receive queries as to how the utility companies operate in the Cayman Islands. However, I am obliged to point out once again that this Government has obtained franchises and agreements, which were put in place long before we were put in office.

It is one thing or the other—we can go ahead and break the franchises, or, if some Members so wish, we can nationalise the utilities companies. But my question today is: Where will the Cayman Islands be heading if we take such a stand? I do not profess to have a legal mind, but I took the time to consult the individuals who know the Law in the Legal Department. What I am saying here is as a result of the legal advice which was given to the Government.

May I point out in the case of Cable and Wireless, that we found an agreement of 20 years? This commenced on 13 December, 1991. In the case of the water company, there is a franchise which began 11 July, 1990, and also runs for 20 years. In the case of Caribbean Utilities Company there is a 25-year franchise from 6 October, 1989.

Since I took over the Ministry, I have done as much (or more) as previous Governments in trying to do whatever possible to control rates and to see that they, especially the electric company of these islands, operate within the franchises. I have said in this House that I would have an audit carried out on Caribbean Utilities Company. This was done within the realms of the franchise. I reported back to the House on the findings which were actually nothing, as they were operating within the franchise.

We further negotiated with them on the rate struc-

ture, and I heard a previous Member speaking this morning about the way the rate structure is today. First of all, I have no control over the price of oil brought into this country. The point that I want to make is the reason why the rate structure has been changed to the way it is today: It is simply that the higher rate was initially placed on private homes because there were more to be connected to the utility company. Today it is different, and for this reason the higher rate has been applied to the commercial businesses. It is unfortunate that higher oil prices occurred at the same time that the rate was changed. As I pointed out here in the House, the decrease in the rate to private homes was scheduled over a period of years. Therefore, it would not have been seen on the first billing.

I am not here to try and defend any utility company. As I said earlier, we represent the people, and we try our endeavours to please the people as much as possible. But one has to realise that if a Government commits this country to a franchise agreement, it is one thing or the other—the incoming Government is going to continue under the franchise or, if we break the franchise, we face the consequences. I have not heard anybody, thus far, stand up and say to me to go ahead and break the franchise and face the consequences.

I am not going to take away the thunder from the Second Official Member responsible for Legal Administration, and I am certain that he will go in depth explaining what I am saying.

The opinion given to my Ministry from the Legal Department started as such: **"While the Cayman Islands enjoys limited parliamentary serenity, and this is one of the most sacred features of any modern parliamentary democracy, nonetheless, no responsible government would pass legislation which would put it into conflict with existing contractual agreements."**

All I am saying here is that I am prepared, as Minister responsible in this instance, to do whatever is possible to strengthen the body which is provided for within the franchise in the case of Caribbean Utilities Company, which is the Electrical Inspectorate. We have already taken a decision that this body will be strengthened with professional individuals who will be able to report to Government (as in the case of the incident which occurred in the last few months with Caribbean Utilities Company) to guide us accordingly.

Presently, we do have an Electrical Inspectorate, but I have to say that it was never geared up to handle such incidents as what took place in Caribbean Utilities Company a short time ago. What I am doing presently is working through a company in the United States to find somebody who is completely independent from Caribbean Utilities Company, somebody who is knowledgeable, to be seconded to the Cayman Islands Government to work side-by-side with the present electrical inspector, who is Mr. Allan Moore, to report back to Government should we ever have a reoccurrence of what has taken place.

The Government has not taken this incident lightly. As soon as this occurred we met and discussed the matter. I visited the site. We heard from the directors and owners of Caribbean Utilities Company and I immediately

ordered an in-depth report of what took place at the plant. I have to say that this is presently in hand and the Government will no doubt take the necessary, possible strong, decision once we have studied the sequence of events.

As I mentioned earlier, we have tried our best. As far as I am concerned, we have stayed within the franchises of all utility companies within these islands. I would further point out that contrary to what I heard here from the Member who spoke earlier—I think he said that he was aware that because of the surges in the electricity certain individuals had electrical appliances damaged—I would just like the record of the House to reflect, and the listening public to know, that this was one recommendation which my Ministry strongly emphasised: That Caribbean Utilities Company should honour any application made to them where somebody had damage done to their appliances. The report I received was that every application made was honoured. I consider that that was the correct way to go, and if there is somebody who has had a loss as a result of this, rather than us beating our chests on the floor of this House, get the claim in. If it is not into Caribbean Utilities Company, bring it to my Ministry and I will try my endeavours to see that the individual is compensated.

Speaking of a commission, it was further stated that this is common in other countries. Again, I would like to ask the question: Is it common in Grand Cayman for us to have occurrences such as what took place a few months ago? The answer is no. I consider that over the years, we have been fortunate to have a public utility service such as Caribbean Utilities Company because they have provided this country with the necessary electricity, even taking into consideration the growth which we have experienced in hotels and private homes. They have been able to keep up with it.

In other territories, especially other Caribbean islands, most times you can read in the papers about power cuts. They are completely different. I say that they should have some sort of commission which can be readily available. This is quite unlike us here. I would say that our success in the financial sector and in tourism speaks for itself. If we in the Cayman Islands did not have good electricity and good communications, I would think that we would not have as many banks and trust companies and other businesses as we do today.

While the Government is sympathetic towards the Motion which is presently on the floor of the House, as a responsible Government we must be aware of what is laid down within the franchises and agreements of previous Governments with the utility companies of this country. We will do as much as is humanly possible to strengthen the areas we can under the franchise, and we hope and trust that there will never be another occurrence of what took place.

As a Government, we will have to say no to this Motion.

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

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

I do not wish to enter into a debate on the desirability, or otherwise, of a Public Utility Commission, or, indeed, the merits of any of the individual utility companies. I do want to speak about the legal implications that would have to be dealt with if consideration were given to such a Commission.

The Honourable Minister responsible for Agriculture, Environment, Communications and Works, and, indeed, the Mover of this Motion, referred to the existing franchise agreements in place. Those franchise agreements all have some considerable time to run. Of course, they did not all commence on the same date, but they all have roughly about 15 years to run. They also contain provisions for renewal.

Some of those agreements have been in force for many years, some are more recent, or have had recent amendments to them. But they are all exclusive franchise agreements, and they cover the three main areas of utilities, that is to say, telephone communication, the supply of power and electricity and water. Of course, the fourth utility company is our own Water Authority which does not operate under the terms of an agreement, but under the Water Authority Law. I would imagine that any proposed public utility commission would deal with all utilities, and that would embrace any provider of water.

The legal implication of setting up a commission would be how it could run along side the franchise agreements which are already in place. If it were to attempt to over-ride those agreements, then Government would undoubtedly find itself on the wrong end of a lawsuit.

The agreements are exclusive franchise agreements, and, as with any commercial contract which is freely entered into for which consideration is being given, it is not open for either party to unilaterally break it; neither is it open for either party to unilaterally change its terms. Unless the contract itself provides for those terms to be changed, then they can only be changed with agreement and consensus. That normally means after negotiation has taken place.

The problem for any public utility commission would be how to do the job it was set up to do, while, at the same time, not allowing Government to fall foul of breaking in any way the existing contractual arrangements that it had.

The Honourable Minister responsible for Agriculture, Environment, Communications and Works has referred to advice his Ministry has received from the Legal Department, which is quite correct. I do not feel it would be right for me to quote in detail from that advice for the simple reason that the advice given refers to specific terms in these agreements, specific clauses, and those agreements are confidential agreements between the Government and the individual company. It would not be right for me to enter into a debate in which I made all the details of those agreements public. If I were to deal with the detailed legal advice from the Legal Department, that is exactly what I would be doing. But I can say to the House

and to Members that these agreements do have provisions in them for the control of the utility companies. Some of those have been alluded to by the Honourable Minister.

Some of the agreements do make provision for the referral of any disputed matters to arbitration. So, the agreements themselves contemplate difficulties which may arise, and contractually deal with how those difficulties should be considered.

For a public utilities commission to have the sort of teeth which I am sure the Mover and Seconder of this Motion would like for it to have (and, indeed, I may say that if a public utilities commission is going to achieve anything it does need some teeth), I really cannot see how it is going to be able to have those teeth, or use them, without falling foul and breaching the agreements that we already have.

From a legal perspective, I think the alternatives are really this: While these franchise agreements are in existence, and given the fact that the Government does not wish to unilaterally revoke them or break them, then if any sort of further control is to be put in place which flies in the face of those agreements, it would have to be after prior negotiation with the franchisees, i.e., the utilities companies. I am sure that the Mover's concept of a public utilities commission is not that; it is a commission set up by Law that would have various powers assigned to it, would have various functions assigned to it and, surely, must have some teeth to make it work properly.

With the existing contractual arrangements that are in place, I do not believe that it would be possible, from a legal perspective, to achieve that while allowing these franchise agreements to remain as they are.

Thank you, Madam Speaker.

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

Mr. Gilbert A. McLean: Madam Speaker, as the Seconder of Private Member's Motion No. 11/95, I naturally support the Motion that is before the House. Before I speak directly to it, I think I would be dishonest if I did not say that I am in attendance at the Legislative Assembly today under protest, even debating this Motion now; for I think the House failed to follow its own procedure last Friday and this Motion, as far as I am concerned, would have fallen away with the adjournment of the House on Friday.

It is clear to me that the Government has no desire to entertain the concept of implementing or establishing a Public Utilities Commission. It is talked about by the Government as if it is one of the most farfetched ideas in the world, when it is really one of the most common authorities in many, many countries of the world.

I heard the Honourable Minister responsible for electricity and telephones speak very highly and consciously about franchises and contracts, and Government not breaking these. I seriously wonder what the difference in principle is between this Government breaking the most major contract that the country has every known—that of

the construction of the Dr. Hortor Memorial Hospital—and their even considering a review of the three exclusive franchises we hear about for water, telephone and electricity. It is very unclear to me what is so frighteningly different. If the Government is so concerned about three exclusive franchises which create businesses in the country giving them monopolistic power that directly impact on the people of the country, then what of the situation with the hospital which could aid the people of this country?

I do not think that this Motion made any recommendation about breaking contracts which are presently in existence. I heard no such suggestion offered by the Mover of this Motion, and I am certainly not making any. What is clear to anyone who tries to see it, is that three main utilities in this country (electricity, water and telephone) are tied up in exclusive franchises for long periods of time, as stated by the Honourable Minister responsible for Agriculture, Environment, Communications and Works, and also the Honourable Attorney General.

What that means to me as a Representative, and surely what it means to the people of this country, is that in the first instance those franchises may not have been in the best interest of the people of this country. For franchises to be in the best interest of the people is the whole purpose of good government.

It is my duty, as I believe it is the duty of all Elected Members in this House, to examine carefully situations which (if they are franchises such as these) will create greater financial commitment as the years go by on the people of this country which. It is surely not sufficient for any Minister of Government to get up and cry (which is common to the present Government) that 'the last Government did it.' Now that they are in the seat of authority and in power, theirs is the duty to do something about it.

The Mover of the Motion spoke to the fact that several years ago—in fact, 1977/78—there was a United Nations expert here who examined both Caribbean Utilities and the telephone company. He made certain recommendations then when the contracts were just about where they needed to be renewed that certain things should be taken into account, including setting up a Public Utilities Commission given certain authority and power to deal with the various utilities. At the time we did not have the public water utility.

As I recall, the recommendation at the time was that there be a person, or persons in the civil service who would coordinate and collect data which would be prescribed as relevant to the examination and analysis of the functioning of such utilities in the country, so that when a review or an examination needed to take place that expertise could be sought. I believe that that is still a very relevant concept of the way this Government could have in place a means for overseeing the process of the public utilities here in the Cayman Islands. I make no recommendations about the breaching of any contract that is in place. That is the way of the Government of the day—depending on which contracts these are. I believe that in the process of producing electricity there are other things to look at besides how much money the company is mak-

ing and how much it is declaring as its profit and so on. I believe there are such things as looking at the physical plant and how that is maintained. I believe that in the case of the utility company there are certain decisions to be arrived at in terms of the equipment—the type, the length of time it is used, the write-off of this equipment; is there better equipment that could be bought to service the country? How long is the life of that equipment, and how much does it cost the country in the long run?

I believe that it is possible to examine the utility companies and find out if they are being efficiently run and see if there are improvements in actual operations. I think that there is scope for examination as to whether the people who are running these utility companies really are qualified to do so and whether there should be other personnel in place. I am sure that anyone who wishes to think about it could go on, and on, and see many other areas where having a supervisory body would be of use to this country.

One thing that is most outstanding (I do not think this exists in any other country in the world. I would have to see it in writing to believe it.) is that any country would give an exclusive franchise to an electricity company guaranteeing it 15% profit every year. Certainly, the Cayman Islands continues in a path towards a point when certain sectors of persons in this country, who are in the lower economic brackets, will not be able to pay for electricity. I wonder if there is any scope in Government re-examining that position in the face of good intelligence and what happens worldwide where public utilities are concerned.

Surely, we must all admit that some of the highest utility costs in the world are found in the Cayman Islands. We are not here today talking about the fact that we get such good service, and how we are not like other Caribbean Islands, and so on and so forth. I am thankful that we are not—and for the money that we are paying for electricity service we should have nothing less than the best. The question is: Are the various utilities in this country performing in the best way they could under these exclusive franchises, that only the Minister responsible—when moved to do so—will ask for an audit? Or should we have in place an organisation whose business it is to monitor what is happening in these utilities? That expertise does not necessarily have to exclusively be in the Cayman Islands.

A focal person here, assigned certain duties prescribed by technocrats who know what to look for in this, could be a very helpful and useful exercise. That unit or person could represent a Public Utilities Commission. At appropriate times examinations of these utility companies could be carried out.

The idea the Mover and I have is that a Public Utilities Commission would work alongside the franchises, as noted by the Attorney General; not try to remove or override them, but be the watchdog of the people to assure services are provided consistent with public utilities companies where it does not infringe on the franchise. It could be the body to look after this matter at regular intervals.

It cannot be sufficient, each time the electricity company wishes to have an increase in rates, for the Minister to simply look and say, 'Yes. From what I can see on your books, it looks like you need 3%, 4% or 5% more.' There needs to be expertise in place to see right now, for example, if there are not savings that could be realised if there were greater efficiency in the plant—be it telephone, water or electricity. We do not have that, and it seems the Government is not so inclined to have it. That is what this Motion is about, not about breaking franchises. This Motion is about using common sense and looking after the good Government of the country for and on behalf of the people.

This Government is now empowered to do something about it. Doing something about it is not by saying that the last Government handed out those franchises. Who knows, if this one had had the opportunity, maybe it would have been given for 50 years. Who knows? We are talking about the past and the present, and the present seems to indicate that there is a need for some means to act on behalf of the people of the country in a positive manner in relation to public utilities in the Cayman Islands.

I wonder about the situation where the public has complaints about rate increases in electricity. I wonder when there are complaints about failure in the electric supply which damages appliances in peoples' homes. I wonder about the situation with the telephone service where people have bills that sometimes shoot into large sums of money which were definitely not the true cost of telephone calls made by the persons so billed. There needs to be some means by which the people of this country can go to a particular body with their complaint where that body has the right to examine what they have to say and look into their complaints and act on their behalf.

I do not think that it is sufficient to say that one Ministry has the responsibility for that, and that Ministry is going to look into that matter. What is necessary is to have a specialised entity, body, or person, acting in such a manner. Is it not service to the public in these areas of utilities that we are talking about? Creating a fair balance between the producers of this service and the consumers is what it is all about to me. There are means for achieving this particular exercise.

I do not think it is sufficient to talk about someone who might have lost a refrigerator, a washing machine, or whatever, going over to the electric company and saying, 'This is what has happened to me, can you fix this?', and they say, 'Oh yes. Come along, we will fix it for you.' I do not believe that happens in every instance. I believe there are many instances where the people would never (for one reason or another) conceive of going to these utility companies to make a complaint. That is the way of life in this country—to be reluctant to act on one's behalf in such instances. That is, unfortunately, the type of society that the Cayman Islands tends to be—remain quiet and it will all go away.

I have no more to say, other than to say that a Public Utilities Commission structured in a proper organisa-

tional fashion, given powers consistent with looking after the best interests of the people and with sufficient expertise to deal with the various utilities in this country is necessary. It should be put in place and empowered, not to attempt to break any franchises which are in place, but to examine and deal with the efficiency of these services, thus providing the best service to the consuming public.

The Speaker: If there is no further debate, would the Mover like to... the First Elected Member for Cayman Brac and Little Cayman.

DECLARATION OF INTEREST

Capt. Mabry S. Kirkconnell: Madam Speaker, I rise to declare my interest as I have shares in a utilities company, and I am a director of Cayman Brac Power and Light Company, Ltd. I will therefore abstain from voting or speaking on this Motion.

The Speaker: Thank you.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. I rise to make a short contribution to this debate.

I think my colleague, The Honourable Minister responsible for Agriculture, Environment, Communications and Works, who put Government's position forward, clarified what we can and cannot do. But I do feel that as one of the Government's representatives on the Board of Caribbean Utilities Company, and after listening to the Mover, who mentioned Board members, I need to say a few words.

It is a fact, as the Mover read from the *Hansards* of 1989, that I brought a resolution to the House asking for a regulatory commission. I said then (as he read) that I believed in keeping watch over the monopolies. He went on to say that he wanted to hear what my views are today. I would have thought that he brought the Motion for something else. Nevertheless, I do not think that anyone can say that I have failed to give my view on any position, whether in this House or outside this House.

Let me state quite clearly for one and all to hear, I have not changed my position. I have not! I have no need to change. I still hold my own personal feelings on that matter; I would very much like to revert the franchise given to these monopolies but, as the Minister has said, we are precluded from doing this by Law. I am not talking about a malicious reworking, but one that is more favourable to the people. As the Minister said, we are precluded from doing that.

As far as the Member's remarks about political directorates being co-opted, this is not the first time that the First Elected Member for Bodden Town has tried to throw that in, even though the Member knows different. If he knows what he is talking about, he would understand that Caribbean Utilities Company did not put me on the Board. I hope neither he nor anyone else believes that

anyone on that Board likes for McKeeva Bush to be there, or wants me to be there. I am there because the Executive Council (of which I am a part), which is headed up by the Governor, put me and the other two directors (Mr. Joel Walton and Mr. Phillip Barnes) on the Board—not the Caribbean Utilities Company's owners. They did not put us there, Government put us there as their representatives. There is no conflict. We are there as - Government's representatives, Caribbean Utilities - Company did not put us there.

I do not know how anyone honest who has any sense of fairness, morally or otherwise, can get up in this House or anywhere else on a public platform and blame McKeeva Bush, Joel Walton, or Phillip Barnes for the mess that the country is in today with the franchise. First of all, Government's representatives on the Board are in the minority. Three of us are against 10 of them. The most that we can do as the minority is to keep abreast of the corporate decision-making, and advise the Executive Council accordingly, while informing the Board of the Government's policy on issues before the Board, or raise questions about the company's operation and policies. As Government's representatives we make reports to Executive Council.

Let me inform this House that after the last meeting where the breakdown which occurred earlier this year was discussed, we made a report in Executive Council as to what we sought by the papers presented in the Board meeting of Caribbean Utilities Company. We told Executive Council that we were even more convinced that there needs to be a threatening of the ongoing regulatory activities. In response to this the Minister has already advised the House that this is being done. As three representatives on the Board, we can do no more.

The First Elected Member for Bodden Town read from the *Hansard*, and I quote him: "**Now, probably some bright fellow might say that Government provides protection by placing Government Members on the Board of Caribbean Utilities Company, for instance. However, that has not always worked well for our people in all instances. Some of the very things we complain about continue year in and year out. I feel, and I know that a wide cross section of the public share the same feeling.**" I have not changed my position on that. That is a fact. But not for want of myself and the other two directors making our case as to what we feel is wrong in Caribbean Utilities Company's business.

As the Government's representatives we can do no more, unless we go to court, and the public says without any... Well, let us say that we would have to have a clear understanding by the people of this country that they want us to take that franchise into court. If that were so, I would have nothing against it because I feel there needs to be much more regulatory activity than we have. We have reported that to Executive Council.

I say again, that the owners of Caribbean Utilities Company, whether they be shareholders in Cayman or outside of Cayman, did not put McKeeva Bush, Joel Walton, or Phillip Barnes on that Board. We were put

there by Executive Council. I can tell the world that McKeeva Bush is not wanted on that Board. I go there and do what I can do best according to what I have to work with.

The Speaker: I would like to know what the wish of the House is because I understand that a Select Committee has been called to meet after the conclusion of business. Would we continue on towards the conclusion now? Is that to everyone's agreement?

The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Far be it from me to make any suggestion to the Chair as to how to handle matters, but my winding up is not likely to be short.

The Speaker: The Honourable Minister responsible for Tourism, Aviation and Commerce.

Hon. Thomas C. Jefferson: Madam Speaker, I think we should try to finish this exercise, I am prepared to stay.

The Speaker: If there are no other contributions... The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, is it being suggested that we take no lunch break today?

The Speaker: I am in the Members' hands. I have asked...

Mr. Roy Bodden: Madam Speaker, may I move a Motion that we adjourn for the luncheon break and resume at the normal time after our luncheon interval?

The Speaker: Is there a Secunder for that Motion?

Mrs. Berna L. Thompson Murphy: Yes, Madam Speaker, I would like to second that.

The Speaker: The Motion has been duly moved and seconded. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. I will accordingly suspend...

Hon. Thomas C. Jefferson: Could we have a division, Madam Speaker? I do not want to be task-some, but can we have a division, please?

The Speaker: Madam Clerk.

Clerk:

DIVISION NO. 12/95

AYES: 6

NOES: 6

Mr. D. Dalmain Ebanks	Hon. Richard H. Coles
Mrs. Berna L. Murphy	Hon. G. A. McCarthy
Capt. Mabry S. Kirkconnell	Hon. W. McKeeva Bush
Mr. Gilbert A. McLean	Hon. Thomas Jefferson
Mr. Roy Bodden	Hon. John B. McLean
Mrs. Edna M. Moyle	Hon. Anthony S. Eden

ABSENT:

Hon. Donovan Ebanks
 Hon. Truman M. Bodden
 Mr. John D. Jefferson, Jr
 Dr. Stephenson A. Tomlinson
 Mr. D. Kurt Tibbetts

The Speaker: The result of the division is six Ayes and six Noes.

SPEAKER'S CASTING VOTE

The Speaker: Under the circumstance, the Speaker will vote with the Ayes in order for the matter to be kept open. Proceedings are suspended until 2.00.

PROCEEDINGS SUSPENDED AT 1.03 PM**PROCEEDINGS RESUMED AT 2.08 PM**

The Speaker: Please be seated.

If no other Member wishes to speak, would the Mover wish to reply?

Mr. Roy Bodden: Thank you, Madam Speaker. I would like to take the opportunity in winding up to make a few points. I might yield to the request of my good friends on this side to shock the House by not taking too long.

I want to say in all seriousness that the call for the Commission must not be interpreted as meaning that we are in any way advocating any breaking of the current existing franchise agreement, nor are we suggesting that the Government take over the company. What we are saying is that it is possible to set up a commission within a legally accepted framework, a commission which is acceptable to the principles of the company to do the work that commissions do. I do not buy the excuse (and I think it is a lame one, as a matter of fact) that nothing could be done because the franchise agreement had been put in place before the National Team came to power. I believe that if there were the political will to do something, it could be done.

I do not buy the excuse that they cannot touch it because they would never subscribe to breaking the franchise. If they could stop or dishonour a legal contract, they could do anything that they so desire. Let me say that to negate that position.

I also want to make the point that I still remain to be convinced that there is no conflict when an Elected Member of Government serves on a Board like this. I made no mention of the other members appointed by Government to sit on the Board, but the point that I reiterate is that when you sit on a board of directors there are certain obligations which you sit there under. If the majority of the members on that Board feel that you are too much of a

thorn in their side, it is plain and simple, they will get rid of you.

Hon. W. McKeeva Bush: They cannot.

Mr. Roy Bodden: Over and beyond that, any decision which emanates from that Board bears the implication that the members of that Board were involved in that decision—be it a good decision or a poor decision—because when the decision is announced, it does not come out saying that the majority agreed, but Mr. Roy Bodden dissented. It is reported as the decision of the Board, with no distinction. There is no provision for any delineation like we have in Parliament. There is no provision for divisions. That is the point which I take issue with when I say that the public's interest is not best served by having an Elected Minister sitting on the Board. It does not matter if it is Mr. 'X', or Mr. 'Y', the principle applies irrespective of who occupies the position.

We have to be careful that we do not get into a position like what the red Indians called speaking with a 'forked tongue'. We cannot say we are sympathetic to the Motion and vote against it, that is speaking with a forked tongue. That is duplicity at its height! Either you are for something or you are not. That reminds me of Agrippa's confession to Paul—"Almost thou persuadest me..." Almost, Madam Speaker. Almost.

The Electrical Inspectorate, however much it is strengthened, as mentioned by the Minister under whose responsibility this falls, is not the same thing as a Utilities Commission. One of the primary responsibilities of the Electrical Inspectorate is dealing with technical problems, the provision of electricity and seeing that certain technical standards are met. A Utilities Commission is calling for a totally different kind of system.

After listening to the Honourable Attorney General I have to ask if there is any clause in the contract which precludes the formation of a Utilities Commission, because I do not believe there is. We can only but make a point: I would like to say that the world needs men who cannot be bought, whose word is their bond and who, when they set themselves up to be the representatives of the people, abide by the decisions they have taken.

Whether the Motion carries or not, I consider that the Seconder and I have done our jobs. I finish with the warning that the people are watching and waiting. It is not for myself, or for the Second Elected Member for Cayman Brac and Little Cayman that I labour, but it is for the people, and according to their cries.

So, Madam Speaker, in a gesture of chivalry I will end my debate by appealing to the good conscience of all Honourable Members in supporting this Motion.

Thank you.

The Speaker: The question before the House is Private Member's Motion No. 11/95, Public Utilities Commission. 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, please?

The Speaker: You certainly may.
Madam Clerk.

Deputy Clerk:

DIVISION NO. 13/95

AYES: 2

Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 9

Hon. Donovan Ebanks
Hon. George A. McCarthy
Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mrs. Berna L. Murphy
Mrs. Edna M. Moyle

ABSTENTION: 1

Capt. Mabry S. Kirkconnell

ABSENT: 5

Hon. Richard H. Coles
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Dr. Stephenson A. Tomlinson
Mr. D. Kurt Tibbetts

The Speaker: The result of the Division in two Ayes, nine Noes. The Motion has therefore failed.

PRIVATE MEMBER'S MOTION NO. 11/95 NEGATIVED BY MAJORITY.

The Speaker: Private Member's Motion No. 12/95, Appointment of Elected Member to the Standing House Committee.

The Elected Member for North Side.

PRIVATE MEMBER'S MOTION NO. 12/95

APPOINTMENT OF ELECTED MEMBER TO THE STANDING HOUSE COMMITTEE

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

I wish to move the suspension of Standing Order 24(5) to allow Private Member's Motion No. 12/95, Appointment of Elected Member to the Standing House Committee, to be considered at this Sitting.

SUSPENSION OF STANDING ORDER 24(5)

The Speaker: The question is the suspension of Standing Order 24(5) to allow Private Member's Motion No. 12/95, Appointment of Elected Member to the Standing House Committee, to be considered 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 Order 24(5) is accordingly suspended.

AGREED. STANDING ORDER 24(5) SUSPENDED.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

I wish to move Private Member's Motion No. 12/95, Appointment of Elected Member to the Standing House Committee. The Motion reads as follows:

"WHEREAS Government Motion No. 2, entitled Appointment of the Standing House Committee, was passed by the Legislative Assembly in accordance with the provisions of Standing Order 76, on 25th November, 1992;

"AND WHEREAS the Motion resolved that the Committee comprise five Elected Members, one of whom will be elected by the Members of the Committee as Chairman, and one as Deputy Chairman;

"AND WHEREAS the Committee currently comprises four Elected Members;

"BE IT RESOLVED THAT this Honourable House appoint the First Elected Member for Bodden Town, Mr. Roy Bodden, MLA, to fill the membership of the Committee."

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

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: Private Member's Motion No. 12/95, having been duly moved and seconded is now open for debate.

The Member for North Side.

Mrs. Edna M. Moyle: This Motion will not take very much time, as the Motion speaks for itself. A vacancy has occurred in the Standing House Committee due to the death of our colleague, Mr. G. Haig Bodden, who was a very valuable member of this Committee. I have requested that Mr. Roy Bodden, who also represents the district of Bodden Town, replace this member. I feel that the First Elected Member for Bodden Town will give a valuable contribution, as did his colleague.

I therefore ask the House to give this Motion its support.

The Speaker: Does any other Member wish to contribute to the debate? (pause)

If there is no further debate, I shall put the question that Private Member's Motion No. 12/95: "BE IT RESOLVED that this Honourable House appoint the First Elected Member for Bodden Town, Mr. Roy Bodden, MLA, to fill the membership of the Committee."

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. 12/95 PASSED.

The Speaker: Government Motion No. 6/95.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 6/95

GOVERNMENT GUARANTEE CAYMAN ISLANDS WATER AUTHORITY

Hon. W. McKeeva Bush: Thank you, Madam Speaker. I move the following resolution:

"WHEREAS on the 28th day of November, 1994, the Standing Finance Committee approved the following:

"1. to increase the current Government Guarantee of US\$5.83 million to US\$22.15 million, on behalf of the Cayman Islands Water Authority, in favour of Canadian Imperial Bank of Commerce and Trust Company Limited who will provide funds to clear the existing loan with Caribbean Development Bank and to provide additional funds to construct the proposed Lower Valley Reservoir and Pumping Station and other works; and

"2. for the repayment of the Caribbean Development Bank Loan of US\$6.2 million.

"AND WHEREAS on the 5th day of April, 1995, the Legislative Assembly, by way of Government Motion No. 3/95, approved the above;

"AND WHEREAS on Friday, the 1st day September, 1995, the Standing Finance Committee of the Legislative Assembly approved the following resolution -'In the event that the Water Authority is unable to meet its obligations under the loan, any sums payable in respect of principal and interest under the Guarantee shall be paid out of the General Reserve and Assets of the Cayman Islands Government.';

"BE IT NOW RESOLVED by this Honourable House that in the event that the Water Authority is unable to meet its obligations under the Loan, any sums payable in respect of principal and interest under the Guarantee shall be paid out of the General Revenue and Assets of the Cayman Islands Government in accordance with section 8B(3) of the Water Authority (Amendment) Law, 1987."

The Speaker: I need to make a correction here. The question is Government Motion No. 6/95. The Motion is open for debate. The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

In 1986 the Government entered into a loan agreement with the Caribbean Development Bank which provided approximately US\$7 million to the Water Authority for construction of the West Bay Beach Sewerage System. The funds for the loan were repayable in several different currencies, including units of accounts quotient which was based primarily on Japanese Yen.

Over the past nine years, the Authority has repaid approximately US\$1,790,000 in principal on the loan. However,

due to currency fluctuations the losses on the loan amounted to US\$820,000. That is even so the sum of US\$1,790,000 was paid against the principal, the principal outstanding was approximately \$6 million at the time of repayment.

It was decided in early 1994 that the Authority would endeavour to refinance that loan, as well as secure additional capital for a pumping station and reservoir in the Lower Valley area.

The Water Authority entered into a new loan facility agreement for US\$22.15 million with the Canadian Imperial Bank of Commerce and Trust Company Limited in late February 1995. This new loan refinances a previous loan for US\$16 million with the same bank and includes additional funds for repayment of the Caribbean Development Bank Loan and construction of the Lower Valley reservoir and pumping station.

The loan from Caribbean Development Bank was repaid in March of this year. Section 8B(2) of the Water Authority (Amendment) Law, 1987, requires that the Legislative Assembly must approve any guarantee by Government and funds borrowed by the Water Authority. This requirement has been fulfilled through the resolution by Finance Committee on 28th November, 1994, and by Government Motion No. 3/95, earlier this year. However, section 8B(3) of the same Law also specifically requires that where the Governor is satisfied that there has been default in repayment of any principal monies or interest guaranteed by Government he shall, with prior approval of the Finance Committee, direct the repayment out of the general assets and revenue of the Cayman Islands Government.

The resolution by the Standing Finance Committee on 1st September, 1995, was required in order to satisfy the banks that all requirements set out in the above section of the Law had been fulfilled.

I move the resolution to ratify the resolution made by Finance Committee on 1st September in respect to this section of the Law so that the guarantee can be completed on behalf of Government.

The Speaker: If no Member wishes to debate, I shall put the question.

Hon. W. McKeeva Bush: Madam Speaker.

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

Hon. W. McKeeva Bush: I do hope, and I know no Member spoke, but I thought I would raise this matter to clarify it, I do hope... that is if nobody is going to speak, Madam Speaker...

The Speaker: I do not see any Member who wishes to speak.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I trust that Members realise what happened. I know on Friday the First Elected Member for Bodden Town questioned the integrity of the financial operation in this respect, but it is just that the Water Authority Law had a specific section (which I outlined a while ago) which is different from any of the other Laws governing the authorities in the country. The Water Authority Law carries a specific section and this is what the banks asked be included in the resolution because it was not in the other resolution. That is all it is; it does not have anything to do with trust in Government or else they would not lend us US\$22 million. If US\$22 million does not mean good integrity, I do not know what else does.

Thank you, Madam Speaker.

The Speaker: The question is Government Motion No. 6/95. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Speaker: The Ayes have it. The Motion has therefore been passed.

AGREED. GOVERNMENT MOTION NO. 6/95 PASSED.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: That concludes matters for this Meeting of the Assembly. It just remains for me to thank Members for their attention to their duties. I would also ask Members to bear in mind the three "Cs" that I would like to see observed: Communication, is one of the most important features that we can have in any working place; Co-operation/civility, and last, but not least, a Christ-like attitude in all of our dealings.

I want to thank the Clerk and other officers of the Department including the Serjeant-at-Arms, Mary and Anita, for their courtesy and support to Members.

Unless there is a necessity for one before, the next meeting will be the first Friday in November, I think it is the 3rd, which will be the Budget Meeting.

I would also like to announce to Members that from the 21st through 27th October there will be a series of meetings in Grand Cayman under the auspices of the Commonwealth Magistrates' and Judges' Association. The majority of the meetings will take place in this Chamber and in the Committee Room of the Legislative Assembly building.

The first meeting will be of the Lay Magistrates on Saturday the 21, including Justices from Grand Cayman and overseas, from 9.00 AM until 1.00 PM. The next meeting is on Monday the 23rd. This will be a Council meeting of the Magistrates' and Judges' Association. The President of the Association is the Honourable Chief Justice of the Turks and Caicos Islands, Mr. Kipling Douglas, who is a former Senior Magistrate in the Cayman Islands. I also had the honour of being elected as a member of this Council in Zimbabwe in August 1994, representing the Caribbean.

Members will be coming from different parts of the world—from Africa, Australia, Canada, the United Kingdom, and Jamaica. At the same time on Monday, there will be a concurrent meeting of regional members. They will consider a Bench Book for the Caribbean area.

On Tuesday the 24th through Thursday the 26th, there is a Judicial Education Seminar at which very eminent persons will make presentations. There will also be a workshop. I will be sending Members and Justices of the Peace details of the activities.

Thank you.

May I ask for a Motion for the adjournment until the 3rd November? The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

ADJOURNMENT

Hon. John B. McLean: Madam Speaker, I move the adjournment of this Honourable House until 3rd November, 1995, at 10.00 AM.

The Speaker: The question is that this Honourable House do now adjourn until Friday, 3rd November at 10.00 AM. 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 Friday morning, 3rd November, 1995, at 10 o'clock.

AT 2.35 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 3 NOVEMBER 1995.

**FRIDAY
10 NOVEMBER, 1995
10.10 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, forever 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 and the Legislative Assembly is in Session.

APOLOGY

The Speaker: First of all I have to offer an apology for the Member for North Side. She asked me to say that the arrangements for her to be off the Island had been made previous to the change of the original date set for the House.

**PRESENTATION OF PAPERS
AND REPORTS**

THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR 1996

The Speaker: Proceeding with business, Presentation of Papers and Report, the Draft Estimates of Revenue and Expenditure for the Cayman Islands Government for the year 1996.

The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this honourable House the Estimates of Revenue and Expenditure for the year ending December 31st, 1996.

The Speaker: So ordered.

Government Business, Bills. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE APPROPRIATION (1996) BILL, 1995

Clerk: The Appropriation (1996) Bill, 1995.

The Speaker: A Bill entitled, The Appropriation (1996) Bill, 1995, is deemed to have been read a first time and is set down for Second Reading.

Second Reading.

SECOND READINGS

THE APPROPRIATION (1996) BILL, 1995

Clerk: The Appropriation (1996) Bill, 1995.

The Speaker: The Honourable Third Official Member for Finance and Development.

THE BUDGET ADDRESS

**DELIVERED BY THE HON. GEORGE A. MCCARTHY,
OBE, JP, FINANCIAL SECRETARY**

Hon. George A. McCarthy: Madam Speaker, I beg to move the Second Reading of the Appropriation (1996) Bill, 1995.

Madam Speaker, in the last Budget Address the Government stated that it would continue existing pro-

grammes and initiate new ones, to prepare these Islands for continued success well into the 21st century. The Address highlighted that the growing trend towards regionalisation and globalisation could have a major impact on the Cayman Islands, and it was necessary for us to prepare to meet the challenges that lay ahead. It was also emphasised that preserving and maintaining our image was an important element for the continued success of the Cayman Islands.

Since that time, the process of globalisation has intensified, and in particular the services industry which includes both tourism and finance, has advanced at an unprecedented rate, creating new avenues for business related activities. It is therefore heartening for me to be able to report that the numerous initiatives undertaken by the Government, in cooperation with the private sector, have helped us to take advantage of the new opportunities which are now emerging.

In February of this year, the Cayman Islands hosted three one-day conferences in New York, London and Hong Kong—all of which were successful. In addition, a very attractive and comprehensive publication, Guide to the Financial Services of the Cayman Islands, was developed to coincide with the three conferences. An international distribution of over 13,500 copies of this publication has already been made.

The value of these activities cannot only be measured in terms of increased business opportunities in the short run. They must also be viewed in terms of the opportunities provided to correct any misconceptions regarding the Cayman Islands' financial industry. These qualitative benefits, while not easy to quantify, more than outweigh the costs.

It is often said that our people are our most valuable resource. Government has always been cognizant of this fact, and since 1993 it has offered an average of 40 scholarships each year for higher education and granted 128 student loans. But the Government has not been the only one to offer such programmes. The private sector has also been instrumental in providing our young people with educational opportunities to develop the skills needed for the 21st century. Several local institutions have offered scholarships and student loan schemes to young Caymanians, and others have participated in summer work experience programmes.

Tomorrow's world requires highly skilled people, but it also requires another essential ingredient—technology. Rapid advances in telecommunications have made the world into one large village; and in many industries, speed and efficiency of communication is what gives companies the competitive edge. To this end, the proposed investment by Cable and Wireless in excess of US\$90 million over the next five years, will provide the platform for enhanced services to meet customer requirements into the next century. Work on fibre optic distribution networks have already commenced around George Town and Seven Mile Beach and when completed, will provide the Cayman Islands with the latest in

fibre optics technology.

The Cayman Islands is forging ahead into the 21st century with expanded financial services in the form of a Cayman Islands Stock Exchange. It is hoped that by May 1996, the first phase of the Exchange will become operational. The Exchange will commence as a primary listing exchange which will list securities, debt and equity instruments. This will provide the foundation for an expanded trading exchange at a later date.

It is clear that over the past year we have achieved a good measure of success, but we cannot become complacent. With God's blessing, Madam Speaker, the Government and people of these Islands have maintained the political and economic stability necessary for nurturing both the Financial and Tourism Industries. These, in turn, have generated opportunities in other sectors of the economy—real estate, construction, agriculture and utilities to name a few.

The confidence which the local and international community have placed in Government's ability to manage the affairs of these Islands, and to maintain this stability, has manifested itself in a number of ways. Examples include the relocation of the headquarters of the CITCO (Curacao Investment Trust Company) Group of Companies and the Cable and Wireless Caribbean operations to Grand Cayman; the commencement of several large scale investment projects such as the 350-room Westin Casuarina Hotel, the Barclays Bank Financial Centre, and the Cayman National Bank's Head Office.

These indicators of confidence are not cause for relaxation. The road along which we must travel is long and full of pitfalls. We must strive to remain competitive, but at the same time retain those attributes which have made us a jurisdiction and destination of choice.

We must constantly monitor the international and regional scene to be prepared to make adjustments along the way. We must continue to build on the foundation of private and public sector dialogue and consultation. And, last but not least, we must be prepared to provide the necessary educational opportunities for Caymanians to enable them to function in this competitive environment.

To this end, the Government is committed to building on the achievements of the past and providing the infrastructure and climate for continued growth and stability.

I shall now briefly review the current and future outlook of the world economy and subsequently, the domestic economy. Then, I shall discuss Government's revenue and expenditure performance for 1995. Finally, I shall present the Draft Estimates of Revenue and Expenditure for 1996.

THE WORLD ECONOMY

The world economy is now firmly in recovery. In 1994, growth in world output reached its highest in six

years (3.7%) and although some moderation is expected in 1995 and 1996, a satisfactory growth rate of around 3% is forecast to continue.

The main industrial countries, particularly Japan and to a lesser extent the United States of America, are expected to have a slower rate of growth. But growth will continue to be buoyant in the developing countries: the Asian region will continue to grow at around 7%; slow-growing Africa is expected to have a turnaround; and the decline in the transition economies is forecast to be less steep. Overall then, the outlook for the next two years is relatively good. The Cayman Islands economy which is closely linked to the global economy is expected to benefit from this favorable external environment.

The "engine of growth" that has been driving the world economy is trade, and the recently-concluded Uruguay Round of World Trade Negotiations, together with the continuing growth of regional trading arrangements imply good long-term prospects for the global economy.

After some seven years of protracted negotiations, the Uruguay Round agreement finally came into effect on 1st January, 1995. It is the most extensive agreement ever signed and will be implemented by the newly-formed World Trade Organisation (WTO) which will replace General Agreement on Tariffs & Trade (GATT) in 1996. The agreement makes provisions for huge tariff reductions in manufactures (around 40% in the industrial countries); brings agricultural trade under multilateral discipline; and provides for increased market access.

Of particular significance to the Cayman Islands is the inclusion of new areas such as services in the agreement. In July this year, over 90 countries signed a financial services agreement pledging some degree of access to their banking, securities and insurance markets on a non-discriminatory basis.

With new markets expanding, capital flowing across countries and regions, and more and more services becoming tradable, the Cayman Islands will have to position itself to take advantage of emerging opportunities. The Government of the Cayman Islands is ensuring that the skills, technology and institutional structures which are important for success are being developed in line with the demands of the marketplace.

Allow me to emphasise one other point on this important topic of globalisation, Madam Speaker. Globalisation brings with it new and exciting opportunities for private individuals and firms. But it also accords an important role for Government in maintaining sound macro-economic management and in creating a stable environment in which the private sector can continue to grow and flourish.

In the years ahead, it will therefore become increasingly important to maintain and strengthen the relationship which exists between the private and public sector. This unique private-public sector partnership which has been built up over many years is central to the success of the Cayman Islands economy.

I now turn to Domestic Economic Events.

DOMESTIC ECONOMIC EVENTS

The favorable developments in the world economy had a positive impact on domestic economic performance, and I am pleased to report that in 1995 the local economy performed very well.

The main economic indicators reveal that a growth rate of around 5% is projected for 1995; inflation is expected to be about 3%; and positive growth in the finance and tourism sectors is expected to continue.

I will now take a more detailed look at the performance of the economy.

FINANCIAL AND BUSINESS SERVICES

The financial and business sector continued to fuel growth in the economy in 1995 and contribute to the overall development of these Islands. This contribution goes beyond the employment of some 3,900 persons—69% of whom are Caymanians. It also includes the important contributions to tertiary education mentioned before—through scholarships and student loan schemes—as well as the contribution to capital formation in the form of building construction.

During the year, the three main segments of the financial industry—banking, insurance and mutual funds—all registered positive growth. Progress is also being made towards the setting up of a Stock Exchange, enactment of legislation, and a vigorous marketing drive to ensure that the Cayman Islands is in a position to combat increased competition in the international financial arena.

The Cayman Islands' Mutual Fund industry continued its remarkable growth through 1994 and into 1995. The Mutual Funds Law (1993) has proven to be a catalyst for increased recognition of the Islands as the domicile of choice, and is achieving its objective to provide for flexible but effective regulation to a fast growing sector.

As at 3rd October, 1995, 91 entities had been licensed as Mutual Fund Administrators or had been exempted from obtaining a mutual fund administrator's licence; and some 1,001 entities had been registered or licensed as Mutual Funds. In addition, revenue from administrators so far in 1995 is some \$865,000 compared to \$660,000 in 1994.

The Banking industry also experienced significant growth during 1995. The value of deposits held by banks registered in the Cayman Islands totalled US\$463.7 billion at September 1995—a 13% increase over the September 1994 figure. Altogether, there are currently 563 banks registered in the Cayman Islands, of which 70 have a physical presence. These include the Bank of China which the Cayman Islands welcomed to its shores this year. With this new addition, the Cayman Islands now has a representation of 47 of the world's top 50 banks.

Turning to the Insurance industry, it is important to mention that the Cayman Islands remains the world's second largest captive insurance domicile. The total number of licensed captives at 31st September, 1995, was 377 compared with 363 at 31st September, 1994. Of interest is the significant number of health-care related captives domiciled here—roughly one-third of the total—which include some of the largest American health-care systems. This group of captives wrote over \$300 million premiums in 1994 and had total assets of \$1.6 billion.

Madam Speaker, the positive growth in company registrations continued in 1995. As of October 31st, 1995, there were 33,792 companies registered in the Cayman Islands, an increase of 9% over the 1994 figure. Among these were 4,709 new company registrations in 1995.

With regards to shipping, the Marine Survey Department has recently been renamed "The Cayman Islands Shipping Registry." This change is not just cosmetic, however. The Department now has an expanded role and is aggressively promoting the Cayman Islands as a viable, safe and efficient port of registration. During the first half of 1995, 74 new ships were registered in the Cayman Islands, bringing the total to 785.

In 1995 the Government, in cooperation with the private sector, intensified its marketing activities in a number of important areas. The two most significant events which I mentioned earlier—the hosting of three one-day conferences in New York, London and Hong Kong, and the publication of the Guide to the Financial Services of the Cayman Islands—were very successful.

The Conferences attracted in excess of 500 delegates, and attendees rated the conferences as extremely effective. The overall success of this venture has been so encouraging that plans are being made to host similar conferences in 1997. The Guide to Financial Services publication is an ongoing project, and we have received numerous praises for its high quality.

The Government has also enlisted the services of Profile Corporate Communications Limited, a political and public relations firm, to enhance the international image of the Cayman Islands. Profile has already placed several editorials in leading European press; conducted media training courses with key government officials; and established a Cayman Islands Press Office in the United Kingdom. In addition, with the assistance of Mr. Thomas Russell, Cayman Islands Government Representative in the United Kingdom, and Mr. Colin Shepard, Chairman of the Commonwealth Parliamentary Association (CPA), they have developed the "Cayman Islands Friends in Parliament Group."

Several other important ventures are expected to be completed before the end of 1995, including the 2nd Annual Offshore Funds Winter Forum which will be held on December the 3rd to the 6th. Labelled by the International Business Conferences (IBC) as the Industry's Definitive Offshore Fund Event of 1995, this forum will allow delegates a first-hand view of the extensive and sophisti-

cated professional and financial infrastructure and other supporting facilities available in the Cayman Islands.

The Cayman Islands continued its drive towards ensuring that it maintains a modern and responsive regulatory framework. This year saw amendments to the Trust Law (1972), and the passage of the Perpetuities Bill (1995). In addition, amendments to the Insurance Law (1979) and the Draft Proceeds of Criminal Conduct Bill, which is presently being reviewed by the Government/Private Sector Consultative Committee, will be tabled during 1996, once consensus is reached between the Government and the financial community. The latter legislation is being put in place to help further safeguard the financial industry of the Cayman Islands from illicit activities.

Madam Speaker, I mentioned earlier that by May 1996 the Cayman Islands Stock Exchange will become operational. It is envisioned that the Exchange will be set up as an Ordinary Resident Company, and that enabling legislation to facilitate the setting up of this company will be circulated to Members of this Honourable House during this Meeting. Madam Speaker, I now turn to Tourism.

TOURISM

The tourism sector continued to experience positive growth in 1995, although at a slower rate than in previous years.

Figures up to September 1995 reveal that the number of stayover visitors was 272,061—an increase of 5.6% over the same period last year. This compares with the double-digit growth rates recorded in every quarter last year. Cruise ship arrivals, bolstered by a 45% increase in August, stood at 479,334—up 12.4% over 1994. Visitor expenditure estimates were also on the increase, rising by just over 12% for the period January to June 1995.

The United States market continues to be the major supplier of visitors to the Cayman Islands, but the number of United States visitors increased by just under 1% in 1995. The slowdown in United States visitor arrivals is due mainly to the slackening of growth in the United States of America. Whereas the United States' economy grew by a healthy rate of 4.1% in 1994, growth in 1995 has been around 3%.

The success of the diversification efforts undertaken by the Department of Tourism is reflected in the growing numbers of tourists from the European market. In January to September 1995, European tourist arrivals amounted to 28,145 compared to 22,582 for the same period in 1994—an increase of 25%. One important benefit of the European market is that tourists from that region tend to stay for longer periods than tourists from elsewhere. Therefore, they are more likely to visit all three islands and utilise a wider range of facilities.

Hotel occupancy rates in 1995 are somewhat lower than in previous years as a result of a shift to condominiums, private homes and time share usage. In the Visitor

Exit Survey carried out during the first half of 1995, roughly 66% of visitors reported that they stayed at hotels compared to 72% for the same period in 1994. Condominiums and private homes were used by 28% of visitors in 1995 and 24% in 1994. The use of time share properties was up 1% from 4.8% in 1994.

The prognosis for the remainder of the year is encouraging with advance hotel bookings indicating the likelihood of increased occupancy rates. Cruise ship arrivals are also expected to increase significantly with a number of cruise lines routing their ships through the Cayman Islands, following the recent devastation of ports in the Eastern Caribbean.

Looking further ahead, the tourism industry is preparing to meet the challenges of globalisation through a number of marketing, quality improvement and information technology initiatives. The Department of Tourism is continuing its marketing campaigns abroad in cooperation with the private sector, and intends to provide increased support and supervision to its overseas offices to enhance their marketing and promotions efforts.

The Department of Tourism also intends to restructure the monitoring and inspection system of the accommodation sector, carry out a program of training and development for the industry, and continue its tourism awareness activities. Further, given the growing importance of technology in the services sector, office automation is to be completed for all offices worldwide.

These activities, both on the international and domestic fronts, are designed to ensure that over time the industry continues to provide high quality services to visitors and is able to maintain its market share in an increasingly competitive environment.

I now turn to Agriculture.

AGRICULTURE

The Department of Agriculture continued to provide assistance to farmers to increase local food production through its many programmes. In 1995 a National Tree Crop Husbandry programme was re-instated and training provided to field staff in the use of farm chemicals. An Agricultural Land Capability and Land Use Study was also completed and a project to improve water storage in Lower Valley was redesigned and implemented.

Gross sales for 1995 at the Farmers' Market are expected to increase to \$950,000, or by 8% over 1994. This is a slower rate of growth, compared to the previous one of 20%. One of the major factors affecting this slower growth was the ending of the Cuban Refugee Crisis in March 1995. In 1994, the Farmers' Market played a significant role in the supply of food to Cuban refugees.

In 1996 the Department of Agriculture will relocate to the agricultural hub in Lower Valley. It plans to undertake a number of projects including the improvement of slaughtering facilities; establishment of a small scale food processing operation; and further development of

physical infrastructure. I now turn to Real Estate, Madam Speaker.

REAL ESTATE

Last year, a uniform rate of stamp duty of 7.5% was levied on all transfer of property, compared to a previous two-tier structure of 7.5% for transfers below \$250,000 and 10% for transfers above this value. This change in the payment of stamp duty may have stimulated growth in the real estate sector, for the value of land transferred as at September 1995 was \$155.2 million—an increase by 17% over the same period in 1994.

Government revenues from land and property transfers also increased by 17% over the same period. Revenues consisting of stamp duty, registry fees and survey fees amounted to \$14.6 million as at September 1995, compared to \$12.5 million for the same period in 1994. I now turn to Construction.

CONSTRUCTION

Approximately \$113 million of planned new construction investment was approved in the first three quarters of this year. This is just under 3% less than the amount recorded for the same period in 1994.

The value of approved developments was largest for the "residential sector" (\$42 million) followed by the "commercial/industrial" and other category (\$31 million) and the "apartments/condominiums" category (\$30 million). The Government sector (\$9.7 million) accounted for only 9% of total approved developments, but it experienced very rapid growth over the period.

Among the new Government projects approved in 1995 were: the North Side Health Clinic, the North Side Civic Centre, the Bodden Town Health Clinic, the East End Road Realignment, and the Department of Agriculture Building at Lower Valley and the Department of Environment Building at North Sound.

BANKING

On banking: total loans and advances to residents up to September 1995 amounted to approximately \$809 million, an increase of 7% over the same period last year. The distribution of loans across sectors remained roughly the same as last year. Personal and real estate loans accounted for half the total loans, and agriculture and construction showed some slight decreases.

The volume of total deposits in the first half of the year increased by roughly 7%. Demand deposits grew the fastest—by 13%, followed by a fixed deposit growth rate of 7% and a savings deposits rate of 4%.

PRICES

On prices: In the first three quarters of 1995, inflation averaged 2.5%, compared to 3.1% for the same pe-

riod last year. This slower rate of increase in prices is primarily due to the lower inflation levels prevailing in the United States of America.

The United States America, as many of the industrial countries, has generally adopted price stability as a medium-term policy objective. Therefore, if consumer prices in the USA remain at their present low levels, prices in the Cayman Islands should remain fairly stable in the year ahead.

ECONOMIC OUTLOOK

On the economic outlook: In general, the prospects for growth in 1996 are favourable, although much will depend on the extent to which growth moderates in the USA. An economic growth rate of around 5% is expected in 1996.

Madam Speaker, I now turn to a review of public finances, commencing with the 1995 Forecasted Position.

PUBLIC FINANCES

1995 FORECASTED POSITION

The Portfolio of Finance and Development forecasts for 1995 indicate a total estimated expenditure of \$171.9 million which is 3.4% less than the budget of \$178 million. This is a signal tribute to the continuing vigilance of the Government in controlling public expenditures despite major unexpected expenditures such as those incurred in maintaining Cuban migrants.

Total receipts are forecast at \$171.7 million, which represents a reduction of 2.1% when compared to the 1995 Budget figure of \$175.3 million. However, taking into consideration the accumulated surplus brought forward from 1994 of \$2.4 million, and the positive expenditure performance mentioned previously, the accumulated surplus for 1995 is expected to be \$2.22 million. This exceeds the 1995 budgeted accumulated surplus of \$0.17 million.

GENERAL RESERVE FUND

Madam Speaker, at the beginning of 1995 the General Reserves stood at \$4 million. Interest to be earned during 1995 is estimated at \$0.4 million. This will result in an estimated balance of \$4.4 million at December 31, 1995, representing a growth of 10% in the Fund over the year.

PUBLIC SERVICE PENSION RESERVE FUND

On the services of Public Service Pension Fund. The Public Service Pension Reserve Fund was established on January 1, 1990, and has since grown to \$15.5 million. Honourable Members will recall that the 1995 Budget Address noted that, in line with the Government's commitment to the provision of retirement benefits for all

Caymanians, the Government had decided to increase its contribution to the Public Service Pension Fund from 4% to 6% of salaries in order to accelerate the growth of the Fund. This has already assisted in the achievement of this objective and the Fund is now expected to total \$16.4 million at year-end 1995.

DEBT

On the Government's debt obligation. There has been considerable discussion in recent months on the state of public finances and, in particular on the size of the Government's debt obligations. In light of these developments, I wish to say a few words on this matter.

The total outstanding Central Government Public Debt was \$37.02 million as at January 1, 1995. This will fall to \$34.25 million by December 31, 1995, as a result of repayments made by the Government during the year. During the last 3 years, the Government has made only one major borrowing of \$8.7 million other than the 1993 loan of \$16.7 million made in accordance with a resolution of this Honourable House in mid-1992 for the recapitalisation of Cayman Airways Limited.

The public debt obligation as a percentage of recurrent revenue is 6.3%. Madam Speaker, this figure is below the accepted ceiling of 10% of recurrent revenue and well within the Government's ability to meet its debt service obligations.

1996 DRAFT BUDGET

On the 1996 Draft Budget. The 1996 Draft Budget is \$202.69 million and does not include any revenue enhancement measures. It proposes new loan financing of \$9.91 million for the development of health care facilities and the purchase of medical equipment, \$1 million for the development of roads, \$2.66 million for school buildings, and \$2.59 million for public buildings. In addition, the Budget includes brought forward 1994 loan financing of \$0.84 million which is slated for on-going 1994/95 projects that will be completed during 1996.

Of this total sum of \$202.69 million, Recurrent Expenditure is estimated at \$158.36 million, Statutory Expenditure at \$14.6 million, Capital Acquisitions Expenditure at \$5.95 million (exclusive of \$2.4 million in medical equipment expenditure), Capital Development Expenditure at \$22.1 million, and New Services at \$1.68 million.

Total Receipts are estimated at \$201.58 million. This total is comprised of recurrent revenue of \$184.58 million, new loans of \$16.16 million, and \$0.84 million of the 1994 loan carried forward to 1996 for on-going projects.

Madam Speaker, when we take into consideration the forecast accumulated balance of \$2.22 million carried forward from 1995, the overall accumulated surplus at year-end 1996 is therefore estimated at \$1.1 million. Of this sum, it is proposed that a commitment be made to

transfer \$1 million to the General Reserve Fund at the end of 1996.

THE CIVIL SERVICE

Turning now to the Civil Service. The Government has been mindful for many years that the purchasing power of public servants was gradually being eroded by inflation. Accordingly, a provision of \$7.5 million has been made to fund a 9% increase in salaries, wages and pension allowances for public servants and pensioners, respectively, effective January 1996. This increase accords with the recommendation of a small, in-house Salary Review Committee which recently considered the matter of salaries and wages. It will ensure that the purchasing power of public servants will be no less at the end of 1996 than it was at the beginning of 1993.

Furthermore, the Government acknowledges that if the erosion which had taken place prior to 1993 is to be addressed, a planned programme of increases is needed. The Government has accepted the Committee's recommendation, therefore, that a further increase of 6.7% is justified for January 1997, and that a full salary review, including correlation with the private sector, should be carried out in 1997 for implementation in January 1998.

Finally, on this subject, while the Government would have wished to accede to the Committee's recommendation that the contribution to the pension fund be increased by a further, and final, 5% of salaries, this is not possible at this time. However, the Government has agreed to review this situation during the course of 1996 and to consider whether at least a partial award is feasible.

APPROPRIATION (1996) BILL 1995

On the Appropriation (1996) Bill, 1995. Madam Speaker, I express my deep gratitude to the Members of this Honourable House, the Public Service and members of the various committees and the private sector that have assisted our Portfolio over the past year.

With God's help, Madam Speaker, our Portfolio looks forward to another year of cooperation towards the greater benefit of the well being of all the people of these Islands. In particular, I extend many thanks to the staff of the Portfolio of Finance and Development and Computer Services, Economics and Statistic Unit that have served so willing and faithfully throughout the 1996 Budget exercise and the year in general.

In closing, Madam Speaker, I recommend the Appropriations (1996) Bill, 1995, which sets out total Recurrent, Capital and New Services of \$188.09 million. Not included in this Bill, but nonetheless forms part of the 1996 Budget document, are Statutory provisions totalling \$14.6 million for the repayment of loans, pensions and gratuities.

Madam Speaker, reverting briefly to legislation under review, I commented that the Criminal Procedures

Bill is presently being reviewed by the Government Private Sector Consultative Committee. Madam Speaker, the Honourable Attorney General is very much committed to this review process and in discussions I have had with him, he mentioned that he is of the opinion that it may be necessary that the present Bill which was circulated earlier could be withdrawn and substituted by another Bill. It is anticipated that the revisions could be quite substantial.

The Government is very committed to its cooperation with the private sector because, as I mentioned, it is a necessary ingredient for ensuring that the Cayman Islands continue to prosper particularly in the financial industry.

We recognise that there are quite a lot of people and quite a lot of organisations that have placed trust in the Cayman Islands, and, as mentioned, we have seen where some very substantial entities have moved their regional offices to the Cayman Islands.

So on this Bill, I would just like to allay the fears of the financial industry about it going forward as is. The Honourable Attorney General in our last meeting of the Private Sector Consultative Committee, gave the assurance that he was quite willing to sit down and meet with a sub-committee of the Law Society, and other representatives drawn from the Cayman Islands Society of Professional Accountants, the Insurance Association, the Public Managers Association and whomever would like to be represented on the committee to ensure that at the end of the day the financial industry of the Cayman Islands is not threatened.

Thank you, Madam Speaker.

The Speaker: A motion by the Honourable Third Official Member.

MOTION TO DEFER DEBATE

Hon. George A. McCarthy: Madam Speaker, I move that the debate on the Budget Address be deferred until Wednesday, 15th November, 1995.

The Speaker: The question before the House is that the debate on the Budget Address, that is, the Appropriation (1996) Bill, 1995, be deferred until Wednesday, 15th November, 1995. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

The debate is accordingly deferred until Wednesday, 15th November. I will now entertain a motion for the adjournment of the House by the Honourable Third Official Member.

ADJOURNMENT

Hon. George A. McCarthy: Madam Speaker, I move the adjournment of this honourable House until 10 'clock, Wednesday morning, 15th November, 1995.

The Speaker: The question before the House is that the House do now adjourn until 10 o'clock, Wednesday morning, the 15th of November, 1995.

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 10.55 A.M. THE HOUSE STOOD ADJOURNED
UNTIL 10.00 AM WEDNESDAY, 15 NOVEMBER 1995.**

**WEDNESDAY
15 NOVEMBER, 1995
10.12 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, forever 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.

Questions to Honourable Members and Ministers. Question No. 225, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 225

No. 225: Mr. Roy Bodden asked the Honourable Second Official Member responsible for Legal Administration to provide a breakdown of the enrolment at the Cayman Islands Law School for the academic years 1993, 1994 and 1995 under the following categories: a)

Caymanians; b) Non-Caymanians; and c) Non-Caymanians married to Caymanians.

The Chairman: The Honourable Second Official Member.

Hon. Richard H. Coles: For the 1993/94 academic year there was a total enrolment of 42 students. The breakdown is as follows: Attorney-at-Law Programme—4: Two Caymanians, one non-Caymanian and one married to a Caymanian; LL.B (Hons) Degree—26: Eighteen Caymanians, six non-Caymanians, two married to Caymanians; Diploma in Legal Studies—12: Nine Caymanians, three non-Caymanians.

For the 1994/95 Academic Year the total enrolment is 44 students with a breakdown as follows: Professional Practice Course—8: Eight Caymanians.

Attorney-at-Law Programme—One Caymanian; LL.B. (Hons) Degree—25: Sixteen Caymanians, eight non-Caymanians, and one married to a Caymanian; Diploma in Legal Studies—9: Eight Caymanians and one non-Caymanian; General Student—One non-Caymanian.

For the current 1995/96 Academic Year the total enrolment is 56 students. The breakdown is as follows: Professional Practice Course—7: Seven Caymanians; LL.B (Hons) Degree—30: 11 Caymanians, 18 non-Caymanians and one married to a Caymanian; Diploma in Legal Studies—16: 13 Caymanians, two non-Caymanians, and one married to a Caymanian; General Students—3: One Caymanian and two non-Caymanians.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say on what basis non-Caymanian students are admitted into the Cayman Islands Law School?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: It is on the basis of their academic qualifications, the examinations that they have passed, in some cases (depending on what those qualifications are) an entry examination and, of course, the availability of places.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if to be admitted to the Law School non-Caymanians have to be legally resident in the Cayman Islands or is it a case where they can apply from domicile overseas?

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

Hon. Richard H. Coles: Madam Speaker, the perspective students can apply even though they are resident overseas.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Member state if advertising is taking place outside of the Cayman Islands for entry to the Law School?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Not that I am aware of, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say whether these overseas applicants have to obtain a student visa?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, if they are accepted for admission to the Law School, then they have to make an application for a student visa.

QUESTION NO. 226

The Speaker: The next question is No. 226, standing in the name of the First Elected Member for Bodden Town.

No. 226: Mr. Roy Bodden asked the Honourable Second Official Member responsible for Legal Administration to state the number of Government employees currently attending the Cayman Islands Law School.

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

Hon. Richard H. Coles: Madam Speaker, the answer: The number of Government employees enrolled in the Cayman Islands Law School in all programmes for the

1995/96 academic year is 14 (11 Caymanians, one married to a Caymanian, and two non-Caymanians). Of these, six students are enrolled in the Diploma in Legal Studies Programme; four in the LL.B. Honours Degree Programme; three in the Professional Practice Course, and one is registered as a general student.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say what arrangements apply to these employees attending the Law School with regard to their work in the Government sector?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: It depends on the course that is being studied. The Diploma in Legal Studies is a part-time course, so the students enrolled in that course undertake their normal duties and are released for lectures they have to attend. As far as I am aware, Government releases them and pays them.

As far as the Honours Degree Programme is concerned, that is a full-time course and the students in that are released by their employers, but they make up as much time as they can on their own. In other words, the students attend the lectures which are scheduled during lunchtime (as far as possible), then the students work long hours outside normal working hours to make up the time.

It is fair to say that there has to be a considerable degree of flexibility by the employer to enable them to take those courses.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Excluding those students enrolled in the Attorney-at-Law Programme, does successful completion of the course of studies automatically place them in line for advancement or promotions within the Service?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: That depends on the Department, Portfolio or branch of Government they are working for. It is a considerable qualification to attain, and generally speaking a student employed by Government who embarks upon such a course does so with the blessings of his/her Head of Department and other senior figures in Government.

I would certainly hope that having attained the qualification that it would be reflected in some form of enhancement to their career.

The Speaker: The next question is No. 227, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 227

No. 227: Mr. Roy Bodden asked the Honourable Second Official Member responsible for Legal Administration to outline the fee structure paid by students attending the Cayman Islands Law School.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, for the degree programme the fee structure is as follows:

Fee Structure—Degree: Caymanians/married to Caymanians: CI\$825 per term or CI\$2,475 per annum. Non-Caymanians pay CI\$1,500 per term or CI\$4,500 per annum.

Fee Structure—Diploma: Caymanians/married to Caymanians: CI\$400 per term or CI\$1,200 per annum (two courses studied). Non-Caymanians pay CI\$750 per term or CI\$2,250 per annum.

Fee Structure—General Students: Caymanians/married to Caymanians: CI\$200 per subject per term or CI\$600 per annum (one course studied).

In addition to the foregoing, all students are required to meet registration fees of Liverpool University as follows: a) Degree—Pounds sterling 506 per annum; b) Diploma—Pounds sterling 45 per annum; c) General Students—pro rated to the degree fee depending upon the number of subjects studied.

SUPPLEMENTARIES

The Speaker: The Honourable Fourth Elected Member for George Town.

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

Can the Honourable Second Official Member give us any idea as to what type of subsidy the Law School requires annually?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, it depends very much on the number of students that are admitted to the Law School annually. I understand that last year Government contributed approximately \$150,000. This year because the number of students is up, it may be somewhat less. That also will depend upon how many students stay for the entire course.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say whether there are any other incentives offered to Caymanian students, or are the preferential fees the extent of incentives?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, I think the greatest incentive is that only Caymanians are allowed to continue to do the Professional Practice Course and become Articled attorneys in Cayman. All others have to stop when they have finished their degree course, and if they wish to qualify as attorneys, they have to do so elsewhere.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say whether these preferential fees carry a system of bond or contract, or whether it is sufficient that the students who qualify automatically remain in the Cayman Islands to put into practice what they have learned?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, there is no bond with those preferential fees. The fee levels are set by the Student Regulations and those reduced fees are an entitlement.

The Speaker: The next question is No. 228, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 228

No. 228: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs: a) how many Group Employees at present are hired by Government; and b) what is the difference in benefit received by the Group Employees and the Civil Servants in the pensionable category.

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

Hon. James M. Ryan: Madam Speaker, the answer: Four hundred and ninety-eight group employees are presently hired by Government, of which 356 are Caymanian.

Group employees are entitled to medical, dental and optical benefits after doing three years' service for themselves as well as for their dependents; whereas permanent officers enjoy such benefits from commencement of duty.

Under 10 years of service, group employees are entitled to two weeks' severance pay for each complete year of service if terminated.

After 10 years of continuous service Caymanian group employees are entitled to a pensionable allowance in accordance with the Pension Law (1995 Revision), Chapter 121, section 27(1), whereas permanent officers are entitled to a pension. The pensionable allowance is 75 per cent of the pension.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

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

Can the Honourable First Official Member tell us the reasoning behind Caymanians in the service for over 10 years remaining as group employees and not being considered in the permanent and pensionable category?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, the term "group employee" is intended to allow the employment of persons in some departments on a temporary basis. I am almost inclined to say that it is a little bit of a misnomer because we do have group employees who have worked in some departments for many years. Perhaps it is because the type of work they do would be considered temporary, but it is a fact that there are some persons who have been employed for many years.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: The fact that this is a misnomer, would the Honourable Member be willing to say whether it is his Portfolio's opinion that it is time for this situation to be addressed because there may be some anomalies?

The Speaker: I think the First Official Member should not be giving a personal opinion, that is against the Standing Orders of the House.

The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable First Official Member be prepared to give an undertaking that the situation be looked into with a view of possibly considering some of the group employees who have been employed in the Service for many years towards a transition into permanent pensionable category?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I do not know if I can give such an undertaking. The matter is not as

simple as it may appear on the surface. Some of these group employees would be over 45 years of age and, therefore, cannot be considered for the permanent pensionable establishment. To begin with, they would have to be possibly taken on as local contracts.

Really, the matter rests with the Head of Department who would have these persons employed to put forward recommendations for the creation of posts for them and then the procedure would be worked through the Service.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Madam Speaker, I wonder if the Honourable Member can tell the House whose decision it was that these group employees not be considered pensionable until they had served, I think it is seven years, and not ten years?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I wonder if the Elected Member for North Side could repeat the question. I am not sure I understand what she is driving at.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Whose decision was it that these group employees should have—in your answer you said 10 years, which I differ with you on, I say seven—before they can be considered in the pensionable establishment?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I believe I am still misunderstanding the Member. It is not a question of after 10 years being eligible for the permanent pensionable establishment. The 10 years apply to the benefits which are given to group employees, that is, the pensionable allowance of 75 per cent of pension.

The Speaker: The Fourth Elected Member for George Town.

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

I think the question here is that in the Honourable First Official Member's answer he states: "after 10 years' continuous service Caymanian group employees are entitled to pensionable allowance." The Member for North Side was asking if it was actually 10 years or is it seven? Whatever the answer is, where did the decision come from? That is what the Member is asking.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. That is in the General Orders.

The Speaker: This is the last question, please, Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just to ask the Honourable First Official Member a final supplementary. If in fact the General Orders is being reviewed, would it be possible during the review process to have a look at the situation we just questioned?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you.

Again, that is a little bit of an oversimplification of the problem. It also entails the Pension Law. But, yes, I will make a note to have the matter looked at in the review of the General Orders and the Public Service Commission Regulations.

The Speaker: The next question is No. 229, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 229

No. 229: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs how many applications for permanent residence have been dealt with by the Immigration Board since January 1995.

Hon. James M. Ryan: Madam Speaker, 100 applications for permanent residence have been dealt with by the Immigration Board between January 1st and 31st October, 1995.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

I wonder if the Honourable First Official Member would be able to state how many have been granted, and refused, permanent residency?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, a total of 51 applications were approved.

The Speaker: The Fourth Elected Member for George Town.

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

Would the Honourable First Official Member be able to say how many applications are pending?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, currently there are 67 applications for permanent residence with the right to work pending, and 37 pending in the category of permanent residence with independent means.

The Speaker: The next question is No. 230, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 230

No. 230: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if the new pay package for Police Constables is to be a part of a general salary review for Civil Servants.

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

Hon. James M. Ryan: Madam Speaker, the recently agreed pay package for constables (referred to as the operational allowance), is not part of the general salary review for civil servants. It was agreed by Executive Council as necessary recompense for the long hours, risks and occupational hazards faced by the police constables, which are unique to policing. This stands separately from any review to Civil Service salaries.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable First Official Member state whether this pay package applies only to entry-level constables or to various levels of the Force?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: No, Madam Speaker, it applies only to constables.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if the recent increase for civil servants is over-and-above what is termed as the pay package in the question?

The Speaker: Honourable First Official Member.

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

Yes, the salary award recently announced by the Honourable Financial Secretary in his Budget Address is completely different from this allowance to constables. It

is given to recognise the occupational hazards of being on the beat.

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

Mr. Gilbert A. McLean: Can the Honourable Member say if it is the case that all constables will benefit from this particular allowance, or is it attached to a specific category of constables in terms of their service?

The Speaker: The Honourable First Official Member.

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

No, it will not apply to all constables; it applies to those who are out on the beat.

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

Mr. Gilbert A. McLean: Can the Honourable Member say if this will apply across the board to those persons on the beat, whether they are contracted officers (local or overseas) and other constables within the Service?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, it applies to all constables who are out on patrol.

The Speaker: The Fourth Elected Member for George Town.

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

Can the Honourable First Official Member explain if police officers are allowed over time at any point in time?

The Speaker: The Honourable First Official Member.

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

No, police officers are not allowed overtime.

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

Mr. Gilbert A. McLean: Can the Honourable Member say if there are any indications at this time, that by the enhancement of these allowances it is attracting Caymanians to the Constabulary Force? Has it had any positive effect?

The Speaker: Honourable First Official Member, would you have evidence? Otherwise I will not allow it as an expression of opinion.

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

No, I do not have any feedback at this point in time. It has only been introduced, as the Honourable Member knows, fairly recently.

The Speaker: The next question is No. 231, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 231

No. 231: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if there are any police officers who have accumulated long outstanding leave, or time off in lieu, which cannot be taken and for which they cannot be paid.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, a large number of officers accumulate outstanding leave or "time off in lieu." This is inevitable because of the nature of police work. This applies mainly to the officers on the Drug Task Force and the Uniform Support Group because of the very long hours worked consistently. They will accumulate the most hours and "time due." It is not a practicable solution to consider payment in compensation.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Can the Honourable Member say, or does he have any idea as to the number of officers who may fall into this particular category at this time?

The Speaker: The Honourable First Official Member.

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

The actual number was not available. I will be willing to provide that information in writing when it becomes available.

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

Mr. Gilbert A. McLean: I thank the Honourable Member for the information he undertook to provide. I would like to ask if there is a method in place whereby these officers who have accumulated so much time off are recognised in any way. Can it be done through allowances similarly for the constables?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, the matter is now under discussion with the Commissioner of Police and we are looking at a number of ways in which we can address this. But we do not want to get into paying overtime when the move is to try to reduce this as far as possible.

The Speaker: The Fourth Elected Member for George Town.

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

Would the Honourable First Official Member state whether the idea is to allow for compensation (whether it is time or otherwise) to be retroactive and, if so, retroactive to what period of time?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, I am not in a position to say whether it is going to be retroactive, and retroactive to what time. But, suffice it to say, the matter is under discussion.

The Speaker: The next question is No. 232, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 232

No. 232: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs if the George Town lockup is still being used for the detention of prisoners.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, the lock-up is still in use, but funds have been appropriated for the project in 1996.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Based on reports which have been made public in recent times, have any of the highly unsanitary conditions been taken care of that would make it reasonable to assume this place should still be used by Government at this time?

The Speaker: The Honourable First Official Member.

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

Yes, efforts have been made to clean up the lock-up to try to make it as usable as possible. But the fact remains, ultimately the lock-up needs to be replaced.

The Speaker: The Fourth Elected Member for George Town.

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

In the Honourable First Official Member's answer, he states "that funds have been appropriated for the project in 1996." Would the Honourable First Official Member be in a position to state where the new lock-up will be located, and if the existing one would be demolished?

The Speaker: The Honourable First Official Member.

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

It is expected that the new lock-up will be sited on, or near, the Central Police Station. It has not been finalised whether it will be sited near the present one or whether the present lock-up will be demolished and the new one placed on that site. That is yet to be decided.

The Speaker: The Fourth Elected Member for George Town.

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

Would the Honourable First Official Member be able to state whether the lock-up is still being used for the detention of mentally handicapped individuals?

The Speaker: The Honourable First Official Member.

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

No, I am not in a position to say whether it is being used. I do not believe it is, but I am not able to say categorically that it is not.

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

Mr. Gilbert A. McLean: Can the Honourable Member say if any restrictions have been placed on the number of persons who are, and who can be held in that particular lock-up; or is there any restriction including the housing of prisoners and those who are retained there during the day awaiting trial in court?

The Speaker: The Honourable First Official Member.

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

No, there is no restriction placed on the number of persons held at the lock-up to my knowledge.

The Speaker: The Second Elected Member for George Town.

Dr. Stephenson A. Tomlinson: Can the Honourable Member tell us the number of hours a prisoner can be detained at the lock-up before he is formally charged?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: No, Madam Speaker, I am not in a position to answer that.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Would the First Official Member please clarify for us if men and women are separated in the detention area, and if that is part of the restrictions?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker. Yes, male and female detainees are separated.

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: Madam Speaker, it was stated by Government earlier that it was the intention to use funds which were available (I think, due to confiscation of moneys from drugs et cetera) to work on the lock-up. Is there no intention by the Government to start some type of work on this particular lock up during the rest of this year, and what time will they need for this to carry on into 1996?

The Speaker: The Honourable First Official Member.

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

Initially I said here in this honourable House that it was possible that funds from the Asset Sharing Scheme could be used. When I examined that, I found that the funds had been committed for another project. Initially that project had not gone ahead, but it got started around the time that I stated this so those funds are not available. The only thing that we can do, therefore, is to have funds approved beginning January of next year, unless this honourable House wishes to vote funds to start before that.

The Speaker: That concludes Question Time for this morning. Statements by Members of the Government.

The Honourable Minister for Community Development, Sports, Women's and Youth Affairs, and Culture.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

YOUNG PARENTS' PROGRAMME

Hon. W. McKeeva Bush: Madam Speaker, the need for the Young Parents Programme arose out of the aware-

ness of the effects that the lack of preparedness for parenting was having on young parents and their offspring.

Over several years the Department of Social Services has observed the way in which this lack of preparedness leads to a high increase in dependency on various Government departments. The general feeling in the Department was that if the matter was not addressed, the social, physical, education and economic status of these young unprepared parents and their children would continue to deteriorate.

In order to respond to the needs of this vulnerable group of young persons the Department of Social Services together with representatives from the Education Department, the Public Health Sector of the Health Services Department, and the Community College developed the programme which we refer to today as the Young Parents' Programme.

This programme has long been needed in this country. Many persons in this society frown upon young girls who become pregnant in their early teens and while we do not want to encourage this, we must realise that some young women do make mistakes, we must acknowledge that this is a reality. Teenage pregnancy is not a new phenomenon, it is a problem that is centuries old, and one that will never go away.

I feel that as a Government we are responsible for assisting these young women financially, if needed, by providing counselling for them; by ensuring that they acquire the requisite skills to care for their children; and also by ensuring that they complete their education. Our principal aims must be to help these young women retain their dignity, make them self-sufficient and to provide them with skills that will make them good and effective parents.

Last year, on June 11, the programme was started in the Joyce Hylton Family Life Centre, appropriately named after veteran social worker, Mrs. Joyce Hylton, whom we all know advocated for these types of programmes during her tenure in the Civil Service. The programme was officially opened on March the 7th, this year.

I am happy to report that I have received an annual report from the Social Services Department which indicates that the goals of the Young Parents' Programme are being met. They have listed the major components of the programme as being health, education, family and social services. These services are provided to two groups of clients and their children: 1) The Teenage young parents who have terminated their education due to pregnancy; 2) To the young adult parents who, because of early and repeated pregnancies, were deprived of educational opportunities and as a result face limited employment opportunities.

The programme is staffed by a Programme Co-ordinator, a Programme Educator, a Child Care Supervisor and two Child Care Assistants. While the Programme Co-ordinator manages the programme and provides daily supervision to other members of staff and the

group of young mothers and their children, the Child Care Supervisor and her assistants provide support services to the young parents and their children emphasising parenting skills and techniques. The Programme Educator is responsible for providing basic primary and secondary education to the participants.

The general activities include Parent and Child activities; Home Management; Bible Studies; Computer Skills; Food and Nutrition; Handicraft; Health Studies; Cultural Awareness; Civic Studies; and Family Life Skills. Mathematics, English, Science, Social Studies, and Literature were taught up to the level of the GED (General Education Diploma) curriculum.

Activities which include the young children are cognitive development, social development, recreational activities, and motor development.

The sessions were conducted on a morning and afternoon shift basis, with a capacity of 15 parents. They were tested for their academic level and it was found that they were at different levels in their basic education. Consequently, the larger group was separated into three groups based on their ages.

Group One consisted of parents who were ages 14 to 17 years old, as follows:

Ages 14-16, Number of persons: 11; Status: Nine entered the programme pregnant, two entered with children.

Ages: 17 years, Number of persons 4; Status: Two entered pregnant, and 2 entered with a child.

Group Two consisted of parents who were ages 18 to 24 years old:

Ages 18-20, number of persons: 4; Status: Two entered with children, and 2 entered pregnant.

Ages 21-24, number of persons: 7; Status: All entered with children.

Ages 25-26, number of persons: 3; Status: All entered with children.

Group Three was created to continue with the provision of parenting skills sessions to the mothers who were attending the Community College. The ages were reflected in the aforementioned categories of ages 18 to 20 years (one parent), and ages 21 to 24 years (one parent).

There were at least 16 children who entered the programme with their parents. They were grouped according to their ages.

Group One consisted of six weeks old infants to nine months; Group Two consisted of nine months to 18 months; and Group Three consisted of 18 months to three years nine months.

The clients were referred to the programme from the Department of Social Services, Education Department and Public Health. Some clients entered the programme on a voluntary basis. There were approximately 13 young mothers and their babies in attendance during the initial week of the programme.

In September 1994, two mothers were admitted into the Hospitality Studies Programme at the Commu-

nity College. In September 1995, three students were accepted at the Community College; two to pursue a course in accounts and one in hospitality.

At the end of July 1995, there were 29 young mothers who had been involved with the programme, some of whom have since withdrawn from the programme. Over the year the attendance fluctuated for various reasons.

At an open meeting held on July 14th, 1995, concerns of the programme were discussed. The majority of the young parents were satisfied with the care given to their children and the quality of education that they were receiving. Their main concern was further education opportunities at the Community College and job placement for practical experience.

An anniversary luncheon was held on July 28, 1995, at which clothing and hand-crafted items made by the girls were on display. The meal was prepared by the girls.

Madam Speaker, I am happy to report that on Sunday 5th, November, four young women received graduating awards for completing the Young Parents' Programme. Those were, Annie Mae Boddan, Kisha Ebanks, Linda McField and Melantha Wright. Tangible evidence of those young parents' commitment to taking control of their lives and living up to their responsibilities.

Madam Speaker, as a caring Government we must respond to the needs of our people. This programme is money well spent and I wish the young parents God's guidance in everything they do.

Thank you, Madam Speaker.

The Speaker: At this time proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.11 AM

PROCEEDINGS RESUMED AT 11.39 AM

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

Deputy Speaker: Please be seated.

Government Business, Bills. Second Reading of the Appropriation Bill, commencement of the debate.

The Third Elected Member for West Bay.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE APPROPRIATION (1996) BILL, 1995

COMMENCEMENT OF THE DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE

**HONOURABLE THIRD OFFICIAL MEMBER,
FINANCIAL SECRETARY, ON FRIDAY,
10 NOVEMBER, 1995**

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

Let me be the first to offer congratulations to you on your first opportunity to sit in the Chair since your election to that very noble post.

Madam Speaker, I am very pleased to see that the fiscal policy decision of the National Team Government, as highlighted by the Financial Secretary in his 1993 Budget Address, is finally paying dividend. With your permission, let me read a quotation from that address, under the heading, **"1993 Measures for Consideration and Implementation"**:

"Because of the financial position which obtained as at 31st December, 1992, the Government has taken the decision that expenditure must be contained, commencing in 1993. 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!"

The result of that policy by Government has been an improved financial position of Government for the past three years. To highlight the dramatic improvements, we need only to take into account that as at 31st December, 1992, Government's financial position reflected a deficit of some \$8 million which improved to a \$2.4 million surplus in 1993.

We also reflected a surplus of \$2.9 million at the end of 1994; a \$2.2 million surplus in 1995; and for the year ending 31st December, 1996, we are still projecting a small surplus of \$1.11 million.

What is significant is that all of this has been achieved with only \$8.7 million in borrowings over the past three years. Government's fiscal responsibility has also acted as a catalyst to investors' confidence which has resulted in these islands experiencing an economic boom. We are in a very fortunate position because many of our neighbours continue to grapple with ways to kick-start their failing economies, while the Cayman Islands continues to set the pace for all to follow.

Also of significance is Government's decision about a year ago to roll back the stamp duty on land transfers from 10% to a uniform 7.5% resulting in a real estate boom in this country over the past two years.

What is also significant to mention is that the amendments to the Company's Law and the reduction in company fees has resulted in a significant increase in company incorporation in the Cayman Islands over the past year and a half.

The attractive Mutual Funds Legislation, which was also recently introduced by the National Team Government, has resulted in a record number of mutual funds being registered here in the Cayman Islands. This has also contributed significantly to Government's revenue.

Earlier this year when the Financial Secretary, accompanied by several of the Government Ministers and members of the private sector, hosted conferences in New York, London and Hong Kong, the Opposition tried to term it a waste of time and money. But the results from those conferences are now being realised here in the Cayman Islands in the form of new business.

What was also important was that during these conferences the undeserved, negative publicity that the Cayman Islands received around that time was put to rest. It has always been my opinion that this was money well spent. It is the position a pro-active Government would take. Rather than sitting on their laurels recounting their accomplishments, they continue to be out front setting the pace ensuring that these Islands continue to enjoy the financial and social reputation which we have enjoyed for so many years.

I recall when we took office in 1992 that things were not all well in this country. We had unemployment, construction was down, tourism was moving along at a snail's pace, Government's finances were in shambles. But after only three years of being in office the National Team Government has completely turned this economy around. All sectors of the economy are up. For example, tourism is at an all time high, construction is now running at full throttle, the financial community continues to expand at a very manageable pace.

What is also of significance is the fact that over the last three years this Government has added very needed facilities such as sports. We have also added additional classrooms to our schools, we have addressed the issue of district roads and other services that we need. We did not resort to any increase in taxes in order to accomplish this. This has all been achieved through proper fiscal management.

In the area of sports, we have now arrived at the international level by taking the decision two years ago to add national coaches for basketball, net-ball and soccer. This is beginning to pay great dividends in this area.

What I am pleased to also mention is that in keeping with our promises to the people of this country, next year we will continue the construction of a new hospital, district health clinics, a civic centre to house indoor games such as basketball, boxing and volley ball. Much has been accomplished in our first term in office. It has all been done in a very practical, very affordable manner.

As a government we believe that we can only run as fast as our resources allow us. We believe in living within our means, which in the long run makes a lot of financial and economical sense. The people of this country can be justly proud of the Government that they overwhelmingly elected in November 1992.

Let me now attempt to highlight in greater detail the level of accomplishments that this Government can justly be proud of.

In the area of education: Over the past three years we have awarded an average of 40 scholarships and 128 student loans to our young people to ensure that they have the opportunity to further their education, enabling them to one day return to this country to take up meaningful positions in our community. What was also very encouraging was that the private sector did quite a bit in this area as well, as far as financing and making scholarships available for young Caymanians who were interested in furthering their education.

We have come a long way in this country in the area of funding education. I thank God that I had parents who were prepared to make the necessary financial sacrifices to enable me to attend university. When I was growing up, unless you had a certain surname, and you had the right political and governmental connections, there were no scholarships available to Caymanians. It still annoys me when I see young people who have the desire to further their education sometimes experience difficulties with regard to funding.

There are (and I believe I am correct) some 15,000 work permits in this country. Why? Because we need people to fill positions. With that in mind, this Government should do whatever is necessary to qualify our young people to take some of these positions we now have to bring people in to fill.

I must also congratulate the Financial Secretary on his bold move in spearheading the establishment of a stock exchange here in the Cayman Islands. This only adds to the financial services offered from here. I believe that it would do well to increase the popularity and demand for services from within the Cayman Islands.

Our success in this country depends to a great extent on political stability. I believe the image of political stability which has been portrayed by this Government has made the foreign investors very comfortable. Evidence of this was the recent move of the Caribbean Headquarters of Cable and Wireless to Grand Cayman, the relocation of the Headquarters of the Curacao Investment Company Group to the Cayman Islands, and the commencement of several large scale investment projects such as the 350 room Westin Casuarina Hotel, the Barclays Bank Financial Centre, and the Cayman National Bank Head Office.

The environment which we have created has made many of our foreign investors and business people very comfortable to the extent that they want to be here in the Cayman Islands rather than anywhere else. That speaks well for this Government and its efforts in enhancing the image, life-style and success of this country.

The financial community continues to play a very important role in this country's development. I am pleased to see that there are something like 3,900 persons now employed in this industry, of which some 69% are Caymanians. This is very good, but we need to en-

sure that a greater number of these Caymanians are exposed to the type of training and advance education which will improve their qualifications, ensuring that a greater number enjoy the benefits available in this industry now enjoyed by senior management, the majority of whom, at present, are non-Caymanians.

I believe that we are moving in the right direction in this area, and I believe with the continued partnership with Government and the private sector we will see much accomplished in this area as far as training and promotion of Caymanians. I encourage those young Caymanians in that industry who are ambitious and want a career, to stop at nothing as far as furthering their education and qualifications. The rewards are great in that area.

As at 30th September, 1995, the number of banks licenced in Grand Cayman stands at 563. This also reflects that 47 out of the world's 50 largest banks now have their presence in this country. That speaks well for the reputation of this country. A lot of other islands and territories have tried to duplicate what we have done here as far as banking supervision, but the Cayman Islands have looked at it not only from the stand point of revenue earnings, but also serious about keeping a clean and reputable environment that only allows those entities of the highest calibre to do business from this country.

The number of licenced insurance companies stood at 377, which is up significantly from the year before. Again, this speaks well for the Financial Services Division and it does reflect the foreign investors' confidence in what we are doing in this country.

Mutual Fund Administrators now stand at 91. There were 1,001 mutual funds registered in the Cayman Islands. What is significant is that for some time Government has been moving in this direction. I recall that before I became a Member of this honourable House I accompanied the former Financial Secretary (who is now the Minister for Tourism) on a conference to New York where he addressed a number of financial institutions and people in the financial community about the attractiveness of the Cayman Islands in this area. It appears that this was a vision of foresight because in only a short period of time (I think we took care of the legislation last year or the year before) we already have on the books over 1,000 mutual funds.

The other significant thing about this is that it is an additional source of revenue. According to the Budget Address, revenue earned from these mutual funds amounted to \$865,000 so far this year. That is good. I believe that we have to look at ways of expanding our revenue base to avoid going back to our people every time we need capital, raising car licensing fees, or garbage fees, or some other popular area of taxation. This speaks well for the Financial Secretary's Government and the financial community. It is evident that people welcome this service and are moving ahead to take advantage to do business with the Cayman Islands.

I recall in one of my former contributions to a Budget Address, when we were dealing with the issue of competition from the U.S. Virgin Islands in the area of company registration, I mentioned we had to become aggressive and look at ways to attract a greater percentage of this business—by, maybe, reducing the cost of incorporating a company here in the Cayman Islands. At that stage I recall being told that the demand for company registration was so great in the U.S. Virgin Islands that they had a 24-hour service going (around the clock) in order to keep up with the demand.

I am pleased to see that the moves brought forward by the Financial Secretary about a year ago in the area of amendments to the Company Law and the reduction to the company fees have resulted in a significant increase in company registration which now stands at 33,792 companies. That is a lot of companies and this reflects a 9% increase over 1994.

Madam Speaker, I have been corrected, it was the British Virgin Islands, not the U.S. Virgin Islands. [*addressing an hon. Member*] Thank you for that information. I am glad to see that we are now attracting a greater percentage of that business to the Cayman Islands.

Tourism continues to perform very well in these islands. I recall that in 1993 we had a record increase, the same thing in 1994; and at the end of September 1995, we are still running 5.6% above the record in those two consecutive years. This speaks well for the Minister of Tourism in that this just did not happen. The new method of promoting the islands has paid off.

What I am also pleased about in this area (which has been talked about since my first term here back in 1988) is that we diversified our visitor base to include visitors from the United Kingdom. Today that is a reality in this country. You can now board a flight at Owen Roberts Airport and when it stops you are in London. That has made travel back and forth to Europe very convenient. As a result we have experienced a tremendous increase in visitors from this area. I believe the percentage quoted was in the region of about 25% over the year before. The number was at 28,582. This speaks well for the Ministry and for the Government as a whole.

I am also very pleased to see that a harder line is being taken by the Department of Tourism in the area of the inspection of tourist accommodation. Many people come to this country and invest some money and then spend no money on maintenance. They charge exorbitant rates for visitors here in this country.

We have always promoted the Cayman Islands as an upscale tourist destination and our accommodation and services must reflect that level of service. I was very pleased to see the position taken by the Department of Tourism recently with regard to those properties which, despite being warned over a period of time to improve their facilities, ignored to do so. Finally they were told that if they did not get their act together and spend some

money to put their facilities back in order, then there was no option but to close them. I believe that is the right approach to take in this very sensitive area.

I do not want us to get to the stage in tourist accommodation facilities that we have in other housing sections in this country where we have slums; where you find six, seven, eight, nine, ten people occupying a small place with one bathroom for all these tenants. That kind of activity here in the Cayman Islands is totally unacceptable.

What concerns me, and it is an issue which has to be addressed by this government, is that we need to ensure that a greater number of our people enjoy the benefits derived from tourism in the area of transportation, water sports and some of the other tourist-related services.

What concerns me is that rather than coming in and taking a position of sharing—in other words, we came, we found the Caymanians here, let us ensure that they survive in this area—we have big companies coming in who are controlled by large foreign investors who have the money, the contacts and the connections to be able to run the small Caymanian out of business. That does not speak well for us in this country.

One of the secrets to our success has always been the social harmony in this country, the ability of Caymanians to make a living, rather than doing as it was necessary to do in the past, travelling overseas to be employed in shipping just to make a living. The secret has always been that Caymanians have been able to stay here and make a living. We need to do more to ensure that this is done.

The other thing I believe is very necessary is that the tour operators, those who offer services to cruise ship passengers in particular, need to form some type of association to agree on a minimum fare they can offer the cruise ships to avoid the dog-eat-dog attitude environment which now exists in that area. You find one or two operators who will say they will do it for \$6.00 a head, with another one saying he will do it for \$3.00. That puts those operators in a position where none of them makes any money, and the only people who benefit from that service are the directors of the cruise ship operations.

I support the position taken by the Minister for Tourism, that pre-bookings must also be limited to the tour operators' capacity. What we have is a situation where a tour operator may book maybe 3,000 passengers for tours for the day, knowing full well that it can only accommodate 300 or 400. What this requires is bringing in other buses to accommodate the overflow. A lot of those additional buses were not air-conditioned, not in satisfactory road-worthy condition, and it just did not reflect the type of image we want visitors to this Island to have.

The transportation problem in this country is a real problem which has to be addressed from the standpoint of what we make available to our small taxi operators at the airport, as well as finding some creative means of

ensuring that those who operate from the docks also get their fair share of business.

What we recently did in a motion (moved by myself and seconded by my colleague from West Bay) was call for a decision by Government to not allow any more foreign controlled companies with foreign investors to be allowed in the area of water sports and some of the other areas already congested and controlled by large operations. I believe that this will go a long way in attempting to address this very serious problem.

Government has also committed itself to assist the newly established Cayman National Water Sports Association comprised of all born Caymanians, which is one of their requirements, in advertising and also maybe allowing representatives from this association and other small entities to accompany them on promotional tours in order to expose their businesses and let the world know that there are others here in this country who are just as capable of providing a service, but with the additional Caymanian flavour or touch.

I believe that this is what our visitors want. I have heard many comments from visitors to the extent that when they come to the Cayman Islands they would appreciate seeing a Caymanian and being served and transported by a Caymanian. The reason they come here is because they want to experience the local culture, meet some of the local people and enjoy our way of life to a limited extent.

I believe that more has to be done in this area. Unfortunately, we have allowed the situation to continue for so long that it is going to take some time to correct the areas of transportation and water sports. We have too many persons and entities competing for the dollar in these areas.

Another very wise decision taken by the present Government was rolling back the stamp duty charged on the transfer of land from 10% to a uniform 7.5%. In order to raise additional revenue the former government had a two-tier stamp duty formula where on transactions up to \$250,000 the rate was 7.5%, and any amount over that was 10%. What that basically did was kill the real estate market in this country. As a result of the decision taken by this Government, which is in line with the promises we made to our people, we have experienced a real estate and construction boom in this country for the past two years.

On the books right now there is something in the region of \$13 million in planned new construction investment in this country. This covers all areas—residential construction, the value of \$42 million; commercial and industrial and other construction, \$31 million; apartments/condominiums, \$30 million; and the Government sector \$9.7 million.

I am pleased to announce that all of the contractors at the present time in this country have more work than they can handle. This was not the case when we took office three years ago. I recall many persons from all walks of life, from all over the island, being unable to find

a job. That is not the case today. I believe that anybody who really wants a job at the present time can find a job—and a good job.

I believe that one of the things which must be addressed, and I know the Ministry is in the process of so doing, is that there must be some kind of consideration for a minimum wage in this country, especially in this area. We have people coming in here from desperate locations who just want an opportunity to work. They would work for \$2.00, \$3.00 an hour, and what happens is that contractors, wanting to cut costs and maximise profits, are employing a lot of these persons at this minimum wage, or this unacceptable hourly wage, at the expense of our people who cannot afford to work for those kinds of wages. When these persons convert even the \$3.00 or \$4.00 per hour which they are offered back into their currency it is plenty of money.

I believe that we are moving in the right direction in this area and I will be looking very carefully at the new proposals as far as areas and the amounts being offered to our people in the form of a minimum wage.

Public Finances: I am pleased to see that by the end of 1995 the General Reserve Fund will stand at approximately \$4.4 million. It has taken some time to be in a financial position where we not only were able to meet our commitments, but were also able to contribute a percentage of the revenue to General Reserves in order to have some cushion, or some emergency fund to fall back on.

What I am concerned about (and this is an issue which has to be addressed, if not by this government, the next government) is the continuous expanse of the Civil Service. I was a civil servant for seven years and I have always been of the opinion that the civil service should be a very small, efficient and well-paid service. Many attempts have been made over the years to address this issue. The Governments who have been in power have not had the political will; there have been half-hearted attempts to do it.

When I talk about reducing the Civil Service, I do not talk about putting people out of their jobs, because I do not think that is necessary in this country. What you would find, if you had an objective review of the Civil Service, is that you could come up with three or four people in an area who you do not need. We have departments that may be short staffed which could effect a transfer. Not only that, any surplus of civil servants could then be worked in conjunction with the private sector to ensure that those persons are properly accommodated and able to find a position in this country to make a living.

I, for one, am very pleased that this government has been able to set aside a 9% increase and a pay award for Civil Servants. That is tremendous. For any increase whatsoever, we are talking about millions and millions of dollars because the service is so large. Even though Government may have the desire to do so, they do not have the financial means of carrying out that de-

cision because they lack the resources to do so. I believe that we have to make our Civil Service attractive, we have to make it very efficient.

The other thing which has to be addressed, and as Chairman of the Public Accounts Committee I have voiced this every year for the past three years and I know my predecessor did the same thing, we need to be in a position where we address the different levels; the different qualifications that people bring to the Civil Service and pay them according to their qualifications.

At the present time, young Caymanians returning from universities with degrees in Accounting, Finance, Economics or one of the other majors, are not going to find the Civil Service attractive. We are talking about coming in at a Higher Executive Officer level at the present time. You cannot hold qualified people at that level. You may hold them for a year or two, but they soon look around and see what their counterparts are making in the private sector and they move on. I believe that the Personnel Department, and the Chief Secretary (who is in charge of the Civil Service) have to address this issue and see to it that the Service continues to be competitive as far as attracting the right calibre and qualified personnel, especially Caymanians.

I recall that for a number of years the Auditor General's Office had a very difficult time holding or attracting qualified staff because of this problem. I believe that the Service has to become very aggressive, very pro-active, to ensure that our young Caymanians who consider making a career in the Civil Service are properly and fairly rewarded.

The other thing which has concerned me over the past three years (for which the Elected Ministers have received the blame) is the number of senior Civil Servants who have been dismissed from the Service. Even the Opposition has jumped on this—that it is victimisation by the Government. It is not the Government, Madam Speaker. The Elected Members have no responsibility whatsoever for hiring and firing civil servants.

I believe that this type of action has to be addressed because at present the civil servants are asking, 'Who is next? Is it me, or you?' I think it creates a very unstable working environment for our civil servants, and I believe it is very unfair to the Service to have to work under those kinds of conditions. I trust that the Chief Secretary will take note of what I have said and see to it that the conditions in the Service I have outlined are addressed, and that this type of victimisation is discontinued in the future. I will have more to say on this victimisation in the Finance Committee and I will not deal with those issues here in the Budget Address.

I am pleased to report to my people in the district of West Bay that, as promised, next year we have scheduled the new health clinic. I must say that if it looks anywhere as nice as the one just completed in Bodden Town, it will be a facility which we can all be proud of. I went to the official opening of that facility in Bodden

Town and I was very impressed, not only with the quality of the construction, but the practical lay-out of the facility. I believe that it will go a long way towards addressing the health care needs in the district of Bodden Town. So we look forward to getting one in West Bay. Ours will be on a little larger scale.

I was also pleased to hear the Minister mention in one of his public meetings, that attached to every one of these health centres will be an ambulance. I believe that this is very necessary. It is unrealistic to only be offering an ambulance service from George Town. I think the other one is in North Side. When you consider a life or death issue, a couple of minutes can make a tremendous difference. I believe the time has come when we can afford to put these services in our districts so that if we have a problem in the district we can address it immediately.

I am also pleased to know that we will be addressing the issue of roads this year, that is the major arteries, the Harquail by-pass will be done. I believe the by-pass that comes in somewhere by the Lion's Centre will also be started in order to eliminate, as much as possible, the congestion we presently experience in this country around peak hours, first thing in the morning and at 5 o'clock in the afternoon.

I am also pleased that in this Sitting we are bringing a Loan (Capital Projects) Bill to address the issue of a new hospital for this country as we promised. Construction on that facility has already commenced, and this year I think we are scheduled to start some other phases of that project. By 1998 that facility will be completed. It will be a facility that is very practical. I am very pleased that the facility will be designed based on the input from members of staff who work there on a daily basis, who know what the needs are and are able to say how and what the facility should include.

This will also be a facility that this country can afford; it will be on one site and I believe that once the people of this country see what this Government has in mind, as far as the new health facility, they will be very pleased with what this Government has done with regard to health services in this country.

It is amazing that in 1992, shortly after the General Election—when the last government lost—I heard comments made to the effect that they were glad they were not re-elected because the situation had gotten to the stage where they could not handle it financially. After three or four years of good stewardship, they are all clamouring to get back in here. For what? To repeat the type of fiscal irresponsibility that this country was subjected to for eight years? No, Madam Speaker.

I want to say to the people of Bodden Town ... I commented this morning that normally this debate was opened by our former colleague from Bodden Town, Mr. Haig Bodden, an outstanding leader who did much to promote this country, who did much in supporting services and facilities for the district of Bodden Town.

I read an article this morning headed: "Her Time has Come", referring to a particular candidate vying for the seat in the by-election. The only message I have for the people of Bodden Town is this: Be very careful who you elect as your new representative. Ensure that that representative is someone who is prepared to work with the Minister of Health, who is also a representative of Bodden Town.

Deputy Speaker: Honourable Member, would this be a convenient time for the luncheon break?

Mr. John D. Jefferson, Jr: Madam Speaker, I have about five more minutes and I will be finished.

Deputy Speaker: All right.

Mr. John D. Jefferson, Jr: As I was saying, it is important that the Minister and this government have the ability to continue his programmes at the district level, as well as the national level. We do not need that type of—and I am going to quote a famous statement from the First Elected Member for Bodden Town—we do not need that kind of "adversarial" type of politics in the House at this time. We need people who are prepared to work together, who are prepared to address the issues and concerns we are faced with in this country.

There was an article also in connection with an advertisement that was run by the same candidate from Bodden Town who tried to portray this Government as being financially broke. It tried to give the impression that there was total chaos and mismanagement. This country has never been better off financially. When the Financial Secretary approaches the financial institutions in this country asking for a loan of \$16 or \$17 million, he will have no problem getting the funds. Why? Because the financial community is convinced that Government is responsible and capable of meeting its financial obligations. That was not the case between 1988 and 1992, when we had expenditure exceeding on an annual basis our recurrent revenue; where every penny that was earned had to go to fund recurrent expenditure.

This country is not in that kind of position today. We live within our means, we operate on the basis of a balanced budget and the results speak for themselves and speak for this Government. This Government has done very well, and I want to congratulate the Financial Secretary for so ably putting across on behalf of Government its accomplishments over the past three years, and its objectives for the next year.

Madam Speaker, I want to say that it has been a pleasure for me to be a part of this Government over the past three years. They refer to me as the whip—I may not be the whip, but I am proud to be a part and a Member of the National Team because I believe that this Government has its people at heart.

Thank you, Madam Speaker.

Deputy Speaker: Proceedings will be suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.46 PM

PROCEEDINGS RESUMED AT 2.28 PM

Deputy Speaker: Please be seated.

Continuation of the debate on the Budget Address.
[pause] The Second Elected Member for Cayman Brac and Little Cayman.

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

May I take this opportunity to compliment you as you preside in the Chair as Speaker? I think it shows that we have the resources within our Parliament and although there are bumps, peaks and valleys, we can cope: the expertise is there.

Madam Speaker, I rise to speak on the Budget Address delivered by the Financial Secretary on Friday, which proposes the Estimates of Revenue and Expenditures for the year 1996. I believe that I am virtually forced to speak on this occasion because other than my worthy colleague, the Government Chief Whip who does not hesitate to speak on these occasions, it seems to fall on me to be next to reply.

The Budget which was presented on Friday reflects more, I think, the Government's ability to hide the financial situation of the country than to make it clear as to what is happening and what is intended to happen. I draw that conclusion for various reasons, one being the fact that the House which was scheduled to open (if I remember correctly) on the 3rd of November, was postponed to the 10th of November for the important matter of presenting the Budget.

Secondly, I saw the newspaper story of the 30th of October with the very lame and pitiful excuse that the reason why the House had not convened was because the Ministers of Government were in the various districts accompanying the new Governor on tours through the districts. I do not believe that was the real reason, Madam Speaker, because the Budget has been something which had been in the making for the past several months. If Ministers had to be there to see to its finalisation, indeed, that is their job—they are paid to do that job. And, like everyone else in the country, when you are paid to do the job and be on the job, if you are not on the job you get fired. At best you have the deduction from your pay.

I think the truth of the matter lies in that the Government found exceptional difficulty in arriving at a conclusion in the budget, one which would show what they hoped could be called a balanced budget. In fact, I am not sure that this could be truthfully called a budget. I think it would be more correct to refer to it as a 'fudget', derived from the word fudge which, according to Webster's, is; "**to make up or invent; to foist or to interpolate a made up story; a creamy candy made of**

sugar, milk and butter, often flavoured with chocolate..” I think a lot of flavouring and peanut butter went into this particular exercise to get it to what was presented.

There was no mention, for example, of the Government's reliance on contingency warrants, or what used to be called advance accounts. But, for some time, certainly, this is something that is heavily resorted to by the Government as the events of the Finance Committee held about 30 days ago would prove. In that committee the Government came for \$15.5 million more than what was budgeted and also within that request were amounts of monies that had been spent without the approval of the Finance Committee. The Finance Committee in that instance was being requested to rubber stamp what had been done.

I think the Budget is supposed to be a document from which one can really tell accurately what the Government is about, with nothing left out. For example, a project costing \$1 million will be shown as costing \$1 million and not \$500,000. When it is known by the Government that it will cost \$1 million, the sum is committed, it is the cost, and that is the fact. I do not believe that that is the state of affairs with what has presently been done in the document we have.

In the Financial Secretary's introduction, he spoke about training in these islands and that Government had been cognisant of the need by providing scholarships and student loans, that the private sector had also played its part in providing educational opportunities. I think that is good in that any sensible government should realise by the mere fact that we have almost 50% of our population made up of people who are not Caymanians in the work force in particular, it is necessary for us to train those we have.

My thoughts as far as training is concerned, go beyond the idea of sending someone to higher educational institutions to get a bachelor's degree, a master's degree (as the case may be). Training, I think, has to be the process by which the people of this country are taught certain skills to make them productive and useful in their jobs—from the lowest job (the dishwasher, the yardman) up to the accountant and the lawyer. Even with the average labourer there are certain skills that can be learned depending on where the person is labouring.

I believe much has to be done where training is concerned in this country. The Government needs to clearly indicate to all businesses and employers; be they corporations, companies, or individuals who are self-employed employing others, what is expected of them in terms of development of the people who work for them. In fact, I believe that there are many companies and firms owned by people whom we would normally call wealthy and rich, and recognise them as our own people, that they could be greatly helped and could help their businesses if they believed in the value of training.

Training for the person who really is aware and lives in the reality of our world should not end; it is an ongoing process for everyone—the employee and the employer. If I confine it more to the idea of the employee being trained, then I think it is extremely necessary that the Government takes detailed steps to state to the country exactly what is expected; how it is to be done, and what interaction is expected between the employer and the Government.

I believe that we enjoy considerable advance technology in communications. I think that we are competitive with many, if not all, of the islands in the Caribbean region. Certainly, we are close to those that may be better off than we are in this regard. I also grant that Cable and Wireless has done quite an outstanding job in this country in developing services and technology. It has also been quite outstanding in its interest and its efforts at training personnel. I think it has been ahead of many, if not all, businesses and companies in this country for several years. I believe that speaks well for the company and it means that there are persons locally in this country who have benefited.

In fact, I know of a time when a former manager was here and he took deliberate steps to train Caymanians to fill all the middle and upper management positions. At that time perhaps there were about two or three positions that were held by foreigners in that company. I do not know what the state of affairs is now, but I still see a number of local persons working there, and often times I have the opportunity of speaking to some of them to hear that others have been sent on training particularly in the technical areas.

Admitting that, one still has to expect, hope, and require that the business of this company is carried on in a way that spills off financial advantage to the people of this country both in terms of employment and in rates charged for services.

I believe that the charges, particularly the international charges, are on the high side of the scale. For that matter, I believe the local charges are high. Obviously, the company is making a profit and the Government is deriving some revenue from the licence of that company. I, however, believe that it needs to be kept under review and scrutiny.

I believe the Government and the people of this country would be well served if there were persons within the Government structure (particularly the Portfolio or Ministry who deal with this matter), who were as highly versed with communication technology which relates to Cable and Wireless, to always be in a position to know and to speak with authority and knowledge of changes taking place and claims being made for higher revenue or increase in prices. I do not know if that is the case at this time.

I also welcome the idea put forward by the Financial Secretary about the Cayman Islands Stock Exchange. It is my understanding that this has potential earnings for this country which can be of considerable

benefit. In dealing with this, I believe Government should play the role largely of the regulator. It is my understanding (without claiming to be an expert in this field) that the business of trading in stocks is something where millions and billions of dollars are traded, and that it always has inherent in it the element that something can go wrong; be it a major scam, be it insider trading, or whatever. I believe Government should seriously look at having available to it persons with the ability to understand the way this game is played, whether they are legal persons or accountants. I would certainly believe that would be advisable.

I do not think these islands need or could withstand something major going wrong in dealing with this particular aspect of finances. I do not know if it is proposed to bring a law to the House in this Session. I certainly hope not, because I do not think any of us are experts in this field for the past two years. I think it is something which should be given sufficient time so that those of us with enough interests could ask those who are experts really what the law means, whether they considered it sufficient, as the case may be. If so, then we will have to see what such legislation entails.

The new hotel on Seven Mile Beach is indeed most imposing both in structure and demand for labour which cannot be supplied by the Caymanian work force. It is imposing as well in that it has overwhelmed the Government House where our Governor and Head of State resides. I personally believe that the condition that used to obtain there has been changed forever. There is also the demand for infrastructure: roads, water, electricity, you name it, all needed because of this hotel.

I do not know how much Government has received in Customs Duty from the hotel, or how much is yet to be collected. While there are those who argue that that is the best that has happened since sliced bread, there is also another side to it: are we prepared to pay for the demand that it will make on the infrastructure of this country? Are we prepared to deal with the large numbers of non-Caymanians (which out of necessity must come to this island) to fill the jobs which are going to be created? Are we prepared to deal with the wages the property will want to offer its employees?

I say that simply to make the point that it is my belief that all of the persons employed in this country are not necessarily here because there are not enough Caymanians available to fill jobs, but because those Caymanians demand higher wages than many properties are prepared to pay. The alternative, of course, is to then hire persons who are not Caymanians and by virtue of economic needs are prepared to work for less in wages. But then again, Madam Speaker, the question arises: Where do those persons who earn those wages actually live? What does that do in terms of crowding of housing, public health, and other things? I believe this needs to be addressed when we look at financial implications in this country.

The Financial Secretary also said, that "**we must constantly monitor the international and regional scenes and be prepared to make adjustments along the way.**" I believe he is right, and that needs to be done. How well that is being performed, I question. As I think the Government of the day forgets considerably that particular aspect.

We should "**build on the foundation of private and public sector dialogue and consultation.**" These are all nice words, nice ideas, but I do not believe the Government does that as it should. There is a severe lack in that field as well.

Definitely I do not believe it is true to say, "the Government is committed to building on the achievement of the past ..." because if that were true, then the Government would not have put out of operation the [Dr. Hortor Memorial] Hospital, a Health Insurance Scheme, a Pension Plan, and all of the many other efforts which were stopped. That is the reason why the Government of the day spent approximately \$6 million to see that the people of this country did not get a hospital, and is now prepared to put the country into further debt through a loan of almost \$10 million.

Madam Speaker, I would like to refer now to Tourism. This is an area in this country that is all-encompassing. It deals largely with people who visit this country, the people who welcome them. It deals with people's earnings and it also calls upon the many services in the country which are related to people.

I note, according to what the Financial Secretary said, that this year arrivals are down by approximately 50 per cent over last year. If there was double digit growth last year in every quarter, and it is 5 per cent up this year, it is half of what obtained in 1974.

Cruise ship arrivals have increased and I think we can explain that quite readily in that the Eastern Caribbean, unfortunately, has been subjected to repeated hurricanes. So, many things including tourism have changed in those islands, and the Cayman Islands have benefited from it. This is something which can easily point out to us the uncertainty of tourism, in that no one has control over nature and that one strike from a hurricane can move a booming island into a lot of rubble and destruction and years of fighting to replace it.

I think our sympathies can go out to the other islands while we also have to see ourselves as fortunate, having benefited from the increased arrivals of cruise ships and visitors.

I note that there is a slowdown of arrivals from the United States and it is suggested that it is because of the slackening of growth in the United States. I hope that is the case, and it is not that we are offering too costly a product here in these islands. As I believe while we should try to cater to the upper market in tourism (and it has always been that way until recently), we have to understand that there are less millionaires than there are paupers in the world; less persons with money than there are those who have on average.

I think it is necessary to continue a policy of diversifying, attempting to attract visitors from other countries. I understand that there is some increase from Japan, different European countries, including the United Kingdom which years ago had been down and there was little or no tourism from those countries. I also believe that in any of these countries we need to cater to the upscale traveller as far as possible, and realise that packages, while they bring numbers of persons, persons do not necessarily bring high numbers in expenditure. I have heard various complaints with regard to the latter of the different types of tourists we get at this time.

Recently there was something in the newspaper where the Minister for Tourism had, it was said, taken steps to discourage certain packages from the United Kingdom which supposedly were not as profitable as they were to be. All I would say about that is everything can be done, it depends on how one does it. With tourism we need to be very careful in that we are not dealing with boats and aeroplanes, we are dealing with people, and I think our goal should be to make visitors feel wanted and not the opposite.

There has been in recent times considerable muscle applied in relation to enforcing standards in hotels, if I am to believe what I saw in the newspapers. I have always been one who believes that we should insist on high standards and that there should be a proper inspectorate in this country to see that hotels maintain high standards. I am led to wonder why, if the inspectorate was doing an ongoing job any hotel could reach a point where it had to be issued a Closure Notice, particularly a few weeks before the high tourism season begins. I do not know what the situation is there, but I think it is something which seriously needs to be examined. Part of the job of the officials involved with tourism, other than travelling, is to see to the fact that the hotels in this country are kept at the standards they should be.

Madam Speaker, reference is made in the Budget Address to the matter of agriculture. There is little doubt that there is considerable amount of attention and money spent in this particular area. There are some visible improvements in livestock, in agronomy, in what the people are growing at this time. There is certainly quite a lot to be said for the efforts that have been carried out. I think the best purpose that agriculture can serve in this country is that as many people (average citizens) attempt to learn sufficiently how to grow vegetables in their yards which could mean saving some money at the expenditure of a little sweat. I think it is catching on to some extent and I trust that it will continue.

I see no reasons at this stage to believe that because of the type of soil these islands have we could ever reach the point where we will be competitive to any other Caribbean islands that have relatively vast areas that can be put to agricultural use. So I think that the expenditure for agriculture has to be realistically

weighed as to how much can be accomplished by expenditure of the money.

If prices in this country is any indication of prices in the United States, then one has to believe that prices are rising very steeply in the United States, which I do not believe is the case to the extent that one finds, particularly in the supermarkets. I know that the Economics and Statistics Department, if I am not mistaken, carries out surveys on the Consumer Price Index. I think it is something which the Government needs to be cognisant of and understand that the movement in prices in this country affects the people and there should always be an ever present, proper dialogue between those who sell consumer goods. As I mentioned a few minutes ago, we virtually produce little to nothing for sale, we have to import; due to this, prices have a significant impact on our daily lives.

I see that the Financial Secretary has mentioned real estate and what it has brought in terms of earnings. I do not necessarily agree that because of the fact that Government lowered the Stamp Duty fee it is the reason why earnings have increased, as my colleague, the Third Elected Member for West Bay, said. However, real estate sales do bring in money to Government. When lowering charges as has been done, not just with stamp duty in relation to real estate, but also to company fees, Government should take a realistic look at, and have a friendly chat with, those who sell the services. I doubt very seriously that the real estate brokers reduced the amount they charge, or that the lawyers charged any less for their services. My question therefore is: Why must the Government always lose in the process?

The construction industry may be booming, but it must be booming in some areas only, for I regularly hear (from sub-contractors, at least, smaller operators in the industry) that they are having difficulty in doing and finding business. I do not believe it is simply a complaint for the sake of complaining. I think it is quite real.

This is a field which employs a lot of people; it is a field where the big companies tend to get the bigger piece of the pie, and these companies are in a position to strangle the smaller operators. If I am to believe some of the stories I hear, it would leave me with the impression that it is deliberate in some instances.

I gather that one of the things which is happening is that some of the bigger companies choose in many instances to bring people with certain skills into this country (supposedly because it is not available here); but that these skilled persons are indirectly associated with the big companies. In fact, when they award contracts to particular outside companies they are actually playing footsie with themselves.

Also, the workers who come here in some instances, while the Immigration Board is told on the application forms they are being paid "X" amount, they are not in reality being paid that wage. Needless to say, the implication for us in terms of money is that these workers, while they must spend a certain amount here, an

appreciable part of that goes out of here. So the money is leaving the country. My opinion on that financial aspect is that we need to find means, as far as is possible, to keep the money here in this country.

I heard of many work disruptions on the Westin Hotel in various skilled areas with regard to wages, et cetera. I think the construction industry plays a vital role that particular interest ought to be paid by Government to what is happening in that industry. There will be those persons who will complain unreasonably, but there are definite areas where people in this country have the skills, they have the ability to do the work, but they realistically price it at what is our recognised going wages, and it is causing a problem. Perhaps the time has come to set up some means by which the bigger companies know that they get the big pie, but they must out of necessity pass on to the smaller operators an opportunity for employment. Perhaps ceilings, levels, or stratum can be put in place to the extent or value of the work.

I see noted here as Government's expenditure the North Side Civic Centre (which I would imagine, Madam Speaker, you are very pleased with); the Bodden Town Health Clinic, and the Department of Environment Building at the North Sound. That is quite another matter because the building of that has to be added to the cost of the Hospital and, certainly, the cost of demolishing the present building that houses that department. I have not seen the Government anxious to add those particular costs.

Deputy Speaker: Honourable Member, would this be a convenient time to take a 15 minute break?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

Deputy Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.20 PM

PROCEEDINGS RESUMED AT 3.50 PM

Deputy Speaker: Please be seated.

The Second Elected Member for Cayman Brac and Little Cayman, continuing.

Mr. Gilbert A. McLean: When we took the suspension I was commenting on the construction industry and the role which this particular industry plays in the islands.

Looking at the Budget Address of the Financial Secretary, I note that his department is forecasting an expenditure of \$171.9 million. This will be less than the originally estimated budget of \$178 million. It is a saving, and I wonder how significant it is that various projects which were to commence this year did not begin, and some that did will not be completed, thus if the money was not spent it would show as a savings this year.

It brings me to the point that I made earlier, that with the Budget there are ways and means available to take figures and make lovely pictures, while in reality it does not send away the costs which are involved and would be carried over to another year.

Certainly, if there was in place a Fiscal Responsibility Law, as was suggested by the First Elected Member for Bodden Town recently, the same scope would not be available in showing the financial position of the Government as it is now—which basically takes a year to really bring or show the accounts of Government. In effect the Government's accounts are usually a year behind, other than the estimated projections.

I believe that there is considerable scope for regular monthly or quarterly reporting of the Government's financial position throughout a particular year.

Government proposes for 1996 to borrow almost \$17 million. From that will come monies for roads, which is approximately \$1 million. One million dollars for roads. I would like to speak on the matter of roads for a brief moment.

From a situation where in 1994 a few million dollars were available, this year (1995) there is scarcely any, particularly when one takes into account the condition of the roads in this country. One million dollars will do the very slightest amount of work which needs to be done.

The areas that will benefit from road work, I see in the Capital Estimates under Local Loans and Construction of Roads, there will be construction and repairs to various roads in West Bay—\$239,666...

DEPUTY SPEAKER'S RULING

Deputy Speaker: Honourable Member, I must draw your attention to Standing Order 63(2) which reads: "**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.**" These estimates will be discussed in detail in the Finance Committee, so, if you can, keep your debate on the financial and economic state of the country on what you are referring to in the Estimates.

Mr. Gilbert A. McLean: Madam Speaker, I thank you for your intervention, but I think you have just read from the Standing Orders that one would speak in debate about the general policies of the Government and the use of the finances as it is contained in the Estimates. If that is correct, I am referring to the Estimates on page 396. Indeed, I think I would be referring to the policy of choice of these particular roads versus the dozens or hundreds that no monies were allocated for.

Deputy Speaker: Honourable Member, I understand what you are saying, but I am asking you to keep the debate on the Estimates for Finance Committee and

deal with the policies, financial and economic state, and administration of the Government.

Mr. Gilbert A. McLean: Madam Speaker, I understand then that the allocation of these monies would not be considered a 'financial state of the country', and that these are here by no direct policy of the Government.

I dare say, I will have to leave that particular subject and wonder what is, then, the policy or state of the country regarding roads. Surely, there must be some policy present when the Government decides in the face of outstanding requests and glaring needs throughout the country for roads, that they would allocate but only \$1 million towards the construction of roads here in the islands.

I wonder whether it would follow as the policy of the Government that millions may be spent on an advance account, or a contingency warrant, as seems to be the case (particularly since next year is an Election year), then come to the Finance Committee to have those amounts ratified. I think it is a serious breach of the rights of all people in this House to participate in the approval and ratification of monies, such as money for roads prior to it being done, if indeed the Government should resort to that particular type of action.

There is need in the West Bay area (and we hear of that) for relief on the West Bay Road where the Harquail By-pass is concerned. How much will be allocated there I am not quite certain. There is also an immense need for roads, improvement on roads, widening of roads, the creation of more lanes from the eastern districts of this island where only in August the findings of the Public Works Department were that there had been a considerable increase of traffic over and above what obtained along the West Bay Road. In fact, if I remember correctly, there was a slight decrease of about two per cent.

For this Budget to reflect the needs of the country and the needs of the people who pay taxes, fees on motor cars and otherwise at this time, I think that considerable more money should have been allocated for the development of roads over and above the \$1 million that has been set down in the Estimates.

The need for roads extends not just to the main arteries as was suggested by the Third Elected Member for West Bay; that these are to be addressed. But there seems to be also a considerable need for work on roads that lead off the main roads that are Government owned, within subdivisions and otherwise, that were highlighted particularly by the excessive rains we experienced in recent months. If there is one complaint that I hear quite often, it is that work should be done, needs to be done, on roads in the island.

Madam Speaker, also included in this loan is an amount of \$2.66 million for school buildings. I wonder how sufficient this amount will be to complete the work that is needed in the various Government schools? There have been loans entered into by the Government where they give these funds to private schools—private

schools being limited to a certain sector of the community by virtue of the fact that they charge fees not charged in public schools.

I understand that there are various primary schools right now that need work done; extensions, repairs, and I wonder how far this particular sum will go? I trust that in Finance Committee Members will not be asked to approve these amounts en bloc, left to the discretion of the Ministers involved as to where it will be spent. I think that for such to be done is outside of what is required under the Finance and Audit Law, and that Finance Committee should be expected to approve money specifically for work which is to be done.

I do not know what the Government's policy is in this particular regard, but it is of significance that a loan had to be taken for this particular purpose. I believe that the Government has failed to address the needs of the Government schools to the extent it should have, over the past three years. This has brought the situation to where it is now. Policies which direct large sums of money to playfields, stadiums, parks, and the like, when there is no area in greater need of expenditure in this society than education: education both in paying professional staff to teach and in providing the adequate buildings which are necessary. The fact that this is being done now means that it is something that has been outstanding. I have indeed heard of instances such as the George Town Primary School, where this is so.

Part of the loan (a major part) is to build a health care facility. This amount is \$9.91 million, according to the Budget Address. This amount, as far as I am concerned, should not be here in loan financing. This is the amount of money which, according to the Government, would be paid from General Revenue—official statements by the Government printed in the press as being factual. This hospital would be met in large from General Revenues. This is obviously not so, not if it is coming via a loan—this is but only part of it. To date the amount spent in regards to the hospital that was stopped, this amount brings it close to \$16 million. I believe the Government's policy is seriously wrong not to want to build a hospital, but to stop one that should be built and expect that the public finds the situation laughable and agreeable.

In this particular instance the spending of this money affects other areas of Government's expenditure. It affects the building now used as a specialist school. It is to affect the building now used as the Mosquito Research and Control Unit. How wise is this expenditure of money, where it is to be spent, and the amount? It is almost impossible to believe that the amount which has been spoken of and tossed around as being the amount for which a hospital can be built, will indeed do so, particularly when one is talking about building it over five years.

This makes for bad financial management, directed or driven by a political policy which does not take into

account the serious needs of the people of this country to have a medical facility.

The civil servants by statute have the right to expect certain monies once they have completed their required length of service, through the payment of pension that includes both the permanent pensionable establishment, and also those persons in the wage category who have worked a long period, if I am not mistaken. Only this morning there was a question regarding the payment to workers within the wages category.

The Government's contingent liability is in the area of \$65 million and this is not funded. Government has set up a reserve fund according to what the Financial Secretary has reported, and at this time it has grown \$15.5 million. I wonder just how Government is applying this money at this time; how comfortable is Government with the results that it expects to get in terms of interest from its investment; and how realistic is the amount being paid into the fund in the face of more persons being employed in the Civil Service and thus, increasing the liability? I note that it is expected that the fund will now reach the amount of \$16.4 million at the end of 1995.

This leads me to the point regarding the Civil Service and its growth. In 1993 the axe of the Government was first to be used to cut the Civil Service back 7.5 per cent. It sent shock waves, to say the least, through the Civil Service and everyone wondered whether they would be part of the casualties. This cut was not achieved, and, according to what has been reported in this House, no further than about 5 per cent was cut. I am told it amounted to about 20 people. The effect that had, and the trauma it caused to the Civil Service could hardly have been worth it. The savings, as I recall, were also extremely small.

At this time the Estimates show that there has been a significant increase in the service. In 1994 the established posts were 2,043; in 1995 it is 2,157; and estimated for the coming year is 2,291. That does not seem to me like a very good success rate in reduction. It brings into focus the unwise policies of a government that hastened to say there would be decreases in the Civil Service without carrying out a proper study.

The Third Elected Member for West Bay spoke about the Civil Service and stated that he was alarmed at the increase; that he would like to see it reduced and there should be efficiency within the Service and it should be attractive to persons who may enter. I agree with him. But then it means that there needs to be a change in the Government's policy.

I believe that a sensible policy would be one where a full scale study and review of the Civil Service be done to determine specifically what numbers are really necessary. It could not be done overnight. In a month—two months, perhaps—but it can be done. In the process one could see if the rearranging of duties within departments is desirable, if that would achieve the purpose, and whether persons could take on more duties and responsibilities than they have at this time.

I believe that Heads of Departments genuinely request staff where they believe there is a need, and, indeed, where the money permits, they are engaged. But I think the Service has gone a long time without a total and complete review. That is now necessary and it should be a priority of Government by mere virtue of the cost to the country, as noted by the Member for West Bay. It can be done without trauma.

I believe too that, while certain money must be provided to pay civil servants (and that certain salaries need to be prescribed, as it is now), one should simply not fall within a salary scale. I think the time has come where through proper job descriptions, evaluations, and classifications, a salary can be prescribed for an officer who may not fall within any particular salary scale, but for what the real value of the job is.

I also think that we have reached a point where rather than a civil servant sitting and hoping and expecting that he will get an increment, it should be determined by merit and assessment rather than simply getting \$30 or \$40 as it falls within that incremental scale.

It is my understanding that there is available to the Government now a system of performance appraisal that has been looked at, considered to some extent—how far I do not really know. But what that particular system advocates is that money awards are done annually based on merit rather than falling within those salary scale points. If this is correct, I will certainly advocate that is something that requires priority consideration.

The Civil Service is long behind an increase in salary as I understand. To the best of my knowledge there has only been one award over the past three years—I think it was 5%—and now there is a proposal for an increase of 9%. I certainly support that idea: I recall that in 1992 an award was given; if I remember correctly it was about 14% still outstanding, according to what was calculated then. So, between that time and now, surely there have been major dynamics and changes which would require serious examination and thought.

MOMENT OF INTERRUPTION—4.30 PM

Deputy Speaker: Honourable Member, it is now 4.30 PM. Will you be finishing your debate shortly?

Mr. Gilbert A. McLean: No, Madam Speaker, I have quite a bit more.

ADJOURNMENT

Deputy Speaker: May I ask for the motion for the adjournment? The Honourable Minister for Education and Planning—Leader of Government Business.

Hon. Truman M. Bodden: Madam Speaker, I move the adjournment of this honourable House until 10 o'clock tomorrow morning.

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

AYES.

Deputy Speaker: The Ayes have it.

The House is accordingly adjourned until 10 o'clock, tomorrow morning.

**AT 4.30 PM THE HOUSE STOOD ADJOURNED
UNTIL 10.00 AM THURSDAY, 16 NOVEMBER 1995.**

**THURSDAY
16 NOVEMBER, 1995
10.16 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. Questions to Honourable Members/Ministers. Question No. 233, standing in the name of the Fourth Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 233

No. 233: Mr. D. Kurt Tibbetts asked the Honourable First Official Member responsible for Internal and External Affairs: a) Using the Hay Formula what was the result of the Civil Service Job Evaluation Exercise; and b) If a report was done thereof, would the Honourable Member table a copy.

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

Hon. James M. Ryan: Thank you, Madam Speaker. Job descriptions have been agreed between Heads of Departments and post-holders throughout the Civil Service for each established post. Individual posts were evaluated using the Hay Formula by panels of Civil Servants who were trained in the process of job evaluation, and the results of the evaluations have enabled the development of proposed grade and salary structures. Two options have been submitted by the Personnel Department for consideration.

On the second part of the question: Two Reports (one for each option) have been prepared by the Personnel Department and submitted to the Honourable Financial Secretary and myself for review. A date is soon to be set for discussion on the Reports.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Having heard the answer, I wonder if the Honourable First Official Member would be able to say, when all discussions are completed and decisions made regarding this evaluation exercise, if the document will become public.

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

Hon. James M. Ryan: Thank you, Madam Speaker. That depends on whether the report is accepted by Government or not.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker. I wonder if the Honourable Member can tell us how often the Heads of Departments review the positions of the individuals?

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

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

There is an annual evaluation of civil servants by each Head of Department. There was a new evaluation form introduced a couple of years ago that requires an ongoing evaluation, as opposed to the old form used

many years ago when a single annual evaluation was done. That is a separate exercise from the matter of the job evaluation pay exercise which the substantive question was asking about.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member would be in a position at this time to say whether either of the two options as outlined in the answer will have any major financial impact on personal emoluments.

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

Hon. James M. Ryan: There will certainly be financial implications with either of the two options proposed. I would prefer at this stage to not go into the extent of those, but suffice it to say, yes, there will be financial implications.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member would be able to say what prompted the Civil Service to go through the job evaluation exercise?

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

Hon. James M. Ryan: The Budget Address in 1991 recorded a proposal to begin a job evaluation exercise in 1992. This was actually the start of the exercise. It was felt that the various scales used in the Civil Service, which had been introduced approximately ten years before, were ready to be reviewed. A review was called for and was started in 1992.

The Speaker: The next question is No. 234, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 234

Deferred

No. 234: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to state why the hard court surface at the John Gray High School has not been fixed.

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

Hon. Truman M. Bodden: Thank you, Madam Speaker. I would ask that the question be put for a later date—next

week sometime—as the answer to that will be coming from the Public Works Department.

The Speaker: In accordance with the Honourable Minister's request, the question is that the answer to Question No. 234 be deferred until a later Sitting.

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

AYES.

The Speaker: The Ayes have it. The answer is accordingly deferred.

AGREED: QUESTION NO. 234 DEFERRED.

The Speaker: The next question is No. 235, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 235

No. 235: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to advise if a deputy principal has been appointed at the Red Bay Primary School.

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

Hon. Truman M. Bodden: The answer, Madam Speaker, is that I must remind the Honourable Member that the appointment of civil servants is a matter for His Excellency the Governor upon the advice of the Public Service Commission under the Constitution, and should not be questioned by that Honourable Member.

SUPPLEMENTARY

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

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

I would imagine that the Honourable Minister for Education would know if a deputy principal has been appointed or not. Can the Honourable Minister not say from his general knowledge whether or not the Governor has appointed a deputy principal to the Red Bay School?

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

Hon. Truman M. Bodden: Madam Speaker, if you feel that I can answer this, notwithstanding the Constitutional position, I will do so. If not, I would rather not get into who had been appointed or the whys and wherefores of it.

The Speaker: I see no reason why you cannot say yes or no. I think that is what the Honourable Member would require. If other supplementaries come up which are not permissible, I will not allow them. Thank you.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The answer is No.

The Speaker: The next question is No. 236, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 236

No. 236: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Administration if any consideration is being given to offering legal studies to the public outside normal work day hours.

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

Hon. Richard H. Coles: Thank you, Madam Speaker, the answer is, No. All lecturers at the Law School are employed pursuant to standard Civil Service contracts of employment which require employment during the hours of 8.30 AM to 5 PM. It would be unreasonable to require lecturers to work additionally in the evenings or on weekends, although, in fact, many do so on a voluntary basis.

SUPPLEMENTARIES

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

Mr. Gilbert A. McLean: Thank you, Madam Speaker. As the Law School seems to be catering to not just the training of attorneys now, but to persons qualifying for diplomas and degrees only, is it possible with the staff through any special arrangement or agreement, to teach what would be called night school in Law? This is the real information which is being elicited, if there are any possibilities of it.

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

Hon. Richard H. Coles: Madam Speaker, it would always be possible to offer tuition in the evenings, but I believe that would depend very much on additional staff. The problem is that the students taking courses for varying diplomas and degrees which are taught at the Law School attend, in many cases, the same lectures. So, the lectures on a particular subject for the Law Degree are the same lectures that are attended by those students who are studying for a diploma in legal studies.

If those part time courses (if I can call them that) were offered in the evening, then that would naturally

affect the same lectures that are taking place for the degree studies. There are only five Law lecturers, including the director himself, at the Law School. If consideration were to be given to offer studies outside of those normal hours, then I am sure we would have to look at employing additional lecturers.

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 there have been any requests made by people who may be interested in that type of class because they work during the normal working hours?

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: I am told that there have been one or two requests in the past, but nothing has come to the director recently.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. Would the Honourable Member then consider the possibility of some type of public relations programme to seek the public's input in regard to how many people might really be interested, to see if it warrants such a situation? With the usual situation of demand and supply—if there are enough numbers it would warrant the hiring of additional staff.

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: Madam Speaker, I think that the Law School reacts to public demand. If there was public demand for this type of tuition we would, of course, consider it. If that demand is generated in the future, I can certainly say that we will consider it.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker. I wonder if the Honourable Second Official Member would consider the fact that representatives are asking the question: that the demand may well be there, and be coming through the representatives.

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: Madam Speaker, all I can say is that I will react to any demand that is there. The people

who are looking for that tuition need to ask and then we can react to it. I am not sure that I can do any more than that.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Would the Honourable Member undertake to do some kind of feasibility survey to determine definitively whether such a need exists or not?

The Speaker: I think he has been asked that in different words, public relations is the equivalent I would think, so I do not think he needs to reply to that supplementary.
The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I would like to suggest then that a public relations campaign is a slightly different fish from a feasibility survey in which people are asked to respond as to whether they would be interested or not. A public relations campaign might be slightly different.

The Speaker: I think the results would be the same. Can we go on to question No. 237, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman?

QUESTION NO. 237

No. 237: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Administration if there are any professional and administrative staff vacancies in the Legal Department.

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: Madam Speaker, there are no current vacancies in the Legal Department. The filling of a frozen Crown Counsel II post has been authorised. Subject to the approval of the salary in the 1996 Estimates for the Department, the post will be filled either by a newly qualified Caymanian attorney or articled clerk. There will be a vacancy in a Crown Counsel post in mid-January 1996 following the decision of the non-Caymanian holder not to renew his contract.

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 any persons have left the department in recent times, and when all of the present posts are filled (including the one which is being

reactivated) if that will provide staff at a level for the required efficiency?

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: I did not quite follow the question about whether staff have left the Legal Department. Perhaps the Member could repeat that part of it.

Mr. Gilbert A. McLean: That part of the question was: Has any member of staff left within the last few months which may have created a vacancy?

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: No, there have not been any recent developments such as that. As far as the staffing levels are concerned, I think the present levels are adequate in terms of qualified attorneys. We are hoping that during the early part of 1996 we will get computers installed in the Legal Department that will enable a word processor to be on every desk. I think that will make a considerable difference to the administrative running of the department.

If there is any area where the department is deficient, it is on the administrative side. Although a paralegal/legal executive was recruited not that long ago, qualified attorneys are still being expected and having to perform tasks such as photocopying and filing, and so on, which is really not cost effective for them to do. That is an area we are continually looking at.

The Speaker: The next question is No. 238, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 238

No. 238: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Administration if there is any arrangement for legal training at the Law School for civil servants who work in related legal fields.

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: Madam Speaker, the part-time Diploma in the Legal Studies programme is a legal qualification directed at those already in employment, being attractive to those in both the public and private sectors. This programme is open to any student satisfying the entry requirements of the degree programme and has proved to be of particular interest to those employed in legally related fields. The timetable has been structured so that most of the core subjects of the Diploma fall over

the lunch time period, enabling students to use their own time where necessary to attend the Law School.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if he is aware of any particular Government policy that encourages persons in related fields, immigration and the like, and whether there is any financial support for doing so?

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: As far as I am aware, Government does encourage civil servants to further their education, and that would include at the Law School. I dare say that the individual department will want to try to ensure that any further qualification will have some relevance to that department. But, if they are already employed in legally related fields, I am sure that would be the case.

As far as financial help is concerned, I believe that is confined to giving the employee time away from work to come to the lectures, although in many cases the employee does his/her best to make the time up.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Does training allow an officer who has qualified in the diploma course to be transferred to the Legal Department, and then perhaps on to higher professional training as a lawyer? Would it be that type of training?

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: If a student who has passed the Diploma in Legal Studies exam wishes to embark on a career in the law, it would be in the role of a paralegal, or legal executive, because he would not be a qualified attorney. If we had a vacancy at the Legal Department he would certainly be considered, but we do not have one at the moment. There would be no reason why he could not be considered for that employment.

The other part of the question was whether they could go on to become qualified attorneys. The answer to that is yes. When a student has passed the Diploma in Legal Studies then that entitles them to go on to the degree programme. They would be exempt from the first year of that programme, so they would automatically start the degree programme at the beginning of the second year.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Member could state whether the office of Attorney General, under which the Legal Department comes, would consider embarking on a programme to entice local aspiring attorneys to engage in articleship through that office in order to gain qualifications and at that time have permanent employment in the department?

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: Thank you, Madam Speaker.

It is the intention of the Legal Department to take on an articulated clerk as soon as the funding I referred to in a previous answer has been approved. That will be the first articulated clerk. My desire is that we have two articulated clerks in the department, but to probably not take them both on at the same time; we would take one on now and another in 12 months because they are over a two year period. It would be my intention to continue to take articulated clerks annually, provided we can find applicants.

The Speaker: The next question is No. 239, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 239

No. 239: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to make a statement regarding the Ministry's policy as to the visits to schools by the person masquerading as a pirate during the time of the Pirate's Week celebrations.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The Ministry has no policy with regard to Mr. Ben Cherry (masquerading as Blackbeard) visiting schools. His visits are left to the discretion of each individual principal, according to whether his visit can fit into the school's schedule. Some principals use him as a resource person, since he talks to the students about values such as honesty and speaks out against drug use. Other principals are not able to accommodate his visit in the school day.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say what age students these talks are confined to?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Upper primary.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Minister say if any reports have been made regarding any children being intimidated or frightened by the tactics of this person on some of his visits?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Not to the best of my knowledge, unless the Honourable Member has a specific incident that he would like to refer to.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if he is aware that this visitor sometimes brandishes a sword-like weapon which is perceived to be dangerous?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: I know of no danger to children from this. I would just like to remind the Honourable Member that during Pirate's Week, there are hundreds of people who brandish, as he would like to put it, these replica swords and put on pirate costumes.

The important thing about this is that he is speaking out against drugs; he is speaking about honesty and values which help the children. If his way of getting this through to them in his quest against drugs is this way, then it is good and positive.

The Speaker: The next question is No. 240, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 240

No. 240: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning what the total cost of financial assistance to children attending pre-schools since 1993 is; the number of children presently receiving assistance; the criterion used to determine need, and how schools are selected.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The total cost of financial assistance to children attending pre-schools since 1993 is \$1,022,860. The number of four-year-olds presently receiving assistance is 143.

The Government's policy, which has been in effect since 1992, is that no Caymanian child of four years of age whose parents wish him/her to attend pre-school will be disadvantaged because of his/her parents' inability to pay.

The parents select the pre-school they wish their child to attend and apply for assistance to meet the cost of that pre-school.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say if all of these schools offer uniformity, or if some schools have different curriculum and different pupil/teacher ratios from others?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, they are private schools and they do differ in the respects he has mentioned. However, meetings have been going on with them in an effort to develop a standardised curriculum.

I would remind the Honourable Member, however, that this problem is one which I inherited from the previous Government. I did not agree with the decision of putting 205 pre-school children out on the street when there were no pre-schools to take them.

Many of the pre-schools have only arisen in the past few years. Our first aim has been to get them registered. When the 205 children were put out of the Government pre-schools there were only about three, or four at the most, registered pre-schools.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say if the Education Department, or any persons involved therein, helped to select schools other than following the wishes of parents?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. I am instructed that the parents make the choice on schools, as I said earlier.

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, since this pre-school condition has been in place for three years now, how far Government has reached in prescribing a general standardised curriculum course of studies?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: The first role that Government undertook ... because in my view this was a mistake in 1992 when the decision was made by the last Government, and it is a mistake that is not easily corrected.... The first role that Government undertook was to get the schools registered because funds were being paid by the previous Government (and by this Government in the early stages) to schools that were not registered. But the children had to go somewhere and the lack of foresight and lack of feeling for these young children by the previous Government—when they were basically put out on the street, and the school rooms were used for other primary school purposes—is what has caused the chaos we had with it. The meetings have been held. In fact, I have a meeting today that will be held with the Executive of pre-schools. We are doing everything that we can to get them registered and to assist them with their curriculum.

The problem that was created by the last Government is a very complicated one, and it is not going to go away in the next year or two. No thought was put into it when they totally abolished the pre-school system within the Government. There was nothing I could do to correct this immediately because the physical premises were used for other purposes.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say how many of these schools are now registered and how many remain to be registered?

The Speaker: That is coming up under another question.

If you have no more supplementaries, we can go on to that question.

Mr. Roy Bodden: Yes, Madam Speaker. Can the Honourable Member say if, by registration, that will mean that some uniformity of curriculum or courses of study will be effected?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: We are working towards this, but I have to remind the Honourable Member that these

are private schools. I do not ever intend to force my will, or the will of this Government on private schools. If they can be led into developing the curriculum with us (and I believe that they are eager to do this) then, by all means, this will happen.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. The Honourable Minister said in his answer that the Government pays out \$1,022,860 to students attending these schools. My question is: What are the Government's requirements for paying this sum, since the Minister suggested that the Government is not minded to enforce its will on private schools. What does the Government get for this amount of public money being paid?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

The last government put 205 four-year-old children out on the street. The decision was made then that Government would not entertain the reception classes (which I refer to as the pre-school classes). The only thing that could be done as a result of that decision (which I think was wrong) was to fund a programme by which the pre-school children were able to go into the private pre-schools. What Government gets for it (if you want to put it that way)... we paid \$1 million for the mistake of the last Government and we are going to go on paying it because I do not think it is fair for four-year-olds not to get some pre-school attendance to prepare them for going into the primary schools.

The problem which has now arisen is that children are coming into the primary schools at all different levels and it is Government's problem. It is getting to be a serious problem. All I can do is try to work to correct the mistake that the last government made in the interest of the children, and that is what I am doing.

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 if it is not a fact that he has been Minister for Education now for three years and that it was within his power to change the policy left by the last Government? Secondly, can the Honourable Minister say if the Ministry of Education or the Education Department feels that they have any obligation to set standards in these schools? And can the Honourable Minister give a list of the 205 children which the last Government put on the street?

The Speaker: The last question is an impossibility, I think the Second Elected Member for Cayman Brac and Little

Cayman know that. If the Minister is prepared he could supply that information at some future date if he has the time to do so.

Hon. Truman M. Bodden: You are quite right, Madam Speaker. If I were a magician I could not answer the number of questions that these two Members have given to me. I really do not think the list of the 205 children is any of that Member's business. He can ask the previous government who turned them out on the street if he wishes to have it.

Going on from that, so much had been changed in the Education system by the last government over a matter of nine months... they had radically changed the full system of the Government. There was nothing that the last government did not touch. I have not been able to deal any more than I have in these last three years with all of the problems they created.

This one is not an easy one. I would like to explain why. When they put the 205 children out on the street, they took the physical classrooms at each school because they added another year to the primary school. There is no way that you can wave a wand and produce reception classes, teachers, physical facilities and everything else to go with it.

The other thing is that if you suddenly add another 60 or 80 children, the size of those primary schools are going to be way above what is acceptable. They are the ones constantly saying that the ratio of children to teachers and the size of the schools... they are constantly criticising. These are some of the results. But they apparently were disregarded by the last Government when the decision was taken there.

The Speaker: Honourable Minister, I know you have explained it three or four times, and I think that you are getting to the stage where you are repeating yourself and it is going towards a debate which is not allowed. Can you just answer whatever is left to be answered specifically and to the point?

Hon. Truman M. Bodden: I have nothing else. It is just that the question is repetitive. It is as if the First Elected Member for Bodden Town could not remember that he asked me a full question which he just asked a supplementary on.

The Speaker: That concludes Question Time for this morning.

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I beg to move the suspension of Standing Orders to allow question No. 241 to be taken today.

The Speaker: Is there a seconder for that Motion?

Mr. Roy Bodden: Yes, Madam Speaker.

The Speaker: Seconded by the First Elected Member for Bodden Town.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

The Speaker: The question is that Question No. 241 be taken and that Standing Orders be suspended to achieve this.

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 will continue with question No. 241, standing in the name of the First Elected Member for Bodden Town.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED.

QUESTION NO. 241

No. 241: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning: a) What regulations, requirements or standards are prescribed for the licensing of pre-schools; b) The number of pre-schools in these Islands by name and location; and c) How many are licensed.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker. In order to become officially registered, a pre-school must meet the following requirements: The operators must submit; a) the Education Department's application form for opening a pre-school; b) medical certificates for all staff members; c) proof of employment and professional certification of one qualified teacher on staff; d) proof that the qualified teacher is licensed to teach in the Cayman Islands; e) copy of the liability insurance for the pre-school; f) a list of all staff members and the jobs they hold at the pre-school.

Reports on the pre-school are submitted directly to the Education Department by the Fire Department, the Department of Environment and the pre-school supervisor.

Once all these documents are submitted, a sub-committee of the Education Council which deals with pre-school registration will then review the application and make recommendation to the Education Council.

When the last Government, in July 1992, radically (and I believe wrongly) abolished the Government's ten reception classes, 205 students under the age of 4 years,

9 months, were left without schooling. The classrooms were used to add a further year to the Primary Schools. This rapid and radical change was detrimental to the young children.

The number of pre-schools in the Cayman Islands total 19. These are as follows:

- 1) Miss Nadine's Pre-School—Templeton Pine Lake, George Town
- 2) Ren & Ren Pre-School—Barnes Road, George Town
- 3) New Testament Pre-School—Edward Avenue, George Town
- 4) Kiddie Kampus—Crewe Road, George Town
- 5) Montessori School of Cayman—South Church St, George Town
Cayman Kindergarten—North Sound Road, George Town
- 6) Karen's Child Care Centre—Smith Road, George Town
- 7) The Toybox Pre School—Walker's Road, George Town
- 8) Wee Care Centre—Smith Road, George Town
- 9) Sunnysmile Pre-School—Walker's Road, George Town
- 10) Little Angels Pre-School—Walker's Road, George Town
- 11) Tiny Tots Academy—Hinds Way, George Town
- 12) Little People's Pre-School—Hinds Way, George Town
- 13) Mini Kids Pre-School—Monument Road, Bodden Town
- 14) Corisue's Nursery—Lower Valley, Bodden Town
- 15) Love N' Care Pre School—East End
- 16) Reina's Child Development Centre—Town Hall Rd, West Bay
- 17) Shauna's Early World of Learning—Barkers, West Bay
- 18) Bothwell's Pre-School—Pond Road, West Bay
- 19) Jack & Jill Day Care—School House Road, George Town

Fifteen pre-schools are licensed. Four schools are being recommended for licensing at the next meeting of Education Council. One pre-school is to be relocated as it does not meet the physical requirements for registration.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Can the Honourable Member say whether one of the licencing requirements is that these schools maintain a certain ratio of trained staff to untrained staff?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Yes, Madam Speaker.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

Looking at this list there is no provision for a day care centre in North Side, can the Honourable Minister say if the Education Department is looking at the possibility of providing such a service in the near future?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: This is now being considered.

The Speaker: If there are no further supplementaries, that concludes Question Time for today. Other Business, Private Members' Motions. Private Member's Motion No. 13/95—Regulatory National Training Programme. The Second Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 13/95

REGULATORY NATIONAL TRAINING PROGRAMME

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 13/95, entitled, Regulatory National Training Programme, which reads: "**BE IT RESOLVED that Government prescribe, by regulation, details for a National Training Programme in workplaces, including the Civil Service, encompassing measures for reporting, monitoring and evaluating the effectiveness of such training.**"

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. I respectfully beg to second the Motion.

The Speaker: Private Member's Motion No. 13/95, 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: Thank you, Madam Speaker.

Private Member's Motion No. 13/95 has been brought before this House by myself and the seconder because we believe it is of paramount importance that a

national, systematic programme of training be started in the Cayman Islands which would provide the opportunity for all persons with jobs to be trained. When I say 'trained', I refer to the definition found in the Collins Revised Dictionary which reads:

"Train 1. To guide or teach (to do something), as by subjecting to various exercises or experiences.

2. To control or guide towards a specific goal: to train a plant up a wall.

3. To do exercises and prepare for a specific purpose.

4. To improve or curb by subjecting to discipline; to train the mind."

The idea is that a national requirement would be prescribed by Government which would apply within the private and public sectors requiring that persons in various jobs receive training to the optimum of their ability, and that the requirements in the various jobs would be known. There would be a system of reporting back to the proper authority in Government, such as the Immigration Department, Personnel Department, Labour Office or one that seems to have come about recently, the Human Resource Unit.

I think it is true to say that people in this country on a whole believe that training is necessary. It is something that is talked about often in this House, and we hear it arise in conversation quite often in day-to-day life. It is of particular importance from the standpoint of preparing Caymanian people to fill the jobs for which they may not presently be prepared, and which have to be filled (at least on an interim basis) by non-Caymanians on work permits.

There is the oft-repeated complaint that Caymanians are not getting a break in the jobs which they could do. I suppose that some of this is true and that some is perception, however, this Motion envisages that Government would forthrightly recognise the need for it by requiring that it be done in all work places so that in order for a work permit to be issued for a non-Caymanian of whatever nationality, the employer would be required to ensure that the opportunity for a Caymanian to understudy in that job was in place.

The need for this is already recognised in the Immigration Regulations. In section 6 of the Immigration Regulations there is a prescription in regard to training and recruitment. I would like to read these two sections. Section 6 (1) reads: **"The Board may require an applicant for the grant or renewal of a work permit to provide details of any programme that he has that is designed to ensure that persons of Caymanian status are provided with the instructions and practical experience necessary to make them fully qualified to carry out the job concerned satisfactorily and as expeditiously as possible."**

Section 6(2) reads: **"The absence of such a programme or the failure to implement such a programme without reasonable cause constitutes a**

ground for denying the grant or renewal of a work permit."

Although this is in the Immigration Regulations, and I believe that it is adhered to, to some extent, or is required to some degree by the Immigration Board, this motion proposes that it will be specific—it will be mandatory, and there would be no situation where a programme was not present unless it was a situation where there was no need to train (for example, where someone was a domestic helper, or something of the sort), but in any other circumstance there would be a training programme in place.

It is already provided that a work permit may not be granted, and, indeed, I have heard of instances where applications have been refused because the Board did not feel that a particular employer or a particular business had provided a proper training programme. The necessity for this training programme does not confine itself purely to the consideration of non-Caymanians training Caymanians in a particular work situation. It also takes into account, say, a Caymanian firm with Caymanian employees, which is not providing sufficient instruction and experience for the employee to learn to do the job which he is required to do, whereupon an employer may terminate the employee and perhaps seek a work permit. This situation could also cause a regular roll-over of persons which really is not helping the employer or the employees. This Motion hopes to put forward such concepts to Government as being valuable and worth implementing.

The Immigration Regulations clearly state that persons should be provided with the instructions and practical experience necessary to make them fully qualified to carry out a particular job as expeditiously as possible. Few people would not see that as something desirable, and I believe that most employers would subscribe to that view—although, from the many complaints I get about conditions in different work places here in the country one would think that perhaps the idea is not understood to the point where employers are doing something that would be to their direct benefit.

The question then arises: How should the programme be designed or devised to provide instruction and practical experience? I suggest that it is possible and within reason for a person in a particular job to be guided by verbal instruction, at the point in time when they may not be doing something right, or could do something better if they knew how.

I also think that one of the best ways to instruct is by means of a written job description which clearly sets out what duties and responsibilities are required of the employee. It is my understanding that there is not a high percentage of job descriptions in the workplace in these islands, particularly in the skilled and semi-skilled areas. I believe that such could be prescribed by Government in the Immigration Regulations, perhaps by adding a section to it.

Instructions can also be given by audiovisual means. This could be accomplished during a 15 minute break on

the job when work was not at a peak, by simply viewing an audiovisual tape—of which there are many in the world. Specialised companies provide these tapes for various categories of jobs which employees could be required to view and then get back into the practical execution of the task.

These are known and tested means by which instruction can be given. It is also possible that instruction can be received from a text or manual. There are other ways and means, those are but some.

One of the main reasons Personnel Management has found why people do not perform well is because persons are often not informed of their particular role and what is really expected of them. What are their responsibilities? What do they especially have to do because someone else is not expected to do that particular thing? Specifically what are their duties which, in effect, amounts to their tasks? What tasks should be performed on a daily or weekly basis in any particular given job?

Another problem in staff performance is that often individual workers do not understand how vital their role is to the overall organisation, or exactly where they fit in both in time and performance in the execution or the completion of the overall job. When they do, it has been found that people respond positively.

Another area that is vital to good performance and learning is to tell a person what standards are required of them, whether they are supposed to fill 50 baskets in a day, or move so many wheelbarrow loads from one location to another, or make so many trips by truck and how many loads they will haul, how many points they will wire in one given day and so on. These are all things that can be done to improve the overall training, understanding and practical experience of workers in the workplace.

Specific experience would be through the performance of the tasks and duties in which they would be guided and instructed. They would also benefit from being taught the best standard methods. There are various ways of doing a job. We hear the oft-spoken phrase: "There is more than one way to skin a cat," but out of all the ways, there is one that has been found to be the best. Learning the best method is important. Of course, the supervisor or the employer may not see the best method, but if they are open to suggestions from employees... it is often amazing how employees not only see the problem, but know the solution for it. Often, through intimidation, fear, uncertainty, or whatever, it just goes on happening one way without any improvement.

The Motion also seeks a form of reporting. Employers should be required to show that they have trained employees. If necessary they could inform the Labour Office where there is a complaint from someone who was dismissed, that, indeed, the employer did provide the training but the person did not take the training, or had the wrong attitude or whatever; or that the employer had a training programme in place but the person did not do the job properly, or perhaps it was a job that Caymanians time and again showed that they had a dislike for. They

would then have proof when they applied to the Immigration Board that they had tried, and exactly what the situation was.

I believe that the best reporting could be done on a prescribed one page form. I certainly think it would be possible to prescribe a form asking pertinent questions on, say, a legal sized sheet.

Some of the things which I think could be included on the form would be basic information such as name, address, telephone number, date of birth, the educational requirements for the job and a notation as to the employee's educational level and prior experience. There could be information as to the extent of the instruction given to the employee, what method or routine was taught to the person on-the-job, the time spent on the instruction and methods; it could include the employees assessed proficiency in the job, their attitude to the job, their initiative, their attendance, did they come Monday to Wednesday and not show up after that? Were they always absent on sick time? Were they tardy? How was their cooperation with others? As required on the application for a work permit, what effort had been made by the employer to find someone locally? That list is by no means exhaustive, but it gives some idea of what I and the seconder have about this particular exercise.

These forms should be sent to the Immigration Board and, for that matter, to the Labour Office or Manpower Resources Office which would have a record on a particular individual. This would serve the purpose for the Manpower and Labour Resources Department if they knew that John Jones was in job 'X', and a report came in quarterly showing that he was tardy, had a bad attitude, or was always calling in sick and the employer had cause to be worried or concerned about it. In a year if the employer chose to terminate such a person, the conditions of what was happening on that particular job would be readily available both to the employer and the Labour Office. Certainly, if the Labour Office thought it wise or appropriate, they could visit that work place and have an opportunity for an exchange with the individual stating that the Labour Office was there to help, but not to help those who do not help themselves in not performing properly.

The Immigration Department would also know that a particular employer is trying to train a person; that they are succeeding so they may expect in a year or two that the person on a work permit could be replaced. It would be an ongoing, monitoring exercise and it would be one which would make things easy for all concerned.

I would think that it would not be unreasonable to require quarterly reporting exercises where a person is filling out a specific set of questions on a properly designed form with specific questions. Of course, if there was a situation where the Immigration Board chose to examine a situation, it is within its power to do so. If, for example, they were not satisfied with the reports they were getting, they could question it.

Such information should also clearly indicate to the proper licensing authorities whether there is cause for refusal, or could assist in making recommendations for that employer for promotions. The results this would bring to all those concerned would be that Caymanians could reach their full potential, and they could experience job satisfaction. Having properly trained persons would certainly mean that productivity for the employer would be increased. It would surely enhance better relationships among the staff with everyone knowing how to do his job, when to do it, etcetera. It would increase profits for the employer and, of course, where service is concerned, customers would find satisfaction by having been served quickly and efficiently.

Government for its part would have reasonable knowledge of what the overall national situation is in the area of labour and work. From the data received, Government would also be in a position to evaluate the effectiveness of the training programme and be in a position to determine what changes they thought necessary in collaboration with the employer or the private sector, or within the Government organisation itself through Heads of Departments and Supervisors.

The knowledge for implementing such a programme is already in place, for Government has expertise in the Government Training Unit. It has expertise in the Personnel Department of Government. It has expertise in the Labour Office, in the Immigration Office and there are various professional consultants available who could be hired to advise as necessary to develop such a programme.

Government is not being asked to spend any pots of money; it is being requested to do what is found to be sound management and to do what many developing and developed countries are doing to improve overall efficiency in its human resources and productivity in the country.

I contend that it is critically necessary to implement such measures as a means of utilising all of the human resources in this country right now. If one needs indicators, let us take the indicator on the West Bay Beach—the Westin Casuarina Hotel—which will need several hundred people. They cannot come from within our work force, but for what our work force can produce those persons would have the opportunity to understand, and be trained to improve their level of skill to eventually start the process of gradual movement upwards.

There is no reason whatsoever that in Government's prescribing a national policy or requirement it should not apply to the Civil Service. Of course, that would be prescribed by the Governor through the Chief Secretary, through the Permanent Secretary for Personnel, going through the right and proper channels. For the private sector, it would emanate through Law, likely the Labour Law or the Immigration Law as it is presently.

The Government has been talking about this since 1993, and such a thing has yet to happen. I therefore recommend this Motion to the Government to cause this

to happen now, and to move forward with this to the advantage of all of the people of this country.

Thank you.

The Speaker: Proceedings will be suspended until 2.15.

PROCEEDINGS SUSPENDED AT 11.40 AM

PROCEEDINGS RESUMED AT 2.23 PM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 13/95. The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, the Motion before the House asks "that Government prescribe, by regulation, details for a National Training Programme in workplaces, including the Civil Service, encompassing measures for reporting, monitoring and evaluating the effectiveness of such training."

I should say from the outset that this Motion is asking the Government to do something which it is already doing. Obviously, the National Team Government has the greatest concern for training and human resource development, that is why we established the Manpower Development Advisory Committee which has worked for over a year to produce recommendations to Government.

I would like to deal with a few of those recommendations, but before I do, I would like to briefly deal with this aspect of the Civil Service. The decision on the training of civil servants is the responsibility of the Public Service Commission which is set up by law and regulation. Constitutionally, the Governor is solely responsible.

The Member introducing the Motion has said already that there exists a training capacity within the Civil Service, however, I feel that we can make some recommendations. The Advisory Committee has done that. I would like to read from their recommendations, paragraph E: **"The Committee also recommends that the Civil Service salary scale be reviewed to assess whether any inconsistencies and de-motivators exist. Additionally, a comprehensive training and succession plan for the Civil Service should be developed and implemented."**

The Government feels, and the recommendations put to Executive Council say, that there is obviously a need for a new or comprehensively revamped and specific national framework to deal effectively with the important objective of manpower development and training. We full well recognise that this cannot be done over night. But the recommendations are that the Committee recognises that a national manpower planning and implementation capability should be established if the country is to experience success in this area.

It sets out the functions of the Unit which would include information gathering, assisting in the development

or modifying of labour and training policies, assessing the labour implications of new projects and businesses seeking permission or licences, monitoring the expectations issued on grant or renewal of work permits, coordinating training programmes and initiatives or schemes, and generally fostering an environment of a partnership for training amongst the employee, employer and Government.

The next recommendation sets out to reduce the incidence of bias towards certain professional and post secondary qualifications. Several actions would be needed: 1) job vacancies should be classified in accordance with international labour organisation codes, for example, so as to standardise the job requirements and descriptions and assist applicants to better understand the job being advertised; 2) the stated qualifications and credentials of foreign workers should be verified, classified and also conformed to the standard code for Cayman.

It says that this can be achieved by the establishment of a National Equivalency Committee. The recommendations set out to deal with what the Member spoke about in regard to work permits—to reduce the incidence of unrealistic and inconsistent advertising for employment. It recognises several actions which would be needed. There must be safeguards in the advertising procedures which ensure that local Caymanian applicants are encouraged to apply. Advertisements should state the title of the job, type, name and address of the employer and the salary range (2) the conditions and procedures of advertising and submitting applications for work permits.

If Caymanians apply for the vacancy, the Committee says that the employer should submit these details with the application for the permit by submitting: (a) the name of applicant, qualification and experience background; (b) reasons why the applicant was or was not successful; (c) a copy of the refusal letter and interview report for the Caymanian applicant; d) a copy of the job description and expatriate applicant's resume.

It says that there should be a penalty for false advertising, or for advertising simply as a formality, unless exempt from advertising by Government policy for specific posts, industries or sectors.

There should be a penalty for false declarations by the employee for which the work permit is being sought. The employer/applicant is liable in such circumstances. It recognises that Caymanians who applied for the vacancy should be encouraged to send a copy of their application to the Immigration Board. I believe that some of these recommendations are being put in place already.

The recommendations also support consistency in the salary and benefits package for Caymanian and non-Caymanian workers who perform the same jobs. It says that there should be some means established of monitoring this and a penalty for abuse. In the event of a variation due to lack of qualifications or experience, there should be an incremental movement in salary and/or benefits when this gap is closed.

Crucial to the work of the implementation capability (that is the next stage) is the access to current and quality information. This is not readily available now. The Committee recommends that a proper labour market information system be developed—the use of essential features of Organisational Classification and Action Plan for establishing the system is shown in the Manpower Demand Survey Report of 1990.

As previously pointed out, the function of the activities of the new Manpower Capability should perform a range of services possibly in tandem with existing departments of Government, Labour and Personnel, and non-Government organisations, private sector associations. These activities should include information matching job opportunities, promoting manpower development and training, assisting in improving the skills and productivity of existing and new workers in all sectors. Future projects and programmes should be evaluated to determine their enjoyment and training implications.

It is evident that we have not been lying down, that a lot of effort has been put into these recommendations by the Committee. The recommendation is that the Manpower Planning and Implementation initiative would introduce a comprehensive national training initiative which addresses the gaps in skills from the vocational level up to the professional level in all sectors. So, Madam Speaker, we are not sitting down as the Member stated.

It recommends an apprenticeship system. My Ministry has formulated a document to implement a comprehensive scheme which will now be sent to Executive Council for approval. Already throughout the country we have different organisations which have set up apprenticeship schemes, American Airlines being one. Caribbean Utilities Company is doing a good job in regard to training and has set up and hired special training officers. So more and more companies are recognising that they have a job to do in partnership with Government and that Government is not going to sit down and allow this situation to continue where our people are not given proper training.

The implementation stage now, the overriding principle which guides Government's deliberations is one of partnership between Government and the private sector which we see as being essential.

As I mentioned from the outset of my debate, the Government is very committed to a comprehensive assessment of Cayman's long-range manpower development and has demonstrated its wish to allow this process to be as democratic and participative as possible. Where Caymanians have relevant qualifications there must be opportunities available, given the number and range of jobs in our country, for them to prove what they can do. But the whole point of manpower development is that it seeks to address that first step—the acquisition of relevant qualifications.

I should say that as much as we have done in the Student Loan Scheme, or any other initiative taken toward the objective of manpower development and train-

ing, it will not be 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 and others seem to be rather passive. 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 skill development.

To put it bluntly, this latter category seems to sometimes actively discourage employees, if they have any—Caymanian, that is—from progressing. This will do us no good in the long run, and I hope that such employers will begin to facilitate their employees in taking advantage of training that is already available. Certainly, this is what the Manpower Development Strategy is all about.

We recognise that a form of apprenticeship or understudy guideline is needed. To my mind there is a need for the means to be in place whereby in our main industries there is an understudy who is given every opportunity for career advancement and genuinely assisted so that the day will come when that person will be filling top and middle management positions. 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 the upward mobility for all willing Caymanians in our work force.

I have said before that it must 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. Also, 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 this 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 our own country as we all rightly should. Surely, it is not expecting too much, nor should 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, who is naturally on a work permit. This is, and must be, the natural course of events in any small developing country, and the Cayman Islands should be no different. This is certainly the way that I feel it should be within our country.

As I said earlier, there are some companies doing business here which have given many workers opportunities 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. I take this opportunity to sincerely commend those companies for so doing.

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. Today, in spite of the many criticisms aimed at the Government, 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.

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 secure future of their business and, accordingly, a wise contribution to the stability which makes the Cayman Islands a good example in this sea of unrest and uncertainty around us.

The Government feels that its initiatives in this area, particularly in regard to student loans and other funding for students, manpower development and labour reform will be of great assistance in realising these objectives.

If Government was not doing anything, if we had not started from scratch, then the Opposition would have credibility in asking us to do something. But no one who is honest and sincere about what they are asking in this resolution can say that there is not now an ongoing initiative for a National Training Programme. It will, as the recommendations have stated, encompass measures for reporting, monitoring and evaluating the effectiveness of that training initiative. No one, who is not trying to just put down the Government for the sake of being Opposition, can say different.

This is not something that is going to take a short period of time, because even when you try to bring a law there are opponents ready to jump on the band wagon to browbeat us and tell us that we are mashing up the country because we want training. Already there is a move in certain quarters to put a monkey wrench in the efforts of my Ministry and that of the Government in this training initiative.

I say here today in all sincerity, if we as a government be so weak as to allow any business in this country to head off or to dismantle what we are now trying to do, which at least two dozen people have been working on for the last year and more, then God help us, because while we are reasonable today, you can be sure that those coming behind us—the young people in this country—are not going to wait forever. There is no reason why in this progressive country we cannot move faster with the upward mobility (as I like to call it) of our own people. This is what the Government's Training/Manpower Planning is all about.

Some time ago, probably five years ago, the then Government did some sort of demand survey. But it lay hidden in the cupboard and nothing was done for years. Now they expect me to do this overnight. The same ones that are jumping on the band wagon saying that I must do

it now, are the same ones who are going to get up when the businesses pounce on McKeeva Bush—they are the same ones who will have meetings with them and encourage them to stir up trouble saying; 'They are not doing the right thing. Break them up. They are not doing the right thing.' My conscience is clear. I believe that we are on the right track and I am praying that the private sector will as a whole join hands with Government in implementing the recommendations as put forward by the Manpower Development Advisory Committee which is dealing with specific national frameworks with the objective of dealing effectively with manpower development and training.

Accordingly, I see no reason why I should offer any support to pass this Motion because they are only trying to do something which they know we are already doing. If they can convince some group or persons that the National Team is not doing anything they figure they can gain a vote. I say to the two Members, join hands and try to let us get on. When they know the private sector is going to brow beat the Government, stand up with the Government, do not beat down the Government.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I rise to offer my support to this Motion because what is requested in the Motion is something which will be of tremendous benefit to the development of this country, both economically and socially.

Having listened to the Honourable Minister, I am left to arrive at the position that he completely misconstrued what the Motion was asking for. He went off on a tangent talking about student loans and all of that kind of thing. The Motion made no mention of student loans. What we are talking about, and what we are expecting is for the Minister to say whether he and his Government are minded to prescribe a national training policy in tandem with the private sector.

I note, too, that every now and then he made mention of people ganging up with the private sector on the Government. My reply to that is that if the situation were handled the way it should be handled, it would leave no scope for anyone to gang up on the Government. It seems to me that what is necessary is a sound policy presented in such a way as to be so attractive to the private sector that they could see the merits in the partnership. That is all.

I therefore must come to the conclusion that two things are lacking: either the political will to prescribe the national policy, or the ability to put such a policy together so as to make it attractive to the private sector.

The Mover elaborated at great length as to the efficacy of the Motion. I would like to spend some time on articulating how I see the partnership working. But, before going into that, please allow me to say that one of the great advantages of this (should it be developed as a

partnership) will be that the private sector will have available to itself a trained, loyal, and professional work force. The Government will be rid of a great responsibility in having to provide for people who are unemployed, or unemployable because they do not possess marketable skills.

I share a certain obvious disappointment in the Minister's position because I vividly recall that he once made a statement in the newspapers to the effect that he was going to create solutions for the unemployable. This is what we are talking about; this is what this kind of training policy would seek to bring in to the forefront.

There are many lessons to be learned from what happens in the industrial world. Allow me to remark at this juncture that perhaps if we were to search we could get all the assistance we would need in this kind of situation from the National Labour Office in Geneva, Switzerland, the main thrust of which is putting together these kinds of programmes, advising and offering support to developing countries this kind of expertise and monitoring at no cost.

Every time the Second Elected Member for Cayman Brac and Little Cayman and I bring a sensible Motion here all the National Team Government can do is try to put it down because they claim we are trying to get votes or credit. Madam Speaker, let me say something: I did not see CITN taking any poll to say that we had a 52% disapproval rate and a 38% approval rate. So we are not about the business of getting votes. What we are trying to do is help Government keep on track to do what it should be doing to help the people. That is the Government's responsibility.

The world knows that one of the greatest economic successes lies in the Japanese society. All and sundry know that the reason for their success is that they have the best, barring none, training programme in the world. Even the great United States, the bastion of industrialisation and capitalism, has begun to use Japanese's models in certain of their industries in training programmes.

A case in point: What happens in certain sectors of the Japanese economy and work force? Anyone entering, enters at the same level, be they university graduate, high school graduate, or high school drop out. They go through a period of training peculiar and special to that particular organisation. After that initial period of training has been completed, then the employers allow employees to progress at the rate their ability and intelligence allows. So it is possible for someone to come in at a high school level at the same time as someone with a university degree and the holder of the high school diploma rises above much faster than the person with the university degree.

That is not unlike the principle in the Civil Service, which is a specialist service based on the fact that whether you have a degree or you just came in out of high school, you have to go through a special orientation. Your rise up the ladder depends on your ability to interpret and carry out the prescribed rules of the organisa-

tion. That is what we are talking about—a training programme which incorporates and inculcates this kind of training.

The strong point about this programme is that while you are offering this kind of training you are also building loyal employees. When you invest in this kind of training and these techniques, particularly if there are several things peculiar to the organisation in which the employees work, they are going to stay in the organisation longer, they are less likely to be mercenary.

One of the striking things that I learned when I had the privilege of doing a training attachment in Japan some years ago, was that Japanese company employees almost invariably never leave the parent organisation. Indeed, when someone has been trained by a particular organisation and they introduce themselves, they introduce themselves as being an employee of that organisation. We in the West, say, 'I am Roy Bodden, the son of Sunshine.' They would say, 'I am Mr. Henry Lee of Nissan Motor Company,' or Toyota Motor Company, so important is the attachment and so loyal are they to their place of employment.

I also found out that one would be regarded with suspicion if he attempted to leave one organisation and go to work for its competitors. The reason? They place great value in the time, money and concern which was given to them to provide the training so that they could move forward. They take great pride in that.

What we are saying is that the spin-off from this type of programme would be far away and beyond the purely economical, although we cannot discount the feeling of self-worth, the economic earning power and the prestige that it would afford these people who are enrolled in such a programme.

I want to speak a little bit about how we can monitor this programme. I would see, as mentioned by the Mover, that there would be a special form on which the report would be made in a prescribed form which would be standard throughout all organisations in all the places of employment. On this form would be the name and age of the employee, the title of the job for which they are to be trained, and their educational or entrance level (very brief)—university graduate, high school graduate or mature, if they were not a university or high school graduate but had reached an age anywhere past high school graduation.

Next, a detailed description of training, whether they were training for a mechanic, if it was specialised; if they were going into the electrical aspect of it; or if they were going into the air-conditioning aspect or some other specialised form; how long the training would take; what would be the evaluation steps, whether they would be formal exams constituted, or whether it would be purely based on completion of projects at regular intervals.

Then would follow information on the supervisor. What was the supervisor's experience? There would be a place for comments by the supervisor. This form would be required to be submitted to the Department of Labour,

or the Manpower Office or Human Resources Office on demand.

In addition to that there should be a section called 'Inspectorate' which could arrive at a particular place of employ at any time and request to see the training records.

In the event that things do not go as planned... What if we have an employee who is not progressing as rapidly as he/she should progress? There should be clearly spelled out what steps would be in place when this happens. For the system to work there should be little or no room for ambiguity. If the person is good at the practical but not at the theory; or good at the theory but not good at the practical... in other words, there should not be a situation which can cause ambiguity so that when the Department of Labour says that they consider that training period concluded, the trainer should not be able to say the trainee has not lived up to expectations, therefore they have to find another person to train, thereby automatically extending their stay. If the form is sufficiently clear and the policy is sufficiently clear, it will eliminate these kinds of misunderstandings and ambiguities.

That is simple enough. That is standard in countries which have nationally prescribed training schemes. As a matter of fact, the Japanese Government, in the Ministry of International Trade and Industry, sets up these kinds of programmes in any country where Japanese companies have manufacturing or sub-assembly plants. They provide the training for the host countries themselves. There are scores of models for us to choose from if we are serious.

It is important that we pay serious attention to this request if only because it is impractical for us to think (as ideal as it seems and as much as we would like) that everyone will embark on a four year university programme. So we should make these kinds of training opportunities available. Indeed, certain training in technical areas is based on these kinds of programmes where the formal classroom time is limited and on-the-job training is more demanding and strictly supervised by virtue of a structured apprenticeship programme.

Such a policy would be especially helpful in re-training certain persons. Certainly, in a country where, for example, the tourism industry is to a certain extent seasonal, where the construction industry fluctuates, it would allow for a certain flexibility in those persons who participated in such a training programme by affording them the opportunity to move into the labour force where the demand is greatest for the kinds of skills they have to offer.

It would afford Caymanians the greatest opportunity of employment prospects by virtue of the fact that having been trained and experienced they would be automatically in line for the most attractive of these jobs whenever there were vacancies. That would allow us to always maintain a certain standard for our people where they would not have to worry about being surpassed or being inundated by outsiders.

Of some importance also, is that it would allow the participants in these kinds of schemes the flexibility and the enrichment of being involved in a technical area for a certain number of years and, eventually, if they were so disposed, to move into a completely different area. That would allow them the flexibility and the opportunity to move from a blue-collar level up to a white-collar level if they so wanted. They could save some of their earnings and further themselves by taking courses at the Community College or eventually going to a university. What we would have is a society where some of the people could be cross-vocational if they so desired.

All successful societies offer this type of training programme for their citizens. What we are asking for is simply a national policy prescribed for all and sundry.

I want to say too that it affords great opportunity for partnership between the private sector and the Government. When saying that, I do so with the full realisation that the private sector is eminently equipped to help the Government implement these kinds of training programmes successfully, particularly multinational or transnational corporations in that they will have had years of experience in other countries if not from their countries of origin.

I stand here believing that were such a proposal put in place, the attractiveness could be seen and understood, the proposal would be a partnership, it would be expressed with little or no room for misinterpretation or ambiguity. I am sure that the private sector would find it palatable—if for no other reason than it must be more attractive (it is certainly less expensive) for the private sector employers to employ people from the Cayman Islands as against bringing in foreign nationals to do these types of jobs, particularly, where they involve seasonal labour.

I do not buy the excuse that the Motion is brought here out of political expediency. The same way that the Government can invite us to stand with them... and certainly, Madam Speaker, let me say on that note that we have no objection to standing with the Government as responsible legislators when the Government is right. We have done so in the past, and we will continue to do so.

But there is another side to the coin. That is when we, as responsible legislators on the Opposition, bring Motions that the Government could put into effect for the good of the country, we expect them to see the efforts for what they are—even if they have to modify them to accept them—because, believe you me, it is true to say that we on this side (that is, the two Opposition Members) are as blue-blooded as any Member of Government, and we want the same things for the country that they want, namely, the best.

So, I give my full support to this Motion and pray that the Government may soften their old iceberg hearts and see the merits of this Motion and accept it for what it is—something which will greatly benefit our people to the credit of Government and Opposition alike.

Thank you.

[Pause]

The Speaker: If no other Member wishes to speak, would the Mover 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 listened to the reply from Government with regard to the acceptance of Private Member's Motion No. 13/95, Regulatory National Programme. I do not think it is because it was Motion number 13 that it fell on hard times or rejection. It seems to me that it is standard procedure when Motions come from myself or my colleague, the First Elected Member for Bodden Town.

The Minister for Labour (among a majority of other things) alluded considerably to a document which he presented in this House in July 1995—Manpower Development Advisory Committee, Recommendations to Executive Council. I do not necessarily know the workings of this Committee (who is on it, how many and so on), but I do note that it is supposedly recommendations to Executive Council. In the time that he spoke, I was not able to arrive at what has been Executive Council's attitude or decision regarding these recommendations.

I would like to refer to some of the things he said and, indeed, what this document said—noting first that this was in July (and we are now almost at the end of the year) and apparently a decision is yet to be taken and something done about the recommendations.

In the recommendations, at (a), it says, and I quote: **"...need for a new or comprehensively revamped and specific national framework to deal effectively with the important objective of manpower development and training. Crucial to this new frame work will be the development and promulgation of clear and fair expectations on what Government expects from employers and employees on the subject of manpower development training."**

If I pause there, Madam Speaker, I say to the Minister and the Government that they should accept what this Motion asks for, for this Motion is asking precisely for clear and fair expectations of the Government to be expressed through a policy that says there shall be training nationally in the work place. A very simple, fair, straightforward statement: that Government requires the training be done nationally.

In this document, which the Minister referred to, it also says: **"Assuming that the Islands economy will continue to grow at existing levels, and the difficulties encountered with managing the rate/pace of growth, the number of work permits are unlikely to decline significantly in the short term, and the training of Caymanians will be an even greater priority."** How right I think they are.

I used the example of the Westin Casuarina Hotel this morning where there will undoubtedly be hundreds of people employed, and that is a good point for the signifi-

cance of training. This document goes on further to say: **"The issuance of work permits within the framework of a clear training policy must become a strategic interest."** It is as if this document is arguing the request before the House.

Another section says: **"The Immigration Board needs to stress more effective training and promotion of able and willing Caymanians in accordance with the conditions/expectations on work permit grants and renewals."** Again, great foresight six months ago.

It also goes on to note: **"In addition to other benefits accruing to employers and employees from this approach is obviously the reduction of frustration due to uncertainty and changing expectations."** This Motion is not a new motion, for in September 1993 I moved the same Motion asking the Government to take some action then. I think that any one would admit that a bit of time has passed since then—more like two years—and Government was supposedly doing something then about it.

I say that because the Minister (who is still the Minister today) who had then assumed the responsibility for Labour said he was doing something about it. I quote him from the Hansard, 30th September, 1993: **"Madam Speaker, as I said in the House the other day, I assumed responsibility for labour matters on the 31st of July [that must have been 1993]. Since that time, we have been familiarising ourselves with the functions of the Labour Office, and identifying areas pertaining to labour issues which will receive policy emphasis."** It has taken two years and more of emphasising, apparently without results.

I quote the Minister as also saying: **"Any conceptual guidelines, or systems, with regard to national training must realistically relate to our economy and our labour market."** I agree. **"I believe that there are key areas for partnership between Government and the private sector in connection with training because we realise that there is not enough emphasis on it. This whole matter of training and opportunities for Caymanians, not only for training but opportunity otherwise for promotion, is something that we have already started to act on."** But even now, the Government is not in a position to make a policy statement to say that there should be training in the workplace nationally.

The Minister also added: **"We cannot be fish and fowl, Madam Speaker. When I say that, we cannot expect to take in the whole world and then have a chance for our people. What we must do is see that our people are given the opportunity and they themselves must have the will to move forward. They cannot say, 'I am a Caymanian, therefore I must get this or that job'."** That is true.

But, Madam Speaker, two years have passed and we have reached the time... not that anything is wrong, in my opinion, with the major recommendations to Executive Council, but they are touching on things such as student loans and all the rest of it. This Motion is not by any means getting into that broad of an aspect in this country

in its request. It is simply saying *take the first step and prescribe a policy that there shall be training*. When you do that, then tell the persons affected what you mean by training and how they will report it to the Government.

There was quite a debate at that time. The National Team Government was at its zenith; mashing and smashing me and my colleague from Bodden Town was the order of the day—not that it has changed much. There were many more people for doing something about this matter than those against it.

One against it at the time was the lady Member from George Town, who said: **"I would like also to assure Members of the House, and the listening public, that Government is trying to make sure that everything is in place for training in the workplace, and that our people are properly trained. If I did not have faith in the Honourable Member with this, then I would have to support the Motion. But I am not going to support this Motion, Madam Speaker."** It depends upon what this Government calls 'doing something' about a particular request.

I quote, again, from the views of another Member, the Fourth Elected Member for George Town, who said: **"These people who do not know what kind of training policy to implement within their workplace, some of them are saying: 'I have six employees and two of them are on work permits' (I am just using this as an example), 'and I cannot believe that Government expects me to hire two more Caymanians to start up underneath the two work permits that I have so that they can learn what the two people who are holding the work permits are doing.' This is the type of misconception that, in my estimation, abounds."**

I think the Member was correct. What this Motion is asking for, is to make it clear that this type of misconception is not the case.

The Fourth Elected Member for George Town went on to say that: **"...it is simply to have, by regulations, some guidelines for the various sectors of the private sector where people know exactly what is required of them and which way they need to go in order to satisfy what Government thinks is a reasonable direction to train Caymanians."** [1993 Official Hansard Report—1 October, 1993]

More than two years ago, this was the opinion of Members of this House. At this point in time, the Government is still refusing to say to the people of the country that there will be a training policy and that this is what they expect as a simple start.

The Second Elected Member for George Town also spoke in favour of this. I quote what he said: **"Personally, I would like to see a greater effort on the part of the private sector to ensure that there are training programmes in place. I know, as we have heard, that efforts are being made in this direction. But it is my personal belief that more effort can be made in this regard. As we campaigned last year this was one of the things that we dealt with, and what I contend is that over the last nine months things have changed, to some extent, because of the efforts made by the new Government. But there are still needs out there,**

everything is not rosy just because of efforts we have been making over the past nine months. There is a need to encourage proper training programmes, to put the pressure on private firms, to insist that these private firms do train our people so that they can graduate into the upper categories of work and become executives and, eventually, manage the various companies." [1993 Official Hansard Report—30 September]

Madam Speaker, all that this Motion is asking the Government to do is to say whether it really wants training or not. If the Government states that there shall be training, then such will obtain as Government's national policy in the private and public sector through the appropriate authorities, hierarchy system.

Then, to prescribe the details on the reporting it has been suggested (and I believe it is a reasonable way of so doing) that it be done on a straightforward form which is sent to the proper authority in Government, and that Government, in regulations which can be easily changed without reference, come into the Legislature to do it; that it be prescribed so that employers know that we expect them to give their employees some instruction be it verbally, through a manual, a lecture, a video, or whatever; and that they give them the opportunity to learn and acquire the skills for that particular job and that they report their assessment to us.

By that means Government is in a position to know whether the Caymanian given the opportunity is progressing or not, or whether it is a position where we should grant a renewal of a work permit. That is all this Motion is asking for. It has nothing to do with hindering the wide and outstanding scope of what is envisaged in the recommendations to Executive Council.

In fact, it helps it along by taking one small step in the right direction. It is the same old song; the same old music that the Government has been singing to for three years, but it seems like they are not prepared to dance. Certainly, the expectations of those people who can be helped are not being fulfilled.

This Motion means exactly what it says, and it presents an easy request to which Government can comply. I, therefore, once again recommend this to the Government as something that is necessary.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion 13/95: "**BE IT RESOLVED that Government prescribe, by regulation, details for a National Training Programme in work places including the Civil Service encompassing measures for reporting, monitoring and evaluating the effectiveness of such training.**" 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. 14/95
Private Member's Motion No. 13/95

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 11

Hon. James M. Ryan
Hon. Richard H. 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
Mr. D. Dalmain Ebanks
Mrs. B. L. Thompson Murphy
Capt. Mabry S. Kirkconnell

ABSENT: 3

Hon. Thomas C. Jefferson
Dr. Stephenson A. Tomlinson
Mrs. Edna M. Moyle

The Speaker: The result of the division is three Ayes, 11 Noes, the Motion therefore fails.

PRIVATE MEMBER'S MOTION NO. 13/95 NEGATIVED.

The Speaker: The next Motion is Private Member's Motion No. 15/95. The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 15/95

CREMATORIUM FOR DEAD CARCASSES

Mr. Roy Bodden: Madam Speaker, would the Chair oblige me by waiting for a moment? I just requested the Serjeant to bring me a copy of the Motion. [Pause] Thank you for your patience, Madam Speaker.

I rise to Move Private Member's Motion No. 16/95, which stands in my name, entitled, Disaster Relief Fund...

The Speaker: Excuse me, Honourable Member, Private Member's Motion No. 15/95, Crematorium for dead carcasses.

Mr. Roy Bodden: Madam Speaker, there is a mistake on my Order Paper because that is what I am going by. I beg your pardon.

The Speaker: I thought we should end with the carcasses this evening. [Laughter]

Mr. Roy Bodden: Please, Madam Speaker, I crave your further indulgence. [pause] Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 15/95, entitled, Crematorium for Dead Carcasses, standing in my name, which reads: **"BE IT RESOLVED that Government consider procuring a crematorium suitable for the disposal of dead animals."**

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. 15/95, 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 moving this Motion, it is my observation and understanding that there is a need for such a facility, as the practice which now exists is highly unsatisfactory, unsanitary and unhealthy.

It is safe to say that we have developed a consciousness about our environment and the ecology, as well as about practical and safe practices regarding the disposition of these kinds of carcasses which prohibits us from disposing of them in the traditional ways known to Caymanians; namely, simply digging a hole and burying them, or dumping them at the dump site.

As one moves around the island, it becomes obvious that we have more than our fair share of wild dogs, to name but one type of animal which causes this type of problem. It is my understanding that the Department of Environment has tried to come to grips with this problem but their efforts have been stymied by the fact that there is a plethora of problems brought on by these numerous animals; namely, owners trying to dispose of them.

Importantly too, the problem does not only lie with the disposal of carcasses from nuisance dogs, but with other animals as well.

The Motion specifically requests a crematorium because this is the most efficient way of disposing of these carcasses, as well as being the safest way in terms of the elimination of any bacteria or liquids which may go into the ground and contaminate it. I firmly believe that, not only would this be a sound investment, it would eliminate what is obviously a grave and growing health hazard.

I make this request to the Government in the hopes that they may see fit to investigate into this problem with the view to providing the best solution.

Thank you, Madam Speaker.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

I speak on behalf of the Government on Private Member's Motion No. 15/95.

I would like to say that the Government has a suitable disposal procedure in place for dead animals in this country. An area of the dump has been identified for this purpose and, unlike what was just said by the Mover... I am wondering if he knows where the dump is, because that area is identified as the dump and one would find nothing less there, and one would not expect to find water underneath that dump not contaminated.

The way it is presently being used is a cost effective way which has worked to date. Where we are advised by medical personnel that dead carcasses should be incinerated, we will do so. Of course, it will be done through Government's equipment at the same dump.

Instances where this will take place would be where it is believed that dead animals are infected with certain diseases and, no doubt, every step is taken at that time to ensure that no further contamination is spread. With regard to the ordinary death of animals, there is no reason why we cannot use the system which is presently being used. The area has been identified, a large area is cleared, a hole is dug, the carcasses are buried at a depth where they can create no more stench than one would smell when one visits a garbage dump.

What I would like to draw to the Mover's and Second's attention is what it costs to collect garbage and to dispose of garbage, and ask if they can honestly justify spending the kinds of funds it would take just to say that we are going to incinerate wild dogs. I am certain that the Financial Secretary can enlighten them on how much is spent on a yearly basis and what is collected in return for the service.

Every time the wind blows, one should not jump on the band wagon and come to this House with a Motion. I was expecting this Motion because some weeks ago certain individuals took a field day at the public dump. They took pictures and have been circulating them to various people in the country. The photographs showed where the Turtle Farm had dumped some of the refuse from the farm, namely, the intestines and heads of some of the animals; it showed where the Department had dumped some dogs. That is the place where that should have been taken.

Although the person snooping knew when to go to see it... yes, it had not been covered. Some people will try anything to prove a point. I know exactly where this is leading to because presently on this island today is an incinerator in the middle of a subdivision that is privately owned which was erected without Planning Permission. This is exactly where this Motion is leading to.

As far as I am concerned, it had no authority from me to come into the country. It came here prior to, and should have met with Planning permission. As far as I am concerned, if it is hoped that I will recommend that Government use that facility, one would be wrong because there is no need for it at this present time.

It is unfortunate that mountains are made out of mole hills. It is strange that people tend to know what garbage dumps are because I have seen them all over

the world, and I have never seen one yet that did not put off a stench.

The Department of Environment and my Ministry are aware of the situation at the dump. We are constantly working there to try to upgrade it and if we see the necessity to upgrade this area to something else, I will be the first one to recommend it. But I will in no way try to create extra expense on this country at a time when we cannot afford it.

Therefore, my Government supports me in not supporting the Motion which is before the House.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I think if anyone needed confirmation about priorities out of whack, they would be convinced by the reply I just heard from the Minister responsible for garbage dumps in the country.

I seconded this Motion because I am aware that there is something called disease. Disease comes from all sorts of areas, including mosquitoes which fly around (of which we have an abundance) and often bite people; dengue, and the like, created there.

Hon. W. McKeeva Bush: A true revelation.

Mr. Gilbert A. McLean: We have another insect called flies, and they tend to fly around the environment as well, and while they do not normally bring a stench, they do not bring perfume. They do carry germs.

The Minister has seen, like I have, some pictures of turtle heads, dead dogs, and all the rest of it in the dump. I was absolutely astonished to believe that that is the way carcasses are disposed of.

As far as I know, the Hospital and the Health Services recognise that there is a need for certain items to be disposed of in a certain fashion. That is why I have seen at the Hospital red plastic containers labeled 'Medical Waste', which are supposed to be disposed of in a certain way; that is why I think I see certain vans or trucks marked with certain signs that they carry certain infectious waste. If it seems out of place to the Minister, it certainly does not seem out of place to me, having learned that much about environment and disease.

It is my understanding that there used to be a furnace or an incinerator at the hospital for certain medical waste. I do not know if it is still there on the compound, perhaps it has moved elsewhere, where these things were destroyed. I am also told that they burn ganja and cocaine in this country because they really want to get rid of it. I do not see any reasons as to why carcasses of animals could not be disposed of by burning if that would limit the possibility of creating disease.

I believe that the Minister is aware that there are incinerators in this island set up in subdivisions without approval of himself or the Planning Department, then it is his unquestionable duty to do something about that, and

that would not necessarily be, in my opinion, to allow them to continue there; or even for people who have such things on this island which are unlicensed to make an approach to the authorities to put them in use.

The reason why I am supporting this Motion is that I am aware that there is a problem in this country in terms of finding space for garbage dumps here and in Cayman Brac. No one wants the garbage dump in their back yard. The irony is that those who have the most are normally the ones who produce the most garbage and they always tend to want these things in the area of those who have the least.

I recall that right in George Town about four years ago there was a major outcry when the last Government was attempting to take in space that had already been designated for a dump in this country.

POINT OF ORDER

Hon. W. McKeeva Bush: Madam Speaker, on a point of order.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: I am drawing the Member's attention to Standing Orders dealing with relevance.

The Speaker: He had not finished what he was saying, so I cannot rule on that. I think he started to say something about an area for a dump.

Would you please continue, Second Elected Member for Cayman Brac and Little Cayman, then I can make my ruling.

Mr. Gilbert A. McLean: Madam Speaker, the Minister started off about garbage dumps and that being the place for carcasses. I am making the point that we have extremely limited space in this country—it is a major problem in this country—and my reasons for wanting this particular item that is going in a garbage dump, but should not rightfully be there, and therefore why I seconded this Motion. I think that is relevant.

The Speaker: Honourable Member, I think you started saying that some place had been suggested for a dump. I want you to finish that thought, you did not quite finish. I think that is the point he was rising on.

Mr. Gilbert A. McLean: The place I am speaking about is the very same garbage dump that has not been fenced in, and so on, which was to be fenced in and lined with certain liners to protect the environment. There was an outcry about the expansion of that dump, the very place that is now being used.

The Speaker: Thank you. I think that is quite relevant, Honourable Minister, and I will allow him to continue.

Please continue, Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Following on the matter of the places for disposing of refuse in this country, anything that can be done to dispose of materials through burning or other means provides an opportunity for having that much more space for those things which must be disposed of in a dump.

This Motion speaks specifically about the health of this community, the health of us all. We know that flies and mosquitoes do not suffer from any type of prejudice whatsoever. They are like death—they deal with us all equally. So, this Motion should hardly be treated facetiously. I think it should be taken seriously.

If the picture which the Minister alluded to was run in the newspaper, it would shock us all and we should see the very great need for this Motion here this afternoon. The Minister of Health and the Minister of Planning and Environment and garbage and everything else would be very concerned as I am.

I support this Motion because it is about health, about people; it is about a clean, healthy environment.

The Speaker: If no other Member wishes to continue the debate, I would ask the Mover of the Motion if he would like to exercise his right of reply.

Mr. Roy Boddin: Thank you, Madam Speaker.

I must say that while I had not expected the Government to accept the Motion, I was a little put off by the Minister's reasoning. To say that the country does not need a safe, proper and sanitary disposal unit for these kinds of carcasses—when we profess to be the leader in the field of banking and tourism—is to set oneself up as being as shallow in one's reasoning as a crab's back.

I do not know anything about anyone bringing any device into the country, instrument, utensil or machinery for such disposition illegally. If the Minister knows, then I challenge him to do something about it.

I brought this Motion to the floor (with the help of my colleague, the Second Elected Member for Cayman Brac and Little Cayman) because it is an untenable and unhealthy situation, a time bomb and a health hazard, and it should not be allowed to continue.

If these are the same photographs, I would now invite the Serjeant-at-Arms to lay one set on the Table and to provide another set to the Chair. I beg you to 'steel' your stomach because these photographs are not pretty at all.

These photographs were taken around the 4th to the 18th of September of this year. Certainly, to dispose of dead carcasses of turtles, cows and dogs through a hole in the ground marked 'Dead Animals' is not good enough for the Cayman Islands on the eve of the 21st Century when we are just about to vote \$202 million in a budget.

It poses a grave health hazard. As I understand it, the compound where these things are disposed of is not safe from predator animals. Certainly, flies and mosquitoes have wings. The matter having been treated so cavalierly by the Minister speaks with a resounding contempt for the health of the people of these islands. I hope that those involved will take note. I have no ax to grind, other than to see that the health of the people of this country is preserved by eliminating these kinds of hazards and wastes. I consider that the Seconder of the Motion and I have executed our duty to the best of our abilities, we brought the matter here before the Government and the Parliament of this country.

I know from my little knowledge that the efficient and safe disposal of these kinds of wastes is the concern of countries the world over. In the stone-age we resorted to burying and burning them. In this day and age, on the eve of the 21st Century, there are cleaner, safer and more efficient ways of disposing of them. A crematorium is one.

I made the distinction of a crematorium, as opposed to an incinerator, because in the operation of an incinerator, I understand that liquids (blood and other fluids) drip and clog the furnace. A crematorium is clean in that it burns the carcasses to ash, thereby killing all of the bacteria and those organisms which would prove to be health hazards. Are we to understand that the Government is saying that they have the best interest of the country at heart, yet they refuse to provide safe and efficient means of disposing of these kinds of things?

I know of no illegal device. But, certainly, since the Minister brought out that there was one, I would think that he should investigate what laws were broken (if any), and rectify the situation. Having rectified it, they should find out if the device could be of any assistance in helping us to alleviate the unhealthy practice which we are involved in now.

Let me say this: I do not think it is good enough for any Minister on the eve of the 21st Century to advocate that we keep burying dead carcasses in the Cayman Islands. I find that laughable. The health of our people should be a priority.

What this Motion speaks about is providing a healthy and safe treatment for these kinds of carcasses. The Minister spoke about spending a lot of money on incinerators and crematoriums, leaving the impression that this expenditure was not worth it. It could also be argued that money spent on overpriced land, expensive stadiums and repairing of private roads would also not be worth it. The point which needs to be made is that health is a need for all of the people, especially those who are young and susceptible to diseases borne by flies and mosquitoes.

The disposition of the Government as regards this Motion, and the contempt and cavalier attitude displayed by the Minister responding for the Government speaks with an obscene eloquence. No one who is serious about

the disposition of the Government, need go further than that attitude.

I consider that we have done our duty. I understand from the Minister that there is some kind of device. He said it was brought in here illegally. I challenge him to do what he should do by finding out more about it; if laws were broken, bring the perpetrators to justice. But, in the mean time, he should bear in mind that the system which he is advocating for the disposal of dead carcasses is laughable.

Thank you, Madam Speaker.

The Speaker: The Motion before the House is Private Member's Motion No. 15/95, "BE IT RESOLVED that Government consider procuring a crematorium suitable for the disposal of dead animals."

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. 15/95 *Private Member's Motion No. 15/95*

AYES: 3

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 11

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeeva Bush
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Mr. John D. Jefferson, Jr
Dr. S. A. Tomlinson
Mrs. B. L. Thompson Murphy
Capt. Mabry S. Kirkconnell

ABSTENTION:

Mr. D. Dalmain Ebanks

ABSENT:

Hon. Thomas C. Jefferson
Mrs. Edna M. Moyle

The Speaker: The result of the division is three Ayes, 11 Noes and one abstention, the Motion therefore fails.

PRIVATE MEMBER'S MOTION NO. 15/95 NEGATIVED.

The Speaker: Continuing with Private Members' Motions. Private Member's Motion No. 14/95. The Second Elected Member for Cayman Brac and Little Cayman.

Hon. Truman M. Bodden: Madam Speaker.

The Speaker: The Honourable Minister responsible for Education and Planning.

PRIVATE MEMBER'S MOTION NO. 14/95 *Deferred*

Hon. Truman M. Bodden: May I just ask your indulgence, Madam Speaker? When we set these Motions down to continue today and tomorrow, I did not realise that the Minister who would be replying to Private Member's Motion No. 14/95 would be off the Island. We did agree that the Backbench, the Opposition Members, could set the Motions in the order they wished. I did agree to that. However, I now realise that in so doing one of them will be falling when he is away. I was wondering if we could either go on to another Motion or perhaps adjourn as we are nearly at the hour of 4.30 PM?

The Speaker: I think it would be reasonable to expect, since the Honourable Minister will not be present tomorrow, that Private Member's Motion No. 14/95 could be deferred until a convenient time. Would the Mover and Seconder have any objection to that?

Mr. Gilbert A. McLean: Madam Speaker, unlike the Government, the Opposition is extremely understanding and accommodating. Certainly, as for myself, having been refused the opportunity even after talking on three Motions to close the debate earlier (Government refused that), I certainly have no problem with deferring this until a time available to the Minister who would answer to it.

[Hon. Members speaking across the floor]

The Speaker: Could we just have a little order, please, until I finish the business? Then you can speak as much as you want after the House has closed.

First Elected Member for Bodden Town, would you have any objection to the deferment of Private Member's Motion No. 14/95?

Mr. Roy Bodden: Madam Speaker, I am usually an accommodating gentleman, so I will go along with that.

The Speaker: Well, thank you very much. It seems a good note to end on in spite of all of these dead carcasses.

If that is the wish of the House, then I could accept a motion for the adjournment, and we will continue with Private Members' Motions tomorrow once Standing Orders have been suitably suspended.

The Honourable Minister responsible for Education and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: Thank you, Madam Speaker.

I move the adjournment of this Honourable House until 10 o'clock tomorrow.

The Speaker: The question is that this Honourable House do now adjourn until 10 o'clock tomorrow morning.

I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10 o'clock.

AT 4.27 PM THE HOUSE STOOD ADJOURNED UNTIL 10.00 AM FRIDAY, 17 NOVEMBER 1995.

**FRIDAY
17 NOVEMBER, 1995
10.06 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, forever 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. Questions to Honourable Members and Ministers, No. 242, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 242

No. 242: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to provide the estimated cost for the construction of the Lighthouse School on the new site.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, it is not possible to provide an estimate at this time since the site has not yet been identified. Officials from the Department of Education are presently gathering information regarding design options for the special population the School will service. The ultimate plan will then be adjusted to fit the site that is selected.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say if any sites have been identified with a view to the selection of one?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, as I mentioned earlier, the site has not yet been identified.

The Speaker: The next question is No. 243, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 243

No. 243: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning if the Planning Department passed any applications which feature completely closed communities with access only to those persons who live in the particular communities.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the Planning Department does not grant planning permission for any applications. The grant or refusal of planning permission is the sole jurisdiction of the Central Planning Authority. However, the Central Planning Authority did grant planning permission for one such development, namely Vista Del Mar. This was on 27th January 1988.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker

Can the Honourable Minister explain how the social control agencies and the Government authorities gain access to this property?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I would think they go through the gate.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: That is obvious, Madam Speaker. If it is a closed community with a gate and a lock, can the Honourable Minister say how these people gain access?

The Speaker: Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I cannot say specifically, but I am sure that if a fire truck wants to get in it will go through whether this is in the form of having a card to open the gate, or whether it is simply in the form that most of these gates are very easily opened. There are hydraulic pressure cylinders on them, and if an emergency vehicle wants to get in, it will go through.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Minister telling the House that he does not know what kind of devices are used to secure these communities, or whether the Police and the Fire Department have keys, decoders or whatever device is necessary to gain access to these developments?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I do not have that information but, the honourable Member can probably get it from one of the Team Cayman members (Mr. Ezzard Miller). It was put up during the previous Government's time. So he needs to question the previous Government on why they did it, and how they get in.

I really do not know, Ma'am, but I could find out and give him the information. But I suggest he just check with the previous Government and he could find out.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Minister say when the approval was given to have a "closed community" at Vista Del Mar?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I am beginning to believe that the two Opposition...

The Speaker: I do not think you need to say any more Honourable Minister.

Hon. Truman M. Bodden: Yes, Ma'am. It is in the answer. I was going to refer him to that.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, is the Minister saying that the approval for the development was given in 1988 and included then that Vista Del Mar be a closed community with the locked gates for everyone to wonder who is there, how they gain access by sea or whatever? Were all of the approvals given, as approvals are given in part and in principle and otherwise?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, my instructions on this is that the approval was given on January 27, 1988. If the Members know something different, Madam Speaker, then I am happy to check it out. However, I do not have the Director of Planning here today, he is off the island. But I would be happy to check if they know otherwise.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: As this type of community must have a social impact on this country because it is something new, is there in place any Government policy of the National Team Party with regard to closed communities? Is this something to be encouraged or is it a one-off case?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the Member is confused. There is no National Team Party. There is the Team Cayman Party and perhaps he is confusing us with that because one of those members, Mr. Ezzard Miller, was in the Government when this was done. I suggest that he ask them what they had in mind at the time. I do not know.

The Speaker: The next question is No. 244, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 244

No. 244: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs to state whether all members of the permanent pensionable establishment have written job descriptions.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Madam Speaker, the answer: Job descriptions have been prepared for all members of the permanent and pensionable establishment and there is a job description for each position in the Civil Service.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Can the Honourable Member say whether these job descriptions have been disseminated and also state whether it is the policy to discuss the job description with the member of staff by the Department Head or other senior person in the Department?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker.

It is the responsibility of each Head of Department to provide all their members of staff with job descriptions, and it is also their responsibility to discuss individual job description with staff members.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say if the job descriptions extend also to group employees?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker

Not normally would the format of job descriptions as we know them for permanent pensionable officers extend to group employees. I do know that some departments have job descriptions, perhaps a more simplified form for group employees. I do not know that that is throughout the service. It is not a requirement, but I do know that at least in one instance group employees have job descriptions of the sort.

The Speaker: Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Honourable Member has said what the case is. Can he go further to say why this is the case that the job description does not extend to group employees?

The Speaker: The First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker

Madam Speaker, it has not been a requirement in the past to have job descriptions for group employees, but I am proposing that the next phase of the job evaluation exercise in 1996 encompasses job descriptions for this category of workers.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Are the job descriptions in force at this time reviewed at intervals, and does it at the beginning of devising a job description involve the Operations and Management Unit of the Personnel Department at any time?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker

We have a Job Analyst in the Personnel Department who is involved initially in the preparation of each job description. Yes, job descriptions are reviewed with individual staff members by the Head of Department when dealing with their annual review. Those meetings involve discussions on job description.

The Speaker: The next question is No. 245, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 245

No. 245: Mr. Gilbert A. McLean asked the Honourable Member responsible for Finance and Development if any steps have been taken to reduce overtime payments in the Customs Department.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, on the 1st of July 1995, a two-shift system was introduced at the Customs Station at Owen Roberts International Airport. This new system is expected to reduce overtime payments by approximately C1\$60,000.00 per annum.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Does the new two-shift system now eliminate the overtime payments in the Customs Department or will it be necessary to go further with the shift assignments?

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the new shift system will not completely eliminate the payment of overtime. We would have to make a judgment call as to whether we should introduce a further shift system because it could get to the point where an additional shift

system would exceed the amount of money that is now being expended to cover overtime cost.

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 instances where Customs Officers are required to work overtime, which has driven the overtime payment up to what we are aware it has been, even though now there has been an attempt to reduce it?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, according to the Collector of Customs we have an increase in the number of flights that have been arriving over the years outside of the normal working hours. It seems that this will continue into the future, it is not something that will be abated or which the Customs Department has any control over.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker.

I wonder if the Honourable Member can confirm whether or not the Government is actually reimbursed for overtime payments paid to officers?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker. The Government recovers the bulk of the cost of overtime payments made outside of normal working hours.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is it a fact that the cruise ships pay these monies in full, that is it is recovered fully from them, but the same thing does not apply to the airlines? And is it the case that Government could collect in full from the airlines for this overtime payment because of the odd hours for which they require customs services?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, both ships and aircraft arriving outside of normal working hours normally pay the full cost of overtime incurred.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Member explain, for the sake of clarity, if the overtime being reimbursed—the additional overtime that is being paid out by the Customs Department, is it extra paperwork that is done after hours by the assigned individuals who is on duty or what would that overtime be for?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker, the additional payment of overtime over and above what is recovered is normally to deal with the administrative responsibilities of the officers at the airport, such as additional paperwork in the office and, in addition, to cover the cost of those group employees who will have to be kept on to provide the services that are required.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I wonder if the Honourable Member would then take into consideration that steps be taken to perhaps cut out some of the paperwork to reduce that overtime if at all possible?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, it has been pointed out that the overtime payment in respect of the additional paperwork presently being performed, will gradually be eliminated as the computerised system for dealing with the computation of customs import duties is enhanced. This is presently being worked on and it is hoped that the system will be refined sufficiently to achieve that during the early course of 1996.

It has also been pointed out by the Collector of Customs, that plans are presently on the way to implement a shift system for the group employees who are there and this should also achieve a reduction in overtime payment.

The Speaker: The last supplementary, Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: In incorporating the two-shift system, can the Honourable Member say whether this required employing more staff or if the system was put in place using the same number of staff?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the new shift system has been put in place using the existing Customs Department staff. I understand that we have had to draw on different sections within the Customs Department, such as pulling staff from the Task Force, but no new employees have been brought into the de-

partment in order to achieve the required complement for the new shift system.

The Speaker: The next question is No. 246, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 246

No. 246: Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development how much has been collected from the 85 cases of outstanding customs duties.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the Customs Department provisional import entry procedure allows the large and frequent importers to establish a bond with a local financial institution, or put up a cash deposit, which allows these importers to clear their goods on a provisional basis, subject to full clearance at a later date.

With the exception of amounts under this established procedure, where the duty at risk is secured, the Collector of Customs is unaware of any cases where import duties are outstanding.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Following the answer given by the Financial Secretary, is it the case now where there are no amounts outstanding to be collected in cases of default or otherwise?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, there are cases of alleged evasion of customs duty, these cases are presently under review. But it is not a question that these cases are to be interpreted as underpayment of import duties until that is established.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker
Can the Honourable Member say what the normal review period is?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, it is difficult to fix a time that would constitute a normal review

period. The Customs Department makes every effort as expeditiously as possible, to marshal the evidence in order to establish possible evasion of customs duty. This often times means referring such matters to the Attorney General's Department and consulting with overseas agencies in order to establish the true value of goods for which it is known or there is a general view that there has been an understatement of customs duty.

This normally takes about one week. We have had instances where some of these cases have been resolved in a short time, and others where the time had to be extended to allow for the evidence to be gathered.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

In 1994 the Public Accounts Committee laid on the Table of the House recommendations. One of the recommendations to the Customs Department was to review the Law regarding collection of outstanding Custom duties. I think the Law states six months. Have any steps been taken to bring new legislation so that the Law can be amended to extend it past six months for duty evasion?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, at this time efforts are under way in reviewing the Customs legislation. Although the Law specifies a time of six months, efforts are normally made to ensure that cases being investigated are expedited. While six months define a time period, it is not seen as a target, whereby the cases are deferred to be completed within the six month period. If it can be done within a week or two, or as soon as the evidence becomes available for the case to be pursued or referred to the Attorney General's Office, it is done.

Every effort is presently under way or being taken to make sure that these cases are resolved as expeditiously as possible and the new legislation will take account of that. I would think also that the six months period at this time is deemed to be a reasonable time period for concluding existing investigation, it may be necessary to keep the time limit at the six-month period as set out in the existing legislation.

The Speaker: The Elected Member for North Side.

Mrs. Edna M. Moyle: How long have these investigations been going on?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, there is only one case at this time that has been under review for

a period of 18 months. The rest of them have been concluded.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: For the sake of clarity, is it correct that the investigation by Customs Department is subject to a six-month limitation even where there may be large scale fraud of customs evasion? Is this actually what is being stated?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: I understand that the Law at this time provides for a six-month limitation period in relation to certain types of fraud. That time limit can also be extended in cases where it would have to be pursued under civil law basis.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker

If six months is deemed as a reasonable period why has this particular case, as mentioned by the Honourable Member, been allowed to draw out into 18 months with yet no conclusion of the steps to be taken?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I have been made to understand that while the Customs Department makes every attempt to observe the six-month limitation period, in this particular case it involves marshalling the evidence and consulting the Legal Department. It is not a question that it has been deliberately drawn out. The case in question could not be expedited any faster than it is presently being reviewed.

The Speaker: The next question is No. 247, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 247

No. 247: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Planning when will the vacancy on the Public Accounts Committee be filled.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, under the Standing Orders of this Honourable House a vacancy for the membership of the Public Accounts Committee is

filled by any Member, including the Member asking the question, moving a Motion to fill the vacancy.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Knowing that if I moved such a motion recommending anyone it would be refused—the House has always been guided by the wisdom of the Government in this regard—what is the Government doing to fill this vacancy in this very important committee of the House?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the Standing Orders are very clear. The two Opposition Members bring all sorts of motions on carcasses and other things. If they regard this as so important, why do they not bring a motion on it, Madam Speaker? The Standing Orders do not say that I have to move a motion on this matter.

The Speaker: That concludes Question Time for this morning.

APOLOGY

The Speaker: Before we proceed to Other Business, I have an apology from the Honourable Minister for Community Development, Sports, Women's and Youth Affairs and Culture, who will be absent for the rest of the day from his official capacity.

SUSPENSION OF STANDING ORDER 14(2)

The Speaker: Suspension of Standing Order 14(2), the Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I wish to move the suspension of Standing Order 14(2), so that Private Members' business may continue instead of Government Business.

The Speaker: The question before the House is that Standing Order 14(2) be suspended in order to enable Private Members' Motions to take precedence over Government Business until such time as that business is concluded. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Standing Order 14(2) is accordingly suspended. We now move to Private Members' Business.

AGREED: STANDING ORDER 14(2) SUSPENDED.

The Speaker: Private Member's Motion No. 16/95—Disaster Relief Fund. The First Elected Member for Bodden Town.

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 16/95

DISASTER RELIEF FUND

Mr. Roy Bodden: Madam Speaker, I wish to move Private Member's Motion No. 16/95 entitled, Disaster Relief Fund, standing in my name. It reads as follows: "**BE IT RESOLVED that Government consider setting up a National Disaster Relief Fund to be used as necessary in the event of a devastating hurricane or other disaster.**"

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I beg to second that Motion.

The Speaker: Private Member's Motion No. 16/95 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

Madam Speaker, in moving this Motion it behooves me to express my appreciation to an acquaintance of mine who sometime ago, when we were discussing (as we usually do) events at home and in the Caribbean, gave me this idea among many others.

I think events of the recent past will clearly bring home to us the need to have a mechanism such as this available to us because the hurricane season is not over as yet. The past has taught us that we were not only fortunate, but must be protected by God, since most of our Caribbean neighbours suffered devastating onslaughts and some of them, if not having had their economies left in complete and total ruin, certainly are experiencing serious economic setbacks.

The Second Elected Member for Cayman Brac and Little Cayman, the Honourable Member who seconded this Motion, and I are both district representatives on the Hurricane Relief Committee for Bodden Town. So we are well aware of the kinds of physical preparations that a Disaster Relief Committee goes through at the beginning of the hurricane season. I would like at this juncture to take time out to commend the people who are re-

sponsible for spearheading these efforts. We normally are in communication with the Social Services Department, Miss Jen Dixon, or her department head. We are impressed with the efforts they make, but I do not believe that preparation in that way is the extent of what we should be satisfied with.

It is true that that is comforting and it will go a far way, but destruction brought on by hurricanes sometime goes beyond that, and if the experiences in the wider Caribbean as a result of this past hurricane season is to serve as any teaching experience to us, I think it is high time that we seek to set up a special fund.

I believe that we have earmarked in our Budget for disaster relief a sum of approximately \$4,000. This is fine as a token sum—something set aside to create an awareness among us that we should seek to prepare. Certainly, it is a far way from being of any practical assistance should we be hit by a devastating storm, the likes of which was experienced in other parts of the Caribbean.

Madam Speaker, my acquaintance and I were discussing this issue and we came up with two methodologies by which such a fund could be set up. First we discussed an aspect of cooperation between the Dependent Territories: Bermuda, the British Virgin Islands, Turks and Caicos, Anguilla, Montserrat, and the Cayman Islands. Then we suggested that the fund could be set up on the basis of each Dependent Territory putting in a certain amount and, in the event of a drawdown, that territory would be guaranteed that they will get no less than the amount which they contributed.

For example, if all of the Dependent Territories were devastated by a hurricane in one year, it would be guaranteed that they get no less than what they put up. For example, if the Cayman Islands put up \$250,000 they would be guaranteed that they would get no less than the \$250,000. Ideally, the fund would be structured and administered on the basis that those experiencing the greatest disaster would be in a better position to draw down the largest amount of funds.

What happens in the event of one territory having to draw down a large portion of the fund in one year? Well, it could be worked out in any number of ways. The replenishment of the fund could be based on the territory's ability to put back the money in one year, or perhaps terms could be negotiated. We were not very concerned with this because this is a matter that could be worked out by the administrators (the respective governments).

In moving this Motion, we think that the ideal situation would be each territory contributing on an annual basis until the fund reaches a respectable amount of say, \$5 million to \$7 million. The ceiling is relative, the territories may want to set any ceiling they feel comfortable with and, certainly, they can base it on disasters in the past and how much it took to rebuild their economies or get populations back to some normalcy.

If a regional sum is set up among developing territories, it would be administered by perhaps a directorate of the Financial Secretaries of the respective territories, or their nominees, or anyone else they choose. It would be kept in an escrow account to be used exclusively and specifically for the purpose of disaster relief. So that is one methodology, Madam Speaker.

It could also be done exclusive to the individual territory, in this case, the Cayman Islands. We could set up our own fund peculiar and exclusive to us, in which case we could set aside as much as we can afford to set aside each year. We may want to start with, I would suggest a sum of the significance of \$.25 million. Each year as we can afford it, we add something into the fund until we reach the level where the Government deemed comfortable and reasonable to cap it with a ceiling.

Madam Speaker, I believe that either of these two proposals is worthy of consideration. Quite honestly, I would feel comfortable with whichever the Government chooses. We could go the collective route of having a common fund for the Dependent Territories, or we could have an exclusive fund peculiar and exclusive to the Cayman Islands.

I would also suggest that if we embark on such an effort, we may gain the favourable eye of other countries. I am thinking especially of the metropolitan countries which do not really give us any grants since we are not grant-aided, but may consider contributing to such a fund seeing that in the event of serious disasters it would be morally incumbent upon them to offer us some kind of financial assistance, being of the foremost priority.

If we are fortunate, we may even gain the attention of some of the large transnational and multinational corporations which have offices in the Cayman Islands that may contribute out of a sense of community and out of a sense that many of their employees will probably be affected. This would be one way of being good corporate citizens, as we sometimes say.

I believe that there is some merit and, certainly, if the recent past is any indication, we need go no further than Time magazine of September 11th, 1995, issue on pages 65 and 66 in the 'Science' section entitled '**Hurricane Onslaught—The Worst Storm Season since 1993 could be the start of a dangerous trend**'. The article is written by one Madeleine Nash of the Time Science Bureau in Chicago. It is not necessary to read the entire article, but I would crave the Chair's indulgence to read certain sections beginning on page 65: "**No one under retirement age can recall a hurricane season quite like this one. 'Not since 1933', says Bob Burpee, director of the National Hurricane Center near Miami, 'have so many hurricanes formed so early in the year.'**" He is quoted as saying that up to that point, "**...12 tropical storms have materialized off the west coast of Africa, six of which had grown into full-fledge hurricanes. The bad news is that more big storms are on their way, and before the end of No-**

vember, when the season officially ends, one or two may slam into land with savage power."

Madam Speaker, it turned out that that prediction was absolutely correct. "**But even if that does not happen, an ominous question remains: What, if anything, does this unnerving spate of extreme weather signify? Is it just a meteorological fluke, a one-season anomaly? Or could it signal a potentially devastating long-term trend? Atmospheric scientist, William Gray of Colorado State University, fears the answer is the latter.**"

Professor William Gray of Colorado State University is recognised as the foremost authority on hurricanes in the world. He says; "**The large number of storms this year seems unusual only because the United States has experienced a hurricane lull for the past 25 years. A correction is now overdue and, when it comes,' he warns, 'we are going to see hurricane damage like we have never seen before.'**"

Madam Speaker, the article goes on to say that hurricane damage and the force (the devastation of hurricanes in the future) will be so devastating that damage to property will be in the billions of dollars.

Indeed, Professor Gray says; "**We need only to look back to the 1950s and 1960s when 21 hurricanes pummeled the United States, to see what could lie ahead for coastal residents. Those hurricanes took hundreds of lives in the United States and thousands in the Caribbean. While lives can be protected by early warning and prompt evacuation, protecting property is another matter.**"

He speculates that "**...if hurricane Andrew had veered just 20 miles further North on its destructive path through South Florida in 1992, it might have done \$100 billion in damages rather than the \$25 billion which it effected.**"

Madam Speaker, the regional newspaper of the Caribbean, *Caribbean Week*, in the Issue of September/October 1994, Vol. 6, No. 26 details the misery of *Marilyn*. On page 2 it says that on the French Island of Guadeloupe; "**Guadeloupe's Regional Assembly decided to grant the victims US\$750,000 in aid to help them recover from the damage and destruction they suffered.**"

I make mention of those figures to state that what is being proposed is considerably not farfetched and not some *pie in the sky*. The Opposition in submitting this Motion for consideration by the Government does so with the full realisation and understanding that it behooves all of us, to be as prepared as we can be and certainly, if we are wise and learn from the Biblical lessons, in the days of plenty, we will put aside something especially for occasions like this.

I leave the Motion now, Madam Speaker, in the hands of the Government and hope that they may see merit in giving favourable consideration to either one of the two proposals given. Thank you.

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I rise to comment on Private Member's Motion No. 16/95, which

proposes a setting up of a National Relief Fund to be used in the event of a devastating hurricane or other disaster.

The Government recognises that this Motion has been prompted, as said by the First Elected Member for Bodden Town, by the unfavourable experience within the regions combined with the high cost of insurance rates over the past three years which have caused a number of homeowners to take a decision not to insure their properties. There are obvious risks inherent in the decision not to carry insurance, and the Government is aware of this.

However, the Government is unable to support this Motion as there is already some mechanism in place for dealing with eventualities such as national disasters. This mechanism is a General Reserve Fund which represents funds set aside by the Government to help finance any extraneous expenditure requirements such as would arise in the event of a national disaster.

It should be noted that the General Reserve Fund is a protected fund and cannot be utilised without the express authority of the Legislative Assembly. It is generally augmented with either all or part of the Government's operating surplus at the end of each fiscal year, and may also be increased by allocating a certain percentage of recurrent revenue to it.

This year the Government has taken the decision, as set out in the recent Budget Address, to transfer a sum of \$1 million into the General Reserve Fund. The position in relation to the General Reserves will have to be kept under constant review and it is the view of the Government that the balance in the fund should be kept at an average of 20% of recurrent and statutory expenditure for any given year. To achieve this target, the Government is currently considering the implications of setting aside 3% of recurrent revenue in future years for the purpose of boosting the fund. This is one of the measures which is being proposed in the Medium Term Financial Strategy Document to be tabled during the February 1996 Meeting of this honourable House.

The setting up of a National Disaster Relief Fund in addition to the General Reserves would divert the attention of the Government away from the policy issue now being reviewed for building up the General Reserves. The setting up of a fund would mean having to either raise additional revenue or divert funds committed to existing programmes.

Further, the only means by which this Government could raise additional revenue for a fund of any meaningful significance into which substantial contributions would have to be made on an ongoing basis is through the introduction of new taxation measures, or increases in existing ones. At this point in time, the Government would not wish to burden the resident population with any measures aimed at raising taxes.

The Government recognises that in establishing a parameter for the fixing of the General Reserves, there will be a need to define and document the operational

guidelines of the General Reserve Fund. These guidelines should embrace the defraying of the expenditures in relation to national disasters and other emergencies. This being the case, there will not be a need for a setting up of a specific Disaster Relief Fund.

I should also mention that during this Meeting of the House, there will be tabled a document which is the Probable Maximum Loss (PML) Study, which has been carried out. This was prompted by questions and a Motion brought to this House a few years ago. This came out of the high increases in insurance rates that we have been experiencing over the past three years. This document has demonstrated that the standard of construction in the Cayman Islands far exceeds that to be found in some of the other Caribbean Islands.

Madam Speaker, I travelled to some of the countries that experienced devastating consequences during the recent hurricane season. I must say that when we compare some of the structures there, I do not think we could put those structures on par with what presently obtains in the Cayman Islands. Notwithstanding this fact, as pointed out, the General Reserve Fund is presently under review. The idea of what is being thought of by the Government is that there should be a central fund.

If we were to take the General Reserve Fund at this time and attempt... if it could be topped up today to represent 20% of Recurrent and Statutory Expenditure, that would mean carrying a balance of approximately \$34.6 million. Over-funding this by taking 3% of General Revenue and putting this into this fund it will take a couple of years for this target to be achieved. But that sum would represent a substantial balance that could cover the extraneous expenditure requirements of the Government during national disasters.

Another aspect to consider in all of this is that we have to be very careful in terms of how we look at this, although it is one that merits attention, and one which the Government should pay attention to, because in the absence of the General Reserve Fund, I would agree with the First Elected Member for Bodden Town—there would be a need for a specific fund to be set up. But based on inquiries the Insurance department and I have made, we have been arguing with the locally operating insurance companies and quite a number of them have told us that they are having difficulties in terms of adjusting their rates any lower than they are presently, because they are very much dependent on the whims of what is felt by re-insurers who are elsewhere. What they normally do is group the Caribbean Islands together.

We have now made available to the local insurers the PML Study and also when it is tabled in this House, and is studied very carefully by Honourable Members, it will be seen that it is not that our standards far exceed all of what exists in other Caribbean Islands, but we can understand why, if we are faced with hurricanes of the same magnitude as experienced in some of the other islands, the damage as we would experience in these

islands would quite likely be less unfavourable than some of those countries have experienced.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: As the Secunder of this Motion, I support the request made in the resolve: "**BE IT RESOLVED THAT Government consider setting up a National Disaster Relief Fund to be used as necessary in the event of a devastating hurricane or other disaster.**"

The Motion is asking that Government set aside certain monies to be used specifically in cases of national disaster relief. I listened to what was suggested by the Financial Secretary, that, in fact, the money which Government sees as being available to it to respond to this type of condition in the country would come from the General Reserve Fund. While it has passed through my mind that from time to time monies from that fund could be used in times of disaster, I have also thought more of that fund as money being available to Government where there were no loans available as desired. Indeed, if Government fell short for whatever reason in its revenue, it could turn to the General Reserve Fund to keep itself going. That is my general impression. Not to say that what has been suggested by the Financial Secretary could not be done with money from the General Reserve Fund.

I believe, however, that in this day and age it is wiser and better for this country to set up a fund, specifically, a National Disaster Relief Fund, which the country at large would know exists for that particular purpose. I think that if Government were to take the initiative to set up such a fund that it could reasonably look to at least some of the larger businesses in this island to contribute to some extent. I am not here to say how much. But the fact that such a fund would be set up specifically for the purpose of disaster relief would have a specific attraction in itself, to businesses in this country.

This fund would be something that all persons could relate to. If we just think of the hurricanes which have been in this region this year alone, it is truly staggering. In fact this year, from all reports, has been the worst there has ever been. The eastern Caribbean Islands, in particular, have been hit repeatedly by hurricanes with loss of life and hundreds of millions of dollars of destruction to property. In fact, this country contributed money to these islands in its effort to help its citizens.

It is a warning to the Cayman Islands. It would be wonderful if we knew that another hurricane would never hit these islands, that it would pass by and we would have some wind and rain and surge tide, but never to the point where it would cause destruction as it has in the other islands. But we know that sooner or later our day will come.

Most businesses in this country would have insurance on the buildings and whatever properties these businesses may own. Indeed, I think that a large percentage of the population of this country has home insurance which would pay to a large extent for buildings which may be destroyed in a hurricane.

From Government's perspective I suggest that a sizeable percentage of this population has no home insurance, and that if we did suffer from a hurricane disaster, the only way this number of persons could be helped would be by turning to Government. Government, of course, would have a duty to assist in this regard. It is time Government takes steps to specifically plan for such an occurrence. Hopefully it will be a long time in the future.

My colleague, the Mover of the Motion (the First Elected Member for Bodden Town), has suggested two ways that it could be approached; collectively with other Dependent Territories... although we have discussed that, I tend to favour that less than attempting to take care of the situation for ourselves, which was the second suggestion offered.

During the time I have been thinking of this Motion and the possibilities and probabilities that can occur in the Cayman Islands in the face of a hurricane strike, I wondered whether there existed any possibilities that Government could insure against what may become its liabilities. I spoke with three persons involved in the insurance industry and one of these persons did say that he believed there are certain possibilities in such a thing.

He suggested that there would have to be certain known quantities, such as, how many houses the Government believed might be damaged by making an assessment as to their structural integrity; it would have to take into account realistic figures by Quantity Surveyors, as to how much it would cost to replace suitable houses for the people involved; and it would have to take into account such things as materials to be used, and so on. However the individual did conclude that for insurance companies to offer insurance [coverage] there would have to be some known specifics, and particular amounts. Apparently, if an amount is known it would give some leeway for local companies to consider taking up a part themselves, seeking to layoff in the normal way through other insurance companies certain amounts to cover it.

I then tried to ascertain what it would take for Government to get, say, \$25 million in coverage. He made no commitment in that regard because he said a lot of things would have to be taken into consideration; the frequency of hurricanes in this region, how much damage the Cayman Islands has experienced, and do certain probability forecasting as is normal for insurance companies. But it is my view that if Government were to start a Disaster Relief Fund the money could accumulate so that within a reasonable period of time it would

be sufficient to pay premiums for some block amount of coverage for any given year.

This insurance person also said that he believed there would be some possibilities in looking at that, where, if the Cayman Islands for the extent of insurance it may buy for the purpose of the commitment it may be liable to pay did not have to call upon say, for 1996, 1997 or 1998 as the case may be, there would be the possibility of the premium being reduced accordingly.

I think there are possibilities on that side as well, of course, they would need to be investigated within the insurance community to see what they collectively might think about it. Insurance as we know covers flood, different losses, different degree of losses. All of these things would have to be taken into account, it was my understanding.

However, I do believe that if Government at this time, specifically undertook to consider putting in place a National Disaster Relief Fund, it would provide a beginning for something that could grow and something that might bring about the participation in this effort of various businesses. No one involved in a hurricane disaster or earthquake or otherwise will be spared. Really, such a fund could be an excellent community effort.

I recall that in 1980 when Cayman Brac was hit by Hurricane Allen, if I remember correctly Government put up like \$60,000 and there were various contributions from banks, and other organisations that went into the fund which were used to renovate people's houses. It was along that line that I was thinking a specific fund might find favour in the community.

Madam Speaker, Government must have the last word in this matter and, as I said, I think what the Financial Secretary has said in regard to the General Reserve Fund, can be taken seriously. But, indeed, that fund is very small compared to the disaster that can be created with one strike from a hurricane. That General Reserve Fund (as it is called), could be better used for general purposes and a new fund be created for the specific purpose of disaster relief.

I support this Motion, Madam Speaker, as I believe it is very timely. It is something which the country and the Government need to do with all the signals and examples that we have had at this time.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11.28

PROCEEDINGS RESUMED AT 11.57 AM

The Speaker: Please be seated.

Debate continues on Private Member's Motion No. 16/95. Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Private Member's Motion, No. 16/95—Disaster Relief Fund. As the Motion reads in the Resolve section: **"BE IT RESOLVED that Government consider setting up a National Disaster Relief Fund to be used as necessary in the event of a devastating hurricane or other disaster."**

I have listened to the Mover and the Seconder, and also the Third Official Member in giving Government's position on the Motion. I note with interest several aspects which I will touch on.

Firstly, let me say that while two scenarios for possible ways to implement such a fund were presented by the Mover, I will be inclined to deal with the scenario where the Cayman Islands would have a fund of its own and where it would not be part and parcel with other territories.

I say that because I believe if it were the other way around (looking at it from the surface), the Cayman Islands would probably be at the shorter end of the stick if and when the fund needs to be active.

When we look at these Cayman Islands, we thank God almost on a daily basis for the near misses, and for being spared so many times. The truth of the matter is that that has been our history; we really never know the time when we may be faced with a very serious national disaster such as a hurricane with the winds and rain that come with it.

We have boasted that the integrity of our construction is of a very high calibre and if such a disaster were to take place, we would end up in a better physical shape than many of the other territories that have experienced similar situations. I will agree with that, but in the same breath I have to make mention that like everywhere else in the world we are no different and, there are many pockets within the geographical area of these islands where housing is substandard. Unfortunately, I think it is fair comment to say that in the vast majority of those areas the properties are uninsured. Madam Speaker, this is where we will have the larger part of the problem if a disaster occurs.

It is obvious that those areas I referred to are going to be areas where people would not be self-sufficient enough to be able to restructure their lives and homes on their own accord. These areas are also the most densely populated ones. So it is only natural that the number of persons who will be affected in the event of such a disaster will be large compared to the remaining areas of the country.

Having established that, I think it is obvious that there is much merit to the intention of this Motion. I dare say there may well be several ways to implement such a fund, and we have had various proposals during the debate. My mind tells me that those are little insignificant parts of the equation that could be worked out subsequent to accepting the thought. I think the important aspect of this Motion is not so much the mechanism, but the principle.

In the Government's reply the position is basically this: Such a fund can easily be incorporated into what

we term the "General Reserves". I note with interest the good intentions that seemed fairly obvious in the Honourable Third Official Member's delivery on the topic. But first let me say, I respect the fact that while the Honourable Member speaks for Government, it means that he speaks with collective responsibility. Therefore, as I will prove in short order, I cannot accept (simply by way of history) that those good intentions are going to prevail and become a reality.

I have stood in this honourable House on more than one occasion and chimed in on the fact that our general reserves are nowhere near what they should be. Whatever equation we work out on an annual basis when budgets are being prepared, one very serious area that has to be addressed at all times and on an ongoing basis is the General Reserves.

There was a time when General Reserves (if my memory serves me correctly and I do not have to be exact to prove the point) were up to somewhere close to \$30 million. It matters not to me what transpired to deplete those reserves, it only tells me that it can happen again. If we look in recent history we see that the demand for the services to be provided by Government are continually increasing. I am sure even with the preparation of the last budget (which we are in the midst of debating now) it is fair comment to say that it must have been a monumental task to get it to appear the way we see it now.

Madam Speaker, in considering the Motion, while I can see tying it to the General Reserves, I think the distinction has to be made and one cannot go on the premise that if you deal with the General Reserves in the right way the disaster relief fund would naturally be in place. I cannot take that just as it is said.

I hold the view that they can be tied together, but there must be a distinction. As I alluded to a very short time ago, the reserves obviously fluctuate and, the truth is, sometimes there are good reasons for those fluctuations. I will not get into the why's and the wherefore's, the fact is that it happens and recent history proves that.

If we are to retain a disaster relief fund there must be some mechanism in place that would have the reserves as a constant, rather than a fluctuating figure which appears on an annual basis for the simple reason that we know not whence it cometh, therefore we cannot structure our lives that we will have the reserves up whenever the disaster hits, and when we know it is not coming it can be depleted. It does not work like that. It does not work like that because we simply do not know when it is going to happen.

Madam Speaker, the General Reserve at present I think is somewhere in the region of \$4 million. While projected estimates for year end 1996 are on paper, we will go on the premise that they are as close to being realistic as one may expect with the trends. It still does not tell me at the end of the day that the General Reserves are going to be higher a year from now. In fact, it is more likely that the reserves may be a bit lower. I do

not want to deviate too far into the budget, but I need to use some of the information to make the point.

While it is very heartening for me to hear that there is some consideration being given to having steady growth to the General Reserves, I maintain that there must be a distinction to make a disaster relief fund a constant figure, in fact, a constantly growing figure; albeit, it could well be under the umbrella of the General Reserve Fund but with its own little niche.

Let me give one quick example to prove my point regardless of the good intentions that might prevail. In last year's Estimates there is a statement which comes under the heading of Public Debt. It says, "**Government will not be undertaking any new borrowings in 1995.**" I also remember distinctly hearing that the new hospital was going to be funded on a timely basis and it was going to be done without borrowing, but out of Recurrent Revenue. That has not been the case and the point is not to debate why it was not the case, the fact is, it has not been the case.

A disaster relief fund, albeit, it may seem as something that is far removed from us at present because there is no imminent danger, is something that we have to bear in mind constantly. Without extending the points of this argument too far, I will beg indulgence to repeat one more time: if it is important enough to the country a disaster relief fund must be under a mechanism which allows for it to be constant, not a fluctuating figure.

In the reply by the Government regarding this Motion it was said that the setting out of a fund would mean having to either raise additional revenue or divert funds committed to existing programmes. The line of argument used to make the statement follows through, but I beg to differ from its origin. That is why I do not accept the statement as one which holds the situation as was put forward in that line of argument.

It also goes on to say: "**Further, the only means by which this Government could raise additional revenue for a fund of any meaningful significance into which substantial contributions would have to be made on an ongoing basis is through the introduction of new taxation measures, or increases in existing ones. At this point in time, the Government would not wish to burden the resident population with any measures aimed at raising taxes.**"

Madam Speaker, I by no means have full knowledge of everything that goes on, simply because I do not have access to it. But I do not believe that there is no other way to set up such a fund than to raise revenue in different forms than what exists in order to start the fund. I think it is simply a matter of priority. It is simply a matter of whether we want to drive a Mercedes Benz, but have to walk barefooted; or whether we can drive a nice Toyota and have a decent pair of shoes. That is my opinion.

Mr. Roy Bodden: True!

Mr. D. Kurt Tibbetts: So, Madam Speaker, in order to accept the Motion, the Government would simply need, at this point in time, to take the merits of the principles which are being expounded about the Motion. Those

principles simply come out of a concern for the welfare of the people.

Once those principles are accepted, then Government would have the latitude to do what it sees fit regarding the mechanism by which the fund could be established and maintained.

I dare say, if Government does not wish to entertain the Motion by accepting it, then it is my view that it fails in certain responsibilities to the people of this country, notwithstanding how much we all say we care and wished for better.

I support this Motion. I do not believe that any difficulties necessarily have to arise by way of revenue measures to implement such a fund. Therefore, if the Government's view is that it cannot accept the Motion as it appears that it will not pass, and even if it is done without us talking about it again, they may see the wisdom of it and do the right thing.

Thank you.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddan: Madam Speaker, back in the 1980s when there were problems arising out of a hurricane the Government very effectively dealt with those problems within its means. The Honourable Financial Secretary has clearly pointed out that in the event of any type of natural disaster, not just a hurricane, any act of God or any other matter that arises, whatever the Government needs to do, the means will be there for doing that.

The two types of funds the Mover of the Motion put forward, one being a common fund with other Caribbean countries, has many problems with it. We know that many of these countries are not... none of them in fact, as well off as the Cayman Islands and we know the difficulties they face many times in trying to make their contributions in small amounts to the Caribbean Regional Institutions and Funds that exist, much less contributions such as \$.25 million per annum.

We also know that the Cayman Islands are lucky not to be in the direct hurricane path. Many of the Leeward and Windward Islands are in the direct path of hurricanes and are therefore subject to far more direct hits than the Cayman Islands. In any event, that type of fund in which we would put in say, \$250,000 (as the Member mentioned), and would be able to withdraw it does not really, in my view, make sense to have as a common fund. If we are going to segregate the money then we keep it ourselves and keep it here.

The Financial Secretary has also pointed out that we have [money in] reserves. But more than that, this Government now has a credit rating with the banks, something that I could have seen if back in 1991 and 1992 the Government had no credit rating and it was impossible for it to even raise the loan of \$16 million for Cayman Airways, the banks would not lend the Gov-

ernment the money. Well, we are not in that position now because our rating and ability to manage the country's affairs is such that banks lend us money. It would have been unheard of four or five years ago for a bank to be prepared to lend Cayman Airways \$5.5 million to buy a jet. In fact, the Government could not borrow the loan a few years ago.

So what is important is that the credit rating of the present Government has now been restored. We are no longer in a bankrupt position. Along with this I think we have to look at the fact that buildings in the Cayman Islands have always been far better than they are in many of the other islands. I am not boasting about this, I am stating a fact. Despite the fact that the Building Code of Southern Florida has only been adopted recently, we have complied with it. When Hurricane Gilbert hit the Cayman Islands there was damage, but our buildings withstood the fury and were much better than those in the other islands.

We have always had reserves. In fact, we are adding another \$1 million, and we have heard the undertaking of the Financial Secretary of the 3% that will go into the reserves. So we are always in a position with the credit and the reserves we have to deal with an emergency if indeed we need it.

It is not a simple matter as was mentioned by the Second Elected Member for Cayman Brac and Little Cayman, that you can just take out a \$25 million insurance policy (Government can) for a natural disaster, such as, a hurricane. You can only take out insurance when you have an insurable interest in the property.

I cannot take out insurance on my neighbour's house because I have no insurable interest in it, nor can the Government. You cannot just take out insurance in limbo, a bank that has a charge on a property has an insurable interest in it and, therefore, insurance can be obtained.

So it would not be a matter for us to say that we are going to set aside \$1 million to buy \$12 or \$15 or whatever million dollars worth of insurance to cover other people in the event of a disaster. I do not believe that type of insurance works that way.

We also know that whatever the Opposition may say about the United Kingdom, whenever there has been a natural disaster the United Kingdom has always gone to the assistance of her colonies. That is one thing they tell us.

As the Honourable Member who is raising this knows, while it may not be liked, the United Kingdom and the European Emergency Fund do exist, and they have helped us as well as other countries in the past. Perhaps the Opposition Members have forgotten, but the new section in the Constitution (section 47A) provides for the emergency sitting of this honourable House.

Perhaps they have forgotten because I know that they and the previous Government concentrated only on getting a Chief Minister in the Constitution. But there are

many other good things, such as emergency powers to this Legislative Assembly (not to any single person like the Chief Minister which is contained in there). Also, the Governor has further powers in the event of an emergency under section 7(2)(c). I believe that the Members who brought this Motion had good intentions, but they are going about it incorrectly.

The present position that we have in relation to insurance generally is being looked at by a committee, as the Honourable Third Official Member has mentioned, and this in many instances... and Madam Speaker, most people these days do have mortgages on their houses or buildings and normally their insurance policies cover these areas.

I must say that this Motion for a National Disaster Relief fund at least makes considerable more sense than if they had put forward a fund for burying dog carcasses. So there are some merits in the Motion at this stage. But I believe that we are now well covered in what we need to do and, as I said earlier, to get insurance by Government that will cover third party interests on their property, I do not believe it is possible in the insurance field.

In summary, if there is a national disaster the Government is both legally and financially capable of dealing with whatever relief is necessary. I also believe that as we assisted other Caribbean Islands and the Falkland Islands, that that assistance will come naturally from the United Kingdom and other countries—God forbid, if we ever need that kind of assistance. I think that we all have to pray to the good Lord that we never really ever get to a stage where we are faced with a major national disaster.

Thank you.

The Speaker: If there is no other debate, would the Mover of the Motion exercise his right of reply?

Mr. Roy Bodden: Certainly, Madam Speaker.

Madam Speaker, it never ceases to amaze me how the Government forms excuses and gives spurious reasons as to why they cannot support Motions brought by the Second Elected Member for Cayman Brac and myself, even when they admit that there is merit to the Motion. Madam Speaker, like Festus told Paul, "almost though persuadest me."

In listening to the last speaker, the Honourable Minister for Education and Planning, it would seem that the National Team is so omnipotent that they have taken over dictating to nature as to what force of winds should be visited upon us. I stand amazed—

POINT OF ORDER
(Blasphemy)

Hon. Truman M. Bodden: Madam Speaker, I would like to take a Point of Order here. If he is imputing blasphemy to me, then I would ask him to withdraw it be-

cause I never imputed that anyone had any power over nature. I said that we should pray to the good Lord that it never happens. So there has never been any statement by me that would impute blasphemy.

The Speaker: Honourable First Elected Member for Bodden Town, perhaps you would like to rephrase that.

Mr. Roy Bodden: Madam Speaker, I bow to the wishes of the Chair. I will rephrase that by saying that I stand amazed that the National Team has become so persuasive that they can persuade nature as to what force of winds to visit upon us. I am still amazed.

Madam Speaker, this is not a cavalier business. We are talking about a distinct and serious possibility. There is no Building Code... structural Engineers have been awestruck by the devastation done by winds with strength up to 200 miles per hour. I am reading from the Caribbean Week Newspaper of September 30th to October 13th, 1995 on page 9. I do not care how great the Building Code is, these people are engineers... and there is no guarantee. While I would admit that the standard of construction in the Cayman Islands is certainly to be complimented, I would stop far short of saying that, generally speaking, throughout the islands we have such a high standard of construction so as not to have to be concerned about the devastating effects of winds of up to 200 miles per hour. Madam Speaker, we are living in a dream world. But that is typical of the National Team Party. They were born in a dream world and continue to live in that dream world.

[Addressing inaudible voice from the floor] But at least I woke up and that is why I left them behind in their dreams. And it is documented, Madam Speaker, that I left them.

The General Reserves as I understand... and let me put this matter to rest because this has to be a serious matter and a serious point must be made. The General Reserves are constructed or formulated to be Government's own insurance (if we want to describe it as that) in the event of circumstances where the Government needs money to get the country started again.

Let us take an argument for supposition sake: The Glass House (made of glass). If it were to be devastated as well as a large percentage of the structures throughout the building, and the Government has to draw from the General Reserves, what is its obligation? The Government's obligation in that situation is to reconstruct their own facility and get their own Governmental structure going. So, the rest of the population will have to wait. And that is so because to do otherwise would be inviting chaos and anarchy. So it is not good enough to say that the general reserves can be used in these circumstances.

The Government Members in their usual way twisted and turned until they lost essence of what is being asked. We are asking for a special fund. Not for something to be included in the General Reserves be-

cause we understand what it is for. I am saying again, it is not farfetched for a hurricane so devastating to wipe out the Cayman islands and a lot of the other Dependent Territories.

You know, coming from someone who likes to boast of his degrees in Finance and Financial Management, and the 30 years' experience in high finance, I was astounded by the Minister for Education and Planning suggestion that we should not bother to look out for ourselves, but should depend on the United Kingdom and the European communities and be beggars when we can take steps to help ourselves. God helps those who help themselves. What this motion is asking is that we consider setting up something to help ourselves.

Of course, I believe that the United Kingdom would exercise its moral obligations and responsibility and help us. But what if at the same time (which is not farfetched) it had to help Bermuda, Montserrat, BVI, and the Turks and Caicos Islands? We would then have to wait in line and, you know what they would tell us, "But you guys are rich. So you have to satisfy with a lesser amount".

Mr. Gilbert A. McLean: That is right.

Mr. Roy Boddén: As far as the European communities are concerned, I read where Hurricane Marilyn wiped out Guadeloupe; the French would not give us money over Guadeloupe. Neither would the Dutch give us over St. Bath. Government has the responsibility, the National Team Government should exercise its responsibility and its moral obligation. It does not matter to whom the credit is given. What matters is that a situation has been brought to the attention of the Government which can be rectified. And certainly, it was not the suggestion of any member speaking in favour of the motion, that the government use this as an excuse to raise taxes. All they have to do is take money from somewhere, perhaps build one less stadium, or buy one less Hawley Estate.

The suggestion as to provision in the Constitution for the Legislative Assembly to meet in the event of a natural disaster, I wonder what purpose it would serve when there are no funds to dispense? Ha, a completely senseless excuse.

The kind of fund I would like to see, and I noticed that the Minister for Education and Planning tried to twist the motion and mislead the House, because I specifically mentioned the Dependent Territories; Bermuda, the British Virgin Islands, Montserrat, Turks and Caicos, and the Cayman Islands, these territories are at the cutting edge of the Caribbean and they all have reasonably good records. I pose that as but one of the two alternatives I gave. I certainly do not know of any circumstances where the Dependent Territories have defaulted on any serious financial obligations or commitments.

I did fortify my argument by saying, that in the event of a drawdown, no territory would get less than their contribution. So that would be a no loss situation. The

last thing I would want is for these kinds of situations to be administered by politicians because believe you me, wisdom born of experience tells us that it would end up in a pile of bickering, accusations, and claims of victimisation. I need go no further than what happened in a neighbouring territory some years ago where it was claimed that the government in power victimised those persons who were known supporters of the opposition, and indeed, some of them are quacking and claiming up to now that they have not received the relief and materials which were due to them as a result of the disaster.

What I would like to see, Madam Speaker, is a fund administered by people outside of day-to-day politics, especially set up and accountable to the Government and people. That can easily be done.

I wish to make another point that I think is the strength of the argument we have laid down. We have suggested that outside entities perhaps transnational and multinational corporations would consider contributing to such a fund, but these entities would certainly not consider contributing to the General Reserve Fund of the Cayman Islands' Government. I am sure they could be persuaded perhaps they would even volunteer to contribute to a special disaster relief fund.

As to the point made by the Minister for Education and Planning about credit rating, if a bank in the Cayman Islands gets wiped out in the event of a hurricane we would be wasting time to go to that bank to get a loan. Their first priority would be the construction of their own physical facilities and records. Even if they had money to lend, we would have to wait because their first obligation would be to themselves.

So to say that we have good credit rating and are able to borrow is not a good enough excuse not to take measures to fortify and alleviate conditions that could detrimentally affect us. It is a fundamental principle of common-sense, Madam Speaker. It does not mean that because I am getting paid at the end of the month that I should not save some money today.

I wish to make a serious point and to say that I hope the insurance companies that operate in this island do not take this as a licence to raise their fees when it is not warranted. I wish to make the observation that I hope they do not try to justify to us that because of the devastation in surrounding territories, they have to raise rates offered to consumers in the Cayman Islands.

I want to take that a step further and introduce a corollary. As one moves throughout the constituencies, one frequently hears complaints about persons not being able to afford insurance, and certainly, most commonly, not being able to afford comprehensive coverage on their properties as a result of the exorbitant rates of insurance companies. I say this, being cognizant and appreciative of the efforts made by the Government in their attempt to come to grips with this [situation].

I am not laying any blame on the Government. I am just drawing the illustration to make the point that this makes it even more incumbent upon us to make provi-

sion for such fund. Here is what is the norm: those properties that have no mortgages are most likely not to carry full and comprehensive insurance.

Indeed, some people tell me that they only carry insurance to cover the value of money loaned. So what we are proposing is not some scheme out of Alice in Wonderland; it is not a farfetched idea. Rather it is something which will set the Government in a good position should a disaster of this magnitude occur, to be able to offer widespread relief to the reconstruction of physical facilities.

Madam Speaker, to proclaim as the Minister of Education and Planning did that we seem to be out of the path of the hurricanes is an ignorance to geography.

We brought the Motion in good faith. Quite frankly, we did not expect it would be accepted, but we would like the honourable House to know that the three of us who spoke in favour of the Motion did so out of a genuine concern from climatic trends and that in the event of a disaster, facilities should be made available to help our people.

Madam Speaker, we have done our duty, may God continue to protect us.

The Speaker: The Motion before the House is Private Member's Motion No. 16/95—Disaster Relief Fund:

"BE IT RESOLVED that Government consider setting up a National Disaster Relief Fund to be used as necessary in the event of a devastating hurricane or other disaster."

I shall put the question. Those in favour please say Aye...Those against, No.

AYES AND NOES.

The Speaker: The Noes have it.

Mr. Roy Bodden: Madam Speaker, may we have a division, please.

The Speaker: You certainly may. Madam Clerk.

DIVISION NO. 16/95

Private Member's Motion No. 16/95

NOES: 10

Hon. James M. Ryan
Hon. Richard H. Coles
Hon. Richard H. Coles
Hon. John B. McLean
Hon. Truman M. Bodden
Hon. Anthony S. Eden
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

AYES: 4

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mr. D. Dalmain Ebanks

ABSENT: 3

Hon. W. McKeever Bush
Hon. Thomas C. Jefferson
Mr. John D. Jefferson, Jr

The Speaker: The result of the Division is four Ayes, 10 Noes. The Motion is therefore negated.

NEGATED: PRIVATE MEMBER'S MOTION NO. 16/95—NATIONAL DISASTER RELIEF FUND.

The Speaker: Proceedings will be suspended until 2.15 PM.

PROCEEDINGS SUSPENDED AT 12.54 PM

PROCEEDINGS RESUMED AT 2.26 PM

The Speaker: Please be seated.

Private Member's Motion No. 18/95. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 18/95

DEVELOPERS OF HOUSING SUBDIVISIONS TO IMPROVE ROADS

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 18/95, entitled, Developers of Housing Subdivisions to Improve Roads, standing in my name, which reads:

"BE IT RESOLVED that Government consider requiring developers of housing subdivisions to improve roads where necessary to prescribed minimum standards;

"AND BE IT FURTHER RESOLVED that in instances where Government undertakes improvements on substandard roads in subdivisions to relieve distress to residents, that arrangements for joint financial contributions between Government and parcel owners be devised, and that a charge be placed on unsold parcels until the component cost to Government is recouped."

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. 18/95, 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: Thank you, Madam Speaker.

Housing subdivisions as we know them first came about in the 1960s. Since those times housing subdivisions have grown by leaps and bounds. Few of them are fully populated in terms of available land versus the number of houses there, but they are found in all areas of Grand Cayman, indeed, subdivisions are in Cayman Brac and even in the smallest of the three islands, Little Cayman.

When subdivisions were first approved and when development of these first came about, the standards which obtained were those then in place. The requirements of Government were certainly very limited in that we did not have a Planning Law and a Planning Board developed to the extent it is at present. The person having land can get approval for a subdivision and, indeed, once they had a road (to whatever extent that was) and approval to divide the land into so many parcels, they in effect had a subdivision.

Roads, in particular, were not built to the standards that they are now, nor were these requirements in place for them to be built to the levels, the width and the type of construction which is now in place. In the older subdivisions, particularly, we will almost inevitably find that the roads were built from marl, marl being a material that while it hardens, it also washes away when we experience heavy rains.

Because there were no requirements in place at the time when the early subdivisions were made, we find that it is in these subdivisions where there are serious problems with roadways. The early subdivisions also tend to be the most populated because land was cheaper then and it tended to remain that way with some escalation in costs over an extended period of time. So we find more houses and more people living in these subdivisions.

Nowadays, the standards are much higher for developing roads, the cost to build the roads is much higher, the cost of the land is much higher, therefore the cost of any parcel in most subdivisions now is higher. Because of this, we find less people in the subdivisions—basically those persons who can afford present day prices.

At best, in the early subdivisions we might have found what we called spray and chip, certainly hot mix or asphalted roads were out of the question. The roads in the early subdivisions have now deteriorated to a point where it is causing serious problems and distress to residents in these subdivisions. This year, particularly with the heavy rainfall we experienced with passing hurricanes and the like, a tremendous amount of rain over and above what is normal, many surfaces on the roads have washed away, or have huge holes in them, sometimes they seem almost impassable.

The people have now turned to Government to remedy this situation, not that this can legally be found to be Government's responsibility but, as usual, when the people are in distress in most instances, particularly a majority, they turn to Government for assistance.

The people who owned the early subdivisions have sold them, took their money and left, or spent it and remained here, whatever, but that is the way it presently sits. Some of the older subdivisions were sold in whole or in part and one would assume that in some instances there would be individuals or companies who owned these subdivisions to whom residents in the subdivisions could turn to and request that they do something about the roads. Then again, from those early times, there were hardly the kinds of contractual agreements between the seller and the buyer and few obligations on the developer to really provide the type of road that should have been provided. So, again, it falls back on the buyer to be stuck with roads that are below standard.

Few of the persons who own these parcels of land are in a position to fix these roads, even if they tried to do so collectively. I recall back in 1977 or 1978, when I worked in the Ministry of Communications and Works, an approach was made to Government by the people living in Prospect Park for assistance with the roads. At that time the Government of the day initially thought that the Government would bring the road up to a particular standard if the homeowner would assist with 50% of it.

I remember one particular road being costed. It was one of the main roads in that subdivision. As I recall, at that time it was about \$4.00 per foot that it would have cost to build the road. The idea was that each parcel owner whose property touched the road would pay \$2.00 for whatever would be the road-frontage of their parcel and the Government would meet the other half.

That was the way it was intended to go, but certain political gyrations occurred and Government decided that it would undertake the work and the road was gazetted and Government did, indeed, fix this road. It was the first major work on it which brought it up to a standard which was acceptable.

I dare say that as far as subdivisions go, that was the subdivision that saw Government assisting with bringing roads up to some minimum standard. There are many others in this country now that do not meet prescribed minimum standards at this time. Certainly, one can think of the situation in Belford Estates in Bodden Town where flooding is a serious problem. The roads there were not built to the proper main sea level height, or a measurement above that, and they have major problems.

In these types of subdivisions a concern of Government needs to be that while there may be certain distress to the residents with complaints and requests for help, it can also mean that there are certain health hazards.

I am aware that one of these early subdivisions has been examined by Government authorities. They have found that there are serious health concerns. In some of the earlier subdivisions we find conditions where, unlike these days when septic tanks are properly built and sealed, the designs of the early ones were just four

sides with no bottom. So, when heavy rains occur with flooding, there is a health hazard; there can be contaminants that come into the road.

In fact, I have had occasion to see a letter in recent times concerning one such situation in a very small subdivision in the Bodden Town area where it seems clear that since the roads were not built to the proper design not only is there flooding from the adjacent pond, but also there is a problem with flooding from lots where there are houses with contaminants coming into the street. In this particular case, it was reported that a child travelling on the road in the water, as children will do, no doubt happily walking through it, developed a skin condition which could be traced to being in contact with the water in that area.

There is little doubt that the roads in the earlier subdivisions are in need of being developed to prescribed minimum standards. One might ask where Government comes in on this particular exercise, since it is not Government's land. One could argue that it was the duty of the Government in the first instance to prescribe standards which would have enforced building specifications so that these roads would now not be in the state of disrepair they are.

The recommendation is therefore, at this time, that the Government prescribe minimum standards for these roads; that the Government require the developers to meet these minimum standards since there are such problems within these subdivisions on these roads; and, that where Government determines conditions are so bad—as it has in various instances, where they have actually gone in to some areas and done work with Government's equipment, used the public's money and Government materials to improve it—that Government believes there is a compelling reason to assist in situations where persons who own these subdivisions (be they parcel owners or the developers), who are not willing or not able to do so and must act, then Government would seek to work out some arrangement with the parcel owners (homeowners in some cases) assisting in paying part of the cost.

These costs will be much higher nowadays than they were 20 to 25 years ago. Of course, it will be more difficult for homeowners to pay, but it is not unrealistic to ask parcel owners, or homeowners, to take part in paying something that will be of benefit to them, the reason being that any time there is an improved road going into a subdivision it will immediately increase the value of the property and the house in that particular subdivision. So it is only right that the Government would expect that they should be contributors to the cost.

There have been instances that I have heard about, and people have approached me and said, "If the Government would consider fixing this road, I would be prepared to pay something towards it over a period of time." I think that is possible to arrange, be it over 15 or 20 years without there being any interest attached. But people needing this assistance, who are not getting it

otherwise, would actually have paid for, or been involved in relieving their own condition.

Where the Government may expend public money to do this type of work, as it has in the past, and whereby so doing it would increase the value of land to the developer, be it a company or individual, surely it is reasonable that Government place a charge on the unsold parcels of land. Once those parcels are sold, after the road has been placed in proper order, the value is increased and the developer will only stand to gain. When Government's component comes out from a sale, then they could remove the charge as does the bank. If a bank gives a mortgage to build a house on a particular parcel of land, it takes a charge on it. When the borrower has discharged his duties to the bank, the charge is removed.

In considering whether I would bring this Motion or not, I tried as best I could to inquire from the Planning Department, from the Public Works Department, from persons whom I thought would know what the present situation is, whose names I certainly will not call for fear it might bring them into disfavour for giving basic straightforward facts on procedure...

Mr. Roy Bodden: Victimization, you mean.

Mr. Gilbert A. McLean: That is the word.

I was told that the PWD prescribes the specifications to which roads should be built. Certainly in the time that I spent in the Portfolio (now Ministry) of Communications and Works years ago as a Civil Servant when approvals were given on roads it would always have a clause which said 'to be built to a standard approved and satisfactory to the Chief Engineer of PWD', that being Government's technical advisor in that regard. I understand that they still carry out this particular duty. While they prescribe the standards to which it should be built, the material, the height, the level and so on, it fascinated me to learn that it is not the Public Works Department that decides if it should be a spray and chip road or a hot mix road, it falls to the duty of the Central Planning Authority. Why it should be that way, I simply do not understand.

Why, if we are talking about subdivisions, is it felt sufficient for some to be chip and spray, and others to be hot mix? Why is there not simply one choice, one decision, one requirement in the terms of resurfacing the roads? This is what I gathered from what information I was able to get.

In summary, I think this Motion is bringing to our attention that there are many subdivisions in this country where roads are of an extremely low standard. The developers did not do what they could have done; the Government did not require them to do what they should have done; residents of the country have bought parcels and built homes on them and with the traffic that now moves in and out of these subdivisions the roads have deteriorated to a serious level.

They were not built properly and because as areas were filled to bring lots up to certain levels there was less land available for water to settle and soak down; there are more roof tops, more water runs off into the roads. All of these problems have aided and abetted the deterioration of these roads.

The Government, having failed in the past, not necessarily this Government, to prescribe minimum standards and see to it that they were enforced should now see to it that it is done. A requirement should now be put on the developers or the owners of these subdivisions. If they bring them up to the minimum standards they would fall in line for Government to take them over as public roads. That, of course, would have to be a decision made by whichever Government, whenever, and it certainly means bringing more cost on to the Government to maintain those roads.

If Government is going to have to assist its people work on these roads anyway, it seems reasonable that they should place some requirements for them to be brought up to some standard. If Government must do it alone, then Government must have some recourse to recoup its money to help on other roads and in other situations.

It is reasonable for the Government in examining or doing any work in this particular area to try to work out an arrangement with the people who are affected and have them contribute some part (be it whatever) and, whichever Government undertake this task would have to do so. Certainly it cannot be reasonable to continue as has happened in the past, where large sums of monies have been spent on private roads, private driveways, for government not to be able to get back some of the money, in whole or in part, that it has spent.

So, Madam Speaker, this Motion is before this House because there is a major need in this country to have something done to rectify and improve the situation with roads in the many subdivisions of this country. Not forgetting for one moment that I am sure it is necessary right now to spend millions of dollars on the main roads to bring them up to proper standard. This Madam Speaker, could not be done at one time (all in one effort), but the Motion is saying to Government that there is a problem and here are some suggestions as to how we could begin to tackle the problem.

Therefore, Madam Speaker, I recommend this Motion to the Members of this House.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Madam Speaker, the first portion of this Motion is fully covered as far as I am concerned, that is, that Government prescribe minimum standards for roads that are built in subdivisions. The Public Works Department, Planning Department, and the Lands and Survey Departments are the departments responsible to make sure that these standards are in

place. Roads in subdivisions presently built must comply with these standards or they will not be certified. Therefore, no lots can be sold by the developer without the proper documentation.

In order for proper documentation to be given and the property correctly transferred all standards must be met: the prescribed standards, the right width as laid down by the Planning Department, the depth of the road, and the final surface application whether it is seal and chip, or asphalt/concrete.

So as far as I am concerned Madam Speaker, the first part of the first resolved section of this Motion automatically falls away.

On the second part of the Motion, I would stress to the Mover and the Seconder that in many of the subdivisions with bad roads are the areas with the poorer people of this country. Presently we are working on four such subdivisions, two of which are in Bodden Town and two in George Town. I can also think of a few others in the district of Bodden Town and here in George Town.

I would like to ask a question from this section of the motion: If Government is being asked to pressure these poor people into paying added taxes? At least from reading the Motion that is what it is suggesting. The Motion is further suggesting that Government place a charge on properties in subdivisions and that the landowner be made to pay before that charge is removed. Madam Speaker, all of us in here is aware of what a charge on someone's property is all about. I am certain that at one stage or the other we have all dealt with banks, and it is a fact that if a charge is placed on someone's property and they cannot pay the amount of the charge, the property is confiscated. So am I to hear from these two Members that in these poorer areas where one has achieved that much in life to buy a piece of property the Government should pressure them with taxes, put a charge on their property, and if they cannot pay, confiscate it? I do not think this is fair.

You know the last Motion before this House just a few hours ago, the last speaker was the First Elected Member for Bodden Town and one of his last comments to us was that if you walk around the districts in this island you will find people who can hardly meet an insurance payment. I guarantee him and this honourable House that the cost of constructing roads in this country today far exceeds any insurance premiums you are going to pay. So, if he is aware that they cannot pay an insurance premium; how is it that he can stand in this House and second a Motion that will add taxes to those same individuals?

Madam Speaker, the Mover of this Motion has no problem with the outcome of this motion because we all know that the Lesser Islands today have much better roads than we have here in Grand Cayman. But I guarantee the First Elected Member for Bodden Town that his district is one that suffers as I have pointed out, and I am sure that his people will not be pleased.

How can we as a government in our right senses go to the developer who has in most cases sold the properties, used the funds and has left the island and say we are going to order them to fix the roads? This Government, Madam Speaker, considers individuals in those subdivisions tax payers the same as anyone else in this country, even if it was only the 7.5% which they paid to get that little piece of property, they are still tax payers.

I think this Government's duty is to continue (as I mentioned about the two subdivisions in George Town and the two in Bodden Town) assisting these persons within the financial means of this country, trying to work on those roads and not have to go to the extent this Motion is suggesting.

Madam Speaker, only a short time ago this Government was ridiculed, we were pulled over colds, we were kicked around on the floor of this House, we were told everything, except being called gentlemen and ladies—simply because we thought it important to try to address this same problem by fixing a few roads in a few subdivisions. Of course the stink was made on the West Bay area, but we have been fixing them all over the island. Again, the Elected Member for Bodden Town, from the records I have, has requested more than most other Members here in this honourable House. So how can we be faced with such a Motion now, to say that we must go ahead tax the people further and if they cannot pay we take their property. This is very unfair and as far as I am concerned, Madam Speaker, this Minister will be no party to it. I feel certain that I speak on behalf of the whole Team when I say, 'we will not stoop to charging the poor people more and pressure them with more than they are already burdened with'.

We have a very large expenditure for the district of Bodden Town, next to Belford Estate that will service only a few homes and is costing this country approximately \$750,000. I wonder if the First Elected Member for Bodden Town realises that if I put this into force, that his share of that \$750,000 is going to be a substantial amount. I wonder if he would feel the same way that he is advocating for me to charge those poor people within these subdivisions.

I heard stories of residents in Prospect being prepared to fix roads and to pay. I have heard that ever since I took over the Ministry. But I would invite the Members moving the Motion to tell me: Once Government fixes the roads how many when called to put their money where their mouths are, how many are prepared to do that? You can count them on one hand. I have not seen as a matter of fact, anyone coming forward saying: 'Yes, this is the cheque go ahead'.

So when you hear that hot air Madam Speaker, it just has to pass you by. Work will be carried out in as many of these subdivisions as I have said, as is humanly possible within the finances of this country.

The Honourable Minister on this side from the district of Bodden Town constantly tries his best to work

along with us and, as I have said, we are presently working on two subdivisions there. We are working on two here in George Town and this is the way it will be. Mention was made of one in Bodden Town where the water comes from the swamp onto the road. Madam Speaker, we have a worst case than that right here in George Town for those who know Templeton Estates, but what can I or the Public Works Department or the National Team do about an area that has been developed with low roads? The individuals have built their homes and when it rains because the roads are too low the houses are too low... if the government goes in and constructs higher roads, then they will be blamed for flooding the area.

So we are trying our best to upgrade the roads. We are trying to put in drains where possible, and if there is anyone else who can wave a magic wand in here I would like the answers.

Madam Speaker, mention was made why [the specifications] should not be across the board on the type of roads that are prescribed for subdivisions. I thought that this was simple; properties on Seven Mile Beach or in that area are valued many times more than properties in Bodden Town, East End, and North Side. I think it would be very unfair to the purchaser and the developer to enforce that they in developing their development have to have the same type of roads as we find on Seven Mile Beach. After all, the demand will be there, the price is there, and in most cases developers in the districts I have mentioned, are catering to the local people. Where in the world would they find the money to purchase properties at a higher rate? Some of those poor people whom I mentioned find it hard to purchase at the low rates that now exist. So that is the reason why we have to prescribe two types of roads.

Madam Speaker, again I would add that it is now being enforced and it will be enforced as long as I am the Minister. I cannot say what will happen when I leave. I share sympathies with these people because I go around and look at these subdivisions; the Members for George Town and I have driven around the district. I have driven around with the Members for Bodden Town, with the lady Member for North Side, and I know the roads in my district. We have a problem and like all other problems, regardless if the Opposition believes it or not, this Government tries its best to come to grip with them and work on these problems.

Madam Speaker, you know I would not close without touching on something that was said partly by the Second Elected Member [for Cayman Brac and Little Cayman] and the words actually flowed from the First Elected Member for Bodden Town, that is to say the Second Elected Member for Cayman Brac and Little Cayman started by saying that he was going to be very careful not to call names because—and of course the other Member backed him—of victimisation. I would like to tell the two Members that as far as I am concerned, I have no part in that. I need not to know any names be-

cause there is always a leak any place you go, and I would have been upset if [the person the Member consulted] had not told him the correct standards. But from what he has said it seems that on that occasion he was informed correctly and the standards are as I have pointed out. So, as far as victimisation is concerned, I would only say to them look elsewhere and not to me because I am not that sort of person.

Madam Speaker, the Government feels that we are doing all within our powers to address the situation in the best interests of the people of this country. We are trying to do it taking into consideration that especially, those who have the problems are the poorer class people (and I say that with the greatest respect), but any community has those types of persons. It is our intention as I have said earlier, to work within the financial means of the country and we will try our best to do as many roads as possible. I think that is all anyone can expect of us.

Thank you.

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. 18/95 entitled 'Developers of Housing Subdivisions to Improve Roads'. When I heard the Mover outlining the intentions in this motion, the words that kept coming to my mind were taxes, more taxes, and more taxes. What is amusing is that I think it was last year the same two Members brought a Censure Motion on this Government for attempting to assist the people with roads especially in the district of West Bay.

Now what they are proposing here is nothing more than the introduction of a subdivision road tax. With the cost of living in this country most people have difficulties even at the end of the week to find an extra \$100 to go to the supermarket to purchase food. How in the world are we as representatives going to say to the people, 'You do not deserve to drive on a good road and, if you live in a subdivision we will penalise you because if Government goes in and fixes those roads you are going to have to bear some of the costs?' That is totally ridiculous Madam Speaker, and totally unacceptable.

In this Sitting some of the motions that have been brought to this House make me really wonder how in the world—especially the two Members who brought this one—come up with these ideas. It is obvious that those two Members do not have any real desire of being re-elected in 1996. One of the reasons why the people put us in this House is to assist them with good roads, good schools, good play fields, good sporting facilities, and other services that they cannot afford to provide for themselves, and also in line with our promises to the people, good health care facilities.

Madam Speaker, you can imagine as the Honourable Minister mentioned, if Government went along with this scheme [as proposed by the Motion] saying 'Yes

we will do this'. . . I do not know how many landowners are in Belford Estates, but I understand it is estimated to cost in the region of \$600,000 to \$700,000. Let us say there are four landowners in that area and you divide that sum by four: we are talking in the region of \$150,000 per landowner. Even if you give them 15 or 20 years to pay it back, first of all who is going to collect?

One of the major problems we have in this country right now is the collection of revenue as far as Government's revenue is concerned. Now we are going to put the burden on the Financial Secretary's Office to say that we are going to go out and fix roads and his staff go out and collect from those land owners. Totally ridiculous, Madam Speaker!

I am one representative and I share the same philosophy as the rest of the National Team, that we are prepared to provide as many services to our people as quickly as possible by the financial restraints of our resources.

Madam Speaker, I also hear a lot of people with a very strange philosophy—and I am not saying that we do not have some people who can help themselves, who rely on Government for providing a service. I have heard many people say there are a lot of older people in this country who are poor—barely able to make ends meet and need services. The attitude is if their children cannot give it to them then those poor persons should do without the service, be it food, be it shelter, be it electricity, or be it roads. I believe that is the wrong message to send to our people.

Our people are proud people, they are hard working people, but most people in this country right now are finding it very difficult indeed to make ends meet. One of the things that this Government has been very careful with, regardless of the demand for services in this country, is that in our first three years in office [Government] avoided as far as possible any new taxes to our people. Why, Madam Speaker? Our people are already suffering with a huge burden of taxes and the cost of living in this country.

I support the present policy in place regarding planning, that if there is a subdivision going on there is a minimum standard that has to be met as far as roads are concerned and the Planning Department and other agencies responsible must see to it that those standards are enforced. But as far as the old subdivisions are concerned (and these are the ones which are giving us problems at the present time), in a lot of instances the developer sold the property, completed his development and moved on. Now we are going to tell those poor persons in that area: Go find the developer regardless of where he is, make sure that he comes back here and fixes your road because we are not prepared to assist. Unreasonable, Madam Speaker. Totally unreasonable.

As I have said, I honestly question whether or not these Members bringing these kinds of motions, sit down and think them through regarding the conse-

quences and the burden they are going to impose upon our people.

I think it was just yesterday, there was a Motion calling for a crematorium for dead animals. Madam Speaker, I have always been a lover of pets. I have always had dogs, cats, chickens, you name it. But when one of my animals died I dug a nice little hole in the ground, stuck him in there, covered him up, said a prayer and that was the end of it. That is all we are doing for our beloved people. When they die we do that—we put them in the ground.

So to sit here and propose services that are first of all very impractical, unaffordable, just because they read it out of some magazine or because somebody who has a special interest comes to them and says this would be a good Motion, bring it... I believe that when we come to this House we have to be responsible, we have to be prepared to represent all of the people, not only the favoured few.

Let me ask another question. They are saying that Government must go out and do these roads: where is Government to get the funds from? Do you mean for Government to borrow the money, because they do not have the resources to do them all at one time and then, say to the people, 'We had to borrow \$9 million to do these roads now we are going to tax you to get it back'? That is totally unreasonable.

The Members for West Bay, especially, took a pounding last year. The other Members of the National Team took a pounding for having the guts to . . . Since I was elected in 1988 I have had roads in the district of West Bay that I was trying to get fixed. I am talking about roads for people who do not have access to their homes...

SPEAKER'S RULING

The Speaker: Honourable Member, I am going to have to ask you to stop. This is the second time you have repeated that. You have also repeated a statement made by the Honourable Minister. That is not allowed under Standing Orders. Please confine yourself to the subject which is before us now, Private Member's Motion No. 18/95.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker, that is what I am trying to do.

It is totally unfair for those Members to come to this House and expect us, who are part of the National Team, to tax our people to this extent for a service which in the past had been provided free of cost within the limits that are afforded by our financial resources.

I trust that the persons in their districts take note of the issues which they are bringing to this House and I personally will not be supporting this Motion when it goes to the vote.

Thank you, Madam Speaker.

The Speaker: If there is no further debate, I would ask the Mover if he would like to exercise his right to reply.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I am delighted to reply to some of the misleading, ignorant, double-talking, foolish statements that I have heard come from the Government side of the House and their supporters with regard to this Motion.

First of all, the Motion asks Government to consider requiring developers of housing subdivisions to improve roads where necessary to prescribe minimum standards. In presenting the Motion, I spoke of the serious problems, health-wise and otherwise found in the old subdivisions, to consider requiring the developers to bring these roads to prescribed minimum standards. Now it is clear that this Government, if we take what the Minister has said, does not believe the Government has a duty to make such a request of the people who have created the highly substandard roads.

Apparently because now there are supposedly in place required minimum standards what has happened in the past does not matter. Or, what has happened in the past by people who have profited, it is now the responsibility of the Government to correct, and that this country has at its disposal all the means to correct these situations without even an effort of saying to the people affected in these areas, 'Would you like to help? Would you have a wish to put in even \$50 towards this? Would you like to have the opportunity to assist? We have costed these roads and found that they will cost so much, we are prepared to help, but you are being asked to help.'

One very salient point that has to be made in this is that when funds were misappropriated in 1994 to fix 41 private roads in West Bay, it was public funds going for private purpose. Unless all of the people can so benefit, it cannot be morally right to select a few by a particular government and do those for the purpose of acquiring votes in the forth coming election that at least one Member has alluded to.

These are private roads, they are not public roads and this Motion very carefully took that into account. The first thing it says is to require those people who built substandard roads (which cause people to suffer) to bring those roads up to minimum standards.

The second Resolve carefully says that in instances where Government undertakes improvements on substandard roads in subdivisions to relieve distress to residents—a very personal thought, a very personal act. It is the relief of distress to our citizens, that the Government seeks to see that there are those who will contribute some financial effort to it.

It is the same as pensions. Those who say that it is something desirable says the employer must put half and the worker must put half. It is no different than that and it leaves it open to whatever arrangement the Government might want to make, if any at all and that the very same people whom the Minister for Roads has said

have made their money and run away—that is what he said, that they made their money and are gone—then, what is so wrong in trying to find those people if they are still around; if they still own a large part of that subdivision, and say to them, 'Chum, you have sold lots to 25 people. There are 25 houses and every day of their lives, these people drive over holes and caverns; we believe we have to fix these roads, but when we fix it we are fixing your private road which is going to give you greater value on those lots. If we do it, friends, even if we have to amend the Law, we are going to put a charge on it because we mean to help them and not to benefit you.' What is so wrong about that?

When the Minister for Agriculture, gets into those intonations of care and love, feelings for the poor people of this country, he does not impress me because he has no more caring for the poor people or the rich people of this country, nor will begin to have [more] than I have—and my record proves that because I always find myself on the end getting beat up for taking up the poor man's cause.

Mr. Roy Bodden: True! We are one and alike!

Mr. Gilbert A. McLean: So, if he is using Government's money now and talking about the poor people and what he is bestowing on them, supposedly in two subdivisions of Bodden Town and two in George Town, I would think that the developers of those subdivisions, if they are still alive and well and who went with their money, must sure be laughing.

Mr. Roy Bodden: They are laughing all the way to the bank!

Mr. Gilbert A. McLean: They must sure be laughing!

They should laugh tonight when they hear the Minister for Roads say, 'Sure, you built substandard roads and you sold to those poor people, and those poor people are in distress; I am going to take the poor people's money and pay for your wrong!' They must sure be laughing!

The Minister for Roads asked if Government is being asked to put a charge on somebody's property. That is what this Motion says: that if in the older subdivisions the people who owned them still own the parcels in Belford Estates or otherwise, the developers still own them and Government is going to fix the roads, that is going to give them greater worth. Yes, the Motion is saying charge those unsold parcels.

Mr. Roy Bodden: True. That is the way it should be!

Mr. Gilbert A. McLean: That is what the Motion is saying.

But he, the Minister, as he intones about those poor people, he thinks it is right to fix those roads at the expense of all the people of this country, raise the land

value of the developers and give it to them and smile. He believes that he is imputing my good intentions by all that he has said.

There are people other than people in Bodden Town who cannot pay insurance. There are people all over this country finding it difficult to pay insurance and pay lots of other things. Those types of persons are always in the majority. That is why any proper well-thinking Government will always move to protect those persons who are poor. If tonight he wants to do something, let him read what the Bible says about protecting the poor.

How can the Government ask developers, he (the Minister) said, to fix the roads when they have sold out and left the island? That is what he should do. He should have been challenged at least to the extent that he would have asked the Lands Officer or whomever could research this information, to find out who owns these roads before he goes ahead spending the money he apparently is so graciously spending for the poor people to come here to talk about it when, as I believe, most of these old subdivisions have the majority of lots still owned by the developers and when he fixes the roads—who benefits? The poor people? Only in a very minor way.

As for this Government being kicked around and criticised for fixing a few roads in West Bay, they were not kicked around. This Government misappropriated funds and used it on private driveways. He knows where that is recorded, it is not just me saying that. He knows why there is no Public Accounts Committee Report on it either. Which is hindering the people of this country from knowing some of the things which they should know right now about that situation.

The Third Elected Member for West Bay, who sang the same song, is the Chairman of the Public Accounts Committee. So he knows why. I know why too, but, unfortunately, the situation of the Standing Orders of this House is that certain information cannot be made known to the public until such times as certain things take place. Regrettably.

SPEAKER'S RULING

The Speaker: May I ask the Second Elected Member for Cayman Brac and Little Cayman to refrain from speaking about repairs to the West Bay roads? Please discontinue that.

[An Hon. Member's interjection] You can run but you cannot hide!

Mr. Gilbert A. McLean: I know that Prospect Park was the first instance where Government was going to jointly undertake with residents to fix the roads. If he is now a Minister for Roads and he wants to know where the money is coming from for those who say they want to help, or where is the money, it is his duty to find out. Indeed, if at this stage there are still persons who are willing to do so, and he has heard about it ever since being

in the Portfolio, then it would seem to me that he would have made some kind of an arrangement to see that there is a proper agreement between Government and the people and that they pay as they agreed to.

As for forcing anybody, or pressuring the poor people to pay, that is absurd. This Motion said nothing about such a thing. It says that if Government decides to do something on these roads, it should seek some dialogue with the people and hold the people who created the substandard roads to some charge for improving the value of their land.

If there is a subdivision called Templeton Estates, is there something wrong with the Government (which is the state, the body representative of the people) acting on the behalf of the people through the proper Ministry to find out who owns that—if anyone, besides the people who apparently are distressed in that area—and require them to make some changes; to maybe pay to have a drain put in that subdivision? What is so wrong about that? Or must the developers of that also sit back and laugh because the Minister is bestowing kindness on the poor people in this subdivision.

The Minister spoke briefly about the situation of roads and subdivisions in Cayman Brac. Amazingly enough, even in the small island of Cayman Brac and the smaller island of Little Cayman, subdivision roads are hot mix asphalt. Are they such wealthy people in Cayman Brac and Little Cayman? There are some, but the majority sure are not. They have less chances for employment. I know of people working there in jobs similar to those in Grand Cayman, earning less, but yet they are able to purchase a piece of land (not outright), although in most instances it is purchased right here in Grand Cayman. They struggle and they also build their houses. But, they are so fortunate to have roads that have asphalted surfaces which should last 10, 15, 20 years.

Oddly enough, in Grand Cayman it cannot be done. The reason is because apparently—and this is a real kicker—in this country on a whole to subdivide it takes money to do so. Whoever develops has to have access to some money. Anyone knows that from the requirements of the Law and when they go to the bank, the bank knows that certain roads have to be built to certain standards. Yet, the Central Planning Authority here is one which can say in Grand Cayman, 'Put down chip and spray, that is all right, because there is a benevolent Government coming behind to put down the hot mix.'

Something is wrong in this country. I would like to know whether poor people who, as the Minister said are referred to with the greatest respect do not have the same right to drive on hot mix roads as do others with money.

I think that there is quite a revelation here this afternoon in that it is clear that this Government has a policy where it takes public funds and uses them to the benefit of a handful of individuals who should have paid in the first instance on the pretext or the excuse that

they are helping the poor. It is a perversion of good government that public money is not employed to the benefit of all.

I do not know where this business of taxes comes to the mind of the Third Elected Member for West Bay, because it is only he and his Minister have been talking about taxes.

The Third Elected Member for West Bay also said how careful he and the National Team had been to not bring any taxes since 1993. Well, that is absolutely untrue for in 1993, 1994, and 1995 taxes were imposed in the country. Let the record show, and for those who are interested, they can easily find that in the Estimates.

This Member also spoke about a Censure Motion, and indeed a motion was moved in this House and what happened in the first instance with regard to a censure motion is typical of what that National Team Government does when it comes to perverting the practices and process of government (practice and process in this Legislative Assembly for that matter). Here the drama was played out when the House was adjourned in the middle of a Censure Motion.

What a wonderful story for the Parliamentarian and for the examination of Commonwealth nations around the world! Quite an exercise! Quite an exercise! It is a pity that it did not reach that magazine... something to study; it speaks about the government and it speaks about the parliamentary process in the Cayman Islands.

One thing I noticed plenty of is that the National Team Government really knows how to grin; everything is funny.

Hon. W. McKeeva Bush: *[laughter]*

Mr. Gilbert A. McLean: Everything is funny! That which is trivial is made serious, and that which is serious is laughed about!

Madam Speaker, unlike what the Third Elected Member for West Bay may believe, I do have intentions to continue in politics come the next Election—God willing I am alive—and of being elected. I believe that I can do that on the basis of standing (as I have done) for what is right and proper and even when I am outnumbered 13 to one that is still all right. That has never bothered me. So, I would assure him that is my intention.

The Speaker: Would the Honourable Member take a suspension at this time?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.59 PM

PROCEEDINGS RESUMED AT 4.20 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 suspension I was briefly commenting on the fact that, yes, I intend to be a candidate in the forthcoming Election and I believe (just to briefly add to that thought), that next year a lot of people are going to be judged on their record, including the Government of the day and that recording is going to show quite a few things. I am prepared to stand on mine in terms of motions which have come to this honourable House on matters of national concern; the hundreds of questions asked so that the public may know. And I trust that all of those persons other than myself in this House, feel as prepared to be judged on theirs.

Madam Speaker, this motion that is before this House this afternoon is one which deserves some degree of common sense and understanding to know that it is about making a difference for people; people who no longer live in the areas or districts they did before and in some cases not in the same locations in which they were born and grew up and that within these areas there are communities in themselves and these poor people (as the Minister for Roads referred to them—and poor they are I think, by the way they are treated, not so much that they are poverty stricken—the Government should act on their behalf to see to whatever extent is possible to have those persons who first sold them the land do something which they should have done in the first instance.

It is a call for Government to look at the road it is travelling in regards to how public money is spent and the reasons the Government perceive for spending it. In fact, if standards are now prescribed for roads in subdivisions (as the Minister says there are), then perhaps the time has come too, for inspecting these roads by using proper instrumentation core cutting them rather than doing visual inspection as these roads that are approved even in the present subdivisions may well prove to be what they are not.

And as for the Minister saying that what I had said “was correct for a change” on what I gleaned from the people I spoke to in the Planning Department and Public Works Department, I can assure this House that in both instances when I called those departments to find out what should be basic information available to any developer or otherwise, I identified myself by saying ‘I am speaking to you and I believe the information that I am asking for, you can give me as you would anyone from the public. I do not wish in anyway to jeopardise you, if it is something you cannot tell me, please let me know’. At least in one case in one department the individual said to me, “Please understand, I have not talked to you”.

So, again, when the Minister trumpets on behalf of the Government and himself, that is the opinion of one of the people in the department who gave me the infor-

mation. I say that that is the climate of people being afraid and intimidated with regard to even giving basic information to me, a Member of this Legislative Assembly that he could give to other people of the public. I assured him that I simply wanted the information so that I would not make an inaccurate statement.

Madam Speaker, no more could be said to this motion, in that this is a motion that is necessary to deal with a matter that presently exists in this country; a matter that is not going to go away, and it might strike the Government that for as many of these roads that are repaired and are not gazetted, have remained the property of the individuals who own them. If Government gazettes them then they include those roads and add to the list that Government must continue to maintain, fix, and repair.

So the overall effect is one of expense to the country. There is nothing wrong in having the people who should have fixed the roads in the first instance, bring them up to a required standard if Government is going to be the benevolent benefactor and take over the care of these roads.

Madam Speaker, I leave this Motion to stand on its own for the good sense that it entails and for the resolves which ask Government to take certain wise action in this particular situation.

Thank you.

The Speaker: The question before the House is Private Member's Motion No. 18/95: **"BE IT RESOLVED that Government consider requiring developers of housing subdivisions to improve roads where necessary to prescribed minimum standards;**

"AND BE IT FURTHER RESOLVED that in instances where Government undertakes improvements on sub-standard roads in subdivisions to relieve distress to residents, that arrangements for joint financial contributions between Government and parcel owners be devised, and that a charge be placed on unsold parcels until the component cost to Government is recouped."

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, may we have a division, please?

The Speaker: You certainly may.
Madam Clerk.

The Clerk:

DIVISION NO. 17/95

Private Member's Motion No. 18/95

AYES: 2

NOES: 12

Mr. Gilbert A. McLean	Hon. Richard H. Coles
Mr. Roy Bodden	Hon. George A. McCarthy
	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. B. L. Thompson Murphy
	Capt. Mabry S. Kirkconnell
	Mrs. Edna M. Moyle

ABSENT: 3

Hon. James M. Ryan
Hon. W. McKeeva Bush
Mr. D. Kurt Tibbetts

The Speaker: The result of the Division: two Ayes, 12 Noes. The Motion is therefore negated.

**PRIVATE MEMBER'S MOTION NO. 18/95
NEGATIVED.**

The Speaker: May I have a motion for the adjournment of the House. The Honourable Minister for Education and Planning—Leader of Government Business.

ADJOURNMENT

Hon. Truman M. Bodden: Madam Speaker, I move the adjournment of this honourable House until Monday, at 11.00 AM.

The Speaker: The question is that this Honourable 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 Monday morning at 11 o'clock.

**AT 4.33 PM THE HOUSE STOOD ADJOURNED
UNTIL 11.00 AM MONDAY, 20 NOVEMBER 1995.**

**MONDAY
20 NOVEMBER, 1995
11.27 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, forever 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. Suspension of Standing Order 23 (7) and (8). The Honourable Minister responsible for Education and Planning.

SUSPENSION OF STANDING ORDER 23(7) & (8)

Hon. Truman M. Bodden: Madam Speaker, I move the suspension of Standing Order 23(7) and (8).

The Speaker: The question is that Standing Order 23(7) and (8) be suspended so that questions can 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) & (8) SUSPENDED.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

The Speaker: Question No. 248, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 248

No. 248: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to provide a breakdown of the number of students currently enrolled at the Alternative Education Centre by gender, age and grade.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. As at 1st November, 1995, there were 12 students enrolled at the Alternative Education Centre. The breakdown of these students is as follows: Two female students between the ages of 14 and 15 who are both in year 10; Ten male students: two between the ages of 12 and 13 in year eight; three between the ages of 13 and 14 who are in year nine; three between the ages of 14 and 15 who are in year 10; two between the ages of 15 and 16 who are in year 11.

Additionally, on this date there were six students in the Suspension Centre.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister give an indication of the average stay of these students at the Suspension Centre, and at the Alternative Education Centre?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: To attempt to give an average stay, since some of these are there for a short period and some for a long period, in my opinion would not achieve very much. I do not have it. If the Honourable Member regards it as relevant, then we will have to go back and take all the students over the past year, work out all the time that they have been there and divide it by the number of students. I do not see what this would achieve.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Member say if the curriculum at these two Centres includes the regular curriculum at the respective schools from which the students were sent, or are there additional courses that the students at these Centres are required to take?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the curriculum is similar to what they would be doing that year in the specific school which they came from. I would expect that there would be extra classes relating to specific problems that the children have and these would be quite diverse.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister say, for the sake of clarity—because I am a bit confused about what the Member said about the average stay and so forth—if it is alternative education, is that not the point of taking the students out of their present environment where they are disruptive and putting them in the Centre? Is that not the whole idea for alternative education?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Yes, Madam Speaker, that is the purpose.

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 honourable House is to understand that once these students are removed from the regular schools that there is no chance for them being brought back into the main stream? What I meant when I asked about the average stay was whether it was taken on the basis of over a year, or three months, six weeks, four months or six months, before they are placed back into their main stream classes at the high schools.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Normally the children only go there on a temporary basis. We have had several of them main-streamed back into their respective schools. So, as soon as they are brought up to a standard by which they can go back into the main stream, they do so. It is not meant to be a permanent facility, as such.

The Speaker: The next question is No. 249, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 249

No. 249: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning what formula exists for the provision of financial assistance from Government to private schools.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The present formula for the provision of yearly grants to private schools is based upon per capita enrolment and age of students. In addition, small schools are given an additional flat grant of \$10,000 per year. This formula has not been changed since the early 1980s and is presently being revised.

In keeping with Government's policy to assist schools who undertake capital development such as the addition of specialist rooms and equipment, some schools have received special one-off grants for a particular project.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister explain to the House what are some of the criteria for being given one-off grants? What are some of the projects that would warrant being given a grant?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: For example, where a school is in need of computer equipment, or where they are doing a project by adding classrooms and that, in itself, is relieving Government of a very heavy annual financial burden.

For example, if a school is adding, say, rooms for 300 students, that immediately relieves Government of \$1.5 million of recurrent per annum. We would assist them, as we have done in the past.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether the Government makes any assessment of the requests, or whether the grants are simply given on the basis of the request.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, that Honourable Member either approves or disapproves, and the Opposition normally disapproves any requests that are made. But obviously, we do look at the reason for it. We do assess it and if we feel that it is necessary and good, and that it is saving Government a lot of money, which it always does, then we go ahead and bring it here for approval by this honourable House.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I have very little patience for the cavalier attitude. What I meant is that when a request is tendered, does the Government send anyone... for example, if a request is made for the improvement of library facilities, does the Government send anyone from the Education Department or the Ministry to make an independent assessment. For example, if it is made with a view to purchasing additional computers or expanding the library space, does the Ministry send anyone to confirm that the request is reasonable within the bounds?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: All requests are looked at very carefully and are properly assessed.

If that Honourable Member has a problem and does not like private schools, then I am not...

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: Excuse me, would you both sit down?

Honourable Minister, I think you have answered it. I do not see the necessity to make any expression about the Member. You have given him an answer, I think that will suffice.

Let us go on to the next question, No. 250, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 250

(Withdrawn)

[No. 250 Mr. Roy Bodden: What is the total liability to date of the Cayman Islands with regard to those Cubans repatriated to Guantanamo Bay from the Cayman Islands?]

Mr. Roy Bodden: Thank you, Madam Speaker.

I crave the indulgence of the Chair to have this question withdrawn from the Order Paper.

The Speaker: The question before the House is that Question No. 250 be withdrawn.

Is that seconded? The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I second that, Madam Speaker.

The Speaker: The Motion has been moved and seconded. The question is that Question No. 250 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 accordingly withdrawn.

AGREED. QUESTION NO. 250 WITHDRAWN.

The Speaker: The next question is No. 251, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 251

No. 251: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works if the major interior construction changes at the Government Administration Building meet with fire safety and evacuation requirements.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker. According to the Public Works Department, the changes meet with fire and evacuation requirements except for two external stairs which were costed and submitted in the 1996 Budget.

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 confirm that at this time there are certain fire hazards in the building, and what is the plan of safety in the event of a problem where there needs to be an evacuation?

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.

For those who know the Glass House, that was built as far as I am concerned as a fire hazard because the stairs and the elevator are situated in the centre of the building.

The renovations that were done did not in any way cause any further confusion than what was already there. What we are doing is that at present we have plans to put in stairs on the outside of the building to try to overcome any problem that we can.

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 if these requirements were in the plans that were originally submitted for the renovations in the Administration Building when they were submitted to the Planning Department, or were they submitted to any authority for the renovation to this building?

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Madam Speaker, one of the first things I undertook when I went back to the Glass House was to try to find a way to put a staircase on the outside of the building. It is not the easiest building to deal with because it is all glass and it has taken considerable time with the professionals to try to work something out that will be best for the building.

The Speaker: The next question is No. 252, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 252

No. 252: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works if any applications for dredging licences are pending Government's approval or have received approval in principle.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker, the answer is, yes.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say what he means yes to, or does he mean that there are licences pending Government's approval and some have been approved in principle?

The Speaker: I am sure that the Honourable Minister can read and I believe the reply answered both questions. I do not know if he has anything else to add, unless you want to add an additional supplementary.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister say how many applications are pending and how many have been approved in principle?

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: There are about four that have been given approval in principle, and about three pending.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Minister state who have submitted these seven applications?

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works, are you in a position to answer that?

Hon. John B. McLean: Madam Speaker, I would prefer not to give an answer because it is only approval in principle and I do not want to expose names of companies and/or persons on the floor of the House at this time.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is the Honourable Member saying that approval in principle is in truth not an approval and, if so, what more has to be done for these applicants to actually start the dredging process?

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Approval in principle means exactly that, 'approval in principle'. At this time, if the Chair would indulge, I do not want to give any more information on this.

The Speaker: Proceeding to the next question, No. 253, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 253

(Deferred)

No. 253: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works what is the process to be followed when an application for a dredging licence is applied for.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Madam Speaker, I would appreciate if this question could be deferred and set down for answer at a later date in the Meeting.

The Speaker: The question is that the answer to question No. 253 be deferred until a latter time in this Meeting.

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, the House is being asked to defer this question. Can the Honourable Minister give some indication as to why he is asking for this because procedure should be procedure?

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Certainly, Madam Speaker. I need not say to you how many questions have been down on the Order Paper dealing with dredging. And of course, civil servants are overburdened as it is, more so when we have to deal with almost 200 questions. That is the reason. If the answer were ready I would have given it.

The Speaker: I shall now put the question that the answer be deferred until a later sitting during this Meeting. Those in favour please say Aye...Those against, No.

AYES.

The Ayes have it, the question is accordingly deferred until a later sitting during this Meeting.

AGREED. QUESTION NO. 253 DEFERRED.

The Speaker: The next question is No. 254, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 254

No. 254: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Education and Planning what is the projection for increased business for Cayman Airways Limited for the coming year.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The airline business is a very competitive industry subject to multiple and varied external factors which can affect the overall performance.

By conservative estimates, and all other things being equal, Cayman Airways Limited is forecasting for approximately a 5 per cent increase in passenger revenues next year. This increase is expected to come as a result of a more aggressive airline marketing strategy, closer working relationship with the Department of Tourism and providing in-house certain services that had been previously out sourced.

SUPPLEMENTARY

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 this 5% projected increase would mean increased flights or increased passenger loads.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Both, Madam Speaker.

The Speaker: The next question is No. 255, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 255

No. 255: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Education and Planning if there are any plans for additional routes or flights to be flown by Cayman Airways Limited during 1996.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker, the answer: Cayman Airways Limited has conducted feasibility studies on one proposed new route for 1996. This proposal is before the Board and shareholders for consideration, but no decision has been taken to date.

SUPPLEMENTARY

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Minister would be prepared to say what this route is, or is this not a convenient time to do so?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, that Honourable Member knows the airline business as well as I do. I would rather not say so at this time, but I am happy to whisper it to him later confidentially.

The Speaker: The next question is No. 256, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 256

No. 256: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to state if any action is being taken to do the necessary remedial works at the George Town Primary School.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: Thank you, Madam Speaker, the answer: The remedial works at George Town Primary School have been mostly completed. To date the following items have been completed:

- 1) The numbering of all classrooms (1—40).
- 2) The screens have been installed in boys' and girls' bathrooms.
- 3) A low wall has been built around the shade tree/flower bed in the yard.
- 4) The air-conditioning unit in the reading unit has been bolted down.
- 5) Guttering and fascia board in the Infant Block have been replaced or repaired.
- 6) The lights on the Infant Block walkway have been repaired.
- 7) The lattice by the office has been fixed.
- 8) The drains have been enlarged to 8 inches in diameter and have been drilled deeper.
- 9) The hall doors and library doors have been repaired.
- 10) Rotting wood that was identified has been replaced.
- 11) The parking area has been reconstructed and a covered walkway connecting it to the school was constructed.
- 12) The library was extended, re-carpeted and significantly improved.
- 13) Floor tiles have been replaced in the bathroom.

In addition to these repairs, work was recently begun on a major re-wiring of a number of classrooms to increase the number of outlets and to enable additional fans and lights to be installed.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

In the Honourable Member's answer, he stated that the remedial works have mostly been completed, and at the end of it he mentioned the re-wiring of the classrooms in order to facilitate other fans and lights which are necessary. Are there any other outstanding items that have not been addressed and not included in the answer?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: Thank you, Madam Speaker.

This appears to be all. There are certain provisions for next year which the Honourable Member will see in the Budget when we reach Finance Committee. I would just like to point out that it is a mammoth task in two months to get all the repairs on all schools completed. The list here is short compared to some that we have had in other schools. I do my best, and so does PWD, espe-

cially Mr. George Manderson, who I would really like to thank for his help.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

I am sure that the Honourable Minister is aware of a letter we received as George Town Representatives regarding the school. Was it because these remedial works were not requested by the principal, or was it that PWD was so stretched that they were unable to complete it?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: The previous principal, despite what he said at a graduating ceremony, did not come forward and ask for a lot of these repairs to be done. It was not until the principal recently appointed there for this term put this into motion... she is very energetic, very capable, and a lot of this has been done in the short weeks that she has been in the school.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Minister say if the re-wiring works which have just recently started will simply continue until completion, or will there be any gaps in between?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: I would hope it would continue. If there are any gaps, they are going to have to deal with me and also with the Chief Education Officer and Permanent Secretary. I would like to see this completed as soon as possible.

The Speaker: The next question is No. 257, standing in the name of the Fourth Elected Member for George Town.

QUESTION NO. 257

No. 257: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to outline any plans being formulated to correct the obvious gap which has been discovered between what infants are learning at pre-schools, and what the curriculum expectations are at entrance level in Primary Schools.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: Madam Speaker, plans have been in progress since February 1995 to assist pre-

school personnel with the knowledge needed to promote and encourage the overall development of the child.

A curriculum guide for pre-schools is near completion and will be in place by the end of this term.

A meeting was held with the Year One teachers in the Government Primary Schools and personnel from the Education Department in order for the teachers to voice their concerns and make suggestions for possible solutions to the problems.

Another meeting was held with the pre-school operators and teachers to enable them to discuss some of their problems and concerns and what solutions they may have. As a result of these meetings it was the consensus of everyone involved that continuous dialogue between the two levels is paramount.

An Early Childhood association has been formed which includes representatives from both pre-schools and primary schools.

At the same time, the curriculum guides which cover Years One to Three at primary level are being reviewed.

In terms of curriculum expectations at the entrance level of primary school, the expectation is that by five years of age children will have developed fine motor skills, are able to recognise shapes and colours, are able to follow basic directions and have learned how to get along with others.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Is the Ministry satisfied that the year that had been taken out of the primary school—the first year, the Kindergarten year—that its being placed in the hands of the private sector is the most desirable?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: I have to draw a distinction between satisfactory and necessity. I think that moving 205 pre-school children as the last Government did from the Government system, and basically putting them on the street when there were only three registered pre-schools (which had the capacity to take a fraction of them), was wrong. Necessity dictated that since an extra year had been put into the primary school in the grade six year, the classrooms that were used for reception classes had already been taken. This was one of the radical changes made by the last Government in the school system and it has had a very detrimental effect on the children.

What we are trying to do is to assist the private pre-schools so that they can come up to the accepted standard. As I answered a short time before, about 22 of them are either registered or will be registered shortly. One has a problem with physical premises and is moving elsewhere.

In these circumstances, this is the best that can be done and it is a policy that I must, out of necessity, accept at this stage.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: While the Honourable Minister, in his most recent answer alluded to the fact that the Kindergarten year is not possible at the primary schools at this point in time, would he specifically confirm that physical space in the primary schools at this point in time does not allow for this possibility to exist?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: I can confirm that it is physically impossible to put the reception classes back into the schools where they had been removed in 1992.

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 future planning is geared towards putting this first year back into the primary schools or if it is the view that they will simply try to upgrade the existing private schools to meet the growing demand?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: With the exception of one primary school and maybe two where the pre-schools cannot get those children into the pre-schools, the Government has no intention of bringing back a full scale pre-school system.

I would like to point out here the danger when there are radical changes destroying a system such as the pre-school system in Government which took only a matter of a stroke of a pen. It had been developed over many years and you just cannot, when you radically change things in the education system, correct them overnight. It takes a long time before changes such as this can be corrected.

I believe that we can help the private pre-schools to upgrade to the standard where they will fill the gap, but it cannot be done overnight. This is what the last Government should have realised when they demolished the reception classes in the pre-schools.

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 as far back as 1978 when he was Minister for Education, one of his then employees, Dr. Frank McField, made certain recommendations in regard to

primary schools and upgrading them? That was a long time from now. What thought was given to that?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: Madam Speaker, I have a reasonably good memory, but I cannot remember what Dr. Frank McField or anyone else did back in 1978. The Member has made a statement. I cannot say whether it is true or not.

The Speaker: That concludes Question Time for today.

Other Business, Private Members' Motions, Private Member's Motion No. 17/95—Drug Rehabilitation Joint Effort.

The First Elected Member for Boddén Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 17/95

REHABILITATION JOINT EFFORT

Mr. Roy Boddén: Thank you, Madam Speaker.

I rise to move Private Member's Motion No. 17/95, entitled 'Drug Rehabilitation Joint Effort' standing in my name, which reads:

"BE IT RESOLVED THAT Government explore the possibility of a joint effort in the drug rehabilitation with Canaan Land Foundation."

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: Private Member's Motion No. 17/95 having been duly moved and seconded is now open for debate.

The First Elected Member for Boddén Town.

Mr. Roy Boddén: In this introduction to Private Member's Motion No. 17/95, let me state that the merits of the Motion are based primarily on the fact that from all indications it would seem that the Canaan Land Foundation is eminently equipped to cater to the drug rehabilitation needs of our country. It would seem that what they lack is some assistance in providing the resources, especially the physical facilities. It is my understanding that this organisation can draw on human resources from the United States where the Canaan Land organisation operates several of these facilities.

I suppose it was a matter of sheer coincidence that at the church I attend the sermon yesterday was deliv-

ered by the founder of this organisation. I had an opportunity to speak with this gentleman after the sermon. One of the things he told me was that in the United States the success rate of state institutions in this regard ranges between 2% and 6%, while at organisations such as Canaan Land success rate ranges up to 86%. Indeed, he mentioned in his sermon that there was at least one Caymanian at one of the institutions operated by Canaan Land in the United States and by all indications this young man is doing fine.

Several weeks ago I was invited by the Seventh-Day Adventist Congregation in West Bay to participate in their Youth Day exercises. I met another graduate of the Canaan Land effort, a Caymanian, who gave a testimony as to her experience prior to entering into the rehabilitation at Canaan Land, and after. I was most impressed.

One of the things she said, and one of the things which was highlighted yesterday, was that it is recognised that one criterion for success in these kinds of efforts has to be the development of some form of spiritual sense within the individual. Indeed, yesterday the founder said that is the greatest failure among those persons who attend state institutions.

My concern as a legislator goes beyond that, although these things certainly will have to be borne in mind and I place great credence in them. What I am also concerned about is the duplication of resources, particularly in a small country where, although it is recognised that rehabilitation efforts are something which we need, we are catering to the same audience.

Therefore, I have to call into question the efficacy and the necessity to operate competing institutions, particularly when the Canaan Land Foundation has resources that they can draw from, established in the United States in terms of programmes, personnel, in terms of people who have successfully passed through the programme and can serve to offer themselves as models and to offer testimony as to the effect of their programmes.

Significant too is that the Canaan Land Foundation in the Cayman Islands already has the land and has already started constructing physical facilities. Indeed, it would strike me that the Government must recognise what they are doing since the Government gave them the donation of about \$40,000.

I would suggest that the Government, even at this stage, take a serious view and explore the possibilities of entering into a joint effort in this regard.

This is particularly significant because the Government, through the Minister in a report in the Caymanian Compass, of Tuesday, 31st October, 1995, is on record as saying that the start-up cost for the Government's centre is \$1.5 million with an estimated annual operational cost of \$476,123 per annum. Additionally, there is to be a \$2.2 million expenditure. The Minister also announced the formation of a Drug Secretariat at a cost of \$86,000 with an annual cost of \$170,000 per annum.

In all, I think that the Minister indicated that over the next five years the Government was prepared to spend

some \$6.2 million on the drug rehabilitation effort. Not a paltry sum by any means.

I, therefore, posit that the Government and the Government's drug rehabilitation efforts in the Cayman Islands at this time might be more effectively served by some kind of joint venture. Joint ventures in these kinds of efforts are quite common.

It is understandable that if Government is to contribute to a foundation such as this it would have to make certain demands. Cursorily, I have spoken with at least one of the moving forces behind the Canaan Land Foundation efforts here, and the impression that I have been left with is that they would not be averse to providing the Government with whatever demands they made which were reasonable.

I think that I cannot, at this stage, say much more than that. I only implore the Government to think this over seriously since it would strike me that it would need much less than the amounts suggested by the Honourable Minister, were a joint effort with the Canaan Land Foundation entered into.

Secondly, we would already have the experience of the Canaan Land Foundation and could draw upon the resources of the foundation, not only the physical resources here, but also the personnel resources and their varied experiences from their various operations in the United States.

Importantly too, we could learn from the experiences of those Caymanian people who have already had the opportunity of going to Canaan Land and whom I understand at least one is preparing to be a counsellor and may even be able to come back here and offer help to our people.

I believe that it would be a sensible approach. It would certainly be an approach that could save the Government considerable finances. It may meet the expectations of both the Canaan Land Foundation and the Government.

So, by way of introduction, that is all I have to offer at this point.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I rise to respond to Private Member's Motion No. 17/95, proposed by the Honourable First Elected Member for Bodden Town.

The Motion asks that Government explore the possibility of a joint effort in Drug Rehabilitation with the Canaan Land Foundation. I will begin by advising Honourable Members of this House that the Ministry for Health, Drug Abuse Prevention and Rehabilitation maintains open dialogue with the Board of the Canaan Land Foundation.

As the Honourable First Elected Member for Bodden Town said, this year alone (1995) the Ministry, with the approval of Government, budgeted \$40,000 to the Foundation, which has already been released to the Board. We hope to do the same thing in 1996. Just a short time

ago the Executive Council and this Government waived the duty on the importation of their second steel building.

The Canaan Land Foundation, by the participation of some of the Members, has been involved in the formulation of this Ministry's National Strategic Plan for Drug Abuse Prevention and Rehabilitation 1995—1999. This plan was tabled in the Legislative Assembly in September of this year. All Members of this Honourable House have been provided with a copy of the detailed plan, including the cost benefit analysis for each of the nine strategies.

The First Elected Member for Bodden Town touched on the cost of some \$6.2 million over the five year period, but that cost does not only affect the facilities that we offer, but it goes across the complete involvement of all of Government's departments, including Police, Drugs Task Force, the different provisions which have been recommended by almost 200 people involved with the plan, the sporting organisations. This is what that \$6.2... as a matter of fact, a lot of that has already been developed, as we have seen in recent times.

Honourable Members may already be aware that through strategic planning my Ministry undertook to set clear directions for its Drug Abuse Prevention and Rehabilitation Programme to detail the cost of programme implementation over five years, and to gain support for the plan through the involvement of every sector of the resident population in these Cayman Islands.

Strategy number 5 proposed that: **"We will guarantee treatment and rehabilitation services and facilities to meet the diverse needs of individuals."**

A group of volunteers under the guidance of trained leaders, collectively known as the Action Team, considered what specific actions were required to achieve specific results necessary for the implementation of that particular strategy.

I am pleased to tell the House, and the Mover and Seconder of this Motion, that one of the members of this Action Team is the wife of the project manager of the Canaan Land Foundation. We had a lot of input into this and I will briefly touch on the recommendations of this Action Team.

It says: **"Residential facilities for treatment and rehabilitation of substance abuse clients, as well as provisions of residential facilities for treatment and rehabilitation of adolescent substance abuse clients. For this specific result it was recommended that we should develop a cooperative agreement with an identified facility for placement of adolescent substance abusers, i.e., the Canaan Land Home."**

This is recorded in our National Drug Plan.

I would just like to briefly touch on an area that the First Elected Member for Bodden Town spoke on, and that is covered in the Canaan Land idea of rehabilitation.

The Canaan Land Home of Grand Cayman, in its 1993 Business Profile, described itself as a Christian Residential Facility offering a one year programme for the rehabilitation of young men 14 years and older. This speaks of the clientele that Canaan Land will address. These are substance abusers who lack the life skills nec-

essary to cope successfully with an increasingly complex society.

I understand that the Canaan Land Home of Grand Cayman is formally registered locally as a non-profit company. According to the profile, Canaan Land of Grand Cayman believes that the answers to all of life's questions and solutions to all of life's problems are to be found in a study of God's word and in developing a relationship with Him. As such, Canaan Land of Grand Cayman will require each of its prospective students to accept its Christ-centred programme. The student must also commit to a minimum one-year programme amongst other requirements.

It proposes to request the help of the Cayman Counselling Centre to evaluate prospective students and the financial plan is that the programme will be funded entirely by individual church, corporate and Governmental donations and subsidies. I have already touched on Government's contribution last year, and what is hoped for in 1996.

The cost of students referred by Government will be borne by Government and those students unable to contribute financially would be accepted free of cost. Currently, the cost of clients being referred overseas by Government for rehabilitation is approximately \$16,335 (US) per person for the 30-day programme, including medical detoxification. A further cost of \$200 per person per day applies to those clients who participate in the Halfway House Programme.

The Halfway House Programme allows clients to go out to work on community service during the day, and in the evenings participate in structured programmes for support. This allows the clients to be gradually prepared for their return to full responsibility of his/her life-style.

In 1995, records revealed that there were 80 new cases of chemical dependency with a total of 12 overseas referrals. There were 95 new cases in 1994. Historically, Government has funded 95% of the cases referred overseas on an advanced basis. It is projected that by the year 2000, there will be 122 new cases of chemical dependency identified. Clearly, then, demand exists, and will continue to exist for the immediate future, yet the needs of the chemically dependent are not being met by the presently available range of services and programmes.

For many chemically dependent individuals and their families, several factors play an important role in their choice of a suitable residential rehabilitation centre: costs, relapse rates, confidentiality, philosophy and the type of rehabilitation model. In Canaan Land's programme for 1993, they would be catering to a specific age group and a specific sex, namely, young men 14 years and over.

The Ministry for Health, Drug Abuse Prevention and Rehabilitation proposes through the Breakers Rehabilitation Centre to reduce the demand for, and consumer abuse of drugs in the Cayman Islands, as well as to enable chemically dependent individuals to achieve and maintain sobriety locally; then to re-integrate them back

into society through a 30-day residential programme for both men and women 18 years of age and older.

I can tell you now what is being done at this stage for younger ones. They are being seen at the CIMI in West Bay and we have our counsellors go in there regularly to meet with them. So the problem is now being addressed.

The model of rehabilitation will be based on the 12 steps of Alcoholics Anonymous. Clients will be expected to adhere to these principles or seek rehabilitation elsewhere. For some clients it may be necessary to be admitted to the Halfway House Programme for further support before re-integrating them back into society. Patients are expected to pay for the services provided, and for those unable to pay a financial arrangement with Government will have to be agreed.

I believe that the services and programmes proposed for the Canaan Land Home of Grand Cayman and the Breakers Rehabilitation Centre are complementary to each other. Canaan Land will offer services to not only young men 14 years and older, but also young men who lack the life skills necessary to successfully cope with an increasingly complex society. The Breakers Rehabilitation Centre will provide services to both men and women 18 years and older who are substance abusers.

I would like to thank the Mover and Seconder for sharing their concerns on the Drug Rehabilitation Programme and ask for their continued support as we develop the programmes. I urge all of my colleagues to take a closer look at our National Drug Plan, see how they can get involved. It may not be totally perfect, but it has been developed by a few hundred of our Caymanian people who are very concerned about our children and the future of our beloved Cayman Islands. These people are very committed and have now accepted the responsibility to make a concerted effort to help reduce our drug problem.

On Wednesday night last week, my Ministry hosted an appreciation dinner for all those who worked so diligently and unselfishly on our Strategic Plan for Drug Abuse Prevention and Rehabilitation. I was extremely impressed by the huge cross section of people who had volunteered to help tackle this drug problem.

In closing, I must say that Government cannot support Private Member's Motion No. 17/95. Government already has open dialogue with the Canaan Land Foundation and proposes to maintain such dialogue and to continue to work with them wherever possible as the Ministry sees this as teamwork—Government doing its share. And we are not averse to any private group wanting to come in to help us with this. We look forward to more groups like Canaan Land assisting Government. This is the only way, by taking this partnership and going forward, that we can successfully make a serious impact on drug abuse in these islands.

Thank you, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

As the Secunder of Private Member's Motion No. 17/95, Drug Rehabilitation Joint Effort, I certainly stand convinced that a joint effort between Government and an already existing organisation can best serve the drug rehabilitation process here in the Cayman Islands.

I think there is very little doubt in this country that we have a problem with drug abuse. Certainly much is said about it ever so frequently in the press and otherwise. It is spoken about from the pulpit in the churches and there are numerous families that are affected by it. The question is, What do we do about it?

I think it is a balancing act for most fortunately it is a much, higher percentage of people who do not abuse drugs than those who do. I have often thought about this particular condition in our society and I sometimes believe that more money is spent assisting the drug rehabilitation process than assisting those of our youth and our society on a whole towards achieving goals and objectives as the majority in the country really strive to do.

This Motion envisages not just a relationship as has been spoken about by the Minister for Drug Rehabilitation, although I think it is good to know that there is an open dialogue between the Government Ministry with responsibility for drug rehabilitation and the Canaan Land effort. Certainly, it should be as I believe both are interested in achieving similar goals.

I have had opportunity to speak with at least two of the main players in the Canaan Land effort. It strikes me that they must surely be believers in doing something about the drug abuse problem in this country and doing something about the drug rehabilitation effort because they were motivated to the point where they acquired land on which a building could be constructed. They have worked at acquiring money to construct the building and it is my understanding that this has reached a considerable distance in being completed.

I think it is laudable as well that the Government has contributed certain money directly to this effort. And I think that what is being suggested is that Government would continue to assist this effort with cash injection to the point that the Canaan Land Drug Rehabilitation Programme could really get started and begin to work the way it is envisaged.

Not that Government should simply hand out money to this project and have no say in what is involved therein. A joint effort is being asked for in this particular case, which would include the findings of the people who have been involved in developing a plan. The Minister referred to this earlier. The people of the Canaan Land Foundation who, as best I understand, do have certain expertise in this, and that this programme could be developed jointly to the extent that Government could achieve its overall goals and the Canaan Land programme could obtain its objectives.

The fact that the Canaan Land effort has a strongly religious based element is certainly not a negative to its success. I am aware that most of these, if not all of these drug rehabilitation programmes, including the one that is often referred to because of the way it has developed and

the success it has had, the Hazelton Project, they have a strong religious based element in it. They may use different terminology, such as, one's Higher Power, and they may not specifically refer to any denomination. But the religious aspect of it is very much present.

From what I can understand through the people involved in this, it seems like there is really no true success without being able to achieve a recognition by the person who has a drug problem. And that he or she has to get into something deeper than the ordinary day-to-day self, recognising that the strength needed to deal with this comes from something more spiritual than they recognised before. So, I do not see a conflict in that particular effort.

One of the things that Government needs to be conscious of is the amount of money that the programme such as the Minister spoke about, is supposed to cost this country. I think \$1.5 million initially, to get the place in Breakers, the Hawley Estate, brought up to a point where it can serve the purpose. Over the past few years I have heard varying costs associated with that project. But what I believe is that if it is estimated at \$1.5 million it is likely to cost twice that amount to get it to where it is operational.

To the best of my understanding, there has also been considerable resistance in that community to the idea of having a rehab centre there. I think from the perspective of the Canaan Land project it is in an area which lends itself to development by cultivation, gardening, which is one of the things that is taught in these types of programmes and it gets one closer to nature in terms of the woods. So it does not have that type of negative in that regard.

There have also been statements recently about a Drugs Secretariat. I think, whether it is called a secretariat, or a unit, or if there are two or three professionals, the country needs people who are going to monitor, examine, and analyse our situation with drug abuse and rehabilitation being ever mindful that there may need to be changes, and so on. But, again, we are looking at costs that are going to become recurrent expenditure.

Much is said nowadays about working with the private sector. If it is the case that there is a private sector effort with regard to drug rehabilitation, it simply seems wise that the Government should undertake a joint effort which could be cost-saving to itself, achieve its end and assist with what is already in place.

This matter of drug rehabilitation and drug abuse is going to be with us for some time to come. I am not one who for one moment believes that by the year 2000, or in 10 years, there is not going to be any drug abuse or need for a drug rehab effort in this country. I am one who believes that there is going to be a need and it will have to be an ongoing concern in this country I dare say forever, unfortunately.

So, whatever position the Government should take in regard to drug rehabilitation needs to be one which can be weighed realistically to see what will be its economic impact to this country. We cannot afford to spend significant sums of money in this drug rehabilitation effort. In so

doing, we may not have sufficient money to spend and assist that larger part of the population and young people who are really wanting something better than drug abuse, who may fall prey to it by lack of financial assistance.

I believe that the *Resolve* of this Motion asks for something which should be done and which can be done quite easily since Government is already involved in the effort with Canaan Land. Surely, it ought to fit with the many statements made by this Government about its commitment to joint efforts between Government and the private sector. In this case, the joint effort that is requested is with the Canaan Land foundation which is already in place.

So, Madam Speaker, I support this Motion and I would certainly recommend it to the Government for its attention and consideration.

The Speaker: If there is no further debate, I would ask the Mover if he...

The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Boddén: Thank you, Madam Speaker.

I would first like to thank His Excellency and Mrs. Owen and you, Madam Speaker, and Members of this Legislature for attending the National Education Conference today and for allowing us the extra time to do so this morning.

This Motion is one that is once again, geared at attempting to bring a motion on something that is already in process. As more and more of these Private Members' Motions are brought, we see very clearly that they are looking at good projects and good things that Government is doing, and then they bring a motion saying that we should do it in an effort to perhaps get the public to believe that this is an idea originating with them. In other words, this Motion, like some of the other ones, has been brought to get political mileage.

As the Honourable Minister stated, the Government is now helping the Canaan Land Foundation, the members of that foundation are on the Government's Planning Team, and there is obviously a very caring approach taken at present. Gone are the days where we had the previous Minister, Mr. Ezzard Miller, stand up in relation to drugs saying that he was *writing off a generation of Caymanians*. That is not this Government's approach and, indeed, it is not the approach of this House.

It was, perhaps, one of the most damaging statements that has ever been made. It is especially important that every young person lead normal lives and that they be in a world as free of crime and drugs and problems as possible. I understand that the main effort of the Canaan Land Foundation will be in assisting youngsters of the age of 14 and above. By all means this will fit in with the effort that Government is making.

We discussed in the Select Committee that we would double the penalty on drugs and crimes where adults committed these within the precincts of schools or where children were involved or used for purposes of drugs or crimes. We have to send a message to people

in this country who push drugs, that it is not going to pay, and that they must especially keep away from the youth of this country. I hope that when the Penal Code comes here doubling the penalty for crimes committed either within the precincts or within 1,000 feet of schools or within any civic centre areas where there are social functions, or the using of juveniles in the commission of crimes, the penalty will be doubled. I hope that the support for that is the same as what appeared to be the full support in the Committee.

I have the utmost faith in the Honourable Minister, I believe that he is doing a very good job. He has taken over a Ministry part-way through a term and it is never easy dealing with a Ministry when you begin at the beginning of the term, much less when you take it up a year into the term. I support his efforts, I believe that his planning is sound. I know that his intentions are good and I believe that what he is doing will show very good results and that from his efforts Cayman will be much better off.

Added to that, I also believe that the many service clubs, the churches, foundations such as this, must all pull together in an effort to deal with drugs and crime in this country.

The Motion is really superfluous. This has been done, is being done and will continue to be carried out in a partnership between Government and the private sector. My only sadness is that if the two Opposition Members had pushed the partnership and joint effort between Government and private schools, rather than opposing private schools, but extended—

POINT OF ORDER (Misleading)

Mr. Roy Boddén: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, First Elected Member for Boddén Town?

Mr. Roy Boddén: Yes, Madam Speaker, the Honourable gentleman speaking is once again imputing false motives and is misleading this House. I would challenge him to show where we stood in the way of any joint efforts between the Government and private schools.

The Speaker: Honourable Minister for Education, we are discussing the joint effort of drug rehabilitation which has nothing to do with private schools. I think that is out of order. The mere fact of imputing what others might think or do is incorrect. Please avoid that.

Thank you.

Hon. Truman M. Boddén: Madam Speaker, if I may just mention there was opposing of funding for private schools, that was all that I was referring to and it is a fact. But I will move off that subject as you have ruled.

So the Government, the service clubs, the churches and all of the private organisations such as CASA are in a very determined joint effort to see progress in the fight against drugs and the fight against crime in this country.

Government's policy has been, and will continue to be, that wherever possible there will be a joint front between the private sector and Government in this area.

Thank you.

The Speaker: Proceedings will be suspended until 2.30 PM.

PROCEEDINGS SUSPENDED AT 12.57 PM

PROCEEDINGS RESUMED AT 2.33 PM

The Speaker: Please be seated.

Continuation of the debate on Private Member's Motion No. 17/95. The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Madam Speaker, fortunately and unfortunately sometimes for me I find that when it comes to Government Business and/or Private Members' Motions, I have not had the privilege of discussing a motion with either the proponents or with those who disagree. I stand here this afternoon speaking truthfully, by saying that as I have seen this motion, beside my own research, I have only known Government's position and the mover and second's positions simply by the contribution of the debate.

The Motion reads: "**BE IT RESOLVED that Government explore the possibility of a joint effort in the Drug Rehabilitation with the Canaan Land Foundation. It is accepted by-and-large that misuse of drugs and addiction are becoming more widespread in our little island. There can be no such thing as over concern for the problem.**" I listened to the arguments put forward earlier and with your permission Madam Speaker I would like to quote a few areas from the Honourable Minister's response to the motion because I will use those few areas to assist in making the points I wish to make.

The Speaker: Honourable Member, that means that you are going to repeat what he has said?

Mr. D. Kurt Tibbetts: That is why I asked your permission, Madam Speaker. If I am not allowed to do that I will have to—

The Speaker: I do not think so. You can refer to it but please, not repeat it again.

Mr. D. Kurt Tibbetts: I will refer to it. Thank you.

The Minister in his reply has said that the Government already this year has given \$40,000 to the Canaan Land Foundation. He also informed us that the National Strategic Plan for drug abuse prevention and rehabilitation involves some of the members of the foundation and in doing so, he said—Madam Speaker, if I may stop for a second to just make sure—am I allowed to quote any sections at all or not?

The Speaker: That would still be contravening Standing Orders.

Mr. D. Kurt Tibbetts: Thank you, I just wanted to be clear.

The Minister in various sections has literally said to this honourable House that the concept of the Canaan Land Foundation and the specific areas that it hopes to attack in rehabilitation are certainly welcome by one and all, including the Government. The foundation has proposed to cater to adolescents from 14 years and up, and there is a notable difference in that what is being done by Government is from 18 years and up. So certainly it is obvious that there is a gap to be filled by the Canaan Land Foundation. Notwithstanding the fact that they are only going to be dealing in the foreseeable future with male residents and the Government intend to accommodate both gender which is good.

The Minister states that it is obvious that the demand does exist for the type of treatment which is intended to be provided by both parties, namely Government and Canaan Land Foundation and it will continue for quite sometime. He also states that he believes that the services and programmes proposed for Canaan Land Home and the Breakers Rehabilitation Centre are complementary to each other. He looks forward to more groups like Canaan Land assisting the Government.

It is obvious to me that the Government recognises the potential value of the Canaan Land Foundation and the home that is under construction at present. Madam Speaker, not being able to quote (and I appreciate what you have said) it is a bit difficult for me to express the points I intended to, I will try to cover them as best as I can. It is my view—

POINT OF ORDER (Clarification)

Mr. Gilbert A. McLean: On a Point of Order, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, it is purely for a clarification on debate. Am I understanding the ruling of the Chair correctly, that it is ruled '*repetition*' if another Member is quoting from the Hansard and comment made thereon?

The Speaker: That is correct because what he is doing right now is speaking immediately after a member has spoken and he has the facility of having the Hansard which is normally not available. That is the point on which I am making the ruling.

If you are speaking on a point made by a member, you can do so but you cannot read extensively unless it was a Hansard from a few years back which would not have been in people's memories. What the Minister has

said, is in recent memory and should not therefore be read extensively from.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman, are you rising on another Point of Order?

Mr. Gilbert A. McLean: No, Madam Speaker. Just to ask a further clarification on that point. It would be permissible for a short quote to be specific as to what the Minister said if it was a—

The Speaker: Well, that is left to what you would call a short quote. So we are going to be specific about that.

Mr. Gilbert A. McLean: One sentence perhaps.

The Speaker: Well, if he can find something in one sentence. I doubt it very much.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

The Speaker: Let us not split hairs anymore...

Mr. D. Kurt Tibbetts: I will continue. I hope to be able to make my points.

I was about to say that having listened to both sides of the argument it was fairly obvious to me that there is really not much of a difference in opinions being passed. I think in truth and in fact, wherever the Canaan Land Foundation can operate and be of some assistance within the country the Government appears to be totally receptive. Going a bit further and assuming that we all agree with the concept, then it is my view that while the Canaan Land project may vary in its approach and may also be a bit limited in its aspirations [in comparison with] what Government is proposing, it would behove the Government to be as involved as is reasonably possible with the Canaan Land project [while not letting it interfere with the progress of Government's programme].

Madam Speaker, I hold a view that it is important for Government not only to support such a project, but I think it is obvious that Government should have more resources, and with great respect, probably enhanced resources, than the Canaan Land project. I am just giving my limited knowledge of how it is. And with that in mind, Government certainly could ensure not only the viability of the Canaan Land project, but also the quality of the services being provided by being more involved.

I think in some portion of the Minister's delivery, he mentioned overlapping of the use of facilities whereby the proposal to request the help of the Cayman Counselling Centre to evaluate prospective students and the financial plan being one where the programme would be funded by individual church, corporate and Government donations and subsidies. He also mentioned the cost of student referred by Government would be borne by Government and those students enable to contribute financially would be accepted free of cost. So it is obvious that some of the services which are either now being or will

be provided by the Government would be utilised back and forth by the Canaan Land Foundation. This certainly points to me to the possibility of a happy marriage.

Madam Speaker, in trying to be totally objective and truthful, I firmly believe that every one in his or her right mind in this country would want to take advantage of, and assist in whatever way possible to help with this demonic disease which is spreading among our people.

I have no qualms about who is who, who is to take credit, and who gets thanked. I simply would like to see positive results.

I believe that the Government in its wisdom almost having proven by the Minister's contribution, that there is already a relationship that has been developed between the two entities, should have no right reason not to accept the motion and what it ask for. Unless there is something wrong with my ability to comprehend, I do not see any reason behind the fact that there may be some thing already started by one situation and someone else asking for it to be formalised, should I say. I do not see why the two should conflict. It would always make sense to me that even if one is in motion and going from point A to point B, if one has the advantage of another insight in the same direction, it should always be good to add that— not necessarily to duplicate the thought process, but to enhance what one has by taking from whatever the other has which is not included in what one had originally. But it seems that the order of the day is not for that to happen. And yet we all say from both sides of the fence that we should be working more closely to get the country going in the same direction, rather than fighting over who is steering the ship. Frankly, it does not matter to me, once the direction is the right one.

In listening to the arguments, Madam Speaker, the Government has already given its position that it is not supporting the Motion. I do believe that there is merit to the thought of enhancing the relationship between the two entities. Maybe they have thought about it, but I have not heard it come out in any prior debate. I would recommend to the Government without holding Canaan Land Foundation and its ideals too much in check, certainly whatever professional facilities are available should also be made available to these people.

I hold a view, and I think they will not be offended, that while they have all the good reasons for wanting to do what they want to do, they may well be limited to professional resources and other areas. It is also possible that the converse exists: in some areas they may have some professional expertise which the Government may not at this time have access to. So the point I am making is that, if you draw from both areas, Government may well end up with not only a better concept, but with better end results.

I also heard one person mention social charitable organisations and the churches. Let me say this because I had a personal experience in this area with the Canaan Land Foundation. One of the great difficulties that Foundation has had from its inception, is that human nature being what it is, many caretakers of funds raised are not quite prepared to risk exposing those funds and not see

the results before hand. While that is not necessarily the best way, it is human nature and some people are very conservative in that approach.

So I hold a view that once the Canaan Land Foundation becomes operational there certainly will be monetary and other contributions coming forward once it is seen as something that is real and working. I wish not to decide on whether that is the right or wrong way of thinking; the fact is I happen to know that is a way of thinking. So I am saying that if the Government can provide the assistance to help the Foundation to get going, I am certain that the financial burden of such an operation, and also Government's operation, will be accepted by the community at large as one that is the responsibility of all. I am sure that assistance would be forthcoming once this happens.

So I would urge the Government to continue the dialogue that is said to have been established and to try and set up a situation where both entities work hand in hand so that better results may be achieved. And even if it is the position at this time not to accept the motion, then if what I have asked for is achieved, the Motion in itself would have succeeded to bring more focus on this situation.

In setting aside the personalities, which we must be able to do, Madam Speaker, I think that it is in the interest of the country and it is the responsibility of us, as legislators, in this honourable House to do everything possible in our means to see programmes, such as the one we are discussing now, enhanced to their best potential in order to bring about the positive results we wish to see in the communities.

Thank you.

The Speaker: If no other Member wishes to speak, would the Mover exercise his right of reply.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, I have a few points to make and I am going to begin by addressing those that I consider of a spurious nature before I resort to dealing with the more serious and sensible argument.

I remember when I was a student at Mico College many years ago, if someone uttered something that did not make any sense a saying by students was, *'If you had nothing constructive to say, you should have kept in your seat.'* It is a pity that the Minister for Education is not a Miconian because he could sometimes save himself some embarrassment. With regard to his comment about the Opposition bringing the motion because we realise that the Government is already doing something and we are just bringing the motion to try to get credit.

Let me assure the Honourable Members of this House that nothing could be further from reality. What I would like to tell the Minister for Education to do when he is disposed, is to check the Order Book and see the kinds of questions and motions brought by the two Members of the Opposition and, if he cannot judge for himself, ask those who are capable of judging if there is anything trivial or cavalier about what we bring to this House.

The business of drug abuse prevention and rehabilitation, I can assure him, is a business that is close to our hearts. He may not know it living in his cloistered, sheltered, and rich world, but I certainly know it on the trenches of the youth of this country, on the football field and other areas where I meet them on a daily basis. If his cocoon does not allow him to expand beyond his cloistered and protected world so that he pokes fun and brings his cavalier attitude to everything, then I would say he is the loser and it is he who is out of touch and not the Members of the Opposition who bring this Motion and similar ones.

Madam Speaker, political mileage? That really does not matter to me. I know what I stand for, what my principles are, and I am going to continue to advocate and articulate them. The Motion is simple enough; it asks that the Government explore the possibilities of a joint venture effort in drug rehabilitation.

Listening to the argument put forward by those persons speaking on behalf of the Government, I have some serious questions and concerns, Madam Speaker. It seems to me that beginning with the Honourable Minister who replied, the Government has failed to make the connection that these people are dysfunctional; these people who fall prey to these substances are dysfunctional members in our society and for the concept of rehabilitation to be successful it must be in sync with what the society accepts as morally upright and morally correct. I interpret what they put forward as saying that the state's idea is of a greater significance and will have greater effect because we have chosen to ignore the spiritual aspect.

Madam Speaker, I made the point over and repeated that the successful programmes of organisations like the Canaan Land Foundation realise that the only way these dysfunctions can be obliterated is with the creation and development of a spiritual rehabilitation in the persons who come to these clinics and rehabilitation centres. That is why the records of the state-run institutions only have success rates varying between two and six per cent. Yet, these organisations with a religious and spiritual base have a success rate of 86 per cent.

Now, Madam Speaker, is the Government saying that they are Republican? For only in a Republic would this kind of ideology be put forward. Certainly. May I remind them that this country was built on Christian ethics and spiritual foundation. Are we abandoning that now to the American concept where they take prayers from schools and where the religious aspect is down played in any programme the state puts forward? I hear the Members of the National Team grunting, Madam Speaker. I must be hitting them.

Hon. W. McKeeva Bush: [*inaudible interjection*]

[*Pause*]

Mr. Roy Bodden: Madam Speaker, the *Hansards* will show the Minister's comment that Canaan Land Foundation's programme being based as it is on the solution to

life's problems resting in the word of God and that the students must submit to a one-year programme can only lead one to question whether the position put forward by the Government, means that were it not for this particular leaning they would have no objection.

I am saying that there can be no rehabilitation in these circumstances without a spiritual rebirth.

Hon. W. McKeeva Bush: [laughter]

Mr. Roy Bodden: The evidence suggests that in cases where the programmes are not based upon this, the rate of recidivism is high, money is wasted, and people's lives are played with.

In order to be successful in these programmes we must have a concept of what is morally correct and we must inculcate and indoctrinate that concept into the people who come to these centres. Failure to do that is a failure of rehabilitation. This country was built up and is based on that kind of inculcation.

We have to be careful that we are not creating an organisation and an institution of permanence, that we are not admitting that we are defeated, and that we are overwhelmed by this problem. The creation of a secretariat; a secretariat conveys a sense of some permanence. The very creation of a secretariat is an admission that the problem is so extensive that it may never be completely alleviated.

There is an advantage in a joint effort in that an institution and an organisation like the Canaan Land Foundation can, with little disruption, adjust and realign itself depending on the results. The same is not so easy when the Government commits itself to an investment in infrastructure and budgets, and personnel that quite often have to be increased on an annual basis. We do not have to go far, Madam Speaker, no further than the CIMI (Cayman Islands Marine Institute) which started with \$1 million and we have only two graduates. Are we creating another CIMI? Is that what we are doing? There is a grave danger in this and sensible people, a Government that was committed...

POINT OF ORDER

Hon. W. McKeeva Bush: On a point of order, Madam Speaker.

The Speaker: May I hear the point of order?

Hon. W. McKeeva Bush: Yes, the Member is talking about \$1 million spent on CIMI. Can the Member say where he gets these figures from?

The Speaker: Well, that is not a Point of Order.

Hon. W. McKeeva Bush: Well, just for information, Madam Speaker.

The Speaker: Honourable Member, the First Elected Member for Bodden Town would you continue?

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, one has to be careful that one is not creating a situation where one is trapped with a greater commitment each year to funds in which the results do not justifiably bear out the expenditure.

This business of drugs and its demonic presence in the country did not just spring up, Madam Speaker. It did not just spring up. It had its manifestation way back, no doubt because political directorates in the past did not pay as close attention to the social development as they could have paid. I hear people trying to heap blame on a former Member by saying that a statement was made about *writing off a generation*. But I wonder what about those people, who when they were an important part of the political directorate... [Interruption from across the floor]. Madam Speaker, I am not grinning. I am no Cheshire cat...

Hon. W. McKeeva Bush: [Interruption]

Mr. Roy Bodden: In my debate Ma'am, I am serious. I wonder about those people, who when they had the power in 1976 to 1984, did not do anything for sports; did not do anything for the social development; did not do anything for the development of these youth. The same people who say now, that the Second Elected Member for Cayman Brac and Little Cayman and myself are bringing these motions to get political mileage.

So, it strikes me that it behoves none of us to talk about anyone mentioning *writing a generation off*. This problem that we are faced with is our problem and if we are serious legislators, we would enter into the kind of effort that this motion is proposing. I am tired, Madam Speaker, of the National Team Government reinventing the wheel; if they were reinventing it with substantial improvement I would not say Nay.

You know Madam Speaker, the Opposition can only bring forward certain issues.

Hon. W. McKeeva Bush: No, you all can work too. You can work...

Mr. Roy Bodden: The records can show that those of us on this side work where we can work.

Hon. W. McKeeva Bush: Talk, you can talk.

Mr. Roy Bodden: My record is eminent as far as working with young people in this country is concerned. And since the National Team Government is ignorant, I will just refresh their memory. I, Madam Speaker, single-handedly have been involved in the organisation and formation of a football club from 1970 and at this time I have one of the best organisations in the country; it is the model that the Cayman Islands Football Association is using for other clubs that enter the association. I continue to be involved on a daily basis with the youth to the point where I have taken them overseas on two occasions—

Hon. W. McKeeva Bush: [*inaudible*] ...what are you doing now? Bringing questions!

Mr. Roy Bodden: That is more than the irreverent person shouting, has done and is doing, Madam Speaker.

Hon. W. McKeeva Bush: Take them overseas? I... [*inaudible*]

Mr. Roy Bodden: Madam Speaker, I say that this is an issue that the Government is bound to consider whether now or later, because if not they are going to fail and they are going to have to resort to an effort like this.

In the final instance, Madam Speaker, I want to make mention of this point which is not a trivial point. Some years ago a motion was brought to this House, it was Motion No. 5/93. Let the Hansard show that this was a request for the Government to reconsider purchase of this proposed property in Breakers. The basis of that motion was that the people in this area, the people where this rehabilitation centre is supposed to be located, objected against it going there. They approached me as one of their representatives and they also approached the now Minister (under whose Ministry this rehabilitation centre falls and is being constructed).

On the occasion of that debate, this is what the Minister had to say, reading from the *Hansard* of that debate: **"Thank you Madam Speaker, as a former resident of this area, it is my obligation to bring to this honourable House the concerns of some of the residents of the little town of Breakers. I am sure the Honourable Member understands these, I would like if he would address Government's stand on this, some of the problems that the people fear, the security of the place, the types of services that will be offered there whether it would be like a hospital, or whether facilities will be provided to the people in this area.**

"As I have said, as soon as time permits, I would ask that the Honorable Member, please meet with the people of this area and go over their concerns whatever the results may be."

Such a meeting, Madam Speaker, never took place and the concerns remain—

Hon. Anthony S. Eden: Madam Speaker.

The Speaker: Yes, Honourable Minister for Health.

Hon. Anthony S. Eden: Madam Speaker, I did have a meeting with the church group in Breakers and talked about—

The Speaker: Excuse me, that is not a Point of Order, Honourable Minister. If you would like an explanation after he is finished I can allow you to do that, but it is not a point of order.

Hon. Anthony S. Eden: It was just a point of clarification, Ma'am.

The Speaker: You can do that after he is finished. I will allow you to do that. Please continue First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Madam Speaker, the concerns of my constituents remain. These concerns could be alleviated, completely eliminated if the Government would seek to explore whether they could achieve their objectives by entering into a joint venture with the Canaan Land Foundation.

It goes further, the Honourable Minister voted with those of us who proposed Government reconsidering the purchase of this property. I would like to know what miracle has happened now, what magnetic line has been crossed over for the Honourable Minister to change his position.

Madam Speaker, I stand by the motion brought. I think it is sensible, I think it is reasonable, and I only have to say that those of us who supported the motion have done our honest duty to the country. We may not have the numbers to win, but we have argued truthfully and persuasively. I say that this problem in our country can best be addressed by this joint effort and I rest my case.

The Speaker: Would the Honourable Minister for Health like to make his explanation now, before I put the question.

POINT OF EXPLANATION

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Just to briefly let the House know what I did and in regards to the last thing about the magnetic line that I crossed. I visited the Hazelton Foundation Centre in West Palm Beach. After seeing that and being convinced there was literally no danger to my people, I went at that time and talked with them about what I found and that I did not see any problem [with the centre being in Breakers]. That was the reason, Madam Speaker.

Thank you very much for your permission.

The Speaker: I shall put the question on Private Member's Motion No. 17/95: **"BE IT RESOLVED that Government explore the possibility of a joint effort in the Drug Rehabilitation with the Canaan Land Foundation."** 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 please, Madam Speaker?

The Speaker: You certainly may. Madam Clerk, please take the division.

DIVISION NO. 18/95**AYES: 3**

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden

NOES: 12

Hon. James M. Ryan
Hon. Richard H. 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, Jr
Mr. D. Dalmain Ebanks
Mrs. B. L. Thompson Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSENT: 2

Hon. John B. McLean
Dr. Stephenson A. Tomlinson

The Speaker: The result of the Division is three Ayes, 12 Noes. The motion has been negated.

**PRIVATE MEMBERS MOTION NO 17/95—
REHABILITATION JOINT EFFORT NEGATED BY
MAJORITY.**

PRIVATE MEMBER'S MOTION NO. 14/95

NATIONAL MINIMUM WAGE BY CATEGORY

The Speaker: Private Member's Motion No. 14/95—National Minimum Wage by Category. The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I wish to move Private Member's Motion No. 14/95, National Minimum Wage by Category which reads:

“BE IT RESOLVED THAT national minimum wages, by category, be prescribed by Government, similar in form to those which Government prescribes for its Occupational Groups and Wage Scale in the annual Estimates of Revenue and Expenditure.”

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. 14/95 has been moved and seconded and is now open for debate.

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, this Motion is asking that Government take steps to prescribe minimum wage by category similar to what it does for its occupational group employees in the Civil Service. This motion has come about for the second time to be moved by myself, and seconded by the First Elected Member for Bod-

den Town, due to the fact that there are in this country many complaints regarding the amount people receive in wages for the jobs they do.

Firstly, I would note the fact that Government, many years ago, had an ad hoc way of paying workers in the wage scale, as it is termed, or in vocation skills and semi-skills. The wage format that presently exists came about at the time of the advisor to Government, Mr. Bleasdale. There have been some changes of course, in the number of jobs that have been added to the various categories, but the format remains the same. Of course there have been differences also in the hourly wages.

There are two concepts in the matter of minimum wages. One is that there should be just one amount of money prescribed, meaning that a person cannot earn less than that prescribed amount. And there are those who say that is preferable. There is certainly much merit in having even that format. However, just to have one minimum wage means that a job which should be for argument sake, \$7 per hour as a minimum wage may well attract say \$3 which could be that prescribed by a national minimum wage—singly. The persons who were paying \$3 to an individual for doing a \$7 per hour job would not be breaking the Law.

To have minimum wages prescribed by categories, group together jobs which are similar in requirements; educationally, skills, safety levels, and in any given particular hardship as the case may be. I would like to cite an example as is shown in Appendix 1C of the Estimates for 1996. If we look in category A, the jobs that are grouped there is caretaker, messenger, porter, maid, watchman, cleaner, and assistant cook. In the line which shows the hourly wages there are three amounts; \$4.68, \$4.88, and \$5.08. This is showing as far as Government is concerned, that any of the seven categories of workers could be employed and be paid any of the three amounts I have just cited. The very least in the amounts of hourly pay they could receive is \$4.68.

If a person was paid the \$4.88 or the \$5.08, it would reflect among other things, the experience the person has, or their level of skill and they could be slotted in to one of those amounts. But what this particular format recognises is that that category of workers as listed should earn certain hourly wages and that there may be variance in the wages depending on what each individual may have in their own right to offer the employer.

If we look in category B, there again is a grouping of vocational workers or hourly paid workers. For example grouped in category B there are: groundsman, head caretaker, head cleaner, lab attendant, storeman, office attendant ii, cleaner, street cleaner, security guard ii, telephone operator, nursing attendant, and receptionist. Madam Speaker, again this category of workers (skilled and vocational) are grouped together because there are certain similarities in duties to be performed. The salaries attached to that category are \$5.29, \$5.51, and \$5.73. Again it is recognised that a person might be brought in at any one of the three salaries depending on their experience, ability, and skill.

Within the employment of the Government of the Cayman Islands it is recognised that it is possible to group or classify certain types of jobs together and apply to them a certain minimum wage. The wages are supposed to reflect the value of the job in the workplace, the availability of those types of workers, the amount of skill it takes to do it and so the job is actually valued. So, job value is one of the important things taken into account here.

It is unfair to an individual employee who is clearly performing a job with a certain level of skill and responsibility which requires certain experience where that person should be making \$6.00 or \$7.00 and paid only, say, \$4.00. When that happens it means that the person is not being paid for the value of the work he is doing.

There are those who will, of course, argue that the market forces decide that, and that you can get persons and pay them a lesser wage and that is the way the system works. What that does not recognise is the fact that each of those employees require, like all the rest of us, a certain amount of money to be able to live in this country.

Since this Motion has been tabled, it has prompted Government into its already-being-done mode, including an Open Line call to Radio Cayman. If I were to take some of the comments into account, there are certainly a number of people in this country thinking like I am on this subject. In fact, many people in this country have spoken to me about this particular state of affairs.

While I was listening to the programme (and I did not hear it all), callers quoting the Minister for Labour were not on the lower side of the scale. My general impression was that there are many people employed who feel they are not earning sufficient wages for the jobs they are doing.

There is only one way for the Government to bring about a situation where some standard can be applied and that is through the application of a minimum wage by category.

The situation in the Cayman Islands is such that if we take all three of these islands, their size would be the size of some country or province in other parts of the world. In fact, many counties would be bigger than these islands altogether, to say nothing at all of the population. In large, developed countries—take the United States, for example—different states may pay different wages. Things may be cheaper in some states. In other countries you have large wholesale depots where people can go and purchase hardware, clothing or food in bulk, thus taking advantage of being able to buy more cheaply than going to the supermarkets in those places where it might be higher. We have no such thing in the Cayman Islands.

The wealthiest of us to the poorest of us shop in the same supermarkets here in George Town, Grand Cayman and in Cayman Brac, at those same shops and superettes and so on. It is common ground, everybody meets there and everybody has to pay the same prices for the same goods. It goes without saying, that when one takes into account the various inescapable costs of living: electricity, telephone, the cost for medical care, the cost of children going to school, gas and oil for the car, a

certain amount of money is necessary for the average person in this country to really live, although he may survive below what might be considered a reasonable average standard.

The main reason I argue that we find so many people now (particularly women who would have been housewives had they not been out there working), having to work two jobs is because the one job is not paying sufficient. So they work within 24 hours two jobs to earn what they would have earned on one.

Of course, we are talking about the occupational group and, unfortunately, the level of skill is certainly not on the level of an accountant and there are always variances in earnings. But if we even take the skilled and semi-skilled persons, we can still attach to the categories of jobs a fair minimum wage for the work activity required.

In the hotel industry I have heard it hundreds of times that the workers are making a good salary—that on the two-week pay period they took home \$750, with tips. So they did! So it is hard to argue that tips are not considered money—it is. The difference is that the tips are made up from that extra money taken from customers (10% or 15% as the case may be) which is paid in addition to the basic wage. The basic wage in some instances is simply ridiculous and atrocious.

In Cayman Brac—and I have heard of instances here too—I know the basic wage to be at \$1.75, \$2.00, \$2.20, \$2.25, per hour. In an eight-hour day at \$2.00 per hour that is \$16.00 per day for our people working for eight hours. What can \$16.00 buy? How do you pay electricity bill with that? Those families are often the largest, with many children. How do they survive unless they can earn wages that are reasonable for the job they are doing?

Of course, in paying what is reasonable, there is one enhancement which can be made to it, and that is to train the person in that particular skill or vocation so that by their performance and productivity they can enhance their employer's profit margin which is what the employer is looking for. The employer who is reasonable may enhance the wages.

This matter of wages in this country is a serious one. It is affecting hundreds, or a few thousand of our people. It is one thing being employed and it is one thing to work a full workday: what you carry home in wages is another thing. That is the complaint that I hear time and time again. I marvel quite often at how we as society boasts the highest per capita income in the Caribbean and boast of what we have, yet it seems as if many businesses simply feed on the ability of getting particular jobs done for the very least they can.

The complaints continue and the only way the Government can be in control to respond to the complaints of the people is through prescribing a means by which it can monitor and control and set standards based on realistic values for jobs.

It is not all that hard to find what would be a reasonable minimum wage by category. I hold in my hand the Appendix 1C out of the Estimates, and certainly Government is the largest single employer and Government has

one. It would not necessarily suit another business, but it could be adjusted.

I suggest that one of the ways one could arrive at minimum wages by category, would be to take the wage sheet used by Government, say, in the construction industry or their association; take the one used in the Restaurant Association and all the various other employers' associations and strike an average. That would be one of the best indicators and one of the ways of arriving at it.

Of course, it can go into more detail in that there are available to the Government (if it should so choose), professionals who are able to look at our social condition and our work force and actually categorise persons much better than any of us here would ever claim to do. Or for that matter, much better than Government has set down here, and come up with a minimum wage by category. It needs to be done, Madam Speaker. It needs to be done to rectify the situation occurring in this country.

The situation where people are not earning sufficient money is hurting us socially. Families are being affected where the parents, and often a single parent, must work two jobs; the children are at home, often unsupervised—and the Devil finds work for idle hands, children get into problems.

Hurting this country as well is when employers, be whoever in whatever area, seek to hire non-Caymanians to do a job at a much lower wage than a Caymanian would. Where would those persons who work for those scanty wages live? Must they not seek out in our country areas where they can get for the least penny (like they are paid)? Most certainly. So, as the numbers swell, so do [the number] of those who have little.

The housing condition has reflected that type of situation. It is in that type of situation that crime stems from—out of sheer want. If we are to live up to the many [things we] boast about; how well off we are, it has to be time for the Government to act on bringing about changes in the workforce where all employees in this country know if they are messengers they fall within this category of workers and cannot be paid less than \$6.68 per hour, like, for example, the minimum wage paid by Government.

Nursing attendants would know that no one could pay them, again using the example of the Government's wage scale, less than \$5.29 per hour. Employers, as well, know when they sit down to plan their budget for any given year or any given expansion or, for that matter, any given reduction, how much they will save or how much it will cost them in terms of the wages they will have to pay if they want to stick strictly to the minimum wage by category.

This Motion is asking for an action that needs to be taken now. We are talking about social ills. We were talking only minutes ago about the matter of drug rehabilitation. Check to see how many of those persons are caught up in drug abuse or racketeering in drugs, and who come from those families who earn the least in the totem pole.

It is no good boasting about our per capita income and not living realistically with what is happening in this country socially. I certainly stand convinced that some-

thing needs to be done. It matters not that there will be no doubt unrealistic and stupid, ignorant scare tactics or statements made about Government undertaking or wanting to undertake [a minimum wage by category] and tell employers what they should pay. All of that Government needs to do. What they can do in truth and honesty is attempt to change the present economic position for the largest group of employees in this country who, in many instances (not necessarily all) are not earning sufficient money for the jobs they are doing.

If the employers in the hospitality industry are as they are now, taking extra money away from their customers to pay wages, why do they not let it reflect in the basic wage of those employees? Then there would be a difference. For if there were no gratuities included, and the employees in the hospitality industry must live only on the basic wage (and they cannot properly live on that), it goes without saying that they are not being paid enough.

I am not one who believes that those people in the lower wage-earning scales do not count their pennies. They are forced to do it, more so than those who earn more. I believe the time has come for this country as a whole to have the opportunity of benefiting from its Government taking steps in the direction of prescribing minimum—I stress the word MINIMUM—wage by category.

This recommendation works hand in hand with another Motion I brought a few days ago, which was not accepted by Government: that of training. The two go hand in hand. One hand is lost; I shall wait to see whether this hand will also be cut off.

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 4.00 PM

PROCEEDINGS RESUMED AT 4.21 PM

The Speaker: Please be seated. Debate continues on Private Member's Motion No. 14/95.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker.

The Mover of the Resolution began by stating that since the Motion was tabled it motivated Government to have a call-in programme so that Government can say we are doing something. I could very well say that the Motion was only put in now that they know Government is doing something.

Roy Bodden: (*Interjecting*) What about 1993?

Hon. W. McKeever Bush: You always live in the past! You go back to 1993!

The Speaker: Honourable Minister, please address your remarks to the Chair! You know that by now.

Hon. W. McKeever Bush: Madam Speaker, that is true, but the Member likes to live in the past and I would not want to tell you to tell him to go back to the past.

The Speaker: You are now in the present. Please continue in the present, will you?

Hon. W. McKeever Bush: Madam Speaker, this matter, I said back in 1993 that we were not going to rush in to set a minimum wage. I quote what I said in November, 1993. I said: "**We are looking at the whole matter of a minimum wage and I am not rushing in just to say I have a minimum wage. That is going to be scrutinised properly and a lot of time spent on it.**"

That is a fact. That is what we have been doing as a Ministry. We appointed a committee and we are awaiting the results and the input from that committee. In the meantime we are gathering our own information. We had gotten to the stage where we needed to some input from the public and we felt that going on Radio Cayman and discussing the matter was a good way of getting public information.

I do not think that we are at any cross purposes as to the need for a minimum wage because I do know that there is a category of people who make less than what the Government's statistics say is necessary. I believe that in the hospitality sector there should be a minimum of \$6.25 per hour. Government statistics say it takes that much for a certain category of people to live. When I say live, not to live in luxury, but to live with the very basic necessities of life.

I believe that the merchants (that is the wholesale, retail distribution sector) should also pay \$6.25 per hour as a minimum. The construction sector, as I understand it from the two official contractor associations in the country, has prescribed \$7.50 per hour. But we do know that while the Cayman Contractors Association (I cannot recall the title of the other one) prescribes this, there are people out there who are not within those associations who are paying much less. That is another kettle of fish to deal with.

We have said that from the Agricultural and Domestic sector workers, that this could be mutually agreed by the employers and the employees. That is one way of dealing with that category since that is a fickle sector to deal with.

I agree, and have agreed for a long time, that the cost of living is affecting many families in the country. Statistics tell us this. But we have to be careful because on implementing this minimum wage it impacts directly upon those same people. Immediately, and I believe the Mover mentioned this, we are going to hear from a sector that Government should not prescribe a certain wage. We will probably hear that McKeever Bush is a Communist or a Socialist. If the whole Legislative Assembly supports it, as I am hoping, then you might hear that they are Communist or Socialist too. That would be a new twist.

But we do not have any means in our free enterprise system of setting price controls of any kind. The minute you add a cost of a dollar or a cent on any business, they

are going to recoup it. The only way they can get it back is to add to their prices. That is the fall out.

So these are the things that have to be balanced and they can put it up, we have no way to control that. I am aware of this and Members ought to know this: the one thing that I believe we must do is to set the minimum wage. I believe that we should set it as I have mentioned.

In the Government sector semi and unskilled labour will get an increase due to the raise that we have put forward for civil servants. If you look at the hourly group, semi and unskilled labour, the lowest in Category A, let us say, is \$4.68. That would move to \$5.10 for the lowest, and at \$5.54 at the highest hourly wage in that category.

MOMENT OF INTERRUPTION—4.30 PM

The Speaker: Honourable Minister it is now 4.30 PM. I do not expect you to finish. Is it the wish of the House to adjourn now or to continue for a little longer?

Hon. W. McKeever Bush: Madam Speaker, Members can do what they... I could probably wind up in 10 minutes, but I certainly cannot wind up in two or three minutes.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Boddin: May I respectfully move that we take the adjournment at this hour?

The Speaker: Is there a seconder for that?

The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: I beg to second that.

ADJOURNMENT

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, 22 NOVEMBER 1995.

**WEDNESDAY
22 NOVEMBER, 1995
10.37 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, forever 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.

Questions to Honourable Members/Ministers. Question No. 258, standing in the name of the Fourth Elected Member for George Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 258

No. 258: Mr. D. Kurt Tibbetts asked the Honourable Minister responsible for Education and Planning to state what, if any, are the plans for the repairs of the basketball court at the George Hicks High School.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The plans for the new Physical Education (PE) changing

facility at George Hicks High School include the upgrading and expansion of the hard court areas at the school. The revised plans have been approved and the project is included in the 1996 capital budget.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: The Honourable Minister may not be in a position to answer, but nevertheless, I will ask if he is in a position to say when this might begin.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, I cannot say. The economy is now so good that it is getting extremely difficult to get anyone to do any building because all of the building contractors are at a boom. It will be some time in this coming year.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Bearing in mind the answer the Minister just gave, I wonder if the Minister would undertake to see if the minor repairs which could actually get the basketball court operational might be effected before the entire project gets started. I do know that there are some minor repairs which could make it operational even if it is not up to scratch.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: That sounds reasonable and sensible and, by all means, I will do so.

The Speaker: The next question is No. 259, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 259

No. 259: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to provide the enrolment statistics by class for the Red Bay and George Town Primary Schools.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker. The enrolment at the George Town Primary School and

the Red Bay Primary School as at 14th November, 1995, is as follows:

George Town Primary School

Year	Classes	Enrolment	Average
2	4	75	19
2	3	52	17
3	3	60	20
4	2	47	24
5	2	39	20
6	4	74	19

Red Bay Primary School

Year	Classes	Enrolment	Average
1	2	67	34
2	2	60	30
3	2	61	31
4	2	58	29
5	2	53	27
6	2	50	25

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I noticed that with regard to the Red Bay Primary School, the first four classes average is around 30 students. May I ask the Honourable Minister what the pupil/teacher ratio is for these classes?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: The pupil/teacher ratio for the first three is 34 for year 1, year 2 is 30, year 3 is 31.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether these sizes represent an increase from the inception of the school?

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: I really do not know, Madam Speaker, I will have to find that out. The question that was asked was for present statistics, not past.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: I wonder if the Honourable Minister could say if, based on any studies that may have been

done or any accepted norm, if the average student/teacher ratio that prevail in these statistics that have been provided is what is considered an acceptable average, or if there is any difference he may be able to point out.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Under the Standing Orders, that is an opinion. I do not know whether he wishes to express it, but it is an opinion that I really do not wish to...

The Speaker: Honourable Minister, I really did not take that to be an expression of opinion. I thought it might have been something that you would be aware of.

Hon. Truman M. Bodden: Madam Speaker, it has to be an opinion, he is asking me what is a satisfactory size, I believe that is what he is asking.

The Speaker: I would not deem that to be an expression of opinion, otherwise I would not have allowed the question.

Hon. Truman M. Bodden: Very well, Madam Speaker, I do not have the answer.

The Speaker: The next question is No. 260, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 260

No. 260: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture to provide the names and job descriptions of those persons holding responsibility in the Bureau of Women's Affairs.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker. I am the Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture:

Job Description: The Minister is responsible for the following Subjects, Departments and Sections, Statutory Authorities, Boards and Committees.

Subjects: Archives, arts and cultural activities, care and protection of young persons, community development, ecclesiastical matters, employment, ex-servicemen, history, historic and cultural sites and monuments (except Pedro Castle), industrial and workplace safety, labour matters, library services, low-cost housing, museums, probation, public assistance, refugees (welfare of), sewage, social security, social welfare, sports and recreation facilities, thea-

tre, voluntary organisation, water, youth activities.

Departments and Sections: Cayman Islands National Archive, Cayman Islands National Museum, Human Resources, Public Library, Social Services, Sports.

Statutory Authorities, Boards and Committees...

[The First Elected Member for Bodden Town rose]

The Speaker: Excuse me, Honourable Minister, First Elected Member for Bodden Town, are you rising on a point or order?

POINT OF ORDER

Mr. Roy Bodden: Yes, Madam Speaker.

May I draw the Chair's attention to the fact that I asked for the job description of those persons who hold responsibility in the Bureau of Women's Affairs? Certainly, matters like sewerage, et cetera, could hardly be considered responsibilities in the Bureau of Women's Affairs.

The Speaker: I would have thought that all that was read by the Honourable Minister was well-known to other people and I had assumed that it would be those involved directly with the Bureau of Women's Affairs.

Would you go on to the second page, Honourable Minister?

Hon. W. McKeever Bush: Thank you, Madam Speaker. As you know, you can hardly assume things in this House at times. They did not say what they wanted. They said to provide the names and job descriptions of those with responsibility in the Bureau of Women's Affairs. Well, I am one of those persons, but I will go on to the next person who is Ms. Lucille Seymour, Permanent Secretary in the Ministry of Community Development, Sports, Women's and Youth Affairs and Culture:

Job Description: The Permanent Secretary in the Ministry is:

- 1) The Minister's senior advisor and is responsible to see that approved policy falling within the purview of the Ministry is implemented;
- 2) She is responsible for the efficiency of the organisation and staff of the Ministry Office;
- 3) Her duties are complementary to those of the Minister who, under the Constitution, must answer to the Legislative Assembly for all subjects of his Ministry;
- 4) She is responsible...

[The First Elected Member for Bodden Town rose]

The Speaker: First Elected Member for Bodden Town, I think you made your point and I have accepted that point. Is there anything else?

POINT OF ORDER

(Repetition)

Mr. Roy Bodden: Yes, Madam Speaker. This is but a repetition. This still does not meet the requirements that I expected and which I think the question is begging. I wanted to find out who is responsible, for example, for abused spouses, these sorts of things.

I know these other things already.

The Speaker: Well, I would hope that the balance of the answer (which is very long) would cover that. I will ask the Honourable Minister to proceed.

Mr. Roy Bodden: Madam Speaker.

The Speaker: I am asking the Honourable Minister to proceed with the conclusion of his answer.

Hon. W. McKeever Bush: I think I was down to the Permanent Secretary's responsibilities:

- 4) She is responsible for keeping the Minister promptly and fully informed of developments, matters requiring decision, and progress with policy implementation of all subject in her Ministry;
- 5) With reference to policy matters, she is responsible for ensuring that a question has been thoroughly examined in all its aspects at official level, including financial, personnel, legal and in relation to subjects which are relevant but the responsibility of other portfolios, before it is submitted to the Minister;
- 6) She is a channel of communication between the Minister and Government Departments, Statutory Boards and Authorities, the District Commissioner, commercial firms, organisations and societies and Minister of the public;
- 7) The Permanent Secretary is the Chairman of any co-ordinating Committee for the Ministry and, assisted by the advice of Heads of Departments within the Ministry, it is her special duty to co-ordinate their functions;
- 8) She is responsible for the preparation of annual estimates for the Ministry in accordance with the time-table laid down by the Financial Secretary and for referring them to the Minister prior to submission. She is the Accounting Officer for Ministry expenditure only;
- 9) She is responsible for preparing replies to, and supplementary information for, questions in the Legislative Assembly;

10) She is responsible for preparing speeches for her Minister for the introduction of Bills, Motions and replies to other business in the Legislative Assembly;

11) She is responsible for preparation of Executive Council papers for her Minister;

12) She is responsible for the timely dispatch of business within her Ministry;

13) She is responsible for ensuring that all decisions by her Minister are properly recorded;

14) She is responsible for the recording of minutes of meetings concerning her Minister's Ministry;

15) She is responsible for proper organisation of the office procedure within her Ministry;

16) She is primarily responsible for the training programme within the Ministry and Departments therein in consultation with the Permanent Secretary (Personnel) and the Training Officer;

17) She is responsible for ensuring that suitable publicity is given to policies, achievements, decisions and legislation affecting the Ministry after clearance in matters of importance with her Minister;

18) She is responsible for briefing her Minister on the suggested line to take in interviews or discussions on Ministry topics and for furnishing him with the relevant papers.

Miss Marilyn Conolly, Higher Executive Officer in the Ministry of Community Development, Sports, Women's and Youth Affairs and Culture:

Job Description: Job Title: Higher Executive Officer.

Job Purpose: The role of this post is to assist the Permanent Secretary in fulfilling his duties and responsibilities in regard to advising on the formulation of policy and to pursuing the implementation of policy.

Dimensions:

- a) No direct supervisory role;
- b) Budget for current year is about \$100,000.

Principal Responsibilities:

1) Ensure that the Permanent Secretary is aware of any developments, or any decisions which are to be made and offer advice in matters relating to Women's and Youth Affairs thereby assisting the Permanent Secretary in the efficient performance of his duties;

2) Liaise with the Advisory Council on Women and advise Permanent Secretary of issues so that matters needing action/noting by the Ministry or Department can be noted/dealt with;

3) Study incoming correspondence on women and youth and community activities and liaise with Permanent Secretary and take any action as advised or agreed by Permanent Secretary to ensure prompt and appropriate action as necessary by Ministry including;

4) Assist with the facilitation and supervision of data and research leading to the evolution of programmes for developing the areas of women, youth and the community to ensure increased awareness, preventative and responsive activity within the community concerning these issues;

5) Attend meetings with persons or institutions wishing to start or offering programmes for women to ensure that the implementation of the objectives of the Ministry is being carried out and maintaining the Ministry's awareness of activities and involvement;

6) Research various subjects and compile information on subjects relating to women's and youth affairs and other subjects as instructed by Permanent Secretary which are subsequently submitted to Executive Council in order to establish policy or implement Ministry decisions;

7) Prepare draft answers for questions which are asked by Legislators during Sittings of the Legislative Assembly;

8) Attend and/or chair meetings on behalf of the Permanent Secretary/Minister when the occasion arises;

9) Assist in the preparation of speeches to be delivered by, and speak on behalf of, the Permanent Secretary/Minister at specific public occasions;

10) Attend to any other duties designated from time to time;

11) Contribute to discussions to provide necessary information during the compilation of the Ministry's annual budget.

Organisational Chart:

Honourable Minister
 Permanent Secretary
 Senior Assistant Secretary
 Assistant Secretary
 Higher Executive Officer
 Executive Officer
 Clerical Officer

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, can the Honourable Minister say whether the organisational chart is complete, that is, whether the officers noted here are the complement of persons in this bureau?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

The answer is that the persons I named in the organisational chart and those given the main responsibilities are the only persons we have now working in his capacity.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

I noticed that there is an absence of women from the broader society. Can the Honourable Minister say why the complement consists of persons exclusively involved in the Government sector and why no women from the broader community hold any responsibility?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, the Member has been in this House going on seven years, he ought to know that this is the Ministry I am talking about, the staff, and the staff are civil servants. His question was to provide the names and job descriptions of those persons holding responsibility in the bureau of Women's Affairs. That is the Ministry's responsibility at present.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Is the Honourable Minister saying, then, that it is his philosophy that responsibility must be exclusively confined to the civil service sector in this bureau?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

It seems that the Member is going on to something else, but if he wanted that he should have asked it at the beginning.

There is the Ministry responsible, and the persons I

named out with all of their responsibilities. Then there is an advisory council with many persons on it.

The Speaker: The Member for North Side.

Mrs. Edna M. Moyle: Thank you, Madam Speaker.

Can the Honourable Minister tell us how long this Higher Executive Officer's position has been filled and what action has been taken since she has taken up her position in setting up the bureau?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

The Higher Executive Officer came to our Ministry in September. During that time she has been working within the Ministry to formulate the objectives and outline programmes for the year on the policy. We did form a council which consists of many prominent persons in the community which I believe will, and can, make a good contribution to the advisory council.

But, if I did not cover all of the answer, I could well go on to give the objectives which have been formulated by the Permanent Secretary and the Officer in charge of Women's Affairs, if necessary.

The Speaker: At this time it is necessary to suspend Standing Orders if we are to continue with questions.

The Fourth Elected Member for George Town.

SUSPENSION OF STANDING ORDER 23(7) & (8)

Mr. D. Kurt Tibbetts: Madam Speaker, I beg to move the suspension of the relevant Standing Order in order to continue question time.

The Speaker: Do we have a seconder for that?

Mr. Gilbert A. McLean: I beg to second the Motion.

The Speaker: The question is that Standing Orders be suspended in order to continue with Question Time.

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. We can proceed with Questions.

The Fourth Elected Member for George Town.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED.

SUPPLEMENTARIES CONTINUED

Mr. D. Kurt Tibbetts: Will the Honourable Minister be able to describe to us the terms of reference of the advisory council he just mentioned in the last portion of his

answer?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: The terms of reference for the Council are being worked on by the steering committee that has been appointed.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.
Would the Honourable Minister undertake to provide those terms of reference in writing?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.
Yes, we intend to have a full public discussion. I believe that the steering committee would be very happy to assist the Ministry with that. We are going public with it.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: At best, the job descriptions given here are generalised. While they touch on the matter of women's affairs, is it the case that there is no specific job description with clear responsibilities and duties stated for the subject of women's affairs?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.
I do not know how much clearer I can be, Madam Speaker. I have given him everything that exists in the Ministry relating to the lady in charge, the PS and everyone else who is in charge. It is all in that answer, it is for them to find it.

The Speaker: The next question is No. 261, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 261

No. 261: Mr. Roy Bodden asked the Honourable Minister responsible for Agriculture, Environment, Communications and Works to provide a schedule of road repair works to be undertaken including type of repairs to be done and cost/estimate per job.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker. It is impossible for me to stand on the shoulders of the past and peer into the future to determine the schedule of road repairs to be done and the costs. However, if the Member is referring to calendar year 1996, the answer is available in his copy of the Estimates already presented to this honourable House by the Honourable Financial Secretary.

SUPPLEMENTARIES

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.
Common sense should have told the Honourable Minister that that was what was being asked.
Madam Speaker, I would like to ask the Honourable Minister what the priority is for this mentioned schedule?

The Speaker: May I just say that in the future I am asking all Members, whether Ministers or persons asking questions to refrain from making unnecessary remarks.
The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Madam Speaker, if the Member would like a sensible answer, I would like for him to give dates on his questions because I cannot give a sensible answer if he does not ask about a specific time.

The Speaker: My last statement referred to both question and answer, please.
The First Elected Member for Bodden Town.

Mr. Roy Bodden: Yes, Madam Speaker, the date is 1996, this financial year coming.

The Speaker: The Honourable Minister responsible for Agriculture, Environment, Communications and Works.

Hon. John B. McLean: Thank you, Madam Speaker.
I can say no more to that than I have said. It is in the Budget and I was not prepared for anything further than what I have said.

The Speaker: The next question is No. 262, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 262

No. 262: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation: a) What health services could not be delivered at the Dr. Hortor Memorial Hospital which was stopped; and b) Could the Minister table any documents in support of his reply.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker. Members of this Honourable House and the general public will recall that there were two serious weaknesses with the Hortor Memorial Project that led the majority of the Backbenchers in the Legislative Assembly and, eventually the electorate, to vote against its going ahead. These weaknesses were the location in the swamp and the fact that it was to be a split site operation. In November 1992 Caymanians wisely gave the National Team the mandate to provide instead a properly planned, sensibly funded new health care facility.

It was claimed at the time by the previous government that the country was supposedly going to get a new hospital for \$17,245,693 (including professional fees). Little, if anything, was said about the fact that a further \$10,631,000 was to be spent on upgrading the George Town site to convert it into a centre for (and I quote): "... **Out Patient, Clinical and Ambulant Care, Public Health and related services.**" [Source: Complementary Report to Master Facilities Plan George Town Hospital—June 1992]

In other words, there was to be a total expenditure of \$27,876,693 on TWO—I repeat TWO sites—in order to have a complete health care facility offering what the new Cayman Islands Health Services complex will offer on one site.

The Hortor project was purely and simply an "inpatient facility" and indeed is called that on page 6, and page 3, of the February 1992 Master Facilities Development Plan. That is why it was necessary to upgrade the George Town site as I have mentioned already.

One of the strange things about the Hortor Project was that although certain services were not to be available there, others were to be duplicated, that is, provided by Hortor and at the George Town Hospital site. For example: Pharmacy, Laboratory, Radiology, Physiotherapy, Dietary, Administration (personnel, finance), Medical Records, Plant Operations and Maintenance, Housekeeping, Security.

Laundry was to be done at the existing George Town site and moved back and forth—at a cost of course.

The following services would **not** have been provided at the Hortor site: General Practice/Family Practice and Specialist Clinics, Public Health Services, Eye Care Services, Dental Services, Outpatient Mental Health Services, Hospice Services (Hospital care for the terminally ill), Geriatric Services (Hospital care for the elderly), Ambulatory Surgery, Hyperbaric Chamber.

So, on the one hand we have duplication of services at Hortor and, on the other hand, inadequate services also at Hortor. The duplication would have involved the expenditure of unnecessary funds; the inadequacies were to be addressed at the George Town site. The development of this site is detailed in two documents: a) Master Facilities Development Plan—Report for George Town Hospital—Grand Cayman; b) Master Facilities Development Plan—Complementary Report for George Town Hospital—Grand Cayman.

The Complementary Report gives the probable cost of the development as \$10,631,000.

On 18th August, 1992, the then Chief Executive Officer of the Health Services Authority, advised by facsimile the Executive Engineer of the Public Works Department that he accepted the 1992 Master Facilities Development Plan, including the Complementary Report, which he mistakenly thought Ellerbe Beckett had submitted when in fact they were produced by their local consultants Chalmers Gibbs Martin Joseph. The former Chief Executive Officer's exact words were and I quote: "**Please be advised that we accept the proposal regarding additional fees for the re-design of the Faith Hospital addition**", and to continue: "**We also accept the Master Plan document received from Ellerbe Beckett yesterday (that is, 17 August, 1992) and confirm their completion of the contract in relation to the George Town and Faith Hospital Master Plans etc.**"

To table the two Master Facilities Plan documents referred to in this answer would involve the expense of photocopying over 1,400 sheets of paper. With your permission, Madam Speaker, I would prefer instead to provide the Second Elected Member for Cayman Brac and Little Cayman with a copy of both documents so that he may verify what I have said. I would also be happy to provide any other Honourable Member with a copy if they request one.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, on page 2 of the reply, the Minister stated that the services of dietary, which would include kitchen would be duplicated at the Dr. Hortor Memorial site and the George Town Hospital site. The House has been previously told that there was no provision for dietary services at the Dr. Hortor Memorial Hospital.

Could the Honourable Minister comment on that?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, the first document that I saw did not reflect that, but afterwards it was pointed out that it was at both places.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Would it be correct that the Minister is saying that the very same care which was envisaged by the consultants and the last Government for use of the present site, is being worked on now in the old site with additions being on that present site?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Yes, Madam Speaker, I am pleased to say that the project is now out to the contractors. It has been out to tender and we hope to soon get a response from the contractors. This is a complete development of the entire site including all of the facilities and specialities I have noted on page 2 that would have been on the two sites.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is it the case according to the answer given that the inpatient facility with the rooms (and all else that was there) is possible to be built according to the consultants on the present site in the space and without removal of adjoining buildings and so on that are owned by Government, such as the Lighthouse School?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: We have no intentions of removing the facility for the Lighthouse School. As a matter of fact, I think earlier in this sitting it was mentioned that that would be left there.

The space that is available has been looked at in great detail by the consultants and is being built and designed for future expansion. It will be constructed in a manner where there will be space for expansion on the MRCU site.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Could the Honourable Member confirm that the intention of the use for the present George Town Hospital will in effect be a clinic for this district with some additional services such as the eye care services for which there is a separate building and no more.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: This is what was put forward in the complimentary report, but thank God all of these services will be included in the development of the new complex.

The Speaker: The next question is No. 263, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 263

No. 263: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation if the total of \$6,907,252 for overseas medical expenses as of 31st December, 1993 is recoverable and, if

so, what progress has been made in doing so.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: According to the document entitled, 'Report of the Accountant General and Accounts of the Government 1993', between the years 1988 and 1992, a total of \$7,279,447 in advances for overseas medical expenses accumulated. Up to 31st, December 1993, \$372,195 was repaid leaving the total of \$6,907,252 as the balance at the end of 1993.

In the Accountant General's Report for 1994, repayment received to December 1994 amounted to \$659,673, leaving the outstanding balance at \$6,619,774 at the end of 1994. From January 1995 to September 1995, the sum repaid was \$225,998.26 which would suggest a balance at the end of September 1995 of \$6,393,775.74.

The outstanding balance is recoverable and repayments have been made, but, as we all know, progress is slow as there still exists in the minds of some of our people the belief that Government can and should pay these costs. This is a most unfortunate misconception that has been allowed to develop and we are vigorously trying to remind people of their financial obligations to Government incurred through overseas' medical assistance. Statements have been and will continue to be mailed out to people and every effort will be made to recover balances that are due.

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 if there is in existence any type of written contractual agreement between people and the Government which would cover the amount of \$6.3 million outstanding, and if these documents have any schedule of payments over a period of time.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: I would have to check prior to 1993, but the procedure now is that there is a promissory note signed by the people with two sureties stating that they will pay these funds. We are trying to get this expanded to be a legal document which can be defended.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is the contractual agreement in a form that Government could legally require persons to pay the amount which Government has spent on their behalf or those who might be assuming the responsibility

ties for them?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I would have to refer this to the Attorney General's office for discussion to see if it could be defended in court. But this is one of the efforts that we are now doing in the Ministry to make sure that this is addressed in the future.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Has the Minister found that since the Health Authority was disbanded and made a department under Central Government that the unfortunate misconception that he referred to in his answer in the minds of people, that Government should and can pay for their health services, has increased?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Madam Speaker, I could not honestly give a response to that, but I think we all know how some of our Caymanians are in regards to paying their bills. Once Government has undertaken to try to help these people, many of them who are able to bear the financial obligation should give Government a break and try to repay it.

The Speaker: The next question is No. 264, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 264

No. 264: Mr. Gilbert A. McLean asked the Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation to give the amount spent on overseas medical expenses since January 1994 to date.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker, the answer: The amount spent on overseas' medical between January 1994 and 31 October 1995 was C\$8,404,795.16.

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 the figure of \$8.4 million is included in any of the repayments as previously stated, or is the \$2 million additional for this year, as such?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

Yes, the payments would have continued, but these were... and I can give the breakdown for 1994. Total expenditure from January 1994 to December 1994 was \$5,133,592.62. Expenditure for exempt patients was \$2,250,401.80. Advance for non-entitled patients (those who are not civil servants, veterans, or those entitled), was \$2,883,190.82.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In light of the Minister's reply which is very forthright, which I appreciate, is there any consideration being given to bringing about a situation where somehow the entitled persons, whom I gather are the civil servants referred to there, for them to be covered by insurance so that insurance could defray some of these costs?

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

That is a good observation. As Members of the House know, we are in the final stages, but I plan in this sitting to make a statement in regard to this. I hope to also lay a white paper on the insurance programme later on in the sitting of this House.

The Speaker: The next question is No. 265, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 265

No. 265: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture what are the plans for Veterans' pensions and when will they start receiving it.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker. Because the National Team Government recognises the value of the service given by veterans, assistance will be given to Caymanian ex-servicemen for their widows which will be starting at the end of this month.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Thank you, Madam Speaker.

Can the Minister say whether this will be paid monthly, quarterly or annually?

APOLOGIES

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

This will be a monthly payment, as I said, beginning the end of this month, retroactive to September of this year.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Minister say if the figure to be given out to these veterans will be the same for all?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Yes, Madam Speaker, it will be for all.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the Honourable Minister say whether he has any knowledge of some of the senior veterans who would prefer getting theirs in a lump sum?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: I did have some representation from certain people in that regard. Government finds it impossible to pay a lump sum figure. We can pay a monthly figure of \$200 retroactive to September—they will receive three months' pension at one time.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Would the Minister be able to say if there are any veterans who have applied for this assistance who have not qualified for it?

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: We, in conjunction with the Veterans Association, have developed a list. We are working from that list. They all seem to be qualified, those alive, and of course those with widows. We will be paying to widowers as well.

The Speaker: That concludes Question Time for today.

The Speaker: The Honourable First Official Member will not be present this afternoon. He is leaving to go overseas. I also note that the two Members for Bodden Town will be absent as the Governor is visiting Bodden Town this afternoon.

Statements by Members of the Government. A Statement by the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

TRAINING OF CAYMANIANS

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

For years there has been much concern expressed about the absence of consistent training policies and programmes and career development paths for willing and able Caymanian human resources. In fact, in most general elections, including 1992, most candidates discussed this issue and included it in their manifesto. Calls have also been made in this honourable House, and in public forums and the media, for a revamping of the existing system dealing with training and work permits.

It is a well-known fact that this Government is concerned about the training and long-range career development of able and willing Caymanians, as a means of fostering sustainable economic development and continued labour tranquillity. The articulation of well-defined and workable human resource development policies and strategies are essential tools for achieving these important objectives.

As the House should be aware, Government's policy on manpower development and training supports the Caymanianisation of positions within the public and private sectors whenever there are competent Caymanians to fill these positions. The policy further requires that adequate training programmes become commonplace in order to ensure that Caymanians are able to fill responsible positions, consistent with reasonable career paths and succession planning.

After much preliminary work by the staff in my Ministry, including a review of all of the volumes of the Manpower Demand Survey Report of 1990, as well as reviewing literature and reports from other countries and organisations (which had been collected and requested by my Ministry over the years), Government decided that it was then timely to refer the matter to an advisory committee.

In order to fully examine this policy for implementation, Executive Council appointed an advisory committee in July 1994, and my Ministry developed broad terms of reference to guide the Committee in its deliberations. The Committee (the Manpower Development Advisory Committee), is comprised of 20 members representing a broad cross-section of knowledge and expertise from the

private and public sectors. The terms of reference of the Committee, which were previously provided to this honourable House in an answer to a Parliamentary Question, guided the Committee in its deliberations, analysis, fact-finding, and consultation with the private sector.

In order to underscore the democratic and consultative method which the Committee employed in carrying out its work, and to demonstrate that the Committee did not simply rubber-stamp any pre-conceived notion of anyone, I wish to take some time to outline the sequence of the Committee's work in coming up with its report to Government.

Madam Speaker, it appears that some individuals have received and have been circulating a copy of the confidential report of the Committee, and have been mischievous in making wild assumptions and employing scare tactics concerning Government's intentions in the area of human resource development and training. I am making this statement today to try to put this matter in its proper perspective.

SEQUENCE LEADING TO PREPARATION OF COMMITTEE'S DRAFT REPORT

After the establishment of the Committee was approved by Executive Council in July 1994, members were appointed and meetings commenced. Meetings of the Committee were held on: 20th October 1994, 8th November, 11th January 1995, and 14th February.

At the 14th February meeting, the Committee agreed to establish 4 small sub-committees from its full membership. These four smaller groups would allow for better and more detailed analysis of their tasks, in accordance with the terms of reference. The four sub-committees and the Chairmen of each were:

1. Assessment of current situation—Mr. Leonard Dilbert (then Permanent Secretary in the Ministry);
2. Examination of existing systems—Mr. Daniel Scott;
3. Consultation and fact finding—Mr. Sam Basdeo;
4. Institutional and regulatory strengthening—Hon. McKeeva Bush (Chairman).

These sub-committees became operational and served as Action Teams; the sub-committees and individual members of each provided information and feedback to the Ministry for the preparation of the draft report, which had also commenced in tandem with the establishment of the sub-committees.

After the sub-committees finished their work and the draft report was prepared, the entire Committee then reconvened to examine this draft report.

Meetings were held on: 30th May, 5th June, 8th June, 13th June, 22nd June, and 27th June. These meetings considered the draft report to Executive Council, which was dispatched under confidential cover to all Members of 19th May.

At these meetings from 30th May to 27th June, each paragraph and section of the draft report was discussed in detail; all input carefully noted and changes made

when there was a majority of Members in favour of changes or amendments, or where there was serious concern expressed.

After each meeting, minutes as well as extracts of the draft report showing the changes were sent to all Members, including those who did not attend, so as to keep everyone updated on the review process and to verify that the changes were acceptable to all Members. In some cases further changes were made at successive meetings.

In the case of all meetings of the committee or its sub-committees, written notices were dispatched in advance, and there were telephone reminders of the meeting on at least the day of the meeting.

FACT-FINDING AND CONSULTATION

The Committee undertook a survey of private sector employers, through their respective associations, during the period 15th February to 15th March 1995; approximately 850 survey forms were dispatched, including 550 to the Chamber of Commerce which did not send the survey out to its Members. The purpose of the survey was to broaden the consultative outreach, and to gather information on existing policies and practices regarding the training and career development of their Caymanian employees. While only a small percentage of the survey forms were returned, there was quality feedback received from some members of the following associations: Bankers Association; Contractors; Medical and Dental Society; Real Estate Brokers; Insurance Managers; Architects, Surveyors and Engineers; Business and Professional Women's; Watersports Operators; Hotel and Condominium; and the Accountants Society.

The findings of this 1995 survey were generally consistent with the 1990 Manpower Demand Survey. Several key areas were confirmed by the similarities in the findings of both survey and this underscored the need to correct these deficiencies as a matter of priority.

THE CURRENT STATUS OF THE REPORT ON MANPOWER DEVELOPMENT

Madam Speaker, the report of the Committee was presented to Executive Council in July, through my Ministry; it was formally considered by Executive Council in September 1995. As this House is aware, I made recommendations to this House in September, which confirmed the areas which Government felt could be accepted at this time as Government's policy.

This House will recall that when I tabled that document, I said that Government would establish a small committee which would review the recommendations in detail, and in consultation with the private sector would formulate an implementation plan and schedule. The over-riding principle that would guide Government's deliberations was that partnership between Government and the private sector is absolutely essential. Government fully recognises that no significant dent can be made in the "skills gap" or in upward mobility of Cayma-

nians without the full collaboration and support of the private sector. Government feels that if a proper training environment is established that it can pay for itself in the long term through a more qualified, skilled and productive work force.

The subjects of training and human resource development are of strategic importance to the continued stable economic developments and tranquil labour relations of this country. No longer can we continue to address this strategic interest with Band-Aid solutions; time is of the essence to deal with this challenge in a comprehensive, equitable and responsible manner.

Other progressive countries have also seen the need for this and have established or strengthened their regulatory or support systems to deal with this important national interest. For example, in Bermuda there is the Apprenticeship and Training Act of 1971 that is soon to be replaced with new training legislation. Germany, Australia and Japan also have training legislation and well structured programmes. The United States of America, has a manpower development and training programme which was established under the Manpower Development and Training Act of 1962, and is now part of their Labour Code.

I trust that this Government and future governments will not defer this important matter any longer, and will not apologise for far-sighted decisions which, in this case, will only result in making this country more prosperous and more able to compete in the global marketplace.

It is therefore in the interest of everyone—employers, employees and Government as well, that we view training and human resource development not as a burden or an unnecessary cost, but instead as an investment and something which is crucial if we are to continue to enjoy the Cayman Islands as the best place in which to live and to conduct business. If we do the opposite and, by our actions or insinuations, cause this worthwhile effort to be scuttled, then I am afraid of the long-term consequences; in the very least, such neglect will ensure that this and future generations will be the losers.

I am appealing to the private sector employer organisations to establish or re-invigorate their training committees to conduct such initiatives as conducting needs assessments to identify skill gaps, introduce specific training programmes and courses to help Caymanians to acquire these skills, and to monitor the performance and upward mobility of the staff members who have the urge to move forward.

It is often quite easy to criticise Government when it tries to put something positive in place, but I would like to see alternatives and initiatives being proposed by the private sector and not only the criticisms and objections to Manpower Development.

As a small progressive country, we need to foster an environment which engages the commitment of employers, employees, associations and agencies, where all parties accept training through life and make it a reality. If we all work together, we can succeed.

Thank you, Madam Speaker, and I hope that this statement puts to rest those malicious and unfounded

allegations being pushed in this country by those people who only want to keep down a working force that needs to be trained.

The Speaker: At this time I propose to suspend proceedings until 2.15 PM, but until I do that, a paper was circulated to Members. I had hoped to have an explanatory note typed in readiness for this, but that does not seem to be possible. I would like to have a discussion with Members at 2.00 PM in the Committee room, all Members please, for an informal discussion and then the House will resume at 2.15.

Proceedings are accordingly suspended.

PROCEEDINGS SUSPENDED AT 11.49 AM

PROCEEDINGS RESUMED AT 2.26 PM

The Speaker: Please be seated.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture, continuing with the debate on Private Member's Motion No. 14/95.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 14/95

NATIONAL MINIMUM WAGE BY CATEGORY

(Continuation of debate thereon)

Hon. W. McKeeva Bush: Madam Speaker, when we took the adjournment on Monday afternoon, I was saying that the cost of living in the Cayman Islands is indeed already very high for all of us. If those of us who are making a decent salary find it hard (at times), how much more would those people who are making less than \$1,000 per month be in need?

Based on the government statistics an average household in the Cayman Islands needs \$1,176 per month in order to cover the basic needs. In 1994, for example the average monthly household expenditure on a basket of basic goods, that is, staple foods, clothing, mortgage or rent, utilities, toiletries, school expenses, etcetera, was \$1,076 and approximately \$700 per individual. This is what they needed to live on in this country, but also according to a survey Government statistics in March of this year it was discovered that there are over 1,000 Caymanians who are earning less than \$833 per month.

We do know that there are hotels paying less than \$4 per hour using gratuities to bring up wages to less than \$5 per hour in some areas and less than \$4 per hour in others. This is ridiculous, Madam Speaker. It would not be so bad if all the hotels were paying the gratuities, but we do know that this is not happening in this country. Madam Speaker, what kind of country are we building? We are just now talking about nation building. Is it conducive to nation building for working people to be living below poverty line? Recently, I had a pow wow, brief meeting with the Chamber of Commerce representatives and I

had some preliminary notice that they cannot support the minimum wage that should be [implemented] in this country which is \$1,000 per month. Even that is living below what the Government's statistics say should be the salary: \$1,076 per month. They say they cannot support it. They cannot support \$6.25 per hour for a basic wage of \$1,000 per month. They also gave me notice that hotels will not be able to pay the \$6.25 per hour.

While Government has to be reasonable, we cannot ask someone who is making less than \$833 per month to be reasonable when it takes over \$1,100 per month for him or her or a family to live on. Reason gets thrown out of the door, Madam Speaker, because when people cannot meet their commitments they go running to someone, either the representatives in this House or they will steal.

It is time that people like the members of the Chamber of Commerce understand that gone are the days of slavery. But the truth is they can get every work permit they need; that is the problem. If that were not the case and Government—and I am saying Government, because I hold Government responsible including all of us—were doing the job we should be doing, the Chamber of Commerce would not be able to be as strong as they are. They would not be able to get up in every nook and cranny in this country and insult Ministers and Members of this House and do as they please.

We have in the wholesale and retail industry, 317 Caymanians making less than \$833 per month. Hotels and Condominiums, 155 persons making less than \$833 per month. Business Services which I understand... Madam Speaker, I do not know quite what all of that is, but there are some in the business services according to statistics, 104 persons making less than \$833 per month. Public Advertising, 21 employees making less than \$833 per month. In the construction industry there are 76 Caymanians making less than \$833 per month.

I said on Monday that the two main contractors association pay a minimum of \$7.50 per hour. These would be what I call scattered construction people around the place who can work on permits, I guess, and pay employees that kind of money. And of course, the poor old Caymanian who they say does not want to work, for him to take a job at times—76 of them are being paid \$833 per month. That is the kind of situation that exists in this country!

We can boast about all that we have in this country and all that has been created, and there are many people who have worked hard to build this country. It is not only the business people in George Town that have worked hard to build this country. The main people in this country who have built it are not getting anything out of it. That is the problem in this country.

The Chamber of Commerce and all the rest of those who ban together to kill anything that this Ministry puts forward will do and say things to protect themselves. Greed, greed, Madam Speaker! The problem I see in this country today is greed! More and more and still more of the almighty dollar! There are groups and individuals who care very little about the working man in this country. From what I can see, they want the poor to be poorer and by the looks of it, that is what will happen if we do not take a stand as Members of this House. But I will address the Members of this House.

I will say this, if you do not stand up, if you expect McKeeva Bush to stand up here in this little corner and take all the ridicule, the name-calling and you as Members go out there and stab me in my back and not support me, then how am I going to get anything done? How am I going to get anything done, Madam Speaker?

I hope and pray that Members in this House will support us when we move forward with these things because it is the people of the Cayman Islands (over 1000 of them), you know Madam Speaker, I was not going to give the statistics, but the

truth is that there are 2,266 non-Caymanians who are making less than \$833 per month. You tell me what that is going to do to the social infrastructure in this country? That is what I want to find out from Members in this House.

You know what is going to happen, Madam Speaker, and is already happening, crime and more crimes and then it will not be of any use for this honourable House passing an Estimate for \$200 million because it will not come. It will not come. Because it is going to get so bad that people will not want to come and invest money here.

You know what, those people who are building houses in Costa Rica or Boca Raton, up in Fort Lauderdale can go there, but you and I, Madam Speaker, and I would dare say the rest of us in this House are going to have to live right here and put bars on our windows.

I tell you what, Members, I am sick and tired of the Chamber of Commerce, because if you sit down with them and try to move forward into sensible things, they take private reports (which are not reports that government accepted but are working documents) and read such rubbish into the news about more red tape and inflation and Immigration Board to be absorbed into Civil Service.

Madam Speaker, anybody can make recommendations, but it is the Government of the Cayman Islands that has to put them in place. We have said what we have accepted and what we will work with. Why are these paragons of virtue in our community so evil? Why? Why are they so evil to do the kinds of things ... after you sit down with them, they still go ahead ... and then they say that they expect me as a Minister ... you know he should behave himself.

Let me tell you all something, Madam Speaker, if there is not someone who will stand up and take these people head on and say there has got to be something done in this country, we are not going to be able to live in this country. I think I have said enough.

The House and this country know my record. I do not talk, I try to do something and if people can say I am not trying to do anything about training, about instituting a proper minimum wage, then I do not know what to do. All I can say is, I am working. I have been working ever since I have been in office, and ever since I have had these responsibilities to bring about the necessary changes in collaboration with the private sector. It is not all members in the private sector, there are a few greedy pharaohs in this country who want to keep everyone down. They want to go back to the days of slavery when they had upper control and they owned every business in these Cayman Islands. They cannot do it, not as long as the people in West Bay gave me a seat whether it is in here or on the front bench of Executive Council or on the front bench on the Opposition side, I will always be on the side of the working man because he needs people who will speak out for him. He does not have anyone to talk for him. The business people ban together, they have the money, they do all they want to do, and build themselves into these chambers of commerce (as people call them chamber of politics and a few other choice names that I prefer not to grace these hallowed halls with).

Madam Speaker, I am not agreeing to the motion because we have been working on it. The motion did not spur me into anything. I have been working a long time. It takes a long time because as you all can see if we rush ahead and do the wrong thing, we will be hurting the people who we are trying to protect. I cannot agree with the Motion, but the Opposition is on the right track in asking for something to be done, but that is what we are doing. All I ask, is for them to be understanding, to assist, and when [people] in the business sector approach them, they do not agree but stand up and say, the Government is doing the right thing and we are assisting the government. That is a good

opposition.

I say to the leader of the Team Cayman, the Second Elected Member for Cayman Brac and Little Cayman, that is what he should be doing. I urge him to stand up and support Government on this. We cannot support the motion because we are already doing what it is asking for. We have to take time with the proposal because there are things that will have impact and hurt our people. There are no price control in this country and naturally, costs will escalate even a bit.

I would hope that they would be more reasonable, but I doubt that group of people (Team Cayman) can be reasonable in looking at the news report of theirs. After we have tabled recommendations in the House, the [news] report says nothing about it, Madam Speaker. They still went and print that report. They are a bunch of no . . . Well, Madam Speaker, I had better stop. When I talk about the people I need to help, I may say too much, my heart may get full and I do not want to sit down for that reason. But I say to honourable Members, I am doing all that I can but there are people in this country who need at least \$6.25 per hour to live. The sooner we accept it the better we are.

Thank you.

The Speaker: The Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker

Madam Speaker, I also rise to offer my contribution on Private Member's Motion calling for Government to revise the minimum wage that is available in this country.

I would have hoped that Government and even Members of this Legislative Assembly, would not have had to deal with issues of this nature. In that those businesses that operate in this country would have had a genuine interest in ensuring that whatever wages are paid to their staff at least enable them to maintain a certain standard of living. For many years we have had the haves and the have-nots in this country and what has happened over the years is that gradually that power base has been eroded because more and more Caymanians are able to get out and qualify themselves to establish their own businesses and find other opportunities to make a living. This has been good for our country and in my opinion has been one of the keys to our continued success: the ability for Caymanians in order to make a decent income to enable them to maintain a certain standard of living.

I remember in 1992 during the political campaign in our Manifesto one of the issues we promised the people we would deal with is the issue of training and employment of Caymanians and also ensuring that our Caymanians are able to earn a decent income. I recall shortly after the Election there was a Job Fair that was organised by the [Chamber of Commerce] at the Hyatt Regency Hotel. I attended the Fair and looked at some of the advertisements that were displayed regarding vacancies. I was appalled by some of the wages that were offered for those positions.

I recall one in particular where a hotel was looking for members of staff and were offering something like \$2.50 per hour. Now, who in their right minds can say, or even be in a position to accept a job making \$2.50 per hour? That would be bad enough if they were being paid the \$3.00, \$3.25 or \$3.50, whatever most people in the hospitality industry make and if they were getting the gratuities that were earned. But that is not the case; there is still a lot of abuse in that area.

So what happens is that our people are gradually slipping to such a level that they find it continuously impossible to make ends meet. As a result, many of our Caymanians (a lot of them are single parents) have to

hold down two jobs to make ends meet. This creates social disharmony because people are coming in from the outside from destinations where employment opportunities are much less than they are here, and are eager to find employment at any wage to the detriment of our Caymanians who live in this country.

I am not sure what the base rate should be as far as a minimum wage. The Honourable Minister mentioned \$6.00 for one category and \$6.25 for another. I am not saying what that base rate should be but I think, whatever that level is it should be arrived at (as the Minister proposed) by a committee comprising of members of Government, members from the private sector who can arrive at a satisfactory minimum wage to all parties involved and, one that is fair for people who are employed in those respective areas.

I believe that the time has come for us as legislators to ensure that our people are able to earn a decent hourly wage. If we find that this is not being done, then we must through legislation ensure that our people get what they deserve as far as fair wages for their services. What it does as well is, it takes away many of the jobs that could be held by Caymanians, if they were being offered a decent wage, as a result of the cheap labour that has been allowed to come into the country. You have at present a serious housing problem. All you need to do Madam Speaker, is walk down into the Swamp area (Off Eastern Avenue) and other areas where employees who are on work permits working for these dismal wages are forced to live in order to have shelter while here.

Madam Speaker, I believe this is a totally unaccepted situation, one that has to be addressed and reversed at this stage. The Honourable Minister for Labour can count on my support when he moves forward to putting in place the minimum wage he referred to.

For many years since I have been in this House, I have always been conscious as to who I represent in this House. I do not represent the Chamber of Commerce. I have never been a Member who has been guided or has had a genuine interest as far as what their views are regarding anything I bring to this House, once I know it is in the best interest of my people.

I believe the Chamber of Commerce has a role. Their role is to promote local commerce and opportunities for other Caymanians to share a little more in the success of this country. But the Chamber of Commerce has to recognise one thing, that they are not government. They are not in a position where they dictate to Government what issues or policies are put forward. I believe they should have a genuine opportunity of perhaps offering their advice on certain issues that affect them. We as legislators must move forward with issues and address problems that we know exist in this country and affect our people, regardless of whether or not the Chamber of Commerce or anyone else for that matter, opposes and does not support that type of legislation or policy.

So, Madam Speaker, I, for one, support the Minister on this Motion. He is getting on with addressing this very important matter, that is, the minimum wage and I also agree with the approach where we should introduce it on

a phased basis where it would be introduced in the hospitality industry first, or the construction industry or whatever, but it should be done in phases over a period of time. So that we are in a position to monitor how effective it is and where we can adjust, if necessary, whatever actions we take. It is time for us to move on in dealing with issues that affect our people on a daily basis as far as their very financial survival.

Thank you, Madam Speaker.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker

Madam Speaker, this motion which reads: "**BE IT RESOLVED THAT nation minimum wages, by category, be prescribed by government, similar to those which government prescribes for its Occupational Groups and Wage Scale in the annual Estimates of Revenue and Expenditure**", is just about repetition of another private member's motion which was brought in September of 1993. To my mind the most important part of the Motion (which needs to be carefully looked at) is where it says "by category." I think that many of the fears that may arise from the introduction of a minimum wage law will certainly arise with a minimum wage across the board not being properly categorised.

First of all let me say that the Motion does not really call for a specific time frame, so it certainly does not inhibit the Government and they can follow the course that they have set. The other point I wish to make is that to my mind, I think as is obvious from the debate that took place regarding this motion, all the Members who have spoken are in favour of some type of minimum wage whether it is from the Government side or from the Backbench. So my view is that the Government would be in a very sound position if they were to accept this Motion. What they would have done by doing so, is to ensure that there will be total support for certain types of minimum wages to be introduced once all of the specific areas have been ironed out.

We must bear in mind that while the mover has alluded to certain figures, the Motion does not call for a specific figure. I believe that is where it is going to be very important and while it may come as a shock to the Minister, I really do agree with him when he says that this is something that requires much consideration and one has to move very carefully in bringing this into reality.

Madam Speaker, others may hold different views, but it is my belief that the disparity of wealth in any country including these Cayman Islands, is something that has to be watched very carefully as the growth of a nation takes place. To put it very simply, if the gap between those who have and those who do not is allowed to continually increase, it will not take very long for what those have to be worth nothing. To explain that, it is very simple: if whether by design or by volition of outside forces or by whatever means it becomes very obvious to the masses in a country that there are but a few who control the wealth of that country sooner or later they will ask the

question, "Where is our share?" So not wanting to incite the mind of anyone too far, I simply make that point because it is not something that anyone of us can brush aside and not think about.

I grant that there are many other areas that have to be thought about when we think of the disparity of wealth, such as, training and equipping the masses to be able to cope with the ability of their earning power, social problems that go along with it, the family unit and the natural breakdown which occurs when the disparity continues to widen.

As others have pointed out before, people simply find themselves unable to afford to live. It would be the greatest pity in the world if the people of this country were not to come to grips with this fact and be able to deal with it collectively.

We always speak about being able to look at the mistakes of others. If ever there were glaring situations that would prove the point that I am trying to make about the disparity of wealth, then certainly it has surrounded us for as long as I can remember. Not just in one country, but several that are not very far from us. And without calling names, we have seen the many backward things that have happened in those countries, such as, violence, and other types of things which only set those countries further years behind.

Having said that, we still have to be very careful because at this point in time in looking at a minimum wage, we are also dealing with one side of the coin and not necessarily being immediately able to balance the wheel. There are certain natural inflationary situations in my mind that will occur because of the introduction of minimum wages which may in turn almost undo the good that may have been done to the majority of the people under which category this falls.

We do not have, as mentioned before, price controls and if the cost of operating a business goes up there will be increasing costs to the consumer to balance that. So I do agree that these things do have to be thought out properly.

Madam Speaker, I am not equipped this afternoon to say what I believe the right minimum wage should be by category. I think it is almost necessary for some type of actuarial process to take place in order to arrive at a right minimum wage because it can have a very negative effect if the figures arrived at are not realistic.

So I would warn that whatever is being done, be done not just by one's thinking, but actually by proper research to have all the facts available in order to come up with a right minimum wage. If it is done in this fashion and realistic figures are arrived at, it will certainly have less negative effect when it comes to inflation.

As has been mentioned, the hospitality industry is one area that needs to be looked at very closely. There are many people who work in that industry who feel that they are underpaid. On the other hand there are some properties I am sure that deal with gratuities in the right manner so when that is done and all is added up, it balances itself out.

So I would say that we have to be very careful that

in prescribing a minimum wage the amount in gratuities do not fall away causing people to earn less at the end of the day. I am not suggesting that has to happen. I am simply saying that we have to be very careful so that the formula of gratuities... because I do not think that there is any law prescribing the amount of gratuities that has to be charged. So we have to make sure that both sides are satisfied when dealing with this matter in order that the ordinary employee does not end up losing rather than gaining.

Another statistic that was brought to mind in earlier debate, concerned non-Caymanians. While one might say that the job of a representative is to represent his people, the truth is, there are others who are here who are not Caymanians and need some type of representation for more reasons than one.

There is a view that if a minimum wage is prescribed in certain categories of workers, it may cause employers to pay less because they would simply tow the line and those people who were earning a certain amount of money might end up earning less because what is being earned now is above what may be the minimum wage prescribed.

The truth is, I do not subscribe to that train of thought because there are many natural competitive forces in the private sector that will dictate differently.

The other thing is, while it has not been mentioned specifically, when we look at minimum wages in the various categories, we also at some point during the period of arriving at a formula, have to look at incremental stages of minimum wages. While that may seem to be a little bit overbearing, it is a very important measure to look at when it comes to protecting both employers and employees.

Many of the points that I would raise, have already been raised and I wish not to be repetitious. So let me simply close by saying that I can understand that there may be fears on both sides (employers and employees) about a minimum wage. I would expect and hope that in dealing with this situation the Government will allow as much input as possible from the given sectors so that they may have all the relevant facts available during the decision-making process. But let me say that it is my firm belief that by-and-large some type of minimum wage needs to be prescribed in order to protect the workers of the masses.

There are many employers who do not feel the need for a minimum wage and there are many who may not feel that need quite rightly so, but I wish for them to remember and think that there are others who—and it will happen wherever we go and we are certainly no exception—will not deal with the employer/employee relationship the way they should. There needs to be legislation in order to ensure that this takes place.

The basic concept behind this Motion is to simply ensure that individuals who live and work in these islands get an honest day's pay for an honest day's work. There are responsibilities which are inherent with the employee. I do not believe that people who work should be thinking of the minimum wage law whenever it is enacted as a

measure for them to have some type of relief. It is simply a measure for them to get their just due, but it has no bearing on them producing any less for what they receive.

The Motion as I have said before, notwithstanding what I may have heard, is certainly one that has all the best intentions. It seems to be one that Government is in total agreement with whether it is a cart before the horse situation, or whether it is not. It matters not to me, I simply examine the motion for what I believe it intends to achieve and that is what I base my decision on whether to support or not to support it; whether it be private or from the Government. Even though I have heard what I have said, I still believe that if Government wishes to, by good faith ensure that this very, should I say, touchy situation be addressed properly by one and all in this honourable House, then this is their opportunity to show good faith, having proven the merit of the Motion by accepting it. I therefore support the Motion.

[Pause]

The Speaker: If no one else wishes to continue the debate, would the mover exercise his right of reply.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I have never known of an instance in this House, during the past seven years that I have been here, where everyone who spoke agreed with the Motion before the house, including the Government and yet it cannot be accepted.

I would expect that if the Government, through the Minister who appealed to the Opposition for the support in bringing about a minimum wage, which obviously the opposition is in agreement with having brought the Motion, the Minister would accept the Motion. In accepting the Motion the House on a whole would have the opportunity of expressing its will and thus, giving approval to the actions which the Minister says he is now attempting.

I believe that by accepting this Motion the Government could only but strengthen its hand. The Minister could only but strengthen his hand in his effort to bring about a minimum wage that he says he wishes to do.

To address some points which have been made, I think one of the ways that Government could help itself thereby helping the people of this country is to make available to the public some of the information the Government has on this matter. Certainly, if this Motion did nothing more than illicit some of the information the Minister for Labour gave, then it has served some good and positive purpose. I believe it is important to deal with facts; facts that are statistically known, facts that may be known otherwise. For based on facts a Minister can move forward to bring about a change in whatever way may be necessary.

Madam Speaker, I do not know why the Minister felt reluctant to give the statistics which are available to his Ministry. He knows that there are 2,266 non-Caymanians making less than what he has said had been found to be the bare minimum necessary to live, and to avoid going

below the poverty line. This is one of the most salient points made by the Government, and this is the true basis for so many complaints from the people who are affected by not earning reasonable basic wages.

The complaints that I hear time and again, and I would believe many Members hear, is that there are non-Caymanians in the work force who are working for much less than the Caymanian is willing to work for. Or that the Caymanian is being forced to work for a wage where they feel they are not being paid reasonably and fairly, simply because if they do not fall in line and work at that wage the opportunity is open to the employer to hire someone externally to do the job for a lower wage. That is the heart and soul, to a large extent, of this whole matter.

I see many non-Caymanians working in these islands, and it is well-known that there are over 10,000. While I believe that because of the tendency to feel frustrated—and may I say Caymanians—Caymanians who believe that they should earn more, direct that feeling of resentment toward those persons who are working for less money than they believe is reasonable for the job. Therein lies what should be one of the main concerns in this country.

Some of those people working for less are in effect forced to work longer hours simply being told by their supervisor or employer that they have to work longer than the average work day. They feel personally obliged because that is the only way that they, at the end of any pay period, realise any amount of money they need to survive.

That is what minimum wage by category is all about, that everyone affected can feel satisfied to the extent that they know they are earning at least what it takes to provide for themselves minimally.

I think that the information as given by the Minister in regards to the findings of the ongoing study is very necessary for a clear understanding of what the facts show is to be received by all persons concerned, particularly those who are affected—the employees.

I have heard the Minister say that it takes at least \$1176 per month to maintain the average household, and about \$700 for an individual per month. That says something about the household and the family, and it says something about the individual.

It is also very interesting to know the numbers that fall below the figure of \$833 per month, which, again, seems to have been determined to be another level of survival. I think this type of information is vital to this country and it will hardly explode our myth of everyone being wealthy here—for that is a myth, it is nonsense. That is something that I believe we should wisely get away from. If we want to count per capita (which makes us sound good in one area in the financial world or whatever) so be it. But reality is something we should always attempt to keep ourselves focused on; reality lives with each individual in this country and in each household.

There is obviously a need to improve the earnings of certain numbers of people in this country. If those persons earn more money, they can spend more money for their necessities. If one could even stretch the imagina-

tion to believe that they do spend some small amounts on some leisure, then it also provides an increase there.

The employer might say that what it does is cost them more money, thus reducing the level of profit they prefer to make. But there is profit, and then there is profit. One can make reasonable profit, or one can make exorbitant profit. I contend that one should try to arrive at acceptable, reasonable profit.

Perhaps, and certainly in some sectors and in some firms it will be an increase to the employer, it will cause the cost of living to go up. But, people are not as uninformed as many people tend to think they are. I believe that if the Government does something about this matter of minimum wages, that that large group of employees who unfortunately do not earn what they should now, their collective resistance and heightened emotional feeling with regards to employers simply using that to find cause to increase prices unreasonably, will have an effect on helping to hold the prices to where they should reasonably be.

If those who need the most can be helped, one would assume that they would be willing to help themselves. They would feel more wanted and involved, they would feel more cared for.

If the Government finds that the Chamber of Commerce, or any other such associations or organisations, are directly resistant to a minimum wage by category, there are various methods which can be employed. I do not know to what extent the Chamber of Commerce or any other such association has been informed of the facts and the figures, the statistical data which we heard about this afternoon. But, surely if that statistical data can stand on its own and cannot be disproved, the Government has strong legs to stand on. The Government is then in a position to move forward to do what it needs to do.

I remember a history professor once saying in a lecture, "Facts are sacred and comment is free." If the facts can be proven, the Government can fortify itself to do what it should do. In so doing the Government can also make its pleasure, or displeasure known if persons, or firms, or employers, take steps to react unreasonably to the efforts that might be attempted.

Surely, the employees would not be endeared to the employers, and I am one who believes that employees are much more valuable than what they are often given credit for. Few employers would have businesses if they did not have people to work for them.

I think that this is one gap that can be bridged. Certainly, if the Minister and the Government are soliciting the support of the Opposition and the support of the House, the only way to get that is to get the House to express its will through the acceptance of a Motion or a law as the case may be. There is indeed an excellent opportunity in this instance.

I do not know exactly how the figures of \$6.25 and \$7.50 as a minimum wage were arrived at. I certainly do believe that it is possible to arrive at a factual minimum wage. If the Government believes that the opposing forces are so strong against it, questioning its ability to determine this, then one can resort to the expertise available which can prove or disprove their position.

What does seem extremely clear is that the Government needs to arrive at a position. It should not be something held secretly so that one has to wait until there is a motion in the House to know about it. I believe that the public at large should

get involved at least by knowing what is going on, the findings and what is being discussed by Government with the Chamber of Commerce and other associations. Should not the working people know about it? They are the ones being talked about. I think they should. They do have views and voices and in certain instances the people will speak up.

If the numbers as stated by the Minister are considered unacceptable by the employer associations, then, certainly I would advocate that the Minister seek, to whatever extent is necessary, the assistance of experts in this field to check the numbers and see whether they can uphold the questions or criticisms from the other side. I do not believe that the Members of this House, or the two Opposition Members, would stand resistant to what can be factually proven since the idea is by myself and the Seconder that this should really come about.

When one takes the situation of underpaid persons in this country into account, it paints a complete picture of social problems and difficulties in this society. It is within Government's means to do something about it.

In the Budget is included an amount to increase the salaries of civil servants. Years ago when I was a civil servant, and I am sure they say so nowadays, civil servants said that as soon as Government gave an increase the merchants simply went up on their prices and took what they had received in terms of an increase. That is something which I have heard over the decades. It supposedly also works in tandem with the market forces; there is more money out there so the sellers of goods and services make their attempt to collect it.

I say that to make the point that prices do rise. We can expect prices to rise if the cost of goods go up, if Customs duty goes up—various factors can occur which cause prices to rise. Everyone in his own way has to rise to the occasion to be able to buy or afford what they were buying before at a lesser price.

So, an argument which might come from those resistant to this, that it is going to cause an increase in living... well, what is new about that? Government's role becomes one to see that as far as possible that increase by those employers is kept within what is reasonable.

The statisticians can show this. They are the people who are the experts, they have the data from the goods coming into our ports and the Custom Duty attached to it. I believe it is possible. What it takes is the political will.

An old tactic for any Government, including this one, is to keep complaining about an issue, keep bringing up negatives about a particular issue and keep the Government going on and on without taking the initial step. That tactic has been successfully used by various associations and organisations in this country over many, many years, including now. But it falls to Government duty and no one can undertake that duty besides the Government.

I think the case has been clearly made for Government to prescribe national minimum wage by category. The Government agrees with it. The Government says it is doing something about it, so the Government should wisely accept the Motion which, in effect, would be the approval of this Honourable House on its ongoing efforts or certainly one that would strengthen its efforts.

The Opposition, myself and the First Elected Member for Bodden Town, can but raise these matters, can but bring them before this House seeking the approval to give Government the approval to go out and do it.

What is certain is that the people expect it, the people need it and the people are conscious of those who try to get things done. I dare say that the Government will succeed 100% when the vote is taken on this Motion to not accept anything that was brought to the House at this time by Private Members' Motions, or the Opposition, even in cases where it fully agrees with what is being put forward.

The Motion is thus before the House to express its will as it may.

Thank you, Madam Speaker.

The Speaker: The question before the House is Private Member's Motion 14/95, "**BE IT RESOLVED THAT the national minimum wages by category be prescribed by Government similar to those which Government prescribes for its occupational groups and wage scale in the Annual Estimates of Revenue and Expenditure.**" 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. 19/95

Private Member's Motion No. 14/95

AYES: 2

Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean

NOES: 11

Hon. Richard H. Coles
Hon. George A. McCarthy
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. Truman M. Bodden
Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Murphy
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSENT:

Hon. James M. Ryan
Hon. John B. McLean
Hon. Anthony S. Eden
Mr. Roy Bodden

The Speaker: The result of the division is two Ayes, 11 Noes. The Motion therefore fails.

PRIVATE MEMBER'S MOTION 14/95 NEGATIVED BY MAJORITY.

The Speaker: Government Business, continuation of the debate on the Second Reading of the Appropriation Bill.

The Second Elected Member for Cayman Brac and Little Cayman, continuing.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1996) BILL, 1995

DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY, ON FRIDAY 10

NOVEMBER, 1995

(Continuation of debate thereon)

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I have run out of steam. I will forgo debating it further, and leave it to the others to debate.

The Speaker: Would you prefer to take a suspension for 15 minutes?

Mr. Gilbert A. McLean: It would make a little difference to my throat if we did do that.

The Speaker: You could have asked me, you know.

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3.50 PM**PROCEEDINGS RESUMED AT 4.11 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 I stopped speaking last week, Wednesday, I was speaking about the Civil Service. I was noting that there is an increase of 9%, which has been placed in the Budget to pay civil servants.

This increase, to the best of my understanding, does not really reflect the amount of the salary that they would be due based on what is known about the civil service salary structures at this time in comparison to the private sector and also taking into account the cost of living and so on.

While this amount may be paid now and it will certainly mean an increase to the Civil Service, I think it is wise financial management that the Government should, right now, straight away, be preparing and, indeed, have set aside certain money for paying civil servants in an amount which is really due. Also, amounts which would be determined by outside persons who would come in and examine the Civil Service at this time. A complete salary review like the Rolf Waller Review, or like those which followed.

As I mentioned when I was speaking on this matter a week ago, I think the time has come when rather than simply expecting all civil servants to fall into a particular scale, with only an increment to look forward to, cash awards should be made based upon careful examination of the jobs and job appraisals. These appraisals should not be left until the end of the year. There should be certain reporting processes during the course of a year so that the year is really a culmination of assessments along the way.

In this year's Budget, there is \$2,482,688 estimated to be paid—I dare say it will be much more than that because it may not really represent exactly what will be the cost, or that may not represent the persons who will be employed within the Civil Service in the coming year at certain salary scales which might be known, so that may not be the true figure, it may well be more. I think it is likely to show that it will be more. That is called contracted officer's supplement, interpreted to mean the 15% over and above the basic salary that a limited few civil servants are paid. These persons will

also get the 9% increase I am told. It cannot be fair or reasonable to continue to do this as a policy. It is foolish, it is ignorant, it is unfair.

If the Civil Service Association is the type of association I know it to be, the Government will have to discontinue that practice. The argument is that the people who come here lose the opportunity of getting their pensions in the countries which they leave and that what the Government of the Cayman Islands in its generosity, and apparently because we must have all the money in the world, does is pay that 15% more each month for these people who are on contract. I have heard that argument at least a dozen times by persons in Government. It is ridiculous and absurd.

Any person coming to the Cayman Islands to work, knows they are coming to work for a particular salary. They make a judgment call whether they wish to leave their country. Work and wages go hand in hand, and few intelligent people—and I believe all contracted officers are intelligent people, they make an intelligent decision to come here full well knowing that they will make 15% more and over and above the local counterpart.

I would like to advocate that if the Government is going to continue the argument that they can reduce the \$65 million unfunded for the civil servants down the line and find the money to enhance salaries across the board by 15%; then say to all the civil servants in the country, 'Suppose we enhance your salary by 15%, would that suit you?' It might be surprising to see how many would take that course of action. If they were given the opportunity right now of 15% more over their basic salary it might surprise one and all that they might not wish to wait until 55 or 60 years old, not knowing whether they will make those times or not. Those people getting this kind of money are getting paid here and now. It is unfair and is something that should be stopped.

Any kind of reasonable review would advocate that. The least I would expect is that the Civil Service Association would make some recommendations in this regard.

I certainly support the increase to the Civil Service, but the fact that it is the largest recurrent expenditure in the country, every sensible scientific management effort that can be made, needs to be made to bring the Civil Service, its salaries and otherwise into realistic perspective.

Another area of expenditure which the Financial Secretary spoke about in his debate was the construction industry and the new Westin Hotel. In terms of possible earnings, the Government had certain losses according to the reply to a Parliamentary Question which I asked, and which was not answered verbally, but in writing. The question was: "What Custom duty concessions were given to the Westin Casuarina Development."

The answer was: "Madam Speaker, under section 48 of the Customs Law, approval was granted for 5% import duty to be applied on all dutiable building materials, as the duty on building materials varies from 15% to 20%, the concession would vary from 10% to 15%."

I think clearly the Government has lost 10% to 15% Customs duty over and above what it could have made had the materials been charged at the going Customs fee.

The Cayman Islands have now moved away from the time when concessions of 2% were given to attract hotels to come here. This country now has hotels in number and in requirement for labour way over what can be provided locally. In a similar comparison, people coming from overseas

to work in the Civil Service are no longer coming here to do a favour, as in the years when I can remember 25% gratuity was paid at the end of the contract.

Those days are gone. We are living in a time when the development of this country has become attractive to people and investors coming here. And few hotels, if any—perhaps we should say none—should at this stage come in for those types of concessions. If they are providing jobs, for whom are they providing them? If one says that it is an outlet for purchasing food on a large scale, from where is the food being purchased and in what currency? There is an inflow and outflow daily of hard currency with regard to hotel operations.

Madam Speaker, I hear the Minister saying “tell us about the duty”. Well, does Government not collect duty in its own currency? How does that help the foreign currency payments?

These are the types of realisms I believe the Government needs to become cognisant of. Doing less is not doing what we should for the country. And certainly if we are creating jobs, again I ask: Who are the jobs going to? Given the few Caymanians available for the task, where is the money going to? The money earned by those employees is changed into foreign currency, as they rightly should, to send out of the country. So who does it really profit in that regard?

Monies have been provided for the Police Force, certainly not enough to provide for all its needs, both for personnel or for equipment. It has to be within what the Government can afford. The Police are being given another consideration, with which I agree—that of allowing constables certain allowances which will at least scale back the amount the Government will ultimately have to pay in pensions, since pensions are not calculated on allowances. But with the growing concern of crime in this country—and while thankfully we do not have murders every day and when we do have a murder which is much more often than ever before—it is still a shock to the community which shows that we still retain certain values and expectations that those things should not happen here.

I think it is necessary for the Government to seriously look at police services in this country. I like the term the new Commissioner of Police is using—Police Services, rather than Police Force. I think his thoughts are projected in the right direction, especially when we hear of excessive force being used here and elsewhere in the world. So if we should lead the way in considering it a service, I think that is very good for us. It is a good example for us to set for the rest of the world.

MOMENT OF INTERRUPTION

The Speaker: Honourable Member, it is now 4.30 PM. I do not expect you will finish this afternoon.

Mr. Gilbert A. McLean: No, Madam Speaker.

The Speaker: May I ask for the Motion for the adjournment?

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, I move the adjournment of this honourable House until 10 o'clock tomorrow morning.

The Speaker: The question is that this honourable House do now adjourn until 10 o'clock tomorrow morning.

I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

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, 23 NOVEMBER 1995.

ADJOURNMENT

**THURSDAY
23 NOVEMBER, 1995
10.10 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, forever 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.

Administration of Oath and Affirmation to Mr. Donovan W. F. Ebanks, MBE, to be the Temporary First Official Member.

Mr. Ebanks, could you come forward, please?

**ADMINISTRATION OF
OATHS OR AFFIRMATIONS**

OATH OF AFFIRMATION

By Mr. Donovan W. F. Ebanks, MBE

Hon. Donovan W. F. Ebanks: I, Donovan Ebanks, 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. On behalf of the House, I welcome you.

Presentation of Papers and Reports, Government Minutes on the Public Accounts Committee's Report. The Honourable Third Official Member.

**PRESENTATION OF
PAPERS AND REPORTS**

**GOVERNMENT MINUTE ON THE PUBLIC ACCOUNTS
COMMITTEE REPORT ON THE REPORT OF THE
AUDITOR GENERAL ON THE ACCOUNTS OF THE
CAYMAN ISLANDS GOVERNMENT FOR THE YEAR
ENDED 31 DECEMBER 1993**

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this honourable House, the Government Minutes of the Public Accounts Committee's Report on the Report of the Auditor General on the accounts of the Cayman Islands' Government for the year ended 31st December, 1993.

The Speaker: So ordered.

Questions to Honourable Members and Ministers. Question No. 266, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE
MEMBERS/MINISTERS**

QUESTION NO. 266

No. 266: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to state whether the Ministry of Education or the Education Department has received any representation from parents and guardians of the George Town Primary School during the period January 1993 up to October 1995, regarding the dilapidated state of the school buildings.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the Ministry received four letters from the members of the Working Group of the George Town PTA during the month of October.

The first letter was written on 19th October, and Ministry officials met with these parents on Monday, 6th November. Many of their concerns had already been corrected as part of the ongoing schedule of maintenance at the school.

Other concerns such as the air-conditioning of the school hall is scheduled for completion in 1996. The use of the playing field at the school was another main issue and a policy on use of the field in keeping with the general policy has now been issued.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will the Honourable Minister say why, in light of the regular maintenance programme which he informed this House about, did this representation have to be made for these schools?

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, I do not quite follow what the Member is asking. Is he asking why the people have made representation? The answer is, because they felt they should.

I would say probably about 35 out of perhaps 45 matters were dealt with during the summer. I met with the PTA executives and they are now satisfied with things. I am not sure why this Member is still stirring it.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister say if any of the conditions expressed in this letter were mentioned on the visits to the George Town Primary School by the former Principal?

The Speaker: Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, the former Principal seems not to have seen any of these problems. It was not until the new principal, Miss Marie Martin, who is a Caymanian, took office that many of these conditions were brought to light; and it was only brought to light fairly late during the summer vacation. We moved as quickly as we could to deal with them, but I am afraid the former Principal did not raise these conditions.

Every quarter I go to all the schools, Madam Speaker, and sit with the staff and ask what are the problems. I make notes and try to correct them. On this occasion, I did meet with the PTA.

The Speaker: First Elected Member for Bodden Town.

Mr. Roy Bodden: Will the Honourable Minister say whether these problems emanated from oversight on the part of people who do periodic maintenance?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, it is the duty of the Principal to bring these matters to the attention of the department. The department then requests the Public Works Department to assign someone to deal with them. However, during the course of the summer vacation of two and a half months, all of the major maintenance on the schools have to be done. It is a major task.

Once a week I get a complete schedule and monitor

it and someone is assigned to deal with it. But despite the fact that I am now going on to a continuous maintenance schedule so that certain things can be done during the weekends, or perhaps very short holidays, major matters such as painting of buildings, roofing that has to be replaced, would have to be done during the summer.

It is just not as simple as sitting here asking why something is not done. A proper system is in place, proper monitoring is done and I take an interest in it, Madam Speaker. But sometimes the Principals miss things or they do not, as in this case... perhaps what inspired this question is the former Principal. He seemed to have had his eyes closed to many things up there which in my view were probably only set to make room for questions, such as the one this Member is asking in an effort to get at me. But he is gone.

The Speaker: Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister say if there is a full-time maintenance man at the school and if so, is he in a position to tell us what his duties entail on a regular basis?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, a person is there full-time. He deals with the grounds and minor maintenance. It is one of the few schools really, that we have this in. I missed the last part of the question.

The Speaker: Honourable Third Elected Member for George Town, would you repeat that for him, please?

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Is he in a position to explain what the maintenance man's regular duties are? What does he do on a daily basis? I think you explained it, thank you.

QUESTION NO. 267

The Speaker: The next question is No. 267, standing in the name of the First Elected Member for Bodden Town.

No. 267: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development to state the instrument of guarantee which is required by Government from the large scale importers of commercial goods.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, of the Customs Law 1990 allows the Collector of Customs, if he thinks fit, to take security by bond for the observance of any condition imposed by Customs.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will the Honourable Member say whether any consideration has been given to requiring cash security in lieu of bonds?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Yes, Madam Speaker. At this time security is normally covered or the bond arrangement, by combination of a bank guarantee or cash deposit.

The Speaker: The next question is No. 268, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 268

No. 268: Mr. Roy Bodden asked the Honourable Third Official Member responsible for Finance and Development to provide the gross revenue collected by the Customs Department for the months June through September 1995.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the gross revenue collected by the Customs Department for the period June through September 1995 totalled CI\$21,222,632.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Third Official Member be able to say how that figure compares with the same period for the previous year?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, it is an increase of approximately \$1 million over the previous year. For the same period June through September 1994, the amount collected was \$20,315,650.00.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Member have any idea as to what this was attributable to?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the assumption to be made is that it is the growth of activities taking place within the economy.

QUESTION NO. 269

The Speaker: The next question is No. 269, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman

No. 269: Mr. Gilbert A. McLean asked the Honourable Third Official Member responsible for Finance and Development whether the Government has settled any of the outstanding loans with the Caribbean Development Bank to eliminate large interest payments resulting from various fluctuating currencies.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the Government has concerns about large interest payments resulting from fluctuating currencies, but more importantly, the Government is concerned about the variations in principal repayment sums caused by these changes. The two areas of Government affected by this are the Water Authority and the Civil Aviation Authority which both had negotiated multi-currency loans with the Caribbean Development Bank (CDB).

In this regard, the Government has held discussions with CDB in an attempt to reach agreement on a currency-swap whereby the most volatile currency (being the Japanese Yen) would be swapped for US dollars. These discussions, however, were not successful since the loans were, in fact, part of a much larger on-lending package made to CDB by the Inter-American Development (IDB). To single out the Cayman Islands for special treatment in this arrangement would require the agreement of IDB and the other co-borrowers, and this was not possible.

Given this situation, the Government took action in early 1995 and repaid the Water Authority multi-currency loan by borrowing from a local commercial bank. Honourable Members should note that negotiations with CDB in respect of the Civil Aviation Authority's multi-currency loan are continuing and that a proposal from CDB to refinance this loan is expected by early 1996.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Third Official Member be in a position to say, given the prevailing situation before the local borrowing was done compared with the fixed currency now, how much money might have been saved with the change?

The Speaker: Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I do not have that information on hand since the repayment date, but I can give an undertaking to provide it in writing.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

Would the Honourable Member let us know if the interest rate now is fixed or if it is floating?

The Speaker: Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the interest rate is floating with LIBOR on the current loan.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if there were any penalties in paying off the loan with the Caribbean Development Bank on behalf of the Water Authority before the borrowing period, and if so, how much?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, there were no penalties charged by the Caribbean Development Bank.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Seeing that in many instances the loans are within a basket of currency, is there any move by Government to look more to making loans from local institutions where it may be possible to borrow in US currency if the interest rates are favourable?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, at this time the Government pursues a combination of borrowing arrangements. Often times loans are negotiated with local banks where interest rates are seen to be more favourable than borrowing from Caribbean Development Bank. I should point out that since the time these loans were extended by CDB, they have recognised that quite a number of borrowing members have gotten in problems as a result of the loans within the basket of currencies that fluctuate significantly. The Caribbean Development Bank has taken a decision to avoid such borrowings.

So as a result of that (the present arrangement) I should point out, that CDB is now pursuing arrangements with IDB for the paying off of the Japanese Yen component of these loans and to transfer those into equivalent sums of US dollars. The loans as such will be denominated in US dollar currency.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Member be able to say when these loans were originally negotiated?

The Speaker: The Third Official Member.

Hon. George A. McCarthy: Madam Speaker, in 1984 and in 1988.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Member say if the Water Authority is now enjoying a solvent position and is able to meet these payments on their own?

The Speaker: The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, I have not spoken to the Water Authority in regards to their financial position, but I would assume that is the case because if it was contrary the Government would have been informed that they are unable to meet their loan payments.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Just for clarification, are those repayments made directly by the Water Authority to the lending institution.

The Speaker: Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, the repayments are being made directly by the Water Authority to the lending bank.

The Speaker: The next question is No. 270, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman

QUESTION NO. 270

No. 270: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Administration if any action is being taken to limit the number of attorneys graduating from the Law School.

The Speaker: The Honourable Second Official Member responsible for Legal Administration.

Hon. Richard H. Coles: Madam Speaker, the answer is no. The only limitation on the graduation of law students is governed by the academic qualifications required to enter the Law School and the examination results achieved by a student at the end of the course. Only Caymanian students may progress to the professional practise course.

SUPPLEMENTARIES

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Has there been any recommendations to Government by any of the law firms or associations that the number of attorneys should be limited in the islands for economic reasons or otherwise?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: No, Madam Speaker, I am not aware of any such representations.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if it would be the case that attorneys could be limited if law firms refuse to allow them the opportunity to article which I understand is a part of becoming an attorney?

The Speaker: I think that is a hypothetical question and I do not know if the Second Official Member would be in a position to answer that. It requires an expression of opinion.

Hon. Richard H. Coles: I am willing to give an explanation, Madam Speaker, if that would help.

The Speaker: If you wish please do so.

Hon. Richard H. Coles: The qualification as an Attorney-at-Law requires firstly, the completion of degree studies, then the successful completion of a Professional Practice Course, and then a period of articles. If the private sector (for whatever reason) was reluctant to take articulated clerks, of course Government is in a position to take them. I have previously stated in this sitting that the Legal Department intends to take an articulated clerk very shortly and will do so on an annual basis.

The Speaker: The next question is No. 271, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman

QUESTION NO. 271

No. 271: Mr. Gilbert A. McLean asked the Honourable Second Official Member responsible for Legal Administration what is the total number of full-time and part-time lecturers at the Law School stating their individual qualifications.

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, the answer: The total number of lecturers at the Law School with qualifications is as follows: a) Full-time: 5 (including the Director of Legal Studies); b) part-time: 1 (unremunerated).

The details of current members of academic staff are as follows: Mr M C Davies, LL.B (Hons)—Director of Legal Studies; Mr J A Epp LL.B, MCJ, Barrister—Lecturer in Law; Mr A Darkoh-Agyeman, LL.B (Hons), LL.M, Barrister—Lecturer in Law; Ms H Neilly, B.Sc (Hons), LL.B (Hons), MA; M. Phil, Barrister—Lecturer in Law; Mr S Cooper, LL.B (Hons)—Lecturer in Law; and Mrs A Goddard (part-time, unremunerated), LL.B (Hons), Solicitor.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: This part-time lecturer: is this what one might term charity work?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Yes, Madam Speaker, this is pro bono work by a lady who is resident in the Cayman Islands. She has her qualifications as a solicitor and has kindly agreed to help the Law School on a totally unremunerated basis as and when required.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Based on the number of staff as outlined in the answer, is the Law School capable at this point in time of handling more students and, if so, approximately how many more without increasing staff?

The Speaker: The Honourable Second Official Member.

Hon. Richard H. Coles: Madam Speaker, I gave some figures of the student in-take for this year which is at the moment 54 students. That is approaching the maximum number that the school could comfortably cope with. Possibly 60 students would be about the maximum. The real constraint would be accommodation more than anything else, the school could not physically accommodate more than approximately 60 students.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Is the Director a lecturer?

The Speaker: The Second Official Member.

Hon. Richard H. Coles: Yes, Madam Speaker, he is part of the teaching staff and carries out lecturing duties like any other member of staff.

The Speaker: The next question is No. 272, standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 272

No. 272: Mr. D. Dalmain Ebanks asked the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture, to give an update on the progress of the plans for the indoor sporting facilities for West Bay.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker. To date, working site plans for the proposed Civic Centre Complex, located beside the Ed Bush Playing Field, have been completed by the Public Works Department. Actual work is to begin early 1996.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the Honourable Minister say what facilities will be provided in the building?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, in addition to the auditorium which will be built to take indoor sports, there is a kitchen area, rest rooms, storage area, janitorial services and a special training room.

The Speaker: Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Can the Minister say whether any funds have been placed in the Estimates for next year?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Yes, Madam Speaker. Funds are in the Estimates for 1996.

The Speaker: The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Does the Minister have the plans available?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, what I have is a sketch that I can pass to the Members, if you would permit.

The Speaker: Certainly.

[Circulation of sketch]

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Minister say if the basic layout of the Civic Centre is something similar to the one in the district of Bodden Town where it can be used for an auditorium and for indoor sports? If that is the case, would the Minister be able to say whether there are any plans downline for something similar for the district of George Town?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, first of all I believe they are trying to keep Civic Centres throughout the country in the same style. Yes, it will be able to house indoor games.

As to the George Town district, the Government, I suppose would be akin to start plans for that when the people put us back in the House next year, God willing.

Madam Speaker, in the plan I passed to the Fourth

Member for West Bay, it includes plans for Bodden Town playing field. I am wondering if I could get it back.

The Speaker: That concludes Question Time for this morning.

Government Business, continuation of the debate on the Second Reading of the Appropriation (1996) Bill, 1995. Is the Second Elected Member for Cayman Brac and Little Cayman ready to continue?

Mr. Gilbert A. McLean: Yes, Madam Speaker.

GOVERNMENT BUSINESS

BILLS

THE APPROPRIATION (1996) BILL, 1995

DEBATE ON THE BUDGET ADDRESS DELIVERED BY THE HONOURABLE THIRD OFFICIAL MEMBER, FINANCIAL SECRETARY, ON FRIDAY 10 NOVEMBER, 1995

(Continuation of debate thereon)

Mr. Gilbert A. McLean: Madam Speaker, yesterday when we took the suspension I was speaking about the matter relating to police as it appears in the Estimates. I was making the point that Government should give some priority to expenditure on police services because of the increasing number of crimes in the country and the need for having police officers with proper equipment, training, and so on.

I observe by briefly going through the Estimates that there are some monies provided for replacement of motor vehicles. It seems that the police may be able to get some cars replaced. As I recall, last year when this year's Estimates was being dealt with, there was a request for a large number of vehicles which I think the police were able to prove were necessary. I doubt seriously that has been addressed to the extent it should, since that time. Perhaps the time has now come for a provision to be made whereby there would be one sizeable capital outlay for purchase of vehicles and at the same time bring in a system of maintenance and set certain limits when they could be disposed of and at least earn some money.

I noted also that the new Commissioner of Police seems to prefer the idea that the Police is a service and not a force, as the Force connotes I dare say, force. Really it is a protective service that the police offers.

I tend to believe that the police are certainly more satisfied during recent times because I have heard less complaints being made prior to the change over in administration. I think that is commendable and I wish all involved the best of success.

However, I do think that it is important for Government to allocate enough money to provide the police service with the motor vehicles that are needed. For to have less than is required or to have those which break down

quite often (as we have been told) does not really help the purpose when it comes to responding [to crime] or getting officers from one location to another.

In the Estimates for 1996, there are various items showing varying amounts in regards to receipts of revenue and I would like to refer to a few. One is the Tourism Accommodation Tax that is estimated in 1996 to fall by \$1,149,494 below the revised figure of 1995 of \$9,534,494. I really cannot figure out why this would be the case since there is a new hotel coming on line with over 300 rooms. I would imagine that accommodation tax would increase and indeed, this year accommodation tax was increased from 6% to 10%. So I would imagine there should be an increase in this area, but it is shown here as a reduction even though alcoholic beverages show an increase of over \$1 million and the Government estimated \$12 million in revenue from that.

I do not know if it is the case where less people are expected to consume more alcoholic beverages even though the physical numbers are reduced according to the Estimates forecast.

I see also that the Government is expecting \$700,000 from the sale of Government property. I hope that in Finance Committee the Financial Secretary will be in a position to say what property is being sold. These situations are such that one hears about the sale of these properties after the fact and in actuality the Finance Committee does not have to approve these sales. They can be done by Executive Council. But while the Government purchases land at very exorbitant prices, it would seem that what Government has now it should hold on to and not dispose of.

In fact, I think that the time has come for Government to seriously consider another building that would house some of Government's departments because it seem that ever so often there are some renovations in the two main buildings the Tower Building and the Glass House (the Government Administration Building). I know that Government had considerable land in the Half Way Pond area—to the best of my knowledge, it is zoned commercial. Perhaps it might be a good idea if Government looked at doing some development at that location and take some of the traffic from the town's centre which would for one, ease congestion at bit.

It seems however, that Government expects continued increase in work permits in the country. This I believe is so because with the coming on line of the Westin Hotel which must be staffed (several hundred I would imagine) there would be the need for more work permits and generally speaking, there does not seem to be any let-up in this regard. Government estimates to earn \$11 million in 1996...

Mr. John D. Jefferson, Jr: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order, Third Elected Member for West Bay?

POINT OF ORDER

Mr. John D. Jefferson, Jr: I refer to Standing Order 63(2), as the Member appears to be going into the Estimates.

The Speaker: I think that the provisions of that particular Standing Order quite clearly state: "**On a motion for the Second Reading of an Appropriation Bill debate shall be confined to the financial and economic status of the islands and the general principles of Government policies and administration as indicated by the Bill and the Estimates.**"

The Appropriation Bill is now being given a Second Reading. Members have been supplied with copies of the Estimates and I think it is quite clear. There is no ambiguity there. They can bring up some points which are in the Estimates, but not in great details. I understand the Member to be making a point about the policy and I think he is at liberty to do so.

So that is not a Point of Order.

Please continue Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I thought the Third Elected Member for West Bay would have concluded as he had been instructed by the Chair. It would seem that his Government should be happy to have someone speaking since no one from the Government bench rises and I understand basically that they are all unprepared to speak on this subject.

Madam Speaker, another area of revenue that is in the Estimates is royalties from dredging. For next year the Government estimates to earn \$388,947. I do not believe this will be done, Madam Speaker, and I think this is something more fudged into the Budget than it is a reality. I understand quite reliably that over the years since various licences have been issued that the people of this country have been systematically robbed by royalties not being paid. In fact, I understand that there are hundreds of thousands, if not, millions of dollars now outstanding that should have been paid to the Government by dredging operations.

I would like to make the point with regards to dredging, that the ocean floor around this country belongs to Her Majesty the Queen or Government because of its constitutional standing and also by the people of these islands—all of the people. The only way all the people can benefit from dredging is if Government collects a fee from granting licences. The Government must collect that fee because by so doing, it is collecting money into the treasury of this country so all the people of the country can benefit.

It could hardly have been the idea of the people of this country to allow four or five people to dredge the bottom of the ocean for millions of yards of fill which they in turn sell and make millions of dollars without paying the appropriate fees. There can be no excuse. They dredge up the ocean floor onto dry land, in the mangroves or wherever... and as I understand it, the cubic yards are supposed to be measured. Either they pay a certain

amount of money per cubic yard or they give the Government so much cubic yards of fill. I know that has been an arrangement in the past, but I think what is happening at this time (if even half of what I am hearing is the case) is nothing short of racket.

I take great cognisance of the fact that the Minister responsible for this when asked a few questions bobs and wheels and dodges and runs from answering them. According to the Minister responsible for dredging there are seven applications, some pending and some approved in principle. I also hear from sources that I give some credence to, that there are supposedly applications before the Government for massive large scale dredging. If that is the case, I hope that when the people's marl is being taken from the ocean floor, they are going to get their due fees. And moreover, this Government is going to pursue the outstanding monies which have not been paid into the Government coffers... where three or four operations benefit, make millions of dollars, from dredging the ocean floor, make land for themselves and the people do not get the benefit of the marl from their ocean floor.

The reasons and excuses that I have heard over the years as to why this is not collected are numerous. It would strike some people forcefully that if the dredgers can dredge up a million cubic yards of fill and sell it at \$9 per cubic yard, that is \$9 million or some where there, the people should get their dues.

Having looked at the receipts, I would like briefly to refer to the area of Expenditure. For example, I see that estimated for 1996 for overseas medical fees is \$1 million. I think that is some fudging too because on average... and only yesterday the Minister for Health was able to inform the House that the average expenses seem to be running \$2 million and over. So to put \$1 million in the Estimates would hardly be realistic. So some where along the line it means that Government will have to come for supplementary expenditure.

There are commitments to persons... What was most revealing to me yesterday was the term "legally eligible" for medical aid which seems to be largely to the civil servants. It is really astonishing to know that the legal commitment Government has to provide tertiary medical care to the Civil Service reaches into \$4 million and odd. I dare say, that has not been spent on even 80% of the civil servants, it is a very small percentage... in the United States where the costs are so exceptionally high.

So that is the kind of financial situation we are looking at and certainly, I support any Government action that will bring about a proper and reasonable medical insurance scheme. For if the Government has to continue with these types of expenditure without some way of balancing it, or without the means of insurance it is going to get real serious for us. The Civil Service is increasing in staff, it is over 2,000 now and one can expect it will become larger.

It seems to me that this should be a major priority area in comparison to the Capital section where Government is committing \$1,772,101 to sports grants and

the like. I think, Madam Speaker, that this country needs to get its priorities right because while it may be meeting a political agenda to have stadiums and sports facilities, medical services are essential even for the best athletes, to say nothing of the old and aged. I can speak about it, I cannot cause it to happen because I do not have that authority, the Government does.

Financial assistance as well in expenditure has moved from \$790,000 in 1995, to \$2,316,100. That is an increase of \$1.5 million and that is saying something to us about our social state. I think it is an indicator towards the need for a national pension plan, a mechanism whereby everyone can be covered under a safety net so they have the opportunity of paying a percentage of their salary into a scheme so that when they reach retirement age, they can be assisted by their own savings and benefit from the pension. That is a serious increase. It is going in the direction of social services, and more and more it is becoming clear that people are not benefiting to the extent they should and could, from our healthy economic state that we like to talk about.

Madam Speaker, I also see that sports grants for 1996 are to be in the amount of \$468,300 an increase of \$226,000 over 1995. Again, spending on sports is fine, but I say sports persons need medical services.

Support grants—\$1,590,559 an increase of \$833,194 over this year. Again, it points to moneys being expended for the social needs which are obviously there to be met, but Government directly from its revenue can only meet so much without a mechanism, such as, pension or other similar coverage. It is very significant too that 1996 is an Election year, so no one is hurt by any assistance that is given during these times.

Of great significance is that after so much spending this year, on construction of roads, maintenance of roads, repair of roads, only \$1 million is provided for next year for all the islands—\$1,118,080 and this will come via loans. I hear considerable talk in recent times about the Harquail Bypass and which has been talked about now for the past three years. The need for it does not have to be established because it is very well known. Moneys are constantly diverted in the Budget to be spent in other areas including some moneys that have been earmarked for work on the bypass in the past. For it has never been costed, at least it is not known in the Estimates nor has the cost of it ever been stated in this House, to the best of my knowledge, but amounts such as \$400-odd thousand had been placed in the Budget for it and was used elsewhere. Yes, I am made to understand that certain work along that area that is taking place. If that is the case I wonder how this can be done when there is no money at all provided for it in the 1996 Estimates? It should be most edifying to know through what mysterious means this is to be achieved.

Hon. W. McKeever Bush: [*Inaudible interjection*]

Mr. Gilbert A. McLean: Magic? I understand it is magic. The kind of magic that happens here in this country with the Estimates and Government's expenditures is what

cost the people of this country dearly. We will hear of that magic at the end of the year when the Government comes for \$15.5 million supplementary appropriation. The magic is transposed into more expenditure and more debts to this country.

Madam Speaker, speaking of debt, the Government of the day boasts of what geniuses they are with the handling of Government's funds, claiming that the previous Government left the country broke which we know is not so by the Auditor General's Report. There were over \$10 million left in Reserves which is now down to \$4 million. The factual position as given by the Auditor General on the debt of this country, when one takes central Government and the statutory agencies, the self financing loans, in 1992 were \$38,731,292; in 1993, \$58,560,793; in 1994, \$64,552,195. These figures can be checked in the Accountant General's Report.

Now for 1995, we do not know that figure as yet and we will not know until the end of 1996; this is one of the things wrong with the way the Government budgets. If we take the \$64 million and add to it, at least the \$22 million for the Water Authority that increases it this year to \$84,522,195. That of course would be the loan—one of those self-financing loans—that Government took on behalf of the Water Authority.

If we take Government's guarantee for Cayman Airways this year—\$4,386,667 that would then bring this year's figure up to \$88,908,862. And if we add to it the purchase of the aircraft for Cayman Airways (which Government has underwritten again) of \$4,333,333 it would bring this year's figure that I have and can find to \$93,242,192. Then if we take the loan the Government intends to take for 1996 of \$16,600,000 at least the Government's debt with central and statutory authorities self-financing loans would be \$109,842,192.

Madam Speaker, these are figures I have from answers to questions and of course we know about the loan that is to be taken in 1996. There is also at least one Minister, the Honourable Thomas C. Jefferson in replying to the motion on Fiscal Responsibility Act, who acknowledges that this year, from 1992 where it was \$38 million there are serious increases in Government expenses. When he said, and I quote: "**The total self-financing loans for 1992 is \$27.1 million; the total debt which is borrowed directly by Government is \$15.8 million. So the total debt is \$43 million. When we get to 1993 because the previous Government caused us to borrow \$20 million (US) the public debt then climbs to \$54 million. At the end of 1994, the total public debt is \$61. million.**" According to the Accountant General's Report it is \$64,522,195. We add together the self-financing loans and the loans to central Government.

So it is even higher than the Minister for Tourism, Aviation and Commerce was prone to admit.

Madam Speaker, I have concerns about the debt increase in this country and even though the Government has increased taxes in 1993, on work permits, this year it increased taxes on Tourism Accommodation Tax (from 6% to 10%). Expenditure is overtaking the Government's revenue year by year. In fact this year is a good example

where the Government did not have the \$202 million it proposes to spend and in truth would be in a deficit position without the loan it proposes to take.

When we take into account that this Government is prepared to earmark \$1 million of the General Reserves for a disaster fund, one begins to see a picture emerging as to what must be the policy, the belief, or the intention of the Government of the day.

Madam Speaker, as I look at the year's Estimates I see very little more for Cayman Brac and Little Cayman than what was there for last year. The Statutory Expenditure shows an increase of \$218,131,000. So there is very little change in that area.

Under expenditure for Cayman Brac and Little Cayman again, there is a little amount of \$180,000 provided for maintenance of buildings and indeed, there is quite a lot of need. The maintenance of roads is only \$210,000. It is here in road works that Government is able to help Cayman Brac and Little Cayman most. For it provides the greatest opportunity for the people who get employment in the Public Works Department. That will do very little indeed.

The construction of roads, along with the maintenance and anything associated with the construction of roads will allow some employment. Out of the \$1 million allocated, Cayman Brac and Little Cayman get \$23,000 to remove obstructions from the roadsides and \$22,000 to install a ramp. It is not a very happy state of affairs for those entities that are called the *Sister Islands*... And Madam Speaker, I would like to just refer to that term for a moment and to say in this honourable House that there is no such place in the Cayman Islands as the *Sister Islands*. This honourable House changed the term "*Lesser Islands*" in all its legislation by a unanimous decision to acknowledge that Cayman Brac has a name and so does Little Cayman. *Sister Islands* is not the name but in Government's documents and correspondence I see regularly the *Sister Islands*. I wonder what they are talking about and whether any legal contract has been drawn up where someone signed on behalf of the *Sister Islands*. It would seem not to be legal to me.

Cayman Brac gets other little amounts which I am sure will be spent in the way it was intended and Government will get value for money as it always does over there. But certainly, it does not come in for the *creme* where there is any *creme*, but I suppose one needs to be thankful for small mercies.

I think that education has not had its fair share in terms of Government's spending in at least providing physical facilities for Government Schools. Government's schools have, as we have heard in various instances, not been attended to, not had the renovations, not had the extensions which they should have had, while the Government has moved into taking loans to assist private schools to acquire physical facilities to the amount of \$1.5 million.

The point I have made each time that has happened is the point that I would like to make again at this [juncture] is that charity begins at home and the Government must first take care of its schools. If the Government finds

itself in a position where having taken care of all the requirements of its schools then, and only then, could it reasonably be thought to be right to go to borrow money to give to private schools.

Private schools provide schooling, but exclusively to a percentage of the population that can afford to pay school fees. Government schools provide education for all.

On the matter of schools, I think it is time that the Government consider schools for special education no matter how small they are, for the islands of Cayman Brac and Little Cayman. Special education is needed there, as it is needed here in Grand Cayman. The children who need special education in Cayman Brac and Little Cayman cannot come here to live because it would mean that the parents would have to come with them or would need to have some means for people to care for them while they go to school here. So there is a need and I think that money should be earmarked for it. Something needs to be done in this area real soon. I say again, the islands of Cayman Brac and Little Cayman form part of the Cayman Islands and they have a right to expect and require and demand their fair share of the Government budget.

Hon. W. McKeever Bush: . . . been saying that all along . . . just starting now.

Mr. Gilbert A. McLean: Madam Speaker, perhaps the biggest blunder for the Government of the day was when the Government paid \$6 million to ensure that the people of this island did not get a modern hospital facility and having spent that, has done nothing over the period of three years to replace that facility that could have been; has piece-meal spent large sums of money on the old structure which forms the George Town Hospital and now would take a loan for \$10 million to begin a new structure which right of way is costing—before anything is built—\$16 million. The \$10 million is but the first phase.

Hon. W. McKeever Bush: *[laughter]*

Mr. Gilbert A. McLean: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture, is sounding off across the floor and he is the architect who killed that hospital project; then he ran away and left it to his colleague who must now defend it.

Hon. W. McKeever Bush: *[Inaudible interjection]*

Mr. Gilbert A. McLean: He jumped for Sports, Culture, and Women's Affairs after leaving the country devoid of a hospital.

Hon. W. McKeever Bush: Why? Because I would not give pregnant women contraceptives?

Mr. Gilbert A. McLean: And after doing away with the Health Authority and the Pension Plan which were in

place, he did away with all of that...

Hon. W. McKeever Bush: On a Point of Order, Madam Speaker.

The Speaker: May I hear the Point of Order?

POINT OF ORDER

Hon. W. McKeever Bush: Thank you, Madam Speaker.

I think the Member traversed this ground in his debate when he began last week, and he seems to be repeating his usual inconsistencies—no one wanted the hospital stopped more than he.

The Speaker: Honourable Second Elected Member for Cayman Brac and Little Cayman, would you continue the debate? I do not think there is a clear Point of Order in that.

Mr. Roy Bodden: *[laughter]*

The Speaker: But please do not repeat any of your previous arguments.

Mr. Gilbert A. McLean: Thank you, Madam Speaker.

I can assure you, Madam Speaker, that I am not repeating any previous arguments. The comments that I made a few moments ago were new and in addition to remarks which I made regarding the hospital.

Madam Speaker, this is the biggest capital expenditure that the Government envisages this year, that of the hospital. I will say that I do not believe the Government is wisely undertaking to build another hospital on the present site, and that \$6 million spent is far too much without having anything to show. I can admire the loyalty of the Minister of the day for Health, having been handed the disaster that he will consistently continue to try to undo what was done for him. While I do not think it should be built there, I do sincerely trust that when another Government comes into power—and undoubtedly another Government will, emerging out of the 1996 Election—that Government will not be so far removed from reality and consideration for the people that if that structure gets started, would be so stupid and criminal to think about stopping it. I do sincerely trust that what has happened to the country from that action and the shock waves we are still feeling, we have indeed paid dearly for.

Madam Speaker, this budget that has been brought forward by the Financial Secretary on behalf of the Elected Members of Government has a lot of fudging because if the true cost and value of things were shown in every instance where amounts are shown, it would take this Budget into a much larger amount. As I have pointed out just a short while ago, \$1 million for one thing could hardly be the cost of paying overseas medical expense for next year if we take the trend over the years.

I would like to say to the Financial Secretary that the last thing he needs to do is take any comments which might be critical of the Budget... except where they are in

fact wrong (and where I am concerned it would surely not be intentional as I try to stay as close to the facts as possible). His predecessor eleven years after he left the Civil Service blamed the Government for what was supposedly the atrocious way the finances had been handled while he was the one who was handling them. So if he bears no blame and on the principle established by himself, surely then, it is not our present Financial Secretary to be blamed, it is the Elected Government of the day.

There is a large amount in the Estimate as well for Cayman Airways (\$4 million). I do not think that anyone is arguing the necessity for having Cayman Airways, and we all know that it needs a subsidy—although the present Minister for Cayman Airways would pretend that it does not, saying it is making a profit of \$1.5 million. We know that could not be so if Government is injecting close to \$5 million, as was shown in the last financial statement last year. It was given various loans and amounts payable to statutory authorities, such as the Civil Aviation Authority (and Government provides certain free services, which it should). A little bit of truth would keep this country in better touch with the true situation regarding Cayman Airways.

One of the things that has helped Cayman Airways to reach where there is some semblance of enough money to run the Airline, where a lack of money has always been a problem with it, was the loan which Cayman Airways took, the \$16 million CI, or \$20 million US.

We hear the Government of the day stating the last Government took that loan and that they did not. Well, I think for the sake of truth, just like the Government could break a loan agreement with the banks in regard to the hospital, they surely could have broken the agreement for the \$16 million loan. The truth is that they needed that money. The Minister was the one who, along with his Ministers, boasts that because of their credibility and good management of Government, they were able to get the money that had been approved by the House.

I would also point out that the Minister for Cayman Airways quoted against that recapitalisation back in 1992. He is on record as voting against that. I will quote one brief statement from the *1992 Official Hansard Report*, where the present Minister said: **"I believe that the money which Cayman Airways has recently received is sufficient to keep it going for some months to come. I have had to think long and hard in relation to this bill and I have had to weigh many things, including the national interest of the country in reaching a decision on this loan of \$16.8 million."** He voted against it, Madam Speaker.

I wonder, as he did then when he said: **"What I have noticed is that the Member for Tourism has not said precisely how the \$16.8 million is going to be spent. I am not going to stand here and give an open cheque of \$16.8 million to be put into the capital and/or loan. It seems as if it would be a loan rather than a capitalisation with what the Member has said to the Directors and Management of Cayman Airways..."**

Mr. Roy Boddén: Read on brother, let those words haunt him!

Mr. Gilbert A. McLean: ... and in the light of the failure to carry out the reports by the experts which could have saved this country millions on top of millions of dollars."

That is what the Minister then said about it and about what a wonderful report SH&E (Simat, Helliesen and Eichner, Inc) had written and the Air Lingus Report. I have since heard those reports ripped apart for their content.

I make the point for the element of truth. Let us be truthful about what is happening here. Let us tell the truth in regards to the financial condition of Cayman Airways, full well knowing (and we all agree) that it needs a subsidy, but do not say today that the Government had to take a loan for Cayman Airways. It had to take the loan, yes. But not because the last Government got that loan, but because there was no other way out of helping the Airline.

Lastly I read the sentence where it says, quoting the present Minister for Cayman Airways: **"Today we are looking at a loan of \$16.8 million. The reason why I have brought this out clearly is that I believe that if the proper steps had been taken and taken early enough, we would not have had what I call a national financial disaster on our hands because the nation will pay for the \$16.8 million."** The nation is going to pay for the \$16.6 million next year too. It is going to pay dearly for it and it seems that the same fears that were in existence then continue to be in existence now.

The Courts Building continues to need work, there is not sufficient space. It has been talked about for so long and nothing has been done. It is an area I would encourage the Government to act on quickly. It seems that there is no decrease in the work which the Court is expected to carry on.

Broadcasting—now Information and Broadcasting—is in a very pitiful state of affairs. Crowded into one building that was built for the radio station is now Information and the radio station. I have seen boxes piled to the ceiling by the door and elsewhere. I still do not believe that combination was a good one. Government Information is Government's propaganda vehicle and when I say propaganda, it is the correct term for putting out information from Government, and I do not mean it in any derogatory sense. It puts out what the official information of Government is.

I think that over the years Radio Cayman has been paying its way. I have said many times at Budget time, and I would like to note this again, that Radio Cayman should be put into a statutory authority and given the opportunity to function as it could. I believe that the time has also come for Government to enter into the television field to disseminate information along the lines of a public broadcasting system. That is not happening now.

Television gives the opportunity to develop people there to enter this field. We have it privately now, but I do think that Government needs to have its own, no matter how small an operation it may start out to be.

The building which houses Radio Cayman does provide space and area which was designed, I am told, for a television

room.

The Speaker: Honourable Member, can we take the suspension at this time?

All Members have been invited to a Thanksgiving luncheon. I therefore propose to suspend proceedings now. We will resume at 2.00. I ask Members to make every effort to commence promptly at 2.00.

PROCEEDINGS SUSPENDED AT 11.56 AM

PROCEEDINGS RESUMED AT 2.04 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, I had concluded my debate at the time of the suspension.

The Speaker: I am sorry, I did not realise that. *[Pause]*

I believe that the function of the House is to continue the debate on the Second Reading of the Appropriation (1996) Bill, 1995.

If no one wishes to continue, I will ask the Honourable Third Official Member if he would like to wind up his debate.

Hon. George A. McCarthy: Thank you, Madam Speaker.

I must say the winding up of the debate on the Budget is somewhat of a surprise because I was expecting for it to be a longer debate. Under these circumstances it seems I will have to thank Members for their support and the two Members who have spoken, the Third Elected Member for West Bay for his support of the Government's financial stewardship, and also the Second Elected Member for Cayman Brac and Little Cayman for his comments as well.

The Second Elected Member for Cayman Brac and Little Cayman gave some figures on the Government's public debt position. I think it is necessary for me to comment on what the Government's position was as at the end of 1992.

Based on the information which is available, the Government's public debt position as at the end of 1992 was \$42.9 million. This can be broken down into: Statutory Corporations, or self-financing loans \$27.1 million; Central Government indebtedness \$15.8 million. At the end of 1993 this climbed to \$54.1 million reflecting a 26% increase over the year end 1992 provision.

The 1993 position was then comprised of Statutory indebtedness \$26.5 million; a reduction of approximately \$600,000 from that of 1992, and public debt climbed from \$15.8 million to \$27.6 million. This took into account the drawdown in respect of the loan for the recapitalisation of Cayman Airways, and it also recognised a reduction that would have come about as a result of payments made by Central Government against its aggregate indebtedness.

At the end of 1994 we see Statutory Authorities, or self-financing loans at \$24.1 million and the public debt

climbing from \$21.6 million to \$37 million. This took into account the borrowings that were introduced in 1994 in order to finance the capital development programmes. Essentially \$8 million plus. Also it would have recognised reductions that would have come about from repayments as well.

POINT OF ORDER

Mr. Gilbert A. McLean: On a point of order, Madam Speaker.

The Speaker: May I hear the point of order, Second Elected Member for Cayman Brac and Little Cayman?

Mr. Gilbert A. McLean: According to the figures which the Financial Secretary is giving about the year 1994... is not the summary at appendix 2 of the 1996 Estimates correct where it shows \$37,024,723, and \$27,497,472, which would make it \$64 million if you add the two together.

The Speaker: It is a point of clarification. Would the Honourable Third Official Member please explain?

Hon. George A. McCarthy: Appearing in the Estimates as referred to by the Second Elected Member for Cayman Brac and Little Cayman represents the preliminary position of the Treasury. What I am now referring to is the final position as concluded by the Treasury in respect of these years. So the figures I am quoting are the correct figures as provided by the Treasury Department.

The Speaker: Are those figures readily available to the House or is it the first time you are presenting it?

Hon. George A. McCarthy: Madam Speaker, these figures can be made available to be tabled in this Honourable House.

The Speaker: I think it is rather unusual to table something after you have already presented your Estimates. Why do you not have copies readily available to Members right now? Please, before you continue I think it would be in order to have that done.

Hon. George A. McCarthy: Madam Speaker, the information I am presenting is in response to the arguments put forward by the Second Elected Member for Cayman Brac and Little Cayman, it is not a question of introducing anything new.

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 think that it is new material. The Financial Secretary is saying that the financial position of Government is

different than what is on appendix 2 here. This, supposedly, is taken from the report of the Accountant General and this is the end of 1995, and one would assume these would be the correct figures.

The Speaker: The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, the page the Honourable Member is referring to is about the seventh page from the rear of the Estimates. It shows that the Central Government's indebtedness is \$37 million which corresponds with the figures I quoted earlier. So this is not new, this is in agreement. Where there is a difference is where the Estimates is showing a figure of \$27.4 million for Statutory Authorities and what I am now reading from is saying \$24 million which is a difference of \$3 million.

The aggregate position therefore, according to my document which I have in my hand, is \$61.2 million which is a reduction of \$3 million as against what is presented in the Estimates. The document in my hand is an updated position since the figures in this Estimate were compiled. So essentially, we are looking at a difference of \$3 million in Statutory Authority indebtedness.

We are looking at the position at the end of 1994 and the correct position is \$61.2 million, which is \$3 million less than what has been stated in the Estimates. We are looking at a difference of \$3 million. The reason is because of the refinement that has taken place.

Let me point out that when we present these Estimates in the House during the Budget Address, it is not a question that the figures are compiled the day before they are brought here. These are figures that we would have commended rounding up three or more months in advance. When we get to the end of the year it is not unusual to find that there is a difference.

Granted, the difference of \$3 million can be regarded as quite material in relationship to the self financing loan. But overall, we are seeing a progression. If we were to take this, even on the basis of what is in the Estimates itself, just using the Estimates, the 1992 position has not changed. The aggregate position as at the end of 1992 was \$42.9 million. At the end of 1993 it has gone to \$54.1 million. At the end of 1994, if I were to substitute the figures inside the Estimates, although these figures have since been refined to show that they are \$61.2, and take it at \$64 million, we are seeing an increase of approximately \$10 million.

In effect we would have had an increase of less than 20% during this period.

POINT OF ORDER

Mr. Gilbert A. McLean: Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: The Estimates show what the

Accountant General said was the position as at 31st December, 1994, we are one year from that, so we must assume that the Accountant General's and Auditor General's reports which have been out for some time must be the correct figures.

If it is not, it means we are being misled and I want to ask that at least the Honourable Financial Secretary table the document that he is quoting from for the benefit of the House.

The Speaker: Honourable Member I do not think that anybody is being misled because as you have rightly referred, the figures in the Estimates are up to 31st December, 1994. The Financial Secretary has already explained that the refined figures following that time—this is now November, so I think he is quite in order in presenting what is at this time the true financial picture.

Would you continue Honourable Third Official Member responsible for Finance and Development?

I am sure that he will be letting each Member have a copy of that document.

Hon. George A. McCarthy: Even if it remains at \$64 million, as presented in the Estimates, if I take the position not to change those figures, we are looking at an increase of approximately \$10 million. Although I know the figures I read earlier are more accurate, we are looking at an increase of approximately \$10 million.

When we add the \$16.16 million on to this \$64 million, we are looking at approximately \$80 million. That will effectively be the position. But when we add the \$16.1 million on to the Central Government's indebtedness, we are taking \$37 million, and when we add \$16.16 on to this, we are coming up with approximately \$51.16 million.

The Statutory Authorities is where this disparity comes about. But with the self-financing loans this honourable House and you, Madam Speaker, are aware that the Government initially made a repayment up front and recovers the cost of the repayment from the Statutory Authorities themselves. What this honourable House would have to be concerned about... while it is concerned in terms of direct indebtedness and contingent liabilities of Government, the element that constitutes a direct burden on the General Revenue will be the Central Government indebtedness. It is a question of servicing the \$51 million. This is the position and this takes into account the projections through the end of...

So, with no new borrowings being made in 1995, and the projected borrowings as set out in the Estimates for 1996, we are looking at slightly over \$50 million as constituting the Central Government's indebtedness.

Another point that I would like to clarify is that in his address this morning, the honourable Member pointed out that looking at the revised revenue position for tourism accommodation tax, gave the figure as \$9,534,494. I know that this was an oversight by the honourable Member. The revised position as shown in the Estimates is \$6,354,000, which is substantially below the \$8,385,000 projected as the revenue to be derived from this source for the year 1996.

The reason for the disparity between the approved 1995 of \$9,534,494 was mentioned during the winding up debate on the 1995 Budget, or at a subsequent date. The increase in the tourism accommodation tax from 6% to 10% which should have come into effect on 1st June, after the Honourable Minister for Tourism met with the industry, a decision was taken that it would be best for this increase to be implemented at a later date. It was agreed that it would be introduced on 1st June, and we know that the first five months of the year represents the front loaded months for tourism. As such this is where that element of tax would have suffered the reduction that it did. We are looking at a reduction in excess of \$2 million. This is what accounts for the difference.

What we see here is the position of 1996 taking everything rolled up. Obviously the 10% will be effective right across the board for 1996.

The Second Elected Member for Cayman Brac and Little Cayman also commented on Immigration fees reflecting an increase. It is true that we are having an increase in terms of persons coming into the islands. As a result of that we are seeing a commensurate increase in Immigration fees. But the Member is very much correct that the Government must be concerned about this. But we are having quite a substantial increase in activities within the financial industry. As a result of that we are having a commensurate increase in work permits.

I think the Government must look in terms of the Financial Services Sector being a service industry. It was necessary when we introduced the Mutual Funds Legislation, I do not think anyone would have envisaged the level of growth which has taken place in that short time span. Job opportunities are being created. I think it is much better for us in the interim to allow the work permits that should be granted in order to retain the job opportunities within the Cayman job market rather than for those opportunities to be exported overseas. In the absence of the manpower in order to carry out the necessary administrative activities, this is normally what would take place. We know that even with the increase we have seen in non-nationals coming in to fill the job opportunities being created, we have quite a lot of back-room activities taking place in some of the other Financial Centres as a result of Mutual Funds activities in Cayman.

We can envisage a further increase in this because this is to be assumed once the stock exchange is introduced. We are then going to see, instead of these vehicles being formed in Cayman with the administrative activities being dealt with elsewhere, we will then provide great opportunities for a greater bulk of the work related activities to be done in the Cayman Islands. We know that the level of skill required are not those that come about in a short term. It will take some time for the local industry to develop the necessary expertise.

I have also looked at the comments in the papers that suggested that with the increase taking place in Government's expenditure, there is a need to look very carefully at how much of Government's revenue is being allocated toward Capital Expenditure. This is something this Government and past governments have always been

concerned about.

This year we can see that approximately \$10 million will be going in to fund Capital projects from local revenue. I think there is always a need for recurrent expenditure to be looked at very carefully, particularly the element that is being applied to personal emoluments. Since the introduction of the Budget in the House, one Member in particular (I think the Second Elected Member for George Town) was saying today that this is an area which the Government will have to look at very carefully.

I think it was mentioned in the Budget Address that an exercise should be carried out whereby the entire service will be looked at because we can look in terms of value for money, and we know, in terms of the Civil Service being a service-centred activity. This will require quite a bit of manpower. I do not think of it as waste. We have to be very prudent and vigilant to make sure that empire building is not taking place within any department and that the level of manpower available to carry out work-related activities to the optimum level of efficiency required for any department to function effectively, that only the required members of staff to achieve that are in place.

Overall, we have to be very careful in 1996 as in past years. It is not a question that we see growth taking place in the Budget, so as a result of that more resources are available. But we have to be sure that in the long run we are achieving good macroeconomic management. There is accountability and stewardship on the part of controlling officers.

One point I would like to mention, and the Second Elected Member for Cayman Brac and Little Cayman made reference to it this morning, about certain areas of under collection of revenues. In this regard he was quite right.

I think this is where the controlling officers will have to ensure that they follow through with their stewardship and obligations to ensure that revenues due to Government are collected.

I know from the feedback of certain information provided during the recent Public Accounts Committee sitting that certain controlling officers seem to have conveyed the impression that the collection of revenue is not their responsibility any more and should become the responsibility of the debt collection unit of Government.

This is absolutely wrong because every person that is paid a salary has an obligation to make sure that whatever his or her responsibilities are, they are efficiently and effectively carried out. Where departments are established to raise revenue in order to fund the services provided by Government, a controlling officer who fails to carry out that responsibility is also shirking a part of his responsibility.

These are areas where, as we move forward into the 21st Century, we have to look very carefully. The budget is not just a document. It represents an instrument of economic policy. We are using this instrument in order to marshal our resources for the betterment of society overall. I think we have a very good track record behind us and we must continue into the future with no less vigi-

lance.

I would once more like to thank you, Madam Speaker, and Honourable Members of this House and the staff within the Portfolio of Finance and Development, my Deputy who has spent many long nights in the office, the staff of the Economics and Statistics Unit, who put together the economic section of the Budget. They have done an excellent job and continue to look very carefully into Government's macroeconomic management policies.

I am also thankful to the controlling officers, although I mentioned earlier that some of them take the view that the collection of revenue should not be given a priority, I should say that the officers who do this are in the minority because I know that the bulk of the Civil Service is very much concerned to ensure that all work-related activities that each officer is accountable for is normally done.

Thank you all, very much.

The Speaker: The question is that a Bill entitled, The Appropriation (1996) Bill, 1995, 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 and stands committed to the Finance Committee together with the Draft Estimates previously laid on the Table of the House.

AGREED. IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDER 63(3), THE DRAFT ESTIMATES AND APPROPRIATION (1996) BILL, 1995, STOOD REFERRED TO THE STANDING FINANCE COMMITTEE.

The Speaker: It is now left for the Honourable Third Official Member responsible for Finance and Development to set a date for Finance Committee.

Hon. George A. McCarthy: I would like to propose that we meet tomorrow morning at 9 o'clock to commence the proceedings.

The Speaker: Accordingly, Finance Committee will meet under the chairmanship of the Honourable Third Official Member tomorrow, Friday, 24th November, 1995, at 9.00 AM.

I will now ask for the adjournment of the House until proceedings in Finance Committee have been concluded.

The Honourable Minister responsible for Education and Planning.

ADJOURNMENT

Hon. Truman M. Boddin: Madam Speaker, I move the adjournment of this honourable House until the conclusion of the proceedings of the Standing Finance Committee.

The Speaker: The question is that this honourable House do now adjourn until the conclusion of the proceedings of the Standing Finance Committee.

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 after the conclusion of proceedings of the Standing Finance Committee.

AT 2.37 PM THE HOUSE STOOD ADJOURNED UNTIL THE CONCLUSION OF PROCEEDINGS OF THE STANDING FINANCE COMMITTEE.

**MONDAY
11 DECEMBER, 1995
10.20 AM**

The Speaker: I will ask the Honourable Minister responsible for Agriculture, Environment, Communications 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.

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, forever 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.

The Oath of Allegiance to Miss Heather Dianne Bodden, to be the Third Elected Member for Bodden Town. Miss Bodden, will you please come forward to the Clerk's table?

**ADMINISTRATION OF
OATHS OR AFFIRMATIONS**

OATH OF ALLEGIANCE

*To Miss Heather Dianne Bodden
To be The Third Elected Member for Bodden Town*

Miss Heather D. Bodden: I, Heather Dianne Bodden, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II her heirs and successors according to law. So help me God.

The Speaker: Would you take your seat in the place allotted for the Third Elected Member for Bodden Town?
[Third Elected Member approaches wrong seat]

The Speaker: The seat is in the back.

Hon. W. McKeever Bush: The House Committee changed it to that one.

The Speaker: I was not aware of that and I think that she should sit in the place that has been set aside for the Third Elected Member for Bodden Town. Thank you.

On behalf of this honourable House, I welcome the Third Elected lady Member for Bodden Town.

Miss Heather D. Bodden: Thank you, Madam Speaker.

I am truly honoured to have been given this great mission by the people of the Bodden Town District. To all those who have placed their confidence and trust in me, I would like to say: You can count on me.

My sincere thanks go out to the voters and to all my friends and loyal supporters. Thanks also to the media for their fair and balanced coverage.

I would also like to extend my deep appreciation to the members of my campaign committee, especially those who nominated me, Mr. Jerry Wood and Mrs. Kadie Ebanks. All the committee members have shown so much energy, enthusiasm and dedication throughout this race.

My enduring gratitude goes to the National Team and the other Elected Members who have been so supportive of my candidacy from the very beginning. Finally, my warmest thanks to my family. Without their encouragement and belief in me, I could never have taken on this challenge.

As I step into my new role, I would like to express my deep respect to the man I have been chosen to replace, Mr. Haig Bodden, whose long career of public service to the people of these islands will never be forgotten. It is my goal to live up to the expectation he had for this position.

Besides being a great moment in my life, this is also a very historic moment in political life in Cayman—as I am the second woman from Bodden Town to be elected to Parliament. I believe I was elected to fill this position on the strength of my track record, but also on the strength of my character. The voters of Bodden Town have had an opportunity to see what I have achieved in my community, and they know that I have only one desire—to do even more for all of my district. They also know my unshakeable faith in God and my commitment to the Christian principles of honesty, integrity and charity towards others.

Our country has made significant strides in the past several years on both economic and social fronts. The December 6 vote was in many ways a show of confidence in this progress and a desire to see this forward movement continue.

I am pleased to see that our young people are more optimistic today than they have been in quite some time. Their future is brighter and the opportunities offered to them are bigger and better than ever. They are more likely today to engage in healthy activity with the wise investments Government has made in sports. This positive situation is reflected in the decrease in juvenile crime which is down significantly since 1992.

Government must continue to pave the way to a brighter future for our young people. For far too long the social needs of Cayman were left on the back burner. This is changing now. At the same time, economic development is overwhelming us so it is more important than ever for us to be vigilant and to hold on to our heritage, culture and our identity. If we lose those precious assets we will fail to live in peace and harmony with those around us, and that has never been our way of life in Cayman.

My main focus over the next year will be on the immediate needs of my constituency. There is much to be done, but we will be working on a strong action plan that will improve not just basic infrastructure, like roads, schools and street-lighting, but also the quality of life for everyone.

There are many social needs to be attended to, particularly those of our young people and senior citizens who require special care as they are more vulnerable now than the rest of us. I have also made it my goal to work closely with my two female colleagues in the Legislative Assembly on the issues relating to women's rights.

Finally, I would like to make this pledge to my district and to the people of Cayman: I am here to work for you, to work in a spirit of cooperation and harmony to make these islands a better place to live for all of us.

Madam Speaker, allow me to close by saying: "The woods are lovely, dark and deep. But I have promises to keep, And miles to go before I sleep..." It is with great joy that I set off to go the extra mile for my people.

Thank you, and God bless.

[Applause]

The Speaker: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 10.23 AM

PROCEEDINGS RESUMED AT 10.44 AM

The Speaker: Please be seated.

Presentation of Papers and Reports. Report of the Standing Business Committee.

The Honourable Minister responsible for Education and Planning.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE (Meeting held 1st June, 1995)

Hon. Truman M. Boddin: Madam Speaker, I beg to lay on the Table of this honourable House, the Report of the Standing Business Committee for meeting held 1st June, 1995.

The Speaker: So ordered.

The Honourable Minister responsible for Education and Planning.

REPORT OF THE STANDING BUSINESS COMMITTEE (Meeting held 8th September, 1995)

Hon. Truman M. Boddin: Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Standing Business Committee for the meeting of the 8th September, 1995.

The Speaker: So ordered.

Draft discussion of a Bill for a Law relating to the Provision of a Health Insurance Bill.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

DRAFT FOR DISCUSSION OF A BILL FOR A LAW RELATING TO THE PROVISION OF A HEALTH INSURANCE BILL

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Draft for discussion of a Bill for a Law relating to the Provision of a Health Insurance Bill.

The Speaker: So ordered.

The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

This is a draft of a Bill for a Law relating to the Provision of Health Insurance. I would like at this point to stress to honourable Members and the public at large that this is a draft bill and it is being tabled to give the entire community the opportunity to provide input and feedback.

These islands have been richly blessed over the last 30 years, and we can not say now as we could then, that we are a place that time forgot. As we have developed we have had to recognise that issues which did not affect us in the past, certainly do now. The need to protect ourselves against rising health care costs is only one of these issues.

I would like to give an overview and the background of where we came from and where we are at now.

Honourable Members will remember that following the General Election held in November 1992, Government suspended the previous health insurance legislation—The Health Care Insurance Law, 1992, and The Health Care Insurance Regulations, 1992—in order to reassess many of the concerns that were felt and expressed prior to the election. A committee was set up by the then Ministry and the private sector which began the process of investigating the provision of realistic health insurance coverage.

Among the concerns referred to above were:

(i) the very strong belief on the part of health insurers and others that the prescribed maximum premium for a standard health care insurance contract was unrealistic

and unworkable and would therefore have, of necessity, to have increased dramatically in the second and successive years of operation;

(ii) a widespread belief that if insurers were not prepared to sell the basic package at the mandated premium, they would not be allowed to sell any other kind of health insurance in the Cayman Islands. Many employees feared, that as a consequence of this, they would lose excellent existing benefits under their present health insurance schemes; and

(iii) the prescribed maximum premium for a standard health care insurance contract for those over 65 was felt by many to be unnecessarily high.

These concerns apart, this Government remains extremely concerned at the increasing cost to Government of providing health-care locally for the resident population and overseas for Caymanians. To compound the problem there has developed over the years, a marked resistance to repay Government for services provided locally and for funds advanced to individuals for treatment overseas.

Government recognises that there are various categories within the resident population of the Cayman Islands to which it is committed to provide access to free health care benefits. It is a fact, however, that the numbers in certain of these categories continue to increase and Government must consider how it may best protect itself against the risk of costs arising out of cases of catastrophic illness.

Government is giving consideration, while drafting the Regulations, to the following:

Indigents: Common decency and compassion demands that we recognise that those individuals who have demonstrated that they do not have the means to pay the premium under the standard health insurance contract must nonetheless have equal access to necessary health care. Government must therefore be prepared to subsidise the premium.

Civil Servants and Pensioners: Government has made provision within certain limitations to cover the cost of tertiary care overseas for eligible civil servants, their spouses and dependants, as well as Government pensioners and their spouses and widows. Government also provides free health care at all Cayman Islands Government health care facilities for these categories of persons and will take out health insurance coverage for them. While it is not estimated that the cost of such cover will reduce Government's current level of expenditure, the expenditure would be contained to a predetermined figure.

Seamen and Veterans: Government has made provision for retired seamen age 55 and over and their spouses (or widows) as well as members of the Veterans Association and their spouses (or widows) to receive free medical treatment, excluding optical and hearing aids, at all Government health care facilities.

It should be noted that retired seamen and members of the Veterans Association who are at present also covered by health insurance, are required to use these policies to pay for health care fees incurred by them.

There are also various categories within the resident population where Government will continue to incur costs:

The 65 and Over Age Group: The premium under the proposed standard health insurance contract is expected to be significantly higher for this age group. Where the need can be demonstrated, Government will determine how best to assist.

Government Advances to Individuals for Tertiary Care Overseas: Government has had limited success in recovering fees paid to health care providers overseas on an advance basis for those unable to pay when fees are due. Government must place responsibility for making provision for such eventuality firmly in the hands of the recipients of health care services. Government must therefore ensure that proper securities are in place, and that legal instruments drawn up to secure the advance payment by such parties, will stand up in a court of law and that penalties will be prescribed under the Regulations for those in default of payment.

With respect to requests to Government for advances to pay medical fees, residents are strongly encouraged to avoid relying on this potentially costly approach to managing unforeseen high costs for medical treatment. Government expects to be repaid by all those who have the means. Relying on the standard health insurance contract to provide coverage for minimum benefits is not a solution to this problem, and residents who are able to do so, should take out additional coverage.

Patients Receiving Treatment for Communicable Diseases: Patients being treated for certain communicable diseases such as AIDS, are potentially very costly to Government. Government must devise a means of "spreading the risk" of such costs.

Treatment of Mental and Nervous Disorders, Drug and Alcohol Addiction: Government must also give consideration to what provision can be made for the individuals within this category.

Government is now seeking to ensure that the burden of payment is shifted from Government to the recipients of health care services. For this reason, it is proposing that health insurance is mandated by law for the entire resident population of the Cayman Islands and that payment will be due, through health insurance coverage, for all services provided at Government health care facilities in the Cayman Islands unless that user or service is otherwise exempt. I stress again that at this stage we are seeking public consideration and feedback on this draft bill.

Of paramount consideration is the fact that any premium under any proposed health insurance plan is affordable for the entire population and, in particular, for those categories that are deemed to be most in need of health insurance coverage. To this end the desirability of a comprehensive health plan covering most eventualities must be balanced against what the health insurance premium will cost. Government must not leave itself in a position where, having mandated health insurance, finds that the enabling legislation soon proves to be unworkable due to the inability of many individuals to pay the

premiums.

With this position in mind, Government through Executive Council authorised the Minister of Health, Drug Abuse Prevention and Rehabilitation to set up a Health Insurance Advisory Committee in order to proceed towards the goal of providing a national health insurance programme for Caymanians and legal residents. Memberships of the Committee consisted of Ministers of Government, the Chief Secretary and representatives from the following:

- The Ministry of Health, Drug Abuse Prevention and Rehabilitation
- The Financial Services Department
- The local Insurance Industry
- The Chamber of Commerce
- The Bankers Association
- The Cayman Islands Medical and Dental Society.

The Terms of Reference for the Committee are:

- (i) Examine and report on all aspects related to the issue of providing health insurance coverage to all Caymanians and legal residents;
- (ii) Review all present and past health insurance coverage proposals for the Cayman Islands and identify existing issues affecting, or obstacles preventing, such coverage being put in place;
- (iii) Consider appropriate solutions (with as accurate and detailed costing as possible) to any issues or obstacles as identified under the preceding terms of reference; and
- (iv) As a priority, to examine and report on with recommendations, the various health insurance options open to Government so that it may discharge its obligations as regard to health care for eligible civil servants.

The Health Insurance Advisory Committee commenced its series of meetings 25 January, 1995.

I wish to express at this time my appreciation to all Members for their support and advice since then.

I turn now to a review of the objectives of the draft bill and will provide a brief summary of the main clauses.

This Bill seeks to establish a system of compulsory and voluntary health insurance in the Cayman Islands whereby most persons, including the unemployed, can obtain health insurance.

Under clause three, an employer is responsible for effecting and continuing in force, a standard health insurance contract on behalf of himself, his non-employed spouse, his employees and the non-employed spouse and children of his employees. Any person who is not covered by a contract effected by an employer must effect a contract on his own behalf and that of his unemployed spouse and his children unless he cannot afford to do so. The Governor in Council may exempt any employer or employee from the provisions of this clause.

Payment of Premium: Under clauses four and five, an employer is required to pay the premiums under a health insurance contract but he is entitled to deduct half of the cost of the premium for the employee and the total cost of the premium for the spouse and children of the employee from the remuneration of the employee.

Unlawful deductions by employer:

Clause six provides that it is an offence for an employer to deduct more than the amount he is entitled to deduct and an employer is liable on summary conviction for such an offence to a fine.

Employees must provide information to employer: An employee is required under clause seven to keep his employer informed of all facts related to the employer's liability to insure that employee. An employee may be fined for failure to comply with this requirement.

Provision is also made, under the Draft Bill, for the following:

An employee may recover from an employer who has failed to effect a standard health insurance contract or to pay the required premiums, a sum equal to the amount of any benefit lost;

It is also provided that any person may voluntarily conclude a contract of health insurance with a licensed insurer. That is to say, it is not the intention, under this law, to prevent any person from concluding with a licensed insurer a contract of health insurance which provides benefits either for himself, his employees, his spouse or children which are greater than those contained in a standard health insurance contract. For the purpose of clarity, a licensed insurer is an insurer licensed under the Insurance Law (1995 Revision);

The Draft Bill also provides for claims to a health benefit or questions arising in connection with a standard health insurance contract, to be determined in the first instance by a regulatory agency and for an appeal to the Grand Court arising from any decision by the regulatory agency;

Finally, in clause 18, the Draft Bill specifies the matters for which the Governor in Council may make regulations which shall be subject to affirmative resolution.

Anticipated Benefits and Maximum Premium: I turn now to the Anticipated Minimum Benefits and will comment later on the expected maximum premium.

The prescribed health care benefits are the minimum benefits prescribed by the Regulations to be included in a standard health insurance contract. This, however, shall not limit the health care benefits to be offered by any licensed insurer under the standard health insurance contract to the prescribed health care benefits.

Anticipated minimum benefits: Though this is as yet not finalised, it is anticipated that the prescribed health care benefits will include the following:

HOSPITAL SERVICES (IN-PATIENT)

- ♦ Accommodation and meals.
- ♦ Physicians', specialists' and surgeons' services.
- ♦ Anaesthesia, use of operating and recovery rooms.
- ♦ Use of all In-Patient care units.
- ♦ General and special duty nursing services.
- ♦ Oxygen, surgical and medical supplies, surgical appliances, implants, drugs and medications.
- ♦ Inhalation therapy, physiotherapy and other rehabilitative therapy.

- ◆ * Routine laboratory and pathological studies (including overseas referrals of such studies by government physicians).
- ◆ X-ray and ultrasound services.
- * *Tests will be specified.*

OUT-PATIENT SERVICES

- ◆ Primary care physician office visits.
- ◆ Specialist office visits.
- ◆ * Routine laboratory tests and pathological studies.
- ◆ X-ray, ultrasound and mammography studies.
- ◆ Haemodialysis.
- ◆ Inhalation therapy, physiotherapy and other rehabilitative therapy when prescribed by physician.
- ◆ Pre-hospital services. (Ambulance service for essential cases).
- ◆ Emergency room services.
- ◆ Antenatal services at a Government health care facility.
- ◆ Medication/drugs prescribed on an out-patient basis at a Government health care facility.
- * *Tests will be specified.*

In the case of both in patient and out patient services, some limitations will have to be placed on routine laboratory tests and pathological studies as the range is so extensive that it would not be possible to cover them all within an affordable premium. The intention is, however, to cover the tests most commonly required by physicians.

THE PRESCRIBED HEALTH CARE BENEFITS WILL NOT INCLUDE:

- ◆ Orthopaedic braces, prosthetic devices, etc.
- ◆ Maintenance repair of any artificial limb or other artificial appliances.
- ◆ Cosmetic or plastic surgery unless necessary to correct traumatic injury.
- ◆ Dental work or treatment, dental X-ray, extractions, fillings and general dental work except dental surgery for the excision of impacted teeth, or a tumour/cyst, or treatment of sound natural teeth damaged as a result of injury.
- ◆ Aids for vision and hearing.
- ◆ Diagnostic services performed to satisfy the requirements of third parties.
- ◆ Treatment of mental disorders, nervous disorders, chronic alcoholism or drug addiction.
- ◆ Custodial, social care or rest cures.
- ◆ Transfer by ambulance.

PUBLIC HEALTH SERVICES

Fees will be PAYABLE by the patient for the following Public Health Services:

- ◆ International health e.g. vaccinations for interna-

tional travel.

- ◆ Home health services.

On the other hand, fees will NOT BE PAYABLE for the following Public Health Services: School health services, health promotion, contraceptive services, immunization, Well Baby Clinic visits, post-natal home visits, parentcraft classes and for patients who are being investigated or treated for communicable diseases, e.g. AIDS, tuberculosis, malaria.

The prescribed health care benefits are based on the current schedule of fees as set out under the Health Services (Fees) Law, 1993, for services provided at Cayman Islands Government health care facilities.

Consideration is being given to how the payment for health care treatment provided outside the Cayman Islands under the standard health insurance contract can be effected.

THE REGULATIONS

The Regulations are in the process of being drafted and will be determined to some extent by response/reaction to the Draft Bill for the Law. Regulations shall be made for the purpose of carrying the Law into effect and may, among other things, prescribe the health care benefits to be covered by the standard health insurance contract; and prescribe the maximum premium that may be charged in respect of a person under a standard health insurance contract.

It is anticipated that Government will consider a delay of two years after commencement of the implementation of the scheme before effecting increases in the fees under the Health Services (Fees) Law, 1993. This will allow time for the Law now proposed and the Regulations to come into effect and for experience gained thereby to be utilized for future revisions of the Law and/or Regulations.

It is further anticipated that coinsurance rates from 10-20% will apply. Under the coinsurance rate, the person insured will be required to bear that portion of the cost (10 or 20%) of the health care provided under the standard health insurance contract.

For children and adults up to age 64 the maximum premium per person per month is expected to be from \$40 to \$67 at a 10% coinsurance rate, and \$34 to \$55 at a 20% coinsurance rate. The rates may be reduced by \$3—\$12 per person per month depending on the coinsurance rate if the provision for prescription medication provided on an out-patient basis is removed from the prescribed health-care benefits under the standard health insurance contract.

The above estimates are based on feedback from five providers of health insurance coverage who are licensed to operate in the Cayman Islands. It applies to individuals up to and including age 64. The same level of benefits, if the 65 and over age group is included, would result in an estimated premium of \$42 to \$100 per person per month, whatever the age of the individual.

To include the 65 and over in setting the maximum

premium would result in an increased premium rate for the rest of the population. On the other hand, to single out the 65 and over would mean that the estimated maximum premium for them could be expected to range from \$60 to \$190 at a 10% coinsurance rate and \$55 to \$180 at a 20% coinsurance rate. The rates may be reduced by \$7 to \$20 per person per month depending on the coinsurance rate if the provision for prescription medication provided on an out-patient basis is removed from the prescribed health-care benefits under the standard health insurance contract.

It seems logical, therefore, that two maximum premium rates should be set. One rate would apply to children as well as adults up to the age of 64; the other rate would apply to the 65 and over age group. For the two thousand plus residents who are 65 and over and in those cases where the need can be demonstrated, Government will have to determine how best to assist with the premium.

There would be nothing in the proposed Regulations that would prohibit licensed insurers operating in a competitive market from offering a lower premium for the prescribed minimum benefits under a standard health insurance contract.

PUBLIC INPUT

Madam Speaker, as I have made clear, this is a draft bill still awaiting consideration by and feedback from the community at large. Government is very sensitive to the fact that people are having more and more demands made on them and that it must listen closely to all parties concerned. On the other hand, we must face the fact that Government cannot continue to bear so much of the increasing cost involved in maintaining a healthy population.

Government is not some external organisation, Government is all of us. Money not collected as revenue from reluctant debtors means money not spent on upgrading or expanding services, or improving the infrastructure. We as individuals must take some of the responsibility for providing for ourselves, even though this may mean that we have to reconsider our priorities and how we spend our personal income.

Health care funding and access to health care by all of a nation's citizens are major issues of all modern countries whether they be developed, or developing. There are no easy solutions and I am certain that here in the Cayman Islands, Government will have to be prepared to make some difficult decisions in the years ahead in the area of health care provision and its associated costs. To deny this is to simply stick one's head in the sand.

This draft bill is a beginning and I urge all Caymanians and residents to familiarise themselves with it and to provide input and feedback. It is proposed that the draft bill will be revised to take into account feedback received from the public.

In the meantime, drafting of the proposed Health Insurance Regulations will be finalised and these will also be put out for public discussion and feedback. The Regu-

lations will also be revised following feedback.

God willing, in March, 1996 the revised Bill for a Law Relating to the Provision of Health Insurance, along with the revised health insurance Regulations will be presented to the Legislative Assembly for approval.

Thank you. Madam Speaker.

The Speaker: The Water Authority Annual Report.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

THE WATER AUTHORITY ANNUAL REPORT 1994

Hon. W. McKeever Bush: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the Water Authority Annual Report for 1994.

The Speaker: So ordered.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker.

The year 1994 brought many significant changes to the Water Authority, both in staffing and in its direction. I am pleased to report that the Authority weathered these changes well and is, in fact, a stronger and more cohesive organisation than it was at the end of 1993.

The Water Authority continued to strengthen its financial position in 1994 with a 14% increase in operating revenue during the year. This was accomplished primarily through increased water revenue resulting from expansion of the water distribution area into Bodden Town and Pease Bay. Total operating revenue for 1994 was \$7,467,689, plus sundry income of \$361,276 which was paid to the Authority for licencing fees, agency work, and water supply royalties.

A significant achievement during the year was an 85% increase in the net profit ratio based on net surplus before extraordinary items. This increase was realised despite significant foreign exchange losses from the now repaid long term loan with Caribbean Development Bank, and was mainly due to an improvement in the operating surplus which increased by 67% during the year.

Total operating expenses increased only marginally from \$5,553,298 in 1993, to \$5,597,356 in 1994, despite a significant increase in sales.

The Authority benefited from cost reductions from a renegotiated water supply agreement with its primary water supplier, Ocean Conversion Ltd. In addition, electricity consumption was reduced on the sewerage system by repair work which was completed in mid-1993, and the Authority aggressively shopped for less-expensive alternative materials for water supply and sewerage connections. As a result the gross profit ratio also increased during the year from 15% in 1993, to 25% in 1994.

Administrative expenses increased by 33% in 1994, compared to 18% in 1993. This increase was mainly due to the July 1994 increase in salaries, staff training and

benefits, bad debts, and insurance expenses. In addition, staff salaries which had been previously costed to the water supply project were carried as administrative expense in the latter part of 1994.

The Authority's return on capital employed was 3.64% for 1994 (3.99% for 1993). This marginal decline was due to the capitalisation of the cost of the Bodden Town water supply project which was completed in June 1994. However, the effects of this project will be reflected by increased future revenue. Therefore, the long term forecast is for an increasing return on capital employed.

The liquidity position of the Authority is consistent with the prior year, even though there was a marginal decline in cash and cash equivalent of \$103,600 at the end of the year.

The Water Authority was able to contribute excess revenue in the amount of \$250,000 to Government's General Revenue in December 1994. Although this expense was not originally budgeted by the Water Authority, payment was possible because of better than anticipated water sales during the year.

The Authority recognises that in this day and age of ever-increasing costs, it is of paramount importance to constantly assess operations in order to identify areas of expenditure in which savings can be found. Two of the largest expenses for the Authority are water purchases and debt interest.

At the year's end the Authority was in the advanced stages of negotiations to re-finance one of its early project loans with a local bank in order to reduce currency exchange losses, and to secure more favourable financing terms. In addition, the new agreement (which was signed in April 1994 with Ocean Conversion Ltd.), will insure a more stable cost for water over the long term.

The former Director, Mr. Richard Beswick, resigned from the Authority in May and was succeeded by the former Deputy Director, Mr. Frederick McTaggart. Several staffing changes occurred at the upper management level of the Authority in order to adjust to this major shifting of responsibilities. Fortunately, the resources were available within the Authority to accommodate these changes and no additional outside staffing was necessary.

I am pleased to confirm that the Authority now has a Caymanian Acting Director and Deputy Director, and that three other Caymanians were promoted to positions of greater responsibility.

The Bodden Town Water Supply Extension was completed in May at a cost which was almost 7.5% (\$630,000) under budget. PetroserVICIOS Limited was the contractor for this project and also for the rest of the Authority's water distribution system. With the departure of PetroserVICIOS it was necessary for the Authority to increase its own resources to keep up with the growing demand for piped water in all parts of the country.

In August the Authority took delivery of a trenching machine for use on water service installations, and a second service connection crew was hired on in September. At the end of the year plans were well underway to purchase a larger tracked trenching machine in order to

carry out large diameter water main extensions and new projects.

The Cayman Brac public water system continued to operate efficiently in 1994 and received a sales boost when Government chose to strictly enforce the Water (Production and Supply) Law after a hotel in Cayman Brac attempted to import and operate a new water production plant without the required concession from Government. The dispute was resolved and the hotel continues to use the public water system as its exclusive source of water.

Ocean Conversion Limited completed the expansion of their water production plant at Red Gate Road by early December, in accordance with the new Licence. At the end of the year efforts were well underway to replace their electric-driven high pressure pumps with more efficient diesel-driven positive displacement pumps, and commissioning was scheduled for early 1995.

Central DeSal Limited, however, continued to experience problems with their plant and it was unclear at the end of the year whether the plant would ever function as required in their licence which was signed in August 1993.

Funds have been approved in the 1996 Water Authority's Estimates for further extension of the water distribution system using in-house resources, and it is expected that these funds will be used to extend the piped water system from Midland Acres in Bodden Town through Breakers and up to the cross-island road. The public sewage collection and treatment system which serves the West Bay Beach area continued to operate smoothly, but also continued to require more maintenance expenditure than other Authority operations.

Two rehabilitation projects were scheduled for 1995. One project, which will commence at the end of December 1995, involves the *in situ* rehabilitation of 38 concrete manholes using the same method that was used to rehabilitate nine pumping stations and 35 manholes back in 1991 and 1992.

The other project which was completed in January 1995 consisted of lining approximately 460 meters of damaged gravity sewer pipe using the same *in situ* repair process which was utilised in 1992 and 1993 to repair the major portion of the Authority's 150mm diameter clay gravity sewer. It is expected that these types of projects will continue to be necessary in the future as the sewage collection system grows older.

Both Government and the Water Authority have recognised for some time the urgency to fully investigate the need for a centralised sewage collection and treatment system for George Town. Funds have been budgeted by the Water Authority in 1996 to complete a comprehensive Project Feasibility Report that was started in 1993. Part of this report will include the results of a joint Department of Environment/Water Authority coastal water quality monitoring programme that commenced five years ago. The data, which has been collected at various points in Hog Sty Bay, will be used to determine whether any land-based human waste contaminants are finding their way into coastal waters, and to establish any trends in the

results.

Funds have also been allocated by the Water Authority in 1996 to construct a pilot scale sewage treatment system which would later be used as a model to increase the capacity of the existing sewage treatment works off of Seymour Road to accommodate sewage flows from the George Town area. The Ministry of Community Development, Sports, Women's and Youth Affairs, and Culture has been contacted by three international companies which have expressed interest in constructing and operating a sewerage system in central George Town.

Staff training and development continued to be a high priority in 1994 and the Deputy Director's post was redefined to include this area of responsibility. Several courses were sponsored for staff at the Community College during the year.

The Authority and Government continued to support the education of three Caymanian engineering students who will return to work with the Authority in 1995 and 1996.

The Authority has accomplished much over the past 11 years. Yet there is still much work ahead, not only to keep up with growth within existing service areas, but to properly plan for the future so that everyone in this blessed country has access to a safe and wholesome water supply; and to insure that this country's natural beauty is maintained by providing proper wastewater treatment and disposal. Proper monitoring of groundwater resources will ensure that this precious resource is available for future generations.

I am pleased to announce that Mrs. Gelia Frederick-van Genderen, a Caymanian from Bodden Town, and the Deputy Director of the Water Authority, has just completed the degree of Doctor of Philosophy through the Civil Engineering Department of the University of Surrey in the United Kingdom.

I am proud to say that the Government of the Cayman Islands gave full financial support for this study during the initial four years when full student registration was required. And the Water Authority, through study leave and laboratory assistance, fully supported Mrs. Frederick-van Genderen's research.

The research was carried out on the Water Authority's wastewater treatment plant and offered new scientific knowledge into the treatment of saline sewage using Waste Stabilisation Ponds. Valuable new insight into the performance, hydraulic retention times and factors influencing design have been identified as a result of this study. The results of this research will not only prove very useful to the Authority for improving the operation of its own plant, but have made a significant contribution to the scientific knowledge of waste stabilisation pond design around the world.

It gives me great pleasure to see our own Caymanians achieve such a high level of education and be recognized by world renowned experts in this field. I congratulate Dr. Frederick-van Genderen and the Water Authority on this achievement.

I would once again like to express my deepest gratitude and that of Government to my fellow Board mem-

bers and to the staff of the Water Authority for their dedication and continued commitment to the mission of the Authority. Although some times were indeed difficult during the year, I am pleased that the Authority as a whole has remained focused on the future and its unlimited potential.

Thank you, Madam Speaker.

The Speaker: The Agricultural and Industrial Development Board Report for the year ended 31st December, 1994.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD REPORT FOR THE YEAR 31 DECEMBER, 1994

Hon. W. McKeever Bush: Madam Speaker, I am pleased to lay on the Table of this honourable House the Agricultural and Industrial Development Board Report for the year ended 31st December, 1994.

The Speaker: So ordered.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Thank you, Madam Speaker.

I am pleased to be presenting the Annual Report on financial statements of the Agricultural and Industrial Development Board for the year ended 31st December, 1994.

Members will recall that when I tabled the Annual Report of the AIDB for 1993, I highlighted a resource dilemma with which the Board was confronted.

As Members are aware, the Board has relied on the Caribbean Development Bank as the principal source of funding for its lending activities. Where as funding from that source has been adequate for the financing of agricultural and industrial credit, there has been a problem with student loans. The high cost and restrictive conditions attached to the Caribbean Development Bank's funds for student loans has made it impossible for the Board to access these funds. As a result, the Government has had to provide supplemental funding for the Board's Student Loan Programme over the past four years.

With the escalating demand for student loans, budgetary support for the programme was becoming increasingly burdensome. A new way had to be found to deal with the problem and a committee was set up by my Ministry to review the guidelines for the Board's student loan scheme with a view to working with the local banking sector to meet the demand for student loans.

Following on this review, my Ministry turned to negotiations with a number of these local banks with a view to their providing the funding for a new Government guarantee student loan programme.

I am pleased to report that this initiative has borne fruit. An agreement between the Government and the participating banks was concluded and signed last July for them to provide funding of \$1.75 million CI dollars for the programme. This programme is now on stream and is being administered by the AIDB.

During the period 1987 to 1992, there were 102 student loans approved for a principal value of \$1.4 million (CI). During the period 1993 to October 1995, there were 117 student loans approved with a principal value of \$3.5 million (CI). Of the latter, 15 loans amounting to \$382,800 have been approved under the new guaranteed student loan scheme.

Although the laying of the ground work and the coming on stream of the new student loan scheme was the most significant highlight of 1994, there were other major accomplishments. Just over 40 loans amounting to some \$627,000 were approved during the year. The Board's total assets stood at \$2.8 million, an increase of 15.2% over the 1993 figure of \$2.4 million.

This significant increase in total assets was due to the very substantial increase of \$475,892 in loans to borrowers. The Board's surplus from operations in 1994 increased by a very satisfactory 51.6% from \$89,207 to \$135,261. However, due to a foreign exchange loss of \$19,172 in the translation of the CDB's loan balances, the Board ended the year with a surplus of \$116,089, an increase of 1.2% over the 1993 figure of \$113,000.

The Board's accumulated surplus stood at \$776,621, an increase of 17.6% over the comparative figure for 1993. The Board maintains its position as the prime provider of credit in the Cayman Islands of human resource development. It also maintained its position as a prime provider of credit for agricultural advancement by virtue of the propulsion of its resources that were employed in that sector.

The efforts to amalgamate the Board of the AIDB with the Housing Development Corporation continued during the year under review. A new entity embodying the current functions of both institutions, as well as new functions under discussion, is expected to come on stream during 1996.

All in all, 1994 was a year of creditable accomplishments for the Agricultural and Industrial Board and for this I am grateful to my colleagues on the Board and the management and staff for their dedicated service during the year.

Thank you, Madam Speaker.

The Speaker: The Second Interim Report of the Select Committee of the whole House to review a Register of Interests for the Legislative Assembly and a Code of Ethics of Conduct for Legislators.

The Chairman of the Select Committee, the Member for North Side.

SECOND INTERIM REPORT OF THE SELECT COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW A REGISTER OF INTERESTS FOR THE LEGISLATIVE ASSEMBLY AND A CODE OF ETHICS AND CONDUCT

FOR LEGISLATORS

Mrs. Edna M. Moyle: Madam Speaker, in accordance with Standing Order 72(1), I beg to lay on the Table of this honourable House the Second Interim Report of the Select Committee of the whole House to review a Register of Interests for the Legislative Assembly and a Code of Ethics of Conduct for Legislators.

The Speaker: So ordered.
The Member for North Side.

Mrs. Edna M. Moyle: The Select Committee of the whole House established to review a Register of Interests for the Legislative Assembly was appointed by the Legislature on the 9th day of June, 1994, upon the passing of Private Member's Motion No. 11 of 1994.

On the 7th day of December, 1994, the Legislature passed Private Member's Motion No. 29/94 entitled 'Code of Ethics and Conduct for Legislators'. The Motion resolved that "this Honourable House refers the matter of legislation for a Code of Ethics and Conduct for Legislators to the Select Committee reviewing a Register of Interests for consideration as 'companion' legislation."

With the passing of both these Motions, the Select Committee's terms of reference were to make recommendations to this honourable House in regard to both a Register of Interests and a Code of Ethics and Conduct for Legislators.

Private Member's Motion No. 11/94 set the Committee to comprise all Members of the Legislative Assembly.

In accordance with the provisions of Standing Order 69(2), the Honourable Speaker nominated the Elected Member for North Side, Mrs. Edna M Moyle, JP, to be the Chairman.

In accordance with the provisions of Standing Order 72(1), the Select Committee wishes to report that it is unable to conclude its deliberations before the end of this Session of the Legislature. It has met on eight occasions, namely:

- (i) 20th of July, 1994,
- (ii) 25th of August, 1994,
- (iii) 7th of December, 1994,
- (iv) 13th of April, 1995,
- (v) 10th of May, 1995,
- (vi) 21st of September, 1995,
- (vii) 30th of October, 1995, and
- (viii) 27th of November, 1995, when it considered this Second Interim Report.

The Committee also held informal discussions on the 10th and 24th of August, 1995.

The Committee has, in accordance with its terms of reference, invited the public to participate by way of written representations and oral hearings and is, at the present time, considering a Draft Registration of Interests Bill.

The Select Committee agrees that this Report be the Second Interim Report of the Select Committee to this Honourable House.

The Speaker: The Second Interim Report of the Select Committee of Elected Members on Fundamental Rights Clause of the Constitution.

The Honourable Minister responsible for Education and Planning, Chairman.

**SECOND INTERIM REPORT OF THE SELECT COMMITTEE (OF ELECTED MEMBERS) ON FUNDAMENTAL RIGHTS CLAUSE OF THE CONSTITUTION—
GOVERNMENT MOTION NO. 4/93**

Hon. Truman M. Boddin: Madam Speaker, I beg to lay upon the Table of this honourable House the Second Interim Report of the Select Committee of Elected Members on Fundamental Rights Clause of the Constitution under Motion No. 4/93.

The Speaker: So ordered.

The next item: The first interim report of the Select Committee (of Elected Members) on Control of Local Businesses. The Honourable Minister responsible for Tourism, Aviation and Commerce, Chairman of the Committee.

FIRST INTERIM REPORT OF THE SELECT COMMITTEE (OF ELECTED MEMBERS) ON CONTROL OF LOCAL BUSINESSES

Hon. Thomas C. Jefferson: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House The first interim report of the Select Committee (of Elected Members) on Control of Local Businesses.

The Speaker: So ordered.

Second interim report of the Select Committee (of the whole House) to review the Gambling Law.

The Honourable Second Official Member responsible for Legal Administration.

SECOND INTERIM REPORT OF THE SELECT COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW THE GAMBLING LAW

Hon. Richard H. Coles: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Second interim report under Standing Order 72(1) of the Select Committee (of the whole House) to review the Gambling Law.

The Speaker: So ordered.

The Second interim report of the Select Committee (of the whole House) to review the Sunday Trading Law.

The Honourable Second Official Member responsible for Legal Administration.

SECOND INTERIM REPORT OF THE SELECT COMMITTEE (OF THE WHOLE HOUSE) TO REVIEW THE SUNDAY TRADING LAW

Hon. Richard H. Coles: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Second interim report of the Select Committee (of the whole House) to review the Sunday Trading Law.

The Speaker: So ordered.

Analysis of losses as a consequence of the hurricane and earthquake hazard in the Cayman Islands.

The Honourable Third Official Member responsible for Finance and Development.

ANALYSIS OF LOSSES AS A CONSEQUENCE OF THE HURRICANE AND EARTHQUAKE HAZARD IN THE CAYMAN ISLANDS

Hon. George A. McCarthy: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House a report setting out analysis of losses as a consequence of the hurricane and earthquake hazard in the Cayman Islands.

The Speaker: So ordered.

The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, this report summarises work by EQE International Limited undertaken in October and November, 1994 to assess catastrophic losses to property in the Cayman Islands working with KPMG Peat Marwick Mitchell and Company as part of a study on behalf of the Cayman Islands Government.

The report provides a detailed assessment of probably maximum losses in the Cayman Islands in regard to wind, storm and earthquake. It is the first such report commissioned by Government from an internationally recognised firm specialising in such studies.

The report has its roots in a recommendation of the Government appointed task force on the high cost of insurance, which believed that such a report would be of some assistance to our local insurers in their efforts to contain reinsurance expense.

At the same time the Financial Services Supervision Department expected to find the report useful in evaluating the adequacy of all local insurers reinsurance coverage. Government would also be able to quantify its own exposures arising out of a major hurricane.

In broad terms, the report is useful in all of these areas. It rates the Cayman Islands as likely to enjoy a low level of vulnerability to major hurricanes or earthquakes than some other areas of the Caribbean, this low level being chiefly due to better construction standards together with the lower likelihood of a major hurricane strike as evidenced by past experience worked into a wide range of computerised projection.

Local insurers now have a technical appraisal to substantiate their case for Cayman receiving more favourable re-insurance terms which is already bearing some fruit.

The Financial Services Supervision Department is

also able to accept that the level of re-insurance purchased by those insurers is at an adequate level and Government is able to quantify in financial terms its exposure arising from the deductible within its own insurance programme.

From Government's viewpoint the report has been useful in its indication of likely storm damage to both the Seven Mile Beach properties and Government-owned property portfolio, and will assist considerably in future planning for dealing with the economic aftermath of a major hurricane.

I should also point out that the report has some technical provisions and analyses continued therein. Any Member of this honourable House or any member of the public who wants to get a better understanding of these tables and analyses, the financial consultation can be made with the Deputy Inspector of Financial Services with responsibility for insurance.

Thank you, Madam Speaker.

The Speaker: Report of the Accountant General and the audited accounts of the Cayman Islands Government for the period ended 31st December, 1994; and the Report of the Auditor General on the Audited Accounts of the Cayman Islands for the year ended 31st December, 1994.

The Honourable Third Official Member responsible for Finance and Development.

REPORT OF THE ACCOUNTANT GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE PERIOD ENDED 31 DECEMBER, 1994;

-and-

THE REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31 DECEMBER, 1994

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Accountant General and the audited accounts of the Cayman Islands Government for the period ended 31st December, 1994; and the Report of the Auditor General on the Audited Accounts of the Cayman Islands for the year ended 31st December, 1994.

The Speaker: So ordered.

The Speaker: Report of the 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, 1994.

The Third Elected Member for West Bay, Chairman of the Committee.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN IS-

LANDS GOVERNMENT FOR THE YEAR ENDED 31 DECEMBER, 1994

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 the 1995 Public Accounts Committee Report.

The Speaker: So ordered.
Third Elected Member for West Bay.

Mr. John D. Jefferson, Jr: Thank you, Madam Speaker. The Report of the Standing Public Accounts Committee and the Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1994.

Reference: 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 Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1994, as prepared and submitted by the Accountant General.

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., Chairman; Mrs. Berna L Murphy, MBE—Member; Mrs. Edna M Moyle, JP—Member; Mr. Anthony S Eden—Member; Mr. D Dalmain Ebanks—Member. Mr. John Jefferson, Jr., was elected Chairman at a meeting of the Committee held on the 6th of January, 1993.

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 Honourable Minister tendered his resignation as a Member of this Committee to the Honourable Speaker of the Legislative Assembly. To date, a nomination for his replacement has not been put forward.

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 Audited Accounts for the year ended 31st December, 1994; and (2) The Report of the Accountant General on the Accounts of the Government for the year ended 31st December, 1994.

The Committee also used its Report for the year ended 31st December, 1993, as a reference paper.

The Committee held seven meetings, being: (i) Wednesday, 20th September, 1995; (ii) Friday, 20th October, 1995; (iii) Friday, 27th October, 1995; (iv) Wednesday, 8th November, 1995; (v) Tuesday, 14th November, 1995; (vi) Tuesday, 21st November, 1995; whereat the Committee considered and approved its Report; and (vii) 28th November, 1995.

The attendance of Members of the Committee are recorded in the Minutes of Proceedings which are attached.

In accordance with Standing Order 74(8), the following persons were in attendance: Mr. Nigel Esdaile, Auditor General; Mr. Joel Walton, Deputy Financial Secretary; Mr. Alan Mason, Accountant General

Also in attendance were Mr. Kenneth Jefferson, Audit Manager—Audit Office; and Mrs. Sonia McLaughlin, Chief Accountant. Miss Sheree Ramsay, Auditor—Audit Office, also attended the meeting held on the 20th of October, 1995.

The following persons were invited to appear before the Committee to provide information on the dates stated:

20th October, 1995

- (1) Mr. Carlon Powery, Collector of Customs
- (2) Mr. Kearney Gomez, MBE, Permanent Secretary for the Ministry of Agriculture, Environment, Communications and Works
- (3) Mr. Harding Watler, Permanent Secretary for the Ministry of Tourism, Aviation and Commerce
- (4) Mr. Timmy Hubbell, Asst. Secretary to the Ministry of Agriculture, Environment, Communications and Works
- (5) Mrs. Aline Wood, Acting Registrar of Lands
- (6) Mr. Christopher Lambert, Asst. Lands Officer
- (7) Mr. Michael Kiron, Telecommunications Officer
- (8) Mrs. Joy Basdeo, JP, Permanent Secretary for the Ministry of Education and Planning
- (9) Mr. Sam Basdeo, Principal of the Community College of the Cayman Islands
- (10) Mrs. Mary Miller, Chief Education Officer
- (11) Mrs. Jennifer Smith, Asst. Secretary to the Ministry of Education and Planning, Secretary to the Education Council
- (12) Mrs. Marjorie Beckles, Assistant Education Officer—Pre-Schools
- (13) Mr. Neil Graham Woods, Acting Permanent Secretary, Personnel
- (14) Hon. Richard Coles, Attorney General

27th October, 1995:

- (15) Miss Andrea Bryan, Permanent Secretary for the Ministry of Health, Drug Abuse Prevention and Rehabilitation
- (16) Mr. Mervyn Conolly, Director of Medical Services
- (17) Miss Betty A. Ebanks, Asst. Secretary to the Ministry of Health, Drug Abuse Prevention and Rehabilitation
- (18) Miss Deborah Drummond, Director of the Department of Environment
- (19) Mr. Walling Whittaker, Chief Environmental Health Officer, Deputy Director of Environmental Health Section
- (20) Mrs. Gina Petrie, Deputy Director in Charge of Protection and Conservation Unit, Department of Environment
- (21) Mr. Gerald Maguire, Chief Immigration Officer
- (22) Mrs. Christine Mitchell, Finance Officer, Department of Immigration
- (23) Mrs. Deanna Look Loy, Director of Social Services

(24) Miss Alecia J. Dixon, Deputy Director of Social Services

(25) Mrs. Josie Welcome, (former) Administrative Officer of the Social Services Department

(26) Mrs. Netha Ebanks, Administrative Officer, Department of Social Services

(27) Hon George A McCarthy, OBE, JP, Financial Secretary and Chairman of the Currency Board

(28) Miss Cindy Bush, Manager, Cayman Islands Currency Board.

COMMITTEE'S FINDINGS AND RECOMMENDATIONS: The following is a summary of the Committee's findings and recommendations:

(1) REVENUE RECORDING AND DEBT COLLECTION—This is the third successive year in which the Public Accounts Committee (PAC) has examined selective areas where revenue recording and debt collection have been weak. The Committee is obligated to comment on this ongoing problem once again. Reported arrears of revenue at 31st December, 1994 totalled \$12.5 million. The true figure is undoubtedly higher, possibly in the order of \$20 million. Two of the areas cited in the Auditor General's Report (Stamp Duty on Leases and Garbage Fee Collection) were highlighted by this Committee's predecessors in 1987 and 1991, respectively. It is disappointing to report that no effective action has been taken in the intervening years to address these problems. The Committee also took evidence on two other revenue sources, dredging royalties and radio and television licence royalties. In both these areas, licensees frequently fail to honour their financial obligations, apparently with impunity.

In recent years, the Committee has noticed recurring problem areas in Government's debt collection. In the Committee's 1992 Report it was suggested that recovery of outstanding medical fees could be handled by an external debt collector. This suggestion was not implemented by Government. The Committee examined medical fee recording and collection again in 1995 and, while revenue recording at the hospital has improved noticeably, it is evident that this has not been complemented by effective debt collection.

The Committee took evidence from the Honourable Attorney General on the role of the Legal Department in the debt collection process. It is clear to the Committee that this department does not have the capacity to undertake debt collection on the massive scale now required. Furthermore, the Honourable Attorney General does not consider debt collection the responsibility of his department. The Committee concluded that there are a number of inter-related issues and lists the following:

- ◆ It is not clear where ultimate responsibility for debt collection lies. There are no standard procedures prescribed in Financial and Stores Regulations which Controlling Officers can follow. Only a few debts are referred to the Treasury or Legal Departments for action, usually in the form of a final demand letter.
- ◆ The threat of legal action in final demand letters

is invariably never carried out. This only serves to further undermine the collection process. There is presently no credible threat of court action for the vast majority of Government debtors.

- ◆ Debts must be collected at an early stage.
- ◆ The cash based system of accounting tends to obscure departmental inefficiencies in revenue recording and collection, because revenue is only recognised when received. The annual Statement of Assets and Liabilities does not reflect amounts owed to Government. There is therefore an ever-present danger that these monies can be overlooked forever.

The Committee notes that there are plans to establish a central debt collection unit within the Treasury Department by early 1996. This proposed unit will use a computer based system to create and issue all legal documents necessary to process problem debts through the Court system. For the longer term there are tentative suggestions to develop a centralised system to monitor accounts receivable as an integral part of the proposed Integrated Financial Management Information System (IFMIS). This is not expected to be fully operational for another two years.

Recognising that efficient and effective revenue collection is essential if Governments are to achieve their policy goals, the Committee wishes to make the following observations and suggestions:

- ◆ Responsibility for recording revenue transactions and managing debt recovery rests with Controlling Officers in the first instance. These Officers have been reminded recently of their financial duties and responsibilities by His Excellency the Governor.
- ◆ Controlling Officers have specific responsibility for ensuring that effective financial management systems are in place, including the collection and accounting of revenue. The Committee therefore holds Controlling Officers fully accountable and answerable for incomplete revenue recording and laxity in pursuing monies owed to Government.

The Committee recommends: (a) That all Controlling Officers should review revenue accounting and collection procedures as a matter of priority. Any deficiencies in records, systems or personnel should be reported to the Honourable Financial Secretary so that remedial action can be taken.

(b) That proper procedures should be developed to guide Controlling Officers who experience difficulty in debt collection. In particular, the respective responsibilities of Controlling Officers, the Accountant General and Legal Department should be clarified.

(c) That high priority must be given to the establishment of a suitably staffed and equipped debt collection unit.

(d) That Government should consider whether the cash basis of accounting is conducive to the efficient and effective management of revenue receivables.

(2) STAMP DUTY ON LEASES—Failure to collect

Stamp Duty on leases has been a long-standing problem. The Committee's predecessors last reviewed the position in 1987. This Committee considers that the absence of effective action over the past seven years to address the matter is unacceptable. The Lands and Survey Department is not able to estimate the extent of revenue loss on commercial leases, but thought that it could be as high as 50%. It is clear to the Committee that substantial revenues are being lost each year.

The Committee notes that a new Assistant Lands Officer has been employed. A major part of this officer's duty will be to pursue collection of stamp duty on commercial leases. The Committee took note of the assurance provided by the department that systematic enquiries will be made to establish the existence of all dutiable commercial leases. The Committee would like to be informed (in the Government Minute) of the results of these enquiries in relation to the 92 properties highlighted in the Auditor General's Report.

The Committee has been assured by the Acting Director of Lands and Survey that loopholes and deficiencies of law and practice are being addressed. The Committee was informed that the Stamp Duty Law is being revised. Members of the Committee trust that the law revision will:

- ◆ clarify whether lessor or lessee is responsible for payment of stamp duty; and
- ◆ resolve the issue of whether duty should be payable on residential leases. The Committee is of the firm opinion that public awareness of the requirements of the Stamp Duty Law should be improved.

(3) RADIO AND TELEVISION LICENCE FEES—

Commercial broadcasting in the Cayman Islands began in 1992. At present three television stations and one radio station are operating. Government policy has been to require a licence fee and royalty payment from operators. The royalty fee of cable television is 7.5% of gross revenue while 2% of revenue has been proposed for radio station Z99FM. Total revenue received to July 1995 amounted to \$90,516. The Committee was informed that commercial broadcasting has caused a drop in Radio Cayman's revenues of approximately \$1.75 million since 1990.

A permanent cable licence for Cayman International Television Network (Caribbean) Limited (CITN) was issued in July, 1994. The Committee was surprised to learn that permanent licences for Z99FM and Cayman Television Services Limited (CTS) had not been issued. The Committee has been assured by witnesses that these licences will be finalised imminently. The Committee was told that the main reason for the long delays in issuing permanent licences was the periodic reallocation of responsibility for broadcasting between portfolios. Notwithstanding these administrative changes, the Committee considers that delays in excess of three years are unduly lengthy. Receipt of royalty fees are dependent on the issue of a permanent licence. Administrative delays therefore affect revenue collection.

There are a number of issues concerning CITN roy-

alty revenue which require clarification. It is not clear to the Committee the date from which CITN's royalties are payable. Additionally, Executive Council is said to have granted a 12 month moratorium on royalty fees from the commencement of cable broadcasting. The MMDS licence is silent on a moratorium period and does not specify the commencing date for royalty assessment. Witnesses were not able to clarify these points. As a result of these uncertainties, the Committee was unable to establish the extent of revenue arrears.

The Committee recommends that these issues be resolved without any further delay and prior to the issue of permanent licences for Z99FM and CTS.

The Committee further notes that CITN's licence requires the submission of annual audited financial statements to Government. This is a necessary control element to ensure completeness of royalty revenue. The Committee is concerned that the licensee has failed to provide these audited accounts, despite numerous requests from the Ministry concerned. Since presentation of the Auditor General's Report, the Ministry has received some recent quarterly audited statements of revenue and the latest annual unaudited management accounts for WestStar TV Limited. Ministry officials confirmed to the Committee that these statements do not meet the licence requirements. The Ministry has requested advice and assistance from Government's Internal Audit Unit to analyse WestStar's accounts. This exercise is continuing.

To date no financial statements of CITN have been submitted.

The Committee is fully aware that MMDS subscriber revenues are payable not to the licensee (CITN) but to WestStar TV Limited. Similarly, the Committee notes that royalties received by Government to date have been paid by WestStar TV Limited. The Committee enquired about the relationship between WestStar TV Limited, CITN and CTS and was informed that there is a management agreement in place between CITN and WestStar TV Limited which has been reviewed by Government. While the Committee does not advocate Government's interference in matters of private enterprises, the Committee strongly recommends that there be an adequate regulatory environment to monitor compliance with all aspects of broadcasting licences, including licensees' financial obligations.

(4) STATEMENT OF LOSSES AND WAIVERS—Reported losses and waivers of revenue amounted to \$2.3 million for fiscal 1994. This figure is incomplete because the extent of customs waivers for 1994 could not be determined.

The Committee noted that the computer language in which the Customs Import/Export System is written makes the extraction of such information difficult. The Committee accepts that while Government informs Customs of its directives on waivers of customs duty, manual compilation of the total waiver for 1994 would have been unduly time-consuming. The Collector of Customs advised the Committee that the computer system is being upgraded, and waivers of customs duty should be available for inclusion in Government's 1995 financial statements. The new computer system is expected to be op-

erational by early 1996.

The Collector of Customs confirmed that a waiver of customs duty on building materials for the Westin Casuarina Hotel on Seven Mile Beach has been granted. The purpose of the waiver was to stimulate the local construction industry. Customs duty is levied on relevant building materials at a rate of 5% compared to the standard tariffs of 15—20%. Customs duty waiver for this project was not included in Government's 1994 financial statements. The Collector of Customs does not believe that the waiver value for 1994 was material. The Committee takes note of the explanations provided and is satisfied that full disclosure of all customs duty waivers will be provided with effect from the 1995 accounts.

(5) HOSPITAL FEES—This is the third successive year in which outstanding medical fees have been mentioned by the Auditor General. Revenue arrears have increased significantly over the past three financial years:

There is also the problem, still unaddressed, of pre-1992 unpaid hospital fees. No one knows how much is owed because of widespread errors of omission and duplication in 1991 and earlier years. The Auditor General estimates pre-1992 receivables at between \$3 million and \$4.5 million. Thus, gross medical receivables are probably in the region of \$7-8 million.

From evidence taken by the Committee in 1993 and 1994, the Committee was under the impression that action was being taken, or planned, to enforce debt collection. It is now apparent to the Committee that these good intentions have not been translated into positive results. The Committee therefore concludes that medical fee debt collection has been largely ineffective and agrees with the Auditor General's statement that at present, there is no credible threat of legal action to enforce debt recovery. This is a thoroughly unsatisfactory situation which cannot be allowed to continue.

In the Committee's 1993 session, the Committee was assured by the Solicitor General that legal personnel were being hired specifically for the task of debt recovery. The Committee was further assured in 1993 and 1994 by the Health Services Department that debt collection was being actioned through the Legal Department. Yet, when 70 cases owing \$223,000 were passed for Court action, Legal Department was unable or unwilling to become involved. The Hon. Attorney General told the Committee that the legal executive hired for debt collection had to be switched because criminal work had reached high levels. The Committee finds it completely unacceptable that this situation has been allowed to drift for three years.

This sorry episode illustrates a disturbing lack of co-ordination and co-operation between the departments of Government ostensibly responsible for medical fee debt collection, that is, the Medical Health Services Department, the Legal Department, the Portfolio of Finance and Development and the Treasury Department. Clearly the Committee's previous recommendations and concerns have not been taken seriously by either Government or the civil servants involved. The Committee is exceedingly disappointed about the lack of effective action in this area.

The Committee urges Government to address this problem as a top priority and does not expect to have to repeat this recommendation in its next report.

(6) GARBAGE FEES—Garbage fees are an important Government income source comprising some \$1.1 million of recurrent revenue in 1994. Effective collection has been an ongoing problem for many years and significant arrears have accumulated. The Committee took evidence from the Director and Deputy Director of Environment on this subject.

According to the annual statements of Arrears of Revenue, outstanding garbage fees have grown from \$0.1 million in 1988 to \$0.9 million in 1994. The Department subsequently confirmed to the Committee that prior to 1994 arrears were understated because past practice was to report arrears for each financial year to Treasury instead of the cumulative position. The Department suggested that as much as \$700,000 per annum might be lost through all forms of non-payment, but the Committee have been unable to reconcile this evidence with the arrears information provided in the annual accounts of Government. The Committee was informed of various factors which have contributed to accumulation of arrears. First, the Department considers a staff of two to administer the recording and collection of garbage fees as insufficient. Second, inadequacies in the computer system have contributed to the arrears accumulation. Third, Legal Department is not able to assist in the large scale collection of overdue fees. Fourth, although garbage fees are recoverable as civil debts, there is no fine or other penalty prescribed in law for non-payment. Once again the Committee has concluded that final demands for payment, which are not subsequently actioned, undermine the basis of debt recovery, thereby reducing garbage fees to an "optional" tax.

The Committee took note of evidence that the computer system is to be upgraded; that governing legislation is being reviewed for possible amendments; and that renewed efforts are taking place to collect garbage fees arrears, first from civil servants, and later from the general public. Members of the Committee are not convinced that these measures are either sufficient in substance or urgency to address this major problem.

Arrears do not reflect revenue lost due to incomplete records. The Committee was told that the full extent of lost revenue is not known. The Department readily admits that the customer database is incomplete, especially as regards residential properties. Commercial property records are now kept relatively up-to-date by liaison with the Central Planning Authority. The Department considers that an island-wide housing survey would be necessary in order to update fully residential property records. However, this would involve all staff over a period of six months, which the Department considers to be an unrealistic approach.

The Committee recommends the following: (a) Amended legislation to introduce fines for the non-payment of garbage fees; (b) Automatic deduction from civil servants' salaries for both annual fees and accumulated arrears; and (c) Garbage fee records (database) to

be fully and completely updated by 31 December 1996 and necessary improvements made to the computer system.

(7) DREDGING ROYALTIES—The Committee took separate evidence from officials on financial and environmental issues and proposes to deal with financial matters under the general heading of revenue recording and debt collection. The Committee's comments on environmental matters are elsewhere in this report.

Dredging royalty fees are approved by Executive Council upon the recommendation of various advisory committees. The Committee notes that standard royalty rates of \$1 per cubic yard for suction cutter dredge and \$2 per cubic yard for dragline method appear to have evolved about 20 years ago. In practice, these rates are never applied and commercial developers have been permitted to extract marl for as little as 25 cents per cubic yard. Taking into account developers' extraction costs and market prices for marl, the Committee considers present royalty rates to be too low. In two cases cited by the Auditor General, concessions on standard royalty rates were worth over \$1.1 million. It is clear to the Committee that royalty rates should be fixed at realistic minimum levels with no concessions whatsoever. In addition, there is a strong case for an "environmental surcharge" which should be viewed as an inducement for licensees to adopt sound environmental policies and practices.

The Committee also notes that royalty fees for another major project were fixed at artificially low levels in order to compensate for commercial risk. In the interest of transparency, the Committee does not consider it appropriate to mix subsidy with revenue.

The Committee finds it unacceptable that licensees fail to provide timely reports of quantities extracted. This is a major loophole which prevents assessment of royalties payable. A further weakness is that surveyors who are hired to measure quantities dredged report to the licensee rather than to Government. The Committee was glad to hear from witnesses that this significant loophole will be closed in future licence agreements.

Members of the Committee are greatly concerned that no relevant or reliable evidence of the final quantities dredged for any of the five completed projects could be produced to the Auditor General. In the worst instance, two projects had been completed for over three years but the licensee had failed to submit any acceptable report of the quantities dredged and had not complied with the royalty conditions. Members of the Committee were astonished to learn that the then Ministry of Tourism, Environment and Planning had no knowledge of this situation or of the attendant revenue arrears until it was reported by the internal auditors. While the Committee agrees that the frequent inter-ministerial transfer of responsibility for dredging does not assist smooth administration, it is evident that there has been a serious breakdown in communications. This unsatisfactory situation has now been remedied and the Committee was told that final hydrographic surveys have been submitted for all projects. The Committee trusts that these surveys will be reviewed by competent persons within Government before royalty

calculations are finalised.

Another worrying issue which concerned the Committee was the frequency with which licensees ignored the financial obligations of their dredging licences. Overall it appears that administrative and financial monitoring controls have been very weak and personnel lax in addressing revenue collection matters. However, the Committee was relieved to learn that revenue collection is at last being taken seriously. The total of dredging revenue arrears in the four cases cited by the Auditor General has been revised upward to \$512,037. The Committee was assured by the current Controlling Officer that payments are expected in the near future. In one case where royalties have remained outstanding for over three years, the Committee noted that Government had purchased marl costing \$379,000 from the licensee. The Committee was amazed to learn that these large purchases did not trigger the pursuit of overdue royalties owed by the same licensee.

On occasion, licensees persuade Government to accept marl or land in lieu of royalties payable. While this may be attractive superficially, the Committee wishes to emphasise that the exchange of land or marl for royalties should be avoided because it infringes the principle of prior Parliamentary approval for expenditure.

The Committee also took evidence on a non-commercial dredging project undertaken on Cayman Brac during 1993. Witnesses were unable to explain why the contractor was allowed to remove almost ten times as much material valued at over \$160,000 as was originally envisaged. The Committee is concerned that no action has been taken to regularise this matter. The present Controlling Officer has undertaken to investigate and determine whether Government obtained value for money with this project, which also appears to breach the spirit of the Public Finance and Audit Law.

(8) ENVIRONMENTAL ASPECTS OF DREDGING—The Auditor General's Report highlighted a number of environmental issues incidental to revenue collection. The Committee took evidence from the Director of Environment, the Deputy Director, Protection and Conservation Unit (PCU) and the Permanent Secretary of Agriculture, Environment, Communications and Works.

The Committee notes that the Cayman Islands' environmental policies have not yet been fully developed. Draft dredging guidelines were not prepared until late 1993 and these have still not been formally activated. The Committee was told that there is no comprehensive legislation in place to safeguard the marine environment from the effects of dredging as the Islands' existing marine conservation Laws do not cover dredging. However, the Committee was encouraged to learn that environmental legislation is being reviewed. Some witnesses expressed the need for further legislation to include statutory backing for dredging guidelines. The last independent environmental impact assessment on the effects of dredging was completed 20 years ago. Witnesses agreed that there is a pressing need for a comprehensive re-assessment.

Against this background, the Committee was en-

couraged to note that scientific and technical advice is always considered before dredging licences are awarded. In the two most recent projects, all recommendations of the (now) Department of Environment were incorporated in the licence agreements.

The PCU does not have adequate statutory authority to suspend licences in cases of environmental damage or breach of specific licence conditions. The normal procedure is to refer such matters to the responsible Ministry. The Committee has doubts as to whether this approach is effective.

At present, departmental costs of environmental monitoring are not recovered from licensees. The Department was unable to provide any estimate of these costs, which include aerial surveillance and efforts by the Unit's marine conservation officers. The PCU's monitoring capacity is stretched during major dredging projects. It appears to the Committee that there is a strong case for recovering the cost of environmental monitoring from licensees and this position was supported by witnesses.

The Public Accounts Committee does not wish to question or dictate Government policies.

The Committee recommends the following: (a) There should be a thorough independent review of all aspects of marl dredging; (b) There is need for comprehensive legislation to regulate dredging activities. This legislation should be developed following the independent review suggested above and should incorporate dredging guidelines; (c) The existing Marine Conservation Laws should be extended to encompass dredging. The Department of Environment should be given statutory backing for its role of protecting the marine environment; (d) The costs of environmental monitoring should be passed on to licensees.

The Speaker: At this time, proceedings will be suspended until 2 PM.

PROCEEDINGS SUSPENDED AT 12.37 PM

PROCEEDINGS RESUMED AT 2.04 PM

The Speaker: Please be seated.

The Third Elected Member for West Bay continuing.

Mr. John D. Jefferson, Jr: Madam Speaker, the next heading in the Public Accounts Committee's Report is **Excess Expenditure—\$524,775 for Head 25—Health and Human Services.**

(9) EXCESS EXPENDITURE—\$524,775 FOR HEAD 25—HEALTH AND HUMAN SERVICES—This unauthorised expenditure relates to Overseas Medical Expenses and occurred as a result of several factors:

- ♦ administrative oversight during the transfer of responsibility from the former Ministry of Health and Human Services to the new Ministry of Health, Drug Abuse Prevention and Rehabilitation;
- ♦ confusion as to where these expenses were to be charged, which was further complicated by

- the allocation warrant procedure;
- ♦ failure by Treasury Department to block payments once the authorised budget has been reached; and
- ♦ limitations of the Treasury computer system.

The Committee closely questioned the Deputy Financial Secretary, the Accountant General and the Permanent Secretary. The Ministry of Health, Drug Abuse Prevention and Rehabilitation, and Members of the Committee, have been assured that accounting procedures have been amended to prevent a recurrence. When authorised budgets are nearing depletion, the Treasury now "locks" the account to prevent further payments. The relevant department is alerted and is responsible for seeking additional funds or virements through established procedures. These arrangements were not in place during 1994. The Committee accepts these explanations and expects that no excess expenditures will be reported for 1995.

(10) PUBLIC DEBT—Two main issues emerging from the Auditor General's comments on Public Debt were of interest to the Committee.

An amount of \$840,339 was drawn down on the 1994 Capital Project Loan and remained unspent at the end of 1994. The interest rate offered by bankers on Treasury's deposit accounts is substantially lower than that charged on loan funds. Government therefore suffered a net interest cost from the early use of its loan facility.

The Deputy Financial Secretary spoke on this matter. He accepted that the point raised was valid and was appreciated by Government. Funds had been drawn to meet the estimated cost of certain capital projects which were due to have been started by the year end. Several projects did not start on the expected commencement dates with the result that funds drawn were unspent at 31 December 1994. The Deputy Financial Secretary assured the Committee that every effort is being made to "fine-tune" the timing of future loan drawdowns. The Committee accepts the explanation offered, and notes that action is in hand.

The Auditor General notes that the drawdown of \$550,900 from loan funds to reimburse the Community College for its phase II construction costs was unnecessary as the College had accumulated nearly \$800,000 cash at the end of 1994. Such funds could have been used to finance the College's expansion. The amount reimbursed by Government was placed on short-term deposit with the College's bankers. Interest received is less than the cost of loan funds. In net terms, there was an overall interest cost.

The Community College's Principal and the Permanent Secretary of Education and Planning gave evidence on this matter. Both stated that Government promised to "match" the costs incurred by the College on its expansion programme. They stated that the amount should not be viewed as a reimbursement. It was also reported that most of the \$550,900 received from Government would have been spent by the end of 1994, had the construction

been completed by 31st December 1994. Evidence was subsequently submitted to the Audit Office confirming that part of the College's accumulated funds at 31st December 1994 were used in 1995 for project costs.

The College's latest known cash position was \$789,000 in mid-April 1995. The Committee agrees with the views of the Auditor General that the College's significant cash balances should have negated the need to draw loan funds in 1994 for its expansion programme. The Committee recognises that the College is an autonomous entity with its own Board of Governors and should therefore enjoy a degree of financial freedom.

The Committee recommends that Government's future funding of the College should be linked to the latter's cash position.

(11) INTEREST ON CASH BALANCES—The Committee reviewed the results of the Auditor General's performance audit of Treasury investment practices between 1992 and 1994. The Committee concluded from the audit that Treasury's operations were unsatisfactory in several areas. Most notable was the failure to comply with investment guidelines approved by Executive Council and the failure to effectively monitor deposit interest rates.

The Accountant General was not able to offer any explanation why Treasury staff were unaware of the existence of the investment guidelines. These had been prepared by the former Accountant General for distribution to the Chief Accountant and the Auditor General, amongst others.

It is clear to the Committee that Government's interest earnings were not maximised over the course of the audit study. One obvious example of this was a call deposit of US\$7 million which attracted interest at only 1% per annum, whereas the market rate was around 3%.

The Accountant General told the Committee that four local banks have at last agreed to refund a total of \$55,413 to Government in respect of interest underpaid on various deposits. The Committee was told that the banks were not contractually bound to make any restitution but when challenged, had agreed to make ex gratia payments for transactions in 1994 only. The banks would not entertain any claims for 1992 and 1993, the periods in which the Auditor General found most inconsistencies.

The Committee notes that the Portfolio of Finance and Development had considered creating an investment section to manage all local short-term investments of Government and statutory authorities. The Portfolio decided against this proposal as there was the very important issue of the independence of the Currency Board and the Public Service Pensions Fund. It appears to the Committee that the Treasury Department's resources will be further stretched in 1996/97 with additional responsibilities for the debt collection function and for developing a new Integrated Financial Management and Information System (IFMIS). The Committee therefore considers that it would be appropriate to re-examine the desirability of creating a specialist investment function within Government, which would also have the effect of freeing up senior managers' time for other duties.

The Committee is generally satisfied that the Treasury Department has sufficiently tightened investment procedures; a

proper audit trail is now maintained; seven-day deposits have been introduced; and new systems have been developed to maximise cash balances available for investment. The Treasury Department told the Committee that interest earnings are expected to top \$600,000 for 1995, compared to \$476,000 for 1994 and \$185,000 for 1993. Based on the information and explanations provided, the Committee is satisfied that appropriate remedial action has now been taken.

(12) CURRENCY FUND—The Currency Fund reported a loss of \$2.1 million, during 1994, resulting from the sale and devaluation of its US Treasury Bond holdings. Losses on the Currency Fund's investments are quite separate from its other operating activities, on which a healthy \$1.7 million profit was made. The Committee sought an explanation as to the causes and effects of the investment losses.

The Chairman (the Hon Financial Secretary) and Manager of the Cayman Islands Currency Board provided evidence to the Committee.

During 1994 inflationary concerns in a strong American economy led to increases in US interest rates. This factor led to a fall in US Treasury Bond prices. The Currency Fund held US Treasury Bonds at the start of 1994 and, in the context of a worldwide decline in bond prices during the year, losses in the value of its investment holdings were inevitable. The extent of the losses suffered could have been minimised if the Currency Fund had switched its investments into cash. This, in turn, would have reduced the amount of interest earned by the Currency Fund. The Committee was pleased to hear that the unrealised investment losses suffered during 1994 were being reversed in 1995. At 30th September, 1995 unrealised gains in the value of investments stood at \$907,000 while realised profits made on the actual sale of investments amounted to \$463,000.

The role of local management also featured in the Committee's discussion. The Committee was told that the Currency Fund is managed by the Currency Board. Cash deposits are the only assets of the Currency Fund which are controlled directly by the Currency Board. No losses have arisen in respect of such balances. The Committee appreciates that the Currency Board does not possess sufficient resources or expertise to become involved in the daily management of the Currency Fund's external investments—on which the 1994 losses occurred. The Currency Board's responsibility thereto was discharged by issuing Crown Agents Asset Management Limited (CAAML) with a series of operating memoranda as to permissible investments and their maturity profile. Within the framework of the operating memoranda, CAAML had full discretionary powers in its investment decisions.

The Committee learned that the Currency Board has discontinued the services of CAAML. Effective 1st January 1996, the new investment managers will be Schroder Capital Management International Inc. (Schroder). Witnesses stated that the costs of external investment management under Schroder are expected to be \$14,000 per annum, (16%) less than fees currently paid to CAAML. The Committee noted that management fees are based on the value of the investment portfolio and not on the performance of the investment manager. The Chairman of the Currency Board stated that he would not endorse a switch to a performance-based measure, as this might induce investment in securities with increased risk.

Comments were given by the Chairman as to the performance by CAAML. He stated that CAAML had been investment managers to the Currency Fund for 24 years and overall they had performed reasonably well. Although 1994 was an exceptionally bad year for the US bond market, the Currency Board found it unacceptable that CAAML did not foresee the extent of the likely losses in the value of US Treasury Bonds. Indeed, CAAML predicted that the investment losses would have re-

versed by the end of 1994. Overall for fiscal 1994 the Currency Fund's external investment achieved a total return of negative 1.82%; this compared poorly with its benchmark index return of negative 0.17%. The Honourable Financial Secretary stated that CAAML did not present convincing explanations for this under-performance.

The Committee is satisfied from the evidence presented that Officers of the Currency Board have at all times complied with relevant laws regulating the Fund's permissible investments. CAAML itself has conducted the investment affairs of the Currency Fund within the ambit of the operating memoranda issued by the Board. The ultimate effect of the unrealised losses was that the Currency Fund's operating profits were utilised in the Fund's General Reserves to compensate for the unrealised investment losses, and this reduced the contribution to Government's General Revenue to \$0.4 million from a budgeted figure of \$1.6 million. Of paramount importance is the fact that the stability of the Cayman Islands Currency was not affected in any way by the unrealised investment losses.

The Committee recommends the establishment of benchmarks to measure local investment performance.

(13) REFUGEE COSTS—The Committee notes that the total cost of maintaining Cuban asylum seekers from January 1994 to June 1995 was almost \$4.5 million. The final cost of this exercise was not known when the Auditor General tabled his Report. The main costs outstanding relate to the provision of United Kingdom police personnel and possible claims from the United States Government for refugee support costs of \$10 per refugee per day at Guantanamo Bay, Cuba.

The Chief Immigration Officer confirmed to the Committee that no costs had been billed by the United States Government. The Committee was told that the Cayman Islands was trying to monitor the refugee situation through the Office of His Excellency the Governor and the United Kingdom Ambassador in Washington. However, accurate information was difficult to obtain and no reliable figures were available on the numbers of Cubans paroled into the United States. **The Committee strongly recommends that in the event of any claim from the United States' authorities, the Cayman Islands Government must insist on the highest standards of evidence combined with rigorous vetting before any payments are made for refugees lodged at Guantanamo Bay. The Committee further urges that any request for funds for this purpose should be brought before Finance Committee prior to any agreement with, or payment to, the United States' authorities.**

The Committee was told that bills for United Kingdom police officers had now been received from United Kingdom police authorities. The amount involved is not known. The Committee urges the Government to seek financial assistance from H M Foreign and Commonwealth Office to meet these costs, which the Committee expects will be substantial.

Most of the Committee's examination was directed towards the cost of providing security services at Tent City, which had amounted to over \$700,000 by 30 June 1995. The refugee problem was a national crisis, involving several Government departments and agencies and the Committee accepts that the Immigration, Police and Social Services Departments were under great pressure. Nevertheless, Controlling Officers are responsible and accountable for their actions; especially for ensuring that funds under their control are properly managed even in times of crisis.

The Committee can accept that there was insufficient time for a public tender for security services but finds it unacceptable that the Immigration Department was unable to provide documentary evidence of price quotations. There is also no written

contract between Government and the security company.

The Committee was alarmed by the disclosure that the Social Services Department had failed to carry out even elementary checks to confirm that security services invoiced had actually been provided. The Committee received some assurances from the Controlling Officer that she was fully satisfied as to the propriety and accuracy of invoices paid by the Department of Social Services. The Committee however fails to understand the basis on which these assurances have been provided and finds the explanation unconvincing.

It was brought to the Committee's attention that the Cayman Islands continues to provide free accommodation and utilities to several of the Cuban migrants who were granted refugee status. The Committee fails to understand why this situation has continued for so long and recommend that these services be terminated forthwith.

(14) PRE-SCHOOL GRANTS—In its consideration of Pre-School Grants, the Committee's examination was directed towards: (i) the administration of the pre-school grant scheme; and (ii) the targeting of assistance.

The Committee has not concerned itself with the policy merits of the previous Government's decision to phase out the reception class in Government Primary Schools with effect from the 1992/93 academic year.

Pre-school assistance for eligible Caymanian children has been available since 1992/93. Eligibility guidelines for assistance were developed by the Education Council. Assistance of up to \$300 per month for a 10-month period is available to parents who disclose monthly expenditure (including pre-school costs) in excess of monthly income. The numbers of persons receiving assistance have grown from 64 in 1992 to 183 in 1994/95. The Education Department received 210 applications for the 1995/96 academic year, of which 140 have been approved.

The Committee's main conclusions are as follows:

- ◆ Detailed rules and procedures for operating the pre-school scheme were not fully developed by the Education Department, which was not properly resourced to administer this programme.
- ◆ The cost of pre-school assistance increased substantially over the costs initially advised to the Legislative Assembly in 1992. Pre-school budgets have been overspent in 1993 and 1994. In turn, this has caused pressure on the remainder of the Education budget.
- ◆ The Committee was not satisfied that information about the existence of the scheme was widely available to the public and notes that 83% of Year 1 students in 1993/94 did not benefit from the scheme in 1992/93.
- ◆ The Committee is disturbed by the numbers of children who do not attend pre-school. The Auditor General reported that only 74% of Year 1 children at Government Schools in 1994/95 attended pre-school, compared to 93% of children at private schools. Attendance at pre-school was only 56% in one district. The Committee was shocked to learn from witnesses that only one child in five of the current Year 1 at George Town Primary has attended pre-school.
- ◆ Almost \$100,000 in direct assistance has been paid to three pre-schools since 1992/93. The Officers of the Department told the Committee that grants to two of these schools had been terminated with effect from September, 1995 and that assistance for the third school will continue up to the end of the 1995/96 academic year.
- ◆ One fundamental weakness of the scheme was the failure of the Education Department to obtain suitable

proof of applicants' income. The Committee has been informed that this weakness has been rectified with effect from 1995/96.

- ◆ Another major issue is the Department's inherent difficulty in verifying applicants' monthly expenditure. As far as the Committee is aware, this problem has not been addressed.
- ◆ The Committee takes note of the numerous anomalies disclosed in the Auditor General's Report. These matters have arisen because assistance was provided for every eligible child in 1994/95 without strict regard to the financial position of parents according to the guidelines approved by the Education Council.

The Committee recommends that: (a) greater media publicity about pre-school financial assistance should be provided to the general public; (b) the Education Department should investigate thoroughly the reason for the low pre-school attendance statistics at certain Government Primary Schools; and (c) the basis on which financial assistance is presently granted to parents should be reviewed. Scheme guidelines should be clear and easily understood by applicants, operationally sound and sufficiently robust to withstand external scrutiny.

(15) ARREARS OF LOANS AND MORTGAGES—NON CIVIL SERVANTS—The Committee was informed that over \$45,000 in loans was owed to Government by 18 persons, most of whom are former civil servants. All of these cases are delinquent, with no payments having been received on any of the accounts for over four years. The Committee also notes that there were seven delinquent mortgages totalling \$93,455 owed by former civil servants as at 31st December 1994. No repayments have been received on four of these loans for over four years. In most cases, Government does not hold a first charge on the property, making recovery difficult.

The Committee is concerned that these delinquent loans do not seem to have been pursued vigorously enough by the Treasury Department. The Committee recommends immediate recovery action of these outstanding amounts, if necessary, through the Courts.

(16) ACKNOWLEDGMENTS—The Committee wishes to place on record its sincere appreciation to Mr. Nigel Esdaile, Auditor General; Mr. Kenneth Jefferson, Audit Manager and his staff, for their thorough and honest assessment of the various operations of the Government, its Departments and Statutory Authorities; to Mr. Joel Walton, Deputy Financial Secretary and Mr. Alan Mason, Accountant General for their assistance and advice to the Committee; to the persons who appeared before the Committee for their co-operation and valuable information offered; and to the Clerk and her staff for their assistance to the Committee.

(17) REPORT OF THE COMMITTEE—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, 1994 and laid on the Table of this honourable House in accordance with the provisions of Standing Order 74(5).

DEFERMENT OF DEBATE

Standing Order 24(9)(viii)

Mr. John D. Jefferson, Jr: Madam Speaker, in accordance with Standing Order 24(9)(viii), I recommend that any debate on the Public Accounts Committee's Report be deferred until the tabling of Government's Minute on this report.

Thank you, Madam Speaker.

The Speaker: In accordance with Standing Order, the Report of the Public Accounts Committee is deemed accepted.

The Third Elected Member for West Bay moved a motion that the debate on the Public Accounts Committee be deferred until the Government Minute is laid on the Table of the House.

Do you have a seconder for that motion? The Fourth Elected Member for West Bay.

Mr. D. Dalmain Ebanks: Madam Speaker, I beg to second that motion.

The Speaker: The question before the House is that debate on the Public Accounts Committee's Report for the year ended 31st December, 1994 be deferred until the Government Minute is laid on the Table of the House by the Honourable Financial Secretary. The motion has been moved and duly seconded.

I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

The debate is accordingly deferred until the Government Minute is laid on the Table of the House.

AGREED. DEBATE ON THE PUBLIC ACCOUNTS COMMITTEE'S REPORT DEFERRED UNTIL THE GOVERNMENT MINUTE IS LAID ON THE TABLE OF THE HOUSE.

The Speaker: The next item is Questions to Honourable Members and Ministers. Eleven o'clock has already passed. If we wish to continue with Questions, suspension of a Standing Order is required and may be moved by any Member.

Any Member who has a question to be asked can move the suspension of Standing Order if he wishes the answer to be given.

The Honourable Minister for Community Development, Sports, Women's and Youth Affairs and Culture.

SUSPENSION OF STANDING ORDER 23(7) & (8)

Hon. W. McKeeva Bush: Madam Speaker, I beg to move the relevant Standing Orders so that Members can ask their questions.

The Speaker: The question is that Standing Order 23(7)

be suspended in order to allow questions to be dealt with because the time has passed for questions.

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 QUESTION TIME TO CONTINUE BEYOND 11.00 AM.

The Speaker: We will now deal with questions. The first one is No. 273 standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS/MINISTERS

QUESTION NO. 273

No. 273: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to state what programmes are being offered at the Alternative Education Centre.

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the primary aim of the Tutorial Centre of Alternative Education is: **To return those students placed out of mainstream schools because of the difficulties they are experiencing in coping with the school system to their emotional and or behavioural disorders.**

In order to facilitate this aim students are placed on Individual Educational Programmes (IEP) to ensure they follow the same courses in Mathematics, English and Social Studies that they would be pursuing at their mainstream school. In addition, supplementary work is given in these subjects to remediate any individual problems a child may be experiencing. An additional educational programme is provided which offers an adapted curriculum in the following areas: Basic Science, Music, Art, Physical Education, Computer Studies, Life Skills, and Home Economics.

Secondly, all students are placed on individual treatment programmes to ensure their emotional/behavioural disorders are individually identified and strategies and programmes developed to modify and correct their problems such that they will cope with mainstream schooling on their return. Ten of the 12 students at the Tutorial Centre were referred for emotional/behavioural disorders—of these ten, eight are being re-integrated for between five and 18 of their 30 lesson periods per week.

We also have two students at the Centre on Chief Education Officer's Thirty-Day Long Term Suspensions. These students will be observed, assessed and recom-

mendations made to the Education Council concerning their future placement.

Suspension Unit The primary aim of the Suspension Unit is: **To ensure students placed out of mainstream schools for short-term suspensions are placed in a structured and supervised setting where they can, as far as possible, continue their normal education.**

In order to facilitate this aim, students follow the same courses in English, Mathematics and Social Studies as they would in their mainstream school. In addition, supplementary work is given in these three subjects and also in reading.

In the case of all students, whether at the Tutorial Centre or the Suspension Unit, individual counselling, by a trained counsellor, is available to all students and their parents.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say if any of these students have been assessed or tested for attention deficit hyperactive disorder?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker they have been screened by the Education Psychologist for it.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Minister state the co-operation between the centre and the parents of these students?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, the School Council liaise with the parents of the children at least three to four times per term.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say how many students were screened for attention deficit hyperactive disorder and how many are taking counselling or treatment for this disorder?

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, two were

screened but not considered to have that disorder.

The Speaker: The next question is No. 274 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 274

No. 274: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is Government's present procedure for response to SOS calls for rescue at sea.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, the Marine section of the Royal Cayman Islands Police is responsible for dealing with SOS calls. The location of the source of the call and existing weather conditions are the main factors considered in determining the form and scale of the response.

SUPPLEMENTARIES

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Would the Honourable Member say if there are any regards to the distance from where the call may be coming from?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, yes. The distance from the Cayman Islands or whichever is the nearest point, is a factor. If the distance is considered too far or weather conditions might not permit we have to look at other means, for argument sake, air assistance.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Member say if there is any charge levied by the Government with regards to responding to these calls?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, not normally but it depends on the nature of the call. For argument sake, if someone calls and says that he has run out of fuel and needs to get towed in, then it is only fair that Government be reimbursed for this. After all we are not offering a marine-towing service. But if there is a genuine emergency then there would not normally be a charge.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Does Government have any arrangement with any other jurisdictions, say for example the United States, for response by its coast guard in cases where the Cayman Islands might not be able to meet specifically the rescue call?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Yes, over the years there have been arrangements with the United States' coast guard in instances where we are unable to deal with [SOS] calls. But in recent times I believe there have been instances where local facilities, for example the helicopter, has been used when the marine facilities owned by the police are unable to deal with the emergency.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Would the Honourable Member say if in recent times the Government has refused to respond to any SOS calls?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Not that I am aware of, but if there is a problem and equipment happens to be out of service and the utilisation of other equipment elsewhere is not feasible, then the private sector may be asked to assist.

The Speaker: The next question is No. 275 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 275

No. 275: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is the status of the review of the Public Service Commission's Regulations and General Orders.

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, terms of reference were provided by His Excellency the Governor who appointed a working group to review the Public Service Commission's Regulations and General Orders.

Submissions from Heads of Departments and a number of individual Civil Servants are being considered by the Group at this stage.

SUPPLEMENTARY

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if the Cayman Islands Civil Service Association is also working in

this particular exercise of the review?

The Speaker: The First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, yes both the Civil Service Association and the Public Managers Association are involved. His Excellency did appoint a representative from those associations to serve on the Working Group [Committee]. However, up to this point although we have requested submission from these associations, I do not think there has been any submission received from either association.

The Speaker: The next question is No. 276 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 276

No. 276: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture; (a) If \$12,000 has been paid towards the development of the Bodden Town public beach; and (b) If so, to whom was the payment made and are there any guidelines set by Government for accounting for this money.

The Speaker: The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeeva Bush: Madam Speaker, (a) Yes, \$12,000 was paid toward the development of the Bodden Town Public Beach, and (b) A cheque was made payable to the Bodden Town Public Beach, E.G. Terry. It is a donation to assist with the purchasing of materials and building supplies. The Ministry will normally visit the project on completion and will follow the progress of the project.

Bills and receipts will be forwarded to the Ministry.

Since this question was publicised, it has raised rumours of impropriety. The Ministry has found none whatsoever!

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: In the answer the Minister has said that [someone from] the Ministry would normally visit the project [site] on completion. Is it the case where someone in the Ministry has been directed to visit the project site to see just how it is progressing and how the money was spent?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Yes, Madam Speaker.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Seeing that the beach in question is supposed to be Government owned (which is a public beach), is there in place any design for structures, such as ramp or any other development that might be placed on this particular beach?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I cannot say anything about ramps, I have not seen any being built there, but I certainly know by visiting the project that the works are continuing.

Madam Speaker, I would like to say to this honourable House that we understand how much public beaches can cost because we are developing one in West Bay. If the Member searches the Estimates, he will see the amount that has been allocated for that beach. We can take that as comparison to other public beaches that Government has assisted with. From that the [Member] can see the costs that lie in developing a beach. This one in Bodden Town is no different than any of the rest.

If you want something done, you have to pay for it. My advice to the Member is that he should help.

Mr. Gilbert A. McLean: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Is fixing the beach from the heavy erosion that is taking place there part of the money that is allocated? In that there have been concerns expressed about the heavy erosion and in fact a Minister has made reference to this particular situation.

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, I am no expert on erosion. I like to build, but I understand that a study has been done on the erosion of the public beach.

I should say to the House as far as I can recall, the erosion of the public beach has nothing to do with the beach itself. The erosion came about by the clearing of a channel in the reef which was requested by the First Elected Member for Bodden Town and others as well.

Mr. Roy Bodden: Madam Speaker, on a Point of Order.

The Speaker: May I hear the Point of Order.

POINT OF ORDER (Misleading)

Mr. Roy Bodden: The Honourable Minister is deliberately misleading the House and I demand that he produce the records where I requested that the channel be cleared.

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Madam Speaker, I do not think that I am misleading the House in any way. I said that this was my understanding that the First Member for Bodden Town among others had requested this channel to be cleared.

If he is saying that he did not, I have to accept that, but that was my understanding of the whole situation. Nevertheless, the two beaches as I have said, cannot be tied directly to the building of the public beach [in Bodden Town]. The erosion of the beach was caused by something separate. It is a problem and a study has been initiated on it.

If the people of Bodden Town need continued assistance, the Ministry and the Government will continue because we believe in assisting our districts and helping our people, not to tear down their names as is being tried with this question.

The Speaker: The next question is No. 277 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 277

No. 277: Mr. Roy Bodden asked the Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture to state if the two recent graduates of the Cayman Islands Marine Institute have been successful in finding gainful employment.

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Thank you, Madam Speaker. The two recent graduates of the Cayman Islands Marine Institute have been successful in finding and maintaining gainful employment.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say if there is any attempt to keep track of these young graduates and if there are any support services available to help the graduates of the institution in their search for gainful employment upon graduation?

The Speaker: The Honourable Minister.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

To graduate from the Cayman Islands Marine Institute—and I am glad that this question is being asked because enough untruth has been spread about it—students have to complete all aspects of the programme to the satisfaction of the Director.

The final aspect of this programme is in Continuing Care which places a student in gainful employment or full-time further education while still remaining under the

supervision of the institute. Both of these graduates substantially had assessed work experience before being allowed to graduate.

Both students remain in full-time employment; one with Cable and Wireless and the other in the tourism industry. They continue to receive support from the institute Community Co-ordinator and will be tracked and supported for three years after graduation. This is all part of the programme of the institute, that they are assisted in getting employment and are worked with to help keep their jobs.

The Speaker: The next question is No. 278 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 278

No. 278: Mr. Roy Bodden asked the Honourable First Official Member responsible for Internal and External Affairs what is the total number of taxi licences held currently.

Hon. Truman M. Bodden: Madam Speaker, the Honourable Minister [responsible] left on an urgent matter, but when he was going out I asked... I do not think he...

The Speaker: It looks as if the Honourable First Official Member wishes to say something.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, the question was passed over to me since it is a police matter.

There is a total number of 274 taxi licences currently held.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker. Through you I would ask, if these licences are exclusively held by Caymanians and their spouses?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, all persons holding taxi licences must be Caymanian.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable First Official Member say if consideration is being given to a ceiling for the number of taxi drivers at this time?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, the present number has been the number for some time. No new licences have been issued for quite some time.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Member say if there are any applications pending and if so, how many?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, it is my understanding that no new applications are being entertained at this time. So the answer is no.

The Speaker: Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member then say if there is in effect a quota of 274 licences that have been put in place informally?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Madam Speaker, yes, and there is an unofficial moratorium on the issuing of more taxi licences.

The Speaker: The Third Elected Member for George Town.

Mrs. Berna L. Thompson Murphy: Thank you, Madam Speaker.

Can the Honourable Member state which department determines this number? Was it done by the Traffic Department or whom?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker.

Since 1992 no new permits have been issued and it is my understanding that this number was fixed at that time. It was agreed by the Commissioner of Police and other persons in Government.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Has the Honourable Member received any complaints or depositions from Caymanians or the spouses of Caymanians wishing to enter the taxi business that persons other than themselves have been successful in obtaining taxi licenses to the exclusion of Caymanians?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: No, Madam Speaker, I have received no such correspondence from anyone.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if his Portfolio, the Police or any Government authority knows if these 274 taxis are providing sufficient service or is there a need over and above what they are providing?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker.

I have no information on that. I cannot say that I have had any representation to the effect that they are insufficient. I do not know if anyone else has that information, but I have none.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

God forbid that it happens. I wonder if the Honourable Member can say if, in the case of one of these licences being a deceased person, if someone is allowed to fill the gap.

The Speaker: I am afraid that is a hypothetical question and...

Mr. D. Kurt Tibbetts: Madam Speaker, I am simply asking if the quota is at 274, not everybody is going to live forever, will the quota remain at 274?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker.

No new applications are being entertained for any reason at all, not even if one of the present licence holder passes on.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Can the Honourable Member say what is the difference, if any, between a taxi licence and an omnibus licence, and if the omnibus licences are included in this figure of 274.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker.

The current list of taxi licences does not include licences to drive omnibuses. Perhaps the Member could repeat the question for me.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I understand the part of the answer stating that taxi licences do not include licences to drive omnibuses. Can the Member state what is the difference between a taxi licence and an omnibus licence and if there is a difference, how are these licences issued and how are they differentiated?

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Thank you, Madam Speaker.

The difference, I suppose, is that a person having an omnibus licence cannot drive a taxi. For argument sake, I have had an omnibus licence for about 20 years, but I am certainly not licenced to drive a taxi—it is a separate licence. The whole issue of this will be examined. In fact there are discussions going on now (as the Member will know) on the new Traffic Law and Regulations. This whole issue is currently under discussion.

The Speaker: The First Elected Member for Bodden Town, this will be the last supplementary on this question.

Mr. Roy Bodden: Thank you, Madam Speaker.

Will that review include a formal study or assessment (or census if you will) of the number of taxis now in operation with regard to whether the number can adequately service, or if the number is too large for the business which we now experience?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

That is a mouthful the Member has asked for! Suffice it to say that the Public Transport Board, as provided for under section 41 of the Traffic Law, will be in charge of the renewal process from 1996 onward. The forerunner of this is now under discussion.

The Speaker: That concludes Question Time for today.

We next proceed to Government Business. Bills, Report on Bills.

The Honourable Third Official Member responsible for Finance and Development.

GOVERNMENT BUSINESS

BILLS

REPORT ON BILL

THE APPROPRIATION (1996) BILL, 1995

Hon. George A. McCarthy: Madam Speaker, I am to report that the Appropriation (1996) Bill, 1995, was con-

sidered by the Finance Committee of the whole House and approved without amendment.

I would also like to move that the Appropriation (1996) Bill, 1995, be given its Third Reading forthwith.

The Speaker: Third Reading.

THIRD READING

THE APPROPRIATION (1996) BILL, 1995

Clerk: The Appropriation (1996) Bill, 1995.

The Speaker: The question is that a Bill entitled, the Appropriation (1996) Bill, 1995, 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 been given a Third Reading and passed.

AGREED: THE APPROPRIATION (1996) BILL, 1995, PASSED.

The Speaker: First Reading.

FIRST READING

THE LOAN (CAPITAL PROJECTS) BILL, 1995

Clerk: The Loan (Capital Projects) Bill, 1995.

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 LOAN (CAPITAL PROJECTS) BILL, 1995

Clerk: The Loan (Capital Projects) Bill, 1995.

The Honourable Third Official Member responsible for Finance and Development.

Hon. George A. McCarthy: Madam Speaker, I beg to move the Second Reading of a bill entitled a Bill for a Law to authorise the borrowing of up to CI\$16,160,000 for the financing of Capital Projects as specified in the schedule to the Bill.

As set out in the schedule, the sum of \$16,160,000 will be applied against the following Capital Projects.

The first item is for \$2,400,634 for medical equipment, of which \$2,238,859 is for the Health Services Department in Grand Cayman, and \$161,775 for the Faith Hospital in Cayman Brac.

The second item on that schedule is for \$1,000,020 for the construction of roads. This figure includes the

construction and repairs of various roads in West Bay, George Town, Bodden Town, North Side, and East End.

During Finance Committee it was resolved that the sum should be increased by \$300,000 by a corresponding reduction of the provision under Head 52-114, Health Care Facilities. This \$300,000 is to allow for road work development in Cayman Brac and Little Cayman.

The third item of the schedule is for \$7,510,000. This was amended as mentioned earlier and reduced by \$300,000. Accordingly it has been amended to read \$7,210,000 for Health Care Facilities Development.

A further break down for some of the major items is: \$800,000 for the construction of a Health Clinic at West Bay; what was previously \$600,000 for the construction of the new hospital in George Town was reduced by \$300,000 to read \$5,700,000. This is the item specifically from which the \$300,000 was obtained.

Two hundred thousand of this \$7,210,000 is for the construction of the district health centre at North Side; \$110,000 for the construction of a new sewage plant at the George Town Hospital; \$100,000 for Project Management Services relating to the new hospital and \$300,000 for construction of a Health Care Centre at East End.

The fourth item on the schedule is for \$2,594,069 for Public Buildings. This figure includes a number of projects. The major ones are: \$1,200,000 for the construction of the new Department of Environment Building; \$260,000 for the conversion of existing buildings into district libraries in West Bay, East End and Bodden Town; \$250,000 for the conversion of the Hawley residence into a Drug Rehabilitation Centre; \$106,438 for the construction of a fire escape for the Government Administration Building; and \$300,000 for the construction of a remand centre.

The fifth and final item is for \$2,655,277 for school buildings. This figure includes a number of projects. The major projects are: \$65,000 for the construction of a new classroom at Creek Primary School; \$100,000 for the upgrading and extending of walkways for the John Gray High School; \$294,454 for the replacement of windows, refurbishment and roof repairs to the George Hicks High School; \$80,000 for the construction of a multi-purpose hall at Spotts Bay Primary School; \$125,000 for the centralised waste water treatment plant for the High School, Community College and the Truman Bodden Sports Complex; \$200,000 for the replacement of school buildings at the George Town Primary School; and \$150,000 for the construction of four classrooms at the Savannah Primary School.

According to the Treasury's records, the indebtedness of Central Government as at 31st December, 1995, will be \$34.12 million. If the assumption is made that the full \$16.1 million plus the \$840,000 remaining from the 1994 borrowings will be used up in full during 1996, the net indebtedness of Central Government as at 31st December, 1996, should be \$45.92 million after allowing for scheduled repayments of \$5.14 million during the year, that is, 1996.

The total Public Debt comprising Central Govern-

ment debt of \$45.92 million and the self financing loan of \$16.86 million as at 31st December, 1996, should amount to a total of \$62.78 million.

As the details in the Estimates in support of this Bill have already been supported by Honourable Members during Finance Committee, I now commend this Bill to this honourable House.

The Speaker: The question is that a bill entitled, The Loan (Capital Projects) Bill, 1995, 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 am sure that this Loan (Capital Projects) Bill, 1995, would not be amended by one iota if I so requested, or moved the Motion giving three times the necessary allotted time. So I will but comment on some of what is supposed to be done with the money as I have just heard from the Honourable Financial Secretary.

I am one who is grateful to hear what the breakdown is supposed to be at this time, not that this will not be altered along the way by the Government and, indeed, vired to other projects.

First of all, I do not agree with the money allocated to renew the present George Town Hospital, nor do I support it. I think the Government should be made to get the \$6 million of the people's money which was wasted in stopping the facility that should have been completed and use that instead.

Construction of roads is something every one in this country knows is necessary. Certainly, \$1 million will do little to nothing to the great and pressing need. If anything, I think a larger amount should be allocated to that.

School buildings—that is Government school buildings—are many. One only has to observe to know that these have been allowed to deteriorate to an extent where there should be immediate work and the necessary extensions done to provide the necessary education services.

Public Buildings: There are public buildings which need work and among them I do not really see (if I recall what the Financial Secretary said), a large allocation for buildings in the Breakers area at the Hawley Estate. I still believe that the money could be better spent in entering a joint venture to provide the services proposed to be provided from there, in view of the recurrent cost that it will involve; taking into account that the private sector church-based group is already doing something in that direction.

If the money regarding the refurbishing of the George Town Hospital could be removed and allocated towards finishing an almost completed hospital, I would support this bill, but in that it will not, I do not [support the bill].

The Speaker: The Honourable Minister responsible for Education and Planning.

Hon. Truman M. Bodden: Thank you, Madam Speaker.

This bill that is being opposed by the Second Elected Member for Cayman Brac and Little Cayman, is one which deals with very important facilities. It deals with the health care facilities, to begin with, and what is very clear is that there has undoubtedly been a change of heart by the Second Elected Member for Cayman Brac and Little Cayman since a few short years ago.

The National Team, in its Manifesto, which was adhered to and signed by the First Elected Member for Bodden Town, clearly stated that we would stop and build the hospital on the site where it presently is. So, he cannot at this stage say that he agrees with his leader who is opposing it.

If this facility was not so important and vital to the country, where it was to be built would not have spurred considerable debate some time back. What is clear is that the Second Elected Member for Cayman Brac and Little Cayman specifically stated back in 1991 and 1992 that the hospital should be built on the present site where this money is going. Indeed, he cannot challenge those views.

Back on the 29th November, 1991, he specifically stated in this House, words to this effect. I am showing here that if this bill had come then, it would have been fully supported by him.

"I personally believe that the MRCU should be ideally moved from there. Take that to the area of land that the Government owns in the swamp on the dike road. Ideally that is the business it is in.... Knock it down and use that large area there that the people of this country have known as forever as the Hospital and build a new Hospital there in phases. I cannot support the idea of entering head long into three major expenditures at one time..."

On the site itself, on that same day he said: **"We are talking about expenditure and there is no one, except the Member, that has said that \$16 million can build that Hospital and fix that site. What I read in the papers from one of the engineers and so on, was that the mud was not any deeper than what it was somewhere down around Lime Tree Bay. He is fixing his posture. [and this was in relation to Mr. Ezzard Miller] Nobody is going to nail him down when it takes \$10 million to fill the site [talking about the new hospital site]. He said, 'Well look I told you it would not take more than that and after all they had a dredge down there.' That is what we need to look at."**

Lastly on this point, we have on the debate on the Loan (George Town)(Amendment) Bill, 1992, on the 11th March 1992 Hansard, the Second Elected Member for Cayman Brac and Little Cayman said: **"I have believed for a long time that the present Hospital can serve us for some time yet and that steps should be taken to improve certain areas of it to a certain standard so that the physical plant can be in a position to better do the job for which it was intended."**

So there can be no doubt that the Second Elected Member for Cayman Brac and Little Cayman has

changed his position on this point. There can be no doubt that he supported (against Mr. Ezzard Miller) putting the hospital on the present site and doing exactly what the Minister for Health is now doing. There can be no doubt either that the First Elected Member for Bodden Town supported exactly what the Minister for Health is now doing in our Manifesto.

The public can see the difference when they look at the way those Members have changed their posture and they have done what suits them best at the time for political expediency.

Mention was made of the cost of school buildings and the question of repairs by the Second Elected Member for Cayman Brac and Little Cayman, but if that Member would take the time to look at some of these schools he would see that they are well maintained, they are well run and that there is an Education policy in place that has been put there by 353 members of the public of whom half are professional teachers or professionals in the area of education; and that when anyone attempts to criticise the policy, they are basically criticising their own electorate and their own voters.

A lot of the policy relating to these buildings would have come out of the Action Plans put together by the public, basically, because every district was made the subject of dealing with these policies when the Strategic Plan was going through. I am satisfied that the school buildings and the school system are good. It is not my system, I accepted what was put forward by the members of the public whom I think are far better able to deal with these matters and by no means defunct in their profession.

We had a question about the impact of this loan on the Government's borrowings and the Government's finances. To put this concisely, between 1993 and 1995 the contribution of this Government to Capital Projects such as these from Recurrent Revenue was \$42.3 million. In other words, we have taken out of our salary, wages or income, \$42.3 million and put that into Capital Works. So this is \$42.3 million that has been saved. It has gone into Capital Projects.

The previous Government from 1990 to 1992 contributed nothing at all to Capital Projects. In fact, they borrowed \$3 million to supplement their recurrent expenditure. This has to be understood clearly. It is like a person who is drawing a salary, taking money to buy their house, rather than paying for it over a period of time with a loan.

We have had sufficient surplus each year to contribute \$42.3 million from recurrent revenue to Capital.

The borrowings from 1993 to 1995... up until this Bill, this Government has only borrowed \$8.5 million. The \$16.6 million of Cayman Airways debt was as a result of previous Government's debt. That resolution was passed in June 1992. They are not borrowings that this Government has made. The only amount that we have borrowed so far is \$8.5 million. The \$16.6 million for Cayman Airways all went for past debts, nothing out of that amount went to the future of Cayman Airways.

The public debt has seen us make repayment during 1993 to 1995 of \$33.83 million. We have repaid \$33.83

million of previous Government debt, while we have only borrowed \$8.5 million during our time.

When you add together the surplus that we have put into Capital Expenditure of \$42.3 million, to the repayment of \$33.83 million, you will find that we have paid into Capital and repayment of loans \$76 million during that time that we have only borrowed \$8.5 million. So this amount today, the \$16 million, will only (and this will be over a period of time because this cannot be spent in one year) bring the total borrowings to \$25 million; whereas we have repaid \$33 million on previous Governments' debts.

The attempt by Team Cayman to produce (presumably for election purposes) the distorted and obviously very frightening facts of public debt . . . indeed what the Honourable Financial Secretary stated shortly after to correct it will really show the frightening part of this. They have taken for 1992 the Central Government debt of \$15 million; in 1993 they have taken Central Government debt of \$27 million; and when they hit 1994, they move it up to \$61 million by adding on the debt of the statutory corporations. What they have done, in an effort to frighten the public, is to make comparisons when it suits them, and added \$24 million of debt in one without adding it on to the previous ones.

If this was deliberate, it is obviously very serious and misleading and (as this says) a very frightening thing to believe—that people could so distort true figures to the extent they have. I was happy that (as the Honourable Financial Secretary has said) the debt between 1994 and 1995 has actually decreased by 14.9%, instead of the increase that Team Cayman tried to show of 121%. The true facts are that between 1993 and 1994 the increase had only been 13%. This has to be a deliberate and very frightening matter.

As I have just been reminded by my colleague, they still could not fool the people. The fact is that the loans of this country for the first time are well under control, the public debt is reducing and this table that was in the statement made by the Honourable Financial Secretary, has been laid on the Table of the House for all to see.

This Government has been a responsible Government. We are conservative in our approach to finance, and the private sector, the banks, know that they can trust us. Unlike 1992, when it was impossible to raise a loan by the Government because of the bad financial position at that time, borrowing of some \$40-odd million in three years and losses of some \$34 million by Cayman Airways in two and a half years, we are able to have financial integrity and financial confidence from the banking community. That in itself pays credence to a well-managed country—debt that is well-managed.

Therefore, I am very pleased to support this Bill. The money is being spent on Capital Projects. No money is being borrowed, as was borrowed by the last Government to pay for recurrent revenue. In other words, they were not living within their means, they borrowed all the money for Capital, whereas in this instance this year alone we have contributed about \$8 million to Capital Projects.

These five projects here, four categories of projects, the medical equipment, health care facilities, construction of roads, public buildings and school buildings, this money will be going toward assets and therefore will be shown as being improvements to the country as a whole.

I fully support this and I ask other Members to please do so.

The Speaker: The Fourth Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

The Loan (Capital Projects) Bill, 1995, as outlined by the Honourable Third Official Member, involves various sections with various amounts totalling \$16.16 million. In general, the purpose of the various amounts are fairly obvious. There are a few concerns I have which might not necessarily relate to the amount in question, but certain methodologies when it comes to arriving at certain figures. I am quite sure that the Honourable Financial Secretary will be able to respond to these in his winding up.

The first amount, which is \$2,400,634, for medical equipment, has already been basically explained to be just what it is—medical equipment. For the upgrading of medical services both here and in the Brac, for whatever reasons, the truth is whenever we can afford to do such upgrading it is certainly in the best interests of the people that it be done.

The next amount for the construction of roads, I have a few questions on. I thought they would have been dealt with during Finance Committee, but unfortunately, and I guess inadvertently, certain things did not get dealt with.

In the Estimates explaining these amounts which form part of the Loan Bill, the section which deals with this is headed 'Construction of Roads'. In looking through the various areas which make up the total amount, I see where certain amounts are dedicated to the construction and repair of roads. I wish only to speak for the district which I represent at this time and the part which forms the total for this borrowing.

There is \$238,267 for construction and repairs to various roads in the district of George Town. I remember when we had allocated funds last year for construction and road repairs in our district. When we got the various estimates from the PWD, it was obvious that the amount allocated (\$400,000) was no where near what was really required to even put a dent in all the areas that needed assistance with roads.

It was projected in the 1995 Estimates that there would be an amount (either \$400,000 or \$500,000) which would have been allocated to the district of George Town for road repairs. I see where under Loans for Construction and Repairs to Roads there is this amount of \$238,000 which is much less than what was projected for the year.

There is also another amount in the roads' repair vote, the maintenance vote, \$230,000. My main concern with how the Estimates are worded is, will this amount

which forms part and parcel of the Loan Bill for the construction of roads in the district be for new roads, existing roads, or what type of roads? I greatly fear that my district is going to find itself with hardly any funds whatsoever to execute any major repairs or maintenance of roads which are direly needed.

It reads 'Construction and Repairs to various roads', I am not being given a very clear answer as to how the funds will be used.

I noticed in the same 'Construction of Roads' section, which forms the \$1.418 million out of the bill (\$1.3 million plus another amount from a 1994 existing loan which is added to it to make it the \$1.48 million), that for the construction of the Harquail Bypass road which includes Red Gate and CUC extension in George Town, there is an amount of \$10, which is what we would simply term a token vote.

There has been some brief explanation as to why there is only a token vote. The explanation that I have thus far is, that because there have been no firm estimates forthcoming, no amount could be budgeted for. I have also been told that it is planned for this road to be built during fiscal year 1996.

It has also been said that the construction and financing of this road is going to be put out for bids. My understanding of this is that whenever a bid is accepted for the construction of the Harquail Bypass road it will be put out to tender again for private parties, a bank or a group of people who will put in a bid to finance the project. I am assuming that would mean that the Government would seek the most acceptable terms of borrowing, regardless of whether it is an institution or private enterprise. It would simply entail the best terms of interest, probably for the longest period of time so as not to interfere with the ordinary workings of the Government.

Having said all of these things, of which some are assumptions (I think fair assumptions), the truth of the matter is, if this is going to be done in the fiscal year 1996, then if there is an agreement for someone to construct the road, the balancing act will be a loan. To me, this means that whatever amount is agreed upon for the construction of this road a corresponding entry of a loan amount has to be put for the equation to balance.

At this point in time I am trying to be as candid and pragmatic as possible. But I find it hardly acceptable, for even if the loan is over a long period of time and all of the money (certainly the majority of it) will not be paid back during the fiscal year, the truth is that for such an exercise, which I am estimating to be near \$10 million, it will be no different than either one of these figures presented as part of the Loan Bill today. It leads me to the point where the amount of \$238,000 being allocated as the amount for construction and repairs to various roads in George Town, whether that amount is going to get gobbled up as part and parcel of whatever has to be done in the preparation of this larger project.

Mention was made that if, and when, this Harquail Bypass is constructed it will signify that the district of George Town will be getting the majority of money spent for roads, so why should any of its representatives be

complaining? I would think that it is obvious for all and sundry to see that this bypass, while it will certainly serve a purpose (and I do not have any problems whatsoever with doing it), it certainly is not being done to facilitate the people of George Town. So while it has to be built in the district, it is simply a matter that George Town being the capital, and so many business entities, the airport, the hospital, the port and other major facilities, are located in the district of George Town, it is obvious that the majority of people have to commute through, and to, those various areas. I do not wish to hear that because this amount of money is being spent in the district that we should be happy and shut up.

I have made my point regarding this road. For whatever it is worth, the intention is simply for the budget process to be straight forward. I maintain that I have great fears about certain things which the other representatives for the district and myself agreed on last year, which could not be done because of financial constraints, but would certainly have been done this year. It seems to me that we might well not be in a position to get these projects completed.

Not for myself alone, but for all of us who represent the district, it is part of our responsibility. So I raise the question and it can only be left as to what type of answer is forthcoming and whether it is satisfactory. Not in these Estimates, Madam Speaker, but in the Estimates before—in the 1995 Revised Estimates—for the Harquail By-pass there was an amount of \$1.31 million approved which included the Red Gate and the CUC extension. While that may be assumption on my part as to how it reads, and I quote: "**Harquail By-pass—\$1,310,000 including Red Gate and CUC extension.**" The Revised Estimates for 1995 was \$1,310,000 and we are still dealing with the Red Gate and CUC extension which is the very beginning of the by-pass road. My question on that is, was the figure of \$1.31 million simply a jump start and was it not sufficient in regard to the CUC and Red Gate extension?

There was also a figure in the 1995 Revised Estimates for the Crewe Road bypass from the Lion Centre to Halfway Pond of \$150,000. There is no mention whatsoever in the 1996 Estimates for the Crewe Road bypass.

It is said again that this might be done during this year and if it is going to be done, I wish someone could show me how. I do not know what the \$150,000 that is part in parcel of the 1995 Revised Estimates did for the bypass, whether it was used for research or it was not spent, I would like to know that also.

Madam Speaker, on many occasions I have alluded to and pressed on about long-term planning. I take this opportunity to say it one more time. We are not getting value for our money spent because we are dealing with reactive measures and are not as proactive as we should be—proactive meaning, planning for down line. That is not a today problem.

Earlier in Finance Committee certain questions were raised and when certain irregularities were noticed it was said that this is what had been done for 20 years. I have

no doubts about it, but I have serious doubts as to whether we should continue like that.

For public buildings in the Estimates there is fairly a wide range of projects that include roughly the \$2.6 million. Suffice it to say that if we were to go through each and every project the only assumption to be made is, that priorities in various areas [have been set] and policy makers have made their decisions with regard to where they intend to exercise those priorities.

Under School Buildings—51-122 is \$2.65 million. The question that I have on some of these amounts has been partially answered already, but I noticed that several allocated amounts are sums of \$25,000 and less which certainly cannot complete the indicated projects. What I am not 100% sure of by way of these estimates—some of them have 1997 projected figures, but I learn from the 1995 Estimates that it really does not make any sense to bank on those projected 1996 figures because by the time the next year comes around they will vary. That might be for good reasons, but certainly you cannot depend on these figures being true for the next year.

There is proposed construction of several buildings and the amounts that have been indicated cannot complete the projects. While one may rely on the obvious fact in the Projected Capital Expenditure, during the course of the year it will become fairly obvious that certain amounts will not [be realised] because various agencies cannot physically make it happen.

One is left to wonder why do we engage in the plans if we know that these things are not going to happen. It is not a question of intention and it is not a question of whether the best thing will get done. I bring to question the way that we are all accustomed to dealing with the process. I accept that any government of the day will need to prove to the country that it is making every attempt possible to address as many areas. Madam Speaker, we might at some point because of pressure from opposing factors or supporting factors spread ourselves too thin, while in truth and in fact with reassessment we really do not achieve as much as we should.

I guess that if one so desired, one could make a case for other issues. The overview here is: as representatives receive the Estimates which include from time to time a certain amount of loans that have to be approved, if those estimates do not contain exactly what is intended to be accomplished, then it is very difficult for us as representatives to come to grips without either becoming paranoid or loaded with questions as to which direction exactly are we heading in.

Not with vast knowledge, I believe that the actual budget process needs to be looked at because the Civil Service arm (who are the preparers), and the elected arm (who are the policy makers), always find themselves in last minute problems because the Budget has to be delivered by a certain time. For days and sleepless nights there is gridlock because various department heads who make their requests always put the policymakers in a quandary because if the requests are going to be met there is no room for anything new to be done to prove that the job is being done.

I do not suspect that this will change—that the departments in making requests will not want more than can be provided for them. But at least if the system allows for a more streamlined situation and something which gives a better timetable, then I hold the view that the end result for the country must be better.

I raise these questions on the Loan Bill, Madam Speaker, not to throw aside the intention (certainly not), but with full admission it has taken me a little while to get a fairly good grasp of the process. I do not profess at this point in time to be able to lecture on the subject, but I think by now I have a fairly good grasp of it. I really believe that not by anyone's volition, but by an accepted process which is fast becoming unacceptable, we are finding ourselves with shortcomings that can be overcome. It is not going to take one person to solve the problem; it is going to take a lot of co-operation.

The fun and games that the Backbench and/or the Opposition may have with the government of the day—while the official arm has to sit and listen—might be better served if what we are dealing with is loaded with facts, little less of your intentions, and our ability to deal with what we know at the end of the day will happen—which is a rarity at present. I trust that what I have just said might be thought about and perhaps in the future those of us who remain will be able to contribute more to the future and well-being of the country.

Thank you.

The Speaker: The Honourable Minister for Health, Drug Abuse Prevention and Rehabilitation.

Hon. Anthony S. Eden: Thank you, Madam Speaker.

I rise to give support to the Loan (Capital Projects) Bill, 1995. As I have said in the meeting during Finance Committee when we discussed medical equipment which is set down here at \$2,400,634, there are many items that make up this amount—items that are very much needed at the hospital. Most of it right now is for equipment that we can use and as the development of the new hospital progresses we will be able to use them there.

Let me give a brief overview for the benefit of this honourable House, to where this equipment will go. For the Forensic Lab four pieces which will be: a new Dophlier Ultrasound machine, CR X-ray machine a mobile X-ray machine (because if the one we now have breaks down we have to wait a considerable time for X-rays to be done), an Auto Analyser for the Lab, and Endoscopic pieces of equipment for the kit. Also included is equipment for laparoscopy surgery which we have embarked on over the last couple of years. It has saved this country several hundred thousand dollars for procedures that can now be done here instead of overseas.

The next big item in the Bill is the \$7,510,000. We are going ahead with the hospital and as most honourable Members know, I have done my very best to keep politics out of this. I honestly feel that it is because of the politics that this country we now enjoy, except for medical facilities, is ranked among some of the best countries of the world. It is time that we put this behind us and go

ahead. We need this facility, we have the finest providers of medical care anywhere in the world, but they desperately need a proper facility in which to work.

Since I have taken over this Ministry, everything I have done in regard to the hospital with the support of my colleagues has been done in the proper manner. There have been no shortcuts and I refuse to rush into this without the complete involvement of all medical personnel and technicians. What is being put forward for this country is done at a professional level without politics being involved.

This is not my hospital or the Ministry of Health, or the National Team's hospital. This is what our dedicated medical providers feel is best for this country. They are the ones who have to work there and this is what we are attempting to do now; to provide them with these facilities.

The other area we are looking at here in the Bill, is the construction of roads, public buildings, schools buildings. I think the record of this Government for the last three years can justify what we are doing. I will not say, as has been said before... just a limited amount of funds that we have borrowed, but these are things that we need to keep the infrastructure going. Our people deserve, and must get these services. This is what the Bill will accomplish.

Thank you, Madam Speaker.

The Speaker: Would the Honourable Mover wish to exercise his right of reply?

Honourable Minister for Community Development, Sports, Women's and Youth Affairs and Culture.

Hon. W. McKeever Bush: Madam Speaker, we propose to take the adjournment if the Chair will allow.

The Speaker: We still have five minutes.

Hon. W. McKeever Bush: Madam Speaker, there is a special reason why we are asking the Chair to agree. I know you were not notified, but for the five minutes, I crave your indulgence.

The Speaker: I will accept a motion for the adjournment. Honourable Minister.

ADJOURNMENT

Hon. W. McKeever Bush: Madam Speaker, I beg 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 accord-

ingly adjourned until 10.00 AM, Wednesday, 13 December, 1995.

**AT 4.27 PM THE HOUSE STOOD ADJOURNED UNTIL
10.00 AM WEDNESDAY 13 DECEMBER 1995.**

**WEDNESDAY
13 DECEMBER 1995
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, forever 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.

APOLOGY

The Speaker: There is an apology for the First Elected Member for Cayman Brac and Little Cayman, who will be arriving later this morning.

Presentation of Papers and Reports, review of salary and allowance. The Honourable First Official Member.

**PRESENTATION OF PAPERS
AND REPORTS**

**THE REVIEW OF SALARIES AND ALLOWANCES
1996**

Hon. James M. Ryan: Madam Speaker, I beg to lay on the Table of this honourable House, the Review of Salaries and Allowances 1996.

The Speaker: So ordered.

Report of the Standing Finance Committee for the 22nd June 1994; 21st December 1994; 4th August, 1995; 1st September, 1995; and 4th December, 1995, the Honourable Third Official Member.

REPORTS OF STANDING FINANCE COMMITTEE

Hon. George A. McCarthy: Madam Speaker, I beg to lay on the Table of this honourable House the Reports of the Standing Finance Committees for Wednesday, 22nd June, 1994; Wednesday, 21st December, 1994; Friday, 4th August, 1995; Friday, 1st September, 1995; and Monday, 4th December, 1995.

The Speaker: So ordered.

The Honourable Third Official Member.

Hon. George A. McCarthy: Madam Speaker, at the meeting held on the 22nd of June, 1994 the Committee considered and approved a sum of \$5,734,267 for various Heads of Departments within Government; this included a sum of \$1,644,547 representing a 5% salary increase to civil servants.

The Committee also considered and approved various other items as appearing under *Other Matters* referred to Finance Committee for consideration.

The Committee agrees that this Report be the report of the Standing Finance Committee in respect of the meeting held on Wednesday, the 22nd of June, 1994.

REPORT FOR 21 DECEMBER, 1994

Madam Speaker, at the meeting of Finance Committee held on Wednesday, the 21st December, 1994, the Committee considered and approved a sum of \$2,454,043 for various Heads of Departments within Government. The Committee also considered and approved various items appearing under *Other Matters* referred to Finance Committee for consideration. The only exception is, the Committee deferred its decision on a request for the authorisation under the relevant sections of the Financial and Stores Regulations to write off two sums of \$25,721 and \$400.

The Committee agrees that this Report be the report of the Standing Finance Committee in respect of the meeting held on the 21st December, 1994 which is to be laid on the Table of this honourable House.

REPORT FOR 4 AUGUST, 1995

Madam Speaker, at the meeting of Finance Committee on the 4th of August, 1995 the Committee gave consideration to a request which in accordance with Standing Order 67, the Committee approved a request for the authorisation of the Government's guarantee approved by Finance Committee on the 24th of December, 1994 for Cayman Airways Limited to purchase an aircraft as follows: **"In accordance with the provision of section 28(1) of the Public Finance and Audit Law, 1985, approval was given for the issue of a Government guarantee to a selected bank for up to seven years for up to US\$5,300,000 for a loan to Cayman Airways Limited or another company owned by Government which will do a back to back lease upon the loan conditions to Cayman Airways Limited for the purchase of a Boeing 737-200 aircraft;**

"AND further that the form thereof be settled by the Honourable Attorney General in consultation with the Honourable Financial Secretary and Cayman Airways' lawyers."

The Committee agrees that this Report be the report of the Standing Finance Committee in respect of the meeting held on Friday, the 4th of August, 1995.

REPORT OF 1 SEPTEMBER, 1995

Madam Speaker, at the meeting of Finance Committee held on Friday, the 1st of September, 1995 the Committee expanded the terms of its guarantee for US\$22.15 million issued in November, 1994 to CIBC on behalf of the Water Authority to read:

"BE IT RESOLVED THAT in the event that the Water Authority is unable to meet its obligations under the loan, any sums payable in respect of principal and interest under the Guarantee shall be paid out of the General Revenue and Assets of the Cayman Islands Government.

"The Necessary follow-up resolution of the Legislature will be brought at a subsequent meeting commencing on the 11th of September, 1995."

Madam Speaker, the Committee agrees that this Report be the report of the Standing Finance Committee in respect of its meeting held on the 1st of September, 1995.

REPORT FOR 4 DECEMBER, 1995

Finally, Madam Speaker, at the meeting of the Standing Finance Committee held on Monday, the 4th December, 1995 the Committee unanimously approved a sum of \$176,000 to cover the cost of retirement assistance to ex-service men.

The Committee agrees that this Report be the report of the Standing Finance Committee in respect of its meeting held on Monday, the 4th December, 1995.

Thank you, Madam Speaker.

The Speaker: Report of the Standing House Committee, laid by the Chairman, the Elected Member for North Side.

STANDING HOUSE COMMITTEE REPORT

Mrs. Edna M. Moyle: Madam Speaker, in accordance with Standing Order 72(5), I beg to present to this honourable House the Report of the Standing House Committee for the year 1995.

The Speaker: So ordered.

The Member for North Side.

Mrs. Edna M. Moyle: Report of the Standing House Committee of the Cayman Islands Legislative Assembly:

1. APPOINTMENT OF MEMBERS

In accordance with the provisions of Standing Order 76 which reads, **"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.”

2. 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 M. Moyle; Mrs. Berna Murphy, MBE; Mr. G. Haig Bodden; Capt. Mabry S Kirkconnell, MBE, JP; Mr. Gilbert A. McLean.

3. 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.

4. APPOINTMENT OF REPLACEMENT MEMBER

Following the passing of the late Mr. G. Haig Bodden, MBE, on the 3rd of September, 1995, Mr. Roy Bodden was nominated by Private Member's Motion No. 12/95 which was moved in the Legislative Assembly by Mrs. Edna M. Moyle, JP, Chairman of this Committee, and seconded by Mr. Gilbert A. McLean. The Motion was passed on the 21st of September, 1995.

5. MEETING OF THE COMMITTEE

The Committee held four meetings: Thursday, 4th May, 1995; Monday, 30th October, 1995; Friday, 8th December, 1995; and Wednesday, 13th December, 1995 whereat the Committee approved its Report in accordance with Standing Order 72.

6. ATTENDANCE AT MEETINGS

The attendance of Members is as recorded in the attached Minutes of Proceedings.

7. RECOMMENDATIONS OF THE COMMITTEE

The Committee made the following recommendations:

- a) that vending on the precincts of the building be discouraged;
- b) that a card-swipe system be installed at the rear entrance;

- c) that a proper design and quotation be sought from PWD for the electrical rewiring of the Building in line with current requirements and standards and based on the department's present and projected needs for electricity supply; and further that the quoted sum should be included in the Department's 1996 Budget in order that the work can be undertaken in 1996;
- d) that the street lights on the roof of the building be replaced with proper flood lights on the technical advice of the Public Works Department and the Lands and Survey Office;
- e) that a request be made to the responsible authorities for the installation of a pedestrian crossing in front of the building, or in close proximity, as a matter of urgency;
- f) that a closed circuit television monitor be installed for the use of the Hansard Recorder in order to monitor sound levels in the Chamber;
- g) that Members of the Legislative Assembly be provided with official business cards;
- h) that arrangement be made to provide Members with Photo Identification similar to those issued to Civil Servants;
- i) that every effort be made to acquire membership to Internet for use of Members and staff and to establish a link with other Parliaments for the accessing and sharing of information such as Laws and precedents;
- j) that the Chief Secretary be asked to enquire from the Departments of Customs and Immigration if protocol exists or could be instituted whereby Members of the Legislative Assembly can be afforded the courtesy of priority processing upon arrival and departure at ports of entry in these Islands;
- k) that the steps to the front and rear entrances be cleaned on a regular basis to avoid evident "lime bleeding" between the seams of the tiles.

8. 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) That the installation of the security system has been completed;
- b) That exterior lights have now been installed to the front and rear of the building;

As was recommended in the Committee's previous Report:

- c) Chairs and cabinets for staff offices have been purchased;
- d) Mail boxes for Members are now available;
- e) Five Personal Computers and monitors and some of the ancillary software and hardware

systems have been installed. It is hoped that the additional equipment will be purchased and installed during 1996, depending on the availability of funds;

- f) An enclosed storage cabinet will be installed in the Common Room, replacing the existing table.

9. 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: Madam Speaker, I beg to second the motion.

The Speaker: The question is that the Report of the Standing House Committee having been moved and seconded, be adopted. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it.

The Report and the recommendations thereof have been duly adopted.

AGREED. REPORT OF THE STANDING HOUSE COMMITTEE ADOPTED.

The Speaker: Questions to Honourable Members and Ministers. Question 279 is standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS AND MINISTERS

QUESTION NO. 279

(Withdrawn)

No. 279 Mr. Roy Bodden: State whether the National Education Curriculum will come on line before September 1996.

Mr. Roy Bodden: Madam Speaker, I crave the leave of the House to withdraw this question since much of the information solicited was given in answer to a previous question by the Minister.

WITHDRAWAL OF QUESTION NO. 279

The Speaker: The Member has sought the withdrawal of question No. 279. Is that seconded by a Member?

The Member for North Side.

Mrs. Edna M. Moyle: I would like to second the motion, Madam Speaker.

The Speaker: The motion having been moved and seconded is put to the House to withdraw question No. 279. I shall put the question. Those in favour please say Aye...Those against, No.

AYES.

The Speaker: The Ayes have it. Question No. 279 is accordingly withdrawn.

AGREED: QUESTION NO. 279 WITHDRAWN.

The Speaker: The next question is No. 280 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 280

No. 280: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning to explain the process by which scholarships from Government are awarded and to provide details of the requirements which must be met by the applicant.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Madam Speaker, once an application has been submitted and the basic criteria are met, the applicant is invited to an interview. The interview panel includes the Head of Department for the respective area of study and is established by the Education Council for that purpose.

The interview panel then makes recommendations to the Education Council for its final decision on the awarding of scholarships.

Applicants are then informed of the decision of the Education Council.

Eligibility/Academic Requirements:

(1) For academic courses, students must have either (a) or (b) below:

- (a) at least five 'O' Level passes, including English and Mathematics or Science of not less than "C" grade or equivalent. A minimum of three subjects must be passed at any one sitting; or
- (b) a High School Diploma with at least a 2.75 average over the last two years of High School and a composite SAT score of not less than 850; or

(2) Applicants for academic courses, who did not initially meet minimum requirements, may be considered for financial assistance if they:

- (a) are at the time attending an Approved Institution; and
- (b) have maintained an overall GPA of 2.50 or above in a minimum of 12 credit hours or equivalent with no failures at that institution for their first year and a GPA of 3.00 in a minimum of 15 credit hours or equivalent with no failures thereafter.

(3) For non-academic courses, applicants not in possession of (1)(a) or (1)(b) must:

- (a) have at least Grade D in the GCSE or equivalent in a numerate subject and English; or
- (b) demonstrate proof of basic skill in numeracy and English;
- (c) have completed foundation courses, if available on the Island, with an acceptable level of attainment or have demonstrated expertise on the job verified by an employer.

Other Requirements: In addition to academic requirements, applicants must:

- (a) comply with Part IX of the Education Law 1983;
- (b) be 18 years of age or older;
- (c) supply satisfactory character and school references;
- (d) be accepted by an institution approved by the Education Council for the relevant course;
- (e) provide proof of Caymanian status;
- (f) demonstrate financial need;
- (g) provide a medical certificate;
- (h) make application by 31st March for scholarships/award for the ensuing academic year;
- (i) sign the prescribed student bond; and
- (j) secure two sureties to the bond.

SUPPLEMENTARIES

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say whether the application form for academic and non-academic scholarships are the same?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Yes, Madam Speaker.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say whether the application form for a scholarship and the form for financial assistance is the same?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, we only give scholarships (which is financial assistance). So it is all the same, the grant of money. I am not too sure what the Member is trying to distinguish.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Minister say if there is at this time any consideration of reviewing the application process so that the information required on the application forms can be streamlined?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, at the last meeting of the Education Council, it agreed to set up a committee to review this matter.

The Speaker: The next question is No. 281 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 281

No. 281: Mr. Roy Bodden asked the Honourable Minister responsible for Education and Planning is the Government allowing onshore mining of marl at this time.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Bodden: Applications for the onshore mining of marl are accepted by the Planning Department. Each application is given individual consideration by the Central Planning Authority who makes recommendations to the Executive Council.

There are at present two operational onshore marl pits.

SUPPLEMENTARY

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Thank you, Madam Speaker.

Can the Honourable Minister say whether any further applications are at this time under consideration for onshore mining?

The Speaker: The Honourable Minister.

Hon. Truman M. Boddén: Madam Speaker, I am not a member of the Central Planning Authority. I really do not know. This is information (I guess) we could find out.

The Speaker: The next question is No. 282 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 282

No. 282: Mr. Gilbert A. McLean asked the Honourable Minister responsible for Education and Planning if an additional year has been added which would increase the school leaving age.

The Speaker: The Honourable Minister for Education and Planning.

Hon. Truman M. Boddén: Madam Speaker, yes, an additional year of schooling has been added. I would have thought that the Honourable Member asking this question would have remembered that his colleague, the First Elected Member for Bodden Town, moved Private Member's Motion No. 1/89 which was passed in this Honourable House on 27th February, 1989, to increase the school leaving age.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, I remember numerous motions passed in this House and Government did nothing about them and this could have been one of them.

Is the Minister saying that there is an increase to the school year and what at this time would be the average age of a student graduating from High School?

The Speaker: The Honourable Minister.

Hon. Truman M. Boddén: Madam Speaker, I would really have thought that as many times that I have answered this question the Honourable Member would have remembered.

Yes, the extra year was added. The last Government when this Motion was passed did nothing about it. However, I did something about it because it was the wish of this honourable House. The average age is now

16+ and the year was added in Year Ten as a foundation year.

If the Honourable Member thinks back to when this House passed the motion, it did not state which school year it should go to. But indications were given (as I remember it) that it should have been in the High School. The foundation year has been in place for over a year.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: The age of 16+ the Minister mentioned as the average age of graduation, does it provide the opportunity for persons doing the GCSE (or the equivalent) both in the lower and upper grades, and is there any in-house or national examinations that is provided at this time?

The Speaker: I do not know if the matter of examination comes in, but the Honourable Minister can answer the first part.

Mr. Gilbert A. McLean: Madam Speaker, I was thinking of 'O' Level and 'A' Level. Is 16+ the age when students take the 'O' or 'A' Levels, or is there any such thing left in existence?

The Speaker: The Honourable Minister.

Hon. Truman M. Boddén: Yes, Madam Speaker. At that time they take either the international GCSE or they take the CXC. As the Member knows there are other areas of examinations that they take, such as Pitman's and others. In other words, this is the end of school for 'O' Levels. 'A' Levels as the Member knows, the time for sitting those examinations is two years later. So we are looking at age 18+ which is average because some children may be older than others.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Boddén: Thank you, Madam Speaker.

Can the Minister say what was the basis for the decision taken to add the school year to that section of the process?

The Speaker: The Honourable Minister.

Hon. Truman M. Boddén: Madam Speaker, when this motion was put by that Honourable Member, he did not know where it should go. When I took over the Ministry three years ago, we had to take a decision. The decision was taken after full consultation with teachers and members of the public and the feeling was that it should go in

Year Ten which is the foundation year to give an extra year leading up to the final exams.

There were other places where it could have gone, but the advantages of putting it to Year Ten exceeded those of the other sections it could have gone in.

The Speaker: The First Elected Member for Bodden Town.

Mr. Roy Bodden: Madam Speaker, the motion asked for two years to be added and I specifically suggested that it be added at the end to bring the school leaving age to 18. I want to find out from the Minister if there was an empirical basis for the decision, that is, if there were any surveys done to find out what section of the school year this addition would have proven most effective?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, the view of the practising teaching professionals (which I am afraid that Honourable Member ceased to be a practising teacher over ten or 12 years ago) is that it should go in Year Ten as a foundation year in that there were more advantages than adding it at the end of the schooling when examinations were being taken.

There is an extra foundation year of preparation for examinations and children have to be at an advantage with an extra year of preparation rather than adding it to the end.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: The Minister has referred to Year Ten a number of times, can he associate that to any particular form (indeed if there is any such thing as forms) as there used to be in the schools. He spoke of a foundation year in Year Ten. Also perhaps give an indication of what is the period of time he is talking about, is it ten years from primary up to secondary, or what is this Year Ten supposed to be?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Year Ten is Form Three. You have forms three, four and five to prepare for examinations instead of two years. If you put the additional year to Form Six... I am not sure what the Honourable Member is referring to, all I can say Madam Speaker, is that this has been confirmed by 353 persons of the public, most of them practising teachers. I want to stress this—PRACTISING TEACHER; people currently in the profession who understand education (not people who are out of the profession 15 or 20 years) and their views and the view of the public was that Year Ten was the place for the additional year to go. I accepted what the practising professionals put up.

Madam Speaker, referring back to the motion in which the Honourable Member said was to add two years, it did not refer to two years.

The Speaker: I would hope that Question Time is just what it says, "Question Time" rather than Members going into debate answering back and forth. Please avoid that in the future.

This is the last supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Madam Speaker, it does not matter to me whether it is year 16, I was attempting to discover what form the additional year related to. What I would like if the Minister can do so, now that he has said that Year Ten [is where the additional year went] what is the case now, is it that a student does three years in Form Three, or is it simply that an additional year has been added that Year Ten is now Form Three?

The Speaker: The Honourable Minister.

Hon. Truman M. Bodden: Madam Speaker, Form Three is Form Three, it is not two years, it is one year.

The Speaker: The next question is No. 283 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 283

No. 283: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs whether Civil Servants are now permitted to be directly involved in political campaigns and can serve as political advisors to politicians or campaign committee members.

The Speaker: The Honourable First Official Member responsible for Internal and External Affairs.

Hon. James M. Ryan: Madam Speaker, the answer is no. Civil Servants have recently been reminded of the limitations which apply to their involvement in activities of a political nature and a copy of that reminder is attached.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Member say if there are any penalties meted out to civil servants who breach these particular regulations as stated and referred to in the attached circular?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Yes, Madam Speaker, civil servants who choose to actively involve themselves in political activities will be disciplined in accordance with the General Orders. Without making a statement perhaps it is a useful opportunity for me to remind all civil servants that I will not tolerate their political involvement or their activities in political matters and I will see that cases are dealt with according to the General Orders.

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say what would be the procedure in the event that persons wish to bring to the attention of Government or the Civil Service, to whom should such reports be made?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

Madam Speaker, any report of political involvement by civil servants should be made to the Chief Secretary's Office.

The Speaker: The next question is No. 284 standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 284

No. 284: Mr. Gilbert A. McLean asked the Honourable First Official Member responsible for Internal and External Affairs what is Government's position concerning trade between the Cayman Islands and Cuba.

The Speaker: The Speaker: The Honourable First Official Member for Internal and External Affairs.

Hon. James M. Ryan: Madam Speaker, Government's position concerning trade between the Cayman Islands and Cuba is that it will not be directly involved, however, there is no restriction on the private sector engaging in trade with Cuba.

SUPPLEMENTARIES

The Speaker: The Second Elected Member for Cayman Brac and Little Cayman.

Mr. Gilbert A. McLean: Can the Honourable Member say if there is a requirement for private sector firms, businesses, or individuals to have any special licence to carry on such business with Cuba?

The Speaker: The Honourable First Official Member.

Hon. James M. Ryan: Thank you, Madam Speaker.

In the substantive answer, I said that there are no restrictions and no licence other than what would be required for a business to operate within the Cayman Islands.

The Speaker: That concludes Question Time.

We proceed next to Government Business. Second Reading of The Loan (Capital Projects) Bill, 1995. At the adjournment of yesterday's meeting, I called on the Mover, the Third Official Member to reply.

The Honourable Minister responsible for Community Development, Sports, Women's and Youth Affairs and Culture.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE LOAN (CAPITAL PROJECTS) BILL, 1995

(Continuation of Second Reading debate)

Hon. W. McKeever Bush: Thank you, Madam Speaker.

Madam Speaker, I have listened to what Members and some persons politically motivated on the outside had to say about the loans that Government proposes to enter into. I fail to see how the Opposition inside and outside, can ask for so many things to be done in the country, yet say that Government should not raise taxes or borrow. My question to all Members of the House and those on the outside is, "Where is the money going to come from to do the things that need to be done in this country"? Or where is the money going to come from to accomplish the many [items on] the shopping list that Ministers receive from Members of the House or sometimes those on the outside?

We have chosen to borrow very little over the four years and this has been done by building up the economy so that we would not need to tax our people as was done in 1990 and 1991. Taxes were put on everything, stretching the taxable items in the country to their limit.

The Fourth Elected Member for George Town refers to the Government's policy of borrowing, yet he has asked for so much to be done. I might ask him also where is the money going to come from to do all the road work he now says needs to be done in George Town? Road work that the Honourable Member has requested. I will come back to roads in a few minutes.

I want to say something, Madam Speaker, since I heard someone mention the Civil Services pay increase, that we should not have given the civil servants another raise then we would not have had to borrow.

I cannot agree with that scenario, because the truth is, the civil servants' salaries are far behind those in the private sector. The increase we gave in 1994, and the raise made effective as of 1st January, have brought the value of salaries to the highest level in five years in terms of purchasing power. But we still have a problem and the country must face this problem and realise it. Members of the House have to be sympathetic toward it. We are still losing good civil servants to the private sector because the Government cannot match what the private sector can pay.

Madam Speaker, as a service-oriented country, we had better understand that [in order] to provide all the absolutely necessary backup services that Government is required to provide, we must have good staff. We must have good staff. We cannot expect in this country to continue expanding the economy and say the Civil Service is too large or that it cost too much [to operate]. Even if we continue along the private sector path of expansion as we have been going on, where the private sector is expanding let us say, in the financial industry. This immediately impacts on the Civil Service. Who is going to do the necessary follow-up? Who is going to regulate? Is it not the Civil Servants?

Madam Speaker, to deal with the many requests takes sheer manpower and, to put off paying the civil servants a raise will only give us more problems; we will lose that much more staff.

The country wants more sporting facilities. There is constant questioning when we are going to do this in the districts? When will we get this programme at the national level or district level? There is need for more educational facilities. There is need for more and better health facilities. Over a period of years, there have been promises and the neglect is blatant by the huge increase in troubled young people in the country. As a result the country had to come to grips with its social problems, there had to be facilities and programmes [put in place] to tackle the increasing wave of juvenile crime.

We cannot cure these problems or even have a positive impact if we do not spend on programmes or build the necessary facilities that can make a positive impact [toward addressing these social problems]. This Government has spent more on education than any four-year administration. We have spent \$80 million on salaries for civil servants, that is in education, such as teachers, administrative and other staff; schools buildings, and related amenities - \$80 million. I think this is an achievement for a four-year government. The last government spent \$54 million.

On sports we spent less than \$7 million. And I understand from the Civil Service staff in my Ministry that the total cost of staff in the sporting area is some \$800,000. If we add that up for four years, we will see how much has been spent on facilities and programmes for sports.

So Madam Speaker, for those people who talk out of both corners of their mouths, crying down the rise in

juvenile problems (crime) and then say we should not spend more money on [programmes and facilities] let them understand that we have hardly spent anything that is needed to impact positively on the social problems of the country. But we have made a good start and I am satisfied that we have made a good start.

Now Madam Speaker, the Fourth Elected Member from George Town mentioned the Harquail Bypass. I believe he said that the bypass road is not built to facilitate the people of George Town. While it will not cure all the needs associated with roads in George Town, (and I sympathise with the Member), it will help to alleviate the traffic that converges into George Town. The bypass road is needed and we are behind in building it. It should have been built a long time ago and the Government must now move forward with it. I trust that no one in the private sector or any Members of this House is not throwing any stumbling block into the construction of that road. We have to move forward with it and we have to move forward now.

Some years ago there was a grandiose plan to spend \$250 million on roads. At the time the people of this country said that we couldn't afford to spend this kind of money on [road construction]. We cannot afford to take people's land and not pay them for it and the House at the time (the majority of us) listened to the wishes of the people and that plan was scrapped.

Madam Speaker, the Government has been moving along as best it can... and the Minister responsible have to listen to all the complaints, not only from Members of the House and his fellow colleagues, but from people in the public. Sometimes you do one thing believing that you are helping based on all the information you have been given, and it still does not please all the people. I believe we have done well in tackling the problem of road in the country. There is much more that needs to be done.

Some districts use a lot of their money over the past three years and if we go through the districts we will see, the funds have been used to pave the edges of the roads. We did not do that in West Bay. The funds that we were given (that a lot of people complained about), were used to fix the roads that lead to people's houses, people who did not have any road. We did not fix the edges of the main roads throughout the district of West Bay. If you go through the rest of the districts you will see that is where a lot of the money went. So do not blame any particular district and say one district got more funds than the other because as far as road works are concerned, the Minister split funds as equally and as best he could and Members agreed with him.

So the rhetoric that we hear about expenditure for roads in West Bay or anywhere else, I have just given a good explanation of why some districts did not do what I call, "the private roads." We took the money allocated for West Bay and fix the roads so that people can get to their homes, so that fire trucks can access roads in cases of emergency, instead of being stuck between two

light poles. We remedied those kinds of situations where the poor people in the district of West Bay could not afford to build roads.

So, Madam Speaker, the road problem is not going to go away. I believe that the Government is on the right path with the policy that we are moving forward with. We can only do so much with what money we have. Nobody wants to pay any taxes, no one wants to see an increase on import duty. I would say that with as many cars as we have in this country (imported everyday) - I have never heard one Member of the House, nor any Opposition Member on the outside, be it the Democratic Alliance or be it Team Cayman or any Member of the National Team Government, say raise the tax on cars. NOT ONE! No one wants to see that. No one wants to see increase in garbage collection. Many people do not know it, but the Government of this country subsidise 25% of garbage collection for business people in this country. I say that should not happen, but it does! I am not going to increase any taxes or fees on the collection of garbage for people who are not even working to subsidise the business people in this country.

I am a business person myself, I have a place of business and I pay my garbage fee. But when you go through the figures which were given to us by the Finance Department, the Government of this country is subsidising the collection of garbage for businesses - 25% I was told. We are only collecting 75% of the cost, so that means that Government is subsidising 25%.

Health Services. I wish that the Opposition would get off that old hobbyhorse of the stopping of the hospital. The fact remains that the people of this country said that they did not want the hospital in the swamp. For anyone to say that the National Team Government has not carried out their mandate - and the mandate you are given has to be what you campaigned on, in our Manifesto we said; **"We are against the building of the new hospital in the swamp, and we will review the hospital plans and documents and accordingly take any necessary action which his legal and prudent. We believe that 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 majority of the elected Members of the Legislative Assembly. We believe that Government cannot afford this project and is now mortgaging the income of future generations."**

If anyone can say from this document that the National Team Government did not say to the public of this country that we would take the necessary prudent steps, then I do not know what else they want us to say. We have carried out our mandate.

There are things as far as this Loan Bill is concerned... it calls for the construction of health care facilities. We told the people... in the Minister's statement he told the people that the project is going to be financed

from local revenue and from borrowing. This is what he said. He gave the cost of \$22 million as against the cost of \$27.8 million up front. There are things that this House must understand were not left on that project. I am only raising it because it is touted so often in this House and was touted in the debate on this bill.

The fact remains that the road network was not included; the duplication of staff was not included, and we know that was going to add \$2.5 million to annual recurrent cost. So all these things were not taken into consideration. That was the extra cost to just house the hospital up there, not including the duplication costs. These figures came from the study that the Government at the time had done by Ernst and Young, the Public Sector Investment Committee. These are the figures that came from them, that is why the Government at the time was against it.

I think it is time we get off and let us stop spending time on this hospital issue. The Government broke ground in August. By the end of October 1996 we will have the Material Management Building, this is now costing Government \$60,000 per year in rental, plus the other headaches that go along with it. Those new buildings will contain a new morgue, a hyperbaric chamber, forensic laboratory, it will contain the operating theatres and the necessary laboratory. It will contain the maternity and paediatric section of the hospital; it will contain the mental health, the physiotherapy and intensive care unit. We know that these are necessary things. Why are [they] spending time trying to throw stumbling blocks in the path of the Government? It helps nothing.

One thing I know is that this country needs more revenue. Yet, people are saying that the economy is going too fast. People are saying that we have to slow it down. People are saying "do not bring in other people to work. How are we going to run a country if we do not do these things? If we do not let the economy go, who is going to pay for the services? If we are going to expand the economy it means more people. My policy is (as I said in West Bay in May, where it got twisted around and they are now trying to say that I am anti-foreigner) if we are going to have people and we have to expand the economy because we need the funds, to expand we need more people. I simply said that if a business needs people once they can hire the Caymanian and we give them [a work permit] then charge them the relevant permit fee. I am not against that in any way, shape or form. If you want to come here to work, you pay for it. That is my policy. If an accounting firm needs ten people and they cannot find a Caymanian, they must know they need the people, the economy must be doing that much better... So the one thing that I would like to hear from Members of this House is suggestions on where to get revenue.

I have given the Financial Secretary my views on where I think we can get revenue. Until we do those nec-

essary things, we will either have to borrow, or we will have to raise taxes. The Government has been prudent in not raising loans to the extent where we are above the limit that is prudent to manage the country, as far as repayment of loans. We have tried not to increase any fees or raise any taxes that would be detrimental to the people of the country. I do not believe that we could have done any better.

I do not care whether it is the National Team or the Democratic Alliance, or whether it is Team Cayman, I believe that the management of the country has been the best in this four year period than at any other time. I say that either Members bring their suggestions to the Honourable Financial Secretary for new revenue, or they go on television or to the newspaper, but bring some ideas. It is time to stop criticising, it is time to start working. That is what I want from Members.

Thank you, very much.

The Speaker: If no one else wishes to continue the debate, would the Honourable Third Official Member responsible for Finance and Development wish to reply?

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 authorise borrowing of up to \$16,160,000 for the financing of specific Capital Projects.

It is well known in this country that I have advocated for many years the improvement of medical facilities here. Long before I became involved in politics, and ever since, I have advocated that we need to improve. I have never been charged with Executive responsibility. The records show that I supported previous Governments in funding for the hospital at that time. I have always said that nothing is more important than the health of our country.

Likewise, the decision has been made to proceed with this health project and I give it my full support. I look forward to the time when the modern facility will be available to serve the needs of the people of the Cayman Islands.

It is also gratifying to me that our Government is in a position to expend this amount of money on Capital Projects which helps the economy, to employ people, and certainly, in my district it is a very essential commodity as we depend very heavily on Government for employment.

I am most grateful to the Government that they have seen fit, as the Honourable Third Official Member outlined in moving this Bill, that \$300,000 was being added to the amount for the construction of roads which will be allocated to Cayman Brac and Little Cayman. I am very grateful for this, as it will certainly make the difference of employment and our economy will be able to continue at its normal pace, rather than an unemployment situation.

As I said before, it is gratifying that the Government is in a position to spend this kind of money within the Cayman Islands.

I am also gratified to see much being accomplished in my district with the education curriculum and in the physical structures of the different schools. Certainly, we can do nothing better as my priorities are health first, then education. I think if we do not have a healthy society and an educated society, the future will be very dim for the Cayman Islands.

So, with these few words, I fully support the Bill.

The Speaker: Is the Honourable Third Official Member responsible for Finance and Development now ready to wind up the debate?

Hon. George A. McCarthy: Thank you, Madam Speaker.

I would like to thank Honourable Members for their support of this Bill. I have noted the comments made by the various Members, specifically the comments made by the Fourth Elected Member for George Town.

He raised a question on the Government's policy relating to the Government's road programme. He specifically wanted to find out how the allocation for the district of George Town would be dealt with. I communicated this request to the Honourable Minister with responsibility for the subject, and also the concern that was raised in connection with the financing of the Harquail Bypass.

The Honourable Minister is of the view that the answer provided to a parliamentary question earlier in the course of this meeting would have dealt with those concerns. At an earlier meeting (I am not sure if this was in response to a parliamentary question) the answer was given that in relation to the provisions for the various districts at the beginning of the year the Minister with the responsibility normally meets with the various district Representatives. A decision is then taken in terms of what roads should be given priority.

On the question of the Harquail Bypass, the Minister (in his response to a parliamentary question) indicated that once a decision was taken in terms of how the programme would be pursued in early 1996, then a decision will be taken by the Government in terms of how the means for financing the development cost of the project will be pursued. He elaborated by pointing out that he did not want to go into detail because, presumably, his Ministry was working out the likely approach that would be taken in dealing with this matter.

The Fourth Elected Member for George Town also raised a question in terms of expanding the time allowed for the Budget preparation. We have been keeping this under constant review, building on the experiences of successive years. Normally we have plans in place during the course of any given year for what would be deemed a reasonable time to allow for the Budget preparation exercise. But it is obvious to everyone in this hon-

ourable House that the budget preparation process is becoming more complex from year to year. This is a very vital key area to be looked at because if this honourable House is to be informed of the decisions of Government, the Estimates and the budgetary process is the means by which the Government's economic policy is imparted or, for the greater part, articulated. It is very important to us in the Portfolio of Finance and Development and this suggestion has been taken on board. I should mention that we have been looking at this ourselves.

With these few words, I would like to thank Honourable Members for their support of this Bill and you, Madam Speaker, for allowing the presentation.

The Speaker: The question is that a Bill entitled The Loan (Capital Projects) Bill, 1995, 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 LOAN (CAPITAL PROJECTS) BILL, 1995, GIVEN A SECOND READING.

The Speaker: The House will now go into Committee to consider the Bill.

HOUSE IN COMMITTEE AT 11.32 AM

The Chairman: Please be seated.

The House is in Committee to consider the Loan (Capital Projects) Bill, 1995.

The Clerk will now read the clauses.

COMMITTEE ON BILL

THE LOAN (CAPITAL PROJECTS) BILL, 1995

Clerk: Clause 1. Short title.
Clause 2. Power to borrow.
Clause 3. Appropriation of loan to specified purposes.

The Chairman: The question is that clauses 1 through 3 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. Clauses 1 through 3 passed.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

Clerk. Clause 4. Principal and interest on loan.

The Chairman: Members would have received notice of proposed amendments circulated by the Honourable Third Official Member. I will ask him at this time to present them.

Hon. George A. McCarthy: Madam Speaker, in accordance with Standing Order 52, I would like to move that at Item 2 of the Schedule of the Bill—Head 51-106 LL—Construction of Roads—that the sum of \$1,000,020, be amended to read: "\$1,300,020," and that item 3, 51-114 LL—Health Care Facilities—that the sum of \$7,510,000, be amended to read: "\$7,210,000."

The Chairman: Members have heard the proposed amendments to the Schedule of the Bill. The motion is open for debate.

If there is no debate, I shall put the question that the amendments do stand part of the Schedule. Those in favour please say Aye...Those against No.

AYES.

The Chairman: The Ayes have it.

The amendments to the Schedule have accordingly been passed.

AGREED: AMENDMENT TO CLAUSE 4 PASSED.

The Chairman: I shall put the question that the clause 4, as duly 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 4 (THE SCHEDULE), AS AMENDED, PASSED.

Clerk: A Bill for a Law to Authorise the Borrowing of up to C\$16,160,000 for the Financing of Specified Capital Projects.

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 Loan (Capital Projects) Bill, 1995. 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.
The House will resume.

AGREED. THAT THE BILL BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 11.35 AM

The Speaker: Please be seated.

The House is resumed. Report on the Bill. The Honourable Third Official Member.

REPORT ON BILL

THE LOAN (CAPITAL PROJECTS) BILL, 1995

Hon. George A. McCarthy: Madam Speaker, I am to report that a Bill entitled, the Loan (Capital Projects) Bill, 1995 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.

THIRD READING

THE LOAN (CAPITAL PROJECTS) BILL, 1995

Clerk: The Loan (Capital Projects) Bill, 1995.

Hon. George A. McCarthy: Madam Speaker, I beg to move that a Bill entitled The Loan (Capital Projects) Bill, 1995, be given a Third Reading and passed.

The Speaker: The question is that the Bill entitled The Loan (Capital Projects) Bill, 1995, 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 LOAN (CAPITAL PROJECTS) BILL, 1995, GIVEN A THIRD READING AND PASSED.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker: That concludes business for this meeting of the House.

Before asking for the adjournment until a date to be fixed by His Excellency the Governor for next year, I would like to thank all Honourable Official Members and Ministers and Members of this House for their hard work during the days since we first met. I know it has been a long time, but Members have been very assiduous in their work.

Just a bit of information I have noted: there were 43 sittings of the Legislative Assembly during 1995; seven sittings to consider the Appropriation Bill and the Estimates of Revenue and Expenditures; six sittings for supplementary appropriations. Standing and Select Committees met for approximately 34 sittings, and I believe there were various informal meetings of those committees. So that makes a total of about 90 daily sittings for the Assembly during this year, which is about a quarter of the year.

I understand that a meeting of the Finance Committee is scheduled for the 26th of this month (December). I do not know how many Members will be present. Most Members like to go off on leave at this time. But it does show that Members have been working very hard and I want to thank them.

I also would like on your behalf to thank the Clerk, Deputy Clerk, and all members of the Legislative Department for their hard work. Members will know that the Clerk and Deputy Clerk have also been very hard working in these select committees, some have met for long periods of times, and I know there were occasions when there was no quorum.

I also would like to pay a special vote of thanks to the Serjeant-at-Arms who has always been very prompt, very courteous to all Members and me in anything he could do, and very efficient. I know you would also want me to thank Mary and Anita for all the delicious lunches—particularly, during Finance Committee—and the other refreshments which kept all the Members bound in the Common Room (they did not want to leave). For the number of times I saw Members leaving the Chamber, I knew it was to go out and try all of these delicacies. So that is very much appreciated.

We have now entered the Christmas season, and I think that all of us need to pause these days and to ponder anew the meaning of Christmas; it is very special in the Christian celebration. Many people will be attending churches. Probably some who have not gone during the year will listen to the sermons and join in the singing. I hope that all leaders in the Cayman Islands will evidence the true spirit of 'Goodwill to all people'. It is so easy to think good thoughts about those who live next door to us, those with whom we work, those that we come in daily contact with. We need to endeavour to put aside all petty jealousy, dislikes, or whatever discord may come into our minds particularly about people who may not

think as we do, who probably have different ideas of the way to go about things, but that is what makes life so interesting. If we were all the same, mind you, it would be a very dull world.

But I would ask all Honourable Members, members of staff, and others, that as we go to praise God for his goodness to us that we would do so in love and that we would endeavour to live at peace with everyone. I pray that God will especially bless you and all your families during this Holy season and I hope that we may all go forward into the New Year with a new spirit of dedicated love and service for our fellowmen in these Cayman Islands.

I will now ask for a motion for the adjournment of the House. The Honourable Minister for Education and Planning, Leader of Government Business.

ADJOURNMENT

Hon. Truman M. Boddan: Madam Speaker, I move the adjournment of this honourable House, sine die and if I may I would like to say a few words with your permission.

The Speaker: You certainly may.

Hon. Truman M. Boddan: Madam Speaker, I would like to wish a Merry Christmas and a prosperous New Year to you and your family; and to all Honourable Members of this House including the Opposition; the Clerk, the Deputy Clerk, the Serjeant-at-Arms and the staff, and also Miss Mary and Anita.

I would also like to thank the staff of Radio Cayman who toiled to bring these proceedings to the public; the staff of the *Caymanian Compass* especially Mr. Redman and Mrs. Manni, and also CITN. Madam Speaker, I would especially like to wish all people in Cayman, but especially my constituents, a Merry Christmas and a Happy New Year! Last, but very importantly, I welcome the Third Elected Member for Bodden Town and assure her of our support and assistance during this year.

To everyone, I just wish God's richest blessings on them in this happy season.

The Speaker: The question is that the House do now adjourn sine die.

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 sine die.

AT 11.44 AM THE HOUSE STOOD ADJOURNED SINE DIE.

**SPECIAL MEETING
WEDNESDAY
27 DECEMBER, 1995
9.52 AM**

[Mrs. Edna M. Moyle, JP, Deputy Speaker in the Chair]

The Deputy 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, forever 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: Please be seated.
Order. Proceedings are resumed.

APOLOGY

The Deputy Speaker: Apologies for absence have been received from the Honourable Third Official Member and for his place to be taken by the Deputy Financial Secretary who has to be appointed Temporary Third Official Member of the Legislative Assembly who, as such, has to be sworn in before he can act as Chairman of the Finance Committee.

Mr. Walton, will you please come and take the Affirmation?

Point of Procedure

Mr. Gilbert A. McLean: Madam Speaker, on a point of procedure. I observe that there are Members in the House (the House having convened) who are not attired as is required by Members. Is there some special dispensation for this?

Hon. Truman M. Bodden: Madam Speaker, while I am not one of those persons, notice in relation to this meeting was fairly short. It is because of this that some Members do not have on a coat. However, I should point out that the business of the House will not in any way be affected by the fact that a Member does not have on a coat, and the Standing Orders do not state that one should have a coat. I really ask if we could constructively get on with the business of the House.

The Deputy Speaker: I too, have noticed this, but due to a mix-up and the short notice, I was prepared to waive the requirement of wearing a jacket so that we could swear in Mr. Walton and get on with the business of Finance Committee. So we shall proceed.

Mr. Walton.

**ADMINISTRATION OF
OATHS OR AFFIRMATIONS**

**OATH OF AFFIRMATION
By Mr. Arthur Joel Walton, JP**

Hon. 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.

The Deputy Speaker: We welcome you, Mr. Walton, please take your seat.

That concludes proceedings for this morning. I will now ask for a motion for the adjournment of the House.

The Honourable Minister responsible for Education and Planning.

ADJOURNMENT

Hon. Truman M. Bodden: I beg to move the adjournment of this House sine die.

The Deputy Speaker: The question is that this honourable House do now adjourn sine die. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

The Deputy Speaker: The Ayes have it. This House accordingly stands adjourned sine die.

AT 9.56 AM THE HOUSE STOOD ADJOURNED SINE DIE.